

By: Representatives Powell, Aguirre, Boyd (19th), Byrd, Calvert, Carpenter, Kinkade, Newman, Shanks, Brown (20th), Williamson, Wallace

To: Apportionment and Elections

HOUSE BILL NO. 1310

1 AN ACT TO CREATE NEW SECTION 23-15-615, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE THE SECRETARY OF STATE TO AUDIT ELECTION
3 PROCEDURES IN THE COUNTIES OF THE STATE; TO PROVIDE WHEN AN AUDIT
4 SHALL BE COMPLETED; TO REPEAL SECTION 23-15-613, MISSISSIPPI CODE
5 OF 1972, WHICH PROVIDES THAT ELECTION COMMISSIONS AND COUNTY AND
6 MUNICIPAL EXECUTIVE COMMITTEES SHALL REPORT RESIDUAL VOTE
7 INFORMATION TO THE SECRETARY OF STATE; TO CREATE NEW SECTION
8 23-15-617, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE PROCEDURES
9 FOR A RISK-LIMITING AUDIT PILOT PROGRAM BEGINNING WITH THE GENERAL
10 ELECTIONS IN 2026; TO PROVIDE WHEN A MANUAL RECOUNT OF ELECTION
11 RESULTS SHALL BE NECESSARY; TO PROVIDE WHEN AND WHERE THE RESULTS
12 OF A RISK-LIMITING AUDIT SHALL BE AVAILABLE; TO AMEND SECTION
13 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ELECTION
14 COMMISSIONERS TO RECEIVE A PER DIEM OF \$100.00 FOR CONDUCTING AN
15 ELECTION RECOUNT; TO BRING FORWARD SECTION 23-15-5, MISSISSIPPI
16 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO CREATE NEW
17 SECTION 23-15-823, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEN
18 A CANDIDATE OR ELECTED OFFICIAL HAS BEEN RESTRICTED BY A SOCIAL
19 MEDIA PLATFORM, THE COMPANY THAT OPERATES THE SOCIAL MEDIA
20 PLATFORM SHALL BE REQUIRED TO SUBMIT A REPORT DISCLOSING THE
21 ACTION TO THE SECRETARY OF STATE; TO CREATE NEW SECTION 23-15-395,
22 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO
23 PROMULGATE RULES AND REGULATIONS FOR THE REVIEW, CERTIFICATION AND
24 DECERTIFICATION AND IMPLEMENTATION OF ALL VOTING SYSTEMS; TO
25 CREATE NEW SECTION 23-15-152, MISSISSIPPI CODE OF 1972, TO PROVIDE
26 THAT AN ELECTOR WHO FAILS TO RESPOND TO A CONFIRMATION NOTICE AND
27 WHO FAILS TO VOTE DURING A CERTAIN PERIOD OF TIME SHALL BE REMOVED
28 FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE
29 DEFINITIONS FOR "CONFIRMATION NOTICE" AND "FAILS TO RESPOND TO THE
30 CONFIRMATION NOTICE"; TO PROVIDE THOSE REGISTERED VOTERS WHO SHALL
31 RECEIVE CONFIRMATION NOTICES; TO PROVIDE THAT A REGISTERED VOTER
32 WHO IS MAILED A CONFIRMATION NOTICE SHALL BE PLACED ON INACTIVE
33 STATUS IN THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM BUT SHALL BE
34 ABLE TO VOTE BY AFFIDAVIT BALLOT; TO PROVIDE THE TIME FOR REMOVAL



35 OF VOTER REGISTRATION RECORDS; TO PROVIDE FOR THE RETENTION OF
36 REMOVED VOTER REGISTRATION RECORDS; TO AMEND SECTION 23-15-125,
37 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION;
38 AMEND SECTION 23-15-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
39 IF AN ATTEMPTED VOTER DOES NOT PROVIDE PROOF OF CITIZENSHIP WITHIN
40 THIRTY DAYS OF THE RECEIPT OF NOTIFICATION THAT THE VOTER HAS BEEN
41 FLAGGED AS A POTENTIAL NON-CITIZEN, THE REGISTRAR, OR HIS OR HER
42 DESIGNEE, WHERE THE PERSON REGISTERED TO VOTE SHALL PURGE THE
43 VOTER FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE
44 AN APPEAL PROCESS FOR THE VOTER; TO AMEND SECTION 23-15-165,
45 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
46 BRING FORWARD SECTION 23-15-603, FOR THE PURPOSE OF POSSIBLE
47 AMENDMENT; TO AMEND SECTIONS 23-15-581, 23-15-591, 23-15-517,
48 23-15-595, 23-15-519, 23-15-247, 23-15-639, 23-15-531.10,
49 23-15-611 AND 23-15-503, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
50 AFTER THE POLLS CLOSE, OR THE LAST PERSON IN LINE AS VOTED, THE
51 POLL MANAGERS SHALL RETURN THE BALLOT BOXES TO THE REGISTRAR'S
52 OFFICE AND SHALL NOT COUNT THE BALLOTS UNTIL ALL BOXES ARE
53 RECEIVED; AND FOR RELATED PURPOSES.

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

55 **SECTION 1.** The following shall be codified as Section
56 23-15-615, Mississippi Code of 1972:

57 23-15-615. (1) The Secretary of State shall be authorized
58 to audit election procedures in the counties of this state. The
59 conduction of an audit shall not create excessive interference
60 with the general duties and responsibilities of the Secretary of
61 State. The Secretary of State may, in order to fulfill the
62 requirements of this section, enter into agreements with third
63 parties, under the supervision of the Secretary of State, for the
64 purposes of conducting election procedure audits, provided that
65 any third parties would be licensed by and in good standing with
66 the Mississippi Board of Public Accountancy and receive training
67 from the Secretary of State.

68 (2) The Secretary of State shall prescribe rules and
69 regulations for random selection of any county for an election



70 audit. The Secretary of State shall randomly select the
71 precinct(s) to be audited in any county. No county or precinct
72 shall be selected for audit on the basis of race, geographical
73 location or voting trends. Further, no county shall be selected
74 more than once in a four (4) year period of time.

75 (3) The Secretary of State shall not conduct an audit under
76 this section at any precinct where an election occurred and that
77 election is being challenged pursuant to Sections 23-15-927,
78 23-15-951 or 23-15-955.

79 (4) (a) No later than one hundred twenty (120) days after
80 the election that the Secretary of State is auditing, the
81 Secretary of State shall compile a report of the audits conducted,
82 which shall be published on the official website of the Secretary
83 of State.

84 (b) If the Secretary of State determines that more time
85 is needed to complete an audit, the Secretary of State may make a
86 finding of the additional time needed, which shall not exceed one
87 hundred fifty (150) days after the election, and post notice to
88 the official website of the Secretary of State.

89 (5) The Secretary of State shall promulgate administrative
90 rules to carry out the provisions of this subchapter.

91 **SECTION 2.** Section 23-15-613, Mississippi Code of 1972,
92 which provides that election commissions and county and municipal
93 executive committees shall report residual vote information to the
94 Secretary of State, is repealed.



