

By: Representatives Moore (60th), Lott

To: Apportionment and Elections

HOUSE BILL NO. 1231

1 AN ACT TO AMEND SECTIONS 23-15-625, 23-15-637 AND 23-15-639,
2 MISSISSIPPI CODE OF 1972, TO REQUIRE THAT ABSENTEE BALLOTS BE
3 RECEIVED AND MAINTAINED BY THE REGISTRAR AND COUNTED BY THE
4 APPROPRIATE ELECTION OFFICIALS ON THE FIRST DAY FOLLOWING EACH
5 ELECTION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-625, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-625. The registrar shall be responsible for printing
10 applications for absentee voting as provided herein. At least
11 sixty (60) days prior to any election in which absentee voting is
12 provided for by law, the registrar shall order a sufficient number
13 of applications to be printed; provided, however, that in the
14 event a special election is called and set at a date which makes
15 it impractical or impossible to print applications for absent
16 elector's ballot sixty (60) days prior to such election, the
17 registrar shall print such applications as soon as practicable
18 after such election is called. * * * The registrar shall fill in
19 the date of the particular election on the application for which
20 the application will be used. Upon receipt of the applications
21 for the election from the printer, the registrar shall file an
22 affidavit with the election commission and a duplicate original of
23 the affidavit in the registrar's office stating the number of
24 applications which he received from the printer.

25 The registrar shall be authorized to disburse applications
26 for absentee ballots to any qualified elector within the county
27 where he serves. The registrar shall keep a permanent ledger for
28 the purpose of showing the number of applications and the persons



29 to whom the applications were given. Any person who presents to
30 the registrar the oral or written request for an absentee ballot
31 application for a voter entitled to vote absentee by mail, other
32 than the elector who seeks to vote by absentee ballot shall, in
33 the presence of the registrar, * * * sign the application and
34 print on the application his or her name and address and the name
35 of the elector for whom the application is being requested in the
36 place provided for on the application for that purpose. However,
37 if for any reason such person is unable to write the information
38 required, then the registrar shall write the information on a
39 printed form which has been prescribed by the Secretary of State.
40 The form shall provide a place for such person to place his mark
41 after the form has been filled out by the registrar. If an
42 elector picks up applications for another person, the elector
43 shall indicate on the ledger the name or names of the persons for
44 whom he is obtaining the applications.

45 The registrar in the county wherein a voter is qualified to
46 vote upon receiving the envelope containing the absentee ballots
47 shall keep an accurate list of all persons preparing such ballots,
48 which list shall be kept in a conspicuous place accessible to the
49 public near the entrance to his office. The registrar shall also
50 furnish to each precinct manager a list of the names of all
51 persons in each respective precinct voting absentee ballots to be
52 posted in a conspicuous place at the polling place for public
53 notice. The application on file with the registrar and the
54 envelopes containing the ballots shall be kept by the
55 registrar * * *. At the time such boxes are delivered to the
56 election commissioners, political party executive committee
57 members or managers, the registrar shall also turn over a list of
58 all such persons who have voted * * *.

59 The registrar shall also be authorized to mail one (1)
60 application to any qualified elector of the county for use in a
61 particular election.



62 **SECTION 2.** Section 23-15-637, Mississippi Code of 1972, is
63 amended as follows:

64 23-15-637. Absentee ballots received by mail, excluding
65 presidential ballots as provided for in Sections 23-15-731 and
66 23-15-733, must be received by the registrar by 5:00 p.m. on the
67 date preceding the election; any received after such time shall be
68 handled as provided in Section 23-15-647 and shall not be counted.
69 All ballots cast by the absent elector appearing in person in the
70 office of the registrar shall be cast not later than 12:00 noon on
71 the Saturday immediately preceding elections held on Tuesday, the
72 Thursday immediately preceding elections held on Saturday, or the
73 second day immediately preceding the date of elections held on
74 other days. The registrar shall deposit all absentee ballots
75 which have been timely cast in a safe repository upon receipt.
76 All absentee ballots received by the registrar shall be held by
77 the registrar.

78 **SECTION 3.** Section 23-15-639, Mississippi Code of 1972, is
79 amended as follows:

80 23-15-639. On the first day following each election, the
81 election commissioners or, in the case of a primary, the members
82 of the appropriate political party executive committee shall
83 convene at the registrars office at 9:00 am an examine all timely
84 received absentee ballots. The election commissioners or
85 executive committee members shall * * * take the envelopes
86 containing the absentee ballots of such electors * * *, and the
87 name, address and precinct inscribed on each such envelope shall
88 be announced by the election commissioners or executive committee
89 members. The signature on the application shall then be compared
90 with the signature on the back of the envelope. If it corresponds
91 and the affidavit, if one is required, is sufficient and the
92 election commissioners or executive committee members find that
93 the applicant is a registered and qualified voter or otherwise
94 qualified to vote, and that he has not appeared in person and



95 voted at such election, the envelope shall then be opened and the
96 ballot removed from the envelope, without its being unfolded, or
97 permitted to be unfolded or examined. Having observed and found
98 the ballot to be regular as far as can be observed from its
99 official endorsement, the election commissioners or executive
100 committee members shall * * * enter the voter's name in the
101 receipt book provided for that purpose and mark "VOTED" in the
102 pollbook or poll list as if he had been present and voted in
103 person. Upon verification, the election commissioners or
104 executive committee members shall immediately count such absentee
105 ballots and add them to the votes cast in the election.

106 **SECTION 4.** The Attorney General of the State of Mississippi
107 shall submit this act, immediately upon approval by the Governor,
108 or upon approval by the Legislature subsequent to a veto, to the
109 Attorney General of the United States or to the United States
110 District Court for the District of Columbia in accordance with the
111 provisions of the Voting Rights Act of 1965, as amended and
112 extended.

113 **SECTION 5.** This act shall take effect and be in force from
114 and after the date it is effectuated under Section 5 of the Voting
115 Rights Act of 1965, as amended and extended.

