

By: Senator(s) Frazier

To: Elections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2026

1 AN ACT TO AUTHORIZE A QUALIFIED ELECTOR TO VOTE NOT MORE THAN
2 14 DAYS NOR LESS THAN TWO DAYS BEFORE THE DATE OF AN ELECTION; TO
3 PROVIDE THAT EARLY VOTING MAY BE CONDUCTED IN THE REGISTRAR'S
4 OFFICE; TO REQUIRE A PERSON WHO DESIRES TO VOTE EARLY TO APPEAR AT
5 THE REGISTRAR'S OFFICE AND TO PROVIDE THAT AFTER SIGNING THE
6 RECEIPT BOOK SUCH PERSON SHALL BE ENTITLED TO VOTE AT THE
7 REGISTRAR'S OFFICE IN THE SAME MANNER AS HE WOULD AT HIS VOTING
8 PRECINCT ON THE DAY OF THE ELECTION; TO PROVIDE THAT THE ELECTION
9 LAWS THAT GOVERN PROCEDURES FOR A PERSON WHO APPEARS TO VOTE ON
10 THE DAY OF ELECTION SHALL APPLY WHEN A PERSON APPEARS TO VOTE
11 DURING THE EARLY VOTING PERIOD; TO PROVIDE THAT ALL VOTES CAST
12 DURING THE EARLY VOTING PERIOD SHALL BE FINAL; TO PROVIDE THAT THE
13 VOTES CAST DURING EARLY VOTING SHALL BE ANNOUNCED SIMULTANEOUSLY
14 WITH THE VOTE CAST ON ELECTION DAY; TO PROVIDE THAT EACH CANDIDATE
15 SHALL HAVE THE RIGHT TO BE PRESENT AT THE REGISTRAR'S OFFICE AND
16 TO CHALLENGE THE QUALIFICATIONS OF ANY PERSON OFFERING TO VOTE IN
17 THE SAME MANNER AS PROVIDED BY LAW AT THE POLLING PLACE ON THE DAY
18 OF THE ELECTION; TO REQUIRE THE SECRETARY OF STATE TO PROMULGATE
19 RULES AND REGULATIONS NECESSARY TO EFFECTUATE EARLY VOTING; TO
20 AMEND SECTION 23-15-195, MISSISSIPPI CODE OF 1972, IN CONFORMITY
21 THERETO; TO AMEND SECTION 23-15-627, MISSISSIPPI CODE OF 1972, TO
22 REVISE THE CATEGORIES OF VOTERS WHO MAY CAST AN ABSENTEE BALLOT;
23 TO AMEND SECTION 23-15-637, MISSISSIPPI CODE OF 1972, TO PROVIDE
24 THAT ALL ABSENTEE BALLOTS MUST BE RECEIVED BY THE REGISTRAR BY A
25 CERTAIN TIME ON THE DAY BEFORE THE ELECTION; AND FOR RELATED
26 PURPOSES.

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

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



30 **SECTION 2.** (1) The early voting period shall begin fourteen
31 (14) days before the date of each election and end at 12:00 p.m.
32 on the Saturday immediately before election day. Any qualified
33 elector may vote in the registrar's office in the county in which
34 the elector is registered to vote during the times established for
35 early voting in this section.

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

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

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

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



55 **SECTION 4.** Each candidate or his representatives shall have
56 the right to be present at the office of the registrar when it is
57 open for early voting and to challenge the qualifications of any
58 person offering to vote in the same manner as provided by law at
59 the polling place on election day.

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

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

64 23-15-195. All elections by the people shall be by
65 ballot * * *.

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

68 23-15-627. The registrar shall be responsible for furnishing
69 an absentee ballot application form to any elector authorized to
70 receive an absentee ballot. Except as otherwise provided in
71 Section 23-15-625, absentee ballot applications shall be furnished
72 to a person only upon the oral or written request of the elector
73 who seeks to vote by absentee ballot; however, the parent, child,
74 spouse, sibling, legal guardian, those empowered with a power of
75 attorney for that elector's affairs or agent of the elector, who
76 is designated in writing and witnessed by a resident of this state
77 who shall write his or her physical address on such designation,
78 may orally request an absentee ballot application on behalf of the
79 elector. The written designation shall be valid for one (1) year



80 after the date of the designation. An absentee ballot application
81 must have the seal of the circuit or municipal clerk affixed to it
82 and be initialed by the registrar or his deputy in order to be
83 utilized to obtain an absentee ballot. A reproduction of an
84 absentee ballot application shall not be valid unless it is a
85 reproduction provided by the office of the registrar of the
86 jurisdiction in which the election is being held and which
87 contains the seal and initials required by this section. Such
88 application shall be substantially in the following form:

89 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

100 () I am a member of the Merchant Marine or the American Red
101 Cross and am a citizen of Mississippi or spouse or dependent of
102 such member.



103 () I am a disabled war veteran who is a patient in any
104 hospital and am a citizen of Mississippi or spouse or dependent of
105 such veteran.

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

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

113 * * *

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

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

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

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



127 () I am a member of the congressional delegation, or spouse
128 or dependent of a member of the congressional delegation.

129 * * *

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

132 Mail 'Absent Elector's Ballot' to me at the following address
133 _____ * * *.

134 I realize that I can be fined up to Five Thousand Dollars
135 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
136 for making a false statement in this application and for selling
137 my vote and violating the Mississippi Absentee Voter Law. (This
138 sentence is to be in bold print.)

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

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

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

149 _____
150 (Signature of absent elector)



151 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
152 2____.

153 _____
154 (Official authorized to administer oaths
155 for absentee balloting.)

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

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

162 _____
163 (Signature of witness)

164 CERTIFICATE OF DELIVERY

165 I hereby certify that _____ (print name of voter)
166 has requested that I, _____ (print name of person
167 delivering application), deliver to the voter this absentee ballot
168 application.

169 _____
170 (Signature of person delivering application)

171 _____
172 (Address of person delivering application)"

173 **SECTION 8.** Section 23-15-637, Mississippi Code of 1972, is
174 amended as follows:



175 23-15-637. Absentee ballots * * * must be received by the
176 registrar by 5:00 p.m. on the date preceding the election; any
177 received after such time shall be handled as provided in Section
178 23-15-647 and shall not be counted. * * * The registrar shall
179 deposit all absentee ballots which have been timely cast in the
180 ballot boxes upon receipt.

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