95 **SECTION 3.** The following shall be codified as Section
96 23-15-617, Mississippi Code of 1972:

97 23-15-617. (1) The Secretary of State shall conduct a pilot
98 program for risk-limiting audits of the general election to occur
99 in 2026. The Secretary of State, with input from a representative
100 of the Mississippi Circuit Clerk's Association and a
101 representative of the Mississippi Election Commissioner's
102 Association, shall establish the rules and procedures for
103 implementing a risk-limiting audit no later than December 31,
104 2025. Beginning on January 1, 2027, a risk-limiting audit will be
105 conducted in each county in accordance with this section. Any risk
106 limiting post-election audit performed pursuant to this section
107 shall be conducted by the election commissioners, in conjunction
108 with the registrar, in accordance with the instructions and
109 procedures prescribed by the Secretary of State, including:

110 (a) Process for randomly selecting elections and
111 determining the risk limit, if applicable;

112 (b) Procedures for preparing for a post-election audit,
113 including guidelines for organizing ballots, selecting venues and
114 securing appropriate materials;

115 (c) Procedures for ballot custody, accounting, security
116 and written record retention ensuring that the collection of cast
117 ballots from which samples are drawn is complete and accurate
118 throughout the audit;



119 (d) Procedures for the hand counting of the audited
120 ballots;

121 (e) Processes and methods for conducting a post-election
122 audit, including the percentage of ballots required to be counted;

123 (f) Procedures for ensuring transparency and
124 understanding of the process by participants and the public,
125 including guidelines for direct observation by members of the
126 public, representatives of the candidates involved in the
127 post-election audit and representatives of the political parties.

128 (2) (a) Not later than sixty (60) days after the date of
129 the general election audited, the Secretary of State shall publish
130 a report detailing the accuracy of the audit.

131 (b) At the beginning of the 2027 legislative session,
132 the Secretary of State shall submit a report to the Governor,
133 Lieutenant Governor and Speaker of the House of Representatives
134 that analyzes the audit findings and makes recommendations for
135 legislative changes to the risk-limiting audit program.

136 (3) An audit shall not be conducted under this section at
137 any precinct where an election occurred and that election is being
138 challenged as provided in Sections 23-15-927, 23-15-951 or
139 23-15-955.

140 (4) No later than thirty (30) days after a primary or
141 general election, the election commissioners, in conjunction with
142 the registrar, shall manually tabulate a statistically significant
143 percentage of ballots and compare the results with the results



144 produced by the voting machine. However, no audit shall be
145 required if a ballot box examination has occurred, a runoff will
146 occur or the election is challenged as provided in Sections
147 23-15-927, 23-15-951 or 23-15-955.

148 (5) (a) In the event a discrepancy of more than one percent
149 (1%) exists, the election commissioners, in conjunction with the
150 registrar, shall commence a full manual hand count of ballots.

151 (b) The registrar shall promptly report results of the
152 manual tabulation to the Secretary of State. The report shall
153 include, but is not limited to:

154 (i) The total number of voters marked as VOTED in
155 the pollbook of each precinct in the county;

156 (ii) The sum of the total number of voters who
157 signed the receipt book at the polling place on election day and
158 the total number of voters who cast an absentee ballot;

159 (iii) The total number of ballots received by the
160 poll managers from local election officials;

161 (iv) The sum of the total number of paper ballots
162 voted on election day, the number of unused ballots and the number
163 of spoiled ballots;

164 (v) The total number of electronic ballots cast;
165 and

166 (vi) The total number of ballots cast.

167 **SECTION 4.** Section 23-15-153, Mississippi Code of 1972, is
168 amended as follows:



169 23-15-153. (1) At least during the following times, the
170 election commissioners shall meet at the office of the registrar
171 or the office of the election commissioners to carefully revise
172 the county voter roll as electronically maintained by the
173 Statewide Elections Management System and remove from the roll the
174 names of all voters who have requested to be * * * removed from
175 the voter roll, died, received an adjudication of non compos
176 mentis, been convicted of a disenfranchising crime, failed to
177 comply with the provisions of Section 23-15-152, or otherwise
178 become disqualified as electors for any cause, and shall register
179 the names of all persons who have duly applied to be registered
180 but have been illegally denied registration:

181 (a) On the Tuesday after the second Monday in January
182 1987 and every following year;

183 (b) On the first Tuesday in the month immediately
184 preceding the first primary election for members of Congress in
185 the years when members of Congress are elected;

186 (c) On the first Monday in the month immediately
187 preceding the first primary election for state, state district
188 legislative, county and county district offices in the years in
189 which those offices are elected; * * *

190 (d) On the second Monday of September preceding the
191 general election or regular special election day in years in which
192 a general election is not conducted * * * and

193 (e) As provided in Section 23-15-152.



194 Except for the names of those voters who are duly qualified
195 to vote in the election, no name shall be permitted to remain in
196 the Statewide Elections Management System; however, no name shall
197 be * * * removed from the Statewide Elections Management System
198 based on a change in the residence of an elector except in
199 accordance with procedures provided for by the National Voter
200 Registration Act of 1993. Except as otherwise provided by Section
201 23-15-573, no person shall vote at any election whose name is not
202 in the county voter roll electronically maintained by the
203 Statewide Elections Management System.

204 (2) Except as provided in this section, and subject to the
205 following annual limitations, the election commissioners shall be
206 entitled to receive a per diem in the amount of One Hundred Ten
207 Dollars (\$110.00), to be paid from the county general fund, for
208 every day or period of no less than five (5) hours accumulated
209 over two (2) or more days actually employed in the performance of
210 their duties in the conduct of an election or actually employed in
211 the performance of their duties for the necessary time spent in
212 the revision of the county voter roll as electronically maintained
213 by the Statewide Elections Management System as required in
214 subsection (1) of this section:

215 (a) In counties having less than fifteen thousand
216 (15,000) residents according to the latest federal decennial
217 census, not more than fifty (50) days per year, with no more than



218 fifteen (15) additional days allowed for the conduct of each
219 election in excess of one (1) occurring in any calendar year;

220 (b) In counties having fifteen thousand (15,000)
221 residents according to the latest federal decennial census but
222 less than thirty thousand (30,000) residents according to the
223 latest federal decennial census, not more than seventy-five (75)
224 days per year, with no more than twenty-five (25) additional days
225 allowed for the conduct of each election in excess of one (1)
226 occurring in any calendar year;

227 (c) In counties having thirty thousand (30,000)
228 residents according to the latest federal decennial census but
229 less than seventy thousand (70,000) residents according to the
230 latest federal decennial census, not more than one hundred (100)
231 days per year, with no more than thirty-five (35) additional days
232 allowed for the conduct of each election in excess of one (1)
233 occurring in any calendar year;

234 (d) In counties having seventy thousand (70,000)
235 residents according to the latest federal decennial census but
236 less than ninety thousand (90,000) residents according to the
237 latest federal decennial census, not more than one hundred
238 twenty-five (125) days per year, with no more than forty-five (45)
239 additional days allowed for the conduct of each election in excess
240 of one (1) occurring in any calendar year;

241 (e) In counties having ninety thousand (90,000)
242 residents according to the latest federal decennial census but



243 less than one hundred seventy thousand (170,000) residents
244 according to the latest federal decennial census, not more than
245 one hundred fifty (150) days per year, with no more than
246 fifty-five (55) additional days allowed for the conduct of each
247 election in excess of one (1) occurring in any calendar year;

248 (f) In counties having one hundred seventy thousand
249 (170,000) residents according to the latest federal decennial
250 census but less than two hundred thousand (200,000) residents
251 according to the latest federal decennial census, not more than
252 one hundred seventy-five (175) days per year, with no more than
253 sixty-five (65) additional days allowed for the conduct of each
254 election in excess of one (1) occurring in any calendar year;

