

By: Senator(s) Horhn

To: Elections

SENATE BILL NO. 2629

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, 23-15-713 AND 23-15-715,
25 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT VOTERS MAY NOT CAST
26 ABSENTEE BALLOTS AT THE OFFICE OF THE REGISTRAR DURING THE EARLY
27 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."



SECTION 2.

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

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

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

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

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

(4) Notice of the early voting hours shall be given by the commissioners of election not less than twenty-five (25) days before the day of election by publication in a newspaper of general circulation in the county. If a state holiday occurs on any day in which early voting is allowed, the commissioners of election may authorize the closing of the office of the registrar or the designated location on such holiday by including a notice of such closure in the notice published pursuant to this subsection.



SECTION 3.

(1) A person who desires to vote early shall appear at the office of the registrar or the location authorized by the registrar for early voting. After signing the appropriate receipt book, the elector shall vote at the location in the same manner as he or she would at his or her voting precinct on the day of the election. Except as may be otherwise provided by Sections 1 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 or her representatives shall have the right to be present at the office of the registrar or designated location 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 23-15-353, Mississippi Code of 1972, is
amended as follows:

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

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

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

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

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

23-15-627. (1) Any elector described in Section 23-15-713
may request an absentee ballot application and vote in person at
the office of the registrar in the county in which he or she
resides. The registrar shall be responsible for furnishing an



absentee ballot application form to any elector authorized to receive an absentee ballot. Such form shall be printed on the absentee ballot envelope as provided in Section 23-15-659. 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 or her deputy in order to be used 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.

(2) Such application shall be substantially in the following form for applications mailed to absentee electors:

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT



128 I, _____, duly qualified and registered in the ____ Precinct
129 of the County of _____, and State of Mississippi, coming within
130 the purview of the definition 'ABSENT ELECTOR' will be absent from
131 the county of my residence on election day, and all days upon
132 which early voting may be conducted, or unable to vote in person
133 because (check appropriate reason):

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

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

140 () I am a member of the Merchant Marine or the American Red
141 Cross and am a citizen of Mississippi or spouse or dependent of
142 such member.

143 () I am a disabled war veteran who is a patient in any
144 hospital and am a citizen of Mississippi or spouse or dependent of
145 such veteran.

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

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



153 () I am a student, teacher or administrator at a college,
154 university, junior or community college, high, junior high,
155 elementary or grade school, whose studies or employment at such
156 institution necessitates my absence from the county of my voting
157 residence or spouse or dependent of such student, teacher or
158 administrator who maintains a common domicile outside the county
159 of my voting residence with such student, teacher or
160 administrator.

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

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

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

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

169 () I am a member of the congressional delegation, or spouse
170 or dependent of a member of the congressional delegation.

171 () I am required to be at work on election day during the
172 times when the polls will be open or I am required to be on-call
173 on election day during the times when the polls will be open.

174 () I am incarcerated in prison or jail in the county where
175 I am registered to vote and have not been convicted of a
176 disenfranchising crime.



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

179 Mail 'Absent Elector's Ballot' to me at the following address
180 _____.

181 () I wish to receive an absentee ballot for the runoff
182 election _____.

183 Notify me of a problem with my 'Absent Elector's Ballot' at
184 the following:

185 Phone number: _____

186 Email address: _____

187 Mailing address: _____

188 I realize that I can be fined up to Five Thousand Dollars
189 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
190 for making a false statement in this application and for selling
191 my vote and violating the Mississippi Absentee Voter Law. (This
192 sentence is to be in bold print.)

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

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



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

203 _____
204 (Signature of absent elector)

205 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
206 2____.

207 _____
208 (Official authorized to administer oaths
209 for absentee balloting.)

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

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

216 _____
217 (Signature of witness)

218 CERTIFICATE OF DELIVERY

219 I hereby certify that _____ (print name of voter)
220 has requested that I, _____ (print name of person
221 delivering application), deliver to the voter this absentee ballot
222 application.

