

By: Representative Brown

To: Apportionment and  
Elections

## HOUSE BILL NO. 530

1 AN ACT TO AUTHORIZE A QUALIFIED ELECTOR TO VOTE, NOT MORE  
 2 THAN 14 DAYS BEFORE THE DATE OF AN ELECTION, ONLY IN THE OFFICE OF  
 3 THE REGISTRAR OF THE COUNTY IN WHICH SUCH ELECTOR IS REGISTERED TO  
 4 VOTE; TO AMEND SECTION 23-15-653, MISSISSIPPI CODE OF 1972, TO  
 5 REVISE THE TIMES THAT ALL REGISTRAR'S OFFICES ARE REQUIRED TO  
 6 REMAIN OPEN; TO AMEND SECTION 23-15-247, MISSISSIPPI CODE OF 1972,  
 7 TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 23-15-251,  
 8 MISSISSIPPI CODE OF 1972, TO REVISE WHEN THE OFFICIAL BALLOTS  
 9 SHALL BE DISTRIBUTED; TO AMEND SECTION 23-15-265, MISSISSIPPI CODE  
 10 OF 1972, TO INCREASE THE NUMBER OF WEEKS BEFORE ANY PRIMARY  
 11 ELECTION THAT THE COUNTY EXECUTIVE COMMITTEE IS REQUIRED TO MEET;  
 12 TO AMEND SECTION 23-15-267, MISSISSIPPI CODE OF 1972, TO REVISE  
 13 THE TIME IN WHICH THE OFFICIAL BALLOTS ARE REQUIRED TO BE  
 14 DISTRIBUTED; TO AMEND SECTION 23-15-353, MISSISSIPPI CODE OF 1972,  
 15 TO REVISE THE TIME THAT THE NUMBER OF REGISTERED VOTERS IN A  
 16 PRECINCT MUST BE DETERMINED; TO AMEND SECTION 23-15-405,  
 17 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE USE OF VOTING MACHINES  
 18 DURING EARLY VOTING; TO AMEND SECTION 23-15-415, MISSISSIPPI CODE  
 19 OF 1972, TO REVISE THE TIME THAT VOTING MACHINES SHALL BE PREPARED  
 20 FOR USE; TO AMEND SECTION 23-15-417, MISSISSIPPI CODE OF 1972, TO  
 21 REVISE WHEN THE MANAGERS AND CLERKS SHALL BE INSTRUCTED IN THE USE  
 22 OF VOTING MACHINES; TO AMEND SECTION 23-15-449, MISSISSIPPI CODE  
 23 OF 1972, TO CLARIFY THAT ALL ELECTION LAWS APPLY TO EARLY VOTING;  
 24 TO AMEND SECTION 23-15-473, MISSISSIPPI CODE OF 1972, TO REVISE  
 25 THE TIME THAT VOTING DEVICES SHALL BE AVAILABLE FOR INSPECTION; TO  
 26 BRING FORWARD SECTIONS 23-15-229, 23-15-231, 23-15-235,  
 27 23-15-239, 23-15-391, 23-15-429, 23-15-441, 23-15-461, 23-15-463,  
 28 23-15-479, 23-15-505, 23-15-511, 23-15-519 AND 23-15-541,  
 29 MISSISSIPPI CODE OF 1972, FOR PURPOSES OF AMENDMENT; AND FOR  
 30 RELATED PURPOSES.

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

32 **SECTION 1.** (1) A qualified elector may vote early only in  
 33 the office of the registrar of the county in which such elector is  
 34 registered to vote not more than fourteen (14) days before the  
 35 date of an election.

36 (2) The registrar shall be responsible for furnishing a  
 37 ballot to any elector who desires to vote during the time provided  
 38 for early voting.

39 (3) The results of the vote by early voter balloting shall  
 40 be announced simultaneously with the vote cast on election day.

41           **SECTION 2.** Any person voting early is entitled to the same  
42 assistance in voting that such person would be if that person  
43 appeared to vote on election day.

44           **SECTION 3.** The Secretary of State shall promulgate rules and  
45 regulations necessary to effectuate early voting within the state.

46           **SECTION 4.** Section 23-15-653, Mississippi Code of 1972, is  
47 amended as follows:

48           23-15-653. (1) All registrars' offices shall remain open  
49 from 7:00 a.m. until 7:00 p.m. on the two (2) Saturdays prior to  
50 each election. The registrar shall staff each such precinct  
51 polling place with the number of deputies that such registrar  
52 considers necessary to perform the duties related to early voting  
53 and absentee voting at such polling places.

54           (2) Notice of the office hours shall be given by the  
55 registrar not less than twenty-five (25) days before the day of  
56 election by publication in a newspaper of general circulation.

