3:32pm

NOTICE OF RULE ADOPTION—TEMPORARY RULE

STATE OF MISSISSIPPI
SECRETARY OF STATE
ELECTIONS DIVISION

FILED
NOV 09 2009
MISSISSIPPI
SECRETARY OF STATE

Secretary of State's Office
c/o John C. Helmert, Jr.
401 Mississippi Street
Post Office Box 136
Jackson, Mississippi 39205
601-359-6360

Specific Legal Authority authorizing the promulgation of Rule: Miss. Code Ann. § 23-15-701; § 25-43-1.101

Reference to Rules repealed, amended or suspended by the Temporary Rule :____N/A_____

Date Rule Proposed: November 9, 2009

Explanation of the Purpose of the Temporary Rule and the reason(s) for the rule: This rule is proposed to allow any member of the Mississippi National Guard, who is a citizen of Mississippi, and who has been mobilized or called to active duty outside of the voter's lawful voting jurisdiction, to receive and transmit absentee ballot applications and absentee ballots by electronic facsimile and electronic mail. This Rule shall terminate seven (7) days from the date of filing.

The Agency finds that an imminent peril to the public health, safety or welfare requires the adoption of a rule upon fewer than twenty-five (25) days notice. The Agency Rule Making Record for this temporary rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

Date:
Time:
Place:

X An oral proceeding was not held on this rule.

The Agency has considered any written comments received and the presentations made in any oral proceeding, and

☐ This rule as adopted is without variance from the proposed temporary rule.

☐ This rule as adopted differs from the proposed temporary rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed temporary rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Temporary Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: November 9, 2009

Delbert Hosemann

Delbert Hosemann
Secretary of State