

By: Representatives Powell, Brown (20th),  
Carpenter, Crawford, Criswell, Currie, Ford  
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To: Apportionment and  
Elections

HOUSE BILL NO. 1111

1 AN ACT TO CREATE NEW SECTION 23-15-152, MISSISSIPPI CODE OF  
2 1972, TO PROVIDE THAT THE COUNTY REGISTRAR OR COUNTY ELECTION  
3 COMMISSION SHALL REMOVE FROM THE STATEWIDE ELECTIONS MANAGEMENT  
4 SYSTEM THOSE VOTERS WHO FAIL, AFTER HAVING BEEN MAILED A  
5 CONFIRMATION NOTICE, TO EITHER RESPOND TO THE CONFIRMATION NOTICE  
6 AND VOTE AT LEAST ONCE DURING A PERIOD OF FOUR CONSECUTIVE YEARS,  
7 WHICH PERIOD SHALL INCLUDE TWO GENERAL FEDERAL ELECTIONS OR UPDATE  
8 THE VOTER'S REGISTRATION INFORMATION AND VOTE AT LEAST ONCE DURING  
9 A PERIOD OF FOUR CONSECUTIVE YEARS, WHICH PERIOD SHALL INCLUDE TWO  
10 GENERAL FEDERAL ELECTIONS; TO DEFINE "CONFIRMATION NOTICE"; TO  
11 PROVIDE THE TIME FOR REMOVAL OF VOTER REGISTRATION RECORDS; TO  
12 PROVIDE FOR THE RETENTION OF REMOVED VOTER REGISTRATION RECORDS;  
13 TO AMEND SECTIONS 23-15-125 AND 23-15-153, MISSISSIPPI CODE OF  
14 1972, TO CONFORM TO THE PRECEDING SECTION; TO BRING FORWARD  
15 SECTION 23-15-165, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR  
16 THE DEVELOPMENT AND IMPLEMENTATION OF THE STATEWIDE ELECTIONS  
17 MANAGEMENT SYSTEM, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR  
18 RELATED PURPOSES.

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

20 **SECTION 1.** The following shall be codified as Section  
21 23-15-152, Mississippi Code of 1972:

22 23-15-152. (1) Notwithstanding any other provision of law  
23 to the contrary, the county registrar or county election  
24 commission shall remove from the Statewide Elections Management  
25 System those voters who fail, after having been mailed a  
26 confirmation notice, to do either of the following:



27 (a) Respond to the confirmation notice and vote at  
28 least once during a period of four (4) consecutive years, which  
29 period shall include two (2) general federal elections; or

30 (b) Update the voter's registration information and  
31 vote at least once during a period of four (4) consecutive years,  
32 which period shall include two (2) general federal elections.

33 (2) For the purposes of this section, "confirmation notice"  
34 means a notice sent by the election commissioners, by certified,  
35 forwardable mail, with return postage prepaid, on a form  
36 prescribed by the Secretary of State, to a registered elector to  
37 confirm the registered elector's current address. The notice  
38 shall comply with all applicable requirements of the National  
39 Voter Registration Act of 1993.

40 (3) No voter registration records shall be removed during  
41 the ninety (90) days immediately preceding a federal primary or  
42 general election.

43 (4) The county registrar shall retain removed voter  
44 registration records after they are removed for a period that  
45 includes at least two (2) federal general elections and shall  
46 record the reason for the removal.