57           **SECTION 5.** Section 23-15-247, Mississippi Code of 1972, is  
58 amended as follows:

59           23-15-247. The commissioners of election in each county  
60 shall procure, if not already provided, a sufficient number of  
61 ballot boxes, which shall be distributed by them to the voting  
62 precincts of the county before the time for opening the polls  
63 and to the office of the county registrar at least fifteen (15)  
64 days before the election to be used during early voting. The  
65 boxes shall be secured by good and substantial locks, and, if an  
66 adjournment shall take place after the opening of the polls or  
67 after the early voting has begun and before all the votes shall be  
68 counted, the box shall be securely locked, so as to prevent the  
69 admission of anything into it, or the taking of anything from it,  
70 during the time of adjournment; and the box shall be kept by one  
71 of the managers and the key by another of the managers, and the  
72 manager having the box shall carefully keep it, and neither unlock  
73 or open it himself nor permit it to be done, nor permit any person

74 to have any access to it during the time of adjournment. The box  
75 shall not be removed from the polling building or place after the  
76 polls are opened until the count is complete, if as many as three  
77 (3) qualified electors object. After each election the ballot  
78 boxes shall be delivered, with the keys thereof, to the clerk of  
79 the circuit court of the county for preservation; and he shall  
80 keep them for future use, and, when called for, deliver them to  
81 the commissioners of election.

82 **SECTION 6.** Section 23-15-251, Mississippi Code of 1972, is  
83 amended as follows:

84 23-15-251. The commissioners of election, in appointing the  
85 managers of election, shall designate one (1) of the managers at  
86 each voting place to receive and distribute the official ballots,  
87 and shall deliver to him the proper number of ballots and cards of  
88 instruction for his district not less than one (1) day before the  
89 election and not less than one (1) day before each day of early  
90 voting; and the manager receiving the ballots from the  
91 commissioners shall distribute the same to the electors of his  
92 district in the manner herein provided. It shall be the duty of  
93 said person so designated as aforesaid for service at a voting  
94 place other than the courthouse, to carry to the said voting  
95 place, on the day previous to the election, the ballot box, the  
96 pollbook, the blank tally sheets, the blank forms to be used in  
97 making returns, the other necessary stationery and supplies and  
98 the official printed ballots aforesaid, and all of the same used  
99 and unused shall be returned by the manager designated as  
100 aforesaid to the commissioners of election on the day next  
101 following the election.

102 **SECTION 7.** Section 23-15-265, Mississippi Code of 1972, is  
103 amended as follows:

104 23-15-265. (1) The county executive committee of each  
105 county shall meet not less than four (4) weeks before the date of  
106 any primary election and appoint the managers and clerks for same,

107 all of whom may be members of the same political party. The  
108 number of managers and clerks appointed by the county executive  
109 committee shall be the same number as commissioners of election  
110 are allowed to appoint pursuant to Sections 23-15-231 and  
111 23-15-235. If the county executive committee fails to meet on the  
112 date named, supra, further notice shall be given of the time and  
113 place of meeting.

114 (2) (a) If it is eligible under Section 23-15-266, the  
115 county executive committee may enter into a written agreement with  
116 the circuit clerk or the county election commission authorizing  
117 the circuit clerk or the county election commission to perform any  
118 of the duties required of the county executive committee pursuant  
119 to this section. Any agreement entered into pursuant to this  
120 subsection shall be signed by the chairman of the county executive  
121 committee and the circuit clerk or the chairman of the county  
122 election commission, as appropriate. The county executive  
123 committee shall notify the State Executive Committee and the  
124 Secretary of State of the existence of such agreement.

125 (b) If it is eligible under Section 23-15-266, the  
126 municipal executive committee may enter into a written agreement  
127 with the municipal clerk or the municipal election commission  
128 authorizing the municipal clerk or the municipal election  
129 commission to perform any of the duties required of the municipal  
130 executive committee pursuant to this section. Any agreement  
131 entered into pursuant to this subsection shall be signed by the  
132 chairman of the municipal executive committee and the municipal  
133 clerk or the chairman of the municipal election commission, as  
134 appropriate. The municipal executive committee shall notify the  
135 State Executive Committee and the Secretary of State of the  
136 existence of such agreement.

137 **SECTION 8.** Section 23-15-267, Mississippi Code of 1972, is  
138 amended as follows:

139           23-15-267. (1) The ballot boxes provided by the regular  
140 commissioners of election in each county shall be used in primary  
141 elections, and the county executive committees shall distribute  
142 them to the voting precincts of the county before the time for  
143 and to the office of the county registrar at least fifteen (15)  
144 days before the election to be used during early voting, in the  
145 same manner, as near as may be, as that provided for in general  
146 elections.

