

By: Representative Byrd

To: Apportionment and
Elections

HOUSE BILL NO. 1176

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

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

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

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



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

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

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



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

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

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



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

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



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

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

106 23-15-595. The box containing the ballots and other records
107 required by this chapter shall, immediately after the ballots have
108 been counted in all polling places, be delivered by one (1) of the
109 poll managers to the clerk of the circuit court of the county and
110 the clerk shall, in the presence of the poll manager making
111 delivery of the box, place upon the lock of such box a
112 tamper-evident seal. The seals shall be numbered consecutively to
113 the number of ballot boxes used in the election in the county, and
114 the clerk shall keep in a place separate from such boxes a record
115 of the number of the seal of each separate box in the county. The
116 board of supervisors of the county shall pay the cost of providing
117 the seals. Upon demand of the chair of the county executive
118 committee in the case of primary elections, or the county election
119 commissioner in the case of other elections, the boxes and their
120 contents shall be delivered to the county executive committee, or
121 the county election commission, as appropriate, and after such
122 committee or commission, as appropriate, has finished the work of
123 tabulating returns and counting ballots as required by law, the
124 committee or commission, as appropriate, shall return all papers
125 and ballots to the box of the precinct where the election was



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

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

134 23-15-519. The poll managers shall prepare a ballot
135 accounting report that documents the number of voters who have
136 voted, as indicated by the receipt book and the number of ballots
137 used in the election. The poll managers shall place the report in
138 the ballot box, with the seal logs, receipt books, absentee
139 ballots, affidavit ballots, challenged ballots, curbside ballots,
140 emergency ballots, spoiled ballots and unused ballots, which
141 thereupon shall be sealed with a tamper-evident seal, which is a
142 seal that has been designed in such a way to allow someone to
143 easily detect any tampering, so that no additional ballots may be
144 deposited or removed from the ballot box. The poll managers,
145 while they have possession of the election materials, and the
146 officials in charge of the election, once the poll managers have
147 delivered the ballot box to the counting center or other
148 designated place, shall be required to keep a seal log to document
149 each time a tamper-evident seal for a ballot box is opened or
150 changed. The seal log shall require the name of the person who



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

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

162 23-15-247. The election commissioners in each county shall
163 procure, if not already provided, a sufficient number of ballot
164 boxes, which shall be distributed by them to the voting precincts
165 of the county before the time for opening the polls. The boxes
166 shall be securely sealed from the opening of the polls on election
167 day until the polls close on election day; and the box shall be
168 kept by one (1) of the managers, and the manager having the box
169 shall carefully keep it, and neither open it himself or herself
170 nor permit it to be opened, nor permit any person to have any
171 access to it throughout the voting period during an election. The
172 box shall not be removed from the polling building or place after
173 the polls are opened until the polls close and the count is
174 complete. No ballot box shall be opened and no ballots shall be
175 counted while any polling places are still opened. After each



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

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

182 23-15-639. (1) The examination and counting of all absentee
183 ballots shall be conducted as follows:

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

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



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

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

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

216 **SECTION 8.** This act shall take effect and be in force from
217 and after July 1, 2024.

