

By: Senator(s) Sojourner

To: Elections

SENATE BILL NO. 2505

1 AN ACT TO AMEND SECTION 23-15-37, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE DUTIES OF THE CIRCUIT CLERK TO INCLUDE SAFE
3 PRESERVATION OF ALL BALLOTS AND ELECTION INFORMATION FOR A
4 SPECIFIED PERIOD; TO AMEND SECTION 23-15-39, MISSISSIPPI CODE OF
5 1972, TO REQUIRE PROOF OF CITIZENSHIP IN ORDER TO REGISTER TO
6 VOTE; TO REPEAL SECTIONS 23-15-621 THROUGH 23-15-657, MISSISSIPPI
7 CODE OF 1972, WHICH CONSTITUTE THE ABSENTEE BALLOTING PROCEDURES
8 LAW (SUBARTICLE A); TO REPEAL SECTIONS 23-15-711 THROUGH
9 23-15-721, MISSISSIPPI CODE OF 1972, WHICH CONSTITUTE THE ABSENTEE
10 VOTER LAW (SUBARTICLE C); TO REPEAL SECTION 23-15-735, MISSISSIPPI
11 CODE OF 1972, WHICH PROHIBITS THE DELIVERY OF ABSENTEE BALLOTS TO
12 VOTERS IN PERSON; TO AMEND SECTION 23-15-751, MISSISSIPPI CODE OF
13 1972, TO CONFORM; TO AMEND SECTION 23-15-753, MISSISSIPPI CODE OF
14 1972, TO PENALIZE PARTIES RESPONSIBLE FOR MAINTAINING THE CHAIN OF
15 CUSTODY OF BALLOTS AND OTHER ELECTION MATERIALS WHO FAIL TO DO SO;
16 TO AMEND SECTION 23-15-755, MISSISSIPPI CODE OF 1972, TO CONFORM;
17 TO AMEND SECTION 23-15-391, MISSISSIPPI CODE OF 1972, TO REQUIRE
18 MANUAL VOTE RECOUNTING OF EVERY ELECTION IN WHICH OPTICAL SCANNERS
19 ARE INITIALLY USED; TO AMEND SECTION 23-15-613, MISSISSIPPI CODE
20 OF 1972, TO CONFORM; TO AMEND SECTION 23-15-523, MISSISSIPPI CODE
21 OF 1972, TO CONFORM; TO AMEND SECTION 23-15-545, MISSISSIPPI CODE
22 OF 1972, TO CONFORM; TO AMEND SECTION 97-13-43, MISSISSIPPI CODE
23 OF 1972, TO CONFORM; TO REPEAL SECTIONS 23-15-531 THROUGH
24 23-15-531.12, MISSISSIPPI CODE OF 1972, WHICH AUTHORIZE CONDUCT OF
25 ELECTIONS USING DIRECT RECORDING ELECTRONIC VOTING EQUIPMENT; TO
26 CREATE NEW SECTION 23-15-615, MISSISSIPPI CODE OF 1972, TO
27 AUTHORIZE CERTAIN POST-ELECTION AUDITS; TO AMEND SECTION 33-15-11,
28 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT A DECLARATION OF
29 EMERGENCY WILL HAVE NO EFFECT UPON THE CONDUCT OF ELECTIONS; AND
30 FOR RELATED PURPOSES.

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



32 **SECTION 1.** This act shall be known and may be cited as "The
33 Mississippi Elections Integrity Act of 2022."

34 **SECTION 2.** Section 23-15-37, Mississippi Code of 1972, is
35 amended as follows:

36 23-15-37. (1) The registrar shall register the electors of
37 his or her county at any time during regular office hours.

38 (2) The county registrar may keep his or her office open to
39 register voters from 8:00 a.m. until 7:00 p.m., including the noon
40 hour, for the five (5) business days immediately preceding the
41 thirtieth day before any regularly scheduled primary or general
42 election. The county registrar shall also keep his or her office
43 open from 8:00 a.m. until 12:00 noon on the Saturday immediately
44 preceding the thirtieth day before any regularly scheduled primary
45 or general election, unless that Saturday falls on a legal
46 holiday, in which case registration applications submitted on the
47 Monday immediately following the legal holiday shall be accepted
48 and entered in the Statewide Elections Management System for the
49 purpose of enabling such voters to vote in the next primary or
50 general election.

51 (3) The registrar, or any deputy registrar duly appointed by
52 law, may visit and spend such time as he or she may deem necessary
53 at any location in his or her county, selected by the registrar
54 not less than thirty (30) days before an election, for the purpose
55 of registering voters.



56 (4) A person who is physically disabled and unable to visit
57 the office of the registrar to register to vote due to such
58 disability may contact the registrar and request that the
59 registrar or the registrar's deputy visit him or her for the
60 purpose of registering such person to vote. The registrar or the
61 registrar's deputy shall visit that person as soon as possible
62 after such request and provide the person with an application for
63 registration, if necessary. The completed application for
64 registration shall be executed in the presence of the registrar or
65 the registrar's deputy.