147           (2) If an adjournment shall take place after the polls are  
148 open or after the early voting has begun and before all votes are  
149 counted, the ballot box shall be securely locked so as to prevent  
150 the admission into it or the taking of anything from it during the  
151 time of adjournment; and the box shall be kept by one of the  
152 managers, and the key by another of the managers, and the manager  
153 having the box shall carefully keep it, and neither undertake to  
154 open it himself or permit it to be done, or to permit any person  
155 to have access to it during the time of adjournment. The box  
156 shall not be removed from the polling building or place after the  
157 polls are open until the count is completed if as many as three  
158 (3) electors qualified to vote at the election object.

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

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

172 committee shall notify the State Executive Committee and the  
173 Secretary of State of the existence of such agreement.

174 (b) If it is eligible under Section 23-15-266, the  
175 municipal executive committee may enter into a written agreement  
176 with the municipal clerk or the municipal election commission  
177 authorizing the municipal clerk or the municipal election  
178 commission to perform any of the duties required of the municipal  
179 executive committee pursuant to this section. Any agreement  
180 entered into pursuant to this subsection shall be signed by the  
181 chairman of the municipal executive committee and the municipal  
182 clerk or the chairman of the municipal election commission, as  
183 appropriate. The municipal executive committee shall notify the  
184 State Executive Committee and the Secretary of State of the  
185 existence of such agreement.

186 (5) The person, or persons, whose duty it is to comply with  
187 the provisions of this section and who shall fail, or neglect,  
188 from any cause, to deliver said boxes or any of them as herein  
189 provided shall, upon conviction, be fined not less than Two  
190 Hundred Dollars (\$200.00) and be imprisoned in the county jail of  
191 the residence of the person, or persons, who violates any of the  
192 provisions of this section, for a period of not less than thirty  
193 (30) days or more than six (6) months, and fined not more than  
194 Five Hundred Dollars (\$500.00).

195 **SECTION 9.** Section 23-15-353, Mississippi Code of 1972, is  
196 amended as follows:

197 23-15-353. The officer charged with printing and  
198 distributing the official ballot shall ascertain from the  
199 registrar, at least thirty (30) days before the day of election,  
200 the number of registered voters in each voting precinct; and he  
201 shall have printed and distributed a sufficient number of ballots  
202 for use in each precinct, at least twenty (20) days before the day  
203 of election. He shall also prepare full instructions for the  
204 guidance of electors at elections as to obtaining ballots, the

205 manner of marking them, and the mode of obtaining new ballots in  
206 the place of those spoiled by accident. The instructions shall be  
207 printed in large, clear type, on "cards of instruction," and the  
208 officer shall furnish the same in sufficient numbers for the use  
209 of electors. The cards shall be preserved by the officers of  
210 election and returned by them to the commissioners of election;  
211 and they may be used, if applicable, in subsequent elections.

212       **SECTION 10.** Section 23-15-405, Mississippi Code of 1972, is  
213 amended as follows:

214       23-15-405. Whenever the board of supervisors of any county  
215 or the governing authorities of any municipality shall purchase or  
216 rent voting machines that meet the requirements of this article,  
217 such voting machines may be used at all elections and for early  
218 voting held in such county or municipality, or in any part  
219 thereof, for voting, registering and counting votes cast at such  
220 elections. In providing voting machines, the board of supervisors  
221 is hereby empowered to purchase or rent voting machines for each  
222 voting precinct in the entire county, including those located  
223 within the municipality, or, in the discretion of the board,  
224 voting machines may be purchased or rented only for those voting  
225 precincts located outside the limits of the municipalities located  
226 in said county. The board of supervisors of any county and the  
227 governing authorities of any municipality may jointly purchase or  
228 rent voting machines for all of the voting precincts in the entire  
229 county. Whenever voting machines have been purchased or rented by  
230 either the board of supervisors or the governing authorities of a  
231 municipality, for use at voting precincts within the county or  
232 within the municipality, said voting machines may be used at said  
233 voting precincts in all elections, and the officials in charge of  
234 the election to be held shall cause the voting machines to be  
235 prepared and used at such election as provided for herein. Voting  
236 machines of different kinds may be adopted for different counties  
237 within the state.

238 Voting machines may be used in combination with paper ballots  
239 in any election and early voting at the discretion of and under  
240 rules and regulations set up by the officials in charge of the  
241 election.

