

By: Representative Banks

To: Apportionment and
Elections

HOUSE BILL NO. 398

1 AN ACT TO AMEND SECTION 23-15-169.4, MISSISSIPPI CODE OF
2 1972, TO REQUIRE THE SECRETARY OF STATE TO CREATE RULES AND
3 REGULATIONS THAT ALLOW UNIFORMED SERVICES VOTERS TO VOTE EARLY FOR
4 ELECTIONS, SPECIAL ELECTIONS AND RUN-OFFS; TO BRING FORWARD
5 SECTIONS 23-15-677, 23-15-693, 23-15-699 AND 23-15-701,
6 MISSISSIPPI CODE OF 1972, WHICH PROVIDE ELECTION PROCEDURES FOR
7 UNIFORMED SERVICES AND OVERSEAS VOTERS; AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 23-15-169.4, Mississippi Code of 1972, is
10 amended as follows:

11 23-15-169.4. (1) The Secretary of State shall be
12 responsible for providing to all absent uniformed services voters
13 and overseas voters who wish to vote or register to vote in this
14 state information required by the Help America Vote Act of 2002
15 regarding voter registration procedures and absentee ballot
16 procedures to be used by absent uniformed services voters and
17 overseas voters with respect to elections, including procedures
18 relating to the use of the federal write-in absentee ballot.



19 (2) The Secretary of State shall create rules and
20 regulations that allow uniformed services voters to vote early for
21 elections, special elections and run-offs.

22 **SECTION 2.** Section 23-15-677, Mississippi Code of 1972, is
23 brought forward as follows:

24 23-15-677. (1) All absent voters as defined in Section
25 23-15-673(1) and (2) may use a duly executed federal postcard
26 application (as provided for in the Uniformed and Overseas
27 Citizens Absentee Voting Act, 42 USCS 1973ff et seq.) to request a
28 ballot or to register to vote, or to do both simultaneously.

29 (2) An absent voter who registers to vote utilizing a
30 federal postcard application or a Federal Write-In-Absentee Ballot
31 may vote in an election if the voter was registered to vote ten
32 (10) or more days prior to the date of the election.

33 **SECTION 3.** Section 23-15-693, Mississippi Code of 1972, is
34 brought forward as follows:

35 23-15-693. The absent voter, upon receipt of the absentee
36 ballot, shall complete the declaration specified in the Uniformed
37 and Overseas Citizens Absentee Voting Act, 42 USC Section 1973ff
38 et seq.

39 **SECTION 4.** Section 23-15-699, Mississippi Code of 1972, is
40 brought forward as follows:

41 23-15-699. (1) Absent voters who have requested to receive
42 absentee ballots and balloting materials may choose to receive
43 such ballots and balloting materials by mail, facsimile device



44 (FAX) or electronic mail delivery (e-mail). The Secretary of
45 State shall establish procedures that allow an absent voter to
46 make the choice authorized by this subsection.

47 (2) Consistent with the choice that the absent voter
48 exercises pursuant to subsection (1) of this section, the
49 registrar shall, in addition to mail, be authorized to use
50 electronic facsimile (FAX) devices and electronic mail delivery
51 (e-mail) to transmit balloting materials and absentee ballots. If
52 the absent voter does not indicate a preference, delivery of such
53 information shall be by mail.

54 (3) The registrar is authorized to receive by electronic
55 facsimile (FAX) devices and electronic mail delivery (e-mail):

56 (a) Voted absentee ballots;

57 (b) Completed federal postcard applications as
58 described in Section 23-15-677, which shall serve to request
59 absentee ballots or to register to vote or to do both
60 simultaneously; and

61 (c) Completed Federal Write-In-Absentee Ballots as
62 described in Section 23-15-692.

63 (4) Once the registrar has received a voted absentee ballot
64 pursuant to this section, he shall place the ballot in an absentee
65 ballot envelope designated for absentee ballots under this
66 subarticle and fill out the required information on the envelope.
67 The registrar shall then notate on the envelope that the ballot
68 was received under this section and a signature across the flap of



69 the envelope shall not be required. Except as provided in this
70 section, absentee ballots received under this subsection shall be
71 treated in the same manner as other absentee ballots received
72 under this subarticle.

73 (5) Access to voted absentee ballots before they are placed
74 in an absentee ballot envelope shall be strictly limited to
75 election officials who must process the ballot and any election
76 official who views the ballots before they are placed in the
77 envelope shall have the duty to protect the secrecy of the ballot
78 choices; however, the failure of an election official to comply
79 with this subsection shall not invalidate the ballot.

80 (6) Each circuit clerk shall furnish a suitable electronic
81 mail delivery (e-mail) address that can be used to allow absent
82 voters to comply with the provisions of this subarticle. Absentee
83 ballots returned by mail by any absent voter as defined in Section
84 23-15-673 must be received by the registrar by the deadline for
85 receipt of mail absentee ballots provided for in Section
86 23-15-637.

87 **SECTION 5.** Section 23-15-701, Mississippi Code of 1972, is
88 brought forward as follows:

89 23-15-701. (1) The Secretary of State shall adopt such
90 rules which are necessary and essential to implement this
91 subarticle and to bring the state into compliance with the
92 Uniformed and Overseas Citizens Absentee Voting Act, 42 USCS
93 Section 1973ff et seq. The Secretary of State shall furnish the



94 Legislature with a copy of such rules sixty (60) days after
95 adoption by the Secretary of State.

96 (2) The Secretary of State may exercise emergency powers
97 concerning absentee voting and registration of military personnel
98 over any election during an armed conflict or other military
99 contingencies involving United States Armed Forces or mobilization
100 of those forces, including state national guard or reserve
101 components. The Secretary of State shall adopt rules describing
102 the emergency powers and the situations in which the powers will
103 be exercised.

104 **SECTION 6.** This act shall take effect and be in force from
105 and after July 1, 2024.

