

By: Representatives Moss, Cummings

To: Apportionment and
Elections

HOUSE BILL NO. 162

1 AN ACT TO CREATE "THE EARLY VOTING ACT"; TO PROVIDE THAT A
 2 PERSON MAY VOTE EARLY DURING A CERTAIN TIME PERIOD; TO PROVIDE
 3 THAT THE SECRETARY OF STATE SHALL PROMULGATE RULES AND REGULATIONS
 4 NECESSARY TO EFFECTUATE THE PROVISIONS OF THIS ACT; TO AMEND
 5 SECTION 23-15-653, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
 6 REGISTRARS' OFFICE SHALL DETERMINE THE APPROPRIATE TIMES THAT THE
 7 REGISTRAR'S OFFICE REMAIN OPEN DURING EARLY VOTING; TO BRING
 8 FORWARD SECTIONS 23-15-227, 23-15-229, 23-15-231 AND 23-15-235,
 9 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; TO AMEND
 10 SECTION 23-15-239, MISSISSIPPI CODE OF 1972, TO PROVIDE THE TIME
 11 PERIOD IN WHICH MANAGERS MUST BE TRAINED FOR EARLY VOTING; TO
 12 BRING FORWARD SECTIONS 23-15-247 AND 23-15-251, MISSISSIPPI CODE
 13 OF 1972, FOR PURPOSES OF AMENDMENT; TO AMEND SECTION 23-15-259,
 14 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE COUNTY TO COMPENSATE
 15 OFFICERS RENDERING SERVICES FOR VARIOUS ELECTION RELATED
 16 ACTIVITIES; TO AMEND SECTION 23-15-265, MISSISSIPPI CODE OF 1972,
 17 TO REVISE THE TIME THAT MANAGERS AND CLERKS ARE APPOINTED FOR AN
 18 ELECTION; TO BRING FORWARD SECTION 23-15-267, MISSISSIPPI CODE OF
 19 1972, FOR PURPOSES OF AMENDMENT; TO AMEND SECTION 23-15-353,
 20 MISSISSIPPI CODE OF 1972, TO ADD THE EARLY VOTING PERIOD TO THE
 21 TIME REQUIREMENTS FOR PRINTING AND DISTRIBUTING THE OFFICIAL
 22 BALLOT; TO BRING FORWARD SECTIONS 23-15-391 AND 23-15-405,
 23 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; TO AMEND
 24 SECTION 23-15-415, MISSISSIPPI CODE OF 1972, TO ADD THE EARLY
 25 VOTING PERIOD TO THE TIME REQUIRED TO PROPERLY PREPARE VOTING
 26 MACHINES; TO AMEND SECTION 23-15-417, MISSISSIPPI CODE OF 1972, TO
 27 REVISE THE TIME THAT OFFICIALS IN CHARGE OF THE ELECTIONS SHALL
 28 APPOINT ONE OR MORE PERSONS TO INSTRUCT THE MANAGERS AND CLERKS ON
 29 THE USE OF VOTING MACHINES; TO BRING FORWARD SECTION 23-15-429,
 30 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; TO AMEND
 31 SECTION 23-15-441, MISSISSIPPI CODE OF 1972, TO ADD THE EARLY
 32 VOTING PERIOD TO THE TIME REQUIRED TO LOCK AND SEAL THE VOTING
 33 MACHINE AGAINST FURTHER VOTING; TO AMEND SECTION 23-15-473,
 34 MISSISSIPPI CODE OF 1972, TO REVISE THE TIME THAT VOTING DEVICES
 35 MUST BE PREPARED; TO BRING FORWARD SECTIONS 23-15-479, 23-15-505,
 36 23-15-519 AND 23-15-541, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
 37 AMENDMENT; TO AMEND SECTION 23-15-627, MISSISSIPPI CODE OF 1972,
 38 TO ADD EARLY VOTING TO THE OPTIONS WHICH PERMIT ONE TO VOTE BY
 39 ABSENTEE BALLOT; TO BRING FORWARD SECTION 23-15-639, MISSISSIPPI
 40 CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR RELATED PURPOSES.

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

42 **SECTION 1.** This act shall be known and may be cited as the
 43 "Early Voting Act."

44 **SECTION 2.** A qualified elector may vote early not more than
 45 twenty (20) days nor less than five (5) days before the date of an

46 election during such times and at such locations as determined by
47 the office of the registrar.

48 **SECTION 3.** Persons voting early are entitled to the same
49 assistance in voting that they would be if they appeared to vote
50 on election day.

51 **SECTION 4.** The Secretary of State shall promulgate rules
52 and regulations necessary to effectuate the provisions of the
53 "Early Voting Act."

54 **SECTION 5.** Section 23-15-653, Mississippi Code of 1972, is
55 amended as follows:

56 23-15-653. (1) Except as provided in subsection (2) of this
57 section, all registrars' offices shall remain open until noon on
58 the two (2) Saturdays prior to each election.

59 (2) (a) On at least three (3) days during the early voting
60 period, the county registrars' offices shall remain open between
61 4:30 p.m. and 8:00 p.m., and on at least one (1) Saturday during
62 the same period the office shall be open from 8:00 a.m. to 4:00
63 p.m. The registrars' offices shall determine the appropriate
64 dates for both late and regular hours.