242 **SECTION 11.** Section 23-15-415, Mississippi Code of 1972, is  
243 amended as follows:

244 23-15-415. It shall be the duty of the authorities in charge  
245 of any election where a voting machine is to be used, to have the  
246 machine at the proper polling place or places before the time  
247 fixed for opening of the polls, and the counters set at zero, and  
248 otherwise in good and proper order for use at such election. For  
249 the purpose of placing ballots in the ballot frames of the  
250 machine, putting it in order, setting, testing and adjusting and  
251 delivering the machine, the authorities in charge of elections may  
252 employ one or more competent persons, to be known as custodian or  
253 custodians of voting machines, who shall be fully competent,  
254 thoroughly instructed, and sworn to perform his duties honestly  
255 and faithfully, and for such purpose shall be appointed and  
256 instructed at least thirty (30) days before the election. All  
257 voting machines to be used in an election shall be properly  
258 prepared at least seventeen (17) days prior to the election day.  
259 When a voting machine has been properly prepared for election, it  
260 shall be locked against voting and sealed; and the keys thereof  
261 shall be delivered to the registrar, together with a written  
262 report made by the custodian or official preparing the machine,  
263 stating that it is in every way properly prepared for the  
264 election. After the voting machine has been transferred to the  
265 polling place, it shall be the duty of the managers to provide  
266 ample protection against molestation or injury to the machine.  
267 All voting machines used in any election shall be provided with a  
268 screen, hood or curtain which shall be so made and adjusted as to  
269 conceal the voter and his action while voting.



270           **SECTION 12.** Section 23-15-417, Mississippi Code of 1972, is  
271 amended as follows:

272           23-15-417. At least forty-two (42) days before each  
273 election, the officials in charge of the elections shall appoint  
274 one or more persons to instruct the managers and clerks that are  
275 to serve in a voting precinct in the use of the machine, and in  
276 their duties in connection therewith; and he shall give to each  
277 manager and clerk, who has received such instruction and is fully  
278 qualified to properly conduct the election with the machine, a  
279 certificate to that effect. For the purpose of giving such  
280 instruction, the person or persons appointed as instructors shall  
281 call such meeting or meetings of the managers and clerks as shall  
282 be necessary. Such person shall, within twenty-five (25) days  
283 before each election, file a report with the officials in charge  
284 of the elections, stating that he has instructed the managers and  
285 clerks, giving the names of such officers, and the time and place  
286 where such instruction was given. The managers and clerks of each  
287 voting precinct in which a voting machine is to be used shall  
288 attend such meeting, or meetings, as shall be called for the  
289 purpose of receiving such instruction concerning their duties as  
290 shall be necessary for the proper conduct of the election with the  
291 machine. No manager or clerk shall serve in any election at which  
292 a voting machine is used, unless he shall have received such  
293 instruction and is fully qualified to perform the duties in  
294 connection with the machine, and has received a certificate to  
295 that effect, provided, however, that this shall not prevent the  
296 appointment of a person as a manager or clerk to fill a vacancy in  
297 an emergency.

298           **SECTION 13.** Section 23-15-441, Mississippi Code of 1972, is  
299 brought forward as follows:

300           23-15-441. Immediately upon the close of the polls, the  
301 managers shall lock and seal the voting machine against further  
302 voting and open the counter compartment in the presence of the

303 persons who may be lawfully present at that time, giving full view  
304 of the counters. The manager shall then, in the order of the  
305 offices as their titles are arranged on the machine, read and  
306 announce in distinct tones the result as shown by the counters and  
307 shall then read the votes recorded for each office on the  
308 irregular ballots; he shall also, in the same manner, read and  
309 announce the vote on each constitutional amendment, proposition or  
310 other question. As each vote is read and announced, it shall be  
311 recorded on two (2) statements of canvass by the two (2) clerks,  
312 and, when completed, shall be compared with the numbers on the  
313 counters of the machine. If found to be correct, the statements  
314 of canvass, after being duly certified and sworn to, shall be  
315 filed as now provided by law for filing election returns. After  
316 the reading and announcing of the vote, and before the doors of  
317 the counter compartment of the voting machine shall be closed,  
318 ample opportunity shall be given to any person or persons lawfully  
319 present to compare the results so announced with the counters of  
320 the machine and any necessary corrections shall then and there be  
321 made by the managers or clerks. There shall be furnished two (2)  
322 copies of a statement of canvass to conform to the requirements of  
323 the voting machine or machines being used.

324       **SECTION 14.** Section 23-15-449, Mississippi Code of 1972, is  
325 amended as follows:

326       23-15-449. All laws relating to elections now in force in  
327 this state shall apply to all elections under this chapter so far  
328 as the same may be applicable thereto, and so far as such  
329 provisions are not inconsistent with the provisions of this  
330 chapter. Absentee ballots and early voting ballots shall be voted  
331 as now provided by law.

332       **SECTION 15.** Section 23-15-461, Mississippi Code of 1972, is  
333 brought forward as follows:

334       23-15-461. As used in this chapter, unless otherwise  
335 specified:

336 (a) "Automatic tabulating equipment" includes apparatus  
337 necessary to automatically examine and count votes as designated  
338 on ballots or ballot cards and tabulate the results.

339 (b) "Ballot card" means a tabulating card on which  
340 votes may be recorded by means of punching or marking.

