

By: Representatives Banks, Paden

To: Apportionment and Elections

HOUSE BILL NO. 654

1 AN ACT TO AMEND SECTIONS 23-15-151, 23-15-19, 23-15-125 AND
2 23-15-153, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO PERSON
3 SHALL BE PURGED OR OTHERWISE REMOVED FROM THE STATEWIDE ELECTIONS
4 MANAGEMENT SYSTEM SIXTY DAYS OR LESS BEFORE THE DATE OF ANY
5 ELECTION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-151, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-151. The circuit clerk of each county is authorized
10 and directed to prepare and keep in his or her office a full and
11 complete list, in alphabetical order, of persons convicted of
12 voter fraud or of any crime listed in Section 241, Mississippi
13 Constitution of 1890. A certified copy of any enrollment by one
14 clerk to another will be sufficient authority for the enrollment
15 of the name, or names, in another county. A list of persons
16 convicted of voter fraud, any crime listed in Section 241,
17 Mississippi Constitution of 1890, or any crime interpreted as
18 disenfranchising in later Attorney General opinions, shall also be
19 entered into the Statewide Elections Management System on a



20 quarterly basis. Voters who have been convicted in a Mississippi
21 state court of any disenfranchising crime are not qualified
22 electors as defined by Section 23-15-11 and shall be purged or
23 otherwise removed by the county registrar or county election
24 commissioners from the Statewide Elections Management System;
25 however, no such person shall be purged or otherwise removed by
26 the county registrar or county election commissioners from the
27 Statewide Elections Management System sixty (60) days or less
28 before the date of any election.

29 **SECTION 2.** Section 23-15-19, Mississippi Code of 1972, is
30 amended as follows:

31 23-15-19. Any person who has been convicted of vote fraud or
32 any crime listed in Section 241, Mississippi Constitution of 1890,
33 such crimes defined as "disenfranchising," shall not be
34 registered, or if registered the name of the person shall be
35 removed from the Statewide Elections Management System by the
36 registrar or the election commissioners of the county of his or
37 her residence. Whenever any person shall be convicted in the
38 circuit court of his or her county of a disenfranchising crime,
39 the county registrar shall thereupon remove his or her name from
40 the Statewide Elections Management System; and whenever any person
41 shall be convicted of a disenfranchising crime in any other court
42 of any county, the presiding judge of the court shall, on demand,
43 certify the fact in writing to the registrar of the county in
44 which the voter resides, who shall thereupon remove the name of



45 the person from the Statewide Elections Management System and
46 retain the certificate as a record of his or her office. No such
47 person shall be removed by the county registrar from the Statewide
48 Elections Management System sixty (60) days or less before the
49 date of any election.

50 **SECTION 3.** Section 23-15-125, Mississippi Code of 1972, is
51 amended as follows:

52 23-15-125. The pollbook of each voting precinct shall
53 designate the voting precinct for which it is to be used, and
54 shall be ruled in appropriate columns, with printed or written
55 headings, as follows: date of registration; voter registration
56 number; name of electors; date of birth; and a number of blank
57 columns for the dates of elections. All qualified applicants who
58 register with the registrar shall be entered in the Statewide
59 Elections Management System. Only the names of those qualified
60 applicants who register within thirty (30) days before an election
61 shall appear on the pollbooks of the election; however, if the
62 thirtieth day to register before an election falls on a Sunday or
63 legal holiday, the registration applications submitted on the
64 business day immediately following the legal holiday shall be
65 accepted and entered in the Statewide Elections Management System
66 for the purpose of enabling voters to vote in the next election.
67 When county election commissioners determine that any elector is
68 disqualified from voting, by reason of death, conviction of a
69 disenfranchising crime, removal from the jurisdiction, or other



70 legal cause, that fact shall be noted in the Statewide Elections
71 Management System and the voter's name shall be removed from the
72 Statewide Elections Management System, the state's voter roll and
73 the county's pollbooks; however, no such person shall be removed
74 by the county election commissioners from the Statewide Elections
75 Management System, the state's voter roll or the county's
76 pollbooks sixty (60) days or less before the date of any election.
77 Nothing in this section shall preclude the use of electronic
78 pollbooks.