66 (5) (a) In the fall and spring of each year the registrar
67 of each county shall furnish all public schools with mail-in voter
68 registration applications. The applications shall be provided in
69 a reasonable time to enable those students who will be eighteen
70 (18) years of age before a general election to be able to vote in
71 the primary and general elections.

72 (b) Each public school district shall permit access to
73 all public schools of this state for the county registrar or the
74 county registrar's deputy to register persons who are eligible to
75 vote and to provide voter education.

76 (7) The registrar must preserve and maintain all ballots and
77 election information for not less than forty-eight (48) months
78 after the election.

79 **SECTION 3.** Section 23-15-39, Mississippi Code of 1972, is
80 amended as follows:



81 23-15-39. (1) (a) Applications for registration as
82 electors of this state, which are sworn to and subscribed before
83 the registrar or deputy registrar authorized by law and which are
84 not made by mail, shall be made upon a form established by rule
85 duly adopted by the Secretary of State.

86 (b) Any person submitting an application to be
87 registered as an elector in compliance with the laws of this state
88 must provide one (1) of the following documents to prove his or
89 her United States citizenship:

90 (i) A birth certificate or a legible photocopy of
91 the birth certificate; or

92 (ii) A United States naturalization documentation,
93 a legible photocopy of the naturalization documentation, or the
94 number of the voter's certificate of naturalization; except that
95 any person who provides the number of the certificate of
96 naturalization in lieu of the naturalization documentation shall
97 not be deemed to have provided proof of citizenship until the
98 registrar verifies the number with the United States Citizenship
99 and Immigration Services in the Department of Homeland Security or
100 its successor.

101 (2) The boards of supervisors shall make proper allowances
102 for office supplies reasonably necessitated by the registration of
103 county electors.

104 (3) If the applicant indicates on the application that he or
105 she resides within the city limits of a city or town in the county



106 of registration, the county registrar shall process the
107 application for registration or changes to the registration as
108 provided by law.

109 (4) If the applicant indicates on the application that he or
110 she has previously registered to vote in another county of this
111 state or another state, notice to the voter's previous county of
112 registration in this state shall be provided by the Statewide
113 Elections Management System. If the voter's previous place of
114 registration was in another state, notice shall be provided to the
115 voter's previous state of residence if the Statewide Elections
116 Management System has that capability.

117 (5) The county registrar shall provide to the person making
118 the application a copy of the application upon which has been
119 written the county voting precinct and municipal voting precinct,
120 if any, in which the person shall vote. Upon entry of the voter
121 registration information into the Statewide Elections Management
122 System, the system shall assign a voter registration number to the
123 person, and the county registrar shall mail the applicant a voter
124 registration card to the mailing address provided on the
125 application.

126 (6) Any person desiring an application for registration may
127 secure an application from the registrar of the county of which he
128 or she is a resident and may take the application with him or her
129 and secure assistance in completing the application from any
130 person of the applicant's choice. It shall be the duty of all



131 registrars to furnish applications for registration to all persons
132 requesting them, and it shall likewise be the registrar's duty to
133 furnish aid and assistance in the completing of the application
134 when requested by an applicant. The application for registration
135 shall be sworn to and subscribed before the registrar or deputy
136 registrar at the municipal clerk's office, the county registrar's
137 office or any other location where the applicant is allowed to
138 register to vote. The registrar shall not charge a fee or cost to
139 the applicant for accepting the application or administering the
140 oath or for any other duty imposed by law regarding the
141 registration of electors.

142 (7) If the person making the application is unable to read
143 or write, for reason of disability or otherwise, he or she shall
144 not be required to personally complete the application in writing
145 and execute the oath. In such cases, the registrar or deputy
146 registrar shall read the application and oath to the person and
147 the person's answers thereto shall be recorded by the registrar or
148 the registrar's deputy. The person shall be registered as an
149 elector if he or she otherwise meets the requirements to be
150 registered as an elector. The registrar shall record the
151 responses of the person and the recorded responses shall be
152 retained permanently by the registrar. The county registrar shall
153 enter the voter registration information into the Statewide
154 Elections Management System and designate the entry as an assisted
155 filing.



156 (8) The receipt of a copy of the application for
157 registration sent pursuant to Section 23-15-35(2) shall be
158 sufficient to allow the applicant to be registered as an elector
159 of this state, if the application is not challenged.

160 (9) In any case in which the corporate boundaries of a
161 municipality change, whether by annexation or redistricting, the
162 municipal clerk shall, within ten (10) days after approval of the
163 change in corporate boundaries, provide to the county registrar
164 conforming geographic data that is compatible with the Statewide
165 Elections Management System. The data shall be developed by the
166 municipality's use of a standardized format specified by the
167 Statewide Elections Management System. The county registrar,
168 county election commissioner or other county official, who has
169 completed an annual training seminar sponsored by the Secretary of
170 State pertaining to the implementation of new boundary lines in
171 the Statewide Elections Management System and received
172 certification for that training, shall update the municipal
173 boundary information into the Statewide Elections Management
174 System. The Statewide Elections Management System updates the
175 municipal voter registration records and assigns electors to their
176 municipal voting precincts. The county registrar shall forward to
177 the municipal clerk written notification of the additions and
178 changes, and the municipal clerk shall forward to the affected
179 municipal electors written notification of the additions and
180 changes.



