

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT AND MR. SPEAKER:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2829: Direct recording electronic voting equipment; authorize use at elections conducted in this state.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

37 **SECTION 1.** As used in this act:

38 (a) "DRE" means direct recording electronic voting
39 equipment.

40 (b) "Direct recording electronic voting equipment"
41 means a computer driven unit for casting and counting votes on
42 which an elector touches a video screen or a button adjacent to a
43 video screen to cast his or her vote.

44 **SECTION 2.** Each DRE unit shall:

45 (a) Permit the voter to verify, in a private and
46 independent manner, the votes selected by the voter on the ballot
47 before the ballot is cast and counted;

48 (b) Provide the voter with the opportunity, in a
49 private and independent manner, to change the ballot or correct
50 any error before the ballot is cast and counted, including, but
51 not limited to, the opportunity to correct the error through the
52 issuance of a replacement ballot if the voter is otherwise unable
53 to change the ballot or correct any error;

54 (c) If the voter selects votes for more candidates for
55 a single office than are eligible for election:

56 (i) Notify the voter that he has selected more
57 candidates for that office than are eligible for election;

58 (ii) Notify the voter before his vote is cast and
59 counted of the effect of casting multiple votes for such an
60 office; and

61 (iii) Provide the voter with the opportunity to
62 correct the ballot before the ballot is cast and counted.

63 (d) Produce a permanent paper record with a manual
64 audit capacity which shall be available for any recount conducted
65 with respect to the election in which the DRE unit is used;

66 (e) Have the capability to print the ballots cast by
67 electors to be utilized in the event of a recount conducted with
68 respect to the election in which the DRE is used;

69 (f) Be accessible for individuals with disabilities,
70 including, but not limited to, nonvisual accessibility for the
71 blind and visually impaired, in a manner that provides the same
72 opportunity for access and participation, including privacy and
73 independence, as for other voters. This requirement may be
74 satisfied through the use of at least one (1) DRE unit or other
75 voting unit equipped for individuals with disabilities at each
76 polling place;

77 (g) Provide alternative language accessibility pursuant
78 to the requirements of the Voting Rights Act of 1965; and

79 (h) Have a residual vote rate in counting ballots
80 attributable to the voting system and not to voter error that
81 complies with error rate standards established under the voting
82 system standards issued by the Federal Election Commission which
83 were in effect as of October 29, 2002.

84 **SECTION 3.** DREs shall be arranged in the polling place in
85 such a manner as to:

86 (a) Ensure the privacy of the elector while voting on
87 such units;

88 (b) Allow monitoring of the units by the poll managers
89 while the polls are open; and

90 (c) Permit the public and lawful poll watchers to
91 observe the voting without affecting the privacy of the electors
92 as they vote.

93 **SECTION 4.** (1) The ballots for DREs shall be of such size
94 and arrangement as will suit the construction of the DRE screen
95 and shall be in plain, clear type that is easily readable by
96 persons with normal vision.

97 (2) (a) If the equipment has the capacity for color
98 display, the names of all candidates in a particular race shall be
99 displayed in the same color, font and size, and the political
100 party or affiliation of candidates may be displayed in a color
101 different from that used to display the names of the candidates,
102 but all political party or affiliations shall be displayed in the
103 same color. All political party names shall be displayed in the
104 same size and font.

105 (b) All ballot questions and constitutional amendments
106 shall be displayed in the same color.

107 **SECTION 5.** (1) The officials in charge of the election of
108 each county or municipality shall:

109 (a) Cause the proper ballot design and style to be
110 programmed for each DRE unit which is to be used in any precinct
111 within the county or municipality;

112 (b) Cause each DRE unit to be placed in proper order
113 for voting;

114 (c) Examine each unit before it is sent to a polling
115 place;

116 (d) Verify that each registering mechanism is set at
117 zero; and

118 (e) Properly secure each unit so that the counting
119 machinery cannot be operated until later authorized.

120 (2) The circuit clerk shall be the custodian of the DRE units
121 acquired by the county.

122 (3) The officials in charge of the election shall be
123 responsible for the preparation of the units to be used in the
124 county or municipality at the primaries and other elections in the
125 county or municipality.