255 (g) In counties having two hundred thousand (200,000)
256 residents according to the latest federal decennial census but
257 less than two hundred twenty-five thousand (225,000) residents
258 according to the latest federal decennial census, not more than
259 one hundred ninety (190) days per year, with no more than
260 seventy-five (75) additional days allowed for the conduct of each
261 election in excess of one (1) occurring in any calendar year;

262 (h) In counties having two hundred twenty-five thousand
263 (225,000) residents according to the latest federal decennial
264 census but less than two hundred fifty thousand (250,000)
265 residents according to the latest federal decennial census, not
266 more than two hundred fifteen (215) days per year, with no more



267 than eighty-five (85) additional days allowed for the conduct of
268 each election in excess of one (1) occurring in any calendar year;

269 (i) In counties having two hundred fifty thousand
270 (250,000) residents according to the latest federal decennial
271 census but less than two hundred seventy-five thousand (275,000)
272 residents according to the latest federal decennial census, not
273 more than two hundred thirty (230) days per year, with no more
274 than ninety-five (95) additional days allowed for the conduct of
275 each election in excess of one (1) occurring in any calendar year;

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

282 (3) In addition to the number of days authorized in
283 subsection (2) of this section, the board of supervisors of a
284 county may authorize, in its discretion, the election
285 commissioners to receive a per diem in the amount provided for in
286 subsection (2) of this section, to be paid from the county general
287 fund, for every day or period of no less than five (5) hours
288 accumulated over two (2) or more days actually employed in the
289 performance of their duties in the conduct of an election or
290 actually employed in the performance of their duties for the
291 necessary time spent in the revision of the county voter roll as



292 electronically maintained by the Statewide Elections Management
293 System as required in subsection (1) of this section, not to
294 exceed five (5) days.

295 (4) (a) The election commissioners shall be entitled to
296 receive a per diem in the amount of One Hundred Ten Dollars
297 (\$110.00), to be paid from the county general fund, not to exceed
298 ten (10) days for every day or period of no less than five (5)
299 hours accumulated over two (2) or more days actually employed in
300 the performance of their duties for the necessary time spent in
301 the revision of the county voter roll as electronically maintained
302 by the Statewide Elections Management System before any special
303 election. For purposes of this paragraph, the regular special
304 election day shall not be considered a special election. The
305 annual limitations set forth in subsection (2) of this section
306 shall not apply to this paragraph.

307 (b) The election commissioners shall be entitled to
308 receive a per diem in the amount of One Hundred Sixty-five Dollars
309 (\$165.00), to be paid from the county general fund, for the
310 performance of their duties on the day of any primary, runoff,
311 general or special election. The annual limitations set forth in
312 subsection (2) of this section shall apply to this paragraph.

313 * * *

314 (5) The election commissioners shall be entitled to receive
315 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
316 be paid from the county general fund, not to exceed fourteen (14)



317 days for every day or period of no less than five (5) hours
318 accumulated over two (2) or more days actually employed in the
319 performance of their duties for the necessary time spent in the
320 revision of the county voter roll as electronically maintained by
321 the Statewide Elections Management System and in the conduct of a
322 runoff election following either a general or special election.

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

327 (7) The election commissioners shall be entitled to receive
328 a per diem in the amount of One Hundred Dollars (\$100.00), to be
329 paid from the county general fund, for those days when the
330 election commissioners shall be required to conduct a recount of
331 an election as provided in Section 23-15-617.

332 (* * *8) In preparation for a municipal primary, runoff,
333 general or special election, the county registrar shall generate
334 and distribute the master voter roll and pollbooks from the
335 Statewide Elections Management System for the municipality located
336 within the county. The municipality shall pay the county
337 registrar for the actual cost of preparing and printing the
338 municipal master voter roll pollbooks. A municipality may secure
339 "read only" access to the Statewide Elections Management System
340 and print its own pollbooks using this information.



341 (* * *9) County election commissioners who perform the
342 duties of an executive committee with regard to the conduct of a
343 primary election under a written agreement authorized by law to be
344 entered into with an executive committee shall receive per diem as
345 provided for in subsection (2) of this section. The days that
346 county election commissioners are employed in the conduct of a
347 primary election shall be treated the same as days county election
348 commissioners are employed in the conduct of other elections.

349 (* * *10) In addition to any per diem authorized by this
350 section, any election commissioner shall be entitled to the
351 mileage reimbursement rate allowable to federal employees for the
352 use of a privately owned vehicle while on official travel on
353 election day.

354 (* * *11) Every election commissioner shall sign personally
355 a certification setting forth the number of hours actually worked
356 in the performance of the commissioner's official duties and for
357 which the commissioner seeks compensation. The certification must
358 be on a form as prescribed in this subsection. The commissioner's
359 signature is, as a matter of law, made under the commissioner's
360 oath of office and under penalties of perjury.

361 The certification form shall be as follows:

362 **COUNTY ELECTION COMMISSIONER**

363 **PER DIEM CLAIM FORM**

364 NAME: _____ COUNTY: _____

365 ADDRESS: _____ DISTRICT: _____



366 CITY: _____ ZIP: _____

367

368	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	PER DIEM
369	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED
370	_____						
371	_____						
372	_____						

373 TOTAL NUMBER OF PER DIEM DAYS EARNED
374 EXCLUDING ELECTION DAYS _____

375 PER DIEM RATE PER DAY EARNED X \$110.00

376 TOTAL NUMBER PER DIEM DAYS EARNED
377 FOR ELECTION DAYS _____

378 PER DIEM RATE PER DAY EARNED X \$165.00

379 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

385 Signed this the _____ day of _____, ____.

386 _____

387 Commissioner's Signature

388 When properly completed and signed, the certification must be
389 filed with the clerk of the county board of supervisors before any
390 payment may be made. The certification will be a public record



391 available for inspection and reproduction immediately upon the
392 oral or written request of any person.

393 Any person may contest the accuracy of the certification in
394 any respect by notifying the chair of the commission, any member
395 of the board of supervisors or the clerk of the board of
396 supervisors of the contest at any time before or after payment is
397 made. If the contest is made before payment is made, no payment
398 shall be made as to the contested certificate until the contest is
399 finally disposed of. The person filing the contest shall be
400 entitled to a full hearing, and the clerk of the board of
401 supervisors shall issue subpoenas upon request of the contestor
402 compelling the attendance of witnesses and production of documents
403 and things. The contestor shall have the right to appeal de novo
404 to the circuit court of the involved county, which appeal must be
405 perfected within thirty (30) days from a final decision of the
406 commission, the clerk of the board of supervisors or the board of
407 supervisors, as the case may be.

408 Any contestor who successfully contests any certification
409 will be awarded all expenses incident to his or her contest,
410 together with reasonable attorney's fees, which will be awarded
411 upon petition to the chancery court of the involved county upon
412 final disposition of the contest before the election commission,
413 board of supervisors, clerk of the board of supervisors, or, in
414 case of an appeal, final disposition by the court. The
415 commissioner against whom the contest is decided shall be liable



416 for the payment of the expenses and attorney's fees, and the
417 county shall be jointly and severally liable for same.

418 (* * *12) Any election commissioner who has not received a
419 certificate issued by the Secretary of State pursuant to Section
420 23-15-211 indicating that the election commissioner has received
421 the required elections seminar instruction and that the election
422 commissioner is fully qualified to conduct an election, shall not
423 receive any compensation authorized by this section or Section
424 23-15-239.

