

By: Representatives Clarke, Hughes

To: Apportionment and Elections

HOUSE BILL NO. 249

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 OR AT A LOCATION DESIGNATED BY THE REGISTRAR;  
5 TO REQUIRE A PERSON WHO DESIRES TO VOTE EARLY TO APPEAR AT THE  
6 REGISTRAR'S OFFICE AND TO PROVIDE THAT AFTER SIGNING THE RECEIPT  
7 BOOK THE PERSON SHALL BE ENTITLED TO VOTE AT THE REGISTRAR'S  
8 OFFICE OR AT THE LOCATION DESIGNATED BY THE REGISTRAR DURING THE  
9 EARLY VOTING PERIOD IN THE SAME MANNER AS HE OR SHE WOULD AT HIS  
10 OR HER VOTING PRECINCT ON THE DAY OF THE ELECTION; TO PROVIDE THAT  
11 THE ELECTION LAWS THAT GOVERN PROCEDURES FOR A PERSON WHO APPEARS  
12 TO VOTE ON THE DAY OF ELECTION SHALL APPLY WHEN A PERSON APPEARS  
13 TO VOTE DURING THE EARLY VOTING PERIOD; TO PROVIDE THAT ALL VOTES  
14 CAST DURING THE EARLY VOTING PERIOD SHALL BE FINAL; TO PROVIDE  
15 THAT THE VOTES CAST DURING EARLY VOTING SHALL BE ANNOUNCED  
16 SIMULTANEOUSLY WITH THE VOTE CAST ON ELECTION DAY; TO PROVIDE THAT  
17 EACH CANDIDATE SHALL HAVE THE RIGHT TO BE PRESENT AT THE  
18 REGISTRAR'S OFFICE AND TO CHALLENGE THE QUALIFICATIONS OF ANY  
19 PERSON OFFERING TO VOTE EARLY IN THE SAME MANNER AS PROVIDED BY  
20 LAW AT THE POLLING PLACE ON THE DAY OF THE ELECTION; TO REQUIRE  
21 THE SECRETARY OF STATE TO PROMULGATE RULES AND REGULATIONS  
22 NECESSARY TO EFFECTUATE EARLY VOTING; TO AMEND SECTIONS 23-15-195,  
23 23-15-653, 23-15-353, 23-15-449 and 23-15-463, MISSISSIPPI CODE OF  
24 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 23-15-627,  
25 23-15-637, 23-15-641, 23-15-713 AND 23-15-715, MISSISSIPPI CODE OF  
26 1972, TO PROVIDE THAT VOTERS MAY NOT CAST ABSENTEE BALLOTS AT THE  
27 OFFICE OF THE REGISTRAR DURING THE EARLY VOTING PERIOD; AND FOR  
28 RELATED PURPOSES.

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

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



32           **SECTION 2.** (1) A qualified elector may vote early not more  
33 than twenty-one (21) days nor less than five (5) days before the  
34 date of an election in the office of the registrar or at a  
35 location designated by the registrar of the county in which the  
36 elector is registered to vote during the times established for  
37 early voting in this section.

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

40           (3) Early voting shall be conducted at the office of the  
41 registrar during the following times:

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

45                   (b) One (1) Saturday during the early voting period  
46 from 8:00 a.m. until 4:00 p.m.

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

55           **SECTION 3.** (1) A person who desires to vote early shall  
56 appear at the office of the registrar or the location authorized



57 by the registrar for early voting. After signing the appropriate  
58 receipt book, the elector shall vote at the location in the same  
59 manner as he or she would at his or her voting precinct on the day  
60 of the election. Except as may be otherwise provided by Sections  
61 1 through 5 of this act, the election laws that govern procedures  
62 for a person who appears to vote on the day of election shall  
63 apply when a person appears to vote during the early voting  
64 period.

65 (2) All votes cast at an early voting location shall be  
66 final.

67 (3) The votes cast during early voting shall be announced  
68 simultaneously with the vote cast on election day.

69 **SECTION 4.** Each candidate or his or her representatives  
70 shall have the right to be present at the office of the registrar  
71 or designated location when it is open for early voting and to  
72 challenge the qualifications of any person offering to vote in the  
73 same manner as provided by law at the polling place on election  
74 day.

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

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

79 23-15-195. All elections by the people shall be by  
80 ballot \* \* \*.



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

83           23-15-653. Except as otherwise provided in Section 2 of this  
84 act, all registrars' offices shall remain open until noon on the  
85 two (2) Saturdays \* \* \* before each election.

