

By: Representative Clarke

To: Apportionment and
Elections

HOUSE BILL NO. 93

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 AND 23-15-353, MISSISSIPPI CODE OF 1972, IN CONFORMITY
24 THERETO; TO AMEND SECTIONS 23-15-627, 23-15-637, 23-15-641,
25 23-15-713 AND 23-15-715, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
26 VOTERS MAY NOT CAST ABSENTEE BALLOTS AT THE OFFICE OF THE
27 REGISTRAR DURING THE EARLY VOTING PERIOD; AND FOR RELATED
28 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.

94 (2) The officer charged with printing and distributing the
95 official ballot shall ascertain from the registrar, at least ten
96 (10) days before the beginning of early voting, the number of
97 ballots that the registrar needs for early voting.

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

100 23-15-627. The registrar shall be responsible for furnishing
101 an absentee ballot application form to any elector authorized to
102 receive an absentee ballot. Except as otherwise provided in
103 Section 23-15-625, absentee ballot applications shall be furnished
104 to a person only upon the oral or written request of the elector
105 who seeks to vote by absentee ballot; however, the parent, child,



106 spouse, sibling, legal guardian, those empowered with a power of
107 attorney for that elector's affairs or agent of the elector, who
108 is designated in writing and witnessed by a resident of this state
109 who shall write his or her physical address on * * * the
110 designation, may orally request an absentee ballot application on
111 behalf of the elector. The written designation shall be valid for
112 one (1) year after the date of the designation. An absentee
113 ballot application must have the seal of the circuit or municipal
114 clerk affixed to it and be initialed by the registrar or his or
115 her deputy in order to be used to obtain an absentee ballot. A
116 reproduction of an absentee ballot application shall not be valid
117 unless it is a reproduction provided by the office of the
118 registrar of the jurisdiction in which the election is being held
119 and which contains the seal and initials required by this section.

120 * * * The application shall be substantially in the following
121 form:

122 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

123 I, _____, duly qualified and registered in the ____ Precinct
124 of the County of _____, and State of Mississippi, coming within
125 the purview of the definition 'ABSENT ELECTOR' will be absent from
126 the county of my residence on election day and all days upon which
127 early voting may be conducted, or unable to vote in person because
128 (check appropriate reason):

129 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a
130 resident of Mississippi or have moved therefrom within thirty (30)



131 days of the coming presidential election and will be absent from
132 the county of my residence on election day and all days upon which
133 early voting may be conducted.

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

139 () I am a member of the Merchant Marine or the American Red
140 Cross and am a citizen of Mississippi or spouse or dependent of
141 such member and will be absent from the county of my residence on
142 election day and all days upon which early voting may be
143 conducted.

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

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



155 () I am a citizen of Mississippi temporarily residing
156 outside the territorial limits of the United States and the
157 District of Columbia and will be absent from the county of my
158 residence on election day and all days upon which early voting may
159 be conducted.

160 () I am a student, teacher or administrator at a college,
161 university, junior or community college, high, junior high,
162 elementary or grade school, whose studies or employment at such
163 institution necessitates my absence from the county of my voting
164 residence or spouse or dependent of such student, teacher or
165 administrator who maintains a common domicile outside the county
166 of my voting residence with such student, teacher or administrator
167 and will be absent from the county of my residence on election day
168 and all days upon which early voting may be conducted.

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

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

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

173 () I am the parent, spouse or dependent of a person with a
174 temporary or permanent physical disability who is hospitalized
175 outside his or her county of residence or more than fifty (50)
176 miles away from his or her residence, and I will be with * * *
177 that person on election day and all days upon which early voting
178 may be conducted.



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

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

186 I hereby make application for an official ballot, or ballots,
187 to be voted by me at the election to be held in _____, on _____.

188 Mail 'Absent Elector's Ballot' to me at the following address
189 _____ (if eligible to vote by mail).

190 I realize that I can be fined up to Five Thousand Dollars
191 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
192 for making a false statement in this application and for selling
193 my vote and violating the Mississippi Absentee Voter Law. (This
194 sentence is to be in bold print.)

