

By: Senator(s) Horhn

To: Elections

SENATE BILL NO. 2584

1 AN ACT TO AUTHORIZE A QUALIFIED ELECTOR TO VOTE EARLY NOT  
2 MORE THAN 21 DAYS NOR LESS THAN FIVE 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 SUCH 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 VOTES CAST ON ELECTION DAY; TO PROVIDE  
17 THAT 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 23-15-353 AND 23-15-653, MISSISSIPPI CODE OF 1972, TO CONFORM; TO  
24 AMEND SECTIONS 23-15-627, 23-15-637, 23-15-641, 23-15-713 AND  
25 23-15-715, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT VOTERS MAY  
26 NOT CAST ABSENTEE BALLOTS AT THE OFFICE OF THE REGISTRAR DURING  
27 THE EARLY VOTING PERIOD; AND FOR RELATED PURPOSES.

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

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



31           SECTION 2. (1) A qualified elector may vote early not more  
32 than twenty-one (21) days nor less than five (5) days before the  
33 date of an election in the office of the registrar or at a  
34 location designated by the registrar of the county in which such  
35 elector is registered to vote during the times established for  
36 early voting in this section.

37           (2) If only one (1) person has qualified for each office on  
38 the ballot, early voting shall not be conducted.

39           (3) Early voting shall be conducted at the office of the  
40 registrar during the following times:

41           (a) Weekdays from 8:00 a.m. until 5:00 p.m., except  
42 that the office of the registrar shall remain open until 7:00 p.m.  
43 the last two (2) days of the early voting period; and

44           (b) One (1) Saturday during the early voting period  
45 from 8:00 a.m. until 4:00 p.m.

46           (4) Notice of the early voting hours shall be given by the  
47 commissioners of election not less than twenty-five (25) days  
48 before the day of election by publication in a newspaper of  
49 general circulation in the county. If a state holiday occurs on  
50 any day in which early voting is allowed, the commissioners of  
51 election may authorize the closing of the office of the registrar  
52 or the designated location on such holiday by including a notice  
53 of such closure in the notice published pursuant to this  
54 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 23-15-353, Mississippi Code of 1972, is  
82 amended as follows:

83 23-15-353. (1) The officer charged with printing and  
84 distributing the official ballot shall ascertain from the  
85 registrar, at least ten (10) days before the day of election, the  
86 number of registered voters in each voting precinct; and he or she  
87 shall have printed and distributed a sufficient number of ballots  
88 for use in each precinct.

89 (2) The officer charged with printing and distributing the  
90 official ballot shall ascertain from the registrar, at least ten  
91 (10) days before the beginning of early voting, the number of  
92 ballots that the registrar desires for early voting.

93 **SECTION 8.** Section 23-15-653, Mississippi Code of 1972, is  
94 amended as follows:

95 23-15-653. Except as otherwise provided in Section 2 of this  
96 act, all registrars' offices shall remain open until noon on the  
97 two (2) Saturdays prior to each election.

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

100 23-15-627. Any elector described in Section 23-15-713 may  
101 request an absentee ballot application and vote in person at the  
102 office of the registrar in the county in which he or she resides.  
103 The registrar shall be responsible for furnishing an absentee



104 ballot application form to any elector authorized to receive an  
105 absentee ballot. Except as otherwise provided in Section  
106 23-15-625, absentee ballot applications shall be furnished to a  
107 person only upon the oral or written request of the elector who  
108 seeks to vote by absentee ballot; however, the parent, child,  
109 spouse, sibling, legal guardian, those empowered with a power of  
110 attorney for that elector's affairs or agent of the elector, who  
111 is designated in writing and witnessed by a resident of this state  
112 who shall write his or her physical address on such designation,  
113 may orally request an absentee ballot application on behalf of the  
114 elector. The written designation shall be valid for one (1) year  
115 after the date of the designation. An absentee ballot application  
116 must have the seal of the circuit or municipal clerk affixed to it  
117 and be initialed by the registrar or his or her deputy in order to  
118 be used to obtain an absentee ballot. A reproduction of an  
119 absentee ballot application shall not be valid unless it is a  
120 reproduction provided by the office of the registrar of the  
121 jurisdiction in which the election is being held and which  
122 contains the seal and initials required by this section. Such  
123 application shall be substantially in the following form:

124 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

125 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
126 of the County of \_\_\_\_\_, and State of Mississippi, coming within  
127 the purview of the definition 'ABSENT ELECTOR' will be absent from  
128 the county of my residence on election day and all days upon which



129 early voting may be conducted, or unable to vote in person because  
130 (check appropriate reason):

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

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.