65 (b) Notice of the office hours shall be given by the
66 county registrar not less than twenty-five (25) days before the
67 day of election by publication in a newspaper of general
68 circulation.

69 **SECTION 6.** Section 23-15-227, Mississippi Code of 1972, is
70 brought forward as follows:

71 23-15-227. The managers and clerks shall be each entitled to
72 Fifty Dollars (\$50.00) for each election; provided, however, that
73 the board of supervisors may, in its discretion, pay the managers
74 and clerks an additional amount not to exceed Twenty-five Dollars
75 (\$25.00) per election. The manager or other person who shall
76 carry to the place of voting, away from the courthouse, the
77 official ballots, ballot boxes, pollbooks and other necessities,
78 shall be allowed Ten Dollars (\$10.00) for each voting precinct for

79 so doing. The manager or other person who acts as returning
80 officer shall be allowed Ten Dollars (\$10.00) for each voting
81 precinct for that service. The compensation authorized in this
82 section shall be allowed by the board of supervisors, and shall be
83 payable out of the county treasury.

84 The compensation provided in this section shall constitute
85 payment in full for the services rendered by the persons named for
86 any election, whether there be one (1) election or issue voted
87 upon, or more than one (1) election or issue voted upon at the
88 same time.

89 **SECTION 7.** Section 23-15-229, Mississippi Code of 1972, is
90 brought forward as follows:

91 23-15-229. The compensation for clerks, managers and other
92 workers in the polling places of a municipality shall be the same
93 as the compensation paid by the county for such services;
94 provided, however, that the governing authorities of a
95 municipality shall not be required to pay any additional
96 compensation authorized by the board of supervisors. The
97 governing authorities of a municipality may, in their discretion,
98 pay clerks and managers in the polling places of the municipality
99 an additional amount of compensation not to exceed Twenty-five
100 Dollars (\$25.00) per election.

101 **SECTION 8.** Section 23-15-231, Mississippi Code of 1972, is
102 brought forward as follows:

103 23-15-231. Prior to every election, the commissioners of
104 election shall appoint three (3) persons for each voting precinct
105 to be managers of the election, one (1) of whom shall be
106 designated by the commissioners of election as election bailiff.
107 Such managers shall not all be of the same political party if
108 suitable persons of different political parties can be found in
109 the district. If any person appointed shall fail to attend and
110 serve, the managers present, if any, may designate someone to fill
111 his place; and if the commissioners of election fail to make the

112 appointments or in case of the failure of all those appointed to
113 attend and serve, any three (3) qualified electors present when
114 the polls should be opened may act as managers. Provided,
115 however, any person appointed to be manager or act as manager
116 shall be a qualified elector of the county in which the polling
117 place is located.

118 **SECTION 9.** Section 23-15-235, Mississippi Code of 1972, is
119 brought forward as follows:

120 23-15-235. In addition to the managers appointed pursuant to
121 Section 23-15-231, for the first five hundred (500) registered
122 voters in each voting precinct, the commissioners of election may,
123 in their discretion, appoint not more than three (3) persons to
124 serve as managers or clerks of the election. The commissioners of
125 election may, in their discretion, appoint three (3) additional
126 persons to serve as clerks for each one thousand (1,000)
127 registered voters or fraction thereof in each voting precinct
128 above the first five hundred (500). Any person appointed as clerk
129 shall be a qualified elector of the county in which the voting
130 precinct is located.

131 The restrictions provided for in this section regarding the
132 number of additional managers and clerks that may be appointed by
133 commissioners of election shall not apply to elections conducted
134 by paper ballot prior to January 1, 1989. In elections conducted
135 by paper ballot prior to January 1, 1989, the commissioners of
136 election may appoint as many additional managers and clerks as
137 they may consider necessary to conduct the elections.

138 **SECTION 10.** Section 23-15-239, Mississippi Code of 1972, is
139 amended as follows:

140 23-15-239. (1) For those managers who will be working on
141 the day of election, the executive committee of each county, in
142 the case of a primary election, or the commissioners of election
143 of each county, in the case of all other elections, in conjunction
144 with the circuit clerk, shall sponsor and conduct, not less than

145 five (5) days prior to each election, training sessions to
146 instruct managers as to their duties in the proper administration
147 of the election and the operation of the polling place. For those
148 managers who may work during the early voting period, the
149 executive committee of each county, in the case of a primary
150 election, or the commissioners of election of each county, in the
151 case of all other elections, in conjunction with the circuit
152 clerk, shall sponsor and conduct, not less than twenty-five (25)
153 days prior to each election, training sessions to instruct
154 managers as to their duties in the proper administration of the
155 election and the operation of the polling place. No manager shall
156 serve in any election unless he has received such instructions
157 once during the twelve (12) months immediately preceding the date
158 upon which such election is held; provided, however, that nothing
159 in this section shall prevent the appointment of an alternate
160 manager to fill a vacancy in case of an emergency. The county
161 executive committee or the commissioners of election, as
162 appropriate, shall train a sufficient number of alternates to
163 serve in the event a manager is unable to serve for any reason.