47 **SECTION 2.** Section 23-15-125, Mississippi Code of 1972, is  
48 amended as follows:

49 23-15-125. The pollbook of each voting precinct shall  
50 designate the voting precinct for which it is to be used, and  
51 shall be ruled in appropriate columns, with printed or written



52 headings, as follows: date of registration; voter registration  
53 number; name of electors; date of birth; and a number of blank  
54 columns for the dates of elections. All qualified applicants who  
55 register with the registrar shall be entered in the Statewide  
56 Elections Management System. Only the names of those qualified  
57 applicants who register within thirty (30) days before an election  
58 shall appear on the pollbooks of the election; however, if the  
59 thirtieth day to register before an election falls on a Sunday or  
60 legal holiday, the registration applications submitted on the  
61 business day immediately following the legal holiday shall be  
62 accepted and entered in the Statewide Elections Management System  
63 for the purpose of enabling voters to vote in the next election.  
64 When county election commissioners determine that any elector is  
65 disqualified from voting, by reason of death, conviction of a  
66 disenfranchising crime, removal from the jurisdiction, failure to  
67 either respond to a confirmation notice or update voter  
68 registration and vote as provided in Section 23-15-152, or other  
69 legal cause, that fact shall be noted in the Statewide Elections  
70 Management System and the voter's name shall be removed from the  
71 Statewide Elections Management System, the state's voter roll and  
72 the county's pollbooks. Nothing in this section shall preclude  
73 the use of electronic pollbooks.

74 **SECTION 3.** Section 23-15-153, Mississippi Code of 1972, is  
75 amended as follows:



76           23-15-153. (1) At least during the following times, the  
77 election commissioners shall meet at the office of the registrar  
78 or the office of the election commissioners to carefully revise  
79 the county voter roll as electronically maintained by the  
80 Statewide Elections Management System and remove from the roll the  
81 names of all voters who have requested to be purged from the voter  
82 roll, died, received an adjudication of non compos mentis, been  
83 convicted of a disenfranchising crime, failed to either respond to  
84 a confirmation notice or update voter registration and vote as  
85 provided in Section 23-15-152, or otherwise become disqualified as  
86 electors for any cause, and shall register the names of all  
87 persons who have duly applied to be registered but have been  
88 illegally denied registration:

89           (a) On the Tuesday after the second Monday in January  
90 1987 and every following year;

91           (b) On the first Tuesday in the month immediately  
92 preceding the first primary election for members of Congress in  
93 the years when members of Congress are elected;

94           (c) On the first Monday in the month immediately  
95 preceding the first primary election for state, state district  
96 legislative, county and county district offices in the years in  
97 which those offices are elected; \* \* \*

98           (d) On the second Monday of September preceding the  
99 general election or regular special election day in years in which  
100 a general election is not conducted \* \* \*; and



101                   (e) As provided in Section 23-15-152.

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

112           (2) Except as provided in this section, and subject to the  
113 following annual limitations, the election commissioners shall be  
114 entitled to receive a per diem in the amount of One Hundred  
115 Dollars (\$100.00), to be paid from the county general fund, for  
116 every day or period of no less than five (5) hours accumulated  
117 over two (2) or more days actually employed in the performance of  
118 their duties in the conduct of an election or actually employed in  
119 the performance of their duties for the necessary time spent in  
120 the revision of the county voter roll as electronically maintained  
121 by the Statewide Elections Management System as required in  
122 subsection (1) of this section:

123           (a) In counties having less than fifteen thousand  
124 (15,000) residents according to the latest federal decennial  
125 census, not more than fifty (50) days per year, with no more than



126 fifteen (15) additional days allowed for the conduct of each  
127 election in excess of one (1) occurring in any calendar year;

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

135 (c) In counties having thirty thousand (30,000)  
136 residents according to the latest federal decennial census but  
137 less than seventy thousand (70,000) residents according to the  
138 latest federal decennial census, not more than one hundred (100)  
139 days per year, with no more than thirty-five (35) additional days  
140 allowed for the conduct of each election in excess of one (1)  
141 occurring in any calendar year;

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

149 (e) In counties having ninety thousand (90,000)  
150 residents according to the latest federal decennial census but



151 less than one hundred seventy thousand (170,000) residents  
152 according to the latest federal decennial census, not more than  
153 one hundred fifty (150) days per year, with no more than  
154 fifty-five (55) additional days allowed for the conduct of each  
155 election in excess of one (1) occurring in any calendar year;