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

88           23-15-353. (1) The officer charged with printing and  
89 distributing the official ballot shall ascertain from the  
90 registrar, at least ten (10) days before the day of election, the  
91 number of registered voters in each voting precinct; and he or she  
92 shall have printed and distributed a sufficient number of ballots  
93 for use in each precinct. He or she shall also prepare full  
94 instructions for the guidance of electors at elections as to  
95 obtaining ballots, the manner of marking them, and the mode of  
96 obtaining new ballots in the place of those spoiled by accident.  
97 The instructions shall be printed in large, clear type, on "cards  
98 of instruction," and the officer shall furnish the same in  
99 sufficient numbers for the use of electors. The cards shall be  
100 preserved by the officers of election and returned by them to the  
101 election commissioners \* \* \*; and they may be used, if applicable,  
102 in subsequent elections.

103           (2) The officer charged with printing and distributing the  
104 official ballot shall ascertain from the registrar, at least ten



105 (10) days before the beginning of early voting, the number of  
106 ballots that the registrar desires for early voting.

107 **SECTION 9.** Section 23-15-627, Mississippi Code of 1972, is  
108 amended as follows:

109 23-15-627. The registrar shall be responsible for furnishing  
110 an absentee ballot application form to any elector authorized to  
111 receive an absentee ballot. Except as otherwise provided in  
112 Section 23-15-625, absentee ballot applications shall be furnished  
113 to a person only upon the oral or written request of the elector  
114 who seeks to vote by absentee ballot; however, the parent, child,  
115 spouse, sibling, legal guardian, those empowered with a power of  
116 attorney for that elector's affairs or agent of the elector, who  
117 is designated in writing and witnessed by a resident of this state  
118 who shall write his or her physical address on \* \* \* the  
119 designation, may orally request an absentee ballot application on  
120 behalf of the elector. The written designation shall be valid for  
121 one (1) year after the date of the designation. An absentee  
122 ballot application must have the seal of the circuit or municipal  
123 clerk affixed to it and be initialed by the registrar or his or  
124 her deputy in order to be utilized to obtain an absentee ballot.  
125 A reproduction of an absentee ballot application shall not be  
126 valid unless it is a reproduction provided by the office of the  
127 registrar of the jurisdiction in which the election is being held  
128 and which contains the seal and initials required by this section.



129 \* \* \* The application shall be substantially in the following  
130 form:

131 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

132 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
133 of the County of \_\_\_\_\_, and State of Mississippi, coming within  
134 the purview of the definition 'ABSENT ELECTOR' will be absent from  
135 the county of my residence on election day and all days upon which  
136 early voting may be conducted, or unable to vote in person because  
137 (check appropriate reason):

138 ( ) (PRESIDENTIAL APPLICANT ONLY:) I am currently a  
139 resident of Mississippi or have moved therefrom within thirty (30)  
140 days of the coming presidential election and will be absent from  
141 the county of my residence on election day and all days upon which  
142 early voting may be conducted.

143 ( ) I am an enlisted or commissioned member, male or female,  
144 of any component of the United States Armed Forces and am a  
145 citizen of Mississippi, or spouse or dependent of such member and  
146 will be absent from the county of my residence on election day and  
147 all days upon which early voting may be conducted.

148 ( ) I am a member of the Merchant Marine or the American Red  
149 Cross and am a citizen of Mississippi or spouse or dependent of  
150 such member and will be absent from the county of my residence on  
151 election day and all days upon which early voting may be  
152 conducted.



153 ( ) I am a disabled war veteran who is a patient in any  
154 hospital and am a citizen of Mississippi or spouse or dependent of  
155 such veteran and will be absent from the county of my residence on  
156 election day and all days upon which early voting may be  
157 conducted.

158 ( ) I am a civilian attached to and serving outside of the  
159 United States with any branch of the Armed Forces or with the  
160 Merchant Marine or American Red Cross, and am a citizen of  
161 Mississippi or spouse or dependent of such civilian and will be  
162 absent from the county of my residence on election day and all  
163 days upon which early voting may be conducted.

164 ( ) I am a citizen of Mississippi temporarily residing  
165 outside the territorial limits of the United States and the  
166 District of Columbia and will be absent from the county of my  
167 residence on election day and all days upon which early voting may  
168 be conducted.