79 **SECTION 4.** Section 23-15-153, Mississippi Code of 1972, is
80 amended as follows:

81 23-15-153. (1) At least during the following times, the
82 election commissioners shall meet at the office of the registrar
83 or the office of the election commissioners to carefully revise
84 the county voter roll as electronically maintained by the
85 Statewide Elections Management System and remove from the roll the
86 names of all voters who have requested to be purged from the voter
87 roll, died, received an adjudication of non compos mentis, been
88 convicted of a disenfranchising crime, or otherwise become
89 disqualified as electors for any cause, and shall register the
90 names of all persons who have duly applied to be registered but
91 have been illegally denied registration:

92 (a) On the Tuesday after the second Monday in January
93 1987 and every following year;



94 (b) On the first Tuesday in the month immediately
95 preceding the first primary election for members of Congress in
96 the years when members of Congress are elected;

97 (c) On the first Monday in the month immediately
98 preceding the first primary election for state, state district
99 legislative, county and county district offices in the years in
100 which those offices are elected; and

101 (d) On the second Monday of September preceding the
102 general election or regular special election day in years in which
103 a general election is not conducted.

104 Except for the names of those voters who are duly qualified
105 to vote in the election, no name shall be permitted to remain in
106 the Statewide Elections Management System; however, no name shall
107 be purged from the Statewide Elections Management System based on
108 a change in the residence of an elector except in accordance with
109 procedures provided for by the National Voter Registration Act of
110 1993, and no name shall be purged from the Statewide Elections
111 Management System sixty (60) days or less before the date of any
112 election. Except as otherwise provided by Section 23-15-573, no
113 person shall vote at any election whose name is not in the county
114 voter roll electronically maintained by the Statewide Elections
115 Management System.

116 (2) Except as provided in this section, and subject to the
117 following annual limitations, the election commissioners shall be
118 entitled to receive a per diem in the amount of Eighty-four



119 Dollars (\$84.00), to be paid from the county general fund, for
120 every day or period of no less than five (5) hours accumulated
121 over two (2) or more days actually employed in the performance of
122 their duties in the conduct of an election or actually employed in
123 the performance of their duties for the necessary time spent in
124 the revision of the county voter roll as electronically maintained
125 by the Statewide Elections Management System as required in
126 subsection (1) of this section:

127 (a) In counties having less than fifteen thousand
128 (15,000) residents according to the latest federal decennial
129 census, not more than fifty (50) days per year, with no more than
130 fifteen (15) additional days allowed for the conduct of each
131 election in excess of one (1) occurring in any calendar year;

132 (b) In counties having fifteen thousand (15,000)
133 residents according to the latest federal decennial census but
134 less than thirty thousand (30,000) residents according to the
135 latest federal decennial census, not more than seventy-five (75)
136 days per year, with no more than twenty-five (25) additional days
137 allowed for the conduct of each election in excess of one (1)
138 occurring in any calendar year;

139 (c) In counties having thirty thousand (30,000)
140 residents according to the latest federal decennial census but
141 less than seventy thousand (70,000) residents according to the
142 latest federal decennial census, not more than one hundred (100)
143 days per year, with no more than thirty-five (35) additional days



144 allowed for the conduct of each election in excess of one (1)
145 occurring in any calendar year;

146 (d) In counties having seventy thousand (70,000)
147 residents according to the latest federal decennial census but
148 less than ninety thousand (90,000) residents according to the
149 latest federal decennial census, not more than one hundred
150 twenty-five (125) days per year, with no more than forty-five (45)
151 additional days allowed for the conduct of each election in excess
152 of one (1) occurring in any calendar year;

153 (e) In counties having ninety thousand (90,000)
154 residents according to the latest federal decennial census but
155 less than one hundred seventy thousand (170,000) residents
156 according to the latest federal decennial census, not more than
157 one hundred fifty (150) days per year, with no more than
158 fifty-five (55) additional days allowed for the conduct of each
159 election in excess of one (1) occurring in any calendar year;