164 (2) (a) If it is eligible under Section 23-15-266, the
165 county executive committee may enter into a written agreement with
166 the circuit clerk or the county election commission authorizing
167 the circuit clerk or the county election commission to perform any
168 of the duties required of the county executive committee pursuant
169 to this section. Any agreement entered into pursuant to this
170 subsection shall be signed by the chairman of the county executive
171 committee and the circuit clerk or the chairman of the county
172 election commission, as appropriate. The county executive
173 committee shall notify the State Executive Committee and the
174 Secretary of State of the existence of such agreement.

175 (b) If it is eligible under Section 23-15-266, the
176 municipal executive committee may enter into a written agreement
177 with the municipal clerk or the municipal election commission

178 authorizing the municipal clerk or the municipal election
179 commission to perform any of the duties required of the municipal
180 executive committee pursuant to this section. Any agreement
181 entered into pursuant to this subsection shall be signed by the
182 chairman of the municipal executive committee and the municipal
183 clerk or the chairman of the municipal election commission, as
184 appropriate. The municipal executive committee shall notify the
185 State Executive Committee and the Secretary of State of the
186 existence of such agreement.

187 (3) The board of supervisors, in their discretion, may
188 compensate managers who attend such training sessions. The
189 compensation shall be at a rate of not less than the federal
190 hourly minimum wage nor more than Ten Dollars (\$10.00) per hour.
191 Managers shall not be compensated for more than two (2) hours of
192 attendance at the training sessions regardless of the actual
193 amount of time that they attended the training sessions.

194 (4) The time and location of the training sessions required
195 pursuant to this section shall be announced to the general public
196 by posting a notice thereof at the courthouse and by delivering a
197 copy of the notice to the office of a newspaper having general
198 circulation in the county five (5) days before the date upon which
199 the training session is to be conducted. Persons who will serve
200 as poll watchers for candidates and political parties, as well as
201 members of the general public, shall be allowed to attend the
202 sessions.

203 **SECTION 11.** Section 23-15-247, Mississippi Code of 1972, is
204 brought forward as follows:

205 23-15-247. The commissioners of election in each county
206 shall procure, if not already provided, a sufficient number of
207 ballot boxes, which shall be distributed by them to the voting
208 precincts of the county before the time for opening the polls. The
209 boxes shall be secured by good and substantial locks, and, if an
210 adjournment shall take place after the opening of the polls and

211 before all the votes shall be counted, the box shall be securely
212 locked, so as to prevent the admission of anything into it, or the
213 taking of anything from it, during the time of adjournment; and
214 the box shall be kept by one of the managers and the key by
215 another of the managers, and the manager having the box shall
216 carefully keep it, and neither unlock or open it himself nor
217 permit it to be done, nor permit any person to have any access to
218 it during the time of adjournment. The box shall not be removed
219 from the polling building or place after the polls are opened
220 until the count is complete, if as many as three (3) qualified
221 electors object. After each election the ballot boxes shall be
222 delivered, with the keys thereof, to the clerk of the circuit
223 court of the county for preservation; and he shall keep them for
224 future use, and, when called for, deliver them to the
225 commissioners of election.

226 **SECTION 12.** Section 23-15-251, Mississippi Code of 1972, is
227 amended as follows:

228 23-15-251. The commissioners of election, in appointing the
229 managers of election, shall designate one (1) of the managers at
230 each voting place to receive and distribute the official ballots,
231 and shall deliver to him the proper number of ballots and cards of
232 instruction for his district not less than one (1) day before the
233 election and not less than one (1) day before each day of early
234 voting; and the manager receiving the ballots from the
235 commissioners shall distribute the same to the electors of his
236 district in the manner herein provided. It shall be the duty of
237 said person so designated as aforesaid for service at a voting
238 place other than the courthouse, to carry to the said voting
239 place, on the day previous to the election, the ballot box, the
240 pollbook, the blank tally sheets, the blank forms to be used in
241 making returns, the other necessary stationery and supplies and
242 the official printed ballots aforesaid, and all of the same used
243 and unused shall be returned by the manager designated as

244 aforesaid to the commissioners of election on the day next
245 following the election.

246 **SECTION 13.** Section 23-15-259, Mississippi Code of 1972, is
247 amended as follows:

248 23-15-259. The boards of supervisors of the several counties
249 are authorized to allow compensation of the officers rendering
250 services in matters of registration and elections, to provide
251 ballot boxes, registration and pollbooks, and all other things
252 required by law in registration and elections. Said boards are
253 also authorized, by order spread upon the minutes of the board
254 setting forth the cost and source of funds therefor, to purchase
255 improved or unimproved property and to construct, reconstruct,
256 repair, renovate and maintain polling places or to pay to private
257 property owners reasonable rental fees when the property is used
258 as a polling place for a period not to exceed the day immediately
259 preceding the first day of the early voting period described in
260 Section 2 of House Bill _____, 2006 Regular Session or the day
261 immediately preceding the day of election, whichever is
262 applicable, the day of the election, and the day immediately
263 following the election and to allow such reasonable sum as may be
264 expended in supplying voting compartments, tables or shelves for
265 use at elections.

266 All facilities owned or leased by the state, county,
267 municipality or school district may be made available at no cost
268 to the board of supervisors for use as polling places to such
269 extent as may be agreed to by the authority having control or
270 custody of such facilities.