195 If you are temporarily or permanently disabled, you are not
196 required to have this application notarized or signed by an
197 official authorized to administer oaths for absentee balloting.
198 You are required to sign this application in the proper place and
199 have a person eighteen (18) years of age or older witness your
200 signature and sign this application in the proper place.

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



203 IN WITNESS WHEREOF I have hereunto set my hand and seal this
204 the ____ day of _____, 2____.

205 _____
206 (Signature of absent elector)

207 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
208 2____.

209 _____
210 (Official authorized to administer oaths
211 for absentee balloting.)

212 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
213 DISABLED:

214 I HEREBY CERTIFY that this application for an absent
215 elector's ballot was signed by the above-named disabled elector in
216 my presence and that I am at least eighteen (18) years of age,
217 this the ____ day of _____, 2____.

218 _____
219 (Signature of witness)

220 CERTIFICATE OF DELIVERY

221 I hereby certify that _____ (print name of voter)
222 has requested that I, _____ (print name of person
223 delivering application), deliver to the voter this absentee ballot
224 application.

225 _____
226 (Signature of person delivering application)

227 _____



228 (Address of person delivering application)"

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

231 23-15-637. Absentee ballots received by mail, except
232 presidential ballots as provided for in Sections 23-15-731 and
233 23-15-733 and except as otherwise provided by Section 23-15-699,
234 must be received by the registrar by 5:00 p.m. on the date
235 preceding the election; any received after * * * that time shall
236 be handled as provided in Section 23-15-647 and shall not be
237 counted. All ballots cast by the absent elector appearing in
238 person in the office of the registrar shall be cast not later
239 than * * * the * * * day immediately preceding * * * the first day
240 of the early voting period. The registrar shall deposit all
241 absentee ballots which have been timely cast in the ballot boxes
242 upon receipt.

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

245 23-15-641. (1) If an affidavit or the certificate of the
246 officer before whom the affidavit is taken is required and * * *
247 the affidavit or certificate is found to be insufficient, or if it
248 is found that the signatures do not correspond, or that the
249 applicant is not a duly qualified elector in the precinct, or
250 otherwise qualified to vote, or that the ballot envelope is open
251 or has been opened and resealed, or the voter is not eligible to
252 vote absentee or that the voter is present and has voted within



253 the precinct where he or she represents himself or herself to be a
254 qualified elector, or otherwise qualified to vote, on the date of
255 the election at such precinct or has voted early, the * * * vote
256 cast by absentee ballot shall not be allowed. Without opening the
257 voter's envelope the election commissioners * * *, designated
258 executive committee members or election managers, as appropriate,
259 shall mark across its face "REJECTED", with the reason * * * for
260 the rejection noted.

261 (2) If the ballot envelope contains more than one (1) ballot
262 of any kind, the ballot shall not be counted but shall be marked
263 "REJECTED", with the reason * * * for the rejection noted. The
264 voter's envelopes and affidavits, and the voter's envelope with
265 its contents unopened, when * * * the vote is rejected, shall be
266 retained and preserved in the same manner as other ballots at the
267 election. * * * The votes may be challenged in the same manner
268 and for the same reasons that any other vote cast in * * * the
269 election may be challenged.

270 (3) If an affidavit is required and the officials find that
271 the affidavit is insufficient, or if the officials find that the
272 absentee voter is otherwise disqualified to vote, the envelope
273 shall not be opened and a commissioner or executive committee
274 member shall write across the face of the envelope "REJECTED"
275 giving the reason * * * for the rejection, and the registrar shall
276 promptly notify the voter of * * * the rejection.



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

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

283 23-15-713. For the purpose of this subarticle, any duly
284 qualified elector may vote as provided in this subarticle if
285 he * * * or she falls within one (1) of the following categories:

286 (a) Any qualified elector who is a bona fide student,
287 teacher or administrator at any college, university, junior
288 college, high, junior high, or elementary grade school whose
289 studies or employment at * * * the institution necessitates his or
290 her absence from the county of his or her voting residence on
291 the * * * election day and all days upon which early voting may be
292 conducted, or the spouse and dependents of * * * the student,
293 teacher or administrator if * * * the spouse or dependent(s)
294 maintain a common domicile, outside of the county of his or her
295 voting residence, with * * * the student, teacher or
296 administrator.

