

Administrative Rule Promulgated Pursuant to § 23-15-701, Miss. Code Ann.,  
§ 23-43-1.101, et seq. and S.B. Number 2642 (2010)

Re: The Secretary of State's Adoption of Necessary and Essential Rules to Comply with the Uniformed and Overseas Citizens Absentee Voting Act ("UOCAVA")

- I. Pursuant to the Military and Overseas Voter Empowerment Act of 2009 ("MOVE Act"), Congress amended UOCAVA to require that absentee ballots must be transmitted at least forty-five (45) days prior to an election to every UOCAVA voter who has submitted a require on or prior to that date. The forty-five (45) day transmittal deadline for the November 6, 2012 General Election occurred on Saturday, September 22, 2012.
- II. The following Mississippi counties did not comply with the Saturday, September 22, 2012 transmittal deadline of UOCAVA absentee ballots: Pontotoc, Jefferson Davis and Hinds.
- III. Pursuant to § 23-15-701, Miss. Code Ann., and S. B. 2642 (2010), the Secretary of State has authority to adopt rules necessary and essential to bring these counties into compliance with UOCAVA, 42 U. S. C. § 1973ff, *et seq.*
- IV. To comply with the requirements of UOCAVA, it is necessary and essential for the Secretary of State to promulgate a temporary administrative rule to extend the deadline by which UOCAVA absentee ballots may be received by these counties so as to counted and included within the November 6, 2012 General Election. Therefore, the following rule is hereby adopted:
  - A. The deadline to receive all UOCAVA absentee ballots and Federal Write-In Absentee Ballots, by mail, facsimile or any electronic means, for the November 6, 2012 General Election in the counties of Pontotoc, Jefferson Davis and Hinds is hereby extended until 7:00 p.m. on November 10, 2012.
  - B. The election commissioners of Pontotoc, Jefferson Davis and Hinds Counties shall have the affirmative obligation and duty to examine and count all UOCAVA absentee ballots received pursuant to this administrative rule. Any UOCAVA absentee ballot received by the county registrar, subsequent to the delivery of ballot boxes to election managers on election day yet on or prior to 7:00 p.m. on November 10, 2012 shall be retained by the county registrar. Each county registrar shall deliver to the respective county election commission all UOCAVA absentee ballots received between delivery of the ballot boxes to election managers on election day and 7:00 p.m. on November 10, 2012, together with each corresponding application, for which the county registrar shall receive a receipt from the respective election commission. Upon the canvassing of the returns, each UOCAVA absentee ballot shall be deemed valid for all purposes, as if the same had been deposited in the proper precinct ballot box, and the county election commission shall count each UOCAVA absentee ballot as if delivered to

the proper precinct. Except as provided in the Mississippi Armed Services Absentee Voting Law and this rule, absentee ballots received under this rule shall be treated, examined and counted in the same manner as other absentee ballots.

- C. Any UOCAVA absentee ballots received after 7:00 p.m. on Friday, November 10, 2012 shall be handled as provided in § 23-15-647, Miss. Code Ann., and shall therefore not be counted.