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

427 23-15-5. (1) There is created in the State Treasury a
428 special fund to be known as the Elections Support Fund. Monies
429 derived from annual report fees imposed upon limited liability
430 companies under Section 79-29-1203 shall be deposited into the
431 Elections Support Fund. Unexpended amounts remaining in the fund
432 at the end of the fiscal year shall not lapse into the State
433 General Fund, and any interest earned or investment earnings on
434 amounts in the fund shall be disbursed as provided in subsection
435 (2) of this section. The expenditure of monies in the fund shall
436 be under the direction of the Secretary of State as provided by
437 subsection (2) of this section, and such funds shall be paid by
438 the State Treasurer upon warrants issued by the Department of
439 Finance and Administration.

440 (2) (a) Monies in the fund shall be used as follows:



441 (i) Seventy percent (70%) of the monies in the
442 special fund shall be distributed annually to the counties, upon
443 appropriation of the Legislature, based on the proportion that the
444 population of a county bears to the total population in all
445 counties of the state population according to the most recent
446 information from the United States Census Bureau, and held in a
447 separate fund solely for the purpose of acquiring, upgrading,
448 maintaining or repairing voting equipment, systems and supplies,
449 hiring temporary technical support, conducting elections using
450 such voting equipment or systems, employing such personnel to
451 conduct an election, and training election officials; and

452 (ii) The remaining thirty percent (30%) of the
453 monies in the special fund shall be allocated annually to the
454 Secretary of State for the purpose of maintaining, upgrading, or
455 equipping the Statewide Election Management System, including
456 costs to maintain, upgrade, or equip the Statewide Election
457 Management System with appropriate security measures to protect
458 the integrity of Mississippi elections. Funds may also be used to
459 educate voters on voting procedures and voting rights. Any funds
460 not obligated by the end of the fiscal year shall be deposited
461 into the State General Fund.

462 (b) The Secretary of State shall create standard
463 training guidelines to assist counties in training election
464 officials with the funds authorized under subsection (2)(a)(ii) of
465 this section. Any criteria established by the Secretary of State



466 for the purposes of this section shall be used in addition to any
467 other training or coursework prescribed by the Secretary of State
468 to train circuit clerks, poll managers and any other election
469 officials participating in county elections.

470 (c) Notwithstanding any other provision of law, no
471 monies from the Elections Support Fund shall be used by the
472 Secretary of State or any person associated with the Office of the
473 Secretary of State to provide or otherwise support expert
474 testimony in any manner for any hearing, trial or election
475 contest.

476 (3) From and after July 1, 2017, none of the monies
477 deposited in the Elections Support Fund may be used to reimburse
478 or otherwise defray any costs that the Office of the Secretary of
479 State may incur in administering the fund.

480 (4) From and after July 1, 2016, no state agency shall
481 charge another state agency a fee, assessment, rent or other
482 charge for services or resources received by authority of this
483 section.

484 **SECTION 6.** The following shall be codified as Section
485 23-15-823, Mississippi Code of 1972:

486 23-15-823. (1) The following words and phrases shall have
487 the meanings as defined in this subsection unless the context
488 clearly indicates otherwise:

489 (a) "Election" means a general, special, primary or
490 runoff election.



491 (b) "Candidate" means an individual who seeks
492 nomination for election, or election, to any elective office and
493 has or intends to:

494 (i) Pay the assessment, file a written statement,
495 and file a petition containing the signatures of the requisite
496 number of voters, if applicable, pursuant to Sections 23-15-297
497 and 23-15-299; or

498 (ii) Designate a principal campaign committee
499 pursuant to 52 USCS Section 30102(e) and 11 CFR Section 101.1.

500 (c) "Social Media Platform" means any website and/or
501 application that has a primary purpose of communication,
502 collaboration, social interaction and/or sharing user-generated
503 content through personalized web profiles. This definition shall
504 not be construed to mean electronic mail, short message service,
505 or other similar means of communication.

506 (2) (a) When a candidate and/or elected official has been
507 restricted from a social media platform, the company which
508 operates and/or maintains the social media platform, or its
509 successor entities, shall file a report with the Secretary of
510 State disclosing this action, on a form as prescribed by the
511 Secretary, within three (3) business days of the day the
512 restriction occurred.

513 (b) The Secretary of State shall promulgate rules and
514 regulations as necessary to effectuate the provisions of this
515 section, including the public inspection, preservation of reports



516 and a process by which candidates or elected officials may allege
517 a violation of this section.

518 (3) When a social media platform indicates a good faith
519 effort has been made to submit the information required, any
520 record or report shall be considered in compliance with this
521 section.

522 **SECTION 7.** The following shall be codified as Section
523 23-15-395, Mississippi Code of 1972:

524 23-15-395. The Secretary of State shall promulgate rules and
525 regulations for the review, certification and decertification, and
526 implementation of all voting systems. Before promulgating any
527 rules or regulations, the Secretary of State shall present the
528 proposed rules and regulations to the State Board of Election
529 Commissioners for comment and approval. Upon approval of the
530 rules and regulations by the State Board of Election
531 Commissioners, the Secretary of State shall promulgate the
532 approved rules and regulations.

533 **SECTION 8.** The following shall be codified as Section
534 23-15-152, Mississippi Code of 1972:

535 23-15-152. (1) For the purposes of this section,
536 "confirmation notice" means a notice sent by the election
537 commissioners, by forwardable mail, with return postage prepaid,
538 on a form prescribed by the Secretary of State, to a registered
539 voter to confirm the registered voter's current address. The



540 notice shall comply with all applicable requirements of the
541 National Voter Registration Act of 1993.

542 (2) The election commissioners shall send a confirmation
543 notice to the following:

544 (a) A registered voter if it appears from the United
545 States Postal Service change-of-address information that the
546 registered voter has moved to a different residence;

547 (b) A registered voter if a county election
548 commissioner or county registrar has received notice from another
549 state, or political subdivision of another state, that the
550 registered voter has registered to vote in another state;

551 (c) A registered voter who has failed to vote at least
552 once in one (1) of the following periods:

553 (i) A period of three (3) years, which shall
554 include two (2) federal general elections; or

555 (ii) A period of two (2) years, which shall
556 include an election for Governor and a federal general election;
557 and

558 (d) A registered voter if the registrar or election
559 commissioners have received reliable information that he or she
560 has moved within or outside of the state.

561 No registered voter shall be sent a confirmation notice under
562 paragraph (c) of this subsection if he or she has been sent a
563 confirmation notice for those same reasons within the last six (6)
564 years.



565 (3) The county election commissioners shall place any
566 registered voter who has been sent a confirmation notice on
567 inactive status in the Statewide Elections Management System. Any
568 registered voter who is placed on inactive status shall be unable
569 to cast a regular ballot on election day but shall be able to cast
570 an affidavit ballot as provided in Section 23-15-573.

571 (4) A registered voter "fails to respond to the confirmation
572 notice" if the voter, during a period of four (4) consecutive
573 years beginning from the date of the delivery of the confirmation
574 notice, fails to:

- 575 (a) Respond to the confirmation notice; or
- 576 (b) Update the elector's registration information.

577 The period of four (4) consecutive years beginning from the
578 date of the delivery of the confirmation notice required in
579 subsection (4) of this section shall include two (2) general
580 federal elections. A registered voter who votes at least once in
581 any election in the registered voter's county of registration
582 during the period of four (4) consecutive years beginning from the
583 date of the delivery of the confirmation notice shall not be
584 removed from the Statewide Elections Management System.

