

By: Representative Byrd

To: Apportionment and  
Elections

## HOUSE BILL NO. 630

1 AN ACT TO AMEND SECTION 23-15-581, MISSISSIPPI CODE OF 1972,  
2 TO PROVIDE THAT NO BALLOT BOX SHALL BE OPENED AND NO BALLOTS SHALL  
3 BE COUNTED UNTIL ALL OF THE POLLING PLACES ARE CLOSED; TO PROVIDE  
4 THAT THE POLL MANAGERS SHALL NOT PUBLICLY BREAK THE SEAL AND OPEN  
5 THE BALLOT BOX TO COUNT THE BALLOTS UNTIL THE REGISTRAR HAS  
6 NOTIFIED THE POLL MANAGERS THAT ALL OF THE POLLING PLACES ARE  
7 CLOSED; TO AMEND SECTION 23-15-591, MISSISSIPPI CODE OF 1972, TO  
8 PROVIDE THAT THE POLL MANAGERS SHALL NOT ANNOUNCE THE RESULTS OF  
9 THE ELECTION AT THEIR BOX UNTIL THEY HAVE BEEN NOTIFIED BY THE  
10 REGISTRAR THAT ALL OF THE POLLING PLACES HAVE COMPLETELY AND  
11 CORRECTLY COUNTED AND TALLIED THEIR VOTES; TO PROVIDE THAT ONCE  
12 THE REGISTRAR NOTIFIES ALL OF THE POLL MANAGERS, THEN THE POLL  
13 MANAGERS SHALL ANNOUNCE THE RESULTS OF THEIR VOTES SIMULTANEOUSLY;  
14 TO AMEND SECTIONS 23-15-517, 23-15-595, 23-15-519, 23-15-247 AND  
15 23-15-639, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING  
16 SECTIONS; AND FOR RELATED PURPOSES.

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

18 **SECTION 1.** Section 23-15-581, Mississippi Code of 1972, is  
19 amended as follows:

20 23-15-581. When the last qualified voter, who was standing  
21 in line at the polling place at 7:00 p.m., has cast his or her  
22 ballot, or 7:00 p.m., whichever is later, the poll managers shall  
23 proclaim that the polls are closed \* \* \*. When the poll managers  
24 have received notification from the registrar that all of the  
25 polling places have closed, then the poll managers shall publicly



26 break the seal and open the ballot box to immediately proceed to  
27 count the ballots, at the same time reading aloud the names of the  
28 persons voted for, which shall be taken down. No ballot box shall  
29 be opened and no ballots shall be counted while any polling places  
30 are still open. During the holding of the election and the  
31 counting of the ballots, the whole proceedings shall be in fair  
32 and full view of the voting public, candidates or their duly  
33 authorized representatives and other authorized poll watchers,  
34 without unnecessary interference, delay or encroachment upon the  
35 good order of the duties and proceedings of the poll managers and  
36 other officers of the election. There shall be no unnecessary  
37 delay and no adjournment except as provided by law.

38 **SECTION 2.** Section 23-15-591, Mississippi Code of 1972, is  
39 amended as follows:

40 23-15-591. When the votes have been completely and correctly  
41 counted and tallied by the poll managers, and all of the polling  
42 places have closed, they shall publicly proclaim the result of the  
43 election at their box and shall certify in duplicate a statement  
44 of the result, the certificate to be signed by the poll managers,  
45 one (1) of the certificates to be enclosed in the ballot box, and  
46 the other to be delivered to and to be kept by one (1) of the poll  
47 managers and to be inspected at any time by any voter who so  
48 requests. No ballot box shall be opened and no ballots shall be  
49 counted while any polling places are still opened. The poll  
50 managers shall not announce the results of the election at their



