

By: Senator(s) England

To: Elections

SENATE BILL NO. 2580

1 AN ACT TO CREATE THE IN-PERSON EARLY VOTING ACT; TO PROVIDE
 2 DEFINITIONS; TO PROVIDE THAT THE PREELECTION DAY VOTING PERIOD
 3 SHALL BEGIN 15 DAYS BEFORE THE ELECTION AND CONTINUE UNTIL NOON ON
 4 THE SATURDAY IMMEDIATELY PRECEDING THE ELECTION; TO PROVIDE THAT
 5 PREELECTION DAY VOTING SHALL BE FOR EACH PRIMARY, GENERAL, RUNOFF,
 6 SPECIAL AND MUNICIPAL ELECTION FOR PUBLIC OFFICE; TO PROVIDE THE
 7 HOURS FOR PREELECTION DAY VOTING IN THE REGISTRAR'S OFFICE DURING
 8 REGULAR BUSINESS HOURS; TO PROVIDE EXTENDED HOURS TO VOTE DURING
 9 THE LAST FULL WEEK PRECEDING AN ELECTION; TO PROVIDE THAT NOTICE
 10 OF PREELECTION DAY VOTING SHALL BE PROVIDED IN THREE PUBLIC PLACES
 11 EIGHT DAYS BEFORE THE VOTING BEGINS; TO PROVIDE THE PROCEDURES TO
 12 FOLLOW WHEN CASTING A BALLOT DURING THE PREELECTION DAY VOTING
 13 PERIOD; TO PROVIDE THE MANNER FOR CHALLENGING THE QUALIFICATIONS
 14 OF A VOTER DURING THE PREELECTION DAY VOTING PERIOD; TO PROHIBIT
 15 VOTING VIA BALLOT HARVESTING, BALLOT DROP BOXES OR WITH MAIL-IN OR
 16 ABSENTEE BALLOTS FOR A REASONS OR INSTANCES OTHER THAN WHAT IS
 17 ALLOWED BY THE MISSISSIPPI ELECTION CODE; TO AMEND SECTIONS
 18 23-15-625, 23-15-627, 23-15-631, 23-15-637, 23-15-713, 23-15-715
 19 AND 23-15-719, MISSISSIPPI CODE OF 1972, TO CONFORM; AND FOR
 20 RELATED PURPOSES.

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

22 **SECTION 1.** Sections 1 through 6 of this act shall be known
 23 and may be cited as the "In-Person Early Voting Act."

24 **SECTION 2.** For purposes of this act, these words will have
 25 the following meanings, unless their context clearly suggests
 26 otherwise:



27 (a) "Election" means the period of time that is
28 available for casting a final vote. References to the time of an
29 election or the duration of the election shall encompass, unless
30 the context clearly indicates otherwise, the fourteen-day period
31 that has been designed for in-person early voting.

32 (b) "Polling place" or "voting precinct" means any
33 place where a qualified elector votes during the in-person early
34 voting period and on the actual election day.

35 **SECTION 3.** (1) The in-person early voting period shall
36 begin fifteen (15) days before the date of each primary, general,
37 runoff, special and municipal election for public office and
38 continue until 12:00 p.m. on the Saturday immediately preceding
39 the election day. Any qualified elector may vote during the times
40 established for in-person early voting in this chapter only in the
41 office of the registrar in which the elector is registered to
42 vote. No other or additional location for in-person early voting
43 is permitted.

44 (2) In-person early voting shall be conducted in the office
45 of the appropriate registrar during regular business hours.
46 During the last full week preceding an election, the office of the
47 appropriate registrar may extend the office hours to accommodate
48 in-person early voters to allow voting during the lunch period and
49 until 7:00 p.m. All registrar offices shall remain open from 8:00
50 a.m. until 12:00 p.m. for the two (2) Saturdays immediately
51 preceding each election.



52 (3) Notice of the in-person early voting hours shall be
53 given by the officials in charge of the election not less than
54 eight (8) days before the in-person early voting period begins.
55 Such notice shall be posted in three (3) public places within the
56 county or municipality, with one (1) place being the county
57 courthouse in a county election or city hall in a municipal
58 election.

59 **SECTION 4.** (1) A qualified elector who desires to vote
60 during the in-person early voting period shall appear at the
61 office of the appropriate registrar in the county or municipality
62 in which the elector is a resident and registered to vote and
63 shall present an acceptable form of photo identification. Upon
64 verification of the proper location and identity, the elector
65 shall be marked in the Statewide Elections Management System as
66 "VOTED IPE," sign the appropriate receipt book and cast his or her
67 vote in the same manner that such vote would be cast on the day of
68 the election. Except as otherwise provided in Sections 1 through
69 5 of this act, the election laws that govern the procedures for a
70 person who appears to vote on the day of an election shall apply
71 when a person appears to vote during the in-person early voting
72 period.