169 ( ) I am a student, teacher or administrator at a college,  
170 university, junior or community college, high, junior high,  
171 elementary or grade school, whose studies or employment at such  
172 institution necessitates my absence from the county of my voting  
173 residence or spouse or dependent of such student, teacher or  
174 administrator who maintains a common domicile outside the county  
175 of my voting residence with such student, teacher or administrator  
176 and will be absent from the county of my residence on election day  
177 and all days upon which early voting may be conducted.



178           ( ) I will be outside the county on election day and all  
179 days upon which early voting may be conducted.

180           ( ) I have a temporary or permanent physical disability.

181           ( ) I am sixty-five (65) years of age or older.

182           ( ) I am the parent, spouse or dependent of a person with a  
183 temporary or permanent physical disability who is hospitalized  
184 outside his or her county of residence or more than fifty (50)  
185 miles away from his or her residence, and I will be with \* \* \*  
186 that person on election day and all days upon which early voting  
187 may be conducted.

188           ( ) I am a member of the congressional delegation, or spouse  
189 or dependent of a member of the congressional delegation and will  
190 be absent from the county of my residence on election day and all  
191 days upon which early voting may be conducted.

192           ( ) I am required to be at work on election day and all days  
193 upon which early voting may be conducted during the times which  
194 the polls will be open.

195           I hereby make application for an official ballot, or ballots,  
196 to be voted by me at the election to be held in \_\_\_\_\_, on \_\_\_\_\_.

197           Mail 'Absent Elector's Ballot' to me at the following address  
198 \_\_\_\_\_ (if eligible to vote by mail).

199           I realize that I can be fined up to Five Thousand Dollars  
200 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
201 for making a false statement in this application and for selling





202 my vote and violating the Mississippi Absentee Voter Law. (This  
203 sentence is to be in bold print.)

204 If you are temporarily or permanently disabled, you are not  
205 required to have this application notarized or signed by an  
206 official authorized to administer oaths for absentee balloting.  
207 You are required to sign this application in the proper place and  
208 have a person eighteen (18) years of age or older witness your  
209 signature and sign this application in the proper place.

210 DO NOT SIGN WITHOUT READING. (This sentence is to be in bold  
211 print.)

212 IN WITNESS WHEREOF I have hereunto set my hand and seal this  
213 the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

214 \_\_\_\_\_  
215 (Signature of absent elector)

216 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
217 2\_\_\_\_.

218 \_\_\_\_\_  
219 (Official authorized to administer oaths  
220 for absentee balloting.)

221 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
222 DISABLED:

223 I HEREBY CERTIFY that this application for an absent  
224 elector's ballot was signed by the above-named disabled elector in  
225 my presence and that I am at least eighteen (18) years of age,  
226 this the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.



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\_\_\_\_\_  
(Signature of witness)

CERTIFICATE OF DELIVERY

I hereby certify that \_\_\_\_\_ (print name of voter)  
has requested that I, \_\_\_\_\_ (print name of person  
delivering application), deliver to the voter this absentee ballot  
application.

\_\_\_\_\_  
(Signature of person delivering application)

\_\_\_\_\_  
(Address of person delivering application)"

**SECTION 10.** Section 23-15-637, Mississippi Code of 1972, is amended as follows:

23-15-637. Absentee ballots received by mail, except presidential ballots as provided for in Sections 23-15-731 and 23-15-733 and except as otherwise provided by Section 23-15-699, must be received by the registrar by 5:00 p.m. on the date preceding the election; any received after \* \* \* that time shall be handled as provided in Section 23-15-647 and shall not be counted. All ballots cast by the absent elector appearing in person in the office of the registrar shall be cast not later than \* \* \* the \* \* \* day immediately preceding \* \* \* the first day of the early voting period. The registrar shall deposit all absentee ballots which have been timely cast in the ballot boxes upon receipt.



252           **SECTION 11.** Section 23-15-641, Mississippi Code of 1972, is  
253 amended as follows:

254           23-15-641. (1) If an affidavit or the certificate of the  
255 officer before whom the affidavit is taken is required and \* \* \*  
256 the affidavit or certificate is found to be insufficient, or if it  
257 is found that the signatures do not correspond, or that the  
258 applicant is not a duly qualified elector in the precinct, or  
259 otherwise qualified to vote, or that the ballot envelope is open  
260 or has been opened and resealed, or the voter is not eligible to  
261 vote absentee or that the voter is present and has voted within  
262 the precinct where he or she represents himself or herself to be a  
263 qualified elector, or otherwise qualified to vote, on the date of  
264 the election at such precinct or has voted early, the \* \* \* vote  
265 cast by absentee ballot shall not be allowed. Without opening the  
266 voter's envelope the election commissioners \* \* \*, designated  
267 executive committee members or election managers, as appropriate,  
268 shall mark across its face "REJECTED", with the reason \* \* \* for  
269 the rejection noted.

