

By: Representative Brown

To: Apportionment and  
Elections

## HOUSE BILL NO. 325

1 AN ACT TO AUTHORIZE A QUALIFIED ELECTOR TO VOTE, NOT MORE  
2 THAN 14 DAYS BEFORE THE DATE OF AN ELECTION, ONLY IN THE OFFICE OF  
3 THE REGISTRAR OF THE COUNTY IN WHICH SUCH ELECTOR IS REGISTERED TO  
4 VOTE; TO AMEND SECTION 23-15-653, MISSISSIPPI CODE OF 1972, TO  
5 REVISE THE TIMES THAT ALL REGISTRAR'S OFFICES ARE REQUIRED TO  
6 REMAIN OPEN; TO AMEND SECTION 23-15-247, MISSISSIPPI CODE OF 1972,  
7 TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 23-15-251,  
8 MISSISSIPPI CODE OF 1972, TO REVISE WHEN THE OFFICIAL BALLOTS  
9 SHALL BE DISTRIBUTED; TO AMEND SECTION 23-15-265, MISSISSIPPI CODE  
10 OF 1972, TO INCREASE THE NUMBER OF WEEKS BEFORE ANY PRIMARY  
11 ELECTION THAT THE COUNTY EXECUTIVE COMMITTEE IS REQUIRED TO MEET;  
12 TO AMEND SECTION 23-15-267, MISSISSIPPI CODE OF 1972, TO REVISE  
13 THE TIME IN WHICH THE OFFICIAL BALLOTS ARE REQUIRED TO BE  
14 DISTRIBUTED; TO AMEND SECTION 23-15-353, MISSISSIPPI CODE OF 1972,  
15 TO REVISE THE TIME THAT THE NUMBER OF REGISTERED VOTERS IN A  
16 PRECINCT MUST BE DETERMINED; TO AMEND SECTION 23-15-405,  
17 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF VOTING MACHINES  
18 DURING EARLY VOTING; TO AMEND SECTION 23-15-415, MISSISSIPPI CODE  
19 OF 1972, TO REVISE THE TIME THAT VOTING MACHINES SHALL BE PREPARED  
20 FOR USE; TO AMEND SECTION 23-15-417, MISSISSIPPI CODE OF 1972, TO  
21 REVISE WHEN THE MANAGERS AND CLERKS SHALL BE INSTRUCTED IN THE USE  
22 OF VOTING MACHINES; TO AMEND SECTION 23-15-449, MISSISSIPPI CODE  
23 OF 1972, TO CLARIFY THAT ALL ELECTION LAWS APPLY TO EARLY VOTING;  
24 TO AMEND SECTION 23-15-473, MISSISSIPPI CODE OF 1972, TO REVISE  
25 THE TIME THAT VOTING DEVICES SHALL BE AVAILABLE FOR INSPECTION; TO  
26 AMEND SECTIONS 23-15-463 AND 23-15-511, MISSISSIPPI CODE OF 1972,  
27 TO CONFORM TO THE PRECEDING SECTIONS; AND FOR RELATED PURPOSES.

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

29 **SECTION 1.** (1) A qualified elector may vote early only in  
30 the office of the registrar of the county in which such elector is  
31 registered to vote not more than fourteen (14) days before the  
32 date of an election.

33 (2) The registrar shall be responsible for furnishing a  
34 ballot to any elector who desires to vote during the time provided  
35 for early voting.

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

38           **SECTION 2.** Any person voting early is entitled to the same  
39 assistance in voting that such person would have if that person  
40 appeared to vote on election day.

41           **SECTION 3.** The Secretary of State shall promulgate rules and  
42 regulations necessary to effectuate early voting within the state.

43           **SECTION 4.** Section 23-15-653, Mississippi Code of 1972, is  
44 amended as follows:

45           23-15-653. (1) All registrars' offices shall remain open  
46 from 7:00 a.m. until 7:00 p.m. on the two (2) Saturdays prior to  
47 each election. The registrar shall staff each office with the  
48 number of deputies that such registrar considers necessary to  
49 perform the duties related to early voting and absentee voting.

50           (2) Notice of the office hours shall be given by the  
51 registrar not less than twenty-five (25) days before the day of  
52 election by publication in a newspaper of general circulation.