585 (5) The county registrar or county election commission shall
586 move those registered voters who fail to respond to the
587 confirmation notice as provided in subsection (4) and who fail to
588 vote as provided in subsection (4) of this section to removed
589 status in the Statewide Elections Management System.



590 (6) No systematic list maintenance shall occur during the
591 ninety (90) days immediately preceding a federal primary or
592 general election.

593 (7) The county registrar shall retain removed voter
594 registration records after they are removed for a period that
595 includes at least two (2) federal general elections and shall
596 record the reason for the removal.

597 **SECTION 9.** Section 23-15-125, Mississippi Code of 1972, is
598 amended as follows:

599 23-15-125. The pollbook of each voting precinct shall
600 designate the voting precinct for which it is to be used, and
601 shall be ruled in appropriate columns, with printed or written
602 headings, as follows: date of registration; voter registration
603 number; name of electors; date of birth; and a number of blank
604 columns for the dates of elections. All qualified applicants who
605 register with the registrar shall be entered in the Statewide
606 Elections Management System. Only the names of those qualified
607 applicants who register within thirty (30) days before an election
608 shall appear on the pollbooks of the election; however, if the
609 thirtieth day to register before an election falls on a Sunday or
610 legal holiday, the registration applications submitted on the
611 business day immediately following the legal holiday shall be
612 accepted and entered in the Statewide Elections Management System
613 for the purpose of enabling voters to vote in the next election.
614 When county election commissioners determine that any elector is



615 disqualified from voting, by reason of death, conviction of a
616 disenfranchising crime, removal from the jurisdiction, failure to
617 comply with the provisions of Section 23-15-152, or other legal
618 cause, that fact shall be noted in the Statewide Elections
619 Management System and the voter's name shall be removed from the
620 Statewide Elections Management System, the state's voter roll and
621 the county's pollbooks. Nothing in this section shall preclude
622 the use of electronic pollbooks.

623 **SECTION 10.** Section 23-15-15, Mississippi Code of 1972, is
624 amended as follows:

625 23-15-15. (1) By January 1, 2025, the Secretary of State
626 shall compare the entire Statewide Elections Management System to
627 the Department of Public Safety Driver's License Database and
628 follow the procedures outlined in subsection (2) through (9) if a
629 voter is flagged in the database as a potential noncitizen.

630 (2) Upon receiving a completed voter registration
631 application, the registrar shall enter the applicant into the
632 Statewide Elections Management System. * * * The registration
633 application shall be compared with the Department of Public Safety
634 driver's license and identification information. If such
635 information indicates that a particular applicant is not a citizen
636 of the United States, the Statewide Elections Management System
637 shall notify the registrar, or his or her designee, that the
638 applicant may not be a citizen of the United States.



639 (* * *3) After receiving the notice from the Statewide
640 Elections Management System as provided in subsection (1) and (2)
641 of this section, the registrar, or his or her designee, shall:

642 (a) Enter the applicant's information into the United
643 States Citizenship and Immigration Service's Systematic Alien
644 Verification for Entitlements (SAVE) or its successor database for
645 further inquiry; and

646 (b) If both the Department of Public Safety driver's
647 license and identification information and the database in
648 paragraph (a) of this subsection indicate that the applicant is
649 not a citizen, send a notice by first-class mail to the
650 applicant's mailing address provided on the voter registration
651 application inquiring whether the individual is eligible to be
652 registered to vote. The registrar may, in addition to first-class
653 mail, contact the applicant by email or telephone.

654 (* * *4) Any applicant who receives the notice under
655 subsection (* * *3) (b) of this section shall, within thirty (30)
656 days of the receipt of such notice, provide proof of citizenship
657 to the registrar or his or her designee.

658 (* * *5) For purposes of this section, proof of citizenship
659 includes, but is not limited to:

660 (a) The applicant's birth certificate or a legible
661 photocopy of the birth certificate;



662 (b) A United States passport, or a legible photocopy of
663 the pertinent pages of the passport, identifying the applicant and
664 showing the passport number;

665 (c) The applicant's United States naturalization
666 documentation, a legible photocopy of the naturalization
667 documentation, or the number of the applicant's Certificate of
668 Naturalization; except that any person who provides the number of
669 the Certificate of Naturalization in lieu of the naturalization
670 documentation shall not be deemed to have provided proof of
671 citizenship until the number is verified with the United States
672 Citizenship and Immigration Services in the Department of Homeland
673 Security or its successor; or

674 (d) Any document or method of proof of citizenship
675 established by the Federal Immigration Reform and Control Act of
676 1986, Public Law 99-603, compiled in 8 USC Section 1101 et seq.

677 (* * *6) If the applicant provides proof of citizenship and
678 meets all other qualifications provided by law, the registrar
679 shall register the applicant to vote.

680 (* * *7) * * * If the attempted voter does not provide
681 proof of citizenship within thirty (30) days of the receipt of the
682 notification, the registrar, or his or her designee, where the
683 person registered to vote shall purge the voter from the Statewide
684 Elections Management System.

685 (8) In the event a person is unable to provide any of the
686 documentation listed in subsection (5) to show proof of



687 citizenship, the person may appeal to the election commissioners
688 of the county in which he or she attempted to register and submit
689 additional proof of citizenship in person or in writing. The
690 election commissioners shall conduct a hearing and make a finding
691 concerning the individual's citizenship status and shall forward a
692 copy of their decision to the registrar, or his or her designee,
693 of the county where the person resides as established in Section
694 23-15-61. The registrar, or his or her designee, shall update the
695 Statewide Elections Management System to accurately reflect the
696 decision of the election commissioners with respect to such voter.

697 (9) All documentation provided to show proof of citizenship
698 as well as the Department of Public Safety database or relevant
699 federal and state agency and county records shall be confidential
700 and shall not be subject to inspection, examination, copying or
701 reproduction under the Mississippi Public Records Act of 1983.

702 (10) The Secretary of State shall adopt the necessary rules
703 and regulations for the administration of this section.

704 **SECTION 11.** Section 23-15-165, Mississippi Code of 1972, is
705 amended as follows:

706 23-15-165. (1) The Office of the Secretary of State, in
707 cooperation with the county registrars and election commissioners,
708 shall procure, implement and maintain an electronic information
709 processing system and programs capable of maintaining a
710 centralized database of all registered voters in the state. The
711 system shall encompass software and hardware, at both the state



712 and county level, software development training, conversion and
713 support and maintenance for the system. This system shall be
714 known as the "Statewide Elections Management System" and shall
715 constitute the official record of registered voters in every
716 county of the state.

717 (2) The Office of the Secretary of State shall develop and
718 implement the Statewide Elections Management System so that the
719 registrar and election commissioners of each county shall:

720 (a) Verify that an applicant that is registering to
721 vote in that county is not registered to vote in another county;

722 (b) Be notified automatically that a registered voter
723 in its county has registered to vote in another county;

724 (c) Receive regular reports of death, changes of
725 address and convictions for disenfranchising crimes that apply to
726 voters registered in the county; * * *

727 (d) Retain all present functionality related to, but
728 not limited to, the use of voter roll data and to implement such
729 other functionality as the law requires to enhance the maintenance
730 of accurate county voter records and related jury selection and
731 redistricting programs * * *; and

732 (e) When evidence exists that a registered voter may
733 not be a citizen of the United States as provided in Section
734 23-15-15, send notification to the registrar of the location where
735 the person is registered to vote.