137 ( ) I am a member of the Merchant Marine or the American Red  
138 Cross and am a citizen of Mississippi or spouse or dependent of  
139 such member.

140 ( ) I am a disabled war veteran who is a patient in any  
141 hospital and am a citizen of Mississippi or spouse or dependent of  
142 such veteran.

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

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

150 ( ) I am a student, teacher or administrator at a college,  
151 university, junior or community college, high, junior high,  
152 elementary or grade school, whose studies or employment at such  
153 institution necessitates my absence from the county of my voting



154 residence or spouse or dependent of such student, teacher or  
155 administrator who maintains a common domicile outside the county  
156 of my voting residence with such student, teacher or  
157 administrator.

158 ( ) I will be outside the county on election day.

159 ( ) I have a temporary or permanent physical disability,  
160 which may include, but is not limited to, a physician-imposed  
161 quarantine due to COVID-19 during the year 2020. Or, I am caring  
162 for a dependent that is under a physician-imposed quarantine due  
163 to COVID-19 beginning with July 8, 2020, and the same being  
164 repealed on December 31, 2020.

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

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

171 ( ) I am a member of the congressional delegation, or spouse  
172 or dependent of a member of the congressional delegation.

173 ( ) I am required to be at work on election day during the  
174 times which the polls will be open.

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

177 Mail 'Absent Elector's Ballot' to me at the following address  
178 \_\_\_\_\_.



179 ( ) I wish to receive an absentee ballot for the runoff  
180 election \_\_\_\_\_.

181 I realize that I can be fined up to Five Thousand Dollars  
182 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary  
183 for making a false statement in this application and for selling  
184 my vote and violating the Mississippi Absentee Voter Law. (This  
185 sentence is to be in bold print.)

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

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

194 IN WITNESS WHEREOF, I have hereunto set my hand and seal this  
195 the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

196 \_\_\_\_\_

197 (Signature of absent elector)

198 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
199 2\_\_\_\_.

200 \_\_\_\_\_

201 (Official authorized to administer oaths  
202 for absentee balloting.)





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

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

209 \_\_\_\_\_

210 (Signature of witness)

211 CERTIFICATE OF DELIVERY

212 I hereby certify that \_\_\_\_\_ (print name of voter)  
213 has requested that I, \_\_\_\_\_ (print name of person  
214 delivering application), deliver to the voter this absentee ballot  
215 application.

216 \_\_\_\_\_

217 (Signature of person delivering application)

218 \_\_\_\_\_

219 (Address of person delivering application)"

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

222 23-15-637. (1) (a) Absentee ballots and applications  
223 received by mail, except for fax or electronically transmitted  
224 ballots as otherwise provided by Section 23-15-699 for UOCAVA  
225 ballots, must be postmarked on or before the date of the election  
226 and received by the registrar no more than five (5) business days



227 after the election; any received after such time shall be handled  
228 as provided in Section 23-15-647 and shall not be counted.

229 (b) All ballots cast by the absent elector appearing in  
230 person in the office of the registrar shall be cast with an  
231 absentee paper ballot and deposited into a sealed ballot box by  
232 the voter, not later than 12:00 noon \* \* \* on the day immediately  
233 preceding \* \* \* the first day of the early voting period. At the  
234 close of business each day at the office of the registrar, the  
235 ballot box used shall be sealed and not unsealed until the  
236 beginning of the next business day, and the seal number shall be  
237 recorded with the number of ballots cast which shall be stored in  
238 a secure location in the registrar's office.