53           **SECTION 5.** Section 23-15-247, Mississippi Code of 1972, is  
54 amended as follows:

55           23-15-247. The commissioners of election in each county  
56 shall procure, if not already provided, a sufficient number of  
57 ballot boxes, which shall be distributed by them to the voting  
58 precincts of the county before the time for opening the polls  
59 and to the office of the county registrar at least fifteen (15)  
60 days before the election to be used during early voting. The  
61 boxes shall be secured by good and substantial locks, and, if an  
62 adjournment shall take place after the opening of the polls or  
63 after the early voting has begun and before all the votes shall be  
64 counted, the box shall be securely locked, so as to prevent the  
65 admission of anything into it, or the taking of anything from it,  
66 during the time of adjournment; and the box shall be kept by one  
67 of the managers and the key by another of the managers, and the  
68 manager having the box shall carefully keep it, and neither unlock  
69 or open it himself nor permit it to be done, nor permit any person  
70 to have any access to it during the time of adjournment. The box

71 shall not be removed from the polling building or place after the  
72 polls are opened until the count is complete, if as many as three  
73 (3) qualified electors object. After each election the ballot  
74 boxes shall be delivered, with the keys thereof, to the clerk of  
75 the circuit court of the county for preservation; and he shall  
76 keep them for future use, and, when called for, deliver them to  
77 the commissioners of election.

78 **SECTION 6.** Section 23-15-251, Mississippi Code of 1972, is  
79 amended as follows:

80 23-15-251. The commissioners of election, in appointing the  
81 managers of election, shall designate one (1) of the managers at  
82 each voting place to receive and distribute the official ballots,  
83 and shall deliver to him the proper number of ballots and cards of  
84 instruction for his district not less than one (1) day before the  
85 election and not less than one (1) day before each day of early  
86 voting; and the manager receiving the ballots from the  
87 commissioners shall distribute the same to the electors of his  
88 district in the manner herein provided. It shall be the duty of  
89 said person so designated as aforesaid for service at a voting  
90 place other than the courthouse, to carry to the said voting  
91 place, on the day previous to the election, the ballot box, the  
92 pollbook, the blank tally sheets, the blank forms to be used in  
93 making returns, the other necessary stationery and supplies and  
94 the official printed ballots aforesaid, and all of the same used  
95 and unused shall be returned by the manager designated as  
96 aforesaid to the commissioners of election on the day next  
97 following the election.

98 **SECTION 7.** Section 23-15-265, Mississippi Code of 1972, is  
99 amended as follows:

100 23-15-265. (1) The county executive committee of each  
101 county shall meet not less than four (4) weeks before the date of  
102 any primary election and appoint the managers and clerks for same,  
103 all of whom may be members of the same political party. The

104 number of managers and clerks appointed by the county executive  
105 committee shall be the same number as commissioners of election  
106 are allowed to appoint pursuant to Sections 23-15-231 and  
107 23-15-235. If the county executive committee fails to meet on the  
108 date named, supra, further notice shall be given of the time and  
109 place of meeting.

110 (2) (a) If it is eligible under Section 23-15-266, the  
111 county executive committee may enter into a written agreement with  
112 the circuit clerk or the county election commission authorizing  
113 the circuit clerk or the county election commission to perform any  
114 of the duties required of the county executive committee pursuant  
115 to this section. Any agreement entered into pursuant to this  
116 subsection shall be signed by the chairman of the county executive  
117 committee and the circuit clerk or the chairman of the county  
118 election commission, as appropriate. The county executive  
119 committee shall notify the State Executive Committee and the  
120 Secretary of State of the existence of such agreement.

121 (b) If it is eligible under Section 23-15-266, the  
122 municipal executive committee may enter into a written agreement  
123 with the municipal clerk or the municipal election commission  
124 authorizing the municipal clerk or the municipal election  
125 commission to perform any of the duties required of the municipal  
126 executive committee pursuant to this section. Any agreement  
127 entered into pursuant to this subsection shall be signed by the  
128 chairman of the municipal executive committee and the municipal  
129 clerk or the chairman of the municipal election commission, as  
130 appropriate. The municipal executive committee shall notify the  
131 State Executive Committee and the Secretary of State of the  
132 existence of such agreement.

133 **SECTION 8.** Section 23-15-267, Mississippi Code of 1972, is  
134 amended as follows:

135 23-15-267. (1) The ballot boxes provided by the regular  
136 commissioners of election in each county shall be used in primary

137 elections, and the county executive committees shall distribute  
138 them to the voting precincts of the county before the time for  
139 and to the office of the county registrar at least fifteen (15)  
140 days before the election to be used during early voting, in the  
141 same manner, as near as may be, as that provided for in general  
142 elections.

