

By: Representatives Reynolds, Akins, Gadd,
McBride

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 494

1 AN ACT TO CREATE AN EARLY VOTING PILOT PROGRAM IN LAFAYETTE
2 COUNTY; TO PROVIDE THE PROCEDURES FOR EARLY VOTING IN SUCH COUNTY;
3 AND FOR RELATED PURPOSES.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

5 **SECTION 1.** (1) There is established an Early Voting Pilot
6 Program in Lafayette County.

7 (2) (a) A qualified elector in such county may vote early
8 in the office of the county registrar or a location designated by
9 the registrar not more than twenty-five (25) days nor less than
10 four (4) days before the day of an election. No excuse is
11 required for early voting. Any vote cast by early ballot shall be
12 final. The name of any person who votes by early ballot shall be
13 shown as voted in the pollbook before the day of election.

14 (b) A qualified elector in such county who desires to
15 vote by absentee ballot shall only do so by mail. No person may
16 vote absentee in the registrar's office.

17 (3) (a) Early voting shall be conducted during the
18 following times:

19 (i) Weekdays from 8:00 a.m. until 5:00 p.m.

20 (ii) Saturdays from 9:00 a.m. until 12:00 noon.

21 (iii) The registrar's office shall be closed on
22 the Saturday before each election.

23 (b) Notice of the office hours shall be given by the
24 registrar not less than five (5) days before the first day of
25 early voting by publication in a newspaper of general circulation.

26 (c) The registrar shall staff any personnel necessary
27 to carry out the provisions of this pilot program.

28 (4) (a) The registrar shall place the names of all
29 candidates and issues for election on a voting machine, electronic
30 voting system, optical mark reading equipment or direct recording
31 electronic voting equipment which shall comply with the
32 specifications provided by law. All early voting ballots shall be
33 placed on a voting machine, electronic voting system, optical mark
34 reading equipment or direct recording electronic voting equipment
35 which shall comply with the specifications provided by law. The
36 county election commissioner shall secure each voting machine used
37 in early voting to prohibit tampering and shall also provide
38 maximum security that allows no other person, except for persons
39 designated by the election commission to have access to the room
40 or facility in which the voting machines, ballots and other
41 election equipment are stored.

42 (b) No single direct recording electronic (DRE) voting
43 system may have more than nine thousand nine hundred ninety-nine
44 (9,999) voters using a single machine during the early voting
45 period.

46 (5) In the event a qualified elector appears to vote but
47 such person's name does not appear upon the pollbook, is not able
48 to cast a regular election day ballot under a provision of state
49 or federal law but is otherwise qualified to vote, or has been
50 illegally denied registration, such person shall vote by affidavit
51 ballot. The registrar shall follow the procedure established for
52 affidavit ballot provided in Section 23-15-573.

53 (6) Any person voting early is entitled to the same
54 assistance during the early voting period that such person would
55 be entitled as otherwise provided by law.

56 (7) The results of votes cast during early voting shall be
57 announced simultaneously with the votes cast on election day.

58 (8) Each candidate shall have the same rights to be present
59 at voting locations and to challenge the qualifications of any
60 person offering to vote in the same manner as provided by law.

61 (9) The Secretary of State's office shall provide the
62 circuit clerk for Lafayette County with a database that contains
63 the names of all registered voters within those counties at least
64 fifty-five (55) days before an election.

65 (10) Except as otherwise provided in this act for the Early
66 Voting Pilot Program in Lafayette County, election procedures as
67 otherwise provided by law shall govern the election procedures
68 during early voting in this county.

69 (11) This section shall stand repealed on June 30, 2011.

70 **SECTION 2.** The Attorney General of the State of Mississippi
71 shall submit this act, immediately upon approval by the Governor,
72 or upon approval by the Legislature subsequent to a veto, to the
73 Attorney General of the United States or to the United States
74 District Court for the District of Columbia in accordance with the
75 provisions of the Voting Rights Act of 1965, as amended and
76 extended.

77 **SECTION 3.** This act shall take effect and be in force from
78 and after the date it is effectuated under Section 5 of the Voting
79 Rights Act of 1965, as amended and extended.