156 (f) In counties having one hundred seventy thousand  
157 (170,000) residents according to the latest federal decennial  
158 census but less than two hundred thousand (200,000) residents  
159 according to the latest federal decennial census, not more than  
160 one hundred seventy-five (175) days per year, with no more than  
161 sixty-five (65) additional days allowed for the conduct of each  
162 election in excess of one (1) occurring in any calendar year;

163 (g) In counties having two hundred thousand (200,000)  
164 residents according to the latest federal decennial census but  
165 less than two hundred twenty-five thousand (225,000) residents  
166 according to the latest federal decennial census, not more than  
167 one hundred ninety (190) days per year, with no more than  
168 seventy-five (75) additional days allowed for the conduct of each  
169 election in excess of one (1) occurring in any calendar year;

170 (h) In counties having two hundred twenty-five thousand  
171 (225,000) residents according to the latest federal decennial  
172 census but less than two hundred fifty thousand (250,000)  
173 residents according to the latest federal decennial census, not  
174 more than two hundred fifteen (215) days per year, with no more



175 than eighty-five (85) additional days allowed for the conduct of  
176 each election in excess of one (1) occurring in any calendar year;

177 (i) In counties having two hundred fifty thousand  
178 (250,000) residents according to the latest federal decennial  
179 census but less than two hundred seventy-five thousand (275,000)  
180 residents according to the latest federal decennial census, not  
181 more than two hundred thirty (230) days per year, with no more  
182 than ninety-five (95) additional days allowed for the conduct of  
183 each election in excess of one (1) occurring in any calendar year;

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

190 (3) In addition to the number of days authorized in  
191 subsection (2) of this section, the board of supervisors of a  
192 county may authorize, in its discretion, the election  
193 commissioners to receive a per diem in the amount provided for in  
194 subsection (2) of this section, to be paid from the county general  
195 fund, for every day or period of no less than five (5) hours  
196 accumulated over two (2) or more days actually employed in the  
197 performance of their duties in the conduct of an election or  
198 actually employed in the performance of their duties for the  
199 necessary time spent in the revision of the county voter roll as





200 electronically maintained by the Statewide Elections Management  
201 System as required in subsection (1) of this section, \* \* \* not to  
202 exceed five (5) days.

203 (4) (a) The election commissioners shall be entitled to  
204 receive a per diem in the amount of One Hundred Dollars (\$100.00),  
205 to be paid from the county general fund, not to exceed ten (10)  
206 days for every day or period of no less than five (5) hours  
207 accumulated over two (2) or more days actually employed in the  
208 performance of their duties for the necessary time spent in the  
209 revision of the county voter roll as electronically maintained by  
210 the Statewide Elections Management System before any special  
211 election. For purposes of this paragraph, the regular special  
212 election day shall not be considered a special election. The  
213 annual limitations set forth in subsection (2) of this section  
214 shall not apply to this paragraph.

215 (b) The election commissioners shall be entitled to  
216 receive a per diem in the amount of One Hundred Fifty Dollars  
217 (\$150.00), to be paid from the county general fund, for the  
218 performance of their duties on the day of any general or special  
219 election. The annual limitations set forth in subsection (2) of  
220 this section shall apply to this paragraph.

221 (5) The election commissioners shall be entitled to receive  
222 a per diem in the amount of One Hundred Dollars (\$100.00), to be  
223 paid from the county general fund, not to exceed fourteen (14)  
224 days for every day or period of no less than five (5) hours



225 accumulated over two (2) or more days actually employed in the  
226 performance of their duties for the necessary time spent in the  
227 revision of the county voter roll as electronically maintained by  
228 the Statewide Elections Management System and in the conduct of a  
229 runoff election following either a general or special election.

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

234 (7) In preparation for a municipal primary, runoff, general  
235 or special election, the county registrar shall generate and  
236 distribute the master voter roll and pollbooks from the Statewide  
237 Elections Management System for the municipality located within  
238 the county. The municipality shall pay the county registrar for  
239 the actual cost of preparing and printing the municipal master  
240 voter roll pollbooks. A municipality may secure "read only"  
241 access to the Statewide Elections Management System and print its  
242 own pollbooks using this information.