181 **SECTION 4.** Sections 23-15-621, 23-15-623, 23-15-625,
182 23-15-627, 23-15-629, 23-15-631, 23-15-633, 23-15-635, 23-15-637,
183 23-15-639, 23-15-641, 23-15-643, 23-15-645, 23-15-649, 23-15-651,
184 23-15-653, and 23-15-657, Mississippi Code of 1972, which
185 constitute the Absentee Balloting Procedures Law and are
186 designated in the Code as Subarticle A, are repealed.

187 **SECTION 5.** Sections 23-15-711, 23-15-713, 23-15-715,
188 23-15-717, 23-15-719, 23-15-721, Mississippi Code of 1972, which
189 constitute the Absentee Voter Law and are designated in the Code
190 as Subarticle C, are repealed.

191 **SECTION 6.** Section 23-15-735, Mississippi Code of 1972,
192 which prohibits delivery of absentee ballots to voters in person,
193 is repealed.

194 **SECTION 7.** Section 23-15-751, Mississippi Code of 1972, is
195 amended as follows:

196 23-15-751. If any registrar or commissioner of elections
197 shall refuse or neglect to perform any of the duties prescribed by
198 Sections * * * 23-15-671 through * * * 23-15-733, or shall
199 knowingly permit any person to sign a false affidavit or otherwise
200 knowingly permit any person to violate Sections * * * 23-15-671
201 through * * * 23-15-733, or shall violate any of the provisions
202 thereof, or if any officer taking the affidavits as provided in
203 said acts shall make any false statement in his certificate
204 thereto attached, he shall, upon conviction, be deemed guilty of a
205 crime and shall be punished by a fine not exceeding One Thousand



206 Dollars (\$1,000.00) or by imprisonment in the Penitentiary not
207 exceeding one (1) year, and shall be removed from office.

208 **SECTION 8.** Section 23-15-753, Mississippi Code of 1972, is
209 amended as follows:

210 23-15-753. (1) Any person who fails to maintain the proper
211 chain of custody for ballots as required by Section 23-15-595 and
212 any other law, or who willfully, unlawfully and feloniously
213 procures, seeks to procure, or seeks to influence the vote of any
214 person voting by absentee ballot, by the payment of money, the
215 promise of payment of money, or by the delivery of any other item
216 of value or promise to give the voter any item of value, or by
217 promising or giving the voter any favor or reward in an effort to
218 influence his vote, or any person who aids, abets, assists,
219 encourages, helps, or causes any person voting an absentee ballot
220 to violate any provision of law pertaining to absentee voting, or
221 any person who sells his vote for money, favor, or reward, has
222 been paid or promised money, a reward, a favor or favors, or any
223 other item of value, or any person who shall willfully swear
224 falsely to any affidavit provided for in Sections * * * 23-15-671
225 through * * * 23-15-733, shall be guilty of the crime of "vote
226 fraud" and, upon conviction, shall be sentenced to pay a fine of
227 not less than Five Hundred Dollars (\$500.00) nor more than Five
228 Thousand Dollars (\$5,000.00), or by imprisonment in the county
229 jail for no more than one (1) year, or by both fine and



230 imprisonment, or by being sentenced to the State Penitentiary for
231 not less than one (1) year nor more than five (5) years.

232 (2) It shall be unlawful for any person who pays or
233 compensates another person for assisting voters in marking their
234 absentee ballots to base the pay or compensation on the number of
235 absentee voters assisted or the number of absentee ballots cast by
236 persons who have received the assistance. Any person who violates
237 this section, upon conviction, shall * * * be fined not less than
238 One Thousand Dollars (\$1,000.00) nor more than Five Thousand
239 Dollars (\$5,000.00), or imprisoned in the Penitentiary not less
240 than one (1) year nor more than five (5) years, or both.

241 **SECTION 9.** Section 23-15-755, Mississippi Code of 1972, is
242 amended as follows:

243 23-15-755. All of the provisions of Sections * * * 23-15-671
244 through * * * 23-15-733 shall be applicable, insofar as possible,
245 to municipal, primary, preferential, general and special
246 elections, and wherever herein any duty is imposed or any power or
247 authority is conferred upon the county registrar, county election
248 commissioners, or county executive committee with reference to a
249 state and county election, such duty shall likewise be imposed and
250 such power and authority shall likewise be conferred upon the
251 municipal registrar, municipal election commission or municipal
252 executive committee with reference to any municipal election. Any
253 duty, obligation or responsibility imposed upon the registrar or
254 upon the election commissioners, when applicable, shall likewise



255 be conferred upon and devolved upon the appropriate party,
256 executive committee or officials in any party primary.