73 (2) All votes cast during the in-person early voting period
74 shall be final.

75 (3) The votes cast during the in-person early voting period
76 shall be tabulated and announced simultaneously with all other



77 votes cast on election day after the polls close at 7:00 p.m., and
78 not before that time.

79 **SECTION 5.** Each political party, candidate or any
80 representative of a political party or candidate pursuant to
81 Section 23-15-577 shall have the right to be present at the office
82 of the appropriate registrar when it is open for in-person early
83 voting and to challenge the qualifications of any person offering
84 to vote in the same manner as provided by law for challenging
85 qualifications at the polling place on election day.

86 **SECTION 6.** (1) The Secretary of State shall promulgate
87 rules and regulations necessary to effectuate in-person early
88 voting.

89 (2) The Secretary of State shall promulgate specific
90 instructions for the security and integrity of the voting systems
91 during the in-person early voting period. All voting systems used
92 under this section shall be maintained and locked in a secure
93 location at the registrar's office or building each day after the
94 close of in-person early voting hours.

95 **SECTION 7.** (1) As used in this section, the following words
96 shall have the following meanings, unless the context clearly
97 provides otherwise:

98 (a) "Ballot harvesting" means a person who knowingly
99 collects and transmits a ballot belonging to another person
100 outside of the exceptions provided in Section 23-15-907.



101 (b) "Ballot drop boxes" means an unsupervised
102 receptacle where voters can return absentee or mail ballots in
103 sealed and signed envelopes. Ballot drop boxes shall also include
104 supervised drop-box locations that are not voting locations
105 authorized by state law.

106 (2) Voting via ballot harvesting, ballot drop boxes, or by
107 mail-in or absentee ballots other than for reasons or instances
108 allowed by the Mississippi Election Code, shall be prohibited.

109 **SECTION 8.** Section 23-15-625, Mississippi Code of 1972, is
110 amended as follows:

111 23-15-625. (1) The registrar shall be responsible for
112 providing applications for absentee voting as provided in this
113 section. At least sixty (60) days before any election in which
114 absentee voting is provided for by law, the registrar shall
115 provide a sufficient number of applications. In the event a
116 special election is called and set at a date which makes it
117 impractical or impossible to prepare applications for absent
118 elector's ballot sixty (60) days before the election, the
119 registrar shall provide applications as soon as practicable after
120 the election is called. The registrar shall fill in the date of
121 the particular election on the application for which the
122 application will be used.

123 (2) The registrar shall be authorized to disburse
124 applications for absentee ballots to any qualified elector within
125 the county where he or she serves. Any person who presents to the



126 registrar an oral or written request for an absentee ballot
127 application for a voter entitled to vote absentee by mail, other
128 than the elector who seeks to vote by absentee ballot, shall, in
129 the presence of the registrar, sign the application and print on
130 the application his or her name and address and the name of the
131 elector for whom the application is being requested in the place
132 provided for on the application for that purpose. However, if for
133 any reason such person is unable to write the information
134 required, then the registrar shall write the information on a
135 printed form which has been prescribed by the Secretary of State.
136 The form shall provide a place for such person to place his or her
137 mark after the form has been filled out by the registrar.

138 (3) It shall be unlawful for any person to solicit absentee
139 ballot applications or absentee ballots for persons staying in any
140 skilled nursing facility as defined in Section 41-7-173 unless the
141 person soliciting the absentee ballot applications or absentee
142 ballots is:

143 (a) A family member of the person staying in the
144 skilled nursing facility; or

145 (b) A person designated by the person for whom the
146 absentee ballot application or absentee ballot is sought, the
147 registrar or the deputy registrar.

148 As used in this subsection, "family member" means a spouse,
149 parent, grandparent, sibling, adult child, grandchild or legal
150 guardian.



151 (4) The registrar in the county wherein a voter is qualified
152 to vote upon receiving by mail the envelopes containing the
153 absentee ballots shall keep an accurate list of all persons
154 preparing such ballots. The list shall be kept in a conspicuous
155 place accessible to the public near the entrance to the
156 registrar's office. The registrar shall also furnish to
157 each * * * poll manager a list of the names of all persons in each
158 respective precinct voting absentee by mail and * * * during
159 in-person early voting to be posted in a conspicuous place at the
160 polling place for public notice. The application on file with the
161 registrar and the envelopes containing the ballots that voters
162 mailed to the registrar shall be kept by the registrar in his or
163 her office in a secure location. At the time such boxes are
164 delivered to the election commissioners or poll managers, the
165 registrar shall also turn over a list of all such persons who have
166 voted during in-person early voting and whose mailed ballots are
167 in the registrar's office.