126 (4) (a) On or before the third day preceding any election,
127 except runoff elections, the officials in charge of the election
128 shall have each DRE unit tested to ascertain that it will
129 correctly count the votes cast for all offices and on all
130 questions in a manner that the Secretary of State may prescribe by
131 rule or regulation.

132 (b) On or before the third day preceding any runoff
133 election, the officials in charge of the election shall test a
134 number of DRE units at random to ascertain that the units will
135 correctly count the votes cast for all offices. If the total
136 number of DRE units in the county is thirty (30) units or less,
137 all of the units shall be tested. If the total number of DRE
138 units in the county is more than thirty (30) but not more than one
139 hundred (100), then at least one-half (1/2) of the units shall be
140 tested at random. If there are more than one hundred (100) DRE
141 units in the county, the officials in charge of the election shall
142 test at least fifteen percent (15%) of the units at random. In no
143 event shall the officials in charge of the election test less than
144 one (1) DRE unit per precinct. All memory cards to be used in the
145 runoff shall be tested. Public notice of the time and place of
146 the test shall be made at least five (5) days prior thereto.
147 Representatives of candidates, political parties, news media and
148 the public shall be permitted to observe such tests.

149 (5) In every primary or general election, the officials in
150 charge of the election shall furnish, at the expense of the county
151 or municipality, all ballots, forms of certificates and other
152 papers and supplies required under this act which are not
153 furnished by the Secretary of State, all of which shall be in the

154 form and according to any specifications prescribed from time to
155 time by the Secretary of State.

156 **SECTION 6.** (1) The arrangement of offices, names of
157 candidates and questions upon the DRE ballots shall conform as
158 nearly as practicable to the arrangement of offices, names of
159 candidates and questions on paper ballots.

160 (2) A separate write-in ballot, which may be in the form of
161 a paper ballot, card or envelope in which the voter places his
162 ballot card after voting, shall be provided if required to permit
163 voters to write in the title of the office and the name of the
164 person not on the printed ballot for whom he wishes to vote. The
165 design of the write-in ballot shall permit the officials in charge
166 of the election and poll workers when obtaining the vote count
167 from such systems to determine readily whether an elector has cast
168 any write-in vote not authorized by law.

169 **SECTION 7.** (1) The officials in charge of the election
170 shall ensure the delivery of the proper DRE units to the polling
171 places of the respective precincts at least one (1) hour before
172 the time for opening the polls at each election and shall cause
173 each unit to be set up in the proper manner for use in voting.

174 (2) The officials in charge of the election shall require
175 that each DRE unit be thoroughly tested, inspected and sealed
176 prior to the delivery of each DRE unit to the polling place.
177 Prior to opening the polls each day on which the units will be
178 used in an election, the manager shall break the seal on each
179 unit, turn on each unit, certify that each unit is operating
180 properly and is set to zero, and print a zero tape certifying that
181 each unit is set to zero and shall keep or record such
182 certification on each unit.

183 (3) The officials in charge of the election and poll
184 managers shall provide ample protection against molestation of and
185 injury to the DRE units, and, for that purpose, the officials in

186 charge of the election and poll managers may call upon any law
187 enforcement officer to furnish any assistance that may be
188 necessary. It shall be the duty of any law enforcement officer to
189 furnish assistance when so requested by the officials in charge of
190 the election or poll manager.

191 (4) The officials in charge of the election, in conjunction
192 with the governing authorities, shall, at least one (1) hour prior
193 to the opening of the polls:

194 (a) Provide sufficient lighting to enable electors to
195 read the ballot and which shall be suitable for the use of the
196 poll managers in examining the booth and conducting their
197 responsibilities;

198 (b) Provide directions for voting on the DRE units
199 which shall be prominently posted within each voting booth and at
200 least two (2) sample ballots for the primary or general election
201 which shall be prominently posted outside the enclosed space
202 within the polling place;

203 (c) Ensure that each DRE unit's tabulating mechanism is
204 secure throughout the day during the primary or general election;
205 and

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

208 **SECTION 8.** The officials in charge of the election shall
209 place on public exhibition and demonstrate the use of the DRE
210 units throughout the county or municipality during the month
211 preceding each primary and general election. At least during the
212 initial year in which DRE equipment is used in a county or
213 municipality, all officials in charge of the election shall offer
214 a series of demonstrations and organized voter education
215 initiatives to educate electors in the use of such equipment in
216 voting.