257 **SECTION 10.** Section 23-15-391, Mississippi Code of 1972, is
258 amended as follows:

259 23-15-391. The board of supervisors of each county and the
260 governing authorities of each municipality shall use optical mark
261 reading equipment * * * that complies with the specifications
262 provided by law. The election commissioners may conduct special
263 and municipal elections, as well as any necessary runoff
264 elections, by paper ballot when the election commissioners
265 determine that administration of an election by paper ballot will
266 be less expensive than administration of the same election by
267 optical mark reading equipment * * *. The results of all election
268 conducted by use of optical mark reading equipment must be
269 verified manually within thirty (30) days after the election.

270 **SECTION 11.** Section 23-15-613, Mississippi Code of 1972, is
271 amended as follows:

272 23-15-613. (1) As used in this section "residual votes"
273 means overvotes, undervotes and any other vote not counted for any
274 reason.

275 (2) For every election, election commissions and county and
276 municipal executive committees shall report to the Secretary of
277 State residual vote information; however, if the voting
278 devices * * * used in the election do not produce a ballot, other
279 information shall be reported as required in this section.



280 (3) For every election, election commissions and county and
281 municipal executive committees responsible for the conduct of
282 elections in which ballots are generated that are counted by hand
283 or by OMR equipment * * * shall report to the Secretary of State
284 all residual votes for all candidates and ballot measures in the
285 elections for which they are responsible for conducting. The
286 residual vote reports shall:

287 (a) Be received by the Secretary of State no later than
288 December 15 of the year in which the election is held;

289 (b) Include any suggested explanation or suspected
290 cause of the residual votes;

291 (c) Include a copy of a voided official ballot for the
292 election as such ballot appeared to voters at the election and
293 copies of voided affidavit and absentee ballots if they are
294 different from the official ballot;

295 (d) Include the total voter turnout for each election
296 to be determined by totaling the number of persons signing the
297 receipt book at each precinct, absentee voters and persons who
298 voted by affidavit ballot and persons whose ballots were
299 challenged and rejected; and

300 (e) Include a copy of any printed voting instructions
301 given or visible to voters in the election and a description of
302 any verbal instructions and any other evidence of voter education
303 that was used in the election.



304 (4) For every election, election commissions and county and
305 municipal executive committees responsible for the conduct of
306 election in which voting devices are used that do not generate
307 ballots that are counted by hand or by OMR equipment * * * shall
308 file a report with the Secretary of State which shall:

309 (a) Be received by the Secretary of State no later than
310 December 15 of the year in which the election is held;

311 (b) Include the total voter turnout for each election
312 to be determined by totaling the number of persons signing the
313 receipt book at each precinct, absentee voters and persons who
314 voted by affidavit ballot and persons whose ballots were
315 challenged and rejected;

316 (c) Include in the report any anecdotal information
317 obtained concerning voter problems with the voting equipment or
318 ballot layout;

319 (d) Include in the report any suggested explanation or
320 suspected cause of any difference in the amount of total voter
321 turnout and the number of counted votes for candidates for various
322 offices; and

323 (e) Include a copy of any printed voting instructions
324 given or visible to voters in the election and a description of
325 any verbal instructions and any other evidence of voter education
326 that was used in the election.

327 (5) Not later than January 31 of the year following the
328 election, the Secretary of State shall submit a report to the



329 Governor, Lieutenant Governor and Speaker of the House of
330 Representatives analyzing the reports required to be filed
331 pursuant to this section. The analysis shall include the
332 following:

333 (a) The performance of each voting device type used in
334 the election;

335 (b) Any problems with voter or poll worker instructions
336 or ballot design and layout that have been identified as a result
337 of analyzing the reports received;

338 (c) Recommendations for reducing the number of residual
339 votes reported; and

340 (d) Such other information as the Secretary of State
341 deems beneficial.

342 (6) The reports required pursuant to this section shall be
343 in such form as may be required by rules and regulations
344 promulgated by the Secretary of State.

345 **SECTION 12.** Section 23-15-523, Mississippi Code of 1972, is
346 amended as follows:

347 23-15-523. (1) All proceedings at the counting center shall
348 be under the direction of the election commissioners or officials
349 in charge of the election, and shall be conducted under the
350 observations of the public, but no persons except those authorized
351 for the purpose shall touch any ballot. All persons who are
352 engaged in processing and counting of the ballots shall take the
353 oath provided in Section 268, Mississippi Constitution of 1890.



354 (2) The election commissioners or the officials in charge of
355 the election shall appoint qualified electors who have received
356 the training required by subsection (11) of this section to serve
357 as members of the "resolution board." An odd number of not less
358 than three (3) members shall be appointed to the resolution board.
359 The members of the board shall take the oath provided in Section
360 268, Mississippi Constitution of 1890. All ballots that have been
361 rejected by the OMR equipment and that are damaged or defective,
362 blank or overvoted will be reviewed by the board. Election
363 commissioners, candidates who are on the ballot and the spouse,
364 parents, siblings or children of such a candidate shall not be
365 appointed to the resolution board. In general and special
366 elections, members of the party executive committees shall not be
367 appointed to the resolution board unless members of all of the
368 party executive committees who have a candidate on the ballot are
369 appointed to the resolution board.

