

By: Representative Currie

To: Apportionment and
Elections

HOUSE BILL NO. 1281

1 AN ACT TO PROVIDE THAT THE STATEWIDE ELECTIONS MANAGEMENT
 2 SYSTEM SHALL BE COMPARED TO THE IDENTIFICATION DATABASES TO ENSURE
 3 NON-UNITED STATES CITIZENS ARE NOT REGISTERED TO VOTE; TO PROVIDE
 4 THE NOTIFICATION REQUIRED WHEN A NON-UNITED STATES CITIZEN IS
 5 FOUND TO BE REGISTERED TO VOTE; TO PROVIDE THE DOCUMENTATION THAT
 6 MUST BE SUBMITTED AS PROOF OF CITIZENSHIP; TO AMEND SECTION
 7 23-15-165, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
 8 SECTION; TO REPEAL SECTION 23-15-15, MISSISSIPPI CODE OF 1972,
 9 WHICH PROVIDES THE DOCUMENTATION THAT A NATURALIZED CITIZEN MUST
 10 PRESENT IN ORDER TO REGISTER TO VOTE OR TO VOTE; AND FOR RELATED
 11 PURPOSES.

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

13 **SECTION 1.** (1) The Statewide Elections Management System
 14 shall be compared with the state's identification databases to
 15 ensure non-United States citizens are not registered to vote in
 16 this state. The Secretary of State is authorized to enter into a
 17 memorandum of understanding to compare the Statewide Elections
 18 Management System with relevant federal and state agencies and
 19 county records for the same purpose. If evidence exists that a
 20 particular registered voter is not a citizen of the United States,
 21 the Statewide Elections Management System shall notify the
 22 registrar, or his or her designee, where the person registered to



23 vote that the registered voter may not be a citizen of the United
24 States.

25 (2) After receiving the notice from the Statewide Elections
26 Management System as provided in subsection (1) of this section,
27 the registrar, or his or her designee, shall send a notice to the
28 registered voter inquiring whether the individual is eligible to
29 be registered to vote. Any registered voter who receives the
30 notice shall, within thirty (30) days of the receipt of such
31 notice, provide proof of citizenship to the registrar or his or
32 her designee. For purposes of this subsection (2), proof of
33 citizenship includes, but is not limited to:

34 (a) The voter's birth certificate or a legible
35 photocopy of the birth certificate;

36 (b) A United States passport, or a legible photocopy of
37 the pertinent pages of the passport, identifying the voter and
38 showing the passport number;

39 (c) The voter's United States naturalization
40 documentation, a legible photocopy of the naturalization
41 documentation, or the number of the voter's certificate of
42 naturalization; except that any person who provides the number of
43 the certificate of naturalization in lieu of the naturalization
44 documentation shall not be deemed to have provided proof of
45 citizenship until the Secretary of State verifies the number with
46 the United States citizenship and immigration services in the
47 department of Homeland Security or its successor; or



48 (d) Any document or method of proof of citizenship
49 established by the federal Immigration Reform and Control Act of
50 1986, Public Law 99-603, compiled in 8 U.S.C. Section 1101 et seq.

51 (3) If the registered voter does not provide proof of
52 citizenship within thirty (30) days of the receipt of the
53 notification, the registrar of the county, or his or her designee,
54 where the person registered to vote shall purge the voter from the
55 Statewide Elections Management System.

56 (4) In the event a person is unable to provide any
57 documentation listed in subsection (2) to show proof of
58 citizenship, the person may appeal to the board of election
59 commissioners of the county in which he or she attempted to
60 register and submit additional proof of citizenship in person or
61 in writing. The board of election commissioners shall conduct a
62 hearing and make a finding concerning the individual's citizenship
63 status and shall forward a copy of their decision to the
64 registrar, or his or her designee, of the county where the person
65 resides as established in Section 23-15-61. The Statewide
66 Elections Management System shall be changed by the registrar, or
67 his or her designee, to accurately reflect the decision of the
68 board of election commissioners with respect to such voter.

69 (5) All documentation provided to show proof of citizenship
70 as well as the Department of Public Safety database or relevant
71 federal and state agency and county records shall be confidential
72 and shall not be available for inspection by the public.



73 (6) The Secretary of State shall adopt the necessary rules
74 and regulations for the administration of this section.