243 (8) County election commissioners who perform the duties of  
244 an executive committee with regard to the conduct of a primary  
245 election under a written agreement authorized by law to be entered  
246 into with an executive committee shall receive per diem as  
247 provided for in subsection (2) of this section. The days that  
248 county election commissioners are employed in the conduct of a



249 primary election shall be treated the same as days county election  
250 commissioners are employed in the conduct of other elections.

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

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

262 The certification form shall be as follows:

263 **COUNTY ELECTION COMMISSIONER**

264 **PER DIEM CLAIM FORM**

265 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

266 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

267 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

268 PURPOSE APPLICABLE ACTUAL PER DIEM

269 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

270 WORKED TIME TIME WORK SECTION WORKED EARNED

271 \_\_\_\_\_

272 \_\_\_\_\_

273 \_\_\_\_\_



274 TOTAL NUMBER OF PER DIEM DAYS EARNED  
 275 EXCLUDING ELECTION DAYS \_\_\_\_\_  
 276 PER DIEM RATE PER DAY EARNED X \$100.00  
 277 TOTAL NUMBER PER DIEM DAYS EARNED  
 278 FOR ELECTION DAYS \_\_\_\_\_  
 279 PER DIEM RATE PER DAY EARNED X \$150.00  
 280 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

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

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

286 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

287 \_\_\_\_\_  
 288 Commissioner's Signature

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

294 Any person may contest the accuracy of the certification in  
 295 any respect by notifying the chair of the commission, any member  
 296 of the board of supervisors or the clerk of the board of  
 297 supervisors of the contest at any time before or after payment is  
 298 made. If the contest is made before payment is made, no payment



299 shall be made as to the contested certificate until the contest is  
300 finally disposed of. The person filing the contest shall be  
301 entitled to a full hearing, and the clerk of the board of  
302 supervisors shall issue subpoenas upon request of the contestor  
303 compelling the attendance of witnesses and production of documents  
304 and things. The contestor shall have the right to appeal de novo  
305 to the circuit court of the involved county, which appeal must be  
306 perfected within thirty (30) days from a final decision of the  
307 commission, the clerk of the board of supervisors or the board of  
308 supervisors, as the case may be.

309 Any contestor who successfully contests any certification  
310 will be awarded all expenses incident to his or her contest,  
311 together with reasonable attorney's fees, which will be awarded  
312 upon petition to the chancery court of the involved county upon  
313 final disposition of the contest before the election commission,  
314 board of supervisors, clerk of the board of supervisors, or, in  
315 case of an appeal, final disposition by the court. The  
316 commissioner against whom the contest is decided shall be liable  
317 for the payment of the expenses and attorney's fees, and the  
318 county shall be jointly and severally liable for same.

319 (11) Any election commissioner who has not received a  
320 certificate issued by the Secretary of State pursuant to Section  
321 23-15-211 indicating that the election commissioner has received  
322 the required elections seminar instruction and that the election  
323 commissioner is fully qualified to conduct an election, shall not



324 receive any compensation authorized by this section or Section  
325 23-15-239.

326         **SECTION 4.** Section 23-15-165, Mississippi Code of 1972, is  
327 brought forward as follows:

328         23-15-165. (1) The Office of the Secretary of State, in  
329 cooperation with the county registrars and election commissioners,  
330 shall procure, implement and maintain an electronic information  
331 processing system and programs capable of maintaining a  
332 centralized database of all registered voters in the state. The  
333 system shall encompass software and hardware, at both the state  
334 and county level, software development training, conversion and  
335 support and maintenance for the system. This system shall be  
336 known as the "Statewide Elections Management System" and shall  
337 constitute the official record of registered voters in every  
338 county of the state.