370 (3) (a) If any ballot is damaged or defective so that it
371 cannot be properly counted by the OMR equipment, the ballot will
372 be deposited in an envelope provided for that purpose marked
373 "RESOLUTION BOARD." All such ballots shall be carefully handled
374 so as to avoid altering, removing or adding any mark on the
375 ballot.

376 (b) The election commissioners or the officials in
377 charge of the election shall have the members of the resolution



378 board ascertain the intent of the voter, if possible, and, if so,
379 manually count any damaged or defective ballots.

380 (c) The resolution board shall prepare a duplicate to
381 the damaged or defective ballot in the following manner:

382 (i) The resolution board shall prepare a duplicate
383 to the original damaged or defective ballot marked identically to
384 the original.

385 (ii) The resolution board shall mark the first
386 original they examine as "Original #1" and the duplicate of this
387 original as "Duplicate #1." Later originals and duplicates shall
388 be likewise marked and numbered consecutively so the duplicate of
389 each original can be identified. Duplicate ballots shall be
390 stamped in a different manner from the original ballots so that
391 they may be easily distinguished from the originals.

392 (iii) The duplicate ballots prepared pursuant to
393 this paragraph shall be counted by the OMR equipment.

394 (4) The resolution board shall examine ballots that have
395 been rejected by the OMR equipment for appearing to be "blank" to
396 verify if they are blank or were marked with a "nondetectable"
397 marking device. If it is determined that the ballot was marked
398 with a nondetectable device, the resolution board shall prepare a
399 duplicate to the original blank ballot in the same manner and in
400 accordance with the same process provided in subsection (3) (c).

401 (5) All ballots that are rejected by the OMR equipment and
402 that contain overvotes shall be inspected by the resolution board.



403 Regarding those rejected ballots upon which an overvote appears,
404 if the voter intent cannot be determined by the resolution board,
405 the officials in charge of the election may use the OMR equipment
406 in determining the vote in the races that are unaffected by the
407 overvote. All other ballots that are overvoted shall be counted
408 manually following the provisions of this section at the direction
409 of the officials in charge of the election. The return printed by
410 the OMR equipment to which have been added the manually tallied
411 ballots, which shall be duly certified by the officials in charge
412 of the election, shall constitute the official return of each
413 voting precinct. Unofficial and incomplete returns may be
414 released during the count. Upon the completion of the counting,
415 the official returns shall be open to the public.

416 (6) When the resolution board reviews any OMR ballot in
417 which the voter has failed to fill in the arrow, oval, circle or
418 square for a candidate or a ballot measure, the resolution board
419 shall, if the intent of the voter can be ascertained, count the
420 vote if:

421 (a) The voter marks the ballot with a "cross" (X) or
422 "checkmark" (✓) and the lines that form the mark intersect within
423 or on the line of the arrow, oval, circle or square by the ballot
424 measure or the name of the candidate.

425 (b) The voter blackens the arrow, oval, circle or
426 square adjacent to the ballot measure or the name of the candidate



427 in pencil or ink and the blackened portion extends beyond the
428 boundaries of the arrow, oval, circle or square.

429 (c) The voter marks the ballot with a "cross" (X) or
430 "checkmark" (✓) and the lines that form the mark intersect
431 adjacent to the ballot measure or the name of the candidate.

432 (d) The voter underlines the ballot measure or the name
433 of a candidate.

434 (e) The voter draws a line from the arrow, oval, circle
435 or square to a ballot measure or the name of a candidate.

436 (f) The voter draws a circle or oval around the ballot
437 measure or the name of the candidate.

438 (g) The voter draws a circle or oval around the arrow,
439 oval, circle or square adjacent to the ballot measure or the name
440 of the candidate.

441 (7) The resolution board, when inspecting an OMR ballot that
442 contains or appears to contain one or more overvotes, appears to
443 be damaged or defective, or is rejected by the OMR equipment for
444 any reason or cannot be counted by the OMR equipment, shall make
445 its determination in accordance with the following:

446 (a) When an elector casts more votes for any office or
447 measure than he or she is entitled to cast at an election, all the
448 elector's votes for that office or measure are invalid and the
449 elector is deemed to have voted for none of them. If an elector
450 casts less votes for any office or measure than he or she is



451 entitled to cast at an election, all votes cast by the elector
452 shall be counted but no vote shall be counted more than once.

453 (b) If an elector casts more than one (1) vote for the
454 same candidate for the same office, the first vote is valid and
455 the remaining votes for that candidate are invalid.

456 (c) No write-in vote for a candidate whose name is
457 printed on the ballot shall be regarded as invalid due to
458 misspelling a candidate's name, or by abbreviation, addition or
459 omission or use of a wrong initial in the name, as long as the
460 intent of the voter can be ascertained.

