

Administrative Rule Promulgated Pursuant to § 23-15-701, Miss. Code Ann.

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 absentee ballots be transmitted at least forty-five (45) days prior to an election to every UOCAVA voter who has submitted a request therefor on or prior to that date. The forty-five (45) day transmittal deadline for the March 8, 2016 Primary Election occurred on Saturday, January 23, 2016.
- II. Jones County, Mississippi did not comply with the Saturday, January 23, 2016 transmittal deadline for one (1) UOCAVA absentee ballot.
- III. Pursuant to § 23-15-701, Miss. Code Ann., the Secretary of State is authorized 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 the one (1) UOCAVA absentee ballot may be received by Jones County so as to ensure counting and inclusion in the March 8, 2016 Primary Election. Therefore, the following rule is hereby adopted:
 - A. The deadline by which to receive the one (1) Jones County UOCAVA absentee ballot, by mail, facsimile or any electronic means, for the March 8, 2016 Primary Election is hereby extended until 7:00p.m. on March 10, 2016.
 - B. The election commissioners of Jones County shall have the affirmative obligation and duty to examine and count the one late-transmitted UOCAVA absentee ballot received pursuant to this administrative rule. This UOCAVA absentee ballot, if received by the county registrar subsequent to the delivery of ballot boxes to election managers on Primary Election day, yet on or prior to 7:00 p.m. on March 10, 2016, shall be retained by the county registrar. The county registrar shall deliver to the county election commission this UOCAVA absentee ballot, if received between delivery of the ballot boxes to election managers on election day and 7:00 p.m. on March 10, 2016, together with the corresponding application, for which the county registrar shall receive a receipt from the election commission. Upon the canvassing of the returns, this 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 this UOCAVA absentee ballot as if delivered to the proper precinct. Except as provided in the Mississippi Armed Services Absentee Voting Law and this rule, an absentee ballot received pursuant to this rule shall be treated, examined and counted in the same manner as other absentee ballots.
 - C. Any UOCAVA absentee ballot received after 7:00p.m. on Thursday, March 10,

2016 shall be handled as provided in § 23-15-647, Miss. Code Ann., and shall therefore not be counted.