143 (2) If an adjournment shall take place after the polls are  
144 open or after the early voting has begun and before all votes are  
145 counted, the ballot box shall be securely locked so as to prevent  
146 the admission into it or the taking of anything from it during the  
147 time of adjournment; and the box shall be kept by one of the  
148 managers, and the key by another of the managers, and the manager  
149 having the box shall carefully keep it, and neither undertake to  
150 open it himself or permit it to be done, or to permit any person  
151 to have access to it during the time of adjournment. The box  
152 shall not be removed from the polling building or place after the  
153 polls are open until the count is completed if as many as three  
154 (3) electors qualified to vote at the election object.

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

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

170 (b) If it is eligible under Section 23-15-266, the  
171 municipal executive committee may enter into a written agreement  
172 with the municipal clerk or the municipal election commission  
173 authorizing the municipal clerk or the municipal election  
174 commission to perform any of the duties required of the municipal  
175 executive committee pursuant to this section. Any agreement  
176 entered into pursuant to this subsection shall be signed by the  
177 chairman of the municipal executive committee and the municipal  
178 clerk or the chairman of the municipal election commission, as  
179 appropriate. The municipal executive committee shall notify the  
180 State Executive Committee and the Secretary of State of the  
181 existence of such agreement.

182 (5) The person, or persons, whose duty it is to comply with  
183 the provisions of this section and who shall fail, or neglect,  
184 from any cause, to deliver said boxes or any of them as herein  
185 provided shall, upon conviction, be fined not less than Two  
186 Hundred Dollars (\$200.00) and be imprisoned in the county jail of  
187 the residence of the person, or persons, who violates any of the  
188 provisions of this section, for a period of not less than thirty  
189 (30) days or more than six (6) months, and fined not more than  
190 Five Hundred Dollars (\$500.00).

191 **SECTION 9.** Section 23-15-353, Mississippi Code of 1972, is  
192 amended as follows:

193 23-15-353. The officer charged with printing and  
194 distributing the official ballot shall ascertain from the  
195 registrar, at least thirty (30) days before the day of election,  
196 the number of registered voters in each voting precinct; and he  
197 shall have printed and distributed a sufficient number of ballots  
198 for use in each precinct, at least twenty (20) days before the day  
199 of election. He shall also prepare full instructions for the  
200 guidance of electors at elections as to obtaining ballots, the  
201 manner of marking them, and the mode of obtaining new ballots in  
202 the place of those spoiled by accident. The instructions shall be

203 printed in large, clear type, on "cards of instruction," and the  
204 officer shall furnish the same in sufficient numbers for the use  
205 of electors. The cards shall be preserved by the officers of  
206 election and returned by them to the commissioners of election;  
207 and they may be used, if applicable, in subsequent elections.

208       **SECTION 10.** Section 23-15-405, Mississippi Code of 1972, is  
209 amended as follows:

210       23-15-405. Whenever the board of supervisors of any county  
211 or the governing authorities of any municipality shall purchase or  
212 rent voting machines that meet the requirements of this article,  
213 such voting machines may be used at all elections and for early  
214 voting held in such county or municipality, or in any part  
215 thereof, for voting, registering and counting votes cast at such  
216 elections. In providing voting machines, the board of supervisors  
217 is hereby empowered to purchase or rent voting machines for each  
218 voting precinct in the entire county, including those located  
219 within the municipality, or, in the discretion of the board,  
220 voting machines may be purchased or rented only for those voting  
221 precincts located outside the limits of the municipalities located  
222 in said county. The board of supervisors of any county and the  
223 governing authorities of any municipality may jointly purchase or  
224 rent voting machines for all of the voting precincts in the entire  
225 county. Whenever voting machines have been purchased or rented by  
226 either the board of supervisors or the governing authorities of a  
227 municipality, for use at voting precincts within the county or  
228 within the municipality, said voting machines may be used at said  
229 voting precincts in all elections, and the officials in charge of  
230 the election to be held shall cause the voting machines to be  
231 prepared and used at such election as provided for herein. Voting  
232 machines of different kinds may be adopted for different counties  
233 within the state.

234       Voting machines may be used in combination with paper ballots  
235 in any election and early voting at the discretion of and under

236 rules and regulations set up by the officials in charge of the  
237 election.

