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To: Elections

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2113

1 AN ACT TO REQUIRE THE SECRETARY OF STATE TO ADOPT AND PUBLISH  
2 TESTING STANDARDS AND ELECTION PROCEDURES THAT MEET OR EXCEED THE  
3 STANDARDS SET BY THE UNITED STATES ELECTIONS ASSISTANCE  
4 COMMISSION; TO AMEND SECTION 23-15-507, MISSISSIPPI CODE OF 1972,  
5 TO REQUIRE ALL OMR EQUIPMENT TO BE CERTIFIED BY THE UNITED STATES  
6 ELECTION ASSISTANCE COMMISSION; TO AMEND SECTION 23-15-531.1,  
7 MISSISSIPPI CODE OF 1972, TO REQUIRE ALL DRE UNITS TO BE CERTIFIED  
8 BY THE UNITED STATES ELECTION ASSISTANCE COMMISSION; AND FOR  
9 RELATED PURPOSES.

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

11 **SECTION 1.** The Secretary of State shall adopt and publish  
12 testing standards that meet or exceed federal voluntary standards  
13 set by the United States Election Assistance Commission or its  
14 successor agency.

15 **SECTION 2.** Section 23-15-507, Mississippi Code of 1972, is  
16 amended as follows:

17 23-15-507. No \* \* \* voting equipment or systems that  
18 tabulate votes shall be acquired or used in accordance with this  
19 chapter unless it shall:

20 (a) Permit eligible voters to vote at any election for  
21 all persons for whom they are lawfully entitled to vote; to vote



for as many persons for an office as they are lawfully entitled to vote; to vote for or against any ballot initiative, measure or other local issue upon which they are lawfully entitled to vote;

(b) The \* \* \* voting equipment shall be capable of rejecting choices marked on the ballot if the number of choices exceeds the number that the voter is entitled to vote for the office or on the measure;

(c) Permit each voter, in presidential elections, by one (1) mark to vote for the candidates of that party for President, Vice President, and their presidential electors, or to vote individually for the electors of their choice when permitted by law;

(d) Permit each voter, in other than primary elections, to vote for the nominees of one or more parties and for independent candidates;

(e) Permit each voter to vote for candidates only in the primary in which he or she is qualified to vote;

(f) Permit each voter to vote for persons whose names are not on the printed ballot;

(g) Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently and accurately in the conduct of elections and the counting of ballots;

(h) Be provided with means for sealing the ballots after the close of the polls;



(i) When properly operated, record correctly and count accurately all votes cast; \* \* \*

(j) Provide the voter with a set of instructions that will be displayed in such a way that a voter may readily learn the method of voting \* \* \*; and

(k) Be certified by the United States Election Assistance Commission, or designated federal authority, as meeting or exceeding the voluntary voting system standards or guidelines as promulgated by the United States Election Assistance Commission, or designated federal authority.

**SECTION 3.** Section 23-15-531.1, Mississippi Code of 1972, is amended as follows:

23-15-531.1. (1) The board of supervisors of each county and the governing authorities of each municipality are hereby authorized and empowered, in their discretion, to purchase or rent DRE units that meets the requirements of subsection (2) of this section and may use such system in all or a part of the precincts within its boundaries. The provisions of this chapter shall be controlling with respect to elections in which a DRE unit is used, and shall be liberally construed so as to carry out the purpose of this chapter. The provisions of the election law relating to the conduct of elections with paper ballots, insofar as they are applicable, shall apply.

(2) No DRE unit shall be acquired or used in accordance with this chapter unless it shall:



72 (a) Permit the voter to verify, in a private and  
73 independent manner, the votes selected by the voter on the ballot  
74 before the ballot is cast and counted;

75 (b) Provide the voter with the opportunity, in a  
76 private and independent manner, to change the ballot or correct  
77 any error before the ballot is cast and counted, including, but  
78 not limited to, the opportunity to correct the error through the  
79 issuance of a replacement ballot if the voter is otherwise unable  
80 to change the ballot or correct any error;

81 (c) If the voter votes for more candidates for a single  
82 office than are eligible for election:

83 (i) Notify the voter that he or she has selected  
84 more candidates for that office than are eligible for election;

85 (ii) Notify the voter before his or her vote is  
86 cast and counted of the effect of casting multiple votes for such  
87 an office; and

88 (iii) Provide the voter with the opportunity to  
89 correct the ballot before the ballot is cast and counted;

90 (d) Produce a permanent paper record with a manual  
91 audit capability;

92 (e) Have the capability to print the ballots cast by  
93 electors;

94 (f) Be accessible for individuals with disabilities,  
95 including, but not limited to, nonvisual accessibility for the  
96 blind and visually impaired, in a manner that provides the same



97 opportunity for access and participation, including privacy and  
98 independence, as for other voters. This requirement may be  
99 satisfied through the use of at least one (1) DRE unit or other  
100 voting unit equipped for individuals with disabilities at each  
101 polling place;

102 (g) Provide alternative language accessibility pursuant  
103 to the requirements of the Voting Rights Act of 1965; \* \* \*

104 (h) Have a residual vote rate in counting ballots  
105 attributable to the voting system and not to voter error that  
106 complies with error rate standards established under the voting  
107 system standards issued by the Federal Election Commission in  
108 effect as of October 29, 2002 \* \* \*; and

109 (i) Be certified by the United States Election  
110 Assistance Commission, or designated federal authority, as meeting  
111 or exceeding the voluntary voting system standards or guidelines  
112 as promulgated by the United States Election Assistance  
113 Commission, or designated federal authority.

114 **SECTION 4.** This act shall take effect and be in force from  
115 and after July 1, 2021.

