

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2822

1 AN ACT TO AUTHORIZE A QUALIFIED ELECTOR TO VOTE EARLY NOT
 2 MORE THAN 21 DAYS NOR LESS THAN 5 DAYS BEFORE THE DATE OF AN
 3 ELECTION; TO PROVIDE THAT EARLY VOTING MAY BE CONDUCTED IN THE
 4 REGISTRAR'S OFFICE AND SUCH OTHER LOCATIONS AS MAY BE DESIGNATED
 5 BY THE BOARD OF SUPERVISOR; TO REQUIRE A PERSON WHO DESIRES TO
 6 VOTE EARLY TO SIGN AN APPLICATION TO VOTE EARLY; TO PROVIDE THAT
 7 AFTER SIGNING THE EARLY VOTING APPLICATION A PERSON SHALL BE
 8 ENTITLED TO VOTE AT THE EARLY VOTING LOCATION IN THE SAME MANNER
 9 AS HE WOULD AT HIS VOTING PRECINCT ON THE DAY OF THE ELECTION; TO
 10 PROVIDE THAT THE ELECTION LAWS THAT GOVERN PROCEDURES FOR A PERSON
 11 WHO APPEARS TO VOTE ON THE DAY OF ELECTION SHALL APPLY WHEN A
 12 PERSON APPEARS TO VOTE DURING THE EARLY VOTING PERIOD; TO PROVIDE
 13 THAT ALL VOTES CAST AT AN EARLY VOTING LOCATION SHALL BE FINAL AND
 14 THE REGISTRAR SHALL MARK "VOTED" IN THE POLLBOOK BY THE NAMES OF
 15 ALL PERSONS WHO VOTED EARLY; TO PROVIDE THAT THE VOTES CAST DURING
 16 EARLY VOTING SHALL BE ANNOUNCED SIMULTANEOUSLY WITH THE VOTE CAST
 17 ON ELECTION DAY; TO PROVIDE THAT EACH CANDIDATE SHALL HAVE THE
 18 RIGHT TO BE PRESENT AT ALL EARLY VOTING LOCATIONS AND TO CHALLENGE
 19 THE QUALIFICATIONS OF ANY PERSON OFFERING TO VOTE IN THE SAME
 20 MANNER AS PROVIDED BY LAW AT THE POLLING PLACE ON THE DAY OF THE
 21 ELECTION; TO REQUIRE THE SECRETARY OF STATE TO PROMULGATE RULES
 22 AND REGULATIONS NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS
 23 ACT; TO AMEND SECTIONS 23-15-195, 23-15-653, 23-15-353 AND
 24 23-15-239, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND
 25 FOR RELATED PURPOSES.

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

27 **SECTION 1.** Sections 1 through 5 of this act shall be known
 28 and may be cited as the "Early Voting Act."

29 **SECTION 2.** (1) A qualified elector may vote early not more
 30 than twenty-one (21) days nor less than five (5) days before the
 31 date of an election in the office of the registrar of the county
 32 in which such elector is registered to vote or any other location
 33 in the county in which such elector is registered to vote
 34 established as provided in subsection (2) of this section during
 35 the times established for early voting in this section.

36 (2) The board of supervisors may establish locations in the
 37 county in addition to the office of the registrar to be used for
 38 early voting.

39 (3) If only one (1) person has qualified for each office on
40 the ballot, early voting shall not be conducted.

41 (4) Early voting shall be conducted at early voting
42 locations during the following times:

43 (a) Weekdays from 8:00 a.m. until 5:00 p.m., except
44 that the office of the registrar shall remain open until 7:00 p.m.
45 the last two (2) days of the early voting period; and

46 (b) One (1) Saturday during the early voting period in
47 the office of the registrar from 8:00 a.m. until 4:00 p.m.

48 (5) Notice of the early voting hours shall be given by the
49 commissioners of election not less than twenty-five (25) days
50 before the day of election by publication in a newspaper of
51 general circulation in the county. If a state holiday occurs on
52 any day in which early voting is allowed, the commissioners of
53 election may authorize the closing of early voting locations on
54 such holiday by including a notice of such closure in the notice
55 published pursuant to this subsection.

56 **SECTION 3.** (1) A person who desires to vote early shall
57 appear at any location in the county established for early voting
58 and sign an application for early voting approved by the Secretary
59 of State. The signing of the application shall have the same
60 effect as signing the pollbook on the day of the election.