736 (3) As a part of the procurement and implementation of the
737 system, the Office of the Secretary of State shall, with the
738 assistance of the advisory committee, procure services necessary
739 to convert current voter registration records in the counties into
740 a standard, industry accepted file format that can be used on the
741 Statewide Elections Management System. Thereafter, all official
742 voter information shall be maintained on the Statewide Elections
743 Management System. The standard industry accepted format of data
744 was reviewed and approved by a majority of the advisory committee
745 created in subsection (5) of this section after consultation with
746 the Circuit Clerks Association and the format may not be changed
747 without consulting the Circuit Clerks Association.

748 (4) The Secretary of State may, with the assistance of the
749 advisory committee, adopt rules and regulations necessary to
750 administer the Statewide Elections Management System. The rules
751 and regulations shall at least:

752 (a) Provide for the establishment and maintenance of a
753 centralized database for all voter registration information in the
754 state;

755 (b) Provide procedures for integrating data into the
756 centralized database;

757 (c) Provide security to ensure that only the registrar,
758 or his or her designee or other appropriate official, as the law
759 may require, can add information to, delete information from and
760 modify information in the system;



761 (d) Provide the registrar or his or her designee or
762 other appropriate official, as the law may require, access to the
763 system at all times, including the ability to download copies of
764 the industry standard file, for all purposes related to their
765 official duties, including, but not limited to, exclusive access
766 for the purpose of printing all local pollbooks;

767 (e) Provide security and protection of all information
768 in the system and monitor the system to ensure that unauthorized
769 access is not allowed;

770 (f) Provide a procedure that will allow the registrar,
771 or his or her designee or other appropriate official, as the law
772 may require, to identify the precinct to which a voter should be
773 assigned; and

774 (g) Provide a procedure for phasing in or converting
775 existing manual and computerized voter registration systems in
776 counties to the Statewide Elections Management System.

777 (5) The Secretary of State established an advisory committee
778 to assist in developing system specifications, procurement,
779 implementation and maintenance of the Statewide Elections
780 Management System. The committee included two (2) representatives
781 from the Circuit Clerks Association, appointed by the association;
782 two (2) representatives from the Election Commissioners
783 Association of Mississippi, appointed by the association; one (1)
784 member of the Mississippi Association of Supervisors, or its
785 staff, appointed by the association; the Director of the Stennis



786 Institute of Government at Mississippi State University, or his or
787 her designee; the Executive Director of the Department of
788 Information Technology Services, or his or her designee; two (2)
789 persons knowledgeable about elections and information technology
790 appointed by the Secretary of State; and the Secretary of State,
791 who shall serve as the chair of the advisory committee.

792 (6) (a) Social security numbers, telephone numbers and date
793 of birth and age information in statewide, district, county and
794 municipal voter registration files shall be exempt from and shall
795 not be subject to inspection, examination, copying or reproduction
796 under the Mississippi Public Records Act of 1983.

797 (b) Copies of statewide, district, county or municipal
798 voter registration files, excluding social security numbers,
799 telephone numbers and date of birth and age information, shall be
800 provided to any person in accordance with the Mississippi Public
801 Records Act of 1983 at a cost not to exceed the actual cost of
802 production.

803 **SECTION 12.** Section 23-15-603, Mississippi Code of 1972, is
804 brought forward as follows:

805 23-15-603. (1) The election commissioners shall, within ten
806 (10) days after the general election, transmit to the Secretary of
807 State, to be filed in his or her office, a statement of the whole
808 number of votes given in their county and the whole number of
809 votes given in each precinct in their county, for each candidate
810 for any office at the election; but the returns of every election



811 for Governor, Lieutenant Governor, Secretary of State, Attorney
812 General, Auditor of Public Accounts, State Treasurer, Commissioner
813 of Insurance and other state officers, shall each be made out
814 separately, sealed up together and transmitted to the seat of
815 government, directed to the Secretary of State, and endorsed the
816 "VOTE FOR STATE OFFICERS," to be delivered by the Secretary of
817 State to the Speaker of the House of Representatives at the next
818 ensuing session of the Legislature. In addition to the other
819 information required pursuant to this subsection, the returns for
820 state officers shall contain a statement of the whole number of
821 votes given in each House of Representative district or portion
822 thereof for each candidate for state office at the election.

823 (2) Constitutional amendments shall be voted for at the time
824 fixed by the concurrent resolution. The election, whether held
825 separately or with other elections, shall be conducted, in all
826 respects, as required for elections generally. The election
827 commissioners shall, within ten (10) days after the election,
828 transmit to the Secretary of State a statement of the whole number
829 of votes given in their county and the whole number of votes given
830 in each precinct in their county for or against constitutional
831 amendments.

832 (3) The statements certified by the election commissioners
833 and transmitted to the Secretary of State, as required by this
834 section, shall be tabulated by the Secretary of State and
835 submitted to each branch of the Legislature, at the session next



836 ensuing. Certified county vote totals shall represent the final
837 results of the election.

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

841 "We, the undersigned election commissioners, do
842 hereby certify that this statement of the whole number
843 of votes contains the official vote for the election
844 reflected therein."

845 (5) The statements required by this section shall be
846 transmitted to the Secretary of State on such forms and by such
847 methods as may be required by rules and regulations promulgated by
848 the Secretary of State.

849 **SECTION 13.** Section 23-15-581, Mississippi Code of 1972, is
850 amended as follows:

851 23-15-581. When the last qualified voter, who was standing
852 in line at the polling place at 7:00 p.m., has cast his or her
853 ballot, or 7:00 p.m., whichever is later, the poll managers shall
854 proclaim that the polls are closed and shall return the ballot box
855 to the registrar's office and, once all boxes have been received,
856 shall then publicly break the seal and open the ballot box to
857 immediately proceed to count the ballots, at the same time reading
858 aloud the names of the persons voted for, which shall be taken
859 down. During the holding of the election and the counting of the
860 ballots, the whole proceedings shall be in fair and full view of



861 the voting public, candidates or their duly authorized
862 representatives and other authorized poll watchers, without
863 unnecessary interference, delay or encroachment upon the good
864 order of the duties and proceedings of the poll managers and other
865 officers of the election. There shall be no unnecessary delay and
866 no adjournment except as provided by law.

867 **SECTION 14.** Section 23-15-591, Mississippi Code of 1972, is
868 amended as follows:

869 23-15-591. When the votes have been completely and correctly
870 counted and tallied by the poll managers at the office of the
871 registrar, they shall publicly proclaim the result of the
872 election * * * and shall certify in duplicate a statement of the
873 result, the certificate to be signed by the poll managers, one (1)
874 of the certificates to be enclosed in the ballot box, and the
875 other to be delivered to and to be kept by one (1) of the poll
876 managers and to be inspected at any time by any voter who so
877 requests. When the count of the votes and the tally of the votes
878 have been completed, the poll managers shall lock and seal the
879 ballot box, having first placed therein all ballots voted, all
880 spoiled ballots and all unused ballots. There shall also be
881 enclosed one (1) of the duplicate receipts given by the poll
882 manager who received the blank ballots received for that box; and
883 the total ballots voted, and the spoiled ballots, and the unused
884 ballots must correspond in total with the duplicate receipt or
885 else the failure thereof must be perfectly accounted for by a



886 written statement, under oath of the poll managers, which
887 statement must be enclosed in the ballot box. There shall also be
888 enclosed in the box the tally list, the receipt book containing
889 the signed names of the voters who voted; and the number of
890 ballots voted must correspond with the number of names signed in
891 the receipt book.

