

## **1.7 Absentee Balloting**

### **Who is Eligible?**

The following categories of registered voters are eligible to cast an absentee ballot in Mississippi elections:

1. Members of the Armed Forces, spouses or dependents of such members;
2. Members of the Merchant Marine or the American Red Cross, spouses or dependents of such members;
3. Disabled war veterans who are patients in any hospital, spouses or dependents of such veterans;
4. Civilians attached to any branch of the Armed Forces, Merchant Marine, or American Red Cross and serving outside the United States, spouses or dependents of such civilians;
5. Persons temporarily residing outside the territorial limits of the United States and the District of Columbia;
6. Students, teachers, or administrators whose employment or studies necessitate their absence from their counties of voting residence, spouses or dependents who maintain a common domicile outside the county of voting residence with such students, teachers, or administrators;
7. Persons who will be outside their counties of residence on election day;
8. Persons temporarily or permanently physically disabled;
9. Persons sixty-five (65) years of age or older;
10. Parents, spouses, or dependents of persons having a temporary or permanent physical disability who are hospitalized outside their counties of residence or more than fifty (50) miles away from their residences if the parents, spouses, or dependents will be with such persons on Election Day;
11. Members of the Mississippi Congressional delegation, spouses or dependents of such members;
12. Persons required to be at work on election day during the times at which the polls will be open. (Miss. Code Ann. §§23-15-627 and 713 (1972))

### **Procedure for Absentee Balloting**

1. *Application for Absentee Ballots; Summary Requirements.*

- A. Absentee ballot applications shall be furnished by the Municipal Clerk to a person upon the oral or written request of the elector who seeks to vote by absentee ballot;
- B. The registrar may accept requests for absentee ballots by telephone. § 23-15-657, Miss. Code Ann. (1972).
- C. The following absent voters may use a properly executed federal postcard application to request a ballot, to register to vote, or to do both simultaneously:
- Any member of the U. S. Armed Forces, components or divisions thereof, his/her spouse and dependents;
  - Any member of the Merchant Marine and the American Red Cross, his/her spouse and/or dependents;
  - Any disabled war veteran who is a patient in any hospital and who is a citizen of Mississippi, his/her spouse and dependents;
  - Any civilian attached to and serving outside of the U. S. with any branch of the Armed Forces, or with the Merchant Marine or American Red Cross, who is a citizen of Mississippi, his/her spouse and dependents;
  - Any citizen of Mississippi temporarily residing outside the territorial limits of the U. S. and the District of Columbia;
  - Any citizen of Mississippi enrolled as a student at the U. S. Military Academy. § 23-15-677, Miss. Code Ann. (1972).
- D. The parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for the elector's affairs, or agent of the elector may orally request an application on behalf of the elector;
- E. An absentee ballot application must have the seal of the registrar affixed to it and be initialed by the registrar or deputy registrar in order to be utilized to obtain an absentee ballot;
- F. 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;
- G. Third parties procuring applications for others must sign the application and print on the application his or her name and address and the name of the elector for whom the application is being requested in the place provided for on the application for that purpose.

- H. If the third party acquiring an application for another cannot read or write, then the registrar shall write the information on the printed form; however, the third party is obligated to place his mark on the form after it has been completed by the registrar.
- I. The application for an absentee ballot of a person who is permanently physically disabled shall be accompanied by a statement signed by such person's physician, or nurse practitioner, which statement must show that the person signing the statement is a licensed, practicing medical doctor or nurse practitioner and must indicate that the person applying for the absentee ballot is permanently physically disabled to such a degree that it is difficult for him/her to vote in person. § 23-15-629(1), Miss. Code Ann. (1972).
- J. An application accompanied by the statement described herein at subparagraph G. entitles a permanently physically disabled person to automatically receive an absentee ballot by mail for all elections on a continuing basis without need for reapplication. This entitlement pertains only to those persons permanently disabled. § 23-15-629(2), Miss. Code Ann. (1972).
- K. Applications must be notarized ("sworn to and subscribed") by an official authorized to administer oaths for absentee balloting. Applications of person temporarily or permanently disabled need not be notarized or signed by an official authorized to administer oaths for absentee balloting. The signature of the applicant, however, must be witnessed by a person 18 years of age or older, who does not have to be a registered voter.

## *2. Voting in the Municipal Clerk's Office.*

All eligible absentee voters may cast their ballots in the Municipal Clerk's office by completing the appropriate application form in the Municipal Clerk's office. §§ 23-15-717, 23-15-719, Miss. Code Ann. (1972).

Any eligible absentee voter is entitled to request and to receive assistance in the marking of his/her ballot. Any person may assist the absentee voter, excluding, however, the voter's employer, agent of the voter's employer or an officer or agent of the voter's union.

Any person who provides assistance is required to sign and complete the "Certificate of Person Providing Voter Assistance" form on the back of the envelope used by an absentee voter.

## *3. Voting by Mail.*

Eligible absentee voters may apply for an absentee ballot by mailing the appropriate application to the Municipal Clerk if they are unable to come to the Municipal Clerk's office to vote because they are:

- A. Temporarily residing outside the county;
- B. Temporarily or permanently physically disabled;
- C. Sixty-five (65) years of age or older; or,
- D. The parents, spouses, or dependents of temporarily or permanently physically disabled persons who are hospitalized outside of their counties of residence or more than fifty (50) miles away from their residences if the parents, spouses, or dependents will be with such persons on election day.

