Absentee Ballots

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Who evaluates absentee ballots?

- Poll managers have the final word on absentee ballots
- They are not “re-counted” during canvassing
- Poll managers must be trained to handle absentee ballots appropriately

Only those voters who fall into certain statutorily approved categories in Mississippi are eligible to vote by absentee ballot.

References: Miss. Code Ann. § 23-15-673

Miss. Code Ann. § 23-15-713

Who is Eligible:

- Enlisted or commissioned member of any component of the U.S. Armed Forces and a citizen of MS, or spouse or dependent of such member;
- Member of the Merchant Marine or the American Red Cross and a citizen of MS or spouse or dependent of such veteran;

Who Is Eligible:

- Disabled war veteran who is a patient in any hospital and a citizen of MS or spouse or dependent of such veteran;
- A civilian attached to and serving outside the U.S. with any branch of the Armed Forces or with the Merchant Marine or American Red Cross, and a citizen of MS or spouse or dependent of such civilian;

Who Is Eligible:

- Citizens of Mississippi temporarily residing outside the territorial limits of the United States and the District of Columbia;

Who Is Eligible:

- A bona fide student, teacher, or administrator at any college, university, junior college, high, junior high, or elementary school whose studies or employment at such institution necessitates his absence from the county of his voting residence on the date of any primary, general, or special election, or the spouse or dependents if the spouse or dependent maintain a common domicile, outside of the county of his voting residence, with voter;

Who Is Eligible:

- Persons who will be outside their county of residence on election day for any reason;
- Persons who have a temporary or permanent physical disability;
- Persons sixty-five (65) years of age or older;

Who Is Eligible:

- The parent, spouse, or dependent of a person with a temporary or permanent physical disability, who is hospitalized outside of his county of residence more than fifty (50) miles from his residence; if the parent, spouse or dependent will be with such person on election day;

Who Is Eligible:

- Any member of the MS congressional delegation absent from MS on election day, and the spouse and dependents;
- Persons required to be at work on election day during the times which the polls will be open;
- Any citizen of MS enrolled as a student at a U.S. Military Academy.

Absentee Ballot Applications

- The registrar is responsible for printing applications **60** days prior to any election in which absentee voting is provided by law.

- In the event a special election is called and set at a date which makes it impractical or impossible to print 60 days before, it should be as soon as practicable.

Reference: Miss. Code Ann. § 23-15-625

Additional Responsibilities of Registrar

- The registrar shall keep a permanent ledger for the purpose of showing the number of applications and the persons to whom the applications were given.

Reference: Miss. Code Ann. § 23-15-625

Distribution of Absentee Ballot Applications

- The registrar shall be responsible for furnishing an absentee ballot application to any elector authorized to receive an absentee ballot; upon the oral or written request of the elector who seeks to vote by absentee ballot.
- The parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for that elector's affairs or agent of the elector may orally request an absentee ballot application on behalf of the elector.

Reference: Miss. Code Ann. § 23-15-627

Agents and Skilling Nursing Homes

- To obtain an application, an agent must have a written designation by the elector. It must be witnessed and have the address of the witness.
- The written designation is valid for one year.
- Skilled nursing residents-no one may request except for family or “a person designated.”

Seal of the Municipal Clerk

- An absentee ballot application must have the seal of the Municipal Clerk affixed to it and be initialed by the registrar or his deputy in order to be utilized to obtain an absentee ballot.

Reference: Miss. Code Ann. § 23-15-627

Absentee Ballot Application

- A reproduction of an absentee ballot application shall not be valid unless it is a reproduction provided by the office of the registrar of the jurisdiction in which the election is being held and which contains the original seal and initials of the registrar or deputy registrar.

Reference: Miss. Code Ann. § 23-15-627

“Certificate of Delivery”

- Third parties procuring applications for others must complete and sign a new section of the application designated **“CERTIFICATE OF DELIVERY”** on each application the third parties are procuring, identifying themselves and the voters for whom they are acquiring the applications.

Reference: Miss. Code Ann. § 23-15-625

"Request for Absentee Ballot Application by Third Person"

- If the third party person acquiring an application for a voter is unable to write the information required, the Municipal Clerk or Deputy Clerk may write the information on the form **"REQUEST FOR ABSENTEE BALLOT APPLICATION BY THIRD PERSON"**

Reference: Miss. Code Ann. § 23-15-625

Notarizing Applications

- Applications must be notarized or sworn and subscribed to by another official authorized to witness absentee balloting.

Reference: Miss. Code Ann. § 23-15-715(b)

Exceptions to Notarizing Applications

- Applications of the temporarily or permanently disabled are **NOT** required to be notarized but must be:
  - Witnessed and signed by a person eighteen (18) years of age or older.
  - This person does not have to be a registered voter.

Reference: Miss. Code Ann. § 23-15-715(b)

Who can automatically receive absentee ballots?

- An application for an absentee ballot of a person who is permanently physically disabled may be accompanied by a statement signed and sworn to by a physician or nurse practitioner indicating the person is permanently physically disabled, may automatically receive an absentee ballot for all elections on a continuing basis without the necessity for reapplication.

Reference: Miss. Code Ann. § 23-15-629

Request by Telephone

- The registrar is authorized to accept requests for absentee ballots by telephone.
- The registrar shall ascertain the name and complete address of the person making the telephone request and print on the application, the name and complete address of the requestor, the relation to the voter if other than the voter, and the date the request was made.

Reference: Miss. Code Ann. § 23-15-657

Delivery of Ballots to Applicant

- The registrar shall only deliver the ballots to the applicant by mail or to the applicant in the registrar's office
- The elector shall fill in his ballot in secret, then fold the ballot and deposit it in the envelope furnished by the registrar.
- After sealing the envelope, the voter shall swear to an affidavit printed on the back of the envelope containing the applicant's signature.