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

244 (3) The Secretary of State shall promulgate rules and  
245 regulations necessary to ensure that when a qualified elector who  
246 is qualified to vote absentee votes by absentee ballot, either by  
247 mail or in person with a regular paper ballot, that person's  
248 absentee vote is final and he or she may not vote at the polling  
249 place on election day. Notwithstanding any other provisions of  
250 law to the contrary, the Secretary of State shall promulgate rules  
251 and regulations necessary to ensure that absentee ballots shall



252 remain in the registrar's office for counting and not be taken to  
253 the precincts on election day.

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

256         23-15-641. (1) For all absentee votes received by mail, if  
257 an affidavit or the certificate of the officer before whom the  
258 affidavit is taken is required and such affidavit or certificate  
259 is found to be insufficient, or if it is found that the signatures  
260 do not correspond, or that the applicant is not a duly qualified  
261 elector in the precinct, or otherwise qualified to vote, or that  
262 the ballot envelope is open or has been opened and resealed, or  
263 the voter is not eligible to vote absentee or has voted early,  
264 the \* \* \* vote cast by absentee ballot shall not be allowed.  
265 Without opening the voter's envelope the resolution board shall  
266 mark across its face "REJECTED", with the reason therefor.

267         (2) For all absentee votes received by mail, if the ballot  
268 envelope contains more than one (1) ballot of any kind, the ballot  
269 shall not be counted but shall be marked "REJECTED", with the  
270 reason therefor, and the registrar shall promptly notify the voter  
271 of such rejection. The voter's envelopes and affidavits, and the  
272 voter's envelope with its contents unopened, when such vote is  
273 rejected, shall be retained and preserved in the same manner as  
274 other ballots at the election. Such votes may be challenged in  
275 the same manner and for the same reasons that any other vote cast  
276 in such election may be challenged.



277 (3) If an affidavit is required and the officials find that  
278 the affidavit is insufficient, or if the officials find that the  
279 absentee voter is otherwise disqualified to vote, the envelope  
280 shall not be opened and a commissioner or executive committee  
281 member shall write across the face of the envelope "REJECTED"  
282 giving the reason therefor, and the registrar shall promptly  
283 notify the voter of such rejection.

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

288 (5) All electors voting absentee shall be provided with  
289 written information to inform the person how to ascertain whether  
290 his or her ballot was counted and, if rejected, the reason  
291 therefor.

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

294 23-15-713. For the purpose of this subarticle, any duly  
295 qualified elector may vote as provided in this subarticle if the  
296 elector falls within at least one (1) of the following categories:

297 (a) Any qualified elector who is a bona fide student,  
298 teacher or administrator at any college, university, junior  
299 college, high, junior high, or elementary grade school whose  
300 studies or employment at such institution necessitates his or her  
301 absence from the county of his or her voting residence on



302 the \* \* \* election day and all days upon which early voting may be  
303 conducted, or the spouse and dependents of that student, teacher  
304 or administrator if such spouse or dependent(s) maintain a common  
305 domicile, outside of the county of his or her voting residence,  
306 with \* \* \* the student, teacher or administrator.

307 (b) Any qualified elector who is required to be away  
308 from his or her place of residence on any election day and all  
309 days upon which early voting may be conducted due to his or her  
310 employment as an employee of a member of the Mississippi  
311 congressional delegation and the spouse and dependents of \* \* \*  
312 the person if he or she shall be residing with such absentee voter  
313 away from the county of the spouse's voting residence.

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

317 (d) Any person who has a temporary or permanent  
318 physical disability and who, because of such disability, is unable  
319 to vote in person without substantial hardship to himself, herself  
320 or others, or whose attendance at the voting place could  
321 reasonably cause danger to himself, herself or others. For  
322 purposes of this paragraph (d), "temporary physical disability"  
323 shall include any qualified elector who is under a  
324 physician-imposed quarantine due to COVID-19 during the year 2020  
325 or is caring for a dependent who is under a physician-imposed



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

328 (e) The parent, spouse or dependent of a person with a  
329 temporary or permanent physical disability who is hospitalized  
330 outside of his or her county of residence or more than fifty (50)  
331 miles distant from his or her residence, if the parent, spouse or  
332 dependent will be with such person on election day and all days  
333 upon which early voting may be conducted. For purposes of this  
334 paragraph (e), "temporary physical disability" shall include any  
335 qualified elector who is under a physician-imposed quarantine due  
336 to COVID-19 during the year 2020 or is caring for a dependent who  
337 is under a physician-imposed quarantine due to COVID-19 beginning  
338 with July 8, 2020, and the same being repealed on December 31,  
339 2020.