461 (d) In any case where a voter writes in the name of a
462 candidate for President of the United States whose name is printed
463 on the general election ballot, the failure by the voter to write
464 in the name of a candidate for the Office of Vice President of the
465 United States on the general election ballot does not invalidate
466 the elector's vote for the slate of electors for any candidate
467 whose name is written in for the Office of President of the United
468 States.

469 (e) For any ballot measure in which the words "for" or
470 "against" are printed on a ballot, if the voter shall write the
471 word "for" or the word "against" instead of or in addition to
472 marking the ballot in accordance with the ballot instruction in
473 the space adjacent to the preprinted words "for" or "against," the
474 resolution board shall, in reviewing such ballot, count the vote
475 in accordance with the voter's handwritten preference, unless the



476 voter marks the ballot in the space adjacent to the preprinted
477 words "for" or "against" contrary to the handwritten preference,
478 in which case no vote shall be recorded for such ballot in regard
479 to the ballot measure.

480 (f) For any ballot measure in which the words "yes" or
481 "no" are printed on a ballot, if the voter shall write the word
482 "yes" or the word "no" instead of or in addition to marking the
483 ballot in accordance with the ballot instructions in the space
484 adjacent to the preprinted words "yes" or "no," the resolution
485 board shall, in reviewing such ballot, count the vote in
486 accordance with the voter's handwritten preference, unless the
487 voter marks the ballot in the space adjacent to the preprinted
488 words "yes" or "no" contrary to the handwritten preference, in
489 which case no vote shall be recorded for such ballot in regard to
490 the ballot measure.

491 (8) OMR equipment shall be programmed, calibrated, adjusted
492 and set up to reject ballots that appear to be damaged or
493 defective. Any switch, lever or feature on OMR equipment that
494 enables or permits the OMR equipment to override the rejection of
495 damaged or defective ballots so that such ballots will not be
496 reviewed by the resolution board, shall not be used.

497 (9) Ballots shall be manually counted by the resolution
498 board only when the ballots are:

499 (a) Properly before the resolution board due to being
500 rejected by the OMR equipment because the ballots appear to be



501 damaged or defective or are rejected by the OMR equipment for any
502 other reason; or

503 (b) Properly before the resolution board due to a
504 malfunction in the OMR equipment.

505 (10) The resolution board shall make and keep a record
506 regarding the handling and counting of all ballots inspected under
507 this section.

508 (11) The executive committee of each county or municipality,
509 in the case of a primary election, or the election commissioners
510 of each county or municipality, in the case of all other
511 elections, in conjunction with the circuit or municipal clerk
512 respectively, shall sponsor and conduct, a training session for up
513 to two (2) hours, not less than five (5) days before each
514 election, to instruct those qualified electors who are appointed
515 to serve as members of the resolution board as to their specific
516 duties in the election. No member appointed to serve on the
517 resolution board shall serve in any election unless he or she has
518 received such instruction once during the twelve (12) months
519 immediately preceding the date upon which the election is held.
520 Online training courses developed by the Secretary of State,
521 though not sponsored or conducted by the executive committee or
522 the election commissioners, may be used to meet the requirements
523 of this subsection (11).

524 (12) The provisions of this section do not affect the
525 manual-recount provisions of Section 23-15-391.



526 **SECTION 13.** Section 23-15-545, Mississippi Code of 1972, is
527 amended as follows:

528 23-15-545. At each election, at least one (1) poll manager
529 shall be charged with writing in the pollbook the word "VOTED," in
530 the column having at its head the date of the election, opposite
531 the name of each elector upon return of a marked paper ballot by
532 the elector with the initials of the initialing poll manager or
533 alternate initialing poll manager affixed thereon. * * *

534 **SECTION 14.** Section 97-13-43, Mississippi Code of 1972, is
535 amended as follows:

536 97-13-43. Any person who willfully tampers with or damages
537 any * * * tabulating computer or device to be used or being used
538 at or in connection with any election or who prevents or attempts
539 to prevent the correct operation of any * * * tabulating computer
540 or device shall be guilty of a felony and, upon conviction, be
541 punished by imprisonment for not more than ten (10) years, or be
542 fined Five Thousand Dollars (\$5,000.00), or both.

543 **SECTION 15.** Sections 23-15-531, 23-15-531.1, 23-15-531.2,
544 23-15-531.3, 23-15-531.4, 23-15-531.5, 23-15-531.6, 23-15-531.9,
545 23-15-531.10, and 23-15-531.12, Mississippi Code of 1972, which
546 authorize the conduct of elections via Direct Recording Electronic
547 Voting Equipment, are repealed.

548 **SECTION 16.** The following shall be codified as Section
549 23-15-615, Mississippi Code of 1972:



550 23-15-615. (1) (a) The Secretary of State is authorized to
551 conduct a post-election audit of any election within the state.

552 (b) A county board of supervisors is authorized to
553 commission a post-election audit by majority vote of any election
554 within the county.

555 (c) All post-election audits are to be conducted by
556 representatives of the Secretary of State, the county's Circuit
557 Clerk, and the county's Election Commissioners.

