MISSISSIPPI LEGISLATURE REGULAR SESSION 2026

By: Representative Sanford

To: Apportionment and Elections

HOUSE BILL NO. 858

AN ACT TO AMEND SECTION 23-15-507, MISSISSIPPI CODE OF 1972, TO PROHIBIT OMR VOTING EQUIPMENT FROM BEING CAPABLE OF ESTABLISHING WIRELESS CONNECTIONS DURING AN ELECTION; TO BRING FORWARD SECTIONS 23-15-533.1, 23-15-533.2 AND 23-15-533.3, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-507, Mississippi Code of 1972, is amended as follows:

23-15-507. No OMR equipment shall be acquired or used in accordance with this chapter unless it shall:

(a) Permit eligible voters to vote at any election for all persons for whom they are lawfully entitled to vote; to vote for as many persons for an office as they are lawfully entitled to vote; to vote for or against any ballot initiative, measure or other local issue upon which they are lawfully entitled to vote;

(b) *** * *** Be capable of rejecting choices marked on the ballot if the number of choices exceeds the number that the voter is entitled to vote for the office or on the measure;

(c) Permit each voter, in presidential elections, by one (1) mark to vote for the candidates of that party for President, Vice President, and their presidential electors, or to vote individually for the electors of their choice when permitted by law;

(d) Permit each voter, in other than primary elections, to vote for the nominees of one or more parties and for independent candidates;

(e) Permit each voter to vote for candidates only in the primary in which he or she is qualified to vote;

(f) Permit each voter to vote for persons whose names are not on the printed ballot;

(g) Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently and accurately in the conduct of elections and the counting of ballots;

(h) Be provided with means for sealing the ballots after the close of the polls;

(i) When properly operated, record correctly and count accurately all votes cast; *** * ***

(j) Provide the voter with a set of instructions that will be displayed in such a way that a voter may readily learn the method of voting *** * ***; and

(k) Not be capable of establishing wireless connections when in use during an election; however, this requirement does not

prohibit wireless hardware within the voting system so long as the hardware cannot be used during the election.

SECTION 2. Section 23-15-533.1, Mississippi Code of 1972, is brought forward as follows:

23-15-533.1. As used in this subarticle:

(a) "Department" means the Mississippi Secretary of State.

(b) "Grant program" means the "Mississippi Voting Modernization Grant Program" established in Section 23-15-533.2.

(c) "Voting system" means any voting machine, voting device, precinct ballot scanner, central scanner, ballot-marking device, ballot-on-demand printing system, tabulation server or vote tabulating device, along with any operating software for such machines and devices, that:

(i) Does not utilize pre-scored punch card ballots; and

(ii) Produces voter-verifiable paper ballots.

SECTION 3. Section 23-15-533.2, Mississippi Code of 1972, is brought forward as follows:

23-15-533.2. (1) (a) There is established within the department the Mississippi Voting Modernization Grant Program which shall be administered by the department for the purpose of reimbursing counties or disbursing funds to counties for the purchase of modern voting systems.

(b) The grant program shall receive funds appropriated to the Mississippi Secretary of State therefor from the Capital Expense Fund or other available source of money.

(2) By August 31, 2022, the department shall develop and promulgate rules to provide for:

(a) The procedures of the grant program not specifically enumerated in this subarticle; and

(b) Other eligible expenses related to the costs of conducting elections where a county has previously purchased voting systems that qualifies under the requirements of this subarticle. Other eligible expenses include, but are not limited to: (i) encumbered debt of previously purchased voting machines; (ii) additional voting machines; (iii) machine maintenance; (iv) software upgrades; (v) ballot-marking devices; (vi) central scanners, (vii) ballot-on-demand printing systems, (viii) electronic poll books; (ix) paper ballots or ballot-printing supplies; and (x) costs associated with voter roll maintenance, such as printing confirmation cards and postage.

(3) To be eligible for purchase under this grant program, any voting machine, voting device, precinct ballot scanner, ballot marking device or vote tabulating device shall not have the capability of wireless remote connections.

(4) The department shall review the application for funding submitted by each county and grant or deny the application within thirty (30) days of the receipt of the application.

(5) Before awarding a grant to a county for the future purchase of a voting system, the department shall require the county to provide a verified contract and purchase order.

SECTION 4. Section 23-15-533.3, Mississippi Code of 1972, is brought forward as follows:

23-15-533.3. (1) For any election held in this state after January 1, 2024, the officials in charge of the election shall only use voting systems as defined by Section 23-15-533.1.

(2) The board of supervisors of any county may authorize the circuit clerk or election commission to make application for grants under the procedures and within the certification requirements established by the department.

(3) Each county shall be eligible to receive a pro rata share of the funds appropriated or otherwise made available to the grant program based on the number of voting polling places in that county.

(4) Counties may apply for grants for:

(a) Purchasing of voting system hardware, including the software necessary to operate that hardware; and

(b) Incurring of other eligible expenses related to the costs of conducting elections only if:

(i) The county is already in compliance with subsection (1) of this section through previously acquired voting hardware or software or both prior to April 19, 2022, that would have been eligible for purchase under this grant program; or

(ii) The county will have funds remaining from its pro rata share provided for in subsection (3) of this section after purchasing the necessary voting systems to bring the county in compliance with subsection (1) of this section.

(5) Any county receiving a grant for the future purchase of a voting system shall submit proof of payment to the department immediately upon completing the purchase.

(6) Any county receiving funds for the incurring of other eligible expenses shall first apply the received funds under this grant program toward any existing indebtedness for the purchase of voting hardware or software.

SECTION 5. This act shall take effect and be in force from and after July 1, 2026.