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

342 (g) Any member of the Mississippi congressional  
343 delegation absent from Mississippi on election day and all days  
344 upon which early voting may be conducted, and the spouse and  
345 dependents of \* \* \* the member of the congressional delegation.

346 (h) Any qualified elector who will be unable to vote in  
347 person because he or she is required to be at work on election day  
348 and all days upon which early voting may be conducted during the  
349 times at which the polls will be open.



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

352           23-15-715. Any elector desiring an absentee ballot as  
353 provided in this subarticle may secure same if:

354           (a) Not more than forty-five (45) days nor later  
355 than \* \* \* the \* \* \* day immediately preceding \* \* \* the first day  
356 of the early voting period, he or she shall appear in person  
357 before the registrar of the county in which he or she resides, or  
358 for municipal elections he shall appear in person before the city  
359 clerk of the municipality in which he or she resides and, when the  
360 elector so appears, he or she shall execute and file an  
361 application as provided in Section 23-15-627 and vote by absentee  
362 ballot, except that if the ballot has not been printed by  
363 forty-five (45) days preceding the election, the elector may  
364 appear and file an application anytime before the election. Then  
365 the absentee ballot shall be mailed by the circuit clerk to the  
366 elector as soon as the ballot has been printed.

367           (b) Within forty-five (45) days next prior to any  
368 election, any elector who cannot comply with paragraph (a) of this  
369 section by reason of temporarily residing outside the county, or  
370 any person who has a temporary or permanent physical disability,  
371 persons who are sixty-five (65) years of age or older, or any  
372 person who is the parent, spouse or dependent of a temporarily or  
373 permanently physically disabled person who is hospitalized outside  
374 of his or her county of residence or more than fifty (50) miles



375 away from his or her residence and such parent, spouse or  
376 dependent will be with such person on election day and all days  
377 upon which early voting may be conducted, may make application for  
378 an absentee ballot by mailing the appropriate application to the  
379 registrar. Only persons temporarily residing out of the county of  
380 their residence, persons having a temporary or permanent physical  
381 disability, persons who are sixty-five (65) years of age or older,  
382 or any person who is the parent, spouse or dependent of a  
383 temporarily or permanently physically disabled person who is  
384 hospitalized outside of his or her county of residence or more  
385 than fifty (50) miles away from his or her residence, and such  
386 parent, spouse or dependent will be with such person on election  
387 day and all days upon which early voting may be conducted, may  
388 obtain absentee ballots by mail under the provisions of this \* \* \*  
389 paragraph and as provided by Section 23-15-713. Applications of  
390 persons temporarily residing outside the county shall be sworn to  
391 and subscribed before an official who is authorized to administer  
392 oaths or other official authorized to witness absentee balloting  
393 as provided in this chapter, said application to be accompanied by  
394 such verifying affidavits as required by this chapter. The  
395 applications of persons having a temporary or permanent physical  
396 disability shall not be required to be accompanied by an affidavit  
397 but shall be witnessed and signed by a person eighteen (18) years  
398 of age or older. The registrar shall send to such absent voter a  
399 proper absentee voter ballot within twenty-four (24) hours, or as





400 soon thereafter as the ballots are available, containing the names  
401 of all candidates who qualify or the proposition to be voted on in  
402 such election, and with such ballot there shall be sent an  
403 official envelope containing upon it in printed form the recitals  
404 and data hereinafter required.

405 (c) Except when the voter has requested a runoff ballot  
406 on the initial absentee ballot application, upon request for a  
407 runoff ballot pursuant to Section 23-15-719, the registrar shall  
408 mail together the absentee ballot application and the absentee  
409 ballot to the absent voter for the runoff election.

410 **SECTION 14.** This act shall take effect and be in force from  
411 and after July 1, 2024.