271 **SECTION 14.** Section 23-15-265, Mississippi Code of 1972, is
272 amended as follows:

273 23-15-265. (1) The county executive committee of each
274 county shall meet not less than four (4) weeks before the date of
275 any primary election and appoint the managers and clerks for same,
276 all of whom may be members of the same political party. The

277 number of managers and clerks appointed by the county executive
278 committee shall be the same number as commissioners of election
279 are allowed to appoint pursuant to Sections 23-15-231 and
280 23-15-235. If the county executive committee fails to meet on the
281 date named, supra, further notice shall be given of the time and
282 place of meeting.

283 (2) (a) If it is eligible under Section 23-15-266, the
284 county executive committee may enter into a written agreement with
285 the circuit clerk or the county election commission authorizing
286 the circuit clerk or the county election commission to perform any
287 of the duties required of the county executive committee pursuant
288 to this section. Any agreement entered into pursuant to this
289 subsection shall be signed by the chairman of the county executive
290 committee and the circuit clerk or the chairman of the county
291 election commission, as appropriate. The county executive
292 committee shall notify the State Executive Committee and the
293 Secretary of State of the existence of such agreement.

294 (b) If it is eligible under Section 23-15-266, the
295 municipal executive committee may enter into a written agreement
296 with the municipal clerk or the municipal election commission
297 authorizing the municipal clerk or the municipal election
298 commission to perform any of the duties required of the municipal
299 executive committee pursuant to this section. Any agreement
300 entered into pursuant to this subsection shall be signed by the
301 chairman of the municipal executive committee and the municipal
302 clerk or the chairman of the municipal election commission, as
303 appropriate. The municipal executive committee shall notify the
304 State Executive Committee and the Secretary of State of the
305 existence of such agreement.

306 **SECTION 15.** Section 23-15-267, Mississippi Code of 1972, is
307 brought forward as follows:

308 23-15-267. (1) The ballot boxes provided by the regular
309 commissioners of election in each county shall be used in primary

310 elections, and the county executive committees shall distribute
311 them to the voting precincts of the county before the time for
312 opening the polls, in the same manner, as near as may be, as that
313 provided for in general elections.

314 (2) If an adjournment shall take place after the polls are
315 open and before all votes are counted, the ballot box shall be
316 securely locked so as to prevent the admission into it or the
317 taking of anything from it during the time of adjournment; and the
318 box shall be kept by one of the managers, and the key by another
319 of the managers, and the manager having the box shall carefully
320 keep it, and neither undertake to open it himself or permit it to
321 be done, or to permit any person to have access to it during the
322 time of adjournment. The box shall not be removed from the
323 polling building or place after the polls are open until the count
324 is completed if as many as three (3) electors qualified to vote at
325 the election object.

326 (3) After each election, the ballot boxes of those provided
327 by the regular commissioner of election shall be delivered, with
328 the keys thereof immediately and as soon thereafter as possible,
329 and without delay to the clerk of the circuit court of the county.

330 (4) (a) If it is eligible under Section 23-15-266, the
331 county executive committee may enter into a written agreement with
332 the circuit clerk or the county election commission authorizing
333 the circuit clerk or the county election commission to perform any
334 of the duties required of the county executive committee pursuant
335 to this section. Any agreement entered into pursuant to this
336 subsection shall be signed by the chairman of the county executive
337 committee and the circuit clerk or the chairman of the county
338 election commission, as appropriate. The county executive
339 committee shall notify the State Executive Committee and the
340 Secretary of State of the existence of such agreement.

341 (b) If it is eligible under Section 23-15-266, the
342 municipal executive committee may enter into a written agreement

343 with the municipal clerk or the municipal election commission
344 authorizing the municipal clerk or the municipal election
345 commission to perform any of the duties required of the municipal
346 executive committee pursuant to this section. Any agreement
347 entered into pursuant to this subsection shall be signed by the
348 chairman of the municipal executive committee and the municipal
349 clerk or the chairman of the municipal election commission, as
350 appropriate. The municipal executive committee shall notify the
351 State Executive Committee and the Secretary of State of the
352 existence of such agreement.

353 (5) The person, or persons, whose duty it is to comply with
354 the provisions of this section and who shall fail, or neglect,
355 from any cause, to deliver said boxes or any of them as herein
356 provided shall, upon conviction, be fined not less than Two
357 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
358 the residence of the person, or persons, who violates any of the
359 provisions of this section, for a period of not less than thirty
360 (30) days or more than six (6) months, and fined not more than
361 Five Hundred Dollars (\$500.00).

362 **SECTION 16.** Section 23-15-353, Mississippi Code of 1972, is
363 amended as follows:

364 23-15-353. The officer charged with printing and
365 distributing the official ballot shall ascertain from the
366 registrar, at least ten (10) days before the early voting period
367 described in Section 2 of House Bill No. _____, 2006 Regular
368 Session or the day of election, whichever is applicable, the
369 number of registered voters in each voting precinct; and he shall
370 have printed and distributed a sufficient number of ballots for
371 use in each precinct. He shall also prepare full instructions for
372 the guidance of electors at elections as to obtaining ballots, the
373 manner of marking them, and the mode of obtaining new ballots in
374 the place of those spoiled by accident. The instructions shall be
375 printed in large, clear type, on "cards of instruction," and the

376 officer shall furnish the same in sufficient numbers for the use
377 of electors. The cards shall be preserved by the officers of
378 election and returned by them to the commissioners of election;
379 and they may be used, if applicable, in subsequent elections.

