

By: Senator(s) Tate

To: Elections;
Appropriations

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2879

1 AN ACT TO ENACT THE MISSISSIPPI VOTING MODERNIZATION ACT FOR
2 THE PURPOSE OF MODERNIZING VOTING SYSTEMS IN THE STATE; TO DEFINE
3 TERMS; TO ESTABLISH THE MISSISSIPPI VOTING MODERNIZATION GRANT
4 PROGRAM TO BE ADMINISTERED BY THE SECRETARY OF STATE FOR THE
5 PURPOSE OF REIMBURSING COUNTIES OR DISBURSING FUNDS TO COUNTIES
6 FOR THE PURCHASE OF MODERN VOTING SYSTEMS; TO PROVIDE THAT THE
7 GRANT PROGRAM SHALL RECEIVE ANY FUNDS APPROPRIATED THEREFOR; TO
8 REQUIRE THE SECRETARY OF STATE TO PROMULGATE PROCEDURES; TO
9 PRESCRIBE A TIMEFRAME FOR THE GRANT OR DENIAL OF AN APPLICATION;
10 TO PROVIDE THAT EACH COUNTY IS ELIGIBLE FOR A PRO RATA SHARE OF
11 THE FUNDS APPROPRIATED OR MADE AVAILABLE TO THE PROGRAM; TO
12 PRESCRIBE CERTAIN ELIGIBILITY REQUIREMENTS; TO AUTHORIZE COUNTIES
13 TO APPLY FOR THE GRANT PROGRAM; TO REQUIRE THE SECRETARY OF STATE
14 TO REPORT ON THE GRANT PROGRAM; TO PROVIDE FOR THE REPEAL SECTIONS
15 23-15-531, 23-15-531.1, 23-15-531.2, 23-15-531.3, 23-15-531.4,
16 23-15-531.5, 23-15-531.6, 23-15-531.9, 23-15-531.10 AND
17 23-15-531.12, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE
18 AUTHORITY FOR THE USE OF DIRECT RECORDING ELECTRONIC VOTING
19 EQUIPMENT AT POLLING PLACES, ON A CERTAIN DATE AND FOR RELATED
20 PURPOSES.

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

22 **SECTION 1.** This act shall be known and may be cited as the
23 "Mississippi Voting Modernization Act."

24 **SECTION 2.** As used in this act:

25 (a) "Department" means the Office of the Secretary of
26 State.



27 (b) "Grant program" means the "Mississippi Voting
28 Modernization Grant Program" established in Section 3 of this act.

29 (c) "Voting system" means any voting machine, voting
30 device, precinct ballot scanner, ballot marking device, tabulation
31 server or vote tabulating device that:

32 (i) Does not utilize pre-scored punch card
33 ballots; and

34 (ii) Voter-verifiable paper ballot.

35 **SECTION 3.** (1) (a) There is established within the
36 department the Mississippi Voting Modernization Grant Program
37 which shall be administered by the department for the purpose of
38 reimbursing counties or disbursing funds to counties for the
39 purchase of modern voting systems.

40 (b) The grant program shall receive funds appropriated
41 to the Secretary of State therefor from the Capital Expense Fund
42 or other available source of money.

43 (2) By August 31, 2022, the department shall develop and
44 promulgate rules to provide for:

45 (a) The procedures of the grant program not
46 specifically enumerated in this act; and

47 (b) Other eligible expenses related to the costs of
48 conducting elections where a county has previously purchased
49 voting hardware or software or both that qualifies under the
50 requirements of this act, such as encumbered debt of previously
51 purchased voting machines.



52 (3) To be eligible for purchase under this grant program,
53 any voting machine, voting device, precinct ballot scanner, ballot
54 marking device or vote tabulating device shall not:

55 (a) Have the capability of wireless remote connections;
56 or

57 (b) Have the capacity for all wireless connection
58 capabilities to be disabled.

59 (4) The department shall review the application for funding
60 submitted by each county and grant or deny the application within
61 thirty (30) days of the receipt of the application.

62 (5) Before awarding a grant to a county for the future
63 purchase of a voting system, the department shall require the
64 county to provide a verified contract and purchase order.

65 **SECTION 4.** (1) For any election held in this state after
66 January 1, 2024, the officials in charge of the election shall
67 only use voting systems as defined by Section 2 of this act.

68 (2) The board of supervisors of any county may authorize the
69 circuit clerk or election commission to make application for
70 grants under the procedures and within the certification
71 requirements established by the department.

72 (3) Each county shall be eligible to receive a pro rata
73 share of the funds appropriated or otherwise made available to the
74 grant program based on the number of voting precincts in that
75 county.

76 (4) Counties may apply for grants for:



77 (a) Purchasing of voting system hardware, including the
78 software necessary to operate that hardware; and

79 (b) Incurring of other eligible expenses related to the
80 costs of conducting elections only if:

81 (i) The county is already in compliance with
82 subsection (1) of this section through previously acquired voting
83 hardware or software or both prior to the effective date of this
84 act that would have been eligible for purchase under this grant
85 program; or

86 (ii) The county will have funds remaining from its
87 pro rata share provided for in subsection (3) of this section
88 after purchasing the necessary voting systems to bring the county
89 in compliance with subsection (1) of this section.

90 (5) Any county receiving a grant for the future purchase of
91 a voting system shall submit proof of payment to the department
92 immediately upon completing the purchase.

93 (6) Any county receiving funds for the incurring of other
94 eligible expenses shall first apply the received funds under this
95 grant program toward any existing indebtedness for the purchase of
96 voting hardware or software.

97 **SECTION 5.** (1) The department shall provide a comprehensive
98 report on:

99 (a) The total number of counties that applied for
100 grants under this act;



101 (b) The total number of grants issued under the grant
102 program;

103 (c) The number of grants issued under Section 4(4) (a)
104 of this act;

105 (d) The number of grants issued under Section 4(4) (b)
106 of this act;

107 (e) The number of grants issued under Section 4(4) (c)
108 of this act; and

109 (f) Any recommendations for legislative amendment to
110 the grant program.

111 (2) By December 31, 2022, the department shall deliver the
112 report to the Lieutenant Governor, the Speaker of the House of
113 Representatives, the Chair of the Senate Elections Committee, and
114 the Chair of the House Apportionment and Elections Committee.

115 **SECTION 6.** Sections 23-15-531, 23-15-531.1, 23-15-531.2,
116 23-15-531.3, 23-15-531.4, 23-15-531.5, 23-15-531.6, 23-15-531.9,
117 23-15-531.10 and 23-15-531.12, Mississippi Code of 1972, which
118 provide the authority for the use of direct recording electronic
119 voting equipment at polling places, shall stand repealed on
120 December 1, 2023.

121 **SECTION 7.** This act shall take effect and be in force from
122 and after its passage.