217 **SECTION 9.** (1) All DRE units and related equipment shall be
218 properly stored and secured when not in use.

219 (2) The circuit clerk shall store the DRE units and related
220 equipment under his or her supervision when it is not in use at an
221 election. The circuit clerk shall provide compensation for the
222 safe storage and care of such units and related equipment if the
223 units and related equipment are stored by a person or entity other
224 than the circuit clerk.

225 **SECTION 10.** (1) A duly qualified elector shall cast his
226 vote on a DRE unit by touching the screen or pressing the
227 appropriate button on the unit for the candidate or issue of the
228 elector's choice. After pressing the appropriate button on the
229 unit or location on the screen to cast the ballot, the elector's
230 vote shall be final and shall not be subsequently altered.

231 (2) If an elector leaves the voting booth without having
232 pressed the appropriate button on the unit or location on the
233 screen to finally cast his or her ballot and cannot be located to
234 return to the booth to complete the voting process, then a poll
235 manager shall take the steps necessary to void the ballot that was
236 not completed by the elector and an appropriate record shall be
237 made of the event.

238 **SECTION 11.** (1) In elections in which DRE voting equipment
239 is used, the ballots shall be counted at the precinct under the
240 direction of the officials in charge of the election. All persons
241 who perform any duties at the precinct shall be deputized by the
242 officials in charge of the election and only persons so deputized
243 shall touch any ballot, container, paper or machine utilized in
244 the conduct of the count or be permitted to be in the immediate
245 area designed for officers deputized to conduct the count.

246 (2) All proceedings at the precincts shall be open to the
247 view of the public, but no person except one employed and
248 designated for the purpose by the officials in charge of the

249 election shall touch any ballot, any DRE unit or the tabulating
250 equipment.

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

254 (a) The manager shall obtain the results tape from each
255 DRE unit and verify that the number of ballots cast as recorded on
256 the tape matches the public count number as displayed on the DRE
257 unit;

258 (b) If a system is established by the Secretary of
259 State, the poll manager shall first transmit the election results
260 extracted from each DRE unit in each precinct via modem to the
261 central tabulating center of the county; and

262 (c) The manager shall then extract the memory card, if
263 applicable, from each DRE unit.

264 (4) (a) Upon completion of shutting down each DRE unit and
265 extracting the election results, the manager shall cause to be
266 completed and signed a ballot recap form, in sufficient
267 counterparts, showing:

268 (i) The number of valid ballots;

269 (ii) The number of spoiled and invalid ballots;

270 (iii) The number of affidavit ballots; and

271 (iv) The number of unused affidavit ballots and
272 any other unused ballots.

273 (b) The manager shall cause to be placed in the ballot
274 supply container one (1) copy of the recap form and any unused,
275 defective, spoiled and invalid ballots, each enclosed in an
276 envelope or communication pack.

277 (5) The manager shall collect and retain the zero tape and
278 the results tape for each DRE unit and place the tapes with the
279 memory card, if any, for each unit and enclose all such items for
280 all of the DRE units used in the precinct in one (1) envelope or

281 communication pack which shall be sealed and initialed by the
282 manager so that it cannot be opened without breaking the seal.

283 (6) The returning manager shall then deliver the envelope or
284 communication pack to the tabulating center for the county or
285 municipality or to such other place designated by the officials in
286 charge of the election and shall receive a receipt therefor. The
287 copies of the recap forms, unused ballots, records and other
288 materials shall be returned to the designated location and
289 retained as provided by law.

290 (7) Upon receipt of the sealed envelope or communication
291 pack containing the zero tapes, results tapes and memory cards,
292 the officials in charge of the election shall verify the
293 signatures on the envelope or communication pack. Once verified,
294 the officials in charge of the election shall break the seal of
295 the envelope or communication pack and remove its contents. The
296 officials in charge of the election shall then download the
297 results stored on the memory card from each DRE unit into the
298 election management system located at the central tabulation point
299 of the county in order to obtain election results for
300 certification.

301 **SECTION 12.** In the case of challenged ballots cast on direct
302 recording electronic voting equipment, the ballots shall be coded
303 in such a way that the ballot of a challenged voter can be
304 separated from other valid ballots at the time of tabulation and
305 the challenged ballots shall be counted, challenged or rejected in
306 accordance with the challenged ballot law.