380 **SECTION *.** Section 23-15-391, Mississippi Code of 1972, is
381 brought forward as follows:

382 23-15-391. The board of supervisors of each county in the
383 State of Mississippi shall utilize voting machines, electronic
384 voting systems, optical mark reading equipment or direct recording
385 electronic voting equipment which shall comply with the
386 specifications provided by law. The election commissioners may
387 designate elections to be administered by paper ballot where the
388 election commissioners determine that administration of an
389 election by paper ballot will be less expensive than
390 administration of the same election by voting machines, electronic
391 voting systems, optical mark reading equipment or direct recording
392 electronic voting equipment.

393 **SECTION 18.** Section 23-15-405, Mississippi Code of 1972, is
394 brought forward as follows:

395 23-15-405. Whenever the board of supervisors of any county
396 or the governing authorities of any municipality shall purchase or
397 rent voting machines that meet the requirements of this article,
398 such voting machines may be used at all elections held in such
399 county or municipality, or in any part thereof, for voting,
400 registering and counting votes cast at such elections. In
401 providing voting machines, the board of supervisors is hereby
402 empowered to purchase or rent voting machines for each voting
403 precinct in the entire county, including those located within the
404 municipality, or, in the discretion of the board, voting machines
405 may be purchased or rented only for those voting precincts located
406 outside the limits of the municipalities located in said county.
407 The board of supervisors of any county and the governing
408 authorities of any municipality may jointly purchase or rent

409 voting machines for all of the voting precincts in the entire
410 county. Whenever voting machines have been purchased or rented by
411 either the board of supervisors or the governing authorities of a
412 municipality, for use at voting precincts within the county or
413 within the municipality, said voting machines may be used at said
414 voting precincts in all elections, and the officials in charge of
415 the election to be held shall cause the voting machines to be
416 prepared and used at such election as provided for herein. Voting
417 machines of different kinds may be adopted for different counties
418 within the state.

419 Voting machines may be used in combination with paper ballots
420 in any election at the discretion of and under rules and
421 regulations set up by the officials in charge of the election.

422 **SECTION 19.** Section 23-15-415, Mississippi Code of 1972, is
423 amended as follows:

424 23-15-415. It shall be the duty of the authorities in charge
425 of any election where a voting machine is to be used, to have the
426 machine at the proper polling place or places before the time
427 fixed for opening of the polls, and the counters set at zero, and
428 otherwise in good and proper order for use at such election. For
429 the purpose of placing ballots in the ballot frames of the
430 machine, putting it in order, setting, testing and adjusting and
431 delivering the machine, the authorities in charge of elections may
432 employ one or more competent persons, to be known as custodian or
433 custodians of voting machines, who shall be fully competent,
434 thoroughly instructed, and sworn to perform his duties honestly
435 and faithfully, and for such purpose shall be appointed and
436 instructed at least thirty (30) days before the election. All
437 voting machines to be used in an election shall be properly
438 prepared at least three (3) days prior to the early voting period
439 described in Section 2 of House Bill No. _____, 2006 Regular
440 Session or the day of election, whichever is applicable. When a
441 voting machine has been properly prepared for election, it shall

442 be locked against voting and sealed; and the keys thereof shall be
443 delivered to the registrar, together with a written report made by
444 the custodian or official preparing the machine, stating that it
445 is in every way properly prepared for the election. After the
446 voting machine has been transferred to the polling place, it shall
447 be the duty of the managers to provide ample protection against
448 molestation or injury to the machine. All voting machines used in
449 any election shall be provided with a screen, hood or curtain
450 which shall be so made and adjusted as to conceal the voter and
451 his action while voting.

452 **SECTION 20.** Section 23-15-417, Mississippi Code of 1972, is
453 amended as follows:

454 23-15-417. At least twenty-eight (28) days before each
455 election, the officials in charge of the elections shall appoint
456 one or more persons to instruct the managers and clerks that are
457 to serve in a voting precinct in the use of the machine, and in
458 their duties in connection therewith; and he shall give to each
459 manager and clerk, who has received such instruction and is fully
460 qualified to properly conduct the election with the machine, a
461 certificate to that effect. For the purpose of giving such
462 instruction, the person or persons appointed as instructors shall
463 call such meeting or meetings of the managers and clerks as shall
464 be necessary. Such person shall, within five (5) days, file a
465 report with the officials in charge of the elections, stating that
466 he has instructed the managers and clerks, giving the names of
467 such officers, and the time and place where such instruction was
468 given. The managers and clerks of each voting precinct in which a
469 voting machine is to be used shall attend such meeting, or
470 meetings, as shall be called for the purpose of receiving such
471 instruction concerning their duties as shall be necessary for the
472 proper conduct of the election with the machine. No manager or
473 clerk shall serve in any election at which a voting machine is
474 used, unless he shall have received such instruction and is fully

475 qualified to perform the duties in connection with the machine,
476 and has received a certificate to that effect, provided, however,
477 that this shall not prevent the appointment of a person as a
478 manager or clerk to fill a vacancy in an emergency.