341 (c) "Ballot labels" means the cards, papers, booklet,  
342 pages or other material, containing the names of offices and  
343 candidates and the statements of measures to be voted on, which  
344 are placed on the voting device.

345 (d) "Ballot" means a paper ballot on which votes are  
346 recorded, or alternatively may mean ballot cards and ballot  
347 labels.

348 (e) "Chad" means the part of a ballot card that is  
349 designed to be punched out by the voter.

350 (f) "Counting center" means one or more locations used  
351 for the automatic counting of ballots.

352 (g) "Electronic voting system" means a system in which  
353 votes are recorded on a paper ballot or ballot cards by means of  
354 marking or punching, and such votes are subsequently counted and  
355 tabulated by automatic tabulating equipment at one or more  
356 counting centers.

357 (h) "Voting device" means an apparatus which the voter  
358 uses to record his votes by marking or punching a hole in a paper  
359 ballot or tabulating card, which votes are subsequently counted by  
360 electronic tabulating equipment.

361 **SECTION 16.** Section 23-15-463, Mississippi Code of 1972, is  
362 amended as follows:

363 23-15-463. The board of supervisors of any county in the  
364 State of Mississippi and the governing authorities of any  
365 municipality in the State of Mississippi are hereby authorized and  
366 empowered, in their discretion, to purchase or rent voting devices  
367 and automatic tabulating equipment used in an electronic voting  
368 system which meets the requirements of Section 23-15-465, and may

369 use such system in all or a part of the precincts within its  
370 boundaries, or in combination with paper ballots in any election  
371 or primary. It may enlarge, consolidate or alter the boundaries  
372 of precincts where an electronic voting system is used. The  
373 provisions of Sections 23-15-461 through 23-15-485 shall be  
374 controlling with respect to elections where an electronic voting  
375 system is used, and shall be liberally construed so as to carry  
376 out the purpose of this chapter. The provisions of the election  
377 law relating to the conduct of elections with paper ballots,  
378 insofar as they are applicable and not inconsistent with the  
379 efficient conduct of elections with electronic voting systems,  
380 shall apply. Absentee ballots shall be voted as now provided by  
381 law.

382       **SECTION 17.** Section 23-15-473, Mississippi Code of 1972, is  
383 amended as follows:

384       23-15-473. The circuit court clerk shall be the custodian of  
385 voting devices acquired by a county, who shall be charged with the  
386 proper storage, maintenance and repair of voting devices, and the  
387 preparation of them for voting prior to elections. After they  
388 have been prepared for an election and at least fourteen (14) days  
389 prior thereto, the voting devices shall be available for public  
390 inspection at a time and place designated by the custodian.  
391 Thereafter they shall be locked or sealed before delivery to the  
392 managers of the election. The custodian shall immediately repair,  
393 replace or remove any voting device which fails to function  
394 properly on election day. The clerk of any municipality which  
395 acquires voting devices shall be the custodian of such voting  
396 devices and perform the same functions.

397       If a voting device at a polling place malfunctions and cannot  
398 be repaired or replaced quickly and there is no other device in  
399 the polling place that can be used to perform the function of the  
400 device that malfunctions, unofficial ballots made as nearly as  
401 possible in the form of the official ballot may be used until the

402 voting device is repaired or replaced. Such ballots shall be  
403 received by the managers and placed by them in a receptacle in  
404 such case to be provided by the managers, and counted with the  
405 votes registered on the voting device; and the result shall be  
406 declared the same as though there had been no accident to the  
407 voting device; the ballots thus voted shall be preserved and  
408 returned as herein directed, with a certificate or statement  
409 setting forth how and why the same were voted.

410 **SECTION 18.** Section 23-15-511, Mississippi Code of 1972, is  
411 brought forward as follows:

412 23-15-511. The ballots shall, as far as practicable, to be  
413 in the same order of arrangement as provided for paper ballots  
414 that are to be counted manually, except that such information may  
415 be printed in vertical or horizontal rows. Nothing in this  
416 chapter shall be construed as prohibiting the information being  
417 presented to the voters from being printed on both sides of a  
418 single ballot. In those years when a special election shall occur  
419 on the same day as the general election, the names of candidates  
420 in any special election and the general election shall be placed  
421 on the same ballot by the commissioners of elections or officials  
422 in charge of the election, but the general election candidates  
423 shall be clearly distinguished from the special election  
424 candidates. At any time a special election is held on the same  
425 day as a party primary election, the names of the candidates in  
426 the special election may be placed on the same ballot, but shall  
427 be clearly distinguished as special election candidates or primary  
428 election candidates.