223 _____
224 (Signature of person delivering application)

225 _____



226 (Address of person delivering application)"

227 (3) The application printed on the front of the absentee

228 ballot envelope for absentee voters appearing before the registrar

229 shall be substantially in the following form:

230 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

231 I, _____, duly qualified and registered in the ____ Precinct

232 of the County of _____, and State of Mississippi, coming within

233 the purview of the definition 'ABSENT ELECTOR' will be absent from

234 the county of my residence on election day, or unable to vote in

235 person because (check appropriate reason):

236 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a

237 resident of Mississippi or have moved therefrom within thirty (30)

238 days of the coming presidential election.

239 () I am an enlisted or commissioned member, male or female,

240 of any component of the United States Armed Forces and am a

241 citizen of Mississippi, or spouse or dependent of such member.

242 () I am a member of the Merchant Marine or the American Red

243 Cross and am a citizen of Mississippi or spouse or dependent of

244 such member.

245 () I am a disabled war veteran who is a patient in any

246 hospital and am a citizen of Mississippi or spouse or dependent of

247 such veteran.

248 () I am a civilian attached to and serving outside of the

249 United States with any branch of the Armed Forces or with the



250 Merchant Marine or American Red Cross, and am a citizen of
251 Mississippi or spouse or dependent of such civilian.

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

255 () I am a student, teacher or administrator at a college,
256 university, junior or community college, high, junior high,
257 elementary or grade school, whose studies or employment at such
258 institution necessitates my absence from the county of my voting
259 residence or spouse or dependent of such student, teacher or
260 administrator who maintains a common domicile outside the county
261 of my voting residence with such student, teacher or
262 administrator.

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

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

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

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

271 () I am a member of the congressional delegation, or spouse
272 or dependent of a member of the congressional delegation.



273 () I am required to be at work on election day during the
274 times when the polls will be open or I am required to be on-call
275 on election day during the times when the polls will be open.

276 () I am incarcerated in prison or jail in the county where
277 I am registered to vote and have not been convicted of a
278 disenfranchising crime.

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

281 Notify me of a problem with my 'Absent Elector's Ballot' at
282 the following:

283 Phone number: _____

284 Email address: _____

285 Mailing address: _____

286 I realize that I can be fined up to Five Thousand Dollars
287 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
288 for making a false statement in this application and for selling
289 my vote and violating the Mississippi Absentee Voter Law. (This
290 sentence is to be in bold print.)"

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

293 23-15-637. (1) (a) Absentee ballots and applications
294 received by mail, except for fax or electronically transmitted
295 ballots as otherwise provided by Section 23-15-699 for UOCAVA
296 ballots, or common carrier, such as United Parcel Service or FedEx
297 Corporation, must be postmarked on or before the date of the



election and received by the registrar no more than five (5) business days after the election; any received after such time shall be handled as provided in Section 23-15-647 and shall not be counted.

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

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

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



law to the contrary, the Secretary of State shall promulgate rules and regulations necessary to ensure that absentee ballots shall remain in the registrar's office for counting and not be taken to the precincts on election day.

SECTION 11. Section 23-15-713, Mississippi Code of 1972, is amended as follows:

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

(a) Any qualified elector who is a bona fide student, teacher or administrator at any college, university, junior college, high, junior high, or elementary grade school whose studies or employment at such institution necessitates his or her absence from the county of his or her voting residence on the * * * election day and all days upon which early voting may be conducted, or the spouse and dependents of that student, teacher or administrator if such spouse or dependent(s) maintain a common domicile, outside of the county of his or her voting residence, with * * * the student, teacher or administrator.

(b) Any qualified elector who is required to be away from his or her place of residence on any election day and all days upon which early voting may be conducted due to his or her employment as an employee of a member of the Mississippi congressional delegation and the spouse and dependents of * * *



348 the person if he or she shall be residing with such absentee voter
349 away from the county of the spouse's voting residence.