238         **SECTION 11.** Section 23-15-415, Mississippi Code of 1972, is  
239 amended as follows:

240         23-15-415. It shall be the duty of the authorities in charge  
241 of any election where a voting machine is to be used, to have the  
242 machine at the proper polling place or places before the time  
243 fixed for opening of the polls, and the counters set at zero, and  
244 otherwise in good and proper order for use at such election. For  
245 the purpose of placing ballots in the ballot frames of the  
246 machine, putting it in order, setting, testing and adjusting and  
247 delivering the machine, the authorities in charge of elections may  
248 employ one or more competent persons, to be known as custodian or  
249 custodians of voting machines, who shall be fully competent,  
250 thoroughly instructed, and sworn to perform his duties honestly  
251 and faithfully, and for such purpose shall be appointed and  
252 instructed at least thirty (30) days before the election. All  
253 voting machines to be used in an election shall be properly  
254 prepared at least seventeen (17) days prior to the election day.  
255 When a voting machine has been properly prepared for election, it  
256 shall be locked against voting and sealed; and the keys thereof  
257 shall be delivered to the registrar, together with a written  
258 report made by the custodian or official preparing the machine,  
259 stating that it is in every way properly prepared for the  
260 election. After the voting machine has been transferred to the  
261 polling place, it shall be the duty of the managers to provide  
262 ample protection against molestation or injury to the machine.  
263 All voting machines used in any election shall be provided with a  
264 screen, hood or curtain which shall be so made and adjusted as to  
265 conceal the voter and his action while voting.

266         **SECTION 12.** Section 23-15-417, Mississippi Code of 1972, is  
267 amended as follows:



268           23-15-417. At least forty-two (42) days before each  
269 election, the officials in charge of the elections shall appoint  
270 one or more persons to instruct the managers and clerks that are  
271 to serve in a voting precinct in the use of the machine, and in  
272 their duties in connection therewith; and he shall give to each  
273 manager and clerk, who has received such instruction and is fully  
274 qualified to properly conduct the election with the machine, a  
275 certificate to that effect. For the purpose of giving such  
276 instruction, the person or persons appointed as instructors shall  
277 call such meeting or meetings of the managers and clerks as shall  
278 be necessary. Such person shall, within twenty-five (25) days  
279 before each election, file a report with the officials in charge  
280 of the elections, stating that he has instructed the managers and  
281 clerks, giving the names of such officers, and the time and place  
282 where such instruction was given. The managers and clerks of each  
283 voting precinct in which a voting machine is to be used shall  
284 attend such meeting, or meetings, as shall be called for the  
285 purpose of receiving such instruction concerning their duties as  
286 shall be necessary for the proper conduct of the election with the  
287 machine. No manager or clerk shall serve in any election at which  
288 a voting machine is used, unless he shall have received such  
289 instruction and is fully qualified to perform the duties in  
290 connection with the machine, and has received a certificate to  
291 that effect, provided, however, that this shall not prevent the  
292 appointment of a person as a manager or clerk to fill a vacancy in  
293 an emergency.

294           **SECTION 13.** Section 23-15-449, Mississippi Code of 1972, is  
295 amended as follows:

296           23-15-449. All laws relating to elections now in force in  
297 this state shall apply to all elections under this chapter so far  
298 as the same may be applicable thereto, and so far as such  
299 provisions are not inconsistent with the provisions of this

300 chapter. Absentee ballots and early voting ballots shall be voted  
301 as now provided by law.

302 **SECTION 14.** Section 23-15-473, Mississippi Code of 1972, is  
303 amended as follows:

304 23-15-473. The circuit court clerk shall be the custodian of  
305 voting devices acquired by a county, who shall be charged with the  
306 proper storage, maintenance and repair of voting devices, and the  
307 preparation of them for voting prior to elections. After they  
308 have been prepared for an election and at least fourteen (14) days  
309 prior thereto, the voting devices shall be available for public  
310 inspection at a time and place designated by the custodian.  
311 Thereafter they shall be locked or sealed before delivery to the  
312 managers of the election. The custodian shall immediately repair,  
313 replace or remove any voting device which fails to function  
314 properly on election day. The clerk of any municipality which  
315 acquires voting devices shall be the custodian of such voting  
316 devices and perform the same functions.

317 If a voting device at a polling place malfunctions and cannot  
318 be repaired or replaced quickly and there is no other device in  
319 the polling place that can be used to perform the function of the  
320 device that malfunctions, unofficial ballots made as nearly as  
321 possible in the form of the official ballot may be used until the  
322 voting device is repaired or replaced. Such ballots shall be  
323 received by the managers and placed by them in a receptacle in  
324 such case to be provided by the managers, and counted with the  
325 votes registered on the voting device; and the result shall be  
326 declared the same as though there had been no accident to the  
327 voting device; the ballots thus voted shall be preserved and  
328 returned as herein directed, with a certificate or statement  
329 setting forth how and why the same were voted.