429 Ballots shall be printed in plain clear type in black ink and  
430 upon clear white materials of such size and arrangement as to be  
431 compatible with the OMR tabulating equipment. Absentee ballots  
432 shall be prepared and printed in the same form and shall be on the  
433 same size and texture as the regular official ballots, except that  
434 they shall be printed on tinted paper; or the ink used to print

435 the ballots shall be of a color different from that of the ink  
436 used to print the regular official ballots. Arrows may be printed  
437 on the ballot to indicate the place to mark the ballot, which may  
438 be to the right or left of the names of candidates and  
439 propositions. The titles of offices may be arranged in vertical  
440 columns on the ballot and shall be printed above or at the side of  
441 the names of candidates so as to indicate clearly the candidates  
442 for each office and the number to be elected. In case there are  
443 more candidates for an office than can be printed in one (1)  
444 column, the ballot shall be clearly marked that the list of  
445 candidates is continued on the following column. The names of  
446 candidates for each office shall be printed in vertical columns,  
447 grouped by the offices which they seek. In partisan elections,  
448 the party designation of each candidate, which may be abbreviated,  
449 shall be printed following his name.

450 Two (2) sample ballots, which shall be facsimile ballots of  
451 the official ballot and instructions to the voters, shall be  
452 provided for each precinct and shall be posted in each polling  
453 place on election day.

454 A separate ballot security envelope or suitable equivalent in  
455 which the voter can place his ballot after voting, shall be  
456 provided to conceal the choices the voter has made. Absentee  
457 voters will receive a similar ballot security envelope provided by  
458 the county in which the absentee voter will insert their voted  
459 ballot, which then can be inserted into a return envelope to be  
460 mailed back to the election official. Absentee ballots will not  
461 be required to be folded when a ballot security envelope is  
462 provided.

463 **SECTION 19.** Section 23-15-229, Mississippi Code of 1972, is  
464 brought forward as follows:

465 23-15-229. The compensation for clerks, managers and other  
466 workers in the polling places of a municipality shall be the same  
467 as the compensation paid by the county for such services;

468 provided, however, that the governing authorities of a  
469 municipality shall not be required to pay any additional  
470 compensation authorized by the board of supervisors. The  
471 governing authorities of a municipality may, in their discretion,  
472 pay clerks and managers in the polling places of the municipality  
473 an additional amount of compensation not to exceed Twenty-five  
474 Dollars (\$25.00) per election.

475 **SECTION 20.** Section 23-15-231, Mississippi Code of 1972, is  
476 brought forward as follows:

477 23-15-231. Prior to every election, the commissioners of  
478 election shall appoint three (3) persons for each voting precinct  
479 to be managers of the election, one (1) of whom shall be  
480 designated by the commissioners of election as election bailiff.  
481 Such managers shall not all be of the same political party if  
482 suitable persons of different political parties can be found in  
483 the district. If any person appointed shall fail to attend and  
484 serve, the managers present, if any, may designate someone to fill  
485 his place; and if the commissioners of election fail to make the  
486 appointments or in case of the failure of all those appointed to  
487 attend and serve, any three (3) qualified electors present when  
488 the polls should be opened may act as managers. Provided,  
489 however, any person appointed to be manager or act as manager  
490 shall be a qualified elector of the county in which the polling  
491 place is located.

492 **SECTION 21.** Section 23-15-235, Mississippi Code of 1972, is  
493 brought forward as follows:

494 23-15-235. In addition to the managers appointed pursuant to  
495 Section 23-15-231, for the first five hundred (500) registered  
496 voters in each voting precinct, the commissioners of election may,  
497 in their discretion, appoint not more than three (3) persons to  
498 serve as managers or clerks of the election. The commissioners of  
499 election may, in their discretion, appoint three (3) additional  
500 persons to serve as clerks for each one thousand (1,000)

501 registered voters or fraction thereof in each voting precinct  
502 above the first five hundred (500). Any person appointed as clerk  
503 shall be a qualified elector of the county in which the voting  
504 precinct is located.

505 The restrictions provided for in this section regarding the  
506 number of additional managers and clerks that may be appointed by  
507 commissioners of election shall not apply to elections conducted  
508 by paper ballot prior to January 1, 1989. In elections conducted  
509 by paper ballot prior to January 1, 1989, the commissioners of  
510 election may appoint as many additional managers and clerks as  
511 they may consider necessary to conduct the elections.

512 **SECTION 22.** Section 23-15-239, Mississippi Code of 1972, is  
513 brought forward as follows:

514 23-15-239. (1) The executive committee of each county, in  
515 the case of a primary election, or the commissioners of election  
516 of each county, in the case of all other elections, in conjunction  
517 with the circuit clerk, shall sponsor and conduct, not less than  
518 five (5) days prior to each election, training sessions to  
519 instruct managers as to their duties in the proper administration  
520 of the election and the operation of the polling place. No  
521 manager shall serve in any election unless he has received such  
522 instructions once during the twelve (12) months immediately  
523 preceding the date upon which such election is held; provided,  
524 however, that nothing in this section shall prevent the  
525 appointment of an alternate manager to fill a vacancy in case of  
526 an emergency. The county executive committee or the commissioners  
527 of election, as appropriate, shall train a sufficient number of  
528 alternates to serve in the event a manager is unable to serve for  
529 any reason.

