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MISSISSIPPI
SECRETARY OF STATE

STATE OF MISSISSIPPI
SECRETARY OF STATE
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April 16, 2007

Mr. Bill Thompson
Assistant Secretary of State for Business Services
700 North Street
Jackson, Mississippi 39205

Dear Mr. Thompson:

Enclosed please find the proposed rule regarding the Secretary of State's exercise of emergency powers, pursuant to Miss. Code Ann. § 23-15-701(Revised 2001), concerning absentee voting and registration of military personnel.

This rule is identical to the emergency rule which was put into effect last year to facilitate use of the United States Department of Defense's Integrated Voting Alternative Site ("IVAS"). IVAS allows anyone who has a Department of Defense ("DOD") identification number access to the computer database to electronically fill out a Federal Postcard Application for voter registration and for an absentee ballot electronically and then submit those items to participating counties through e-mail. Thus, the rule broadens the scope of military armed services and overseas voters to include such Mississippians as military dependants and civilian contractors to use IVAS.

Last year, we enacted this rule while working closely with DOD and the United States Department of Justice ("DOJ"). Indeed, the emergency rule was given expedited consideration for preclearance by DOJ and granted preclearance pursuant to Section 5 of the Voting Rights Act, 42 U.S.C. 1973c, on October 11, 2006. A copy of the DOJ letter is attached hereto and incorporated herein.

If you require additional documentation, please let me know. Thank you.

Sincerely,

A handwritten signature in blue ink that reads "Linda D. Riggsby".

LINDA DIXON RIGSBY
Assistant Secretary of State for Elections

LDR:slp

Enclosure

Administrative Rule Promulgated Pursuant to Mississippi Code Ann. §-23-15-701 and §25-43-7 (1972) Re: Secretary of State's Exercise of Emergency Powers Concerning Absentee Voting and Registration of Military Personnel.

- I. Pursuant to current law, Mississippi armed services and overseas voters as defined in Miss. Code Ann. §23-15-673 (1972) may:
 - A. Use a duly executed federal postcard application (FPCA) (as provided in the Uniformed and Overseas Citizens Absentee Voting Act, 42 U. S. C. 1973 ff et seq.) to register to vote, to request an absentee ballot or to do both simultaneously (Miss. Code Ann. §23-15-677 (1972));
 - B. Use electronic facsimile (Fax) devices to transmit FPCA's or receive and/or transmit absentee ballots (Miss. Code Ann. §23-15-699); and
 - C. Use electronic mail (e-mail) to transmit FPCA's or receive and to transmit absentee ballots (P.L. 107-252 §702 and Miss. Code Ann. §75-12-1 et. seq (1972)).
 - D. Use the Federal Write-In Absentee Ballot (as provided in 42 U. S. C. 1973 ff 2) in all general, special, primary and run-off elections for local, state and federal offices (Miss. Code Ann. §23-15-692 (1972)); and
 - E. Be sent absentee ballots by the local voter registrar within 24 hours of receipt by the registrar of a proper application requesting same (Miss. Code Ann. §23-15-687).

- II For the purpose of the following rule, the term “Mississippi armed services and overseas voters” shall mean:
- A. Armed forces and overseas voters as described in Miss. Code Ann. §23-15-673 (1972) if they have been called into active duty and are serving outside the State of Mississippi;
 - B. Any member of the Army National Guard or Air National Guard who is a citizen of Mississippi and who has been mobilized or called to active duty outside the State of Mississippi, other than annual training or summer camp;
 - C. Any member of the U. S. military reserve or Coast Guard reserve who is a citizen of Mississippi and who has been called to active duty outside the State of Mississippi, other than annual training or summer camp.
 - D. *Any Mississippi Citizen who has a United States Department of Defense identification number or is qualified to participate in the Federal Voting Assistance Program’s Integrated Voting Alternative Site.*
- III. Under the Secretary of State’s statutory authority to exercise emergency powers concerning both registration and absentee voting by Mississippi armed services and overseas voters, the Secretary of State promulgates the following rule:
- A. All county and municipal election commissions, party executive committees and voter registrars, as applicable to their respective elections

duties, shall fax and accept all faxed voter registration applications, FPCA's and state or national mail-in applications to and from Mississippi armed services and overseas voters.

- B. The statutory voter registration deadline of 30 days in advance of an election is suspended for Mississippi armed forces and overseas voters and the deadline for voter registration for such voters shall be fourteen days in advance of the election in question. If such armed forces and overseas voters have been released from active duty on a date which is less than 30 days before the election, then such application must be accompanied by a copy of the registrant's DD214 or official orders indicating a release from active duty date which is less than 30 days before the election in which the voter desires to vote.
- C. All county and municipal election commissions, party executive committees and voter registrars, as applicable to their respective elections duties, shall receive and count, if otherwise valid, all mailed, faxed or electronically mailed absentee ballots and federal write-in ballots of Mississippi armed services and overseas voters which ballots are received after the statutory absentee ballot deadline but no later than 7:00 p.m. on election day.

IV. This rule and exercise of emergency powers by the Secretary of State are effective in the following situations:

- A. When the President of the United States shall declare war or issue a declaration of war; or
- B. When the President of the United States shall declare a national emergency; or
- C. When the President of the United States shall call to active duty U. S. military reservists, and the Secretary of State shall determine that a substantial number of the activated military reservists are citizens of Mississippi; or
- D. When the Governor of the State of Mississippi shall declare a state of emergency; or
- E. When the Governor of the State of Mississippi or President of the United States shall mobilize or call to active duty members of the National Guard, and the Secretary of State shall determine that a substantial number of National Guard members who are citizens of Mississippi have been affected.