558 (2) No county or precinct shall be selected for audit on the
559 basis of race, geographical location or voting trends.

560 (3) A precinct where an election occurred that is being
561 challenged under section 23-15-927, 23-15-951 or 23-15-955 is not
562 eligible for post-election audit.

563 (4) The public shall not be denied access to nondisruptively
564 observe every aspect of any post-election manual verification or
565 audit.

566 (5) The Secretary of State shall promulgate administrative
567 rules to carry out the provisions of this section.

568 **SECTION 17.** Section 33-15-11, Mississippi Code of 1972, is
569 amended as follows:

570 33-15-11. (a) The Governor shall have general direction and
571 control of the activities of the Emergency Management Agency and
572 Council and shall be responsible for the carrying out of the
573 provisions of this article, and in the event of a man-made,
574 technological or natural disaster or emergency beyond local



575 control, may assume direct operational control over all or any
576 part of the emergency management functions within this state.

577 (b) In performing his duties under this article, the
578 Governor is further authorized and empowered:

579 (1) To make, amend and rescind the necessary orders,
580 rules and regulations to carry out the provisions of this article
581 with due consideration of the plans of the federal government, and
582 to enter into disaster assistance grants and agreements with the
583 federal government under the terms as may be required by federal
584 law.

585 (2) To work with the Mississippi Emergency Management
586 Agency in preparing a comprehensive plan and program for the
587 emergency management of this state, such plan and program to be
588 integrated into and coordinated with the emergency management
589 plans of the federal government and of other states to the fullest
590 possible extent, and to coordinate the preparation of plans and
591 programs for emergency management by the political subdivisions of
592 this state, such local plans to be integrated into and coordinated
593 with the emergency management plan and program of this state to
594 the fullest possible extent.

595 (3) In accordance with such plan and program for
596 emergency management of this state, to ascertain the requirements
597 of the state or the political subdivisions thereof for food or
598 clothing or other necessities of life in the event of attack or
599 natural or man-made or technological disasters and to plan for and



600 procure supplies, medicines, materials and equipment, and to use
601 and employ from time to time any of the property, services and
602 resources within the state, for the purposes set forth in this
603 article; to make surveys of the industries, resources and
604 facilities within the state as are necessary to carry out the
605 purposes of this article; to institute training programs and
606 public information programs, and to take all other preparatory
607 steps, including the partial or full mobilization of emergency
608 management organizations in advance of actual disaster, to insure
609 the furnishing of adequately trained and equipped forces of
610 emergency management personnel in time of need.

611 (4) To cooperate with the President and the heads of
612 the Armed Forces, and the Emergency Management Agency of the
613 United States, and with the officers and agencies of other states
614 in matters pertaining to the emergency management of the state and
615 nation and the incidents thereof; and in connection therewith, to
616 take any measures which he may deem proper to carry into effect
617 any request of the President and the appropriate federal officers
618 and agencies, for any action looking to emergency management,
619 including the direction or control of (a) blackouts and practice
620 blackouts, air raid drills, mobilization of emergency management
621 forces, and other tests and exercises, (b) warnings and signals
622 for drills or attacks and the mechanical devices to be used in
623 connection therewith, (c) the effective screening or extinguishing
624 of all lights and lighting devices and appliances, (d) shutting



625 off water mains, gas mains, electric power connections and the
626 suspension of all other utility services, (e) the conduct of
627 civilians and the movement and cessation of movement of
628 pedestrians and vehicular traffic during, prior and subsequent to
629 drills or attack, (f) public meetings or gatherings under
630 emergency conditions, and (g) the evacuation and reception of the
631 civilian population.

632 (5) To take such action and give such directions to
633 state and local law enforcement officers and agencies as may be
634 reasonable and necessary for the purpose of securing compliance
635 with the provisions of this article and with the orders, rules and
636 regulations made pursuant thereto.

637 (6) To employ such measures and give such directions to
638 the state or local boards of health as may be reasonably necessary
639 for the purpose of securing compliance with the provisions of this
640 article or with the findings or recommendations of such boards of
641 health by reason of conditions arising from enemy attack or the
642 threat of enemy attack or natural, man-made or technological
643 disaster.

644 (7) To utilize the services and facilities of existing
645 officers and agencies of the state and of the political
646 subdivisions thereof; and all such officers and agencies shall
647 cooperate with and extend their services and facilities to the
648 Governor as he may request.



649 (8) To establish agencies and offices and to appoint
650 executive, technical, clerical and other personnel as may be
651 necessary to carry out the provisions of this article including,
652 with due consideration to the recommendation of the local
653 authorities, part-time or full-time state and regional area
654 directors.

655 (9) To delegate any authority vested in him under this
656 article, and to provide for the subdelegation of any such
657 authority.

