

By: Representative Reynolds

To: Apportionment and  
Elections

## HOUSE BILL NO. 685

1 AN ACT TO CREATE THE "EARLY VOTING ACT"; TO AUTHORIZE A  
 2 QUALIFIED ELECTOR TO VOTE EARLY NOT MORE THAN 28 DAYS NOR LESS  
 3 THAN 7 DAYS BEFORE THE DATE OF AN ELECTION; TO PROVIDE WHERE ONE  
 4 MAY VOTE EARLY; TO REQUIRE THE BOARD OF SUPERVISORS TO PROVIDE  
 5 FUNDS TO PURCHASE ALL EQUIPMENT AND TO PAY ANY PERSONNEL NECESSARY  
 6 TO ASSIST THE REGISTRAR IN EFFECTUATING THE REQUIREMENTS OF THIS  
 7 ACT; TO PROVIDE THAT THE ELECTION LAWS THAT GOVERN PROCEDURES FOR  
 8 A PERSON WHO APPEARS TO VOTE ON THE DAY OF ELECTION SHALL APPLY  
 9 WHEN A PERSON APPEARS TO VOTE DURING THE EARLY VOTING PERIOD; TO  
 10 PROVIDE THAT EACH CANDIDATE SHALL HAVE THE RIGHTS TO BE PRESENT AT  
 11 ALL EARLY VOTING LOCATIONS AND TO CHALLENGE THE QUALIFICATIONS OF  
 12 ANY PERSON OFFERING TO VOTE IN THE SAME MANNER AS PROVIDED BY LAW  
 13 AT THE POLLING PLACE; TO REQUIRE THE SECRETARY OF STATE TO  
 14 PROMULGATE RULES AND REGULATIONS NECESSARY TO EFFECTUATE THE  
 15 PROVISIONS OF THIS ACT; TO AMEND SECTION 23-15-653, MISSISSIPPI  
 16 CODE OF 1972, TO REVISE THE TIMES THAT ALL REGISTRARS' OFFICES ARE  
 17 REQUIRED TO REMAIN OPEN; TO AMEND SECTION 23-15-247, MISSISSIPPI  
 18 CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND  
 19 SECTION 23-15-251, MISSISSIPPI CODE OF 1972, TO REVISE WHEN THE  
 20 OFFICIAL BALLOTS SHALL BE DISTRIBUTED; TO AMEND SECTION 23-15-265,  
 21 MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF WEEKS BEFORE  
 22 ANY PRIMARY ELECTION THAT THE COUNTY EXECUTIVE COMMITTEE IS  
 23 REQUIRED TO MEET; TO AMEND SECTION 23-15-267, MISSISSIPPI CODE OF  
 24 1972, TO REVISE THE TIME IN WHICH THE OFFICIAL BALLOTS ARE  
 25 REQUIRED TO BE DISTRIBUTED; TO AMEND SECTION 23-15-353,  
 26 MISSISSIPPI CODE OF 1972, TO REVISE THE TIME THAT THE NUMBER OF  
 27 REGISTERED VOTERS IN A PRECINCT MUST BE DETERMINED; TO AMEND  
 28 SECTION 23-15-405, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE  
 29 OF VOTING MACHINES DURING EARLY VOTING; TO AMEND SECTION  
 30 23-15-415, MISSISSIPPI CODE OF 1972, TO REVISE THE TIME THAT  
 31 VOTING MACHINES SHALL BE PREPARED FOR USE; TO AMEND SECTIONS  
 32 23-15-239 AND 23-15-417, MISSISSIPPI CODE OF 1972, TO REVISE WHEN  
 33 THE MANAGERS AND CLERKS SHALL BE INSTRUCTED IN THE USE OF VOTING  
 34 MACHINES AND THE OPERATION OF POLLING PLACES; TO AMEND SECTION  
 35 23-15-449, MISSISSIPPI CODE OF 1972, TO CLARIFY THAT ALL ELECTION  
 36 LAWS APPLY TO EARLY VOTING; TO AMEND SECTION 23-15-473,  
 37 MISSISSIPPI CODE OF 1972, TO REVISE THE TIME THAT VOTING DEVICES  
 38 SHALL BE AVAILABLE FOR INSPECTION; TO BRING FORWARD SECTIONS  
 39 23-15-229, 23-15-231, 23-15-235, 23-15-391, 23-15-429, 23-15-441,  
 40 23-15-461, 23-15-463, 23-15-479, 23-15-505, 23-15-511 AND  
 41 23-15-519, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT;  
 42 AND FOR RELATED PURPOSES.

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

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

46 **SECTION 2.** (1) A qualified elector may vote early not more  
 47 than twenty-eight (28) days nor less than seven (7) days before

48 the date of an election in the office of the registrar of the  
49 county in which such elector is registered to vote or any other  
50 location in the county in which such elector is registered to  
51 vote, established by the board of supervisors upon the  
52 recommendation of the registrar.