307 **SECTION 13.** If for any reason any direct recording
308 electronic voting equipment shall become inoperable, the poll
309 managers, or the officials in charge of the election, shall direct
310 voters to go to an operating terminal or to cast irregular
311 ballots, if necessary, which shall be paper ballots. Such paper

312 ballots shall be administered, as far as is practicable, in
313 accordance with the laws concerning paper ballots.

314 **SECTION 14.** Any person who willfully tampers with or damages
315 any DRE unit or tabulating computer or device to be used or being
316 used at or in connection with any primary or election or who
317 prevents or attempts to prevent the correct operation of any DRE
318 unit or tabulating computer or device shall be guilty of a felony
319 and, upon conviction, be punished by imprisonment for not less
320 than three (3) years nor more than ten (10) years.

321 **SECTION 15.** Section 23-15-391, Mississippi Code of 1972, is
322 amended as follows:

323 23-15-391. The board of supervisors of each county in the
324 State of Mississippi shall * * * utilize voting machines,
325 electronic voting systems, * * * optical mark reading equipment or
326 direct recording electronic voting equipment which shall comply
327 with the specifications provided by law. * * * The election
328 commissioners may designate * * * elections to be administered by
329 paper ballot where the election commissioners * * * determine that
330 administration of an election by paper ballot will be less
331 expensive than administration of the same election by voting
332 machines, electronic voting systems, * * * optical mark reading
333 equipment or direct recording electronic voting equipment.

334 **SECTION 16.** Section 23-15-169.3, Mississippi Code of 1972,
335 is amended as follows:

336 23-15-169.3. (1) The Secretary of State shall have the
337 authority to accept federal funds authorized under the Help
338 America Vote Act of 2002 and to meet all the requirements of the
339 Help America Vote Act of 2002 in order to expend the funds.

340 (2) Counties that purchase or have purchased since January
341 1, 2001, voting systems that comply with the requirements of the
342 Help America Vote Act of 2002 shall be eligible for federal funds
343 accepted by the Secretary of State for Help America Vote Act of

344 2002 compliance efforts. The only restriction that the Secretary
345 of State may place on the expenditure of federal funds for the
346 purchase of voting systems is that the systems comply with the
347 criteria and rules established in the Help America Vote Act of
348 2002 for voting systems.

349 (3) Counties may purchase voting systems under the Help
350 America Vote Act of 2002 (HAVA) if:

351 (a) The system selected is HAVA compliant as determined
352 by the rules promulgated to effectuate the Help America Vote Act
353 of 2002 in this state; and

354 (b) The County Board of Supervisors spreads upon its
355 minutes a certification of the following:

356 (i) The county determined it is in its best
357 interest to opt out of any statewide bulk purchase to be
358 effectuated by the Secretary of State pursuant to his duties under
359 HAVA;

360 (ii) The voting system selected by the county
361 meets all of the foregoing requirements under HAVA ;

362 (iii) The county understands and accepts any and
363 all liability for said system; and

364 (iv) The county is solely responsible for the
365 purchase of said system.

366 Upon meeting the foregoing requirements, a county shall be
367 reimbursed for its costs for said system from the HAVA funds for
368 this purpose; however, the county shall be limited in its
369 reimbursement to an amount to be determined by the Secretary of
370 State based upon an objective formula implemented for the
371 statewide, bulk purchase of said voting systems. Any costs over
372 and above the set formula described herein shall be the sole
373 responsibility of the county.

374 (c) In addition to other information required by
375 paragraph (b) of this subsection, any county that purchases voting

376 systems after the effective date of this act shall spread upon its
377 minutes certification of the following:

378 (i) All voting systems within the county are the
379 same, except those machines that are handicap accessible as
380 required by HAVA; and

381 (ii) The voting systems have a device or mechanism
382 that allows any votes cast to be verified by paper audit trail.

383 **SECTION 17.** (1) In any county having a population greater
384 than two hundred fifty thousand (250,000) according to the 2000
385 federal decennial census, the number of voting machines to be used
386 in each voting precinct must be distributed in direct proportion
387 to voter turnout in all elections held within such county for the
388 preceding two (2) years, with a greater number of voting machines
389 to be used in voting precincts where voter turnout has been the
390 highest.

