

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.



(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.

SECTION 3. Section 23-15-153, Mississippi Code of 1972, is 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;



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



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.



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



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



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	HOURS	DAYS
283	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

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 \$ _____



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.

