

**Lost
AMENDMENT NO 1 PROPOSED TO**

Cmte Sub for Senate Bill No. 2588

BY: Senator(s) Blount

**Amend by striking all after the enacting clause and inserting
in lieu thereof the following:**

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;

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

31 (iii) Vote at least once in any election in the
32 elector's registered county or municipality during the period of
33 four (4) consecutive years beginning from the date of the delivery
34 of the confirmation notice.

35 (2) (a) Within six (6) months of the effective date of this
36 act, the election commissioners shall send each registered elector
37 who has failed to vote at least once in the previous two (2) years
38 a confirmation notice. The period of two (2) years under this
39 paragraph (a) shall include two (2) general statewide elections.

40 (b) Once within each calendar year thereafter, the
41 election commissioners shall send each registered elector who has
42 failed to vote at least once in the previous four (4) years a
43 confirmation notice.

44 (c) For electors who fail to respond to the
45 confirmation notice as defined in paragraph (b) of subsection (1)
46 of this section, the county registrar or county election
47 commission shall request verification from the Department of
48 Health that the voter has died and request verification from the



49 Secretary of State, the registrar of another county, or
50 appropriate official in another state that the voter has
51 registered elsewhere. The Secretary of State shall publish a list
52 of all electors identified by the Department of Health as presumed
53 to have died and a list of all electors presumed to have moved
54 their registration to another jurisdiction. Ninety (90) days
55 after publication and having received such verification and
56 finding it to be accurate beyond a reasonable doubt, the county
57 election commission shall remove the elector from the Statewide
58 Elections Management System. If after one hundred twenty (120)
59 days after publication the commission has failed to act, the
60 Secretary of State may remove from the Statewide Elections
61 Management System those electors who fail to respond to the
62 confirmation notice as defined by subsection (2) of this section.

63 (3) An elector who is removed from the Statewide Elections
64 Management System under this section may cast an affidavit ballot
65 in an election held within twelve (12) months and such ballot will
66 be counted and the elector shall be returned to the Statewide
67 Elections Management System as a duly registered voter.

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

71 (5) The county registrar shall retain removed voter
72 registration records after they are removed for a period that



73 includes at least two (2) federal general elections and shall
74 record the reason for the removal.

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

77 23-15-125. The pollbook of each voting precinct shall
78 designate the voting precinct for which it is to be used, and
79 shall be ruled in appropriate columns, with printed or written
80 headings, as follows: date of registration; voter registration
81 number; name of electors; date of birth; and a number of blank
82 columns for the dates of elections. All qualified applicants who
83 register with the registrar shall be entered in the Statewide
84 Elections Management System. Only the names of those qualified
85 applicants who register within thirty (30) days before an election
86 shall appear on the pollbooks of the election; however, if the
87 thirtieth day to register before an election falls on a Sunday or
88 legal holiday, the registration applications submitted on the
89 business day immediately following the legal holiday shall be
90 accepted and entered in the Statewide Elections Management System
91 for the purpose of enabling voters to vote in the next election.
92 When county election commissioners determine that any elector is
93 disqualified from voting, by reason of death, conviction of a
94 disenfranchising crime, removal from the jurisdiction, failure to
95 respond to the confirmation notice sent pursuant to Section
96 23-15-152, or other legal cause, that fact shall be noted in the
97 Statewide Elections Management System and the voter's name shall



98 be removed from the Statewide Elections Management System, the
99 state's voter roll and the county's pollbooks. Nothing in this
100 section shall preclude the use of electronic pollbooks.

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

103 23-15-153. (1) At least during the following times, the
104 election commissioners shall meet at the office of the registrar
105 or the office of the election commissioners to carefully revise
106 the county voter roll as electronically maintained by the
107 Statewide Elections Management System and remove from the roll the
108 names of all voters who have requested to be purged from the voter
109 roll, died, received an adjudication of non compos mentis, been
110 convicted of a disenfranchising crime, failed to respond to the
111 confirmation notice sent pursuant to Section 23-15-152, or
112 otherwise become disqualified as electors for any cause, and shall
113 register the names of all persons who have duly applied to be
114 registered but have been illegally denied registration:

115 (a) On the Tuesday after the second Monday in January
116 1987 and every following year;

117 (b) On the first Tuesday in the month immediately
118 preceding the first primary election for members of Congress in
119 the years when members of Congress are elected;

120 (c) On the first Monday in the month immediately
121 preceding the first primary election for state, state district



122 legislative, county and county district offices in the years in
123 which those offices are elected; * * *

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

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

128 Except for the names of those voters who are duly qualified
129 to vote in the election, no name shall be permitted to remain in
130 the Statewide Elections Management System; however, no name shall
131 be purged from the Statewide Elections Management System based on
132 a change in the residence of an elector except in accordance with
133 procedures provided for by the National Voter Registration Act of
134 1993. Except as otherwise provided by Section 23-15-573, no
135 person shall vote at any election whose name is not in the county
136 voter roll electronically maintained by the Statewide Elections
137 Management System.