160 (f) In counties having one hundred seventy thousand
161 (170,000) residents according to the latest federal decennial
162 census but less than two hundred thousand (200,000) residents
163 according to the latest federal decennial census, not more than
164 one hundred seventy-five (175) days per year, with no more than
165 sixty-five (65) additional days allowed for the conduct of each
166 election in excess of one (1) occurring in any calendar year;

167 (g) In counties having two hundred thousand (200,000)
168 residents according to the latest federal decennial census but



169 less than two hundred twenty-five thousand (225,000) residents
170 according to the latest federal decennial census, not more than
171 one hundred ninety (190) days per year, with no more than
172 seventy-five (75) additional days allowed for the conduct of each
173 election in excess of one (1) occurring in any calendar year;

174 (h) In counties having two hundred twenty-five thousand
175 (225,000) residents according to the latest federal decennial
176 census but less than two hundred fifty thousand (250,000)
177 residents according to the latest federal decennial census, not
178 more than two hundred fifteen (215) days per year, with no more
179 than eighty-five (85) additional days allowed for the conduct of
180 each election in excess of one (1) occurring in any calendar year;

181 (i) In counties having two hundred fifty thousand
182 (250,000) residents according to the latest federal decennial
183 census but less than two hundred seventy-five thousand (275,000)
184 residents according to the latest federal decennial census, not
185 more than two hundred thirty (230) days per year, with no more
186 than ninety-five (95) additional days allowed for the conduct of
187 each election in excess of one (1) occurring in any calendar year;

188 (j) In counties having two hundred seventy-five
189 thousand (275,000) residents according to the latest federal
190 decennial census or more, not more than two hundred forty (240)
191 days per year, with no more than one hundred five (105) additional
192 days allowed for the conduct of each election in excess of one (1)
193 occurring in any calendar year.



194 (3) In addition to the number of days authorized in
195 subsection (2) of this section, the board of supervisors of a
196 county may authorize, in its discretion, the election
197 commissioners to receive a per diem in the amount provided for in
198 subsection (2) of this section, to be paid from the county general
199 fund, for every day or period of no less than five (5) hours
200 accumulated over two (2) or more days actually employed in the
201 performance of their duties in the conduct of an election or
202 actually employed in the performance of their duties for the
203 necessary time spent in the revision of the county voter roll as
204 electronically maintained by the Statewide Elections Management
205 System as required in subsection (1) of this section, for not to
206 exceed five (5) days.

207 (4) (a) The election commissioners shall be entitled to
208 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
209 to be paid from the county general fund, not to exceed ten (10)
210 days for every day or period of no less than five (5) hours
211 accumulated over two (2) or more days actually employed in the
212 performance of their duties for the necessary time spent in the
213 revision of the county voter roll as electronically maintained by
214 the Statewide Elections Management System before any special
215 election. For purposes of this paragraph, the regular special
216 election day shall not be considered a special election. The
217 annual limitations set forth in subsection (2) of this section
218 shall not apply to this paragraph.



219 (b) The election commissioners shall be entitled to
220 receive a per diem in the amount of One Hundred Fifty Dollars
221 (\$150.00), to be paid from the county general fund, for the
222 performance of their duties on the day of any general or special
223 election. The annual limitations set forth in subsection (2) of
224 this section shall apply to this paragraph.

225 (5) The election commissioners shall be entitled to receive
226 a per diem in the amount of Eighty-four Dollars (\$84.00), to be
227 paid from the county general fund, not to exceed fourteen (14)
228 days for every day or period of no less than five (5) hours
229 accumulated over two (2) or more days actually employed in the
230 performance of their duties for the necessary time spent in the
231 revision of the county voter roll as electronically maintained by
232 the Statewide Elections Management System and in the conduct of a
233 runoff election following either a general or special election.

234 (6) The election commissioners shall be entitled to receive
235 only one (1) per diem payment for those days when the election
236 commissioners discharge more than one (1) duty or responsibility
237 on the same day.

238 (7) In preparation for a municipal primary, runoff, general
239 or special election, the county registrar shall generate and
240 distribute the master voter roll and pollbooks from the Statewide
241 Elections Management System for the municipality located within
242 the county. The municipality shall pay the county registrar for
243 the actual cost of preparing and printing the municipal master



244 voter roll pollbooks. A municipality may secure "read only"
245 access to the Statewide Elections Management System and print its
246 own pollbooks using this information.