479 **SECTION 21.** Section 23-15-429, Mississippi Code of 1972, is
480 brought forward as follows:

481 23-15-429. Prior to the opening of the polls, the managers
482 and clerks of each voting precinct shall meet at the polling place
483 at the time set for opening of the polls, at each election, and
484 shall proceed to arrange the furniture, stationery and voting
485 machine for the conduct of the election. The keys to the voting
486 machines shall be delivered to the managers before the time set
487 for opening the polls, in a sealed envelope, on which shall be
488 written or printed the number and location of the voting machine,
489 and the number of the seal and the number registered on the
490 protective counter or device, as reported by the custodian or
491 official preparing the machine. Before opening the envelope, all
492 managers and clerks present shall examine the number on the seal
493 on the machine, also the number registered on the protective
494 counter, and shall see if they are the same as the number written
495 on the envelope; and if they are not the same, the machine must
496 not be opened until the custodian, or other authorized person,
497 shall have been notified and shall have presented himself at the
498 polling place for the purpose of re-examining such machine and
499 shall certify that it is properly arranged.

500 If the numbers on the envelope are the same as those on the
501 machine, the election officers shall proceed to open the doors
502 concealing the counters, and each officer shall carefully examine
503 every counter and see that it registers zero, and the same shall
504 be subject to the inspection of official watchers. The machine
505 shall remain locked against voting until the polls are formally
506 opened, and shall not be operated except by voters in voting. If
507 any counter is found not to register zero, the manager shall

508 immediately notify the officials in charge of the election or the
509 custodian, who shall, if practicable, adjust the counters at zero;
510 but if it shall be impracticable to so adjust such counters before
511 the time set for opening the polls, the managers shall immediately
512 make a written statement of the designating letter and number of
513 such counter, together with the number registered thereon, and
514 shall sign and post same upon the wall of the polling room, where
515 it shall remain throughout election day, and, in filling out the
516 statement of canvass, they shall subtract such number from the
517 number then registered thereon.

518 **SECTION 22.** Section 23-15-441, Mississippi Code of 1972, is
519 amended as follows:

520 23-15-441. Immediately upon the close of the polls on the
521 day of election or on each day of early voting as described in
522 Section 2, House Bill No. _____, 2006 Regular Session, whichever is
523 applicable, the managers shall lock and seal the voting machine
524 against further voting and open the counter compartment in the
525 presence of the persons who may be lawfully present at that time,
526 giving full view of the counters. The manager shall then, in the
527 order of the offices as their titles are arranged on the machine,
528 read and announce in distinct tones the result as shown by the
529 counters and shall then read the votes recorded for each office on
530 the irregular ballots; he shall also, in the same manner, read and
531 announce the vote on each constitutional amendment, proposition or
532 other question. As each vote is read and announced, it shall be
533 recorded on two (2) statements of canvass by the two (2) clerks,
534 and, when completed, shall be compared with the numbers on the
535 counters of the machine. If found to be correct, the statements
536 of canvass, after being duly certified and sworn to, shall be
537 filed as now provided by law for filing election returns. After
538 the reading and announcing of the vote, and before the doors of
539 the counter compartment of the voting machine shall be closed,
540 ample opportunity shall be given to any person or persons lawfully

541 present to compare the results so announced with the counters of
542 the machine and any necessary corrections shall then and there be
543 made by the managers or clerks. There shall be furnished two (2)
544 copies of a statement of canvass to conform to the requirements of
545 the voting machine or machines being used.

546 **SECTION 23.** Section 23-15-473, Mississippi Code of 1972, is
547 amended as follows:

548 23-15-473. The circuit court clerk shall be the custodian of
549 voting devices acquired by a county, who shall be charged with the
550 proper storage, maintenance and repair of voting devices, and the
551 preparation of them for voting prior to elections. After they
552 have been prepared for an election and at least three (3) days
553 prior to the early voting period described in Section 2 of House
554 Bill No. _____, 2006 Regular Session, or the day of election,
555 whichever is applicable, the voting devices shall be available for
556 public inspection at a time and place designated by the custodian.
557 Thereafter they shall be locked or sealed before delivery to the
558 managers of the election. The custodian shall immediately repair,
559 replace or remove any voting device which fails to function
560 properly on election day. The clerk of any municipality which
561 acquires voting devices shall be the custodian of such voting
562 devices and perform the same functions.

563 If a voting device at a polling place malfunctions and cannot
564 be repaired or replaced quickly and there is no other device in
565 the polling place that can be used to perform the function of the
566 device that malfunctions, unofficial ballots made as nearly as
567 possible in the form of the official ballot may be used until the
568 voting device is repaired or replaced. Such ballots shall be
569 received by the managers and placed by them in a receptacle in
570 such case to be provided by the managers, and counted with the
571 votes registered on the voting device; and the result shall be
572 declared the same as though there had been no accident to the
573 voting device; the ballots thus voted shall be preserved and

574 returned as herein directed, with a certificate or statement
575 setting forth how and why the same were voted.

576 **SECTION 24.** Section 23-15-479, Mississippi Code of 1972, is
577 brought forward as follows:

578 23-15-479. The managers shall prepare a report in duplicate
579 of the number of voters who have voted, as indicated by the poll
580 list, and shall place this report in the ballot box, which
581 thereupon shall be sealed with a paper seal signed by the managers
582 so that no additional ballots may be deposited or removed from the
583 ballot box. Two (2) managers shall forthwith deliver the ballot
584 box to the counting center or other designated place and receive a
585 signed, numbered receipt therefor. The poll list, register of
586 voters, unused ballots and ballot cards, spoiled ballots, and
587 other records and supplies, shall be returned as directed by the
588 officials in charge of the election.