391 (2) The county board of supervisors of any county
392 having a population greater than two hundred fifty thousand
393 (250,000) according to the 2000 federal decennial census shall
394 create a special fund to deposit any monies received by such
395 county for reimbursement to comply with the "Help America Vote Act
396 of 2002" for direct recording electronic voting equipment
397 purchased within five (5) years preceding the effective date of
398 this act. Monies deposited in such special fund shall be used by
399 such county board of supervisors only to upgrade direct recording
400 electronic voting equipment, to purchase additional voting
401 equipment or to improve such voting equipment. This subsection
402 shall stand repealed on July 1, 2010.

403 **SECTION 18.** Section 18, Chapter 305, Laws of 2004, is
404 amended as follows:

405 (1) There is created a task force to study voting systems
406 that comply with the Help America Vote Act of 2002 and their
407 suitability for use in elections in Mississippi. The task force

408 shall make a report of its findings and recommendations to the
409 Legislature before or by September 15, 2005, including any
410 recommended legislation.

411 (2) The task force shall be composed of the following
412 members:

413 (a) The Secretary of State, or his designee;

414 (b) The Chairman of the Elections Committee of the
415 Senate;

416 (c) The Chairman of the Apportionment and Elections
417 Committee of the House of Representatives;

418 (d) A circuit clerk appointed by the President of the
419 Mississippi Association of Circuit Clerks;

420 (e) A member of the general public who is not an
421 elected official or state employee, appointed by the Governor;

422 (f) A member of the general public who is not an
423 elected official or state employee, appointed by the Lieutenant
424 Governor; and

425 (g) A member of the general public who is not an
426 elected official or state employee, appointed by the Speaker of
427 the House of Representatives.

428 (3) Appointments shall be made within thirty (30) days after
429 the effective date of Section 18, Chapter 305, Laws of 2004, and,
430 within fifteen (15) days thereafter on a day to be designated
431 jointly by the Speaker of the House and the Lieutenant Governor,
432 the task force shall meet and organize by selecting from its
433 membership a chairman and a vice chairman. The vice chairman
434 shall also serve as secretary and shall be responsible for keeping
435 all records of the task force. A majority of the members of the
436 task force shall constitute a quorum. In the selection of its
437 officers and the adoption of rules, resolutions and reports, an
438 affirmative vote of a majority of the task force shall be
439 required. All members shall be notified in writing of all

440 meetings, such notices to be mailed at least fifteen (15) days
441 before the date on which a meeting is to be held.

442 (4) The task force shall study voting systems that comply
443 with the Help America Vote Act of 2002 and make recommendations
444 regarding the types of voting systems that are suitable for use in
445 Mississippi.

446 (5) Members of the task force who are not legislators, state
447 officials or state employees shall be compensated at the per diem
448 rate authorized by Section 25-3-69 and shall be reimbursed in
449 accordance with Section 25-3-41 for mileage and actual expenses
450 incurred in the performance of their duties. Legislative members
451 of the task force shall be paid from the contingent expense funds
452 of their respective houses in the same manner as provided for
453 committee meetings when the Legislature is not in session.
454 However, no per diem or expense for attending meetings of the task
455 force will be paid to legislative members of the task force while
456 the Legislature is in session. No task force member may incur per
457 diem, travel or other expenses unless previously authorized by
458 vote, at a meeting of the task force, which action shall be
459 recorded in the official minutes of the meeting. Nonlegislative
460 members shall be paid from any funds made available to the task
461 force for that purpose.

462 (6) The task force shall use clerical and legal staff
463 already employed by the Legislature and any other staff assistance
464 made available to it. To effectuate the purposes of this section,
465 any department, division, board, bureau, commission or agency of
466 the state or of any political subdivision thereof shall, at the
467 request of the chairman of the task force, provide to the task
468 force such facilities, assistance and data as will enable the task
469 force to properly carry out its task.

470 **SECTION 19.** Section 18, Chapter 305, Laws of 2004, as
471 amended by Section 18 of this act shall be codified in Title 23,
472 Chapter 15 of the Mississippi Code of 1972.

473 **SECTION 20.** Section 5-8-7, Mississippi Code of 1972, is
474 amended as follows:

475 5-8-7. Notwithstanding any other provisions of this chapter,
476 the following person shall not be included within the definition
477 of "lobbyist" or "lobbyist's client" under this chapter, and
478 accordingly the registration and reporting provisions, including
479 the payment of related fees, of this chapter do not apply to:

480 (a) A legislative or public official acting in an
481 official capacity.