892 **SECTION 15.** Section 23-15-517, Mississippi Code of 1972, is
893 amended as follows:

894 23-15-517. At least one (1) hour before the opening of the
895 polls, the officials in charge of the election shall arrive at the
896 polling place and set up the voting booths so that they will be in
897 clear view of the poll managers; the poll managers shall examine
898 the ballots to verify that they have the correct ballots for their
899 precinct and check the supplies, records and forms, and post the
900 sample ballots and instructions to the voters. They shall also
901 inspect the ballot boxes to ensure they contain only voted
902 absentee ballots in their envelopes with the required
903 applications, and then seal the box for voting.

904 Each voter shall receive written and/or verbal instructions
905 by the poll managers instructing the voter how to properly vote
906 the paper ballot before the voter enters the voting booth. If any
907 voter needs additional instructions after entering the voting
908 booth, two (2) poll managers may, if necessary, enter the booth
909 and give him or her such additional instructions. If any voter
910 spoils a ballot the voter may obtain others, one (1) at a time,



911 not exceeding three (3) in all, upon returning each spoiled
912 ballot. The word "SPOILED" shall be written across the face of
913 the ballot and it shall be deposited into the sealed ballot box.
914 When the polls close once the last ballot has been cast or at 7:00
915 p.m., whichever is later, the poll managers shall return the
916 ballot box to the registrar's office and, once all of the boxes
917 have been received, shall then break the seal on the ballot box to
918 process the absentee ballots. Ballots marked as spoiled shall be
919 bundled together and placed in an envelope designated for spoiled
920 ballots. Once the polls have officially closed, the envelope that
921 contains the spoiled ballots and the unused ballots shall be
922 placed in the ballot box or other container provided for that
923 purpose which shall be sealed and returned to the officials in
924 charge of the election.

925 **SECTION 16.** Section 23-15-595, Mississippi Code of 1972, is
926 amended as follows:

927 23-15-595. The box containing the ballots and other records
928 required by this chapter shall, immediately after the * * * polls
929 have closed, or the last person standing in line has voted,
930 whichever comes later, be delivered by one (1) of the poll
931 managers to the clerk of the circuit court of the county and the
932 clerk shall, once all of the boxes have been received and in the
933 presence of the poll manager making delivery of the box, shall
934 count the ballots. Once all of the ballots have been counted, the
935 clerk shall place upon the lock of such box a tamper-evident seal.



936 The seals shall be numbered consecutively to the number of ballot
937 boxes used in the election in the county, and the clerk shall keep
938 in a place separate from such boxes a record of the number of the
939 seal of each separate box in the county. The board of supervisors
940 of the county shall pay the cost of providing the seals. Upon
941 demand of the chair of the county executive committee in the case
942 of primary elections, or the county election commissioner in the
943 case of other elections, the boxes and their contents shall be
944 delivered to the county executive committee, or the county
945 election commission, as appropriate, and after such committee or
946 commission, as appropriate, has finished the work of tabulating
947 returns and counting ballots as required by law, the committee or
948 commission, as appropriate, shall return all papers and ballots to
949 the box of the precinct where the election was held, and it shall
950 make redelivery of the boxes and their contents to the circuit
951 clerk who shall reseal the boxes. Upon every occasion the boxes
952 shall be reopened and each resealing shall be done as provided in
953 this chapter.

954 **SECTION 17.** Section 23-15-519, Mississippi Code of 1972, is
955 amended as follows:

956 23-15-519. The poll managers shall prepare a ballot
957 accounting report that documents the number of voters who have
958 voted, as indicated by the receipt book and the number of ballots
959 used in the election. The poll managers shall place the report in
960 the ballot box, with the seal logs, receipt books, absentee



961 ballots, affidavit ballots, challenged ballots, curbside ballots,
962 emergency ballots, spoiled ballots and unused ballots, which
963 thereupon shall be sealed with a tamper-evident seal, which is a
964 seal that has been designed in such a way to allow someone to
965 easily detect any tampering, so that no additional ballots may be
966 deposited or removed from the ballot box. The poll managers,
967 while they have possession of the election materials, and the
968 officials in charge of the election, once the poll managers have
969 delivered the ballot box to the * * * registrar's office, shall be
970 required to keep a seal log to document each time a tamper-evident
971 seal for a ballot box is opened or changed. The seal log shall
972 require the name of the person who opened the seal, the old seal
973 number, the new seal number, the date the seal was opened and the
974 purpose for opening the seal. The receiving and returning poll
975 manager shall deliver the ballot box to the * * * registrar's
976 office and receive a signed, numbered receipt therefor. The poll
977 books and other records and supplies shall be returned as directed
978 by the officials in charge of the election. No ballot box may be
979 counted until all of the ballot boxes have been returned to the
980 registrar's office. Failure to strictly comply with the
981 provisions of this section shall not result in a presumption of
982 fraud.

983 **SECTION 18.** Section 23-15-247, Mississippi Code of 1972, is
984 amended as follows:



985 23-15-247. The election commissioners in each county shall
986 procure, if not already provided, a sufficient number of ballot
987 boxes, which shall be distributed by them to the voting precincts
988 of the county before the time for opening the polls. The boxes
989 shall be securely sealed from the opening of the polls on election
990 day until the polls close on election day; and the box shall be
991 kept by one (1) of the managers, and the manager having the box
992 shall carefully keep it, and neither open it himself or herself
993 nor permit it to be opened, nor permit any person to have any
994 access to it throughout the voting period during an election. The
995 box shall not be removed from the polling building or place after
996 the polls are opened until the polls close * * *. After each
997 election the ballot boxes shall be delivered to the clerk of the
998 circuit court of the county for the ballots to be counted once all
999 of the ballot boxes have been returned and for preservation; and
1000 he or she shall keep them for future use, and, when called for,
1001 deliver them to the election commissioners.

1002 **SECTION 19.** Section 23-15-639, Mississippi Code of 1972, is
1003 amended as follows:

1004 23-15-639. (1) The examination and counting of all absentee
1005 ballots shall be conducted as follows:

1006 (a) At the opening of the regular balloting and at the
1007 opening of the polls, the resolution board established under
1008 Section 23-15-523 and trained in the process of canvassing
1009 absentee ballots shall first take the envelopes containing the



1010 absentee ballots of such electors from the secure location at the
1011 circuit clerk's office, and the name, address and precinct
1012 inscribed on each envelope shall be announced by the election
1013 managers.

1014 (b) The signature on the application shall then be
1015 compared with the signature on the back of the envelope. If it
1016 corresponds and the affidavit, if one is required, is sufficient
1017 and the resolution board find that the applicant is a registered
1018 and qualified voter or otherwise qualified to vote, the envelope
1019 shall then be opened and the ballot removed from the envelope,
1020 without its being unfolded, or permitted to be unfolded or
1021 examined.

1022 (c) Having observed and found the ballot to be regular
1023 as far as can be observed from its official endorsement, the
1024 resolution board shall deposit it in the ballot box with the other
1025 ballots before counting any ballots and enter the voter's name in
1026 the receipt book provided for that purpose. All absentee ballots
1027 received prior to 7:00 p.m. the day before the election shall be
1028 counted in the registrar's office by the resolution board when the
1029 polls close and then added to the total votes cast * * *. All
1030 absentee ballots received after 7:00 p.m. the day before the
1031 election but not later than the fifth business day after the
1032 election shall be processed by the resolution board.