53 (2) The board of supervisors, upon recommendation by the  
54 registrar, may establish any other locations in addition to the  
55 office of the registrar to be used for early voting.

56 (3) The results of the vote by early voter balloting shall  
57 be announced simultaneously with the vote cast on election day.

58 **SECTION 3.** The board of supervisors shall provide funds to  
59 purchase all equipment and to pay any personnel necessary to  
60 assist the registrar in effectuating the requirements of the  
61 "Early Voting Act."

62 **SECTION 4.** (1) The election laws that govern procedures for  
63 a person who appears to vote on the day of election shall apply  
64 when a person appears to vote during the early voting period.

65 (2) Any person voting early is entitled to the same  
66 assistance during the early voting period that such person would  
67 be entitled to with absentee voting or voting on election day.

68 **SECTION 5.** Each candidate shall have the rights to be  
69 present at all early voting locations and to challenge the  
70 qualifications of any person offering to vote in the same manner  
71 as provided by law at the polling place.

72 **SECTION 6.** The Secretary of State shall promulgate rules  
73 and regulations necessary to effectuate the provisions of the  
74 "Early Voting Act."

75 **SECTION 7.** Section 23-15-653, Mississippi Code of 1972, is  
76 amended as follows:

77 23-15-653. (1) Except as provided in this section, all  
78 registrars' offices shall remain open until noon on the \* \* \*  
79 Saturday prior to each election.

80       (2) Early voting shall be conducted during the following  
81 times:

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

85           (b) One (1) Saturday during the early voting period in  
86 the office of the registrar from 8:00 a.m. until 4:00 p.m.

87           (3) Notice of the office hours shall be given by the  
88 registrar not less than seven (7) days before the day of election  
89 by publication in a newspaper of general circulation.

90       **SECTION 8.** Section 23-15-247, Mississippi Code of 1972, is  
91 amended as follows:

92       23-15-247. The commissioners of election in each county  
93 shall procure, if not already provided, a sufficient number of  
94 ballot boxes, which shall be distributed by them to the voting  
95 precincts of the county before the time for early voting. The  
96 boxes shall be secured by good and substantial locks, and, if an  
97 adjournment shall take place after the opening of the polls or  
98 after early voting has begun and before all the votes shall be  
99 counted, the box shall be securely locked, so as to prevent the  
100 admission of anything into it, or the taking of anything from it,  
101 during the time of adjournment; and the box shall be kept by one  
102 of the managers and the key by another of the managers, and the  
103 manager having the box shall carefully keep it, and neither unlock  
104 or open it himself nor permit it to be done, nor permit any person  
105 to have any access to it during the time of adjournment. The box  
106 shall not be removed from the polling building or place after the  
107 polls are opened until the count is complete, if as many as three  
108 (3) qualified electors object. After each election the ballot  
109 boxes shall be delivered, with the keys thereof, to the clerk of  
110 the circuit court of the county for preservation; and he shall  
111 keep them for future use, and, when called for, deliver them to  
112 the commissioners of election.

113           **SECTION 9.** Section 23-15-251, Mississippi Code of 1972, is  
114 amended as follows:

115           23-15-251. The commissioners of election, in appointing the  
116 managers of election, shall designate one (1) of the managers at  
117 each voting place to receive and distribute the official ballots,  
118 and shall deliver to him the proper number of ballots and cards of  
119 instruction for his district not less than one (1) day before the  
120 election and not less than one (1) day before the first day of  
121 early voting; and the manager receiving the ballots from the  
122 commissioners shall distribute the same to the electors of his  
123 district in the manner herein provided. It shall be the duty of  
124 said person so designated as aforesaid for service at a voting  
125 place other than the courthouse, to carry to the said voting  
126 place, on the day previous to the election, the ballot box, the  
127 pollbook, the blank tally sheets, the blank forms to be used in  
128 making returns, the other necessary stationery and supplies and  
129 the official printed ballots aforesaid, and all of the same used  
130 and unused shall be returned by the manager designated as  
131 aforesaid to the commissioners of election on the day next  
132 following the election.

133           **SECTION 10.** Section 23-15-265, Mississippi Code of 1972, is  
134 amended as follows:

135           23-15-265. (1) The county executive committee of each  
136 county shall meet not less than five (5) weeks before the date of  
137 any primary election and appoint the managers and clerks for same,  
138 all of whom may be members of the same political party. The  
139 number of managers and clerks appointed by the county executive  
140 committee shall be the same number as commissioners of election  
141 are allowed to appoint pursuant to Sections 23-15-231 and  
142 23-15-235. If the county executive committee fails to meet on the  
143 date named, supra, further notice shall be given of the time and  
144 place of meeting.