168 (5) The registrar shall also be authorized to mail one (1)
169 application to any qualified elector of the county, who is
170 eligible to vote by absentee ballot, for use in a particular
171 election.

172 (6) The registrar shall process all applications for
173 absentee ballots by using the Statewide Election Management
174 System. The registrar shall account for all absentee ballots
175 delivered to and received by mail as well as those who voted



176 absentee in person from qualified voters by processing such
177 ballots using the Statewide Election Management System.

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

180 23-15-627. Any elector described in Section 23-15-713 may
181 request an absentee ballot application and vote in person at the
182 office of the registrar in the county in which he or she resides.
183 The registrar shall be responsible for furnishing an absentee
184 ballot application form to any elector authorized to receive an
185 absentee ballot. Except as otherwise provided in Section
186 23-15-625, absentee ballot applications shall be furnished to a
187 person only upon the oral or written request of the elector who
188 seeks to vote by absentee ballot; however, the parent, child,
189 spouse, sibling, legal guardian, those empowered with a power of
190 attorney for that elector's affairs or agent of the elector, who
191 is designated in writing and witnessed by a resident of this state
192 who shall write his or her physical address on such designation,
193 may orally request an absentee ballot application on behalf of the
194 elector. The written designation shall be valid for one (1) year
195 after the date of the designation. An absentee ballot application
196 must have the seal of the circuit or municipal clerk affixed to it
197 and be initialed by the registrar or his or her deputy in order to
198 be used to obtain an absentee ballot. A reproduction of an
199 absentee ballot application shall not be valid unless it is a
200 reproduction provided by the office of the registrar of the



201 jurisdiction in which the election is being held and which
202 contains the seal and initials required by this section. Such
203 application shall be substantially in the following form:

204 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

205 I, _____, duly qualified and registered in the ____ Precinct
206 of the County of _____, and State of Mississippi, coming within
207 the purview of the definition 'ABSENT ELECTOR' will be absent from
208 the county of my residence on election day, or unable to vote in
209 person because (check appropriate reason):

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

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

216 () I am a member of the Merchant Marine or the American Red
217 Cross and am a citizen of Mississippi or spouse or dependent of
218 such member.

219 () I am a disabled war veteran who is a patient in any
220 hospital and am a citizen of Mississippi or spouse or dependent of
221 such veteran.

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



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

229 * * *

230 () I * * * am a citizen of Mississippi temporarily residing
231 outside of the county of my residence during the in-person early
232 voting period or on election day.

233 () I am an emergency response provider, deployed due to a
234 state of emergency declared by the President of the United States
235 or the Governor of any state within the United States during the
236 time period provided by law for preelection day voting and
237 election day.

238 () I have a temporary or permanent physical
239 disability * * *.

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

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

246 () I am a member of the congressional delegation, or spouse
247 or dependent of a member of the congressional delegation.

248 * * *

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



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

252 _____.

253 () I wish to receive an absentee ballot for the runoff

254 election _____.

255 I realize that I can be fined up to Five Thousand Dollars
256 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
257 for making a false statement in this application and for selling
258 my vote and violating the Mississippi Absentee Voter Law. (This
259 sentence is to be in bold print.)

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

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

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

270 _____

271 (Signature of absent elector)

272 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
273 2____.

274 _____

275 (Official authorized to administer oaths



276 for absentee balloting.)

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

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

283 _____

284 (Signature of witness)

285 CERTIFICATE OF DELIVERY

286 I hereby certify that _____ (print name of voter)
287 has requested that I, _____ (print name of person
288 delivering application), deliver to the voter this absentee ballot
289 application.

290 _____

291 (Signature of person delivering application)

292 _____

293 (Address of person delivering application)"

294 **SECTION 10.** Section 23-15-631, Mississippi Code of 1972, is
295 amended as follows:

296 23-15-631. (1) The registrar shall enclose with each ballot
297 mailed to an absent elector separate printed instructions
298 furnished by the registrar containing the following:

299 * * *



300 (* * *a) Upon receipt of the enclosed ballot, you will
301 not mark the ballot except in view or sight of the attesting
302 witness. In the sight or view of the attesting witness, mark the
303 ballot according to instructions.

