

By: Senator(s) McDaniel

To: Elections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2296

1 AN ACT ENTITLED THE "FAIR ACCESS TO ELECTIONS ACT"; TO
2 PROVIDE THAT NO PUBLIC OFFICIAL OR ELECTION OFFICIAL SHALL
3 SOLICIT, TAKE OR OTHERWISE ACCEPT FROM ANY PERSON ANY
4 CONTRIBUTION, DONATION OR ANY THING ELSE OF VALUE FOR PURPOSES OF
5 CONDUCTING STATE OR LOCAL ELECTIONS IN THIS STATE AND TO CLARIFY
6 THAT ALL COSTS AND EXPENSES RELATING TO THE CONDUCT OF ELECTIONS
7 SHALL BE PAID WITH PUBLIC FUNDS; TO AMEND SECTION 23-15-633,
8 MISSISSIPPI CODE OF 1972, TO REQUIRE CERTAIN INFORMATION TO BE
9 INSERTED BY THE VOTER WHO IS VOTING BY ABSENTEE BALLOT; TO
10 PRESCRIBE CRIMINAL PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR
11 RELATED PURPOSES.

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

13 **SECTION 1.** As used in this act, "person" means any
14 individual, proprietorship, firm, partnership, joint venture,
15 syndicate, labor union, business trust, company, association,
16 committee, corporation, whether or not operated for profit, or any
17 other organization or group of persons acting in concert, or any
18 other nongovernmental third-party entity.

19 **SECTION 2.** (1) Notwithstanding any provision of law to the
20 contrary, no government official or election official shall
21 solicit, take or otherwise accept from any person, any
22 contribution, donation or anything else of value for purposes of



23 conducting state or local elections in this state. All costs and
24 expenses relating to conducting elections shall be paid for with
25 public funds.

26 (2) Nothing in this section shall be construed to bar any
27 state, county or municipal authority from applying for, accepting
28 or using any grant that may be payable from federal funds
29 available for the purpose of conducting state or local elections
30 in this state subject to the provisions of Title 23, Mississippi
31 Code of 1972.

32 **SECTION 3.** (1) Except as otherwise authorized by this act,
33 an officer or employee of this state or of a political subdivision
34 of this state may not distribute an absentee ballot to a person
35 who did not request a ballot under the provisions of Title 23,
36 Mississippi Code of 1972.

37 (2) An officer or employee of this state or of a political
38 subdivision of this state may not use public funds to facilitate
39 the distribution by another person of an absentee ballot to a
40 person who did not request a ballot under the provisions of Title
41 23, Mississippi Code of 1972.

42 (3) No person, except an officer or employee of this state
43 or a political subdivision of this state and as authorized by this
44 section, may distribute an application form for an absentee ballot
45 to any other person.

46 (4) Except as otherwise authorized by this act, an officer
47 or employee of this state or of a political subdivision of this



48 state may not distribute an application form for an absentee
49 ballot to a person who did not request an application under the
50 provisions of Title 23, Mississippi Code of 1972.

51 (5) No officer or employee of this state, or any subdivision
52 of the state, may establish ballot drop boxes or any similar
53 receptacle for the collection of ballots.

54 (6) An officer or employee of this state or of a political
55 subdivision of this state may not use public funds to facilitate
56 the distribution by another person of an application form for an
57 absentee ballot to a person who did not request an application
58 under the provisions of Title 23, Mississippi Code of 1972.

59 **SECTION 4.** Section 23-15-633, Mississippi Code of 1972, is
60 amended as follows:

61 23-15-633. (1) On any envelope where the elector's
62 signature and the signature of the attesting witness are required,
63 the signature lines and the signatures shall be across the flap of
64 the envelope to * * * ensure the integrity of the ballot and the
65 following shall be printed on the flap on the back of the envelope
66 in bold print and in a distinguishing color: **"YOUR VOTE WILL BE
67 REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE
68 FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

69 (2) The ballot envelope must include a space that is hidden
70 from view when the envelope is sealed for the voter to enter the
71 following information:



72 (a) The number of the voter's Mississippi driver's
73 license;

74 (b) The last four (4) digits of the voter's social
75 security number;

76 (c) A statement by the applicant that the applicant has
77 not been issued a number described by paragraph (a) or (b) of this
78 subsection; or

79 (d) A person may use the number of a driver's license
80 that has expired for purposes of paragraph (a) of this subsection
81 if the license is otherwise valid.

82 **SECTION 5.** Violation of the provisions of this act is a
83 felony punishable, upon conviction, to one (1) to ten (10) years
84 in the custody of the Department of Corrections and/or a maximum
85 fine of Five Thousand Dollars (\$5,000.00).

86 **SECTION 6.** It is the intent of the Legislature that every
87 provision of this section shall operate with equal force and shall
88 be severable one from the other and that, in the event that any
89 provision of this section shall be held invalid or unenforceable
90 by a court of competent jurisdiction, said provision shall be
91 deemed severable and the remaining provisions of this act deemed
92 fully enforceable.

93 **SECTION 7.** This act shall take effect and be in force from
94 and after July 1, 2022.