145           (2) (a) If it is eligible under Section 23-15-266, the  
146 county executive committee may enter into a written agreement with  
147 the circuit clerk or the county election commission authorizing  
148 the circuit clerk or the county election commission to perform any  
149 of the duties required of the county executive committee pursuant  
150 to this section. Any agreement entered into pursuant to this  
151 subsection shall be signed by the chairman of the county executive  
152 committee and the circuit clerk or the chairman of the county  
153 election commission, as appropriate. The county executive  
154 committee shall notify the State Executive Committee and the  
155 Secretary of State of the existence of such agreement.

156           (b) If it is eligible under Section 23-15-266, the  
157 municipal executive committee may enter into a written agreement  
158 with the municipal clerk or the municipal election commission  
159 authorizing the municipal clerk or the municipal election  
160 commission to perform any of the duties required of the municipal  
161 executive committee pursuant to this section. Any agreement  
162 entered into pursuant to this subsection shall be signed by the  
163 chairman of the municipal executive committee and the municipal  
164 clerk or the chairman of the municipal election commission, as  
165 appropriate. The municipal executive committee shall notify the  
166 State Executive Committee and the Secretary of State of the  
167 existence of such agreement.

168           **SECTION 11.** Section 23-15-267, Mississippi Code of 1972, is  
169 amended as follows:

170           23-15-267. (1) The ballot boxes provided by the regular  
171 commissioners of election in each county shall be used in primary  
172 elections, and the county executive committees shall distribute  
173 them to the voting precincts of the county before the time for  
174 early voting, in the same manner, as near as may be, as that  
175 provided for in general elections.

176           (2) If an adjournment shall take place after the polls are  
177 open or after early voting has begun and before all votes are

178 counted, the ballot box shall be securely locked so as to prevent  
179 the admission into it or the taking of anything from it during the  
180 time of adjournment; and the box shall be kept by one of the  
181 managers, and the key by another of the managers, and the manager  
182 having the box shall carefully keep it, and neither undertake to  
183 open it himself or permit it to be done, or to permit any person  
184 to have access to it during the time of adjournment. The box  
185 shall not be removed from the polling building or place after the  
186 polls are open until the count is completed if as many as three  
187 (3) electors qualified to vote at the election object.

188 (3) After each election, the ballot boxes of those provided  
189 by the regular commissioner of election shall be delivered, with  
190 the keys thereof immediately and as soon thereafter as possible,  
191 and without delay to the clerk of the circuit court of the county.

192 (4) (a) If it is eligible under Section 23-15-266, the  
193 county executive committee may enter into a written agreement with  
194 the circuit clerk or the county election commission authorizing  
195 the circuit clerk or the county election commission to perform any  
196 of the duties required of the county executive committee pursuant  
197 to this section. Any agreement entered into pursuant to this  
198 subsection shall be signed by the chairman of the county executive  
199 committee and the circuit clerk or the chairman of the county  
200 election commission, as appropriate. The county executive  
201 committee shall notify the State Executive Committee and the  
202 Secretary of State of the existence of such agreement.

203 (b) If it is eligible under Section 23-15-266, the  
204 municipal executive committee may enter into a written agreement  
205 with the municipal clerk or the municipal election commission  
206 authorizing the municipal clerk or the municipal election  
207 commission to perform any of the duties required of the municipal  
208 executive committee pursuant to this section. Any agreement  
209 entered into pursuant to this subsection shall be signed by the  
210 chairman of the municipal executive committee and the municipal

211 clerk or the chairman of the municipal election commission, as  
212 appropriate. The municipal executive committee shall notify the  
213 State Executive Committee and the Secretary of State of the  
214 existence of such agreement.

215 (5) The person, or persons, whose duty it is to comply with  
216 the provisions of this section and who shall fail, or neglect,  
217 from any cause, to deliver said boxes or any of them as herein  
218 provided shall, upon conviction, be fined not less than Two  
219 Hundred Dollars (\$200.00) and be imprisoned in the county jail of  
220 the residence of the person, or persons, who violates any of the  
221 provisions of this section, for a period of not less than thirty  
222 (30) days or more than six (6) months, and fined not more than  
223 Five Hundred Dollars (\$500.00).

224 **SECTION 12.** Section 23-15-353, Mississippi Code of 1972, is  
225 amended as follows:

226 23-15-353. The officer charged with printing and  
227 distributing the official ballot shall ascertain from the  
228 registrar, at least forty (40) days before the day of election,  
229 the number of registered voters in each voting precinct; and he  
230 shall have printed and distributed a sufficient number of ballots  
231 for use in each precinct, at least thirty (30) days before the day  
232 of election. He shall also prepare full instructions for the  
233 guidance of electors at elections as to obtaining ballots, the  
234 manner of marking them, and the mode of obtaining new ballots in  
235 the place of those spoiled by accident. The instructions shall be  
236 printed in large, clear type, on "cards of instruction," and the  
237 officer shall furnish the same in sufficient numbers for the use  
238 of electors. The cards shall be preserved by the officers of  
239 election and returned by them to the commissioners of election;  
240 and they may be used, if applicable, in subsequent elections.

