

By: Senator(s) Tate, England

To: Elections

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2588

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 ELECTORS WHO FAIL TO RESPOND TO A CONFIRMATION NOTICE  
5 FOR A PERIOD OF CONSECUTIVE YEARS; TO DEFINE THE TERMS  
6 "CONFIRMATION NOTICE" AND "FAIL TO RESPOND TO THE CONFORMATION  
7 NOTICE"; TO REQUIRE ELECTION COMMISSIONERS TO SEND REGISTERED  
8 ELECTORS WHO DO NOT VOTE FOR A CERTAIN PERIOD A CONFIRMATION  
9 NOTICE; TO PROVIDE THE TIME FOR REMOVAL OF VOTER REGISTRATION  
10 RECORDS; TO PROVIDE FOR THE RETENTION OF REMOVED VOTER  
11 REGISTRATION RECORDS; TO AMEND SECTIONS 23-15-125 AND 23-15-153,  
12 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND  
13 FOR RELATED PURPOSES.

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

15 **SECTION 1.** The following shall be codified as Section  
16 23-15-152, Mississippi Code of 1972:

17 23-15-152. (1) For the purposes of this section:

18 (a) "Confirmation notice" means a notice sent by the  
19 election commissioners, by forwardable mail, with return postage  
20 prepaid, on a form prescribed by the Secretary of State, to a  
21 registered elector to confirm the registered elector's current  
22 address. The notice shall comply with all applicable requirements  
23 of the National Voter Registration Act of 1993.



24           (b) An elector "fails to respond to the confirmation  
25 notice" if the elector, during a period of four (4) consecutive  
26 years beginning from the date of the delivery of the confirmation  
27 notice, fails to:

28                   (i) Respond to the confirmation notice; or

29                   (ii) Update the elector's registration  
30 information.

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

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

43           (3) The county registrar or county election commission shall  
44 remove from the Statewide Elections Management System those  
45 electors who fail to respond to the confirmation notice required  
46 by subsection (2) of this section.



47 (4) No voter registration records shall be removed during  
48 the ninety (90) days immediately preceding a federal primary or  
49 general election.

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

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

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



72 disqualified from voting, by reason of death, conviction of a  
73 disenfranchising crime, removal from the jurisdiction, failure to  
74 respond to the confirmation notice sent pursuant to Section  
75 23-15-152, or other legal cause, that fact shall be noted in the  
76 Statewide Elections Management System and the voter's name shall  
77 be removed from the Statewide Elections Management System, the  
78 state's voter roll and the county's pollbooks. Nothing in this  
79 section shall preclude the use of electronic pollbooks.

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

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

94           (a) On the Tuesday after the second Monday in January  
95 1987 and every following year;



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

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

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

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

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

117 (2) Except as provided in this section, and subject to the  
118 following annual limitations, the election commissioners shall be  
119 entitled to receive a per diem in the amount of One Hundred  
120 Dollars (\$100.00), to be paid from the county general fund, for



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

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

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

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



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

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

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

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

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



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

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

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

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





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

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



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

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

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

243 (6) The election commissioners shall be entitled to receive  
244 only one (1) per diem payment for those days when the election



245 commissioners discharge more than one (1) duty or responsibility  
246 on the same day.

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

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

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

268 (10) Every election commissioner shall sign personally a  
269 certification setting forth the number of hours actually worked in



270 the performance of the commissioner's official duties and for  
 271 which the commissioner seeks compensation. The certification must  
 272 be on a form as prescribed in this subsection. The commissioner's  
 273 signature is, as a matter of law, made under the commissioner's  
 274 oath of office and under penalties of perjury.

275 The certification form shall be as follows:

276 **COUNTY ELECTION COMMISSIONER**

277 **PER DIEM CLAIM FORM**

278 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

279 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

280 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

281		PURPOSE	APPLICABLE	ACTUAL	PER DIEM
282	DATE	BEGINNING	ENDING	OF	MS CODE
283	WORKED	TIME	TIME	WORK	SECTION
284	_____				
285	_____				
286	_____				

287 TOTAL NUMBER OF PER DIEM DAYS EARNED

288 EXCLUDING ELECTION DAYS \_\_\_\_\_

289 PER DIEM RATE PER DAY EARNED X \$100.00

290 TOTAL NUMBER PER DIEM DAYS EARNED

291 FOR ELECTION DAYS \_\_\_\_\_

292 PER DIEM RATE PER DAY EARNED X \$150.00

293 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_



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

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

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

300 \_\_\_\_\_

301 Commissioner's Signature

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

307 Any person may contest the accuracy of the certification in  
308 any respect by notifying the chair of the commission, any member  
309 of the board of supervisors or the clerk of the board of  
310 supervisors of the contest at any time before or after payment is  
311 made. If the contest is made before payment is made, no payment  
312 shall be made as to the contested certificate until the contest is  
313 finally disposed of. The person filing the contest shall be  
314 entitled to a full hearing, and the clerk of the board of  
315 supervisors shall issue subpoenas upon request of the contestor  
316 compelling the attendance of witnesses and production of documents  
317 and things. The contestor shall have the right to appeal de novo  
318 to the circuit court of the involved county, which appeal must be



319 perfected within thirty (30) days from a final decision of the  
320 commission, the clerk of the board of supervisors or the board of  
321 supervisors, as the case may be.

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

332 (11) Any election commissioner who has not received a  
333 certificate issued by the Secretary of State pursuant to Section  
334 23-15-211 indicating that the election commissioner has received  
335 the required elections seminar instruction and that the election  
336 commissioner is fully qualified to conduct an election, shall not  
337 receive any compensation authorized by this section or Section  
338 23-15-239.

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

