

By: Senator(s) Hill

To: Elections

SENATE BILL NO. 2105

1 AN ACT TO AMEND SECTION 23-15-531.6, MISSISSIPPI CODE OF  
 2 1972, TO REQUIRE THE OFFICIALS IN CHARGE OF THE CONDUCT OF THE  
 3 ELECTION TO TEST EACH DRE UNIT FOR PRINTING CAPABILITY; TO AMEND  
 4 SECTION 23-15-531.9, MISSISSIPPI CODE OF 1972, TO REQUIRE A POLL  
 5 MANAGER TO ENSURE THAT EACH DRE UNIT PRINTS A RECORD OF THE VOTE  
 6 OF EACH ELECTOR; TO AMEND SECTION 23-15-531.10, MISSISSIPPI CODE  
 7 OF 1972, TO CONFORM; AND FOR RELATED PURPOSES.

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

9 **SECTION 1.** Section 23-15-531.6, Mississippi Code of 1972, is  
 10 amended as follows:

11 23-15-531.6. (1) For each primary or general election, the  
 12 officials in charge of the election shall use at least  
 13 seventy-five percent (75%) of all DRE units available to the  
 14 county or municipality, as the case may be. For all other  
 15 elections in which the officials in charge of the election choose  
 16 to use DRE units, at least one-third (1/3) of all DRE units  
 17 available to the county or municipality, as the case may be, shall  
 18 be used in such elections.

19 (2) The officials in charge of the election shall ensure the  
 20 delivery of the proper DRE units to the polling places of the



21 respective precincts at least one (1) hour before the time for  
22 opening the polls at each election and shall cause each unit to be  
23 set up in the proper manner for use in voting.

24 (3) (a) On or before the second day before any election,  
25 the officials in charge of the conduct of the election shall cause  
26 each DRE unit to be tested for logic and accuracy to ascertain  
27 that the units will correctly count the votes cast for all offices  
28 and on all questions, in a manner the Secretary of State may  
29 further prescribe by rule or regulation.

30 (b) On or before the second day before any election,  
31 the officials in charge of the conduct of the election shall test  
32 each DRE unit for printing capability to ascertain that the units  
33 will correctly print the votes cast for all offices and on all  
34 questions as required by Section 23-15-531.9, in a manner the  
35 Secretary of State may further prescribe by rule or regulation.

36 ( \* \* \*c) Public notice of the time and place of the  
37 test shall be made at least five (5) days before the date of the  
38 test. Candidates, representatives of candidates, political  
39 parties, news media and the public shall be permitted to observe  
40 the testing of the DRE units.

41 (4) The officials in charge of the conduct of the election  
42 shall test all memory cards and encoders to be used in any  
43 election.

44 (5) The officials in charge of the election shall require  
45 that each DRE unit be inspected and sealed before the delivery of



46 each DRE unit to the polling place. Before opening the polls each  
47 day on which the DRE units will be used in an election, the poll  
48 manager shall break the seal on each unit, turn on each unit,  
49 certify that each unit is operating properly and is set to zero,  
50 and print a zero tape certifying that each unit is set to zero and  
51 shall keep or record such certification on each unit.

52 (6) The officials in charge of the election, election  
53 commissioners and poll managers shall provide ample protection  
54 against molestation of and injury to the DRE units, and, for that  
55 purpose, the officials in charge of the election, election  
56 commissioners and poll managers may call upon any law enforcement  
57 officer to furnish any assistance that may be necessary. It shall  
58 be the duty of any law enforcement officer to furnish assistance  
59 when so requested by the officials in charge of the election,  
60 election commissioner or poll manager.

61 (7) The officials in charge of the election, in conjunction  
62 with the governing authorities, shall, at least one (1) hour  
63 before opening the polls:

64 (a) Provide sufficient lighting to enable electors to  
65 read the ballot and to enable poll managers to examine the booth  
66 and conduct their responsibilities;

67 (b) Provide directions for voting on the DRE units that  
68 shall be prominently posted within each voting booth and provide  
69 at least one (1) sample ballot for each primary or general



70 election shall be prominently posted outside the enclosed space  
71 within the polling place;

72 (c) Ensure that each DRE unit and its tabulating  
73 mechanism is secure throughout the day; and

74 (d) Provide such other materials and supplies as may be  
75 necessary or required by law.