138 (2) Except as provided in this section, and subject to the
139 following annual limitations, the election commissioners shall be
140 entitled to receive a per diem in the amount of One Hundred
141 Dollars (\$100.00), to be paid from the county general fund, for
142 every day or period of no less than five (5) hours accumulated
143 over two (2) or more days actually employed in the performance of
144 their duties in the conduct of an election or actually employed in
145 the performance of their duties for the necessary time spent in
146 the revision of the county voter roll as electronically maintained



147 by the Statewide Elections Management System as required in
148 subsection (1) of this section:

149 (a) In counties having less than fifteen thousand
150 (15,000) residents according to the latest federal decennial
151 census, not more than fifty (50) days per year, with no more than
152 fifteen (15) additional days allowed for the conduct of each
153 election in excess of one (1) occurring in any calendar year;

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

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

168 (d) In counties having seventy thousand (70,000)
169 residents according to the latest federal decennial census but
170 less than ninety thousand (90,000) residents according to the
171 latest federal decennial census, not more than one hundred



172 twenty-five (125) days per year, with no more than forty-five (45)
173 additional days allowed for the conduct of each election in excess
174 of one (1) occurring in any calendar year;

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

182 (f) In counties having one hundred seventy thousand
183 (170,000) residents according to the latest federal decennial
184 census but less than two hundred thousand (200,000) residents
185 according to the latest federal decennial census, not more than
186 one hundred seventy-five (175) days per year, with no more than
187 sixty-five (65) additional days allowed for the conduct of each
188 election in excess of one (1) occurring in any calendar year;

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



196 (h) In counties having two hundred twenty-five thousand
197 (225,000) residents according to the latest federal decennial
198 census but less than two hundred fifty thousand (250,000)
199 residents according to the latest federal decennial census, not
200 more than two hundred fifteen (15) days per year, with no more
201 than eighty-five (85) additional days allowed for the conduct of
202 each election in excess of one (1) occurring in any calendar year;

203 (i) In counties having two hundred fifty thousand
204 (250,000) residents according to the latest federal decennial
205 census but less than two hundred seventy-five thousand (275,000)
206 residents according to the latest federal decennial census, not
207 more than two hundred thirty (30) days per year, with no more
208 than ninety-five (95) additional days allowed for the conduct of
209 each election in excess of one (1) occurring in any calendar year;

210 (j) In counties having two hundred seventy-five
211 thousand (275,000) residents according to the latest federal
212 decennial census or more, not more than two hundred forty (40)
213 days per year, with no more than one hundred five (105) additional
214 days allowed for the conduct of each election in excess of one (1)
215 occurring in any calendar year.

216 (3) In addition to the number of days authorized in
217 subsection (2) of this section, the board of supervisors of a
218 county may authorize, in its discretion, the election
219 commissioners to receive a per diem in the amount provided for in
220 subsection (2) of this section, to be paid from the county general



221 fund, for every day or period of no less than five (5) hours
222 accumulated over two (2) or more days actually employed in the
223 performance of their duties in the conduct of an election or
224 actually employed in the performance of their duties for the
225 necessary time spent in the revision of the county voter roll as
226 electronically maintained by the Statewide Elections Management
227 System as required in subsection (1) of this section, not to
228 exceed five (5) days.

229 (4) (a) The election commissioners shall be entitled to
230 receive a per diem in the amount of One Hundred Dollars (\$100.00),
231 to be paid from the county general fund, not to exceed ten (10)
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 before any special
237 election. For purposes of this paragraph, the regular special
238 election day shall not be considered a special election. The
239 annual limitations set forth in subsection (2) of this section
240 shall not apply to this paragraph.

241 (b) The election commissioners shall be entitled to
242 receive a per diem in the amount of One Hundred Fifty Dollars
243 (\$150.00), to be paid from the county general fund, for the
244 performance of their duties on the day of any primary, runoff,



245 general or special election. The annual limitations set forth in
246 subsection (2) of this section shall apply to this paragraph.

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

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

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

268 (7) In preparation for a municipal primary, runoff, general
269 or special election, the county registrar shall generate and



270 distribute the master voter roll and pollbooks from the Statewide
271 Elections Management System for the municipality located within
272 the county. The municipality shall pay the county registrar for
273 the actual cost of preparing and printing the municipal master
274 voter roll pollbooks. A municipality may secure "read only"
275 access to the Statewide Elections Management System and print its
276 own pollbooks using this information.

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

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

289 (10) Every election commissioner shall sign personally a
290 certification setting forth the number of hours actually worked in
291 the performance of the commissioner's official duties and for
292 which the commissioner seeks compensation. The certification must
293 be on a form as prescribed in this subsection. The commissioner's



294 signature is, as a matter of law, made under the commissioner's
295 oath of office and under penalties of perjury.

296 The certification form shall be as follows:

297 **COUNTY ELECTION COMMISSIONER**

298 **PER DIEM CLAIM FORM**

299 NAME: _____ COUNTY: _____

300 ADDRESS: _____ DISTRICT: _____

301 CITY: _____ ZIP: _____

302				PURPOSE	APPLICABLE	ACTUAL	PER DIEM
303	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
304	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

305 _____
306 _____
307 _____

308 TOTAL NUMBER OF PER DIEM DAYS EARNED

309 EXCLUDING ELECTION DAYS _____

310 PER DIEM RATE PER DAY EARNED X \$100.00

311 TOTAL NUMBER PER DIEM DAYS EARNED

312 FOR ELECTION DAYS _____

313 PER DIEM RATE PER DAY EARNED X \$150.00

314 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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



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

320 Signed this the _____ day of _____, ____.

321

Commissioner's Signature

322
323 When properly completed and signed, the certification must be
324 filed with the clerk of the county board of supervisors before any
325 payment may be made. The certification will be a public record
326 available for inspection and reproduction immediately upon the
327 oral or written request of any person.

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



341 commission, the clerk of the board of supervisors or the board of
342 supervisors, as the case may be.

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

353 (11) Any election commissioner who has not received a
354 certificate issued by the Secretary of State pursuant to Section
355 23-15-211 indicating that the election commissioner has received
356 the required elections seminar instruction and that the election
357 commissioner is fully qualified to conduct an election, shall not
358 receive any compensation authorized by this section or Section
359 23-15-239.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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.

