

**Administrative Rules for Implementation of
Statewide HAVA Compliant Voting Systems**

- 100 The Secretary of State, under the authority vested in him as the Chief Election Officer of the State of Mississippi and under Miss. Code Ann. § 23-15-169.3 (1972) is authorized to accept federal funds and to set the rules necessary to effectuate the Help America Vote Act (HAVA) with a HAVA compliant voting system in the State of Mississippi and sets forth the following rules for non-participating and participating counties:
- 101 Non-participating County Defined - A county that chooses not to participate in the statewide bulk purchase, as authorized by Miss. Code Ann. §23-15-169.3 (1972), shall notify the Secretary of State in writing pursuant to the Voting System Notice of Intent Form of such decision by delivering the same to the Office of the Secretary of State at 401 Mississippi Street, Jackson, Mississippi 39205 on or before 5:00 p.m. on August 19, 2005. In addition to delivery of the Voting System Notice of Intent Form, such Non-participating County must also provide a certified copy of the minutes of the Board of Supervisors by which the following statements must be made in accordance with Miss. Code Ann. §23-15-169.3 (1972):
1. The county determined it is in its best interest to opt out of any statewide bulk purchase. Such certification shall include the following:
 - a. Specific reasons for choosing not to participate in the statewide bulk purchase; and,
 - b. Cost comparison of opting out versus participating in the statewide bulk purchase; and,
 2. The voting system selected by the county meets all requirements under HAVA; and,
 3. The county understands and accepts any and all liability for said system; and,
 4. The county accepts sole responsibility for said system; and
 5. All voting systems within the county are the same, except those machines that are handicap accessible as required by HAVA; and,
 6. The voting systems have a device or mechanism that allows any votes cast to be verified by a paper audit trail.
- 102 Participating County Defined - Any county indicating it intends to participate in the statewide bulk purchase of voting systems by the Secretary of State as set forth by his duties under HAVA and Miss. Code Ann. §23-15-169.3 (1972). Any county not responding to the August 19, 2005, deadline shall be deemed to be a participating county.

103 Reimbursement Defined - Under the authority vested in the Secretary of State as authorized by Miss. Code Ann. 23-15-169.3 (1972), “a county shall be reimbursed for its costs for said system from the HAVA funds for this purpose: however, the county shall be limited in its reimbursement to an amount determined by the Secretary of State based upon an objective formula implemented for the statewide bulk purchase of said voting systems. Any costs over and above the set formula described herein shall be the sole responsibility of the county.” Counties will not incur any expense and will receive the number of voting machines provided according to the formula established by the Secretary of State, except for those Counties that choose to opt out from the statewide bulk purchase. Counties that opt out of the statewide bulk purchase will be reimbursed proportionally from the funds remaining after all expenses are paid for the participating counties.

104 Voting System Notice of Intent Form

**VOTING SYSTEM NOTICE OF INTENT
UNDER SENATE BILL NO. 2829**

_____, County, Mississippi (the “County”) hereby irrevocably elects as follows in connection with the procurement of voting machines and related equipment, maintenance, support and voter education assistance (the “Voting System Procurement”) by the Secretary of State of the State of Mississippi (the “Secretary”) in conjunction with the Mississippi Department of Information Technology Services with funding made available under the Help America Vote Act, Help America Vote Act of 2002, P.L. 107-252 (“HAVA”) (check the appropriate box):

- The County hereby elects to participate in the Voting System Procurement.

- The County hereby elects to **NOT** participate in the Voting System Procurement as authorized by Senate Bill No. 2829 enacted by the Mississippi Legislature during its 2005 Regular Session (“SB 2829”). Under SB 2829, the County will be eligible for partial reimbursement of certain amounts expended by the County on HAVA-compliant voting equipment acquired by the County after January 1, 2001. The amount of the reimbursement will be equal to the amount that the Secretary would have expended on behalf of the County as part of the Voting System Procurement, less the amount of any volume discounts lost as a result of one or more counties electing not to participate in the Voting System Procurement. Any amount expended by the County in excess of the amount of reimbursement under SB 2829 is the sole responsibility of the

County. The Secretary will determine the amount of reimbursement to which the County will be eligible after December 31, 2005.

By execution below, the County represents that it has acquired (after January 1, 2001) or will acquire HAVA-compliant voting equipment to replace punch-card or lever voting equipment in accordance with §102 of HAVA. The County hereby further represents that it has complied or will comply in all respects with SB 2829 including that:

- The voting equipment acquired or to be acquired by the County complies with or will comply upon acquisition with HAVA.
- The Board of Supervisors of the County has certified on its minutes the following:
 - (1) The County has determined that it is in the County's best interest to not participate in the Voting System Procurement.
 - (2) The voting system and equipment selected by the County meet (or will meet upon acquisition) all requirements of HAVA (including any rules promulgated under HAVA).
 - (3) The County understands and accepts any and all liability for the voting system and equipment selected by the County.
 - (4) The County will be solely responsible for the purchase of its selected voting system and equipment.
- In addition to the certification described above, if the County acquires its voting system subsequent to the effective date of SB 2829, the Board of Supervisors has certified or will further certify in its minutes as follows:
 - (1) All voting systems within the County are the same, except those machines that are handicap accessible as required by HAVA.
 - (2) The voting systems acquired or to be acquired by the County have or will have a device or mechanism that allows any votes cast to be verified by paper audit trail.

This election has been made by the County by resolution duly adopted at a meeting of the Board of Supervisors of the County held on _____, 2005. The resolution appears at Minute Book _____, Page _____, of the Minutes of the Board of Supervisors of the County, a true and correct copy of which resolution is attached hereto.

_____ COUNTY, MISSISSIPPI

By: _____
President, Board of Supervisors

ATTEST:

Chancery Clerk

[COUNTY SEAL]