247 (8) County election commissioners who perform the duties of
248 an executive committee with regard to the conduct of a primary
249 election under a written agreement authorized by law to be entered
250 into with an executive committee shall receive per diem as
251 provided for in subsection (2) of this section. The days that
252 county election commissioners are employed in the conduct of a
253 primary election shall be treated the same as days county election
254 commissioners are employed in the conduct of other elections.

255 (9) In addition to any per diem authorized by this section,
256 any election commissioner shall be entitled to the mileage
257 reimbursement rate allowable to federal employees for the use of a
258 privately owned vehicle while on official travel on election day.

259 (10) Every election commissioner shall sign personally a
260 certification setting forth the number of hours actually worked in
261 the performance of the commissioner's official duties and for
262 which the commissioner seeks compensation. The certification must
263 be on a form as prescribed in this subsection. The commissioner's
264 signature is, as a matter of law, made under the commissioner's
265 oath of office and under penalties of perjury.

266 The certification form shall be as follows:

267 **COUNTY ELECTION COMMISSIONER**

268 **PER DIEM CLAIM FORM**



269 NAME: _____ COUNTY: _____

270 ADDRESS: _____ DISTRICT: _____

271 CITY: _____ ZIP: _____

272 PURPOSE APPLICABLE ACTUAL PER DIEM

273 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

274 WORKED TIME TIME WORK SECTION WORKED EARNED

275 _____

276 _____

277 _____

278 TOTAL NUMBER OF PER DIEM DAYS EARNED

279 EXCLUDING ELECTION DAYS _____

280 PER DIEM RATE PER DAY EARNED X \$84.00

281 TOTAL NUMBER PER DIEM DAYS EARNED

282 FOR ELECTION DAYS _____

283 PER DIEM RATE PER DAY EARNED X \$150.00

284 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

285 I understand that I am signing this document under my oath as
286 an election commissioner and under penalties of perjury.

287 I understand that I am requesting payment from taxpayer funds
288 and that I have an obligation to be specific and truthful as to
289 the amount of hours worked and the compensation I am requesting.

290 Signed this the _____ day of _____, ____.

291 _____

292 Commissioner's Signature



293 When properly completed and signed, the certification must be
294 filed with the clerk of the county board of supervisors before any
295 payment may be made. The certification will be a public record
296 available for inspection and reproduction immediately upon the
297 oral or written request of any person.

298 Any person may contest the accuracy of the certification in
299 any respect by notifying the chair of the commission, any member
300 of the board of supervisors or the clerk of the board of
301 supervisors of the contest at any time before or after payment is
302 made. If the contest is made before payment is made, no payment
303 shall be made as to the contested certificate until the contest is
304 finally disposed of. The person filing the contest shall be
305 entitled to a full hearing, and the clerk of the board of
306 supervisors shall issue subpoenas upon request of the contestor
307 compelling the attendance of witnesses and production of documents
308 and things. The contestor shall have the right to appeal de novo
309 to the circuit court of the involved county, which appeal must be
310 perfected within thirty (30) days from a final decision of the
311 commission, the clerk of the board of supervisors or the board of
312 supervisors, as the case may be.

313 Any contestor who successfully contests any certification
314 will be awarded all expenses incident to his or her contest,
315 together with reasonable attorney's fees, which will be awarded
316 upon petition to the chancery court of the involved county upon
317 final disposition of the contest before the election commission,



318 board of supervisors, clerk of the board of supervisors, or, in
319 case of an appeal, final disposition by the court. The
320 commissioner against whom the contest is decided shall be liable
321 for the payment of the expenses and attorney's fees, and the
322 county shall be jointly and severally liable for same.

323 (11) Any election commissioner who has not received a
324 certificate issued by the Secretary of State pursuant to Section
325 23-15-211 indicating that the election commissioner has received
326 the required elections seminar instruction and that the election
327 commissioner is fully qualified to conduct an election, shall not
328 receive any compensation authorized by this section or Section
329 23-15-239.

330 **SECTION 5.** This act shall take effect and be in force from
331 and after July 1, 2018.

