

By: Senator(s) Tate, Suber, McCaughn

To: Elections

SENATE BILL NO. 2411

1 AN ACT TO REPEAL SECTIONS 23-15-531 THROUGH 23-15-531.12,
2 MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE DIRECT RECORDING
3 ELECTRONIC VOTING EQUIPMENT TO BE USED IN ELECTION; TO AMEND
4 SECTIONS 23-15-391, 23-15-545, 23-15-613 AND 97-13-43, MISSISSIPPI
5 CODE OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Sections 23-15-531, 23-15-531.1, 23-15-531.2,
8 23-15-531.3, 23-15-531.4, 23-15-531.5, 23-15-531.6, 23-15-531.9,
9 23-15-531.10 and 23-15-531.12, Mississippi Code of 1972, which
10 authorize the use of direct recording electronic voting equipment
11 "DRE" in elections, are repealed.

12 **SECTION 2.** Section 23-15-391, Mississippi Code of 1972, is
13 amended as follows:

14 23-15-391. The board of supervisors of each county and the
15 governing authorities of each municipality shall use optical mark
16 reading equipment * * * that complies with the specifications
17 provided by law. The election commissioners may conduct special
18 and municipal elections, as well as any necessary runoff
19 elections, by paper ballot when the election commissioners



20 determine that administration of an election by paper ballot will
21 be less expensive than administration of the same election by
22 optical mark reading equipment * * *.

23 **SECTION 3.** Section 23-15-545, Mississippi Code of 1972, is
24 amended as follows:

25 23-15-545. At each election, at least one (1) poll manager
26 shall be charged with writing in the pollbook the word "VOTED," in
27 the column having at its head the date of the election, opposite
28 the name of each elector upon return of a marked paper ballot by
29 the elector with the initials of the initialing poll manager or
30 alternate initialing poll manager affixed thereon. * * *

31 **SECTION 4.** Section 23-15-613, Mississippi Code of 1972, is
32 amended as follows:

33 23-15-613. (1) As used in this section "residual votes"
34 means overvotes, undervotes and any other vote not counted for any
35 reason.

36 (2) For every election, election commissions and county and
37 municipal executive committees shall report to the Secretary of
38 State residual vote information; however, if the voting
39 devices * * * used in the election do not produce a ballot, other
40 information shall be reported as required in this section.

41 (3) For every election, election commissions and county and
42 municipal executive committees responsible for the conduct of
43 elections in which ballots are generated that are counted by hand
44 or by OMR equipment * * * shall report to the Secretary of State



45 all residual votes for all candidates and ballot measures in the
46 elections for which they are responsible for conducting. The
47 residual vote reports shall:

48 (a) Be received by the Secretary of State no later than
49 December 15 of the year in which the election is held;

50 (b) Include any suggested explanation or suspected
51 cause of the residual votes;

52 (c) Include a copy of a voided official ballot for the
53 election as such ballot appeared to voters at the election and
54 copies of voided affidavit and absentee ballots if they are
55 different from the official ballot;

56 (d) Include the total voter turnout for each election
57 to be determined by totaling the number of persons signing the
58 receipt book at each precinct, absentee voters and persons who
59 voted by affidavit ballot and persons whose ballots were
60 challenged and rejected; and

61 (e) Include a copy of any printed voting instructions
62 given or visible to voters in the election and a description of
63 any verbal instructions and any other evidence of voter education
64 that was used in the election.

65 (4) For every election, election commissions and county and
66 municipal executive committees responsible for the conduct of
67 election in which voting devices are used that do not generate
68 ballots that are counted by hand or by OMR equipment * * *, shall
69 file a report with the Secretary of State which shall:



70 (a) Be received by the Secretary of State no later than
71 December 15 of the year in which the election is held;

72 (b) Include the total voter turnout for each election
73 to be determined by totaling the number of persons signing the
74 receipt book at each precinct, absentee voters and persons who
75 voted by affidavit ballot and persons whose ballots were
76 challenged and rejected;

77 (c) Include in the report any anecdotal information
78 obtained concerning voter problems with the voting equipment or
79 ballot layout;

80 (d) Include in the report any suggested explanation or
81 suspected cause of any difference in the amount of total voter
82 turnout and the number of counted votes for candidates for various
83 offices; and

84 (e) Include a copy of any printed voting instructions
85 given or visible to voters in the election and a description of
86 any verbal instructions and any other evidence of voter education
87 that was used in the election.

88 (5) Not later than January 31 of the year following the
89 election, the Secretary of State shall submit a report to the
90 Governor, Lieutenant Governor and Speaker of the House of
91 Representatives analyzing the reports required to be filed
92 pursuant to this section. The analysis shall include the
93 following:



94 (a) The performance of each voting device type used in
95 the election;

96 (b) Any problems with voter or poll worker instructions
97 or ballot design and layout that have been identified as a result
98 of analyzing the reports received;

99 (c) Recommendations for reducing the number of residual
100 votes reported; and

101 (d) Such other information as the Secretary of State
102 deems beneficial.

103 (6) The reports required pursuant to this section shall be
104 in such form as may be required by rules and regulations
105 promulgated by the Secretary of State.

106 **SECTION 5.** Section 97-13-43, Mississippi Code of 1972, is
107 amended as follows:

108 97-13-43. Any person who willfully tampers with or damages
109 any * * * tabulating computer or device to be used or being used
110 at or in connection with any election or who prevents or attempts
111 to prevent the correct operation of any * * * tabulating computer
112 or device shall be guilty of a felony and, upon conviction, be
113 punished by imprisonment for not more than ten (10) years, or be
114 fined Five Thousand Dollars (\$5,000.00), or both.

115 **SECTION 6.** This act shall take effect and be in force from
116 and after July 1, 2022.