Any eligible absentee voter who is blind, temporarily or permanently physically disabled or cannot read or write is entitled to request and to receive assistance in the marking of his/her ballot. Any person may assist the absentee voter, excluding, however, the voter's employer, agent of the voter's employer or an officer or agent of the voter's union.

Any person who provides assistance is required to sign and complete the "Certificate of Person Providing Voter Assistance" form on the back of the envelope used by an absentee voter.

A candidate whose name appears on the ballot cannot be an attesting witness for an absentee ballot.

### **Military and Overseas Voters**

Military and overseas voters frequently use the Federal Post Card Application (FPCA) to request absentee ballots. § 23-15-677, Miss. Code Ann. (1972).

FPCA may be received by electronic facsimile (fax) and electronic mail (e-mail). Likewise, absentee ballots and balloting materials may be sent, and voted absentee ballots and completed Federal Write-In-Absentee Ballots may be received by fax and e-mail. If the voter does not indicate a preference, delivery of the absentee ballot and balloting materials shall be made by mail. No other faxing of absentee ballot applications or absentee ballots is permissible. (Miss. Code Ann. §23-15-699 (1972))

Military personnel and overseas voters who request an absentee ballot but do not receive the absentee ballot in time for it to be returned in time to be counted may use the Federal Write-in Absentee Ballot (FWAB), which may be used for general, special, primary and run-off elections for local, state, and federal offices. (Miss. Code Ann. §23-15-692 (1972), 42 USCS 1973 ff-2)

For military and overseas voters, one application for an absentee ballot shall serve as a request for an absentee ballot for The next federal general election, including all primary elections associated with the election; and all state and county primary and general elections that occur after receipt of the application through the date of the next federal general election. (Miss. Code Ann. §23-15-687 (1972))

When a primary, general, or special election may be followed by a run-off, the Municipal Clerk shall send to the requesting military or overseas absentee voter both ballots and both return envelopes for both elections at the same time. The ballot for the second election shall be identical to the ballot for the first election except that it shall be printed on a different tint of paper and shall be styled or labeled to show which ballot is for the first primary and which ballot is for the second primary. If the voter casts a vote for a candidate on the second election ballot that is no longer a candidate in the second election, then the vote for that particular office in the second election is disregarded. (Miss. Code Ann. §23-15-683 (1972))

## **When Absentee Ballots May Be Cast**

### *1. First Primary Election*

- A. Voting in the Municipal Clerk's office – The first day for voting absentee ballots in the Municipal Clerk's office is the forty-fifth (45<sup>th</sup>) calendar day before the election. The deadline for casting such ballots is 12:00 p.m. (noon) on the Saturday immediately preceding elections held on the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days. If the voter appears before the Municipal Clerk, and the ballot has not yet been printed forty-five (45) days before the election, the Municipal Clerk shall mail the absentee ballot to the voter. (Miss. Code Ann. §§23-15-637, 23-15-715(a) (1972))
- B. Voting by Mail – Absentee ballots to be voted by mail must be available forty-five (45) days prior to the election. The deadline for receipt of absentee ballots mailed to the Municipal Clerk is 5:00 p.m. on the day preceding the election. (Miss. Code Ann. §23-15-721 (1972))

### *2. Second Primary Election*

- A. Voting in the Municipal Clerk's office – Second primary absentee ballots to be voted in the Municipal Clerk's office should be available as soon as possible after the first primary. The deadline for casting such ballots is 12:00 p.m. (noon) on Saturday immediately preceding elections held on the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days. (Miss. Code Ann. §§23-15-637, 23-15-715(a) (1972))

- B. Voting by Mail – Absentee ballots to be voted by mail should be available for the second primary as soon as possible following the first primary. It is the position of the Secretary of State’s Office that it is permissible to use the first primary ballot for second primary absentee balloting **provided** the names of the candidates who were eliminated are blackened out. The deadline for receipt of absentee ballots mailed to the Municipal Clerk is 5:00 p.m. on the day preceding the election. (Miss. Code Ann. §23-15-721 (1972))

### 3. *General Election*

- A. Voting in the Municipal Clerk’s office – The first day for voting general election absentee ballots in the Municipal Clerk’s office is the forty-fifth (45<sup>th</sup>) day before the general election. The deadline for casting absentee ballots in the Municipal Clerk’s office is 12:00 p.m. (noon) on the Saturday immediately preceding elections held on the Thursday immediately preceding elections held on Saturday, or the second day immediately preceding the date of elections held on other days. If the voter appears before the Municipal Clerk and the ballot has not yet been printed forty-five (45) days before the election, the Municipal Clerk shall mail the absentee ballot to the voter.
- B. Voting by Mail – Absentee ballots to be voted by mail must be available forty-five (45) days prior to the election. The deadline for receipt of absentee ballots mailed to the Municipal Clerk is 5:00 p.m. on the day preceding the election. (Miss. Code Ann. §23-15-721 (1972))



### **Hand Delivery of Absentee Ballots Prohibited**

Unless an absentee ballot is being properly voted in the Municipal Clerk’s office, it must be mailed by the Municipal Clerk to the voter and the voter must return the voted absentee ballot by mail to the Municipal Clerk. (Miss. Code Ann. §23-15-735 (1972))

## **1.8 Poll Managers**

“Poll Managers” are sometimes referred to as “Poll Workers.” The Mississippi Code only uses the term “Poll Manager(s),” which will be used in this handbook.

### **Number of Poll Managers to Appoint**

The chart below provides a breakdown based on the number of registered voters per precinct: