

By: Representative Criswell

To: Apportionment and
Elections; Appropriations

HOUSE BILL NO. 1309

1 AN ACT TO CREATE THE ELECTION INTEGRITY ACT; TO CREATE NEW
2 SECTION 23-15-622, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
3 REGISTRAR SHALL NOT SEND OR RECEIVE ANY BALLOT FOR ANY ELECTION BY
4 MAIL EXCEPT AS PROVIDED IN THE ARMED SERVICES ABSENTEE VOTING LAW;
5 TO AMEND SECTIONS 23-15-645, 23-15-511, 23-15-637, 23-15-719,
6 23-15-715, 23-15-625 AND 23-15-627, MISSISSIPPI CODE OF 1972, TO
7 CONFORM TO THE PRECEDING SECTION; TO REPEAL SECTIONS 23-15-647,
8 23-15-721, 23-15-733, 23-15-629, 23-15-641, 23-15-731 AND
9 23-15-631, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR ABSENTEE
10 VOTING BY MAIL; TO CREATE A NEW SECTION OF LAW TO PROVIDE THAT
11 DIRECT RECORDING ELECTRONIC (DRE) UNITS OR ANY OTHER ELECTRONIC
12 DEVICES USED TO CONDUCT ELECTIONS ARE PROHIBITED; TO PROVIDE THAT
13 UNTIL THE ELECTION OFFICIALS OF SUCH PRECINCT ARE AUTHORIZED TO
14 APPLY FOR A GRANT UNDER THE MISSISSIPPI VOTING MODERNIZATION ACT,
15 THEY SHALL CONDUCT ELECTIONS AT THEIR PRECINCT USING PAPER
16 BALLOTS; TO PROVIDE THAT ELECTION OFFICIALS CHARGED WITH
17 CONDUCTING ELECTIONS SHALL, WITHIN THIRTY DAYS AFTER AN ELECTION,
18 HAND COUNT ALL BALLOTS VOTED IN THAT PRECINCT IF THE BALLOTS WERE
19 VOTED AND THEN SCANNED INTO OPTICAL MARK READING (OMR) EQUIPMENT
20 OR OTHER SUCH ELECTRONIC SCANNING DEVICE; TO CREATE A NEW SECTION
21 OF LAW TO PROVIDE THAT IN ADDITION TO THE BALLOT BOX AND BALLOT
22 SECURITY MEASURES PRESCRIBED IN LAW, THE SECRETARY OF STATE SHALL
23 ESTABLISH, BY RULE OR REGULATION, A DETAILED CHAIN OF CUSTODY FOR
24 THE HANDLING OF ALL BALLOTS FOR EVERY ELECTION; TO PROVIDE THAT
25 ANY ELECTION OFFICIAL THAT FAILS TO FOLLOW THE CHAIN OF CUSTODY
26 PROCEDURES ESTABLISHED BY THE SECRETARY OF STATE SHALL BE SUBJECT
27 TO CIVIL OR CRIMINAL PENALTIES, OR BOTH; TO CREATE NEW SECTION
28 23-15-615, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF
29 STATE TO AUDIT ELECTION PROCEDURES IN THE COUNTIES OF THE STATE;
30 TO PROVIDE THE INFORMATION THAT EACH REGISTRAR SHALL BE REQUIRED
31 TO SUBMIT TO THE SECRETARY OF STATE; TO PROVIDE WHEN AN AUDIT
32 SHALL BE COMPLETED; TO REPEAL SECTION 23-15-613, MISSISSIPPI CODE
33 OF 1972, WHICH PROVIDES THAT ELECTION COMMISSIONS AND COUNTY AND
34 MUNICIPAL EXECUTIVE COMMITTEES SHALL REPORT RESIDUAL VOTE



35 INFORMATION TO THE SECRETARY OF STATE; TO CREATE NEW SECTIONS
36 23-15-617, 23-15-617.1, 23-15-617.2, 23-15-617.3, 23-15-617.4 AND
37 23-15-617.5, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE PROCEDURES
38 FOR A RISK-LIMITING AUDIT; TO PROVIDE WHICH STATEWIDE ELECTIONS
39 SHALL BE SUBJECT TO A RISK-LIMITING AUDIT; TO PROVIDE WHEN A
40 MANUAL RECOUNT OF ELECTION RESULTS SHALL BE NECESSARY; TO PROVIDE
41 WHEN AND WHERE THE RESULTS OF A RISK-LIMITING AUDIT SHALL BE
42 AVAILABLE; TO CREATE A PILOT PROGRAM TO TEST THE PROCESS FOR
43 CONDUCTING A RISK-LIMITING AUDIT BEFORE IT IS FULLY IMPLEMENTED;
44 TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
45 ELECTION COMMISSIONERS TO RECEIVE A PER DIEM OF \$100.00 FOR
46 CONDUCTING AN ELECTION RECOUNT; TO AMEND SECTION 23-15-603,
47 MISSISSIPPI CODE OF 1972, TO EXTEND THE DEADLINE THAT ELECTION
48 COMMISSIONERS HAVE FOR SUBMITTING INFORMATION RELATED TO THE
49 ELECTION RESULTS WHEN A MANUAL ELECTION RECOUNT IS REQUIRED; TO
50 CREATE A NEW SECTION OF LAW TO PROVIDE THAT UNDER NO CIRCUMSTANCE
51 OF ANY KIND SHALL AN EMERGENCY DECLARATION WITHIN THE STATE HAVE
52 ANY EFFECT UPON THE ELECTION LAWS OR PROCEDURES OR MANNER OF
53 EXECUTION, OR UPON THE DATES OR SCHEDULES OF ANY PORTION THEREOF,
54 WITHOUT THE APPROVAL OF TWO-THIRDS OF THE MEMBERS OF EACH HOUSE OF
55 THE LEGISLATURE BEFORE THE COMMENCEMENT OF IN-PERSON VOTING; AND
56 FOR RELATED PURPOSES.

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

58 **SECTION 1.** The provisions of this act may be known as the
59 "Election Integrity Act".

60 **SECTION 2.** The following shall be codified as Section
61 23-15-622, Mississippi Code of 1972:

62 23-15-622. It shall be unlawful for the registrar to send or
63 receive any ballot for any election by mail except as provided in
64 the Armed Services Absentee Voting Law.

65 **SECTION 3.** Section 23-15-645, Mississippi Code of 1972, is
66 amended as follows:

67 23-15-645. (1) Absentee ballots cast in the registrar's
68 office * * * that are deposited into a sealed ballot box shall be
69 processed on election day but not tallied until after closing of



70 the polls and announced simultaneously with all other votes cast
71 on election day.

72 (2) After the votes have been counted, the officials shall
73 preserve all applications, envelopes and the list of absent voters
74 along with the * * * paper ballots and other election materials
75 and return the same to the registrar.

76 (3) Notwithstanding any other provision of law to the
77 contrary, for federal and presidential general, special or primary
78 elections, packages of protested, void and wholly blank ballots,
79 voted ballots, open packages of unused ballots, sealed packages of
80 unused ballots, and all absentee and military ballots and ballot
81 envelopes, if any, shall be preserved for * * * forty-eight (48)
82 months after the date of any such general, special or primary
83 election. For all other statewide, county or municipal elections,
84 sealed packages of unused ballots, packages of protested, void and
85 wholly blank ballots, open packages of unused ballots and all
86 absentee and military ballots and ballot envelopes shall be
87 retained for four (4) months, and may then be destroyed, provided
88 a certificate articulating the election district identifying data
89 and numbers of such ballots is filed with the balance of ballots
90 described in this section, for the balance of the * * *
91 forty-eight-month retention period.

92 **SECTION 4.** Section 23-15-511, Mississippi Code of 1972, is
93 amended as follows:



94 23-15-511. The ballots shall, as far as practicable, be in
95 the same order of arrangement as provided for paper ballots that
96 are to be counted manually, except that the information may be
97 printed in vertical or horizontal rows. Nothing in this chapter
98 shall be construed as prohibiting the information being presented
99 to the voters from being printed on both sides of a single ballot.
100 In those years when a special election shall occur on the same day
101 as the general election, the names of candidates in any special
102 election and the general election shall be placed on the same
103 ballot by the election commissioners or officials in charge of the
104 election, but the general election candidates shall be clearly
105 distinguished from the special election candidates. At any time a
106 special election is held on the same day as a party primary
107 election, the names of the candidates in the special election may
108 be placed on the same ballot by the officials in charge of the
109 election, but shall be clearly distinguished as special election
110 candidates or primary election candidates.

111 Ballots shall be printed in plain clear type in black ink and
112 upon clear white materials of such size and arrangement as to be
113 compatible with the OMR equipment. Absentee ballots shall be
114 prepared and printed in the same form and shall be on the same
115 size and texture as the regular official ballots, except that they
116 shall be printed on tinted paper; or the ink used to print the
117 ballots shall be of a color different from that of the ink used to
118 print the regular official ballots. Arrows may be printed on the



119 ballot to indicate the place to mark the ballot, which may be to
120 the right or left of the names of candidates and propositions.
121 The titles of offices may be arranged in vertical columns on the
122 ballot and shall be printed above or at the side of the names of
123 candidates so as to indicate clearly the candidates for each
124 office and the number to be elected. In case there are more
125 candidates for an office than can be printed in one (1) column,
126 the ballot shall be clearly marked that the list of candidates is
127 continued on the following column. The names of candidates for
128 each office shall be printed in vertical columns, grouped by the
129 offices that they seek. In partisan elections, the party
130 designation of each candidate, which may be abbreviated, shall be
131 printed following his or her name.

132 One (1) sample ballot, which shall be a facsimile of the
133 official ballot and instructions to the voters, shall be provided
134 for each precinct and shall be posted in each polling place on
135 election day.

136 A separate ballot security envelope or suitable equivalent in
137 which the voter can place his or her ballot after voting, shall be
138 provided to conceal the choices the voter has made. Absentee
139 voters will receive a similar ballot security envelope provided by
140 the county in which the absentee voter will insert their voted
141 ballot * * *. Absentee ballots will not be required to be folded
142 when a ballot security envelope is provided.



143 **SECTION 5.** Section 23-15-637, Mississippi Code of 1972, is
144 amended as follows:

145 23-15-637. (1) (a) * * * All ballots cast by the absent
146 elector appearing in person in the office of the registrar shall
147 be cast with an absentee paper ballot and deposited into a sealed
148 ballot box by the voter, not later than 12:00 noon * * * on the
149 Saturday immediately preceding elections held on Tuesday, the
150 Thursday immediately preceding elections held on Saturday, or the
151 second day immediately preceding the date of elections held on
152 other days. At the close of business each day at the office of
153 the registrar, the ballot box used shall be sealed and not
154 unsealed until the beginning of the next business day, and the
155 seal number shall be recorded with the number of ballots cast
156 which shall be stored in a secure location in the registrar's
157 office.

158 (2) * * * The registrar shall not send any absentee ballots
159 to the precinct polling locations.

160 (3) The Secretary of State shall promulgate rules and
161 regulations necessary to ensure that when a qualified elector who
162 is qualified to vote absentee votes by absentee ballot * * * in
163 person with a regular paper ballot, that person's absentee vote is
164 final and he or she may not vote at the polling place on election
165 day. Notwithstanding any other provisions of law to the contrary,
166 the Secretary of State shall promulgate rules and regulations
167 necessary to ensure that absentee ballots shall remain in the



168 registrar's office for counting and not be taken to the precincts
169 on election day.

170 **SECTION 6.** Section 23-15-719, Mississippi Code of 1972, is
171 amended as follows:

172 23-15-719. (1) * * * The registrar shall identify the
173 applicant by requiring him to present identification as required
174 by Section 23-15-563, and shall then deliver the ballots to the
175 applicant * * * in the registrar's office. The registrar shall
176 not personally hand deliver ballots to voters. After the
177 applicant has properly marked the ballot and properly folded it,
178 he shall deposit it in the envelope furnished him by the
179 registrar.

180 After the absentee voter has sealed the envelope, he or she
181 shall subscribe and swear to an affidavit and mail the ballot to
182 the address provided on the absentee ballot official envelope.
183 The affidavit shall be in the following form, which shall be
184 printed on the back of the envelope containing the applicant's
185 ballot:

186 "STATE OF MISSISSIPPI

187 COUNTY OF _____

188 I, _____, do solemnly swear that this envelope contains
189 the ballot marked by me indicating my choice of the candidates or
190 propositions to be submitted at the election to be held on the ____
191 day of _____, 2____, and I hereby authorize the registrar to
192 place this envelope in the ballot box on my behalf, and I further



193 authorize the election managers to open this envelope and place my
194 ballot among the other ballots cast before such ballots are
195 counted, and record my name on the poll list as if I were present
196 in person and voted.

197 I further swear that I marked the enclosed ballot in secret.

198 _____
199 (Signature of voter)

200 SWORN TO AND SUBSCRIBED before me, _____, this the ____
201 day of _____, 2____.

202 (Registrar) _____
203 (Registrar) "

204 After the completion of the requirements of this section, the
205 elector shall deliver the envelope containing the ballot to the
206 registrar.

207 (2) If the voter has received assistance in marking his
208 ballot, the person providing the assistance shall complete the
209 following form which shall be printed on the back of the envelope
210 containing the applicant's ballot:

211 "CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

212 (To be completed only if the voter has received assistance in
213 marking the enclosed ballot.) I hereby certify that the
214 above-named voter declared to me that he or she is blind,
215 temporarily or permanently physically disabled, or cannot read or
216 write, and that the voter requested that I assist the voter in
217 marking the enclosed absentee ballot. I hereby certify that the



218 ballot preferences on the enclosed ballot are those communicated
219 by the voter to me, and that I have marked the enclosed ballot in
220 accordance with the voter's instructions.

221 _____

222 Signature of person providing assistance

223 _____

224 Printed name of person providing assistance

225 _____

226 Address of person providing assistance

227 _____

228 Date and time assistance provided

229 _____

230 Family relationship to voter (if any)"

231 (3) The envelope used pursuant to this section shall not
232 contain the form prescribed by Section 23-15-635 and shall have
233 printed on the flap on the back of the envelope in bold print and
234 in a distinguishing color, the following: **"YOUR VOTE WILL BE
235 REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE
236 FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

237 **SECTION 7.** Section 23-15-715, Mississippi Code of 1972, is
238 amended as follows:

239 23-15-715. Any elector desiring an absentee ballot as
240 provided in this subarticle may secure same if * * * not more than
241 forty-five (45) days nor later than 12:00 noon * * * on the
242 Saturday immediately preceding elections held on Tuesday, the



243 Thursday immediately preceding elections held on Saturday, or the
244 second day immediately preceding the date of elections held on
245 other days, he shall appear in person before the registrar of the
246 county in which he resides, or for municipal elections he shall
247 appear in person before the city clerk of the municipality in
248 which he resides and, when the elector so appears, he shall
249 execute and file an application as provided in Section 23-15-627
250 and vote by absentee ballot * * *.

251 * * *

252 **SECTION 8.** Section 23-15-625, Mississippi Code of 1972, is
253 amended as follows:

254 23-15-625. (1) The registrar shall be responsible for
255 providing applications for absentee voting as provided in this
256 section. At least sixty (60) days before any election in which
257 absentee voting is provided for by law, the registrar shall
258 provide a sufficient number of applications. In the event a
259 special election is called and set at a date which makes it
260 impractical or impossible to prepare applications for absent
261 elector's ballot sixty (60) days before the election, the
262 registrar shall provide applications as soon as practicable after
263 the election is called. The registrar shall fill in the date of
264 the particular election on the application for which the
265 application will be used.



266 (2) The registrar shall be authorized to disburse
267 applications for absentee ballots to any qualified elector within
268 the county where he or she serves. * * *

269 (3) It shall be unlawful for any person to solicit absentee
270 ballot applications or absentee ballots for persons staying in any
271 skilled nursing facility as defined in Section 41-7-173 unless the
272 person soliciting the absentee ballot applications or absentee
273 ballots is:

274 (a) A family member of the person staying in the
275 skilled nursing facility; or

276 (b) A person designated by the person for whom the
277 absentee ballot application or absentee ballot is sought, the
278 registrar or the deputy registrar.

279 As used in this subsection, "family member" means a spouse,
280 parent, grandparent, sibling, adult child, grandchild or legal
281 guardian.

282 (4) * * * The registrar shall * * * furnish to each precinct
283 manager a list of the names of all persons in each respective
284 precinct voting absentee * * * in person to be posted in a
285 conspicuous place at the polling place for public notice. * * *

286 * * *

287 (* * *5) The registrar shall process all applications for
288 absentee ballots by using the Statewide Election Management
289 System. The registrar shall account for all absentee ballots
290 delivered to and received * * * in person from qualified voters by



291 processing such ballots using the Statewide Election Management
292 System.

293 **SECTION 9.** Section 23-15-627, Mississippi Code of 1972, is
294 amended as follows:

295 23-15-627. Any elector described in Section 23-15-713 may
296 request an absentee ballot application and vote in person at the
297 office of the registrar in the county in which he or she resides.
298 The registrar shall be responsible for furnishing an absentee
299 ballot application form to any elector authorized to receive an
300 absentee ballot. Except as otherwise provided in Section
301 23-15-625, absentee ballot applications shall be furnished to a
302 person only upon the oral or written request of the elector who
303 seeks to vote by absentee ballot; however, the parent, child,
304 spouse, sibling, legal guardian, those empowered with a power of
305 attorney for that elector's affairs or agent of the elector, who
306 is designated in writing and witnessed by a resident of this state
307 who shall write his or her physical address on such designation,
308 may orally request an absentee ballot application on behalf of the
309 elector. The written designation shall be valid for one (1) year
310 after the date of the designation. An absentee ballot application
311 must have the seal of the circuit or municipal clerk affixed to it
312 and be initialed by the registrar or his or her deputy in order to
313 be used to obtain an absentee ballot. A reproduction of an
314 absentee ballot application shall not be valid unless it is a
315 reproduction provided by the office of the registrar of the



316 jurisdiction in which the election is being held and which
317 contains the seal and initials required by this section. Such
318 application shall be substantially in the following form:

319 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

320 I, _____, duly qualified and registered in the ____ Precinct
321 of the County of _____, and State of Mississippi, coming within
322 the purview of the definition 'ABSENT ELECTOR' will be absent from
323 the county of my residence on election day, or unable to vote in
324 person because (check appropriate reason):

325 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a
326 resident of Mississippi or have moved therefrom within thirty (30)
327 days of the coming presidential election.

328 () I am an enlisted or commissioned member, male or female,
329 of any component of the United States Armed Forces and am a
330 citizen of Mississippi, or spouse or dependent of such member.

331 () I am a member of the Merchant Marine or the American Red
332 Cross and am a citizen of Mississippi or spouse or dependent of
333 such member.

334 () I am a disabled war veteran who is a patient in any
335 hospital and am a citizen of Mississippi or spouse or dependent of
336 such veteran.

337 () I am a civilian attached to and serving outside of the
338 United States with any branch of the Armed Forces or with the
339 Merchant Marine or American Red Cross, and am a citizen of
340 Mississippi or spouse or dependent of such civilian.



341 () I am a citizen of Mississippi temporarily residing
342 outside the territorial limits of the United States and the
343 District of Columbia.

344 () I am a student, teacher or administrator at a college,
345 university, junior or community college, high, junior high,
346 elementary or grade school, whose studies or employment at such
347 institution necessitates my absence from the county of my voting
348 residence or spouse or dependent of such student, teacher or
349 administrator who maintains a common domicile outside the county
350 of my voting residence with such student, teacher or
351 administrator.

352 () I will be outside the county on election day.

353 () I have a temporary or permanent physical
354 disability * * *.

355 () I am sixty-five (65) years of age or older.

356 () I am the parent, spouse or dependent of a person with a
357 temporary or permanent physical disability who is hospitalized
358 outside his or her county of residence or more than fifty (50)
359 miles away from his or her residence, and I will be with such
360 person on election day.

361 () I am a member of the congressional delegation, or spouse
362 or dependent of a member of the congressional delegation.

363 () I am required to be at work on election day during the
364 times which the polls will be open.



365 I hereby make application for an official ballot, or ballots,
366 to be voted by me at the election to be held in _____, on _____.

367 * * *

368 I realize that I can be fined up to Five Thousand Dollars
369 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
370 for making a false statement in this application and for selling
371 my vote and violating the Mississippi Absentee Voter Law. (This
372 sentence is to be in bold print.)

373 If you are temporarily or permanently disabled, you are not
374 required to have this application notarized or signed by an
375 official authorized to administer oaths for absentee balloting.
376 You are required to sign this application in the proper place and
377 have a person eighteen (18) years of age or older witness your
378 signature and sign this application in the proper place.

379 DO NOT SIGN WITHOUT READING. (This sentence is to be in bold
380 print.)

381 IN WITNESS WHEREOF I have hereunto set my hand and seal this
382 the _____ day of _____, 2____.

383 _____

384 (Signature of absent elector)

385 SWORN TO AND SUBSCRIBED before me this the _____ day of _____,
386 2____.

387 _____

388 (Official authorized to administer oaths
389 for absentee balloting.)



390 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
391 DISABLED:

392 I HEREBY CERTIFY that this application for an absent
393 elector's ballot was signed by the above-named elector in my
394 presence and that I am at least eighteen (18) years of age, this
395 the _____ day of _____, 2____.

396 _____
397 (Signature of witness)

398 CERTIFICATE OF DELIVERY

399 I hereby certify that _____ (print name of voter)
400 has requested that I, _____ (print name of person
401 delivering application), deliver to the voter this absentee ballot
402 application.

403 _____
404 (Signature of person delivering application)

405 _____
406 (Address of person delivering application)"

407 **SECTION 10.** Sections 23-15-647, 23-15-721, 23-15-733,
408 23-15-629, 23-15-641, 23-15-731 and 23-15-631, Mississippi Code of
409 1972, which provide for absentee voting by mail, are repealed.

410 **SECTION 11.** Direct recording electronic (DRE) units or any
411 other electronic devices used to conduct elections are prohibited.
412 Any precinct that uses DRE units or other electronic devices to
413 conduct elections shall not use those machines after July 1, 2023.
414 Until the election officials of such precinct are authorized to



415 apply for a grant under the Mississippi Voting Modernization Act,
416 they shall conduct elections at their precinct using paper
417 ballots. Election officials charged with conducting elections
418 shall, within thirty (30) days after an election, hand count all
419 ballots voted in that precinct if the ballots were voted and then
420 scanned into optical mark reading (OMR) equipment or other such
421 electronic scanning device. The Secretary of State shall
422 promulgate rules and regulations as necessary to carry out the
423 provisions of this section.

424 **SECTION 12.** In addition to the ballot box and ballot
425 security measures prescribed in law, the Secretary of State shall
426 establish, by rule or regulation, a detailed chain of custody for
427 the handling of all ballots for every election. Any election
428 official that fails to follow the chain of custody procedures
429 established by the Secretary of State shall be subject to civil or
430 criminal penalties, or both. Such penalties shall be set by the
431 Secretary of State.

432 **SECTION 13.** The following shall be codified as Section 23-15-615,
433 Mississippi Code of 1972:

434 23-15-615. (1) The Secretary of State shall be authorized
435 to audit election procedures in the counties of this state. The
436 Secretary of State may, in order to fulfill the requirements of
437 this section, enter into an agreement with a third-party for the
438 conduction of a post-election audit.



439 (2) The registrar of each county shall, within ten (10) days
440 after a primary, general or special election, submit to the
441 Secretary of State the following information:

442 (a) The total number of voters marked as VOTED in the
443 pollbook of each precinct in the county;

444 (b) The sum of the total number of voters who signed
445 the receipt book at the polling place on election day and the
446 total number of voters who cast an absentee ballot;

447 (c) The total number of ballots received by the poll
448 managers from local election officials;

449 (d) The sum of the total number of paper ballots voted
450 on election day, the number of unused ballots and the number of
451 spoiled ballots;

452 (e) The total number of electronic ballots cast; and

453 (f) The total number of ballots cast.

454 (3) If a discrepancy meets or exceeds the threshold set
455 forth in subsection (4), the Secretary of State may conduct an
456 audit in that county.

457 (4) A discrepancy occurs if the difference between the
458 reported totals in subsection (2) meets or exceeds:

459 (a) One (1), if the total number of total votes cast in
460 a precinct is not more than twenty (20).

461 (b) Two (2), if the total number of total votes cast in
462 a precinct is:

463 (i) More than twenty (20); but



464 (ii) Not more than forty (40).

465 (c) Three (3), if the total number of total votes cast
466 in a precinct is:

467 (i) More than forty (40); but
468 (ii) Not more than sixty (60).

469 (d) Four (4), if the total number of total votes cast
470 in a precinct is:

471 (i) More than sixty (60); but
472 (ii) Not more than eighty (80).

473 (e) Three percent (3%) of the total number of total
474 votes cast, rounded up to the nearest whole number, if the total
475 number of votes cast in a precinct is:

476 (i) More than eighty (80); but
477 (ii) Not more than five hundred (500).

478 (f) Fifteen (15), if the total number of total votes
479 cast in a precinct is more than five hundred (500).

480 (5) The Secretary of State shall randomly select and audit
481 each county over a four-year period. The audit shall not begin
482 more than thirty (30) days before and not later than ninety (90)
483 days after the regularly scheduled general or special election.
484 No county shall be selected for audit if that county has been
485 audited in the last four (4) years unless an audit is triggered
486 pursuant to subsection (2) of this section. The Secretary of
487 State shall select the precinct(s) to be audited in each county.



488 (6) The Secretary of State shall not conduct an audit under
489 this section at any precinct where an election occurred and that
490 election is being challenged as provided in Sections 23-15-927,
491 23-15-951 or 23-15-955. Any documents, materials, notes or
492 communications used to prepare the reports required in subsection
493 (7) of this section shall be exempt from and shall not be subject
494 to inspection, examination, copying or reproduction under the
495 Mississippi Public Records Act of 1983.

496 (7) (a) Not later than one hundred twenty (120) days after
497 the date of the election that the Secretary of State is auditing,
498 the Secretary of State shall post a report of any completed audit
499 on the official website of the Secretary of State. The registrar
500 of the affected county may post the results of the completed audit
501 on the official website of the county.

502 (b) Not later than one hundred fifty (150) days after
503 the election, the Secretary of State shall submit a report to the
504 Governor, Lieutenant Governor and Speaker of the House of
505 Representatives analyzing the reports required to be filed
506 pursuant to subsection (2) of this section.

507 (c) If, while conducting an audit, the Secretary of
508 State determines that more time is needed to complete the audit,
509 he or she may certify that such need exists and post the
510 certification to the website of the Secretary of State.



511 (8) The Secretary of State shall promulgate any rules and
512 regulations as necessary to effectuate the provisions of this
513 section.

514 **SECTION 14.** Section 23-15-613, Mississippi Code of 1972,
515 which provides that election commissions and county and municipal
516 executive committees shall report residual vote information to the
517 Secretary of State, is repealed.

518 **SECTION 15.** The following shall be codified as Section 23-15-617,
519 Mississippi Code of 1972:

520 23-15-617. The provisions of Sections 23-15-617 through
521 23-15-617.5 shall apply to an election that:

522 (a) Occurs from and after August 31, 2026, except as
523 otherwise provided in Section 23-15-617.5;

524 (b) Contains an elective office or measure that is
525 voted on statewide; and

526 (c) Uses an auditable voting system as described in
527 Section 23-15-617.4.

528 **SECTION 16.** The following shall be codified as Section
529 23-15-617.1, Mississippi Code of 1972:

530 23-15-617.1. (1) Not later than twenty-four (24) hours
531 after all of the ballots have been counted in an election, the
532 election commissioners, in conjunction with the registrar, shall
533 conduct a risk-limiting audit for a selected statewide elective
534 office or measure.



535 (2) The Secretary of State shall select, in accordance with
536 rules adopted by the secretary, the statewide elective office or
537 measure to be audited.

538 (3) The election commissioners, in conjunction with the
539 registrar, shall complete the audit before the certification of
540 the election pursuant to Section 23-15-603.

541 (4) If the results of the audit determine that the ballots
542 cast in the election do not meet the risk-limiting threshold
543 established as provided in Section 23-15-617.2, the election
544 commissioners shall conduct a manual recount of the election. In
545 the event the tabulation from the manual recount differs from that
546 of the tabulation reported from the auditable voting systems, the
547 tabulation from the manual recount shall be the certified results.

548 (5) The election commissioners, in conjunction with the
549 registrar, shall publish notice of the date, time and location of
550 the audit in the county courthouse and on the county's website, if
551 the county maintains a website. If the county does not maintain a
552 website, such information shall be posted on the Secretary of
553 State's website.

554 (6) A credentialed poll watcher may be present for the audit
555 if he or she is appointed by a candidate whose name appears on the
556 ballot for the statewide elective office to be audited. A
557 credentialed poll watcher shall present credentials to the
558 election commissioners or registrar at the time he or she reports



559 for service. The credentials must be in writing and must include
560 any information also required by Section 23-15-577.

561 (7) The Secretary of State may appoint personnel to assist
562 with the audit, including appropriate voting system technicians or
563 representatives and persons who have assisted with the design and
564 implementation of the audit.

565 **SECTION 17.** The following shall be codified as Section
566 23-15-617.2, Mississippi Code of 1972:

567 23-15-617.2. The Secretary of State shall adopt rules and
568 regulations as necessary to effectuate the provisions of Sections
569 23-15-617 through 23-15-617.5. Such rules shall include a rule
570 that requires the use of widely accepted statistical methods to
571 calculate the number or percentage of paper records that must be
572 counted in a risk-limiting audit as provided in Section
573 23-15-617.1.

574 **SECTION 18.** The following shall be codified as Section
575 23-15-617.3, Mississippi Code of 1972:

576 23-15-617.3. The results of a risk-limiting audit conducted
577 under Section 23-15-617.1 shall be published on the Secretary of
578 State's website not later than three (3) days after the audit is
579 completed.

580 **SECTION 19.** The following shall be codified as Section
581 23-15-617.4, Mississippi Code of 1972:

582 23-15-617.4. (1) As used in Sections 23-15-617 through
583 23-15-617.5, "auditable voting system" means a voting system that:



584 (a) Uses, creates or displays a paper record that may
585 be read by the voter; and

586 (b) Is not capable of being connected to the Internet
587 or any other computer network or electronic device.

588 (2) The electronic vote is the official record of the vote
589 cast if a risk-limiting audit conducted under Section 23-15-617.1
590 produces strong evidence that the reported outcome of the election
591 matches the results that a full counting of the paper records
592 would reveal.

593 (3) The paper record is the official record of the vote cast
594 if a risk-limiting audit conducted under Section 23-15-617.1 fails
595 to produce strong evidence that the reported outcome of the
596 election matches the results that a full counting of the paper
597 records would reveal.

598 **SECTION 20.** The following shall be codified as Section
599 23-15-617.5, Mississippi Code of 1972:

600 23-15-617.5. (1) Notwithstanding the provisions of Section
601 23-15-617(a), the Secretary of State shall conduct a pilot
602 program, beginning with the election that occurs on November 8,
603 2022, of the risk-limiting audit program created under Sections
604 23-15-617 through 23-15-617.5.

605 (2) The Secretary of State shall select at least five (5)
606 counties to participate in the pilot program.

607 (3) After each election conducted under the pilot program,
608 the Secretary of State shall send a detailed report to the



609 Governor, Lieutenant Governor, Speaker of the House of
610 Representatives, Chair of the Senate Elections Committee and Chair
611 of the House Committee on Apportionment and Elections. The report
612 shall evaluate the success of the program and make a
613 recommendation as to whether the Legislature should delay the
614 statewide implementation of the program.

615 (4) The Secretary of State shall adopt rules and regulations
616 as necessary to effectuate the provisions of this section.

617 (5) This section shall repeal on August 31, 2026.

618 **SECTION 21.** Section 23-15-153, Mississippi Code of 1972, is
619 amended as follows:

620 23-15-153. (1) At least during the following times, the
621 election commissioners shall meet at the office of the registrar
622 or the office of the election commissioners to carefully revise
623 the county voter roll as electronically maintained by the
624 Statewide Elections Management System and remove from the roll the
625 names of all voters who have requested to be purged from the voter
626 roll, died, received an adjudication of non compos mentis, been
627 convicted of a disenfranchising crime, or otherwise become
628 disqualified as electors for any cause, and shall register the
629 names of all persons who have duly applied to be registered but
630 have been illegally denied registration:

631 (a) On the Tuesday after the second Monday in January
632 1987 and every following year;



633 (b) On the first Tuesday in the month immediately
634 preceding the first primary election for members of Congress in
635 the years when members of Congress are elected;

636 (c) On the first Monday in the month immediately
637 preceding the first primary election for state, state district
638 legislative, county and county district offices in the years in
639 which those offices are elected; and

640 (d) On the second Monday of September preceding the
641 general election or regular special election day in years in which
642 a general election is not conducted.

643 Except for the names of those voters who are duly qualified
644 to vote in the election, no name shall be permitted to remain in
645 the Statewide Elections Management System; however, no name shall
646 be purged from the Statewide Elections Management System based on
647 a change in the residence of an elector except in accordance with
648 procedures provided for by the National Voter Registration Act of
649 1993. Except as otherwise provided by Section 23-15-573, no
650 person shall vote at any election whose name is not in the county
651 voter roll electronically maintained by the Statewide Elections
652 Management System.

653 (2) Except as provided in this section, and subject to the
654 following annual limitations, the election commissioners shall be
655 entitled to receive a per diem in the amount of One Hundred Ten
656 Dollars (\$110.00), to be paid from the county general fund, for
657 every day or period of no less than five (5) hours accumulated



658 over two (2) or more days actually employed in the performance of
659 their duties in the conduct of an election or actually employed in
660 the performance of their duties for the necessary time spent in
661 the revision of the county voter roll as electronically maintained
662 by the Statewide Elections Management System as required in
663 subsection (1) of this section:

664 (a) In counties having less than fifteen thousand
665 (15,000) residents according to the latest federal decennial
666 census, not more than fifty (50) days per year, with no more than
667 fifteen (15) additional days allowed for the conduct of each
668 election in excess of one (1) occurring in any calendar year;

669 (b) In counties having fifteen thousand (15,000)
670 residents according to the latest federal decennial census but
671 less than thirty thousand (30,000) residents according to the
672 latest federal decennial census, not more than seventy-five (75)
673 days per year, with no more than twenty-five (25) additional days
674 allowed for the conduct of each election in excess of one (1)
675 occurring in any calendar year;

676 (c) In counties having thirty thousand (30,000)
677 residents according to the latest federal decennial census but
678 less than seventy thousand (70,000) residents according to the
679 latest federal decennial census, not more than one hundred (100)
680 days per year, with no more than thirty-five (35) additional days
681 allowed for the conduct of each election in excess of one (1)
682 occurring in any calendar year;



683 (d) In counties having seventy thousand (70,000)
684 residents according to the latest federal decennial census but
685 less than ninety thousand (90,000) residents according to the
686 latest federal decennial census, not more than one hundred
687 twenty-five (125) days per year, with no more than forty-five (45)
688 additional days allowed for the conduct of each election in excess
689 of one (1) occurring in any calendar year;

690 (e) In counties having ninety thousand (90,000)
691 residents according to the latest federal decennial census but
692 less than one hundred seventy thousand (170,000) residents
693 according to the latest federal decennial census, not more than
694 one hundred fifty (150) days per year, with no more than
695 fifty-five (55) additional days allowed for the conduct of each
696 election in excess of one (1) occurring in any calendar year;

697 (f) In counties having one hundred seventy thousand
698 (170,000) residents according to the latest federal decennial
699 census but less than two hundred thousand (200,000) residents
700 according to the latest federal decennial census, not more than
701 one hundred seventy-five (175) days per year, with no more than
702 sixty-five (65) additional days allowed for the conduct of each
703 election in excess of one (1) occurring in any calendar year;

704 (g) In counties having two hundred thousand (200,000)
705 residents according to the latest federal decennial census but
706 less than two hundred twenty-five thousand (225,000) residents
707 according to the latest federal decennial census, not more than



708 one hundred ninety (190) days per year, with no more than
709 seventy-five (75) additional days allowed for the conduct of each
710 election in excess of one (1) occurring in any calendar year;

711 (h) In counties having two hundred twenty-five thousand
712 (225,000) residents according to the latest federal decennial
713 census but less than two hundred fifty thousand (250,000)
714 residents according to the latest federal decennial census, not
715 more than two hundred fifteen (215) days per year, with no more
716 than eighty-five (85) additional days allowed for the conduct of
717 each election in excess of one (1) occurring in any calendar year;

718 (i) In counties having two hundred fifty thousand
719 (250,000) residents according to the latest federal decennial
720 census but less than two hundred seventy-five thousand (275,000)
721 residents according to the latest federal decennial census, not
722 more than two hundred thirty (230) days per year, with no more
723 than ninety-five (95) additional days allowed for the conduct of
724 each election in excess of one (1) occurring in any calendar year;

725 (j) In counties having two hundred seventy-five
726 thousand (275,000) residents according to the latest federal
727 decennial census or more, not more than two hundred forty (240)
728 days per year, with no more than one hundred five (105) additional
729 days allowed for the conduct of each election in excess of one (1)
730 occurring in any calendar year.

731 (3) In addition to the number of days authorized in
732 subsection (2) of this section, the board of supervisors of a



733 county may authorize, in its discretion, the election
734 commissioners to receive a per diem in the amount provided for in
735 subsection (2) of this section, to be paid from the county general
736 fund, for every day or period of no less than five (5) hours
737 accumulated over two (2) or more days actually employed in the
738 performance of their duties in the conduct of an election or
739 actually employed in the performance of their duties for the
740 necessary time spent in the revision of the county voter roll as
741 electronically maintained by the Statewide Elections Management
742 System as required in subsection (1) of this section, not to
743 exceed five (5) days.

744 (4) (a) The election commissioners shall be entitled to
745 receive a per diem in the amount of One Hundred Ten Dollars
746 (\$110.00), to be paid from the county general fund, not to exceed
747 ten (10) days for every day or period of no less than five (5)
748 hours accumulated over two (2) or more days actually employed in
749 the performance of their duties for the necessary time spent in
750 the revision of the county voter roll as electronically maintained
751 by the Statewide Elections Management System before any special
752 election. For purposes of this paragraph, the regular special
753 election day shall not be considered a special election. The
754 annual limitations set forth in subsection (2) of this section
755 shall not apply to this paragraph.

756 (b) The election commissioners shall be entitled to
757 receive a per diem in the amount of One Hundred Sixty-five Dollars



758 (\$165.00), to be paid from the county general fund, for the
759 performance of their duties on the day of any primary, runoff,
760 general or special election. The annual limitations set forth in
761 subsection (2) of this section shall apply to this paragraph.

762 (c) The board of supervisors may, in its discretion,
763 pay the election commissioners an additional amount not to exceed
764 Fifty Dollars (\$50.00) for the performance of their duties at any
765 election occurring from July 1, 2020, through December 31, 2020,
766 which shall be considered additional pandemic pay. Such
767 compensation shall be payable out of the county general fund, and
768 may be payable from federal funds available for such purpose, or a
769 combination of both funding sources.

770 (5) The election commissioners shall be entitled to receive
771 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
772 be paid from the county general fund, not to exceed fourteen (14)
773 days for every day or period of no less than five (5) hours
774 accumulated over two (2) or more days actually employed in the
775 performance of their duties for the necessary time spent in the
776 revision of the county voter roll as electronically maintained by
777 the Statewide Elections Management System and in the conduct of a
778 runoff election following either a general or special election.

779 (6) The election commissioners shall be entitled to receive
780 only one (1) per diem payment for those days when the election
781 commissioners discharge more than one (1) duty or responsibility
782 on the same day. The election commissioners shall be entitled to



783 receive a per diem in the amount of One Hundred Dollars (\$100.00),
784 to be paid from the county general fund, for those days when the
785 election commissioners shall be required to conduct a recount of
786 an election as provided in Section 23-15-617.1.

787 (7) In preparation for a municipal primary, runoff, general
788 or special election, the county registrar shall generate and
789 distribute the master voter roll and pollbooks from the Statewide
790 Elections Management System for the municipality located within
791 the county. The municipality shall pay the county registrar for
792 the actual cost of preparing and printing the municipal master
793 voter roll pollbooks. A municipality may secure "read only"
794 access to the Statewide Elections Management System and print its
795 own pollbooks using this information.

796 (8) County election commissioners who perform the duties of
797 an executive committee with regard to the conduct of a primary
798 election under a written agreement authorized by law to be entered
799 into with an executive committee shall receive per diem as
800 provided for in subsection (2) of this section. The days that
801 county election commissioners are employed in the conduct of a
802 primary election shall be treated the same as days county election
803 commissioners are employed in the conduct of other elections.

804 (9) In addition to any per diem authorized by this section,
805 any election commissioner shall be entitled to the mileage
806 reimbursement rate allowable to federal employees for the use of a
807 privately owned vehicle while on official travel on election day.



808 (10) Every election commissioner shall sign personally a
 809 certification setting forth the number of hours actually worked in
 810 the performance of the commissioner's official duties and for
 811 which the commissioner seeks compensation. The certification must
 812 be on a form as prescribed in this subsection. The commissioner's
 813 signature is, as a matter of law, made under the commissioner's
 814 oath of office and under penalties of perjury.

815 The certification form shall be as follows:

816 **COUNTY ELECTION COMMISSIONER**

817 **PER DIEM CLAIM FORM**

818 NAME: _____ COUNTY: _____

819 ADDRESS: _____ DISTRICT: _____

820 CITY: _____ ZIP: _____

821			PURPOSE	APPLICABLE	ACTUAL	PER DIEM	
822	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
823	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

824 _____

825 _____

826 _____

827 TOTAL NUMBER OF PER DIEM DAYS EARNED

828 EXCLUDING ELECTION DAYS _____

829 PER DIEM RATE PER DAY EARNED X \$110.00

830 TOTAL NUMBER PER DIEM DAYS EARNED

831 FOR ELECTION DAYS _____

832 PER DIEM RATE PER DAY EARNED X \$165.00



833 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

834 I understand that I am signing this document under my oath as
835 an election commissioner and under penalties of perjury.

836 I understand that I am requesting payment from taxpayer funds
837 and that I have an obligation to be specific and truthful as to
838 the amount of hours worked and the compensation I am requesting.

839 Signed this the _____ day of _____, ____.

840 _____

841 Commissioner's Signature

842 When properly completed and signed, the certification must be
843 filed with the clerk of the county board of supervisors before any
844 payment may be made. The certification will be a public record
845 available for inspection and reproduction immediately upon the
846 oral or written request of any person.

847 Any person may contest the accuracy of the certification in
848 any respect by notifying the chair of the commission, any member
849 of the board of supervisors or the clerk of the board of
850 supervisors of the contest at any time before or after payment is
851 made. If the contest is made before payment is made, no payment
852 shall be made as to the contested certificate until the contest is
853 finally disposed of. The person filing the contest shall be
854 entitled to a full hearing, and the clerk of the board of
855 supervisors shall issue subpoenas upon request of the contestor
856 compelling the attendance of witnesses and production of documents
857 and things. The contestor shall have the right to appeal de novo



858 to the circuit court of the involved county, which appeal must be
859 perfected within thirty (30) days from a final decision of the
860 commission, the clerk of the board of supervisors or the board of
861 supervisors, as the case may be.

862 Any contestor who successfully contests any certification
863 will be awarded all expenses incident to his or her contest,
864 together with reasonable attorney's fees, which will be awarded
865 upon petition to the chancery court of the involved county upon
866 final disposition of the contest before the election commission,
867 board of supervisors, clerk of the board of supervisors, or, in
868 case of an appeal, final disposition by the court. The
869 commissioner against whom the contest is decided shall be liable
870 for the payment of the expenses and attorney's fees, and the
871 county shall be jointly and severally liable for same.

872 (11) Any election commissioner who has not received a
873 certificate issued by the Secretary of State pursuant to Section
874 23-15-211 indicating that the election commissioner has received
875 the required elections seminar instruction and that the election
876 commissioner is fully qualified to conduct an election, shall not
877 receive any compensation authorized by this section or Section
878 23-15-239.

879 **SECTION 22.** Section 23-15-603, Mississippi Code of 1972, is
880 amended as follows:

881 23-15-603. (1) Except as otherwise provided in this
882 section, the election commissioners shall, within ten (10) days



883 after the general election, transmit to the Secretary of State, to
884 be filed in his or her office, a statement of the whole number of
885 votes given in their county and the whole number of votes given in
886 each precinct in their county, for each candidate for any office
887 at the election; but the returns of every election for Governor,
888 Lieutenant Governor, Secretary of State, Attorney General, Auditor
889 of Public Accounts, State Treasurer, Commissioner of Insurance and
890 other state officers, shall each be made out separately, sealed up
891 together and transmitted to the seat of government, directed to
892 the Secretary of State, and endorsed the "VOTE FOR STATE
893 OFFICERS," to be delivered by the Secretary of State to the
894 Speaker of the House of Representatives at the next ensuing
895 session of the Legislature. In addition to the other information
896 required pursuant to this subsection, the returns for state
897 officers shall contain a statement of the whole number of votes
898 given in each House of Representative district or portion thereof
899 for each candidate for state office at the election.

900 (2) Except as otherwise provided in this section,
901 constitutional amendments shall be voted for at the time fixed by
902 the concurrent resolution. The election, whether held separately
903 or with other elections, shall be conducted, in all respects, as
904 required for elections generally. The election commissioners
905 shall, within ten (10) days after the election, transmit to the
906 Secretary of State a statement of the whole number of votes given



907 in their county and the whole number of votes given in each
908 precinct in their county for or against constitutional amendments.

909 (3) The statements certified by the election commissioners
910 and transmitted to the Secretary of State, as required by this
911 section, shall be tabulated by the Secretary of State and
912 submitted to each branch of the Legislature, at the session next
913 ensuing. Certified county vote totals shall represent the final
914 results of the election.

915 (4) The statements required by this section shall contain a
916 certification, signed and dated by a majority of the election
917 commissioners, which shall read as follows:

918 "We, the undersigned election commissioners, do
919 hereby certify that this statement of the whole number
920 of votes contains the official vote for the election
921 reflected therein."

922 (5) The statements required by this section shall be
923 transmitted to the Secretary of State on such forms and by such
924 methods as may be required by rules and regulations promulgated by
925 the Secretary of State.

926 (6) If the results of a risk limiting audit determine that
927 the county election commissioners must manually recount an
928 election, then the county election commissioners shall not be
929 required to transmit the information required in subsections (1)
930 and (2) of this section within ten (10) days of the election.
931 When a manual recount is required, the elections commissioners



932 shall transmit the results not later than five (5) business days
933 after the results would have otherwise been required to be
934 transmitted under subsections (1) and (2) of this section.

935 **SECTION 23.** Under no circumstance of any kind shall an
936 emergency declaration within the state have any effect upon the
937 election laws or procedures or manner of execution, or upon the
938 dates or schedules of any portion thereof, without the approval of
939 two-thirds (2/3) of the members of each house of the Legislature
940 before the commencement of in-person voting.

941 **SECTION 24.** This act shall take effect and be in force from
942 and after July 1, 2023.