241 **SECTION 13.** Section 23-15-405, Mississippi Code of 1972, is  
242 amended as follows:

243           23-15-405. Whenever the board of supervisors of any county  
244 or the governing authorities of any municipality shall purchase or  
245 rent voting machines that meet the requirements of this article,  
246 such voting machines may be used at all elections and during early  
247 voting held in such county or municipality, or in any part  
248 thereof, for voting, registering and counting votes cast at such  
249 elections. In providing voting machines, the board of supervisors  
250 is hereby empowered to purchase or rent voting machines for each  
251 voting precinct in the entire county, including those located  
252 within the municipality, or, in the discretion of the board,  
253 voting machines may be purchased or rented only for those voting  
254 precincts located outside the limits of the municipalities located  
255 in said county. The board of supervisors of any county and the  
256 governing authorities of any municipality may jointly purchase or  
257 rent voting machines for all of the voting precincts in the entire  
258 county. Whenever voting machines have been purchased or rented by  
259 either the board of supervisors or the governing authorities of a  
260 municipality, for use at voting precincts within the county or  
261 within the municipality, said voting machines may be used at said  
262 voting precincts in all elections, and the officials in charge of  
263 the election to be held shall cause the voting machines to be  
264 prepared and used at such election as provided for herein. Voting  
265 machines of different kinds may be adopted for different counties  
266 within the state.

267           Voting machines may be used in combination with paper ballots  
268 in any election and during early voting at the discretion of and  
269 under rules and regulations set up by the officials in charge of  
270 the election.

271           **SECTION 14.** Section 23-15-415, Mississippi Code of 1972, is  
272 amended as follows:

273           23-15-415. It shall be the duty of the authorities in charge  
274 of any election where a voting machine is to be used, to have the  
275 machine at the proper polling place or places before the time

276 fixed for opening of the polls, and the counters set at zero, and  
277 otherwise in good and proper order for use at such election. For  
278 the purpose of placing ballots in the ballot frames of the  
279 machine, putting it in order, setting, testing and adjusting and  
280 delivering the machine, the authorities in charge of elections may  
281 employ one or more competent persons, to be known as custodian or  
282 custodians of voting machines, who shall be fully competent,  
283 thoroughly instructed, and sworn to perform his duties honestly  
284 and faithfully, and for such purpose shall be appointed and  
285 instructed at least thirty (30) days before the election. All  
286 voting machines to be used in an election shall be properly  
287 prepared at least thirty (30) days prior to the election day.  
288 When a voting machine has been properly prepared for election, it  
289 shall be locked against voting and sealed; and the keys thereof  
290 shall be delivered to the registrar, together with a written  
291 report made by the custodian or official preparing the machine,  
292 stating that it is in every way properly prepared for the  
293 election. After the voting machine has been transferred to the  
294 polling place, it shall be the duty of the managers to provide  
295 ample protection against molestation or injury to the machine.  
296 All voting machines used in any election shall be provided with a  
297 screen, hood or curtain which shall be so made and adjusted as to  
298 conceal the voter and his action while voting.

299       **SECTION 15.** Section 23-15-417, Mississippi Code of 1972, is  
300 amended as follows:

301       23-15-417. At least forty-two (42) days before each  
302 election, the officials in charge of the elections shall appoint  
303 one or more persons to instruct the managers and clerks that are  
304 to serve in a voting precinct in the use of the machine, and in  
305 their duties in connection therewith; and he shall give to each  
306 manager and clerk, who has received such instruction and is fully  
307 qualified to properly conduct the election with the machine, a  
308 certificate to that effect. For the purpose of giving such

309 instruction, the person or persons appointed as instructors shall  
310 call such meeting or meetings of the managers and clerks as shall  
311 be necessary. Such person shall, within thirty-two (32) days  
312 before each election, file a report with the officials in charge  
313 of the elections, stating that he has instructed the managers and  
314 clerks, giving the names of such officers, and the time and place  
315 where such instruction was given. The managers and clerks of each  
316 voting precinct in which a voting machine is to be used shall  
317 attend such meeting, or meetings, as shall be called for the  
318 purpose of receiving such instruction concerning their duties as  
319 shall be necessary for the proper conduct of the election with the  
320 machine. No manager or clerk shall serve in any election at which  
321 a voting machine is used, unless he shall have received such  
322 instruction and is fully qualified to perform the duties in  
323 connection with the machine, and has received a certificate to  
324 that effect, provided, however, that this shall not prevent the  
325 appointment of a person as a manager or clerk to fill a vacancy in  
326 an emergency.

