

By: Senator(s) Tate

To: Elections

SENATE BILL NO. 2414

1 AN ACT TO REQUIRE THE SECRETARY OF STATE TO PROMULGATE
 2 REGULATIONS FOR THE REVIEW, CERTIFICATION AND DECERTIFICATION, AND
 3 IMPLEMENTATION OF ALL VOTING SYSTEMS; TO AMEND SECTION 23-15-507,
 4 MISSISSIPPI CODE OF 1972, TO REQUIRE ALL OMR EQUIPMENT TO BE ABLE
 5 TO COMPLY WITH THE CERTIFICATION STANDARDS PUBLISHED BY THE
 6 SECRETARY OF STATE BY A CERTAIN DATE; TO AMEND SECTION
 7 23-15-531.1, MISSISSIPPI CODE OF 1972, TO REQUIRE ALL DRE UNITS TO
 8 BE ABLE TO COMPLY WITH THE CERTIFICATION STANDARDS PUBLISHED BY
 9 THE SECRETARY OF STATE BY A CERTAIN DATE; AND FOR RELATED
 10 PURPOSES.

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

12 **SECTION 1.** (1) The Secretary of State shall promulgate
 13 regulations for the review, certification and decertification, and
 14 implementation of all voting systems.

15 (2) Prior to promulgating any regulations under this
 16 section, the Secretary of State shall present proposed regulations
 17 to the State Board of Election Commissioners for approval and
 18 comment.

19 (3) Upon approval of the regulations by the State Board of
 20 Election Commissioners, the Secretary of State shall promulgate
 21 the approved regulations.



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

24 23-15-507. No * * * voting equipment or systems that
25 tabulate votes shall be acquired or used in accordance with this
26 chapter unless it shall:

27 (a) Permit eligible voters to vote at any election for
28 all persons for whom they are lawfully entitled to vote; to vote
29 for as many persons for an office as they are lawfully entitled to
30 vote; to vote for or against any ballot initiative, measure or
31 other local issue upon which they are lawfully entitled to vote;

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

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

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

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



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

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

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

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

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

59 (k) Be able to comply with the certification standards
60 published by the Secretary of State for any election held after
61 January 1, 2024.

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

64 23-15-531.1. (1) The board of supervisors of each county
65 and the governing authorities of each municipality are hereby
66 authorized and empowered, in their discretion, to purchase or rent
67 DRE units that meets the requirements of subsection (2) of this
68 section and may use such system in all or a part of the precincts
69 within its boundaries. The provisions of this chapter shall be
70 controlling with respect to elections in which a DRE unit is used,



71 and shall be liberally construed so as to carry out the purpose of
72 this chapter. The provisions of the election law relating to the
73 conduct of elections with paper ballots, insofar as they are
74 applicable, shall apply.

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

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

80 (b) Provide the voter with the opportunity, in a
81 private and independent manner, to change the ballot or correct
82 any error before the ballot is cast and counted, including, but
83 not limited to, the opportunity to correct the error through the
84 issuance of a replacement ballot if the voter is otherwise unable
85 to change the ballot or correct any error;

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

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

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

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



95 (d) Produce a permanent paper record with a manual
96 audit capability;

97 (e) Have the capability to print the ballots cast by
98 electors;

99 (f) Be accessible for individuals with disabilities,
100 including, but not limited to, nonvisual accessibility for the
101 blind and visually impaired, in a manner that provides the same
102 opportunity for access and participation, including privacy and
103 independence, as for other voters. This requirement may be
104 satisfied through the use of at least one (1) DRE unit or other
105 voting unit equipped for individuals with disabilities at each
106 polling place;

107 (g) Provide alternative language accessibility pursuant
108 to the requirements of the Voting Rights Act of 1965; * * *

109 (h) Have a residual vote rate in counting ballots
110 attributable to the voting system and not to voter error that
111 complies with error rate standards established under the voting
112 system standards issued by the Federal Election Commission in
113 effect as of October 29, 2002 * * *; and

114 (i) Be able to comply with the certification standards
115 published by the Secretary of State for any election held after
116 January 1, 2024.

117 **SECTION 4.** This act shall take effect and be in force from
118 and after July 1, 2022.