297 (b) Any qualified elector who is required to be away
298 from his or her place of residence on any election day and all
299 days upon which early voting may be conducted due to his or her
300 employment as an employee of a member of the Mississippi
301 congressional delegation and the spouse and dependents of * * *



302 the person if he or she shall be residing with * * * the absentee
303 voter away from the county of the spouse's voting residence.

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

307 (d) Any person who has a temporary or permanent
308 physical disability and who, because of * * * that disability, is
309 unable to vote in person without substantial hardship to himself,
310 herself or others, or whose attendance at the voting place could
311 reasonably cause danger to himself, herself or others.

312 (e) The parent, spouse or dependent of a person with a
313 temporary or permanent physical disability who is hospitalized
314 outside of his or her county of residence or more than fifty (50)
315 miles distant from his or her residence, if the parent, spouse or
316 dependent will be with * * * that person on election day and all
317 days upon which early voting may be conducted.

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

320 (g) Any member of the Mississippi congressional
321 delegation absent from Mississippi on election day and all days
322 upon which early voting may be conducted, and the spouse and
323 dependents of * * * the member of the congressional delegation.

324 (h) Any qualified elector who will be unable to vote in
325 person because he or she is required to be at work on election day



326 and all days upon which early voting may be conducted during the
327 times at which the polls will be open.

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

330 23-15-715. Any elector desiring an absentee ballot as
331 provided in this subarticle may secure same if:

332 (a) Not more than forty-five (45) days nor later
333 than * * * the * * * day immediately preceding * * * the first day
334 of the early voting period, he or she appears in person before the
335 registrar of the county in which he or she resides, or for
336 municipal elections he or she appears in person before the city
337 clerk of the municipality in which he or she resides and, when the
338 elector so appears, he or she shall execute and file an
339 application as provided in Section 23-15-627 and vote by absentee
340 ballot, except that if the ballot has not been printed by
341 forty-five (45) days preceding the election, the elector may
342 appear and file an application anytime before the election. Then
343 the absentee ballot shall be mailed by the circuit clerk to the
344 elector as soon as the ballot has been printed.

345 (b) Within forty-five (45) days next * * * before any
346 election, any elector who cannot comply with paragraph (a) of this
347 section by reason of temporarily residing outside the county, or
348 any person who has a temporary or permanent physical disability,
349 persons who are sixty-five (65) years of age or older, or any
350 person who is the parent, spouse or dependent of a temporarily or



351 permanently physically disabled person who is hospitalized outside
352 of his or her county of residence or more than fifty (50) miles
353 away from his or her residence and * * * the parent, spouse or
354 dependent will be with * * * that person on election day and all
355 days upon which early voting may be conducted, may make
356 application for an absentee ballot by mailing the appropriate
357 application to the registrar. Only persons temporarily residing
358 out of the county of their residence, persons having a temporary
359 or permanent physical disability, persons who are sixty-five (65)
360 years of age or older, or any person who is the parent, spouse or
361 dependent of a temporarily or permanently physically disabled
362 person who is hospitalized outside of his or her county of
363 residence or more than fifty (50) miles away from his or her
364 residence, and * * * the parent, spouse or dependent will be
365 with * * * the person on election day and all days upon which
366 early voting may be conducted, may obtain absentee ballots by mail
367 under the provisions of this * * * paragraph and as provided by
368 Section 23-15-713. Applications of persons temporarily residing
369 outside the county shall be sworn to and subscribed before an
370 official who is authorized to administer oaths or other official
371 authorized to witness absentee balloting as provided in this
372 chapter, * * * the application to be accompanied by such verifying
373 affidavits as required by this chapter. The applications of
374 persons having a temporary or permanent physical disability shall
375 not be required to be accompanied by an affidavit but shall be



376 witnessed and signed by a person eighteen (18) years of age or
377 older. The registrar shall send to * * * the absent voter a
378 proper absentee voter ballot within twenty-four (24) hours, or as
379 soon thereafter as the ballots are available, containing the names
380 of all candidates who qualify or the proposition to be voted on
381 in * * * the election, and with * * * the ballot there shall be
382 sent an official envelope containing upon it in printed form the
383 recitals and data hereinafter required.

384 **SECTION 14.** This act shall take effect and be in force from
385 and after July 1, 2018.

