

By: Senator(s) Kirby

To: Elections

SENATE BILL NO. 2687

1 AN ACT TO AMEND SECTIONS 23-15-625, 23-15-637 AND 23-15-639,
 2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE REGISTRAR SHALL
 3 MAINTAIN THE ABSENTEE BALLOTS THAT ARE TIMELY CAST IN ELECTIONS IN
 4 A SAFE REPOSITORY RATHER THAN DEPOSITING THEM IN THE BALLOT BOX;
 5 TO PROVIDE THAT THE ELECTION COMMISSIONERS OR THE MEMBERS OF THE
 6 EXECUTIVE COMMITTEE, AS THE CASE MAY BE, SHALL CONVENE AT THE
 7 OFFICE OF THE REGISTRAR ON THE FIRST DAY FOLLOWING THE ELECTION
 8 AND COUNT ALL VALID ABSENTEE BALLOTS; AND FOR RELATED PURPOSES.

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

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

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

28 The registrar shall be authorized to disburse applications
 29 for absentee ballots to any qualified elector within the county
 30 where he serves. The registrar shall keep a permanent ledger for



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

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



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

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

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

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

83 23-15-639. On the first day following each election, the
84 election commissioners or, in the case of a primary, the members
85 of the appropriate executive committee, shall convene at the
86 office of the registrar at 9:00 a.m. and examine all timely
87 received absentee ballots. The election commissioner or executive
88 committee members shall * * * take the envelopes containing the
89 absentee ballots of such electors * * *, and the name, address and
90 precinct inscribed on each such envelope shall be announced by the
91 election commissioners or the executive committee members. The
92 signature on the application shall then be compared with the
93 signature on the back of the envelope. If it corresponds and the
94 affidavit, if one is required, is sufficient and the election



95 commissioners or the executive committee members find that the
96 applicant is a registered and qualified voter or otherwise
97 qualified to vote, and that he has not appeared in person and
98 voted at such election, the envelope shall then be opened and the
99 ballot removed from the envelope, without its being unfolded, or
100 permitted to be unfolded or examined. Having observed and found
101 the ballot to be regular as far as can be observed from its
102 official endorsement, the election commissioners or the executive
103 committee members shall * * * enter the voter's name in the
104 receipt book provided for that purpose and mark "VOTED" in the
105 pollbook or poll list as if he had been present and voted in
106 person. Upon verification the election commissioners or the
107 executive committee members * * * shall immediately count such
108 absentee ballots and add them to the votes cast in the election.

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

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