327       **SECTION 16.** Section 23-15-441, Mississippi Code of 1972, is  
328 brought forward as follows:

329       23-15-441. Immediately upon the close of the polls, the  
330 managers shall lock and seal the voting machine against further  
331 voting and open the counter compartment in the presence of the  
332 persons who may be lawfully present at that time, giving full view  
333 of the counters. The manager shall then, in the order of the  
334 offices as their titles are arranged on the machine, read and  
335 announce in distinct tones the result as shown by the counters and  
336 shall then read the votes recorded for each office on the  
337 irregular ballots; he shall also, in the same manner, read and  
338 announce the vote on each constitutional amendment, proposition or  
339 other question. As each vote is read and announced, it shall be  
340 recorded on two (2) statements of canvass by the two (2) clerks,  
341 and, when completed, shall be compared with the numbers on the

342 counters of the machine. If found to be correct, the statements  
343 of canvass, after being duly certified and sworn to, shall be  
344 filed as now provided by law for filing election returns. After  
345 the reading and announcing of the vote, and before the doors of  
346 the counter compartment of the voting machine shall be closed,  
347 ample opportunity shall be given to any person or persons lawfully  
348 present to compare the results so announced with the counters of  
349 the machine and any necessary corrections shall then and there be  
350 made by the managers or clerks. There shall be furnished two (2)  
351 copies of a statement of canvass to conform to the requirements of  
352 the voting machine or machines being used.

353 **SECTION 17.** Section 23-15-449, Mississippi Code of 1972, is  
354 amended as follows:

355 23-15-449. All laws relating to elections now in force in  
356 this state shall apply to all elections under this chapter so far  
357 as the same may be applicable thereto, and so far as such  
358 provisions are not inconsistent with the provisions of this  
359 chapter. Absentee ballots and early voting ballots shall be voted  
360 as now provided by law.

361 **SECTION 18.** Section 23-15-461, Mississippi Code of 1972, is  
362 brought forward as follows:

363 23-15-461. As used in this chapter, unless otherwise  
364 specified:

365 (a) "Automatic tabulating equipment" includes apparatus  
366 necessary to automatically examine and count votes as designated  
367 on ballots or ballot cards and tabulate the results.

368 (b) "Ballot card" means a tabulating card on which  
369 votes may be recorded by means of punching or marking.

370 (c) "Ballot labels" means the cards, papers, booklet,  
371 pages or other material, containing the names of offices and  
372 candidates and the statements of measures to be voted on, which  
373 are placed on the voting device.

374 (d) "Ballot" means a paper ballot on which votes are  
375 recorded, or alternatively may mean ballot cards and ballot  
376 labels.

377 (e) "Chad" means the part of a ballot card that is  
378 designed to be punched out by the voter.

379 (f) "Counting center" means one or more locations used  
380 for the automatic counting of ballots.

381 (g) "Electronic voting system" means a system in which  
382 votes are recorded on a paper ballot or ballot cards by means of  
383 marking or punching, and such votes are subsequently counted and  
384 tabulated by automatic tabulating equipment at one or more  
385 counting centers.

386 (h) "Voting device" means an apparatus which the voter  
387 uses to record his votes by marking or punching a hole in a paper  
388 ballot or tabulating card, which votes are subsequently counted by  
389 electronic tabulating equipment.

390 **SECTION 19.** Section 23-15-463, Mississippi Code of 1972, is  
391 brought forward as follows:

392 23-15-463. The board of supervisors of any county in the  
393 State of Mississippi and the governing authorities of any  
394 municipality in the State of Mississippi are hereby authorized and  
395 empowered, in their discretion, to purchase or rent voting devices  
396 and automatic tabulating equipment used in an electronic voting  
397 system which meets the requirements of Section 23-15-465, and may  
398 use such system in all or a part of the precincts within its  
399 boundaries, or in combination with paper ballots in any election  
400 or primary. It may enlarge, consolidate or alter the boundaries  
401 of precincts where an electronic voting system is used. The  
402 provisions of Sections 23-15-461 through 23-15-485 shall be  
403 controlling with respect to elections where an electronic voting  
404 system is used, and shall be liberally construed so as to carry  
405 out the purpose of this chapter. The provisions of the election  
406 law relating to the conduct of elections with paper ballots,

407 insofar as they are applicable and not inconsistent with the  
408 efficient conduct of elections with electronic voting systems,  
409 shall apply. Absentee ballots shall be voted as now provided by  
410 law.

411 **SECTION 20.** Section 23-15-473, Mississippi Code of 1972, is  
412 amended as follows:

413 23-15-473. The circuit court clerk shall be the custodian of  
414 voting devices acquired by a county, who shall be charged with the  
415 proper storage, maintenance and repair of voting devices, and the  
416 preparation of them for voting prior to elections. After they  
417 have been prepared for an election and at least thirty (30) days  
418 prior thereto, the voting devices shall be available for public  
419 inspection at a time and place designated by the custodian.  
420 Thereafter they shall be locked or sealed before delivery to the  
421 managers of the election. The custodian shall immediately repair,  
422 replace or remove any voting device which fails to function  
423 properly on election day. The clerk of any municipality which  
424 acquires voting devices shall be the custodian of such voting  
425 devices and perform the same functions.

