

By: Representatives Powell, Shanks, Calvert, Wallace, Smith, Newman, Ford (73rd), Barnett
To: Apportionment and Elections

HOUSE BILL NO. 4

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 primary, runoff,
219 general or special election. The annual limitations set forth in
220 subsection (2) of this section shall apply to this paragraph.

221 (c) The board of supervisors may, in its discretion,
222 pay the election commissioners an additional amount not to exceed
223 Fifty Dollars (\$50.00) for the performance of their duties at any
224 election occurring from July 1, 2020, through December 31, 2020,



225 which shall be considered additional pandemic pay. Such
226 compensation shall be payable out of the county general fund, and
227 may be payable from federal funds available for such purpose, or a
228 combination of both funding sources.

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

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

242 (7) In preparation for a municipal primary, runoff, general
243 or special election, the county registrar shall generate and
244 distribute the master voter roll and pollbooks from the Statewide
245 Elections Management System for the municipality located within
246 the county. The municipality shall pay the county registrar for
247 the actual cost of preparing and printing the municipal master
248 voter roll pollbooks. A municipality may secure "read only"



249 access to the Statewide Elections Management System and print its
250 own pollbooks using this information.

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

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

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

270 The certification form shall be as follows:

271 **COUNTY ELECTION COMMISSIONER**

272 **PER DIEM CLAIM FORM**

273 NAME: _____ COUNTY: _____



274 ADDRESS: _____ DISTRICT: _____

275 CITY: _____ ZIP: _____

276 PURPOSE APPLICABLE ACTUAL PER DIEM

277 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

278 WORKED TIME TIME WORK SECTION WORKED EARNED

279 _____

280 _____

281 _____

282 TOTAL NUMBER OF PER DIEM DAYS EARNED

283 EXCLUDING ELECTION DAYS _____

284 PER DIEM RATE PER DAY EARNED X \$100.00

285 TOTAL NUMBER PER DIEM DAYS EARNED

286 FOR ELECTION DAYS _____

287 PER DIEM RATE PER DAY EARNED X \$150.00

288 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

294 Signed this the _____ day of _____, ____.

295 _____

296 Commissioner's Signature

297 When properly completed and signed, the certification must be
298 filed with the clerk of the county board of supervisors before any



299 payment may be made. The certification will be a public record
300 available for inspection and reproduction immediately upon the
301 oral or written request of any person.

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

317 Any contestor who successfully contests any certification
318 will be awarded all expenses incident to his or her contest,
319 together with reasonable attorney's fees, which will be awarded
320 upon petition to the chancery court of the involved county upon
321 final disposition of the contest before the election commission,
322 board of supervisors, clerk of the board of supervisors, or, in
323 case of an appeal, final disposition by the court. The



324 commissioner against whom the contest is decided shall be liable
325 for the payment of the expenses and attorney's fees, and the
326 county shall be jointly and severally liable for same.

327 (11) Any election commissioner who has not received a
328 certificate issued by the Secretary of State pursuant to Section
329 23-15-211 indicating that the election commissioner has received
330 the required elections seminar instruction and that the election
331 commissioner is fully qualified to conduct an election, shall not
332 receive any compensation authorized by this section or Section
333 23-15-239.

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

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



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

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

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

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

357 (d) Retain all present functionality related to, but
358 not limited to, the use of voter roll data and to implement such
359 other functionality as the law requires to enhance the maintenance
360 of accurate county voter records and related jury selection and
361 redistricting programs.

362 (3) As a part of the procurement and implementation of the
363 system, the Office of the Secretary of State shall, with the
364 assistance of the advisory committee, procure services necessary
365 to convert current voter registration records in the counties into
366 a standard, industry accepted file format that can be used on the
367 Statewide Elections Management System. Thereafter, all official
368 voter information shall be maintained on the Statewide Elections
369 Management System. The standard industry accepted format of data
370 was reviewed and approved by a majority of the advisory committee
371 created in subsection (5) of this section after consultation with



372 the Circuit Clerks Association and the format may not be changed
373 without consulting the Circuit Clerks Association.

374 (4) The Secretary of State may, with the assistance of the
375 advisory committee, adopt rules and regulations necessary to
376 administer the Statewide Elections Management System. The rules
377 and regulations shall at least:

378 (a) Provide for the establishment and maintenance of a
379 centralized database for all voter registration information in the
380 state;

381 (b) Provide procedures for integrating data into the
382 centralized database;

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

387 (d) Provide the registrar or his or her designee or
388 other appropriate official, as the law may require, access to the
389 system at all times, including the ability to download copies of
390 the industry standard file, for all purposes related to their
391 official duties, including, but not limited to, exclusive access
392 for the purpose of printing all local pollbooks;

393 (e) Provide security and protection of all information
394 in the system and monitor the system to ensure that unauthorized
395 access is not allowed;



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

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

403 (5) The Secretary of State established an advisory committee
404 to assist in developing system specifications, procurement,
405 implementation and maintenance of the Statewide Elections
406 Management System. The committee included two (2) representatives
407 from the Circuit Clerks Association, appointed by the association;
408 two (2) representatives from the Election Commissioners
409 Association of Mississippi, appointed by the association; one (1)
410 member of the Mississippi Association of Supervisors, or its
411 staff, appointed by the association; the Director of the Stennis
412 Institute of Government at Mississippi State University, or his or
413 her designee; the Executive Director of the Department of
414 Information Technology Services, or his or her designee; two (2)
415 persons knowledgeable about elections and information technology
416 appointed by the Secretary of State; and the Secretary of State,
417 who shall serve as the chair of the advisory committee.

418 (6) (a) Social security numbers, telephone numbers and date
419 of birth and age information in statewide, district, county and
420 municipal voter registration files shall be exempt from and shall



421 not be subject to inspection, examination, copying or reproduction
422 under the Mississippi Public Records Act of 1983.

423 (b) Copies of statewide, district, county or municipal
424 voter registration files, excluding social security numbers,
425 telephone numbers and date of birth and age information, shall be
426 provided to any person in accordance with the Mississippi Public
427 Records Act of 1983 at a cost not to exceed the actual cost of
428 production.

429 **SECTION 5.** This act shall take effect and be in force from
430 and after July 1, 2021.