270           (2) If the ballot envelope contains more than one (1) ballot  
271 of any kind, the ballot shall not be counted but shall be marked  
272 "REJECTED", with the reason \* \* \* for the rejection noted. The  
273 voter's envelopes and affidavits, and the voter's envelope with  
274 its contents unopened, when \* \* \* the vote is rejected, shall be  
275 retained and preserved in the same manner as other ballots at the  
276 election. \* \* \* The votes may be challenged in the same manner



277 and for the same reasons that any other vote cast in \* \* \* the  
278 election may be challenged.

279 (3) If an affidavit is required and the officials find that  
280 the affidavit is insufficient, or if the officials find that the  
281 absentee voter is otherwise disqualified to vote, the envelope  
282 shall not be opened and a commissioner or executive committee  
283 member shall write across the face of the envelope "REJECTED"  
284 giving the reason \* \* \* for the rejection, and the registrar shall  
285 promptly notify the voter of \* \* \* the rejection.

286 (4) The ballots marked "REJECTED" shall be placed in a  
287 separate envelope in the secure ballot transfer case and delivered  
288 to the officials in charge of conducting the election at the  
289 central tabulation point of the county.

290 **SECTION 12.** Section 23-15-713, Mississippi Code of 1972, is  
291 amended as follows:

292 23-15-713. For the purpose of this subarticle, any duly  
293 qualified elector may vote as provided in this subarticle if  
294 he \* \* \* or she falls within one (1) of the following categories:

295 (a) Any qualified elector who is a bona fide student,  
296 teacher or administrator at any college, university, junior  
297 college, high, junior high, or elementary grade school whose  
298 studies or employment at \* \* \* the institution necessitates his or  
299 her absence from the county of his or her voting residence on  
300 the \* \* \* election day and all days upon which early voting may be  
301 conducted, or the spouse and dependents of \* \* \* the student,



302 teacher or administrator if \* \* \* the spouse or dependent(s)  
303 maintain a common domicile, outside of the county of his or her  
304 voting residence, with \* \* \* the student, teacher or  
305 administrator.

306 (b) Any qualified elector who is required to be away  
307 from his or her place of residence on any election day and all  
308 days upon which early voting may be conducted due to his or her  
309 employment as an employee of a member of the Mississippi  
310 congressional delegation and the spouse and dependents of \* \* \*  
311 the person if he or she shall be residing with \* \* \* the absentee  
312 voter away from the county of the spouse's voting residence.

313 (c) Any qualified elector who is away from his or her  
314 county of residence on election day and all days upon which early  
315 voting may be conducted for any reason.

316 (d) Any person who has a temporary or permanent  
317 physical disability and who, because of \* \* \* that disability, is  
318 unable to vote in person without substantial hardship to himself,  
319 herself or others, or whose attendance at the voting place could  
320 reasonably cause danger to himself, herself or others.

321 (e) The parent, spouse or dependent of a person with a  
322 temporary or permanent physical disability who is hospitalized  
323 outside of his or her county of residence or more than fifty (50)  
324 miles distant from his or her residence, if the parent, spouse or  
325 dependent will be with \* \* \* that person on election day and all  
326 days upon which early voting may be conducted.



327 (f) Any person who is sixty-five (65) years of age or  
328 older.

329 (g) Any member of the Mississippi congressional  
330 delegation absent from Mississippi on election day and all days  
331 upon which early voting may be conducted, and the spouse and  
332 dependents of \* \* \* the member of the congressional delegation.

333 (h) Any qualified elector who will be unable to vote in  
334 person because he or she is required to be at work on election day  
335 and all days upon which early voting may be conducted during the  
336 times at which the polls will be open.