61 (2) After signing the application, the elector shall vote at
62 the early voting location in the same manner as he would at his
63 voting precinct on the day of the election. The election laws
64 that govern procedures for a person who appears to vote on the day
65 of election shall apply when a person appears to vote during the
66 early voting period.

67 (3) All votes cast at an early voting location shall be
68 final and the registrar shall mark "voted" in the pollbook by the
69 names of all persons who voted early.

70 (4) The votes cast during early voting shall be announced
71 simultaneously with the vote cast on election day.

72 **SECTION 4.** Each candidate or his representatives shall have
73 the right to be present at all early voting locations and to
74 challenge the qualifications of any person offering to vote in the
75 same manner as provided by law at the polling place on election
76 day.

77 **SECTION 5.** The Secretary of State shall promulgate rules and
78 regulations necessary to effectuate early voting.

79 **SECTION 6.** Section 23-15-195, Mississippi Code of 1972, is
80 amended as follows:

81 23-15-195. All elections by the people shall be by
82 ballot * * *.

83 **SECTION 7.** Section 23-15-653, Mississippi Code of 1972, is
84 amended as follows:

85 23-15-653. Except as otherwise provided in Section 2 of
86 Senate Bill No. 2822, 2007 Regular Session, all registrars'
87 offices shall remain open until noon on the two (2) Saturdays
88 prior to each election.

89 **SECTION 8.** Section 23-15-353, Mississippi Code of 1972, is
90 amended as follows:

91 23-15-353. (1) The officer charged with printing and
92 distributing the official ballot shall ascertain from the
93 registrar, at least ten (10) days before the day of election, the
94 number of registered voters in each voting precinct; and he shall
95 have printed and distributed a sufficient number of ballots for
96 use in each precinct. He shall also prepare full instructions for
97 the guidance of electors at elections as to obtaining ballots, the
98 manner of marking them, and the mode of obtaining new ballots in
99 the place of those spoiled by accident. The instructions shall be
100 printed in large, clear type, on "cards of instruction," and the
101 officer shall furnish the same in sufficient numbers for the use
102 of electors. The cards shall be preserved by the officers of
103 election and returned by them to the commissioners of election;
104 and they may be used, if applicable, in subsequent elections.

105 (2) The officer charged with printing and distributing the
106 official ballot shall ascertain from the registrar, at least ten
107 (10) days before the beginning of early voting, the number of
108 ballots that the registrar desires to have distributed to each
109 early voting location; and he shall have printed and distributed a
110 sufficient number of ballots for use in each location.

111 **SECTION 9.** Section 23-15-239, Mississippi Code of 1972, is
112 amended as follows:

113 23-15-239. (1) (a) The executive committee of each county,
114 in the case of a primary election, or the commissioners of
115 election of each county, in the case of all other elections, in
116 conjunction with the circuit clerk, shall sponsor and conduct, not
117 less than five (5) days prior to each election, training sessions
118 to instruct managers as to their duties in the proper
119 administration of the election and the operation of the polling
120 place.

121 (b) The executive committee of each county, in the case
122 of a primary election, or the commissioners of election of each
123 county, in the case of all other elections, in conjunction with
124 the circuit clerk, shall sponsor and conduct, not less than five
125 (5) days prior to the early voting period, training sessions to
126 instruct managers as to their duties in the proper administration
127 of early voting.

128 (c) No manager shall serve in any election unless he
129 has received such instructions once during the twelve (12) months
130 immediately preceding the date upon which such election is held;
131 however, nothing in this section shall prevent the appointment of
132 an alternate manager to fill a vacancy in case of an emergency.
133 The county executive committee or the commissioners of election,
134 as appropriate, shall train a sufficient number of alternates to
135 serve in the event a manager is unable to serve for any reason.

136 (2) (a) If it is eligible under Section 23-15-266, the
137 county executive committee may enter into a written agreement with

138 the circuit clerk or the county election commission authorizing
139 the circuit clerk or the county election commission to perform any
140 of the duties required of the county executive committee pursuant
141 to this section. Any agreement entered into pursuant to this
142 subsection shall be signed by the chairman of the county executive
143 committee and the circuit clerk or the chairman of the county
144 election commission, as appropriate. The county executive
145 committee shall notify the State Executive Committee and the
146 Secretary of State of the existence of such agreement.