Reference: Miss. Code Ann. § 23-15-719

Absentee Voting by Mail

Miss. Code Ann. 23-15-715(b)

Voters eligible to vote by mail:

1. Temporarily residing outside the county;
2. Temporarily or permanently physically disabled;
3. Sixty-five (65) years of age or older;
4. The parents, spouse, or dependents of temporarily or permanently disabled persons who are hospitalized outside of their counties of residence or more than 50 miles away from their residence if those persons will be with them on election day.

Instructions to Absent Electors

- The registrar shall enclose with each ballot provided to an absent elector separate printed instructions furnished by him containing information provided in Miss. Code Ann. § 23-15-631.

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Secretary of State

Voter Receiving Assistance

- If the voter has received assistance in marking his ballot, the person providing assistance shall complete the **CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE**, which shall be printed on the back of the envelope containing the applicant's ballot.

Reference: Miss. Code Ann. § 23-15-719

Signatures of Elector and Attesting Witness

- On any envelope where the elector's signature and the signature of the attesting witness are required, the signature lines and the signatures shall be across the flap of the envelope to insure the integrity of the ballot.

  Reference: Miss. Code Ann. § 23-15-633

Absentee Ballots Unverified

- All absentee ballots received from unverified voters shall be treated as affidavit/provisional ballots as provided in HAVA.
- Local election officials shall certify that the absentee voter was properly legally registered and qualified to cast an absentee ballot by mail for the election.
- The municipal clerk shall also provide instructions to voters who cast affidavit/provisional ballots to the unverified voter so that he/she may ascertain if their ballot was counted, and if not, why not.

Timely Casting of Ballots

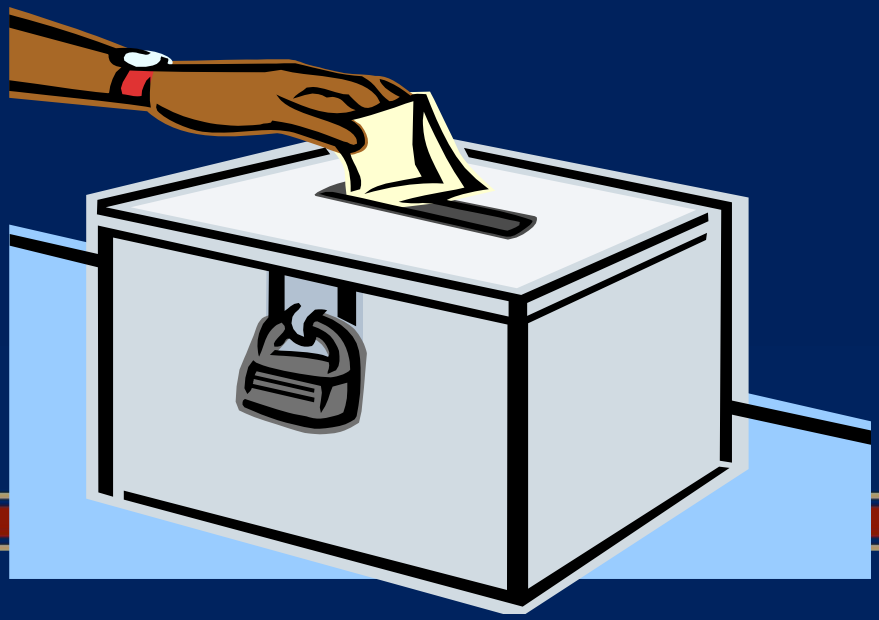
- Absentee ballots received **by mail**, must be received by the registrar by 5:00 p.m. on the date preceding the election.

- Any ballots cast by the absent elector **appearing in person in the office** of the registrar shall be cast not later than 12:00 noon on the Saturday immediately preceding elections held on Tuesday, the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days.

  Reference: Miss. Code Ann. § 23-15-637

Timely Casting of Ballots

- The registrar shall deposit all absentee ballots which have been timely cast in the ballot boxes upon receipt.



Disposition of Absentee Ballots Received After Applicable Deadlines

- The registrar shall keep safely and unopened all official absentee ballots which are received subsequent to the applicable cutoff period establishing its validity.

- The registrar shall write the day and hour of receipt of ballot on its envelope.

Reference: Miss. Code Ann. § 23-15-647

Preservation of Materials of Absentee Voters

- After the votes have been counted the officials shall preserve all applications, envelopes and the list of absent voters along with the ballots and other election materials and return the same to the registrar.

Reference: Miss. Code Ann. § 23-15-645

Prohibitions

- It is illegal to hand deliver absentee ballots in Mississippi.
- Unless an absentee ballot is being properly voted in the Municipal Clerk's office, it must be mailed by the clerk to the voter and the voter must return the voted absentee ballot by mail to the municipal clerk
- A person who is a candidate for public office may not be an attesting witness for any absentee ballot upon which the person's name appears.

References: Miss. Code Ann. § 23-15-631
Miss. Code Ann. § 23-15-719

Evaluating Absentee Ballots

- Read voter's name, address and precinct aloud
- Allow challenges by poll watchers, if any are made
- Determine if application is present
  - Remember permanently excused voters
  - Remember special notaries for UOCAVA
  - Remember rules for disabled voters

Evaluating Absentee Ballots-Cont.

- Determine if signature(s) are across flap
- Determine if it is otherwise a valid ballot
- Mark the ballot appropriately
  - “Rejected” or “Accepted” (DRE)
  - “Rejected” or opened (non-DRE)

Contact Information

Office of the Mississippi Secretary of State
Elections Division

1-800-829-6786
(601)359-1350
www.sos.ms.gov

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Secretary of State