304 (* * *b) After marking the ballot, fill out and sign
305 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that
306 the signature is across the flap of the envelope to ensure the
307 integrity of the ballot. All absent electors shall have the
308 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
309 the flap on the back of the envelope. Place the necessary postage
310 on the envelope and deposit it in the post office or some
311 government receptacle provided for the deposit of mail so that the
312 absent elector's ballot will be * * * received by the registrar
313 not later than 7:00 p.m. on the day of the election. The ballot
314 may only be transmitted by the United States Postal Service or
315 other common carriers, including, but not limited to, the United
316 Parcel Service or FedEx Corporation..

317 Any notary public, United States postmaster, assistant United
318 States postmaster, United States postal supervisor, clerk in
319 charge of a contract postal station, or other officer having
320 authority to administer an oath or take an acknowledgment may be
321 an attesting witness; provided, however, that in the case of an
322 absent elector who is temporarily or permanently physically
323 disabled, the attesting witness may be any person eighteen (18)
324 years of age or older and such person is not required to have the



325 authority to administer an oath. If a postmaster, assistant
326 postmaster, postal supervisor, or clerk in charge of a contract
327 postal station acts as an attesting witness, his or her signature
328 on the elector's certificate must be authenticated by the
329 cancellation stamp of their respective post offices. If an
330 officer having authority to administer an oath or take an * * *
331 acknowledgment acts as an attesting witness, his or her signature
332 on the elector's certificate, together with his or her title and
333 address, but no seal, shall be required. Any affidavits made by
334 an absent elector who is in the Armed Forces may be executed
335 before a commissioned officer, warrant officer, or noncommissioned
336 officer not lower in grade than sergeant rating or any person
337 authorized to administer oaths.

338 (* * * c) When the application accompanies the ballot
339 it shall not be returned in the same envelope as the ballot but
340 shall be returned in a separate preaddressed envelope provided by
341 the registrar.

342 (* * * d) A candidate for public office, or the spouse,
343 parent or child of a candidate for public office, may not be an
344 attesting witness for any absentee ballot upon which the
345 candidate's name appears, unless the voter is related within the
346 first degree to the candidate or the spouse, parent or child of
347 the candidate.

348 (* * * e) Any voter casting an absentee ballot who
349 declares that he or she requires assistance to vote by reason of



350 blindness, temporary or permanent physical disability or inability
351 to read or write, shall be entitled to receive assistance in the
352 marking of his or her absentee ballot and in completing the
353 affidavit on the absentee ballot envelope. The voter may be given
354 assistance by anyone of the voter's choice other than a candidate
355 whose name appears on the absentee ballot being marked, the
356 spouse, parent or child of a candidate whose name appears on the
357 absentee ballot being marked or the voter's employer, an agent of
358 that employer or a union representative; however, a candidate
359 whose name is on the ballot or the spouse, parent or child of such
360 candidate may provide assistance upon request to any voter who is
361 related within the first degree. * * * To ensure the integrity of
362 the ballot, any person who provides assistance to an absentee
363 voter shall be required to sign and complete the "Certificate of
364 Person Providing Voter Assistance" on the absentee ballot
365 envelope.

366 (2) The foregoing instructions required to be provided by
367 the registrar to the elector shall also constitute the substantive
368 law pertaining to the handling of absentee ballots by the elector
369 and registrar.

370 (3) The Secretary of State shall prepare instructions on how
371 absent voters may comply with the identification requirements of
372 Section 23-15-563.

373 **SECTION 11.** Section 23-15-637, Mississippi Code of 1972, is
374 amended as follows:



375 23-15-637. (1) * * * Absentee ballots and applications
376 received by mail or common carrier, such as United Parcel Service
377 or FedEx Corporation, except for fax or electronically transmitted
378 ballots as otherwise provided by Section 23-15-699 for UOCAVA
379 ballots, must be * * * received by the registrar * * * by 7:00
380 p.m. the day of the election; any received after such time shall
381 be handled as provided in Section 23-15-647 and shall not be
382 counted.

383 * * *

384 (2) The registrar shall deposit all absentee ballots which
385 have been timely cast and received by mail in a secured and sealed
386 box in a designated location in the registrar's office upon
387 receipt. The registrar shall not send any absentee ballots to the
388 precinct polling locations.

389 (3) The Secretary of State shall promulgate rules and
390 regulations necessary to ensure that when a qualified elector who
391 is qualified to vote absentee votes by absentee ballot * * * by
392 mail * * * that person's absentee vote is final and he or she may
393 not vote at the polling place on election day. Notwithstanding
394 any other provisions of law to the contrary, the Secretary of
395 State shall promulgate rules and regulations necessary to ensure
396 that absentee ballots shall remain in the registrar's office for
397 counting and not be taken to the precincts on election day.