75 **SECTION 2.** Section 23-15-165, Mississippi Code of 1972, is
76 amended as follows:

77 23-15-165. (1) The Office of the Secretary of State, in
78 cooperation with the county registrars and election commissioners,
79 shall procure, implement and maintain an electronic information
80 processing system and programs capable of maintaining a
81 centralized database of all registered voters in the state. The
82 system shall encompass software and hardware, at both the state
83 and county level, software development training, conversion and
84 support and maintenance for the system. This system shall be
85 known as the "Statewide Elections Management System" and shall
86 constitute the official record of registered voters in every
87 county of the state.

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

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

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

95 (c) Receive regular reports of death, changes of
96 address and convictions for disenfranchising crimes that apply to
97 voters registered in the county; * * *



98 (d) Retain all present functionality related to, but
99 not limited to, the use of voter roll data and to implement such
100 other functionality as the law requires to enhance the maintenance
101 of accurate county voter records and related jury selection and
102 redistricting programs * * *; and

103 (e) When evidence exists that a particular registered
104 voter may not be a citizen of the United States, send notification
105 to the registrar of the location where the person is registered to
106 vote.

107 (3) As a part of the procurement and implementation of the
108 system, the Office of the Secretary of State shall, with the
109 assistance of the advisory committee, procure services necessary
110 to convert current voter registration records in the counties into
111 a standard, industry accepted file format that can be used on the
112 Statewide Elections Management System. Thereafter, all official
113 voter information shall be maintained on the Statewide Elections
114 Management System. The standard industry accepted format of data
115 was reviewed and approved by a majority of the advisory committee
116 created in subsection (5) of this section after consultation with
117 the Circuit Clerks Association and the format may not be changed
118 without consulting the Circuit Clerks Association.

119 (4) The Secretary of State may, with the assistance of the
120 advisory committee, adopt rules and regulations necessary to
121 administer the Statewide Elections Management System. The rules
122 and regulations shall at least:



123 (a) Provide for the establishment and maintenance of a
124 centralized database for all voter registration information in the
125 state;

126 (b) Provide procedures for integrating data into the
127 centralized database;

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

132 (d) Provide the registrar or his or her designee or
133 other appropriate official, as the law may require, access to the
134 system at all times, including the ability to download copies of
135 the industry standard file, for all purposes related to their
136 official duties, including, but not limited to, exclusive access
137 for the purpose of printing all local pollbooks;

138 (e) Provide security and protection of all information
139 in the system and monitor the system to ensure that unauthorized
140 access is not allowed;

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

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



148 (5) The Secretary of State established an advisory committee
149 to assist in developing system specifications, procurement,
150 implementation and maintenance of the Statewide Elections
151 Management System. The committee included two (2) representatives
152 from the Circuit Clerks Association, appointed by the association;
153 two (2) representatives from the Election Commissioners
154 Association of Mississippi, appointed by the association; one (1)
155 member of the Mississippi Association of Supervisors, or its
156 staff, appointed by the association; the Director of the Stennis
157 Institute of Government at Mississippi State University, or his or
158 her designee; the Executive Director of the Department of
159 Information Technology Services, or his or her designee; two (2)
160 persons knowledgeable about elections and information technology
161 appointed by the Secretary of State; and the Secretary of State,
162 who shall serve as the chair of the advisory committee.

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

168 (b) Copies of statewide, district, county or municipal
169 voter registration files, excluding social security numbers,
170 telephone numbers and date of birth and age information, shall be
171 provided to any person in accordance with the Mississippi Public



172 Records Act of 1983 at a cost not to exceed the actual cost of
173 production.

174 **SECTION 3.** Section 23-15-15, Mississippi Code of 1972, which
175 provides that any person who has acquired citizenship by order or
176 decree of naturalization and who is otherwise qualified to
177 register and vote under the laws of the State of Mississippi shall
178 present or exhibit to the registrar of the county of his or her
179 residence, at or before the time he or she may offer to register,
180 a certified copy of the final order or decree of naturalization,
181 or a certificate of naturalization or duplicate thereof, or a
182 certified copy of such certificate of naturalization or duplicate
183 in order to be allowed to register or to vote, is repealed.

184 **SECTION 4.** This act shall take effect and be in force from
185 and after January 1, 2021.

