

By: Senator(s) Tate

To: Elections;
Appropriations

SENATE BILL NO. 2879
(As Sent to Governor)

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 MISSISSIPPI SECRETARY OF STATE
 5 FOR THE PURPOSE OF REIMBURSING COUNTIES OR DISBURSING FUNDS TO
 6 COUNTIES FOR THE PURCHASE OF MODERN VOTING SYSTEMS; TO PROVIDE
 7 THAT THE GRANT PROGRAM SHALL RECEIVE ANY FUNDS APPROPRIATED
 8 THEREFOR; TO REQUIRE THE MISSISSIPPI SECRETARY OF STATE TO
 9 PROMULGATE PROCEDURES; TO PRESCRIBE A TIMEFRAME FOR THE GRANT OR
 10 DENIAL OF AN APPLICATION; TO PROVIDE THAT EACH COUNTY IS ELIGIBLE
 11 FOR A PRO RATA SHARE OF THE FUNDS APPROPRIATED OR MADE AVAILABLE
 12 TO THE PROGRAM; TO PRESCRIBE CERTAIN ELIGIBILITY REQUIREMENTS; TO
 13 AUTHORIZE COUNTIES TO APPLY FOR THE GRANT PROGRAM; TO REQUIRE THE
 14 MISSISSIPPI SECRETARY OF STATE TO REPORT ON THE GRANT PROGRAM; TO
 15 PROVIDE FOR THE REPEAL OF SECTIONS 23-15-531, 23-15-531.1,
 16 23-15-531.2, 23-15-531.3, 23-15-531.4, 23-15-531.5, 23-15-531.6,
 17 23-15-531.9, 23-15-531.10 AND 23-15-531.12, MISSISSIPPI CODE OF
 18 1972, WHICH PROVIDE THE AUTHORITY FOR THE USE OF DIRECT RECORDING
 19 ELECTRONIC VOTING EQUIPMENT AT POLLING PLACES, ON A CERTAIN DATE;
 20 AND FOR RELATED 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 Mississippi 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, central scanner, ballot-marking
31 device, ballot-on-demand printing system, tabulation server or
32 vote tabulating device, along with any operating software for such
33 machines and devices, that:

34 (i) Does not utilize pre-scored punch card
35 ballots; and

36 (ii) Produces voter-verifiable paper ballots.

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

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

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

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

49 (b) Other eligible expenses related to the costs of
50 conducting elections where a county has previously purchased
51 voting systems that qualifies under the requirements of this act.



52 Other eligible expenses include, but are not limited to: (i)
53 encumbered debt of previously purchased voting machines; (ii)
54 additional voting machines; (iii) machine maintenance; (iv)
55 software upgrades; (v) ballot-marking devices; (vi) central
56 scanners, (vii) ballot-on-demand printing systems, (viii)
57 electronic poll books; (ix) paper ballots or ballot-printing
58 supplies; and (x) costs associated with voter roll maintenance,
59 such as printing confirmation cards and postage.

60 (3) To be eligible for purchase under this grant program,
61 any voting machine, voting device, precinct ballot scanner, ballot
62 marking device or vote tabulating device shall not have the
63 capability of wireless remote connections.

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

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

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

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



77 (3) Each county shall be eligible to receive a pro rata
78 share of the funds appropriated or otherwise made available to the
79 grant program based on the number of voting polling places in that
80 county.

81 (4) Counties may apply for grants for:

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

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

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

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

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

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



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

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

106 (b) The total number of grants issued under the grant
107 program;

108 (c) The number of grants issued under Section 4(4) (a)
109 of this act;

110 (d) The number of grants issued under Section
111 4(4) (b) (i) of this act;

112 (e) The number of grants issued under Section
113 4(4) (b) (ii) of this act; and

114 (f) Any recommendations for legislative amendment to
115 the grant program.

116 (2) By December 31, 2022, the department shall deliver the
117 report to the Lieutenant Governor, the Speaker of the House of
118 Representatives, the Chair of the Senate Elections Committee, and
119 the Chair of the House Apportionment and Elections Committee.

120 **SECTION 6.** Sections 23-15-531, 23-15-531.1, 23-15-531.2,
121 23-15-531.3, 23-15-531.4, 23-15-531.5, 23-15-531.6, 23-15-531.9,
122 23-15-531.10 and 23-15-531.12, Mississippi Code of 1972, which
123 provide the authority for the use of direct recording electronic
124 voting equipment at polling places, shall stand repealed on
125 December 1, 2023.



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

