MISSISSIPPI LEGISLATURE
REGULAR SESSION 2021
By: Senator(s) Tate, England
To: Elections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2588

AN ACT TO CREATE NEW SECTION 23-15-152, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE COUNTY REGISTRAR OR COUNTY ELECTION COMMISSION SHALL REMOVE FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM THOSE ELECTORS WHO FAIL TO RESPOND TO A CONFIRMATION NOTICE FOR A PERIOD OF CONSECUTIVE YEARS; TO DEFINE THE TERMS "CONFIRMATION NOTICE" AND "FAIL TO RESPOND TO THE CONFIRMATION NOTICE"; TO REQUIRE ELECTION COMMISSIONERS TO SEND REGISTERED ELECTORS WHO DO NOT VOTE FOR A CERTAIN PERIOD A CONFIRMATION NOTICE; TO PROVIDE THE TIME FOR REMOVAL OF VOTER REGISTRATION RECORDS; TO PROVIDE FOR THE RETENTION OF REMOVED VOTER REGISTRATION RECORDS; TO AMEND SECTIONS 23-15-125 AND 23-15-153, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

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

23-15-152. (1) For the purposes of this section:

(a) "Confirmation notice" means a notice sent by the election commissioners, by forwardable mail, with return postage prepaid, on a form prescribed by the Secretary of State, to a registered elector to confirm the registered elector's current address. The notice shall comply with all applicable requirements of the National Voter Registration Act of 1993.
(b) An elector "fails to respond to the confirmation notice" if the elector, during a period of four (4) consecutive years beginning from the date of the delivery of the confirmation notice, fails to:

(i) Respond to the confirmation notice; or

(ii) Update the elector's registration information.

The period of four (4) consecutive years beginning from the date of the delivery of the confirmation notice required in this paragraph shall include two (2) general federal elections. This paragraph (b) shall not apply to any elector who votes at least once in any election in the elector's registered county during the period of four (4) consecutive years beginning from the date of the delivery of the confirmation notice.

(2) The election commissioners shall send each registered elector who has failed to vote at least once in the previous two (2) years a confirmation notice. The period of two (2) years under this subsection (2) shall include two (2) general federal elections.

(3) The county registrar or county election commission shall remove from the Statewide Elections Management System those electors who fail to respond to the confirmation notice required by subsection (2) of this section.
(4) No voter registration records shall be removed during the ninety (90) days immediately preceding a federal primary or general election.

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

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

23-15-125. The pollbook of each voting precinct shall designate the voting precinct for which it is to be used, and shall be ruled in appropriate columns, with printed or written headings, as follows: date of registration; voter registration number; name of electors; date of birth; and a number of blank columns for the dates of elections. All qualified applicants who register with the registrar shall be entered in the Statewide Elections Management System. Only the names of those qualified applicants who register within thirty (30) days before an election shall appear on the pollbooks of the election; however, if the thirtieth day to register before an election falls on a Sunday or legal holiday, the registration applications submitted on the business day immediately following the legal holiday shall be accepted and entered in the Statewide Elections Management System for the purpose of enabling voters to vote in the next election. When county election commissioners determine that any elector is
disqualified from voting, by reason of death, conviction of a
disenfranchising crime, removal from the jurisdiction, failure to
respond to the confirmation notice sent pursuant to Section
23-15-152, or other legal cause, that fact shall be noted in the
Statewide Elections Management System and the voter's name shall
be removed from the Statewide Elections Management System, the
state's voter roll and the county's pollbooks. Nothing in this
section shall preclude the use of electronic pollbooks.

amended as follows:

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

(a) On the Tuesday after the second Monday in January
1987 and every following year;
(b) On the first Tuesday in the month immediately preceding the first primary election for members of Congress in the years when members of Congress are elected;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(j) In counties having two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census or more, not more than two hundred forty (240) days per year, with no more than one hundred five (105) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year.
(3) In addition to the number of days authorized in subsection (2) of this section, the board of supervisors of a county may authorize, in its discretion, the election commissioners to receive a per diem in the amount provided for in subsection (2) of this section, to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System as required in subsection (1) of this section, not to exceed five (5) days.

(4) (a) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), to be paid from the county general fund, not to exceed ten (10) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System before any special election. For purposes of this paragraph, the regular special election day shall not be considered a special election. The annual limitations set forth in subsection (2) of this section shall not apply to this paragraph.
(b) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Fifty Dollars ($150.00), to be paid from the county general fund, for the performance of their duties on the day of any primary, runoff, general or special election. The annual limitations set forth in subsection (2) of this section shall apply to this paragraph.

(c) The board of supervisors may, in its discretion, pay the election commissioners an additional amount not to exceed Fifty Dollars ($50.00) for the performance of their duties at any election occurring from July 1, 2020, through December 31, 2020, which shall be considered additional pandemic pay. Such compensation shall be payable out of the county general fund, and may be payable from federal funds available for such purpose, or a combination of both funding sources.

(5) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), to be paid from the county general fund, not to exceed fourteen (14) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System and in the conduct of a runoff election following either a general or special election.

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

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

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

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

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

The certification form shall be as follows:

COUNTY ELECTION COMMISSIONER

PER DIEM CLAIM FORM

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TOTAL NUMBER OF PER DIEM DAYS EARNED

EXCLUDING ELECTION DAYS

PER DIEM RATE PER DAY EARNED  X $100.00

TOTAL NUMBER PER DIEM DAYS EARNED

FOR ELECTION DAYS

PER DIEM RATE PER DAY EARNED  X $150.00

TOTAL AMOUNT OF PER DIEM CLAIMED $
I understand that I am signing this document under my oath as an election commissioner and under penalties of perjury. I understand that I am requesting payment from taxpayer funds and that I have an obligation to be specific and truthful as to the amount of hours worked and the compensation I am requesting.

Signed this the ____ day of ____________, ___.

________________________
Commissioner's Signature

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

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

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

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

SECTION 4. This act shall take effect and be in force from and after July 1, 2021.