MISSISSIPPI LEGISLATURE

REGULAR SESSION 2019

By: Senator(s) Frazier

To: Elections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2026

AN ACT TO AUTHORIZE A QUALIFIED ELECTOR TO VOTE NOT MORE THAN 14 DAYS NOR LESS THAN TWO DAYS BEFORE THE DATE OF AN ELECTION; TO PROVIDE THAT EARLY VOTING MAY BE CONDUCTED IN THE REGISTRAR'S OFFICE; TO REQUIRE A PERSON WHO DESIRES TO VOTE EARLY TO APPEAR AT THE REGISTRAR'S OFFICE AND TO PROVIDE THAT AFTER SIGNING THE RECEIPT BOOK SUCH PERSON SHALL BE ENTITLED TO VOTE AT THE REGISTRAR'S OFFICE IN THE SAME MANNER AS HE WOULD AT HIS VOTING PRECINCT ON THE DAY OF THE ELECTION; TO PROVIDE THAT THE ELECTION LAWS THAT GOVERN PROCEDURES FOR A PERSON WHO APPEARS TO VOTE ON THE DAY OF ELECTION SHALL APPLY WHEN A PERSON APPEARS TO VOTE DURING THE EARLY VOTING PERIOD; TO PROVIDE THAT ALL VOTES CAST DURING THE EARLY VOTING PERIOD SHALL BE FINAL; TO PROVIDE THAT THE VOTES CAST DURING EARLY VOTING SHALL BE ANNOUNCED SIMULTANEOUSLY WITH THE VOTE CAST ON ELECTION DAY; TO PROVIDE THAT EACH CANDIDATE SHALL HAVE THE RIGHT TO BE PRESENT AT THE REGISTRAR'S OFFICE AND TO CHALLENGE THE QUALIFICATIONS OF ANY PERSON OFFERING TO VOTE IN THE SAME MANNER AS PROVIDED BY LAW AT THE POLLING PLACE ON THE DAY OF THE ELECTION; TO REQUIRE THE SECRETARY OF STATE TO PROMULGATE RULES AND REGULATIONS NECESSARY TO EFFECTUATE EARLY VOTING; TO AMEND SECTION 23-15-195, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO AMEND SECTION 23-15-627, MISSISSIPPI CODE OF 1972, TO REVISE THE CATEGORIES OF VOTERS WHO MAY CAST AN ABSENTEE BALLOT; TO AMEND SECTION 23-15-637, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ALL ABSENTEE BALLOTS MUST BE RECEIVED BY THE REGISTRAR BY A CERTAIN TIME ON THE DAY BEFORE THE ELECTION; AND FOR RELATED PURPOSES.

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

SECTION 1. Sections 1 through 5 of this act shall be known and may be cited as the "Early Voting Act."
SECTION 2. (1) The early voting period shall begin fourteen (14) days before the date of each election and end at 12:00 p.m. on the Saturday immediately before election day. Any qualified elector may vote in the registrar's office in the county in which the elector is registered to vote during the times established for early voting in this section.

(2) Early voting shall be conducted in the office of the registrar during weekdays from 8:00 a.m. until 5:00 p.m. During the last full week before an election, the office of the registrar may remain open for early voting on weekdays during the lunch hour and from 5:00 p.m. until 7:00 p.m.

SECTION 3. (1) An elector who desires to vote early shall appear at the office of the registrar in the county in which he is registered to vote and shall present an acceptable form of photo identification. After signing the appropriate receipt book, the elector shall cast his ballot in the same manner as he would at his voting precinct on the day of the election. Except as may be otherwise provided by Sections 2 through 5 of this act, the election laws that govern procedures for a person who appears to vote on the day of election shall apply when a person appears to vote during the early voting period.

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

(3) The votes cast during early voting shall be announced simultaneously with the vote cast on election day.
SECTION 4. Each candidate or his representatives shall have the right to be present at the office of the registrar when it is open for early voting and to challenge the qualifications of any person offering to vote in the same manner as provided by law at the polling place on election day.

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

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

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

SECTION 7. Section 23-15-627, Mississippi Code of 1972, is amended as follows:

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

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

I, ____, duly qualified and registered in the ___ Precinct
of the County of ____, and State of Mississippi, coming within
the purview of the definition 'ABSENT ELECTOR' will be * * *
unable to vote in person because (check appropriate reason):

( ) (PRESIDENTIAL APPLICANT ONLY:) I am currently a
resident of Mississippi or have moved therefrom within thirty (30)
days of the coming presidential election.

( ) I am an enlisted or commissioned member, male or female,
of any component of the United States Armed Forces and am a
citizen of Mississippi, or spouse or dependent of such member.

( ) I am a member of the Merchant Marine or the American Red
Cross and am a citizen of Mississippi or spouse or dependent of
such member.
( ) I am a disabled war veteran who is a patient in any hospital and am a citizen of Mississippi or spouse or dependent of such veteran.

( ) I am a civilian attached to and serving outside of the United States with any branch of the Armed Forces or with the Merchant Marine or American Red Cross, and am a citizen of Mississippi or spouse or dependent of such civilian.

( ) I am a citizen of Mississippi temporarily residing outside the territorial limits of the United States and the District of Columbia.

* * *

( ) I am a trained or certified emergency response provider who is deployed during the time period authorized by law for absentee voting, on election day, or during any state of emergency declared by the President of the United States or any Governor of any state within the United States, or spouse or dependent of such emergency response provider.

( ) I have a temporary or permanent physical disability.

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

( ) I am the parent, spouse or dependent of a person with a temporary or permanent physical disability who is hospitalized outside his county of residence or more than fifty (50) miles away from his residence, and I will be with such person on election day.
I am a member of the congressional delegation, or spouse or dependent of a member of the congressional delegation.

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

Mail 'Absent Elector's Ballot' to me at the following address _______________________________.

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

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

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

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

(Signature of absent elector)
SWORN TO AND SUBSCRIBED before me this the ___ day of ____, 2___.

________________________________________
(Official authorized to administer oaths
for absentee balloting.)

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

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

________________________________________
(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 8. Section 23-15-637, Mississippi Code of 1972, is
amended as follows:
23-15-637. Absentee ballots must be received by the registrar by 5:00 p.m. on the date preceding the election; any received after such time shall be handled as provided in Section 23-15-647 and shall not be counted. The registrar shall deposit all absentee ballots which have been timely cast in the ballot boxes upon receipt.

SECTION 9. This act shall take effect and be in force from and after July 1, 2019.