426 If a voting device at a polling place malfunctions and cannot  
427 be repaired or replaced quickly and there is no other device in  
428 the polling place that can be used to perform the function of the  
429 device that malfunctions, unofficial ballots made as nearly as  
430 possible in the form of the official ballot may be used until the  
431 voting device is repaired or replaced. Such ballots shall be  
432 received by the managers and placed by them in a receptacle in  
433 such case to be provided by the managers, and counted with the  
434 votes registered on the voting device; and the result shall be  
435 declared the same as though there had been no accident to the  
436 voting device; the ballots thus voted shall be preserved and  
437 returned as herein directed, with a certificate or statement  
438 setting forth how and why the same were voted.

439           **SECTION 21.** Section 23-15-511, Mississippi Code of 1972, is  
440 brought forward as follows:

441           23-15-511. The ballots shall, as far as practicable, to be  
442 in the same order of arrangement as provided for paper ballots  
443 that are to be counted manually, except that such information may  
444 be printed in vertical or horizontal rows. Nothing in this  
445 chapter shall be construed as prohibiting the information being  
446 presented to the voters from being printed on both sides of a  
447 single ballot. In those years when a special election shall occur  
448 on the same day as the general election, the names of candidates  
449 in any special election and the general election shall be placed  
450 on the same ballot by the commissioners of elections or officials  
451 in charge of the election, but the general election candidates  
452 shall be clearly distinguished from the special election  
453 candidates. At any time a special election is held on the same  
454 day as a party primary election, the names of the candidates in  
455 the special election may be placed on the same ballot, but shall  
456 be clearly distinguished as special election candidates or primary  
457 election candidates.

458           Ballots shall be printed in plain clear type in black ink and  
459 upon clear white materials of such size and arrangement as to be  
460 compatible with the OMR tabulating equipment. Absentee ballots  
461 shall be prepared and printed in the same form and shall be on the  
462 same size and texture as the regular official ballots, except that  
463 they shall be printed on tinted paper; or the ink used to print  
464 the ballots shall be of a color different from that of the ink  
465 used to print the regular official ballots. Arrows may be printed  
466 on the ballot to indicate the place to mark the ballot, which may  
467 be to the right or left of the names of candidates and  
468 propositions. The titles of offices may be arranged in vertical  
469 columns on the ballot and shall be printed above or at the side of  
470 the names of candidates so as to indicate clearly the candidates  
471 for each office and the number to be elected. In case there are

472 more candidates for an office then can be printed in one (1)  
473 column, the ballot shall be clearly marked that the list of  
474 candidates is continued on the following column. The names of  
475 candidates for each office shall be printed in vertical columns,  
476 grouped by the offices which they seek. In partisan elections,  
477 the party designation of each candidate, which may be abbreviated,  
478 shall be printed following his name.

479 Two (2) sample ballots, which shall be facsimile ballots of  
480 the official ballot and instructions to the voters, shall be  
481 provided for each precinct and shall be posted in each polling  
482 place on election day.

483 A separate ballot security envelope or suitable equivalent in  
484 which the voter can place his ballot after voting, shall be  
485 provided to conceal the choices the voter has made. Absentee  
486 voters will receive a similar ballot security envelope provided by  
487 the county in which the absentee voter will insert their voted  
488 ballot, which then can be inserted into a return envelope to be  
489 mailed back to the election official. Absentee ballots will not  
490 be required to be folded when a ballot security envelope is  
491 provided.

492 **SECTION 22.** Section 23-15-229, Mississippi Code of 1972, is  
493 brought forward as follows:

494 23-15-229. The compensation for clerks, managers and other  
495 workers in the polling places of a municipality shall be the same  
496 as the compensation paid by the county for such services;  
497 provided, however, that the governing authorities of a  
498 municipality shall not be required to pay any additional  
499 compensation authorized by the board of supervisors. The  
500 governing authorities of a municipality may, in their discretion,  
501 pay clerks and managers in the polling places of the municipality  
502 an additional amount of compensation not to exceed Twenty-five  
503 Dollars (\$25.00) per election.

504           **SECTION 23.** Section 23-15-231, Mississippi Code of 1972, is  
505 brought forward as follows:

506           23-15-231. Prior to every election, the commissioners of  
507 election shall appoint three (3) persons for each voting precinct  
508 to be managers of the election, one (1) of whom shall be  
509 designated by the commissioners of election as election bailiff.  
510 Such managers shall not all be of the same political party if  
511 suitable persons of different political parties can be found in  
512 the district. If any person appointed shall fail to attend and  
513 serve, the managers present, if any, may designate someone to fill  
514 his place; and if the commissioners of election fail to make the  
515 appointments or in case of the failure of all those appointed to  
516 attend and serve, any three (3) qualified electors present when  
517 the polls should be opened may act as managers. Provided,  
518 however, any person appointed to be manager or act as manager  
519 shall be a qualified elector of the county in which the polling  
520 place is located.

