

By: Representatives Moss, Cummings

To: Apportionment and  
Elections

## HOUSE BILL NO. 534

1 AN ACT TO CREATE THE "EARLY VOTING ACT"; TO PROVIDE THAT A  
2 QUALIFIED ELECTOR MAY VOTE EARLY IN THE OFFICE OF THE REGISTRAR OR  
3 A LOCATION DESIGNATED BY THE REGISTRAR NOT MORE THAN 22 DAYS NOR  
4 LESS THAN FIVE DAYS BEFORE THE DAY OF AN ELECTION; TO REQUIRE THAT  
5 ALL EARLY VOTES SHALL BE CAST ON A VOTING MACHINE, ELECTRONIC  
6 VOTING SYSTEM, OPTICAL MARK READING EQUIPMENT OR DIRECT RECORDING  
7 ELECTRONIC VOTING EQUIPMENT WHICH SHALL COMPLY WITH THE  
8 SPECIFICATIONS PROVIDED BY LAW; TO PROVIDE THAT QUALIFIED ELECTORS  
9 MAY VOTE BY AFFIDAVIT BALLOT DURING EARLY VOTING; TO PROVIDE THAT  
10 ALL ELECTION LAWS RELATING TO THE CONDUCT OF ELECTIONS ON ELECTION  
11 DAY THAT ARE APPLICABLE AND NOT INCONSISTENT WITH THE PROVISIONS  
12 OF EARLY VOTING SHALL BE APPLICABLE; TO AMEND SECTIONS 23-15-653,  
13 23-15-449 AND 23-15-463, MISSISSIPPI CODE OF 1972, TO CONFORM TO  
14 THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

16 **SECTION 1.** This act shall be known and may be cited as the  
17 "Early Voting Act."

18 **SECTION 2.** A qualified elector may vote early in the office  
19 of the registrar or a location designated by the registrar not  
20 more than twenty-two (22) days nor less than five (5) days before  
21 the day of an election. A qualified elector who desires to vote  
22 early shall come to the office of the registrar or a location  
23 designated by the registrar. No person shall utilize absentee  
24 ballots to vote early without excuse.

25 **SECTION 3.** (1) All early votes shall be cast on a voting  
26 machine, electronic voting system, optical mark reading equipment  
27 or direct recording electronic voting equipment which shall comply  
28 with the specifications provided by law.

29 (2) The county election commission shall place the names of  
30 all candidates for election on a voting machine, electronic voting  
31 system, optical mark reading equipment or direct recording  
32 electronic voting equipment which shall comply with the  
33 specifications provided by law.

34 (3) The county election commissioner shall secure the voting  
35 machine, system or equipment used in early voting to prohibit  
36 tampering and shall also provide maximum security that allows no  
37 other person, except for persons designated by the election  
38 commission to have access to the room or facility in which the  
39 voting machines, ballots and other election equipment are stored.

40 (4) No single direct recording electronic (DRE) voting  
41 system may have more than nine thousand nine hundred ninety-nine  
42 (9,999) voters using a single machine during the early voting  
43 period.

44 (5) The Secretary of State shall promulgate rules and  
45 regulations for use of authorized voting systems for early voting.

46 **SECTION 4.** In the event a qualified elector appears to vote  
47 but such person's name does not appear upon the pollbook, is not  
48 able to cast a regular election day ballot under a provision of  
49 state or federal law but is otherwise qualified to vote, or has  
50 been illegally denied registration. Such person shall vote by  
51 affidavit ballot. The registrar shall follow the procedure  
52 established for affidavit ballot provided in Section 23-15-573.

53 **SECTION 5.** Any person voting early is entitled to the same  
54 assistance during the early voting period that such person would  
55 be entitled as otherwise provided by law on the day of election.

56 **SECTION 6.** The results of votes cast during early voting  
57 shall be announced simultaneously with the votes cast on election  
58 day.

59 **SECTION 7.** Each candidate shall have the same rights to be  
60 present at voting locations and to challenge the qualifications of  
61 any person offering to vote in the same manner as otherwise  
62 provided by law.

63 **SECTION 8.** The Secretary of State shall promulgate rules and  
64 regulations necessary to effectuate the provisions of the "Early  
65 Voting Act."

66           **SECTION 9.** The provisions of the election law relating to  
67 the conduct of elections on election day that are applicable and  
68 not inconsistent with the provisions of early voting shall be  
69 applicable.

70           **SECTION 10.** Section 23-15-653, Mississippi Code of 1972, is  
71 amended as follows:

72           23-15-653. (1) Except as provided in subsection (2) of this  
73 section, all registrars' offices shall remain open until noon on  
74 the two (2) Saturdays prior to each election.

75           (2) (a) On at least three (3) days during the early voting  
76 period, the county registrars' offices shall remain open between  
77 4:30 p.m. and 8:00 p.m., and on at least one (1) Saturday during  
78 the same period the office shall be open from 8:00 a.m. to 4:00  
79 p.m. The registrars' offices shall determine the appropriate  
80 dates for both late and regular hours.

81           (b) Notice of the office hours shall be given by the  
82 county registrar not less than twenty-five (25) days before the  
83 day of election by publication in a newspaper of general  
84 circulation.

85           **SECTION 11.** Section 23-15-449, Mississippi Code of 1972, is  
86 amended as follows:

87           23-15-449. All laws relating to elections now in force in  
88 this state shall apply to all elections under this chapter so far  
89 as the same may be applicable thereto, and so far as such  
90 provisions are not inconsistent with the provisions of this  
91 chapter. Absentee ballots and early voting ballots shall be voted  
92 as now provided by law.

93           **SECTION 12.** Section 23-15-463, Mississippi Code of 1972, is  
94 amended as follows:

95           23-15-463. The board of supervisors of any county in the  
96 State of Mississippi and the governing authorities of any  
97 municipality in the State of Mississippi are hereby authorized and  
98 empowered, in their discretion, to purchase or rent voting devices

99 and automatic tabulating equipment used in an electronic voting  
100 system which meets the requirements of Section 23-15-465, and may  
101 use such system in all or a part of the precincts within its  
102 boundaries, or in combination with paper ballots in any election  
103 or primary. It may enlarge, consolidate or alter the boundaries  
104 of precincts where an electronic voting system is used. The  
105 provisions of Sections 23-15-461 through 23-15-485 shall be  
106 controlling with respect to elections where an electronic voting  
107 system is used, and shall be liberally construed so as to carry  
108 out the purpose of this chapter. The provisions of the election  
109 law relating to the conduct of elections with paper ballots,  
110 insofar as they are applicable and not inconsistent with the  
111 efficient conduct of elections with electronic voting systems,  
112 shall apply. Absentee ballots and early voting ballots shall be  
113 voted as now provided by law.

114       **SECTION 13.** The Attorney General of the State of Mississippi  
115 shall submit this act, immediately upon approval by the Governor,  
116 or upon approval by the Legislature subsequent to a veto, to the  
117 Attorney General of the United States or to the United States  
118 District Court for the District of Columbia in accordance with the  
119 provisions of the Voting Rights Act of 1965, as amended and  
120 extended.

121       **SECTION 14.** This act shall take effect and be in force from  
122 and after the date it is effectuated under Section 5 of the Voting  
123 Rights Act of 1965, as amended and extended.