1033 (2) The resolution board shall also take such action as may
1034 be prescribed by the Secretary of State to ensure compliance with
1035 the identification requirements of Section 23-15-563.

1036 (3) The resolution board shall process the absentee ballots
1037 using the procedure provided in subsection (1) of this section.

1038 **SECTION 20.** Section 23-15-531.10, Mississippi Code of 1972,
1039 is amended as follows:

1040 23-15-531.10. (1) In elections in which DRE units are used,
1041 the ballots shall be counted at the * * * at the registrar's
1042 office once all of the ballot boxes have been returned. All
1043 persons who perform any duties at the precinct shall take the oath
1044 provided in Section 268, Mississippi Constitution of 1890 and only
1045 those persons shall touch any ballot, container, paper or machine
1046 used in the conduct of the count or be permitted in the immediate
1047 area where the ballots are counted.

1048 (2) All proceedings at the precincts shall be open to the
1049 view of the public, but no person except one employed and
1050 designated for the purpose by the officials in charge of the
1051 election shall touch any ballot, any DRE unit or the tabulating
1052 equipment.

1053 (3) After the polls have closed and all voting in the
1054 precinct has ceased, the poll manager shall shut down the DRE
1055 units and extract the election results from each unit as follows:

1056 (a) The poll manager shall obtain the results tape from
1057 each DRE unit and verify that the number of ballots cast as



1058 recorded on the tape matches the public count number as displayed
1059 on the DRE unit; and

1060 (b) The poll manager shall extract the memory card, if
1061 applicable, from each DRE unit.

1062 (4) (a) Upon completion of shutting down each DRE unit and
1063 extracting the election results, the poll manager shall cause to
1064 be completed and signed a ballot recap form, in sufficient
1065 counterparts, showing:

1066 (i) The number of valid ballots;

1067 (ii) The number of spoiled ballots;

1068 (iii) The number of affidavit ballots;

1069 (iv) The number of accepted and rejected absentee
1070 ballots;

1071 (v) The number of challenged and rejected ballots;

1072 and

1073 (vi) The number of unused paper ballots.

1074 (b) The poll manager shall cause to be placed in the
1075 ballot box or supply container, should the supply container be
1076 capable of being sealed and secured, one (1) copy of the recap
1077 form, affidavit ballots, absentee ballots, spoiled ballots,
1078 challenged and rejected ballots and any unused paper ballots.

1079 (5) The poll manager shall collect and retain the zero tape
1080 and the results tape for each DRE unit and place the tapes with
1081 the memory card, if any, for each unit and enclose all such items
1082 for all of the DRE units used in the precinct in the memory card



1083 transport bag which shall be sealed and initialed by the poll
1084 manager so that it cannot be opened without breaking the seal.
1085 The memory card transport bag shall be placed in the ballot box.

1086 (6) The receiving and returning poll manager shall then
1087 deliver the sealed ballot box to the tabulating center for the
1088 county or municipality or to such other place designated by the
1089 officials in charge of the election and shall receive a receipt
1090 therefor. The copies of the recap forms, unused ballots, records
1091 and other materials shall be returned to the designated location
1092 and retained as provided by law.

1093 (7) Upon receipt of the sealed ballot box and memory card
1094 transport bag that contains the zero tapes, results tapes and
1095 memory cards, the officials in charge of the election shall break
1096 the seal of the memory card transport bag and remove its contents.
1097 The officials in charge of the election shall then download the
1098 results stored on the memory card from each DRE unit into the
1099 election management system located at the central tabulation point
1100 of the county in order to obtain election results for
1101 certification.

1102 **SECTION 21.** Section 23-15-611, Mississippi Code of 1972, is
1103 amended as follows:

1104 23-15-611. (1) In municipal elections, poll managers shall,
1105 immediately upon the closing of the polls, * * * shall return the
1106 ballot box to the registrar's office and, once all of the ballot
1107 boxes have been returned, shall then ascertain the number of votes



1108 cast in each voting precinct for each of the candidates or ballot
1109 measures and make a return thereof to the municipal election
1110 commissioners. On the day following the election, the election
1111 commissioners shall canvass the returns so received from all
1112 voting precincts and shall, within six (6) days after the
1113 election, deliver to each person receiving the highest number of
1114 votes a certificate of election. If it shall appear that any two
1115 (2) or more of the candidates receiving the highest number of
1116 votes shall have received an equal number of votes, the election
1117 shall be decided by a toss of a coin or by lot fairly and publicly
1118 drawn under the direction of the election commissioners.

1119 (2) (a) Within six (6) days after any election, the
1120 municipal election commissioners shall transmit a statement to the
1121 Secretary of State certifying the name or names of the person or
1122 persons elected, and such person or persons shall be issued
1123 commissions by the Governor. The statement shall also include
1124 vote totals for each candidate for each office and vote totals for
1125 and against ballot measures, if any, including the vote totals for
1126 each candidate and ballot measure in each precinct in the
1127 municipality.

1128 (b) The statements required by this subsection (2)
1129 shall contain a certification, signed and dated by a majority of
1130 the municipal election commissioners, which shall read as follows:



1131 "We, the undersigned municipal election commissioners, do
1132 hereby certify that this statement contains the official vote for
1133 the election reflected therein."

1134 (c) The statements required by this subsection (2)
1135 shall be transmitted to the Secretary of State on such forms and
1136 by such methods as may be required by rules and regulations
1137 promulgated by the Secretary of State.

1138 (d) If the statement certifying the names of the
1139 persons elected is not transmitted to the Secretary of State as
1140 required by this subsection (2), the Secretary of State may issue
1141 a show cause order directing the municipal election commissioners
1142 to provide to the Secretary of State written response containing
1143 the reasons for their failure to transmit the statement. The
1144 municipal election commissioners shall file their response to the
1145 show cause order with the Secretary of State within five (5)
1146 working days after the issuance of the show cause order. If the
1147 statement certifying the names of the persons elected is not
1148 transmitted to the Secretary of State within five (5) working days
1149 after the issuance of the show cause order, the Secretary of State
1150 may petition a court of competent jurisdiction to compel the
1151 municipal election commissioners to comply with this subsection
1152 (2). If the statement certifying the names of the persons elected
1153 is received by the Secretary of State within five (5) days after
1154 the issuance of the show cause order, a response to the show cause
1155 order shall not be required.



1156 **SECTION 22.** Section 23-15-503, Mississippi Code of 1972, is
1157 amended as follows:

1158 23-15-503. As used in this subarticle, unless otherwise
1159 specified:

1160 (a) "Optimal mark reading (OMR)" means a method of
1161 capturing data electronically into a computer system.

1162 (b) "Optical mark reading equipment (OMR)" means an
1163 apparatus that reads pen and pencil marks made in pre-defined
1164 positions on paper ballots to automatically examine and count
1165 votes.

1166 (c) "Counting center" means * * * the office of the
1167 circuit clerk, municipal clerk or registrar.

1168 (d) "Marking device" means a pen or pencil that the
1169 voters use to record their paper ballots, which is readable by the
1170 OMR equipment.

1171 (e) "Ballot" means a paper ballot on which votes are
1172 recorded by means of marking the ballot with a marking device.

1173 **SECTION 23.** This act shall take effect and be in force from
1174 and after January 1, 2024.

