MISSISSIPPI LEGISLATURE REGULAR SESSION 2021

By: Representative Banks

To: Apportionment and Elections

HOUSE BILL NO. 641

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) Voted absentee ballots;

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

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

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

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

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

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

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

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

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

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

SECTION 6. This act shall take effect and be in force from and after July 1, 2021.