

NOTICE OF PROPOSED RULE ADOPTION

**STATE OF MISSISSIPPI
SECRETARY OF STATE
ELECTIONS DIVISION**

**Secretary of State
Jay Eads
Assistant Secretary of State
401 Mississippi Street
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Jackson, MS 39205
(601) 359-576-2550
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**Specific Legal Authority authorizing the promulgation of
Rule:** Help America Vote Act of 2002 and S.B 2829 2005
Legislative Session

**Reference to Rules repealed, amended or suspended by the
Proposed Rule :**{ Insert citation to specific rule(s) repealed,
amended or suspended N/A

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: Senate Bill 2829 of the 2005 Legislative Session provides for the Secretary of State to enter into a statewide bulk purchase contract for voting systems (machines) that comply with the requirements of the Help America Vote Act of 2002. Section 16 of the legislation provides that under certain provisions individual counties may opt out of the statewide bulk purchase by action of the County Board of Supervisors. The Secretary has determined that August 19, 2005, should be established as the deadline for the “opt out” provision to be exercised.}

This rule is proposed as a Final Rule, and/or a Temporary Rule (Check one or both boxers as applicable.)

Persons may present their views on the proposed rule by addressing written comments to the agency at the above address. Persons making comments should include their name and address, as well as other contact information, and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Oral Proceeding: Check one box below:

An oral proceeding is scheduled on this rule on Date: {August 15, 2005} Time: {1:30 P.M.}
Place: Secretary of State’s Office 700 North Street Jackson, Mississippi 2nd floor Conference Room.

If you wish to be heard and present evidence at the oral proceeding you must make a written request to the agency at the above address at least three (3) days prior to the proceeding to be placed on the agenda. The request should include your name, address, telephone number as well as other contact information; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

An oral proceeding is not scheduled on this rule. Where an oral proceeding is not scheduled, an oral proceeding will be held if a written request for an oral proceeding is submitted by a political subdivision, an agency or ten (10) persons. The written request should be submitted to the agency contact person at the above address within twenty (20) days after the filing of this notice of proposed rule adoption and should include the name, address and telephone number of the person(s) making the request; and if you are an agent or attorney, the name, address and telephone number of the party or parties you represent.

Economic Impact Statement: Check one box below:

- The agency has determined that an economic impact statement is not required for this rule, or
- The concise summary of the economic impact statement required is attached.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Proposed Effective Date of Rule: {August 19, 2005}

Date Rule Proposed: {July 25, 2005}

/S/ JAY EADS _____
**Jay Eads Assistant Secretary of State
Signature and Title of Person Submitting Rule for Filing**