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

353 (d) Any person who has a temporary or permanent
354 physical disability and who, because of such disability, is unable
355 to vote in person without substantial hardship to himself, herself
356 or others, or whose attendance at the voting place could
357 reasonably cause danger to himself, herself or others.

358 (e) The parent, spouse or dependent of a person with a
359 temporary or permanent physical disability who is hospitalized
360 outside of his or her county of residence or more than fifty (50)
361 miles distant from his or her residence, if the parent, spouse or
362 dependent will be with such person on election day and all days
363 upon which early voting may be conducted.

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

366 (g) Any member of the Mississippi congressional
367 delegation absent from Mississippi on election day and all days
368 upon which early voting may be conducted, and the spouse and
369 dependents of * * * the member of the congressional delegation.

370 (h) Any qualified elector who will be unable to vote in
371 person because he or she is required to be at work on election day
372 and all days upon which early voting may be conducted during the



times when the polls will be open or any qualified elector who will be required to be on-call on election day during the times when the polls will be open.

(i) Any qualified elector who is incarcerated in prison or jail in the county where he or she is registered to vote and has not been convicted of a disenfranchising crime.

SECTION 12. Section 23-15-715, Mississippi Code of 1972, is amended as follows:

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

(a) Not more than forty-five (45) days nor later than * * * the * * * day immediately preceding * * * the first day of the early voting period, he or she shall appear in person before the registrar of the county in which he or she resides, or for municipal elections he or she shall appear in person before the city clerk of the municipality in which he or she resides and, when the elector so appears, he or she shall execute and file an application as provided in Section 23-15-627 and vote by absentee ballot. If the absentee ballot has not been printed by forty-five (45) days preceding the election, the elector may appear and file an application anytime before the election. Then the absentee ballot shall be mailed by the registrar to the elector as soon as the ballot has been printed.

(b) Within forty-five (45) days next prior to any election, any elector who cannot comply with paragraph (a) of this



398 section by reason of temporarily residing outside the county, or
399 any person who has a temporary or permanent physical disability,
400 persons who are sixty-five (65) years of age or older, any person
401 who is incarcerated in prison or jail in the county where the
402 person is registered to vote and has not been convicted of a
403 disenfranchising crime, or any person who is the parent, spouse or
404 dependent of a temporarily or permanently physically disabled
405 person who is hospitalized outside of his or her county of
406 residence or more than fifty (50) miles away from his or her
407 residence and such parent, spouse or dependent will be with such
408 person on election day and all days upon which early voting may be
409 conducted, may make application for an absentee ballot by mailing
410 the appropriate application to the registrar. Only persons
411 temporarily residing out of the county of their residence, persons
412 having a temporary or permanent physical disability, persons who
413 are sixty-five (65) years of age or older, any person who is
414 incarcerated in prison or jail in the county where the person is
415 registered to vote and has not been convicted of a
416 disenfranchising crime, or any person who is the parent, spouse or
417 dependent of a temporarily or permanently physically disabled
418 person who is hospitalized outside of his or her county of
419 residence or more than fifty (50) miles away from his or her
420 residence, and such parent, spouse or dependent will be with such
421 person on election day and all days upon which early voting may be
422 conducted, may obtain absentee ballots by mail under the



provisions of this * * * paragraph and as provided by Section 23-15-713. Applications of persons temporarily residing outside the county shall be sworn to and subscribed before an official who is authorized to administer oaths or other official authorized to witness absentee balloting as provided in this chapter, said application to be accompanied by such verifying affidavits as required by this chapter. The applications of persons having a temporary or permanent physical disability shall not be required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. The registrar shall send to such absent voter a proper absentee voter ballot within twenty-four (24) hours, or as soon thereafter as the ballots are available, containing the names of all candidates who qualify or the proposition to be voted on in such election, and with such ballot there shall be sent an official envelope containing upon it in printed form the recitals and data hereinafter required.

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

SECTION 13. This act shall take effect and be in force from and after July 1, 2025.