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



400 23-15-713. For the purpose of this subarticle, any duly
401 qualified elector may vote as provided in this subarticle if the
402 elector falls within at least one (1) of the following categories:

403 * * *

404 (* * *a) Any qualified elector who is required to be
405 away from his or her place of residence on any election day due to
406 his or her employment as an employee of a member of the
407 Mississippi congressional delegation and the spouse and dependents
408 of such person if he or she shall be residing with such absentee
409 voter away from the county of the spouse's voting residence.

410 * * *

411 (* * *b) Any person who has a temporary or permanent
412 physical disability and who, because of such disability, is unable
413 to vote in person without substantial hardship to himself, herself
414 or others, or whose attendance at the voting place could
415 reasonably cause danger to himself, herself or others. * * *

416 (* * *c) The parent, spouse or dependent of a person
417 with a temporary or permanent physical disability who is
418 hospitalized outside of his or her county of residence or more
419 than fifty (50) miles distant from his or her residence, if the
420 parent, spouse or dependent will be with such person on election
421 day. For purposes of this paragraph (e), "temporary physical
422 disability" shall include any qualified elector who is under a
423 physician-imposed quarantine due to COVID-19 during the year 2020
424 or is caring for a dependent who is under a physician-imposed



425 quarantine due to COVID-19 beginning with July 8, 2020, and the
426 same being repealed on December 31, 2020.

427 (* * *d) Any person who is sixty-five (65) years of
428 age or older.

429 (* * *e) Any member of the Mississippi congressional
430 delegation absent from Mississippi on election day, and the spouse
431 and dependents of such member of the congressional delegation.

432 (* * *f) Any qualified elector who * * * is
433 temporarily residing outside of their county of residence during
434 the in-person early voting period or on election day during the
435 times at which the polls will be open.

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

438 23-15-715. Any elector described in Section 23-15-713 and
439 desiring an absentee ballot as provided in this subarticle may
440 secure same if * * * within * * * forty-five (45) days * * *
441 before any election but not less than seven (7) days before the
442 election, such elector applies for an absentee ballot as provided
443 in the provisions of this act. All applications, other than those
444 of persons having a temporary or permanent physical disability,
445 shall * * * be sworn to and subscribed before an official who is
446 authorized to administer oaths or other official authorized to
447 witness absentee balloting as provided in this chapter. The
448 applications of persons having a temporary or permanent physical
449 disability are not required to be accompanied by an affidavit but



450 shall be witnessed and signed by a person eighteen (18) years of
451 age or older. The registrar shall send to such absent voter a
452 proper absentee voter ballot within twenty-four (24) hours, or as
453 soon thereafter as the ballots are available, containing the names
454 of all candidates who qualify or the proposition to be voted on in
455 such election, and with such ballot there shall be sent an
456 official envelope containing upon it in printed form the recitals
457 and data hereinafter required. * * * Except when the voter has
458 requested a runoff ballot on the initial absentee ballot
459 application, upon request for a runoff ballot pursuant to Section
460 23-15-719, the registrar shall mail together the absentee ballot
461 application and the absentee ballot to the absent voter for the
462 runoff election.

463 **SECTION 14.** Section 23-15-719, Mississippi Code of 1972, is
464 amended as follows:

465 23-15-719. * * * Except where the registrar has already
466 mailed a ballot with an application, upon receipt of a properly
467 completed application form by an elector qualified to vote
468 absentee as provided in this article, the registrar shall mail the
469 absent voter an absentee ballot within one (1) business day, or as
470 soon as the absentee ballot is prepared and available, containing
471 the names of all the candidates and propositions, if any, to be
472 voted on in the election. The registrar shall include with the
473 absentee ballot an official envelope that complies with the
474 provisions of this article, as well as information to comply with



475 Section 23-15-641(3) related to the status of the elector's
476 ballot. * * * The registrar shall not personally hand deliver
477 ballots to voters. After the applicant has properly marked the
478 ballot and properly folded it, he or she shall deposit it in the
479 envelope furnished to him or her by the registrar.

480 After the absentee voter has sealed the envelope, he or she
481 shall subscribe and swear to an affidavit and mail the ballot to
482 the address provided on the absentee ballot official
483 envelope. * * * Ballots requested under Section 23-15-713(f)
484 shall be mailed to the voter's address outside of the county in
485 which he or she is registered.

486 * * *

487 **SECTION 15.** This act shall take effect and be in force from
488 and after July 1, 2024.