521           **SECTION 24.** Section 23-15-235, Mississippi Code of 1972, is  
522 brought forward as follows:

523           23-15-235. In addition to the managers appointed pursuant to  
524 Section 23-15-231, for the first five hundred (500) registered  
525 voters in each voting precinct, the commissioners of election may,  
526 in their discretion, appoint not more than three (3) persons to  
527 serve as managers or clerks of the election. The commissioners of  
528 election may, in their discretion, appoint three (3) additional  
529 persons to serve as clerks for each one thousand (1,000)  
530 registered voters or fraction thereof in each voting precinct  
531 above the first five hundred (500). Any person appointed as clerk  
532 shall be a qualified elector of the county in which the voting  
533 precinct is located.

534           The restrictions provided for in this section regarding the  
535 number of additional managers and clerks that may be appointed by  
536 commissioners of election shall not apply to elections conducted

537 by paper ballot prior to January 1, 1989. In elections conducted  
538 by paper ballot prior to January 1, 1989, the commissioners of  
539 election may appoint as many additional managers and clerks as  
540 they may consider necessary to conduct the elections.

541 **SECTION 25.** Section 23-15-239, Mississippi Code of 1972, is  
542 amended as follows:

543 23-15-239. (1) The executive committee of each county, in  
544 the case of a primary election, or the commissioners of election  
545 of each county, in the case of all other elections, in conjunction  
546 with the circuit clerk, shall sponsor and conduct, not less than  
547 forty-two (42) days prior to each election, training sessions to  
548 instruct managers as to their duties in the proper administration  
549 of the election and the operation of the polling place. No  
550 manager shall serve in any election unless he has received such  
551 instructions once during the twelve (12) months immediately  
552 preceding the date upon which such election is held; provided,  
553 however, that nothing in this section shall prevent the  
554 appointment of an alternate manager to fill a vacancy in case of  
555 an emergency. The county executive committee or the commissioners  
556 of election, as appropriate, shall train a sufficient number of  
557 alternates to serve in the event a manager is unable to serve for  
558 any reason.

559 (2) (a) If it is eligible under Section 23-15-266, the  
560 county executive committee may enter into a written agreement with  
561 the circuit clerk or the county election commission authorizing  
562 the circuit clerk or the county election commission to perform any  
563 of the duties required of the county executive committee pursuant  
564 to this section. Any agreement entered into pursuant to this  
565 subsection shall be signed by the chairman of the county executive  
566 committee and the circuit clerk or the chairman of the county  
567 election commission, as appropriate. The county executive  
568 committee shall notify the State Executive Committee and the  
569 Secretary of State of the existence of such agreement.

570           (b) If it is eligible under Section 23-15-266, the  
571 municipal executive committee may enter into a written agreement  
572 with the municipal clerk or the municipal election commission  
573 authorizing the municipal clerk or the municipal election  
574 commission to perform any of the duties required of the municipal  
575 executive committee pursuant to this section. Any agreement  
576 entered into pursuant to this subsection shall be signed by the  
577 chairman of the municipal executive committee and the municipal  
578 clerk or the chairman of the municipal election commission, as  
579 appropriate. The municipal executive committee shall notify the  
580 State Executive Committee and the Secretary of State of the  
581 existence of such agreement.

582           (3) The board of supervisors, in their discretion, may  
583 compensate managers who attend such training sessions. The  
584 compensation shall be at a rate of not less than the federal  
585 hourly minimum wage nor more than Ten Dollars (\$10.00) per hour.  
586 Managers shall not be compensated for more than two (2) hours of  
587 attendance at the training sessions regardless of the actual  
588 amount of time that they attended the training sessions.

589           (4) The time and location of the training sessions required  
590 pursuant to this section shall be announced to the general public  
591 by posting a notice thereof at the courthouse and by delivering a  
592 copy of the notice to the office of a newspaper having general  
593 circulation in the county five (5) days before the date upon which  
594 the training session is to be conducted. Persons who will serve  
595 as poll watchers for candidates and political parties, as well as  
596 members of the general public, shall be allowed to attend the  
597 sessions.

598           **SECTION 26.** Section 23-15-391, Mississippi Code of 1972, is  
599 brought forward as follows:

600           23-15-391. The board of supervisors of each county in the  
601 State of Mississippi shall utilize voting machines, electronic  
602 voting systems, optical mark reading equipment or direct recording

603 electronic voting equipment which shall comply with the  
604 specifications provided by law. The election commissioners may  
605 designate elections to be administered by paper ballot where the  
606 election commissioners determine that administration of an  
607 election by paper ballot will be less expensive than  
608 administration of the same election by voting machines, electronic  
609 voting systems, optical mark reading equipment or direct recording  
610 electronic voting equipment.