482 (b) An individual who:

483 (i) Represents or purports to represent only the
484 individual;

485 (ii) Receives no compensation or anything of value
486 for lobbying; and

487 (iii) Has no pecuniary interest in the legislative
488 or executive action.

489 (c) An individual lobbying in his or her own interest,
490 his or her own business interest, who pays, or promises to pay,
491 offers to pay or causes to be paid to public officials,
492 legislative officials or public employees any thing or things of
493 value aggregating in value to less than Two Hundred Dollars
494 (\$200.00) in any calendar year.

495 (d) An individual lobbying on behalf of his or her
496 employer's business interest where such lobbying is not a primary
497 or regular function of his employment position if such individual
498 pays, promises to pay, offers to pay, or causes to be paid
499 individually or on the employer's behalf to public officials,
500 legislative officials, or public employees any thing or things of

501 value aggregating in value to less than Two Hundred Dollars
502 (\$200.00) in any calendar year.

503 (e) An individual lobbying on behalf of an association
504 of which he or she is a member, where such lobbying is not a
505 primary or regular function of his or her position in the
506 association, if such individual pays, promises to pay, offers to
507 pay, or causes to be paid individually or on the association's
508 behalf to public officials, legislative officials or public
509 employees any thing or things of value aggregating in value to
510 less than Two Hundred Dollars (\$200.00) in any calendar year.

511 (f) An individual who is a shareholder, owner or part
512 owner of a business who lobbies on behalf of such business, where
513 such individual is not an employee of the business, if such
514 individual pays, promises to pay, offers to pay, or causes to be
515 paid individually or on behalf of the business to public
516 officials, legislative officials or public employees any thing or
517 things of value aggregating in value to less than Two Hundred
518 Dollars (\$200.00) in any calendar year.

519 (g) An individual who:

520 (i) Limits lobbying solely to formal testimony
521 before a public meeting of a legislative body or an executive
522 agency, or a committee, division or department thereof; and

523 (ii) Registers the appearance in the records of
524 the public body, if such records are kept.

525 (h) An individual who is a licensed attorney
526 representing a client by:

527 (i) Drafting bills, preparing arguments thereon,
528 and advising the client or rendering opinions as to the
529 construction and effect of proposed or pending legislation, where
530 such services are usual and customary professional legal services
531 which are not otherwise connected with legislative action; or

532 (ii) Providing information, on behalf of the
533 client, to an executive or public official, a public employee, or
534 an agency, board, commission, governing authority or other body of
535 state or local government where such services are usual and
536 customary professional legal services including or related to a
537 particular nonlegislative matter, case or controversy.

538 (i) News media and employees of the news media whose
539 activity is limited solely to the publication or broadcast of
540 news, editorial comments, or paid advertisements that attempt to
541 influence legislative or executive action. For the purposes of
542 this section, "news media" shall be construed to be bona fide
543 radio and television stations, newspapers, journals or magazines,
544 or bona fide news bureaus or associations which in turn furnish
545 information solely to bona fide radio or television stations,
546 newspapers, journals or magazines.

547 (j) An individual who engages in lobbying activities
548 exclusively on behalf of a religious organization which qualifies
549 as a tax-exempt organization under the Internal Revenue Code.

550 (k) An individual who is a nonattorney professional and
551 who receives professional fees and expenses to represent clients
552 on executive agency matters, except that if anything of value
553 shall be paid or promised to be paid directly or indirectly on
554 behalf of a client for the personal use or benefit of an executive
555 or public official or public employee, then expenditures and
556 actions of the individual are reportable under this chapter, and
557 the individual must register as a lobbyist.

558 (l) A person who is engaged in the sale or solicitation
559 of voting systems, for activities involving the sale or
560 solicitation of such voting systems, who is not otherwise required
561 to register as a lobbyist under state law.

562 **SECTION 21.** The Attorney General of the State of Mississippi
563 shall submit this act, immediately upon approval by the Governor,

564 or upon approval by the Legislature subsequent to a veto, to the
565 Attorney General of the United States or to the United States
566 District Court for the District of Columbia in accordance with the
567 provisions of the Voting Rights Act of 1965, as amended and
568 extended.