658 (10) On behalf of this state to enter into reciprocal
659 aid agreements or compacts with other states and the federal
660 government, either on a statewide basis or local political
661 subdivision basis or with a neighboring state or province of a
662 foreign country. Such mutual aid arrangements shall be limited to
663 the furnishings or exchange of food, clothing, medicine and other
664 supplies; engineering services; emergency housing; police
665 services; national or state guards while under the control of the
666 state; health, medical and related services; firefighting, rescue,
667 transportation and construction services and equipment; personnel
668 necessary to provide or conduct these services; and such other
669 supplies, equipment, facilities, personnel and services as may be
670 needed; the reimbursement of costs and expenses for equipment,
671 supplies, personnel and similar items for mobile support units,
672 firefighting and police units and health units; and on such terms
673 and conditions as are deemed necessary.



674 (11) To sponsor and develop mutual aid plans and
675 agreements between the political subdivisions of the state,
676 similar to the mutual aid arrangements with other states referred
677 to above.

678 (12) To collect information and data for assessment of
679 vulnerabilities and capabilities within the borders of Mississippi
680 as it pertains to the nation and state's security and homeland
681 defense. This information shall be exempt from the Mississippi
682 Public Records Act, Section 25-61-1 et seq.

683 (13) Authorize any agency or arm of the state to create
684 a special emergency management revolving fund, accept donations,
685 contributions, fees, grants, including federal funds, as may be
686 necessary for such agency or arm of the state to administer its
687 functions of this article as set forth in the Executive Order of
688 the Governor.

689 (14) To authorize the Commissioner of Public Safety to
690 select, train, organize and equip a ready reserve of auxiliary
691 highway patrolmen.

692 (15) To suspend or limit the sale, dispensing or
693 transportation of alcoholic beverages, firearms, explosives and
694 combustibles.

695 (16) To control, restrict and regulate by rationing,
696 freezing, use of quotas, prohibitions on shipments, price-fixing,
697 allocation or other means, the use, sale or distribution of food,



698 feed, fuel, clothing and other commodities, materials, goods or
699 services.

700 (17) To proclaim a state of emergency in an area
701 affected or likely to be affected thereby when he finds that the
702 conditions described in Section 33-15-5(g) exist, or when he is
703 requested to do so by the mayor of a municipality or by the
704 president of the board of supervisors of a county, or when he
705 finds that a local authority is unable to cope with the emergency.
706 Such proclamation shall be in writing and shall take effect
707 immediately upon its execution by the Governor. As soon
708 thereafter as possible, such proclamation shall be filed with the
709 Secretary of State and be given widespread notice and publicity.
710 The Governor, upon advice of the director, shall review the need
711 for continuing the state of emergency at least every thirty (30)
712 days until the emergency is terminated and shall proclaim a
713 reduction of area or the termination of the state of emergency at
714 the earliest possible date that conditions warrant.

715 (18) To declare an emergency impact area when he finds
716 that the conditions described in Section 33-15-5(o) exist. The
717 proclamation shall be in writing and shall take effect immediately
718 upon its execution by the Governor. As soon as possible, the
719 proclamation shall be filed with the Secretary of State and be
720 given widespread notice and publicity. The Governor shall review
721 the need for continuing the declaration of emergency impact area
722 at least every thirty (30) days until the emergency is terminated,



723 and shall proclaim the reduction of the emergency impact area or
724 termination of the declaration of emergency impact area at the
725 earliest date or dates possible.

726 (c) In addition to the powers conferred upon the Governor in
727 this section, the Legislature hereby expressly delegates to the
728 Governor the following powers and duties in the event of an
729 impending enemy attack, an enemy attack, or a man-made,
730 technological or natural disaster where such disaster is beyond
731 local control:

732 (1) To suspend the provisions of any regulatory statute
733 prescribing the procedures for conduct of state business, or the
734 orders, rules or regulations of any state agency, if strict
735 compliance with the provisions of any statute, order, rule or
736 regulation would in any way prevent, hinder or delay necessary
737 action in coping with a disaster or emergency.

738 (2) To transfer the direction, personnel or functions
739 of state agencies, boards, commissions or units thereof for the
740 purpose of performing or facilitating disaster or emergency
741 services.

742 (3) To commandeer or utilize any private property if
743 necessary to cope with a disaster or emergency, provided that such
744 private property so commandeered or utilized shall be paid for
745 under terms and conditions agreed upon by the participating
746 parties. The owner of said property shall immediately be given a
747 receipt for the said private property and said receipt shall serve



748 as a valid claim against the Treasury of the State of Mississippi
749 for the agreed upon market value of said property.

750 (4) To perform and exercise such other functions,
751 powers and duties as may be necessary to promote and secure the
752 safety and protection of the civilian population in coping with a
753 disaster or emergency.

754 (d) This section does not authorize the Governor or a
755 designee of the Governor to act in contravention of Section
756 33-7-303.

757 (e) A declaration of a state of emergency under this section
758 has no effect whatsoever upon the election laws of this state, the
759 procedure or manner of execution of an election, or upon the dates
760 or schedules of an election without the approval of two-thirds
761 (2/3) of each house of the Legislature.

762 **SECTION 18.** This act shall take effect and be in force from
763 and after July 1, 2023.