611 **SECTION 27.** Section 23-15-429, Mississippi Code of 1972, is  
612 brought forward as follows:

613 23-15-429. Prior to the opening of the polls, the managers  
614 and clerks of each voting precinct shall meet at the polling place  
615 at the time set for opening of the polls, at each election, and  
616 shall proceed to arrange the furniture, stationery and voting  
617 machine for the conduct of the election. The keys to the voting  
618 machines shall be delivered to the managers before the time set  
619 for opening the polls, in a sealed envelope, on which shall be  
620 written or printed the number and location of the voting machine,  
621 and the number of the seal and the number registered on the  
622 protective counter or device, as reported by the custodian or  
623 official preparing the machine. Before opening the envelope, all  
624 managers and clerks present shall examine the number on the seal  
625 on the machine, also the number registered on the protective  
626 counter, and shall see if they are the same as the number written  
627 on the envelope; and if they are not the same, the machine must  
628 not be opened until the custodian, or other authorized person,  
629 shall have been notified and shall have presented himself at the  
630 polling place for the purpose of re-examining such machine and  
631 shall certify that it is properly arranged.

632 If the numbers on the envelope are the same as those on the  
633 machine, the election officers shall proceed to open the doors  
634 concealing the counters, and each officer shall carefully examine  
635 every counter and see that it registers zero, and the same shall

636 be subject to the inspection of official watchers. The machine  
637 shall remain locked against voting until the polls are formally  
638 opened, and shall not be operated except by voters in voting. If  
639 any counter is found not to register zero, the manager shall  
640 immediately notify the officials in charge of the election or the  
641 custodian, who shall, if practicable, adjust the counters at zero;  
642 but if it shall be impracticable to so adjust such counters before  
643 the time set for opening the polls, the managers shall immediately  
644 make a written statement of the designating letter and number of  
645 such counter, together with the number registered thereon, and  
646 shall sign and post same upon the wall of the polling room, where  
647 it shall remain throughout election day, and, in filling out the  
648 statement of canvass, they shall subtract such number from the  
649 number then registered thereon.

650       **SECTION 28.** Section 23-15-479, Mississippi Code of 1972, is  
651 brought forward as follows:

652       23-15-479. The managers shall prepare a report in duplicate  
653 of the number of voters who have voted, as indicated by the poll  
654 list, and shall place this report in the ballot box, which  
655 thereupon shall be sealed with a paper seal signed by the managers  
656 so that no additional ballots may be deposited or removed from the  
657 ballot box. Two (2) managers shall forthwith deliver the ballot  
658 box to the counting center or other designated place and receive a  
659 signed, numbered receipt therefore. The poll list, register of  
660 voters, unused ballots and ballot cards, spoiled ballots, and  
661 other records and supplies, shall be returned as directed by the  
662 officials in charge of the election.

663       **SECTION 29.** Section 23-15-505, Mississippi Code of 1972, is  
664 brought forward as follows:

665       23-15-505. The board of supervisors of any county in the  
666 State of Mississippi and the governing authorities of any  
667 municipality in the State of Mississippi are hereby authorized and  
668 empowered, in their discretion, to purchase or rent optical mark

669 reading equipment used in an electronic voting system which meets  
670 the requirements of Section 23-15-507 and may use such system in  
671 all or a part of the precincts within its boundaries. It may  
672 enlarge, consolidate or alter the boundaries of precincts where an  
673 electronic voting system is used. The provisions of this chapter  
674 shall be controlling with respect to elections where any OMR  
675 system is used, and shall be liberally construed so as to carry  
676 out the purpose of this chapter. The provisions of the election  
677 law relating to the conduct of elections with paper ballots, that  
678 are to be manually tabulated, insofar as they are applicable and  
679 not in conflict with the efficient conduct of the systems, shall  
680 apply.

681       **SECTION 30.** Section 23-15-519, Mississippi Code of 1972, is  
682 brought forward as follows:

683       23-15-519. The managers shall prepare a report in duplicate  
684 of the number of voters who have voted, as indicated by the poll  
685 list, and shall place this report in the ballot box, which  
686 thereupon shall be sealed with a paper seal signed by the managers  
687 so that no additional ballots may be deposited or removed from the  
688 ballot box. The manager or other person who acts as returning  
689 officer shall forthwith deliver the ballot box to the counting  
690 center or other designated place and receive a signed, numbered  
691 receipt therefor. The poll list, register of voters, unused  
692 ballots, spoiled ballots, and other records and supplies, shall be  
693 returned as directed by the officials in charge of the election.

694       **SECTION 31.** The Attorney General of the State of Mississippi  
695 shall submit this act, immediately upon approval by the Governor,  
696 or upon approval by the Legislature subsequent to a veto, to the  
697 Attorney General of the United States or to the United States  
698 District Court for the District of Columbia in accordance with the  
699 provisions of the Voting Rights Act of 1965, as amended and  
700 extended.

701           **SECTION 32.** This act shall take effect and be in force from  
702 and after the date it is effectuated under Section 5 of the Voting  
703 Rights Act of 1965, as amended and extended.