51 box until they have been notified by the registrar that all of the  
52 polling places have completely and correctly counted and tallied  
53 their votes. Once the registrar notifies all of the poll  
54 managers, then the poll managers shall announce the results of  
55 their votes simultaneously. When the count of the votes and the  
56 tally of the votes have been completed, the poll managers shall  
57 lock and seal the ballot box, having first placed therein all  
58 ballots voted, all spoiled ballots and all unused ballots. There  
59 shall also be enclosed one (1) of the duplicate receipts given by  
60 the poll manager who received the blank ballots received for that  
61 box; and the total ballots voted, and the spoiled ballots, and the  
62 unused ballots must correspond in total with the duplicate receipt  
63 or else the failure thereof must be perfectly accounted for by a  
64 written statement, under oath of the poll managers, which  
65 statement must be enclosed in the ballot box. There shall also be  
66 enclosed in the box the tally list, the receipt book containing  
67 the signed names of the voters who voted; and the number of  
68 ballots voted must correspond with the number of names signed in  
69 the receipt book.

70 **SECTION 3.** Section 23-15-517, Mississippi Code of 1972, is  
71 amended as follows:

72 23-15-517. At least one (1) hour before the opening of the  
73 polls, the officials in charge of the election shall arrive at the  
74 polling place and set up the voting booths so that they will be in  
75 clear view of the poll managers; the poll managers shall examine



76 the ballots to verify that they have the correct ballots for their  
77 precinct and check the supplies, records and forms, and post the  
78 sample ballots and instructions to the voters. They shall also  
79 inspect the ballot boxes to ensure they contain only voted  
80 absentee ballots in their envelopes with the required  
81 applications, and then seal the box for voting.

82 Each voter shall receive written and/or verbal instructions  
83 by the poll managers instructing the voter how to properly vote  
84 the paper ballot before the voter enters the voting booth. If any  
85 voter needs additional instructions after entering the voting  
86 booth, two (2) poll managers may, if necessary, enter the booth  
87 and give him or her such additional instructions. If any voter  
88 spoils a ballot the voter may obtain others, one (1) at a time,  
89 not exceeding three (3) in all, upon returning each spoiled  
90 ballot. The word "SPOILED" shall be written across the face of  
91 the ballot and it shall be deposited into the sealed ballot box.  
92 When the polls close once the last ballot has been cast or at 7:00  
93 p.m., whichever is later, the poll managers shall proclaim that  
94 the polls are closed. When the poll managers have received  
95 notification from the registrar that all of the polling places  
96 have closed, then the poll managers shall break the seal on the  
97 ballot box to process the absentee ballots. Ballots marked as  
98 spoiled shall be bundled together and placed in an envelope  
99 designated for spoiled ballots. Once the polls have officially  
100 closed, the envelope that contains the spoiled ballots and the



unused ballots shall be placed in the ballot box or other container provided for that purpose which shall be sealed and returned to the officials in charge of the election.

**SECTION 4.** Section 23-15-595, Mississippi Code of 1972, is amended as follows:

23-15-595. The box containing the ballots and other records required by this chapter shall, immediately after the ballots have been counted in all polling places, be delivered by one (1) of the poll managers to the clerk of the circuit court of the county and the clerk shall, in the presence of the poll manager making delivery of the box, place upon the lock of such box a tamper-evident seal. The seals shall be numbered consecutively to the number of ballot boxes used in the election in the county, and the clerk shall keep in a place separate from such boxes a record of the number of the seal of each separate box in the county. The board of supervisors of the county shall pay the cost of providing the seals. Upon demand of the chair of the county executive committee in the case of primary elections, or the county election commissioner in the case of other elections, the boxes and their contents shall be delivered to the county executive committee, or the county election commission, as appropriate, and after such committee or commission, as appropriate, has finished the work of tabulating returns and counting ballots as required by law, the committee or commission, as appropriate, shall return all papers and ballots to the box of the precinct where the election was



held, and it shall make redelivery of the boxes and their contents to the circuit clerk who shall reseal the boxes. Upon every occasion the boxes shall be reopened and each resealing shall be done as provided in this chapter. No ballot box shall be opened and no ballots shall be counted while any polling places are still opened.

**SECTION 5.** Section 23-15-519, Mississippi Code of 1972, is amended as follows:

23-15-519. The poll managers shall prepare a ballot accounting report that documents the number of voters who have voted, as indicated by the receipt book and the number of ballots used in the election. The poll managers shall place the report in the ballot box, with the seal logs, receipt books, absentee ballots, affidavit ballots, challenged ballots, curbside ballots, emergency ballots, spoiled ballots and unused ballots, which thereupon shall be sealed with a tamper-evident seal, which is a seal that has been designed in such a way to allow someone to easily detect any tampering, so that no additional ballots may be deposited or removed from the ballot box. The poll managers, while they have possession of the election materials, and the officials in charge of the election, once the poll managers have delivered the ballot box to the counting center or other designated place, shall be required to keep a seal log to document each time a tamper-evident seal for a ballot box is opened or changed. The seal log shall require the name of the person who



opened the seal, the old seal number, the new seal number, the date the seal was opened and the purpose for opening the seal. The receiving and returning poll manager shall deliver the ballot box to the counting center or other designated place once all of the polling places are closed and receive a signed, numbered receipt therefor. The poll books and other records and supplies shall be returned as directed by the officials in charge of the election. Failure to strictly comply with the provisions of this section shall not result in a presumption of fraud.

**SECTION 6.** Section 23-15-247, Mississippi Code of 1972, is amended as follows:

23-15-247. The election commissioners in each county shall procure, if not already provided, a sufficient number of ballot boxes, which shall be distributed by them to the voting precincts of the county before the time for opening the polls. The boxes shall be securely sealed from the opening of the polls on election day until the polls close on election day; and the box shall be kept by one (1) of the managers, and the manager having the box shall carefully keep it, and neither open it himself or herself nor permit it to be opened, nor permit any person to have any access to it throughout the voting period during an election. The box shall not be removed from the polling building or place after the polls are opened until the polls close and the count is complete. No ballot box shall be opened and no ballots shall be counted while any polling places are still opened. After each



election the ballot boxes shall be delivered to the clerk of the circuit court of the county for preservation; and he or she shall keep them for future use, and, when called for, deliver them to the election commissioners.

**SECTION 7.** Section 23-15-639, Mississippi Code of 1972, is amended as follows:

23-15-639. (1) The examination and counting of all absentee ballots shall be conducted as follows:

(a) At the \* \* \* closing of the polls once all of the polling places have closed, the resolution board established under Section 23-15-523 and trained in the process of canvassing absentee ballots shall first take the envelopes containing the absentee ballots of such electors from the secure location at the circuit clerk's office, and the name, address and precinct inscribed on each envelope shall be announced by the election managers.

(b) The signature on the application shall then be compared with the signature on the back of the envelope. If it corresponds and the affidavit, if one is required, is sufficient and the resolution board find that the applicant is a registered and qualified voter or otherwise qualified to vote, the envelope shall then be opened and the ballot removed from the envelope, without its being unfolded, or permitted to be unfolded or examined.





200           (c) Having observed and found the ballot to be regular  
201 as far as can be observed from its official endorsement, the  
202 resolution board shall deposit it in the ballot box with the other  
203 ballots before counting any ballots and enter the voter's name in  
204 the receipt book provided for that purpose. All absentee ballots  
205 received prior to 7:00 p.m. the day before the election shall be  
206 counted in the registrar's office by the resolution board when the  
207 polls close and then added to the votes cast in each precinct.  
208 All absentee ballots received after 7:00 p.m. the day before the  
209 election but not later than the fifth business day after the  
210 election shall be processed by the resolution board.

211           (2) The resolution board shall also take such action as may  
212 be prescribed by the Secretary of State to ensure compliance with  
213 the identification requirements of Section 23-15-563.

214           (3) The resolution board shall process the absentee ballots  
215 using the procedure provided in subsection (1) of this section.

216           **SECTION 8.** This act shall take effect and be in force from  
217 and after July 1, 2023.