530 (2) (a) If it is eligible under Section 23-15-266, the  
531 county executive committee may enter into a written agreement with  
532 the circuit clerk or the county election commission authorizing  
533 the circuit clerk or the county election commission to perform any



534 of the duties required of the county executive committee pursuant  
535 to this section. Any agreement entered into pursuant to this  
536 subsection shall be signed by the chairman of the county executive  
537 committee and the circuit clerk or the chairman of the county  
538 election commission, as appropriate. The county executive  
539 committee shall notify the State Executive Committee and the  
540 Secretary of State of the existence of such agreement.

541 (b) If it is eligible under Section 23-15-266, the  
542 municipal executive committee may enter into a written agreement  
543 with the municipal clerk or the municipal election commission  
544 authorizing the municipal clerk or the municipal election  
545 commission to perform any of the duties required of the municipal  
546 executive committee pursuant to this section. Any agreement  
547 entered into pursuant to this subsection shall be signed by the  
548 chairman of the municipal executive committee and the municipal  
549 clerk or the chairman of the municipal election commission, as  
550 appropriate. The municipal executive committee shall notify the  
551 State Executive Committee and the Secretary of State of the  
552 existence of such agreement.

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

560 (4) The time and location of the training sessions required  
561 pursuant to this section shall be announced to the general public  
562 by posting a notice thereof at the courthouse and by delivering a  
563 copy of the notice to the office of a newspaper having general  
564 circulation in the county five (5) days before the date upon which  
565 the training session is to be conducted. Persons who will serve  
566 as poll watchers for candidates and political parties, as well as

567 members of the general public, shall be allowed to attend the  
568 sessions.

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

571         23-15-391. The board of supervisors of each county in the  
572 State of Mississippi shall utilize voting machines, electronic  
573 voting systems, optical mark reading equipment or direct recording  
574 electronic voting equipment which shall comply with the  
575 specifications provided by law. The election commissioners may  
576 designate elections to be administered by paper ballot where the  
577 election commissioners determine that administration of an  
578 election by paper ballot will be less expensive than  
579 administration of the same election by voting machines, electronic  
580 voting systems, optical mark reading equipment or direct recording  
581 electronic voting equipment.

582         **SECTION 24.** Section 23-15-429, Mississippi Code of 1972, is  
583 brought forward as follows:

584         23-15-429. Prior to the opening of the polls, the managers  
585 and clerks of each voting precinct shall meet at the polling place  
586 at the time set for opening of the polls, at each election, and  
587 shall proceed to arrange the furniture, stationery and voting  
588 machine for the conduct of the election. The keys to the voting  
589 machines shall be delivered to the managers before the time set  
590 for opening the polls, in a sealed envelope, on which shall be  
591 written or printed the number and location of the voting machine,  
592 and the number of the seal and the number registered on the  
593 protective counter or device, as reported by the custodian or  
594 official preparing the machine. Before opening the envelope, all  
595 managers and clerks present shall examine the number on the seal  
596 on the machine, also the number registered on the protective  
597 counter, and shall see if they are the same as the number written  
598 on the envelope; and if they are not the same, the machine must  
599 not be opened until the custodian, or other authorized person,

600 shall have been notified and shall have presented himself at the  
601 polling place for the purpose of re-examining such machine and  
602 shall certify that it is properly arranged.

603         If the numbers on the envelope are the same as those on the  
604 machine, the election officers shall proceed to open the doors  
605 concealing the counters, and each officer shall carefully examine  
606 every counter and see that it registers zero, and the same shall  
607 be subject to the inspection of official watchers. The machine  
608 shall remain locked against voting until the polls are formally  
609 opened, and shall not be operated except by voters in voting. If  
610 any counter is found not to register zero, the manager shall  
611 immediately notify the officials in charge of the election or the  
612 custodian, who shall, if practicable, adjust the counters at zero;  
613 but if it shall be impracticable to so adjust such counters before  
614 the time set for opening the polls, the managers shall immediately  
615 make a written statement of the designating letter and number of  
616 such counter, together with the number registered thereon, and  
617 shall sign and post same upon the wall of the polling room, where  
618 it shall remain throughout election day, and, in filling out the  
619 statement of canvass, they shall subtract such number from the  
620 number then registered thereon.