337 **SECTION 13.** Section 23-15-715, Mississippi Code of 1972, is  
338 amended as follows:

339 23-15-715. Any elector desiring an absentee ballot as  
340 provided in this subarticle may secure same if:

341 (a) Not more than forty-five (45) days nor later  
342 than \* \* \* the \* \* \* day immediately preceding \* \* \* the first day  
343 of the early voting period, he or she shall appear in person  
344 before the registrar of the county in which he or she resides, or  
345 for municipal elections he or she shall appear in person before  
346 the city clerk of the municipality in which he or she resides and,  
347 when the elector so appears, he or she shall execute and file an  
348 application as provided in Section 23-15-627 and vote by absentee  
349 ballot, except that if the ballot has not been printed by  
350 forty-five (45) days preceding the election, the elector may  
351 appear and file an application anytime before the election. Then



352 the absentee ballot shall be mailed by the circuit clerk to the  
353 elector as soon as the ballot has been printed.

354 (b) Within forty-five (45) days next \* \* \* before any  
355 election, any elector who cannot comply with paragraph (a) of this  
356 section by reason of temporarily residing outside the county, or  
357 any person who has a temporary or permanent physical disability,  
358 persons who are sixty-five (65) years of age or older, or any  
359 person who is the parent, spouse or dependent of a temporarily or  
360 permanently physically disabled person who is hospitalized outside  
361 of his or her county of residence or more than fifty (50) miles  
362 away from his or her residence and \* \* \* the parent, spouse or  
363 dependent will be with \* \* \* that person on election day and all  
364 days upon which early voting may be conducted, may make  
365 application for an absentee ballot by mailing the appropriate  
366 application to the registrar. Only persons temporarily residing  
367 out of the county of their residence, persons having a temporary  
368 or permanent physical disability, persons who are sixty-five (65)  
369 years of age or older, or any person who is the parent, spouse or  
370 dependent of a temporarily or permanently physically disabled  
371 person who is hospitalized outside of his or her county of  
372 residence or more than fifty (50) miles away from his or her  
373 residence, and \* \* \* the parent, spouse or dependent will be  
374 with \* \* \* the person on election day and all days upon which  
375 early voting may be conducted, may obtain absentee ballots by mail  
376 under the provisions of this \* \* \* paragraph and as provided by



377 Section 23-15-713. Applications of persons temporarily residing  
378 outside the county shall be sworn to and subscribed before an  
379 official who is authorized to administer oaths or other official  
380 authorized to witness absentee balloting as provided in this  
381 chapter, \* \* \* the application to be accompanied by such verifying  
382 affidavits as required by this chapter. The applications of  
383 persons having a temporary or permanent physical disability shall  
384 not be required to be accompanied by an affidavit but shall be  
385 witnessed and signed by a person eighteen (18) years of age or  
386 older. The registrar shall send to \* \* \* the absent voter a  
387 proper absentee voter ballot within twenty-four (24) hours, or as  
388 soon thereafter as the ballots are available, containing the names  
389 of all candidates who qualify or the proposition to be voted on  
390 in \* \* \* the election, and with \* \* \* the ballot there shall be  
391 sent an official envelope containing upon it in printed form the  
392 recitals and data hereinafter required.

393 **SECTION 14.** Section 23-15-449, Mississippi Code of 1972, is  
394 amended as follows:

395 23-15-449. All laws relating to elections now in force in  
396 this state shall apply to all elections under this chapter so far  
397 as the same may be applicable thereto, and so far as such  
398 provisions are not inconsistent with the provisions of this  
399 chapter. Absentee ballots and ballots used during early voting  
400 shall be voted as now provided by law.





401           **SECTION 15.** Section 23-15-463, Mississippi Code of 1972, is  
402 amended as follows:

403           23-15-463. The board of supervisors of any county in the  
404 State of Mississippi and the governing authorities of any  
405 municipality in the State of Mississippi are hereby authorized and  
406 empowered, in their discretion, to purchase or rent voting devices  
407 and automatic tabulating equipment used in an electronic voting  
408 system which meets the requirements of Section 23-15-465, and may  
409 use such system in all or a part of the precincts within its  
410 boundaries, or in combination with paper ballots in any election  
411 or primary. It may enlarge, consolidate or alter the boundaries  
412 of precincts where an electronic voting system is used. The  
413 provisions of Sections 23-15-461 through 23-15-485 shall be  
414 controlling with respect to elections where an electronic voting  
415 system is used, and shall be liberally construed so as to carry  
416 out the purpose of this chapter. The provisions of the election  
417 law relating to the conduct of elections with paper ballots,  
418 insofar as they are applicable and not inconsistent with the  
419 efficient conduct of elections with electronic voting systems,  
420 shall apply. Absentee ballots and ballots used during early  
421 voting shall be voted as now provided by law.

422           **SECTION 16.** This act shall take effect and be in force from  
423 and after July 1, 2017.