147 (b) If it is eligible under Section 23-15-266, the
148 municipal executive committee may enter into a written agreement
149 with the municipal clerk or the municipal election commission
150 authorizing the municipal clerk or the municipal election
151 commission to perform any of the duties required of the municipal
152 executive committee pursuant to this section. Any agreement
153 entered into pursuant to this subsection shall be signed by the
154 chairman of the municipal executive committee and the municipal
155 clerk or the chairman of the municipal election commission, as
156 appropriate. The municipal executive committee shall notify the
157 State Executive Committee and the Secretary of State of the
158 existence of such agreement.

159 (3) The board of supervisors, in their discretion, may
160 compensate managers who attend such training sessions. The
161 compensation shall be at a rate of not less than the federal
162 hourly minimum wage nor more than Ten Dollars (\$10.00) per hour.
163 Managers shall not be compensated for more than two (2) hours of
164 attendance at the training sessions regardless of the actual
165 amount of time that they attended the training sessions.

166 (4) The time and location of the training sessions required
167 pursuant to this section shall be announced to the general public
168 by posting a notice thereof at the courthouse and by delivering a
169 copy of the notice to the office of a newspaper having general
170 circulation in the county five (5) days before the date upon which

171 the training session is to be conducted. Persons who will serve
172 as poll watchers for candidates and political parties, as well as
173 members of the general public, shall be allowed to attend the
174 sessions.

175 (5) Subject to the following annual limitations, the
176 commissioners of election shall be entitled to receive a per diem
177 in the amount of Eighty-four Dollars (\$84.00), to be paid from the
178 county general fund, for every day or period of no less than five
179 (5) hours accumulated over two (2) or more days actually employed
180 in the performance of their duties for the necessary time spent in
181 conducting training sessions as required by this section:

182 (a) In counties having less than fifteen thousand
183 (15,000) residents according to the latest federal decennial
184 census, not more than five (5) days per year;

185 (b) In counties having fifteen thousand (15,000)
186 residents according to the latest federal decennial census but
187 less than thirty thousand (30,000) residents according to the
188 latest federal decennial census, not more than eight (8) days per
189 year;

190 (c) In counties having thirty thousand (30,000)
191 residents according to the latest federal decennial census but
192 less than seventy thousand (70,000) residents according to the
193 latest federal decennial census, not more than ten (10) days per
194 year;

195 (d) In counties having seventy thousand (70,000)
196 residents according to the latest federal decennial census but
197 less than ninety thousand (90,000) residents according to the
198 latest federal decennial census, not more than twelve (12) days
199 per year;

200 (e) In counties having ninety thousand (90,000)
201 residents according to the latest federal decennial census but
202 less than one hundred seventy thousand (170,000) residents

203 according to the latest federal decennial census, not more than
204 fifteen (15) days per year;

205 (f) In counties having one hundred seventy thousand
206 (170,000) residents according to the latest federal decennial
207 census but less than two hundred thousand (200,000) residents
208 according to the latest federal decennial census, not more than
209 eighteen (18) days per year;

210 (g) In counties having two hundred thousand (200,000)
211 residents according to the latest federal decennial census but
212 less than two hundred twenty-five thousand (225,000) residents
213 according to the latest federal decennial census, not more than
214 nineteen (19) days per year;

215 (h) In counties having two hundred twenty-five thousand
216 (225,000) residents according to the latest federal decennial
217 census but less than two hundred fifty thousand (250,000)
218 residents according to the latest federal decennial census, not
219 more than twenty-two (22) days per year;

220 (i) In counties having two hundred fifty thousand
221 (250,000) residents according to the latest federal decennial
222 census but less than two hundred seventy-five thousand (275,000)
223 residents according to the latest federal decennial census, not
224 more than thirteen (13) days per year;

225 (j) In counties having two hundred seventy-five
226 thousand (275,000) residents according to the latest federal
227 decennial census or more, not more than fourteen (14) days per
228 year.

229 (6) Commissioners of election shall claim the per diem
230 authorized in subsection (5) of this section in the manner
231 provided for in Section 23-15-153(6).

232 **SECTION 10.** The Attorney General of the State of Mississippi
233 shall submit this act, immediately upon approval by the Governor,
234 or upon approval by the Legislature subsequent to a veto, to the
235 Attorney General of the United States or to the United States

236 District Court for the District of Columbia in accordance with the
237 provisions of the Voting Rights Act of 1965, as amended and
238 extended.

239 **SECTION 11.** This act shall take effect and be in force from
240 and after the date it is effectuated under Section 5 of the Voting
241 Rights Act of 1965, as amended and extended.