589 **SECTION 25.** Section 23-15-505, Mississippi Code of 1972, is
590 brought forward as follows:

591 23-15-505. The board of supervisors of any county in the
592 State of Mississippi and the governing authorities of any
593 municipality in the State of Mississippi are hereby authorized and
594 empowered, in their discretion, to purchase or rent optical mark
595 reading equipment used in an electronic voting system which meets
596 the requirements of Section 23-15-507 and may use such system in
597 all or a part of the precincts within its boundaries. It may
598 enlarge, consolidate or alter the boundaries of precincts where an
599 electronic voting system is used. The provisions of this chapter
600 shall be controlling with respect to elections where any OMR
601 system is used, and shall be liberally construed so as to carry
602 out the purpose of this chapter. The provisions of the election
603 law relating to the conduct of elections with paper ballots, that
604 are to be manually tabulated, insofar as they are applicable and
605 not in conflict with the efficient conduct of the systems, shall
606 apply.

607 **SECTION 26.** Section 23-15-519, Mississippi Code of 1972, is
608 brought forward as follows:

609 23-15-519. The managers shall prepare a report in duplicate
610 of the number of voters who have voted, as indicated by the poll
611 list, and shall place this report in the ballot box, which
612 thereupon shall be sealed with a paper seal signed by the managers
613 so that no additional ballots may be deposited or removed from the
614 ballot box. The manager or other person who acts as returning
615 officer shall forthwith deliver the ballot box to the counting
616 center or other designated place and receive a signed, numbered
617 receipt therefor. The poll list, register of voters, unused
618 ballots, spoiled ballots, and other records and supplies, shall be
619 returned as directed by the officials in charge of the election.

620 **SECTION 27.** Section 23-15-541, Mississippi Code of 1972, is
621 brought forward as follows:

622 23-15-541. At all elections, the polls shall be opened at
623 seven o'clock in the morning and be kept open until seven o'clock
624 in the evening and no longer. Upon the opening of the polls, and
625 not before, the managers of the election shall designate two (2)
626 of their number, other than the manager theretofore designated to
627 receive the blank ballots, who shall thereupon be known
628 respectively as the initialing manager and the alternate
629 initialing manager. The alternate initialing manager, in the
630 absence of the initialing manager, shall perform all of the duties
631 and undertake all of the responsibilities of the initialing
632 manager. When any person entitled to vote shall appear to vote,
633 he shall first sign his name in a receipt book or booklet provided
634 for that purpose and to be used at that election only and said
635 receipt book or booklet shall be used in lieu of the list of
636 voters who have voted formerly made by the managers or clerks;
637 whereupon and not before, the initialing manager or, in his
638 absence, the alternate initialing manager shall indorse his
639 initials on the back of an official blank ballot, prepared in

640 accordance with law, and at such place on the back of the ballot
641 that the initials may be seen after the ballot has been marked and
642 folded, and when so indorsed he shall deliver it to the voter,
643 which ballot the voter shall mark in the manner provided by law,
644 which when done the voter shall deliver the same to the initialing
645 manager or, in his absence, to the alternate initialing manager,
646 in the presence of the others, and the manager shall see that the
647 ballot so delivered bears on the back thereof the genuine initials
648 of the initialing manager, or alternate initialing manager, and if
649 so, but not otherwise, the ballot shall be put into the ballot
650 box; and when so done one (1) of the managers or a duly appointed
651 clerk shall make the proper entry on the pollbook. If the voter
652 is unable to write his name on the receipt book, a manager or
653 clerk shall note on the back of the ballot that it was receipted
654 for by his assistance.

655 **SECTION 28.** Section 23-15-627, Mississippi Code of 1972, is
656 amended as follows:

657 23-15-627. The registrar shall be responsible for furnishing
658 an absentee ballot application form to any elector authorized to
659 receive an absentee ballot. Absentee ballot applications shall be
660 furnished to a person only upon the oral or written request of the
661 elector who seeks to vote by absentee ballot; however, the parent,
662 child, spouse, sibling, legal guardian, those empowered with a
663 power of attorney for that elector's affairs or agent of the
664 elector may orally request an absentee ballot application on
665 behalf of the elector. An absentee ballot application must have
666 the seal of the circuit or municipal clerk affixed to it and be
667 initialed by the registrar or his deputy in order to be utilized
668 to obtain an absentee ballot. A reproduction of an absentee
669 ballot application shall not be valid unless it is a reproduction
670 provided by the office of the registrar of the jurisdiction in
671 which the election is being held and which contains the seal and

672 initials required by this section. Such application shall be
673 substantially in the following form:

674 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

675 I, _____, duly qualified and registered in the ____ Precinct
676 of the County of _____, and State of Mississippi, coming within
677 the purview of the definition 'ABSENT ELECTOR' will be absent from
678 the county of my residence on election day, or unable to vote in
679 person because (check appropriate reason):

680 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a
681 resident of Mississippi or have moved therefrom within thirty (30)
682 days of the coming presidential election.