76 **SECTION 2.** Section 23-15-531.9, Mississippi Code of 1972, is  
77 amended as follows:

78 23-15-531.9. (1) (a) A duly qualified elector shall cast  
79 his or her vote on a DRE unit by touching the screen or pressing  
80 the appropriate button on the DRE unit for the candidate or ballot  
81 measure of the elector's choice. After pressing the appropriate  
82 button on the DRE unit or location on the screen to cast the  
83 ballot, the elector's vote shall be final and shall not be  
84 subsequently altered.

85 ( \* \* \*b) If an elector leaves the voting booth without  
86 having pressed the appropriate button on the DRE unit or location  
87 on the screen to finally cast his or her ballot and cannot be  
88 located to return to the booth to complete the voting process,  
89 then a poll manager shall take the steps necessary to void the  
90 ballot that was not completed by the elector and an appropriate  
91 record shall be made of the event, or the DRE unit shall be  
92 allowed to time-out, thereby voiding the ballot.



93           (2) A poll manager shall ensure that each DRE unit prints a  
94 record of the vote of each elector, including incomplete ballots,  
95 after each elector leaves a voting booth.

96           **SECTION 3.** Section 23-15-531.10, Mississippi Code of 1972,  
97 is amended as follows:

98           23-15-531.10. (1) In elections in which DRE units are used,  
99 the ballots shall be counted at the precinct under the direction  
100 of the officials in charge of the election. All persons who  
101 perform any duties at the precinct shall take the oath provided in  
102 Section 268, Mississippi Constitution of 1890 and only those  
103 persons shall touch any ballot, container, paper or machine used  
104 in the conduct of the count or be permitted in the immediate area  
105 where the ballots are counted.

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

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

114           (a) The poll manager shall obtain the results tape from  
115 each DRE unit and verify that the number of ballots cast as  
116 recorded on the tape matches the public count number as displayed  
117 on the DRE unit; and



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

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

- 124 (i) The number of valid ballots;
- 125 (ii) The number of spoiled ballots;
- 126 (iii) The number of affidavit ballots;
- 127 (iv) The number of accepted and rejected absentee  
128 ballots;

129 (v) The number of challenged and rejected ballots;  
130 and

131 (vi) The number of unused paper ballots.

132 (b) The poll manager shall cause to be placed in the  
133 ballot box or supply container, should the supply container be  
134 capable of being sealed and secured, one (1) copy of the recap  
135 form, affidavit ballots, absentee ballots, spoiled ballots,  
136 challenged and rejected ballots, the record of each elector's vote  
137 and any unused paper ballots.

138 (5) The poll manager shall collect and retain the zero tape  
139 and the results tape for each DRE unit and place the tapes with  
140 the memory card, if any, for each unit and enclose all such items  
141 for all of the DRE units used in the precinct in the memory card  
142 transport bag which shall be sealed and initialed by the poll



143 manager so that it cannot be opened without breaking the seal.  
144 The memory card transport bag shall be placed in the ballot box.

145 (6) The receiving and returning poll manager shall then  
146 deliver the sealed ballot box to the tabulating center for the  
147 county or municipality or to such other place designated by the  
148 officials in charge of the election and shall receive a receipt  
149 therefor. The copies of the recap forms, unused ballots, records  
150 and other materials, including the record of each elector's vote,  
151 shall be returned to the designated location and retained as  
152 provided by law.

153 (7) Upon receipt of the sealed ballot box and memory card  
154 transport bag that contains the zero tapes, results tapes and  
155 memory cards, the officials in charge of the election shall break  
156 the seal of the memory card transport bag and remove its contents.  
157 The officials in charge of the election shall then download the  
158 results stored on the memory card from each DRE unit into the  
159 election management system located at the central tabulation point  
160 of the county in order to obtain election results for  
161 certification.

162 **SECTION 4.** This act shall take effect and be in force from  
163 and after July 1, 2023.