339         (2) The Office of the Secretary of State shall develop and  
340 implement the Statewide Elections Management System so that the  
341 registrar and election commissioners of each county shall:

342                 (a) Verify that an applicant that is registering to  
343 vote in that county is not registered to vote in another county;

344                 (b) Be notified automatically that a registered voter  
345 in its county has registered to vote in another county;

346                 (c) Receive regular reports of death, changes of  
347 address and convictions for disenfranchising crimes that apply to  
348 voters registered in the county; and



349 (d) Retain all present functionality related to, but  
350 not limited to, the use of voter roll data and to implement such  
351 other functionality as the law requires to enhance the maintenance  
352 of accurate county voter records and related jury selection and  
353 redistricting programs.

354 (3) As a part of the procurement and implementation of the  
355 system, the Office of the Secretary of State shall, with the  
356 assistance of the advisory committee, procure services necessary  
357 to convert current voter registration records in the counties into  
358 a standard, industry accepted file format that can be used on the  
359 Statewide Elections Management System. Thereafter, all official  
360 voter information shall be maintained on the Statewide Elections  
361 Management System. The standard industry accepted format of data  
362 was reviewed and approved by a majority of the advisory committee  
363 created in subsection (5) of this section after consultation with  
364 the Circuit Clerks Association and the format may not be changed  
365 without consulting the Circuit Clerks Association.

366 (4) The Secretary of State may, with the assistance of the  
367 advisory committee, adopt rules and regulations necessary to  
368 administer the Statewide Elections Management System. The rules  
369 and regulations shall at least:

370 (a) Provide for the establishment and maintenance of a  
371 centralized database for all voter registration information in the  
372 state;



373 (b) Provide procedures for integrating data into the  
374 centralized database;

375 (c) Provide security to ensure that only the registrar,  
376 or his or her designee or other appropriate official, as the law  
377 may require, can add information to, delete information from and  
378 modify information in the system;

379 (d) Provide the registrar or his or her designee or  
380 other appropriate official, as the law may require, access to the  
381 system at all times, including the ability to download copies of  
382 the industry standard file, for all purposes related to their  
383 official duties, including, but not limited to, exclusive access  
384 for the purpose of printing all local pollbooks;

385 (e) Provide security and protection of all information  
386 in the system and monitor the system to ensure that unauthorized  
387 access is not allowed;

388 (f) Provide a procedure that will allow the registrar,  
389 or his or her designee or other appropriate official, as the law  
390 may require, to identify the precinct to which a voter should be  
391 assigned; and

392 (g) Provide a procedure for phasing in or converting  
393 existing manual and computerized voter registration systems in  
394 counties to the Statewide Elections Management System.

395 (5) The Secretary of State established an advisory committee  
396 to assist in developing system specifications, procurement,  
397 implementation and maintenance of the Statewide Elections





398 Management System. The committee included two (2) representatives  
399 from the Circuit Clerks Association, appointed by the association;  
400 two (2) representatives from the Election Commissioners  
401 Association of Mississippi, appointed by the association; one (1)  
402 member of the Mississippi Association of Supervisors, or its  
403 staff, appointed by the association; the Director of the Stennis  
404 Institute of Government at Mississippi State University, or his or  
405 her designee; the Executive Director of the Department of  
406 Information Technology Services, or his or her designee; two (2)  
407 persons knowledgeable about elections and information technology  
408 appointed by the Secretary of State; and the Secretary of State,  
409 who shall serve as the chair of the advisory committee.

410 (6) (a) Social security numbers, telephone numbers and date  
411 of birth and age information in statewide, district, county and  
412 municipal voter registration files shall be exempt from and shall  
413 not be subject to inspection, examination, copying or reproduction  
414 under the Mississippi Public Records Act of 1983.

415 (b) Copies of statewide, district, county or municipal  
416 voter registration files, excluding social security numbers,  
417 telephone numbers and date of birth and age information, shall be  
418 provided to any person in accordance with the Mississippi Public  
419 Records Act of 1983 at a cost not to exceed the actual cost of  
420 production.

421 **SECTION 5.** This act shall take effect and be in force from  
422 and after July 1, 2020.