569 **SECTION 22.** This act shall take effect and be in force from
570 and after the date it is effectuated under Section 5 of the Voting
571 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE USE OF DIRECT RECORDING ELECTRONIC
2 VOTING EQUIPMENT (DRE) TO CAST BALLOTS AND RECORD VOTES AT
3 ELECTIONS IN THIS STATE; TO SPECIFY THE MINIMUM REQUIREMENTS THAT
4 SUCH SYSTEMS MUST MEET TO BE USED IN ELECTIONS IN THIS STATE; TO
5 PROVIDE THE MANNER IN WHICH DRE'S MUST BE ARRANGED AT THE POLLING
6 PLACE; TO PROVIDE FOR THE FORM OF THE DRE BALLOT; TO PROVIDE THE
7 DUTIES OF THE OFFICIALS IN CHARGE OF THE ELECTION IN REGARD TO THE
8 USE OF DRE'S; TO PROVIDE THAT THE CIRCUIT CLERK SHALL BE THE
9 CUSTODIAN OF DRE UNITS; TO PROVIDE FOR THE TESTING OF DRE UNITS
10 PRIOR TO THE ELECTION; TO PROVIDE FOR THE ARRANGEMENT OF OFFICES,
11 NAMES OF CANDIDATES AND QUESTIONS ON DRE BALLOTS; TO PROVIDE FOR A
12 WRITE-IN BALLOT FOR USE IN ELECTIONS CONDUCTED WITH DRE'S; TO
13 REQUIRE DEMONSTRATIONS OF THE USE OF DRE'S; TO PROVIDE FOR THE
14 STORAGE OF DRE UNITS WHEN THEY ARE NOT IN USE; TO PROVIDE THE
15 MANNER IN WHICH AN ELECTOR VOTES ON A DRE UNIT; TO PROVIDE FOR THE
16 VOIDING OF BALLOTS IN CERTAIN INSTANCES WHEN THE ELECTOR DOES NOT
17 COMPLETE THE VOTING PROCESS; TO PROVIDE THE MANNER IN WHICH VOTES
18 ARE COUNTED AND THE RESULTS DETERMINED IN ELECTIONS CONDUCTED WITH
19 DRE'S; TO PROVIDE FOR THE MANNER IN WHICH CHALLENGED BALLOTS ARE
20 HANDLED IN ELECTIONS CONDUCTED WITH DRE'S; TO MAKE IT A FELONY TO
21 TAMPER WITH OR DAMAGE A DRE UNIT OR TABULATING COMPUTED OR DEVICE
22 BEING USED IN CONNECTION WITH ANY ELECTION OR TO PREVENT THE
23 CORRECT OPERATION OF ANY DRE; TO PROVIDE FOR THE USE OF IRREGULAR
24 PAPER BALLOTS IF DRE UNITS BECOME INOPERABLE AT AN ELECTION; TO
25 AMEND SECTION 23-15-391, MISSISSIPPI CODE OF 1972, IN CONFORMITY
26 THERETO; TO AMEND SECTION 23-15-169.3, MISSISSIPPI CODE OF 1972,
27 TO CLARIFY THE ELIGIBILITY FOR FEDERAL FUNDS ACCEPTED BY THE
28 SECRETARY OF STATE FOR HELP AMERICA VOTE ACT COMPLIANCE EFFORTS OF
29 COUNTIES THAT PURCHASE CERTAIN VOTING SYSTEMS; TO AMEND SECTION
30 18, CHAPTER 305, LAWS OF 2004, TO REMOVE THE DISSOLUTION OF THE
31 TASK FORCE TO STUDY VOTING SYSTEMS; TO AMEND SECTION 5-8-7,
32 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT PERSONS ENGAGED IN THE

33 SALE OF PRODUCTS OR SERVICES SHALL NOT BE INCLUDED WITHIN THE
34 DEFINITION OF "LOBBYIST" OR "LOBBYIST'S CLIENT"; AND FOR RELATED
35 PURPOSES.

CONFEREES FOR THE SENATE

X (SIGNED)
Burton

X (SIGNED)
Ross

X (SIGNED)
Turner

CONFEREES FOR THE HOUSE

X (SIGNED)
Reynolds

X (SIGNED)
Bailey

X (SIGNED)
Markham