330 **SECTION 15.** Section 23-15-463, Mississippi Code of 1972, is  
331 amended as follows:

332           23-15-463. The board of supervisors of any county in the  
333 State of Mississippi and the governing authorities of any  
334 municipality in the State of Mississippi are hereby authorized and  
335 empowered, in their discretion, to purchase or rent voting devices  
336 and automatic tabulating equipment used in an electronic voting  
337 system which meets the requirements of Section 23-15-465, and may  
338 use such system in all or a part of the precincts within its  
339 boundaries, or in combination with paper ballots in any election  
340 or primary. It may enlarge, consolidate or alter the boundaries  
341 of precincts where an electronic voting system is used. The  
342 provisions of Sections 23-15-461 through 23-15-485 shall be  
343 controlling with respect to elections where an electronic voting  
344 system is used, and shall be liberally construed so as to carry  
345 out the purpose of this chapter. The provisions of the election  
346 law relating to the conduct of elections with paper ballots,  
347 insofar as they are applicable and not inconsistent with the  
348 efficient conduct of elections with electronic voting systems,  
349 shall apply. Absentee ballots and early voting ballots shall be  
350 voted as now provided by law.

351           **SECTION 16.** Section 23-15-511, Mississippi Code of 1972, is  
352 amended as follows:

353           23-15-511. The ballots shall, as far as practicable, \* \* \*  
354 be in the same order of arrangement as provided for paper ballots  
355 that are to be counted manually, except that such information may  
356 be printed in vertical or horizontal rows. Nothing in this  
357 chapter shall be construed as prohibiting the information being  
358 presented to the voters from being printed on both sides of a  
359 single ballot. In those years when a special election shall occur  
360 on the same day as the general election, the names of candidates  
361 in any special election and the general election shall be placed  
362 on the same ballot by the commissioners of elections or officials  
363 in charge of the election, but the general election candidates  
364 shall be clearly distinguished from the special election

365 candidates. At any time a special election is held on the same  
366 day as a party primary election, the names of the candidates in  
367 the special election may be placed on the same ballot, but shall  
368 be clearly distinguished as special election candidates or primary  
369 election candidates.

370 Ballots shall be printed in plain clear type in black ink and  
371 upon clear white materials of such size and arrangement as to be  
372 compatible with the OMR tabulating equipment. Absentee ballots  
373 and early voting ballots shall be prepared and printed in the same  
374 form and shall be on the same size and texture as the regular  
375 official ballots, except that they shall be printed on tinted  
376 paper; or the ink used to print the ballots shall be of a color  
377 different from that of the ink used to print the regular official  
378 ballots. Arrows may be printed on the ballot to indicate the  
379 place to mark the ballot, which may be to the right or left of the  
380 names of candidates and propositions. The titles of offices may  
381 be arranged in vertical columns on the ballot and shall be printed  
382 above or at the side of the names of candidates so as to indicate  
383 clearly the candidates for each office and the number to be  
384 elected. In case there are more candidates for an office than can  
385 be printed in one (1) column, the ballot shall be clearly marked  
386 that the list of candidates is continued on the following column.  
387 The names of candidates for each office shall be printed in  
388 vertical columns, grouped by the offices which they seek. In  
389 partisan elections, the party designation of each candidate, which  
390 may be abbreviated, shall be printed following his name.

391 Two (2) sample ballots, which shall be facsimile ballots of  
392 the official ballot and instructions to the voters, shall be  
393 provided for each precinct and shall be posted in each polling  
394 place on election day.

395 A separate ballot security envelope or suitable equivalent in  
396 which the voter can place his ballot after voting, shall be  
397 provided to conceal the choices the voter has made. Absentee

398 voters will receive a similar ballot security envelope provided by  
399 the county in which the absentee voter will insert their voted  
400 ballot, which then can be inserted into a return envelope to be  
401 mailed back to the election official. Absentee ballots will not  
402 be required to be folded when a ballot security envelope is  
403 provided.

404       **SECTION 17.** The Attorney General of the State of Mississippi  
405 shall submit this act, immediately upon approval by the Governor,  
406 or upon approval by the Legislature subsequent to a veto, to the  
407 Attorney General of the United States or to the United States  
408 District Court for the District of Columbia in accordance with the  
409 provisions of the Voting Rights Act of 1965, as amended and  
410 extended.

411       **SECTION 18.** This act shall take effect and be in force from  
412 and after the date it is effectuated under Section 5 of the Voting  
413 Rights Act of 1965, as amended and extended.