683 () I am an enlisted or commissioned member, male or female,
684 of any component of the United States Armed Forces and am a
685 citizen of Mississippi, or spouse or dependent of such member.

686 () I am a member of the Merchant Marine or the American Red
687 Cross and am a citizen of Mississippi or spouse or dependent of
688 such member.

689 () I am a disabled war veteran who is a patient in any
690 hospital and am a citizen of Mississippi or spouse or dependent of
691 such veteran.

692 () I am a civilian attached to and serving outside of the
693 United States with any branch of the Armed Forces or with the
694 Merchant Marine or American Red Cross, and am a citizen of
695 Mississippi or spouse or dependent of such civilian.

696 () I am a citizen of Mississippi temporarily residing
697 outside the territorial limits of the United States and the
698 District of Columbia.

699 () I am a student, teacher or administrator at a college,
700 university, junior or community college, high, junior high,
701 elementary or grade school, whose studies or employment at such
702 institution necessitates my absence from the county of my voting
703 residence or spouse or dependent of such student, teacher or
704 administrator who maintains a common domicile outside the county

705 of my voting residence with such student, teacher or
706 administrator.

707 () I will be outside the county on election day.

708 () I have a temporary or permanent physical disability.

709 () I am sixty-five (65) years of age or older.

710 () I am the parent, spouse or dependent of a person with a
711 temporary or permanent physical disability who is hospitalized
712 outside his county of residence or more than fifty (50) miles away
713 from his residence, and I will be with such person on election
714 day.

715 () I am a member of the congressional delegation, or spouse
716 or dependent of a member of the congressional delegation.

717 () I am required to be at work on election day during the
718 times which the polls will be open.

719 () I desire to vote early.

720 I hereby make application for an official ballot, or ballots,
721 to be voted by me at the election to be held in _____, on _____.

722 Mail 'Absent Elector's Ballot' to me at the following address
723 _____ (if eligible to vote by mail).

724 I realize that I can be fined up to Five Thousand Dollars
725 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
726 for making a false statement in this application and for selling
727 my vote and violating the Mississippi Absentee Voter Law. (This
728 sentence is to be in bold print.)

729 If you are temporarily or permanently disabled, you are not
730 required to have this application notarized or signed by an
731 official authorized to administer oaths for absentee balloting.
732 You are required to sign this application in the proper place and
733 have a person eighteen (18) years of age or older witness your
734 signature and sign this application in the proper place.

735 DO NOT SIGN WITHOUT READING. (This sentence is to be in bold
736 print.)

737 IN WITNESS WHEREOF I have hereunto set my hand and seal this
738 the ____ day of _____, 2____.

739 _____
740 (Signature of absent elector)

741 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
742 2____.

743 _____
744 (Official authorized to administer oaths
745 for absentee balloting.)

746 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
747 DISABLED:

748 I HEREBY CERTIFY that this application for an absent
749 elector's ballot was signed by the above-named disabled elector in
750 my presence and that I am at least eighteen (18) years of age,
751 this the ____ day of _____, 2____.

752 _____
753 (Signature of witness)

754 CERTIFICATE OF DELIVERY

755 I hereby certify that _____ (print name of voter)
756 has requested that I, _____ (print name of person
757 delivering application), deliver to the voter this absentee ballot
758 application.

759 _____
760 (Signature of person delivering application)

761 _____
762 (Address of person delivering application)"

763 **SECTION 29.** Section 23-15-639, Mississippi Code of 1972, is
764 brought forward as follows:

765 23-15-639. At the close of the regular balloting and at the
766 close of the polls, the election managers of each voting precinct
767 shall first take the envelopes containing the absentee ballots of
768 such electors from the box, and the name, address and precinct
769 inscribed on each such envelope shall be announced by the election

770 managers. The signature on the application shall then be compared
771 with the signature on the back of the envelope. If it corresponds
772 and the affidavit, if one is required, is sufficient and the
773 election managers find that the applicant is a registered and
774 qualified voter or otherwise qualified to vote, and that he has
775 not appeared in person and voted at such election, the envelope
776 shall then be opened and the ballot removed from the envelope,
777 without its being unfolded, or permitted to be unfolded or
778 examined. Having observed and found the ballot to be regular as
779 far as can be observed from its official endorsement, the election
780 managers shall deposit it in the ballot box with the other ballots
781 before counting any ballots and enter the voter's name in the
782 receipt book provided for that purpose and mark "VOTED" in the
783 pollbook or poll list as if he had been present and voted in
784 person. If voting machines are used, all absentee ballots shall
785 be placed in the ballot box before any ballots are counted, and
786 the election managers in each precinct shall immediately count
787 such absentee ballots and add them to the votes cast in the voting
788 machine or device.

789 **SECTION 30.** The Attorney General of the State of Mississippi
790 shall submit this act, immediately upon approval by the Governor,
791 or upon approval by the Legislature subsequent to a veto, to the
792 Attorney General of the United States or to the United States
793 District Court for the District of Columbia in accordance with the
794 provisions of the Voting Rights Act of 1965, as amended and
795 extended.

796 **SECTION 31.** This act shall take effect and be in force from
797 and after the date it is effectuated under Section 5 of the Voting
798 Rights Act of 1965, as amended and extended.