621         **SECTION 25.** Section 23-15-479, Mississippi Code of 1972, is  
622 brought forward as follows:

623         23-15-479. The managers shall prepare a report in duplicate  
624 of the number of voters who have voted, as indicated by the poll  
625 list, and shall place this report in the ballot box, which  
626 thereupon shall be sealed with a paper seal signed by the managers  
627 so that no additional ballots may be deposited or removed from the  
628 ballot box. Two (2) managers shall forthwith deliver the ballot  
629 box to the counting center or other designated place and receive a  
630 signed, numbered receipt therefore. The poll list, register of  
631 voters, unused ballots and ballot cards, spoiled ballots, and

632 other records and supplies, shall be returned as directed by the  
633 officials in charge of the election.

634         **SECTION 26.** Section 23-15-505, Mississippi Code of 1972, is  
635 brought forward as follows:

636         23-15-505. The board of supervisors of any county in the  
637 State of Mississippi and the governing authorities of any  
638 municipality in the State of Mississippi are hereby authorized and  
639 empowered, in their discretion, to purchase or rent optical mark  
640 reading equipment used in an electronic voting system which meets  
641 the requirements of Section 23-15-507 and may use such system in  
642 all or a part of the precincts within its boundaries. It may  
643 enlarge, consolidate or alter the boundaries of precincts where an  
644 electronic voting system is used. The provisions of this chapter  
645 shall be controlling with respect to elections where any OMR  
646 system is used, and shall be liberally construed so as to carry  
647 out the purpose of this chapter. The provisions of the election  
648 law relating to the conduct of elections with paper ballots, that  
649 are to be manually tabulated, insofar as they are applicable and  
650 not in conflict with the efficient conduct of the systems, shall  
651 apply.

652         **SECTION 27.** Section 23-15-519, Mississippi Code of 1972, is  
653 brought forward as follows:

654         23-15-519. The managers shall prepare a report in duplicate  
655 of the number of voters who have voted, as indicated by the poll  
656 list, and shall place this report in the ballot box, which  
657 thereupon shall be sealed with a paper seal signed by the managers  
658 so that no additional ballots may be deposited or removed from the  
659 ballot box. The manager or other person who acts as returning  
660 officer shall forthwith deliver the ballot box to the counting  
661 center or other designated place and receive a signed, numbered  
662 receipt therefor. The poll list, register of voters, unused  
663 ballots, spoiled ballots, and other records and supplies, shall be  
664 returned as directed by the officials in charge of the election.

665           **SECTION 28.** Section 23-15-541, Mississippi Code of 1972, is  
666 brought forward as follows:

667           23-15-541. At all elections, the polls shall be opened at  
668 seven o'clock in the morning and be kept open until seven o'clock  
669 in the evening and no longer. Upon the opening of the polls, and  
670 not before, the managers of the election shall designate two (2)  
671 of their number, other than the manager theretofore designated to  
672 receive the blank ballots, who shall thereupon be known  
673 respectively as the initialing manager and the alternate  
674 initialing manager. The alternate initialing manager, in the  
675 absence of the initialing manager, shall perform all of the duties  
676 and undertake all of the responsibilities of the initialing  
677 manager. When any person entitled to vote shall appear to vote,  
678 he shall first sign his name in a receipt book or booklet provided  
679 for that purpose and to be used at that election only and said  
680 receipt book or booklet shall be used in lieu of the list of  
681 voters who have voted formerly made by the managers or clerks;  
682 whereupon and not before, the initialing manager or, in his  
683 absence, the alternate initialing manager shall indorse his  
684 initials on the back of an official blank ballot, prepared in  
685 accordance with law, and at such place on the back of the ballot  
686 that the initials may be seen after the ballot has been marked and  
687 folded, and when so indorsed he shall deliver it to the voter,  
688 which ballot the voter shall mark in the manner provided by law,  
689 which when done the voter shall deliver the same to the initialing  
690 manager or, in his absence, to the alternate initialing manager,  
691 in the presence of the others, and the manager shall see that the  
692 ballot so delivered bears on the back thereof the genuine initials  
693 of the initialing manager, or alternate initialing manager, and if  
694 so, but not otherwise, the ballot shall be put into the ballot  
695 box; and when so done one (1) of the managers or a duly appointed  
696 clerk shall make the proper entry on the pollbook. If the voter  
697 is unable to write his name on the receipt book, a manager or

698 clerk shall note on the back of the ballot that it was receipted  
699 for by his assistance.

700         **SECTION 29.** The Attorney General of the State of Mississippi  
701 shall submit this act, immediately upon approval by the Governor,  
702 or upon approval by the Legislature subsequent to a veto, to the  
703 Attorney General of the United States or to the United States  
704 District Court for the District of Columbia in accordance with the  
705 provisions of the Voting Rights Act of 1965, as amended and  
706 extended.

707         **SECTION 30.** This act shall take effect and be in force from  
708 and after the date it is effectuated under Section 5 of the Voting  
709 Rights Act of 1965, as amended and extended.