

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 November 8, 2016 General Election occurred on Saturday, September 24, 2016.
- II. The following Mississippi counties did not comply with the Saturday, September 24, 2016 transmittal deadline for UOCAVA absentee ballots: Forrest, Jackson, Leflore, Oktibbeha, Stone and Wilkinson.
- 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 those UOCAVA voters affected by the delay in the receipt of their requested absentee ballots may return the same so as to be counted and included within the results of the November 8, 2016 General Election. Therefore, the following rules are hereby adopted:
 - A. The deadline by which to receive the UOCAVA absentee ballots, by mail, facsimile or any electronic means, from those UOCAVA voters affected by the delay in transmittal of their requested ballots in Forrest, Jackson, Leflore and Wilkinson Counties shall be extended until 7:00 p.m., CST, on November 10, 2016.
 - B. The election commissioners of Forrest, Jackson, Leflore and Wilkinson 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, if received by the county registrar subsequent to the delivery of ballot boxes to election managers on General Election Day, yet on or prior to 7:00 p.m. on November 10, 2016, shall be retained by the county registrar. The county registrar shall deliver to the county election commission these UOCAVA absentee ballots, if received between delivery of the ballot boxes to election managers on General Election Day and 7:00 p.m. on November 10, 2016, together with the corresponding applications, for which the county registrar shall receive a receipt from the election commission. Upon the canvass of the returns, these UOCAVA absentee ballots shall be deemed valid for all purposes, as if the same had been deposited in the proper precinct ballot boxes, and the county election commission shall count these UOCAVA absentee ballots as if delivered to the proper precincts. 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. An absentee ballot received from a UOCAVA voter affected by the delay in transmittal in these counties, and thus the intended beneficiaries of this rule, after 7:00 p.m., CST, on November 10, 2016 shall be handled as provided in § 23-15-647, Miss. Code Ann., and shall not be counted.

- C. The deadline by which to receive the UOCAVA absentee ballots, by mail, facsimile or any electronic means, from those UOCAVA voters affected by the delay in the transmittal of their requested ballots in Oktibbeha and Stone Counties shall be extended until 7:00 p.m., CST, on November 11, 2016.

- D. The election commissioners of Oktibbeha and Stone 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, if received by the county registrar subsequent to the delivery of ballot boxes to election managers on General Election Day, yet on or prior to 7:00 p.m. on November 11, 2016, shall be retained by the county registrar. The county registrar shall deliver to the county election commission these UOCAVA absentee ballots, if received between delivery of the ballot boxes to election managers on General Election Day and 7:00 p.m. on November 11, 2016, together with the corresponding applications, for which the county registrar shall receive a receipt from the election commission. Upon the canvass of the returns, these UOCAVA absentee ballots shall be deemed valid for all purposes, as if the same had been deposited in the proper precinct ballot boxes, and the county election commission shall count these UOCAVA absentee ballots as if delivered to the proper precincts. 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. An absentee ballot received from a UOCAVA voter affected by the delay in transmittal in these counties, and thus the intended beneficiaries of this rule, after 7:00 p.m., CST, on November 11, 2016 shall be handled as provided in § 23-15-647, Miss. Code Ann., and shall not be counted.