

By: Senator(s) Tate

To: Elections

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) Vote at the elector's registered precinct at
29 least once;

30 (ii) Respond to the confirmation notice; or

31 (iii) Update the elector's registration
32 information.

33 The period of four (4) consecutive years beginning from the
34 date of the delivery of the confirmation notice required in this
35 paragraph shall include two (2) general federal elections.

36 (2) The election commissioners shall send each registered
37 elector who has failed to vote at least once in the previous two
38 (2) years a confirmation notice.

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

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

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



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

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

52 23-15-125. The pollbook of each voting precinct shall
53 designate the voting precinct for which it is to be used, and
54 shall be ruled in appropriate columns, with printed or written
55 headings, as follows: date of registration; voter registration
56 number; name of electors; date of birth; and a number of blank
57 columns for the dates of elections. All qualified applicants who
58 register with the registrar shall be entered in the Statewide
59 Elections Management System. Only the names of those qualified
60 applicants who register within thirty (30) days before an election
61 shall appear on the pollbooks of the election; however, if the
62 thirtieth day to register before an election falls on a Sunday or
63 legal holiday, the registration applications submitted on the
64 business day immediately following the legal holiday shall be
65 accepted and entered in the Statewide Elections Management System
66 for the purpose of enabling voters to vote in the next election.
67 When county election commissioners determine that any elector is
68 disqualified from voting, by reason of death, conviction of a
69 disenfranchising crime, removal from the jurisdiction, failure to
70 respond to the confirmation notice sent pursuant to Section
71 23-15-152, or other legal cause, that fact shall be noted in the
72 Statewide Elections Management System and the voter's name shall



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

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

78 23-15-153. (1) At least during the following times, the
79 election commissioners shall meet at the office of the registrar
80 or the office of the election commissioners to carefully revise
81 the county voter roll as electronically maintained by the
82 Statewide Elections Management System and remove from the roll the
83 names of all voters who have requested to be purged from the voter
84 roll, died, received an adjudication of non compos mentis, been
85 convicted of a disenfranchising crime, failed to respond to the
86 confirmation notice sent pursuant to Section 23-15-152 or
87 otherwise become disqualified as electors for any cause, and shall
88 register the names of all persons who have duly applied to be
89 registered but have been illegally denied registration:

90 (a) On the Tuesday after the second Monday in January
91 1987 and every following year;

92 (b) On the first Tuesday in the month immediately
93 preceding the first primary election for members of Congress in
94 the years when members of Congress are elected;

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



97 legislative, county and county district offices in the years in
98 which those offices are elected; * * *

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

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

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

113 (2) Except as provided in this section, and subject to the
114 following annual limitations, the election commissioners shall be
115 entitled to receive a per diem in the amount of One Hundred
116 Dollars (\$100.00), to be paid from the county general fund, for
117 every day or period of no less than five (5) hours accumulated
118 over two (2) or more days actually employed in the performance of
119 their duties in the conduct of an election or actually employed in
120 the performance of their duties for the necessary time spent in
121 the revision of the county voter roll as electronically maintained



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

124 (a) In counties having less than fifteen thousand
125 (15,000) residents according to the latest federal decennial
126 census, not more than fifty (50) days per year, with no more than
127 fifteen (15) additional days allowed for the conduct of each
128 election in excess of one (1) occurring in any calendar year;

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

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

143 (d) In counties having seventy thousand (70,000)
144 residents according to the latest federal decennial census but
145 less than ninety thousand (90,000) residents according to the
146 latest federal decennial census, not more than one hundred



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

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

157 (f) In counties having one hundred seventy thousand
158 (170,000) residents according to the latest federal decennial
159 census but less than two hundred thousand (200,000) residents
160 according to the latest federal decennial census, not more than
161 one hundred seventy-five (175) days per year, with no more than
162 sixty-five (65) additional days allowed for the conduct of each
163 election in excess of one (1) occurring in any calendar year;

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



171 (h) In counties having two hundred twenty-five thousand
172 (225,000) residents according to the latest federal decennial
173 census but less than two hundred fifty thousand (250,000)
174 residents according to the latest federal decennial census, not
175 more than two hundred fifteen (215) days per year, with no more
176 than eighty-five (85) additional days allowed for the conduct of
177 each election in excess of one (1) occurring in any calendar year;

178 (i) In counties having two hundred fifty thousand
179 (250,000) residents according to the latest federal decennial
180 census but less than two hundred seventy-five thousand (275,000)
181 residents according to the latest federal decennial census, not
182 more than two hundred thirty (230) days per year, with no more
183 than ninety-five (95) additional days allowed for the conduct of
184 each election in excess of one (1) occurring in any calendar year;

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

191 (3) In addition to the number of days authorized in
192 subsection (2) of this section, the board of supervisors of a
193 county may authorize, in its discretion, the election
194 commissioners to receive a per diem in the amount provided for in
195 subsection (2) of this section, to be paid from the county general



196 fund, for every day or period of no less than five (5) hours
197 accumulated over two (2) or more days actually employed in the
198 performance of their duties in the conduct of an election or
199 actually employed in the performance of their duties for the
200 necessary time spent in the revision of the county voter roll as
201 electronically maintained by the Statewide Elections Management
202 System as required in subsection (1) of this section, not to
203 exceed five (5) days.

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

216 (b) The election commissioners shall be entitled to
217 receive a per diem in the amount of One Hundred Fifty Dollars
218 (\$150.00), to be paid from the county general fund, for the
219 performance of their duties on the day of any primary, runoff,



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

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

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

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

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



245 distribute the master voter roll and pollbooks from the Statewide
246 Elections Management System for the municipality located within
247 the county. The municipality shall pay the county registrar for
248 the actual cost of preparing and printing the municipal master
249 voter roll pollbooks. A municipality may secure "read only"
250 access to the Statewide Elections Management System and print its
251 own pollbooks using this information.

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

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

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



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

271 The certification form shall be as follows:

272 **COUNTY ELECTION COMMISSIONER**

273 **PER DIEM CLAIM FORM**

274 NAME: _____ COUNTY: _____

275 ADDRESS: _____ DISTRICT: _____

276 CITY: _____ ZIP: _____

277		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
278	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
279	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

280 _____

281 _____

282 _____

283 TOTAL NUMBER OF PER DIEM DAYS EARNED

284 EXCLUDING ELECTION DAYS _____

285 PER DIEM RATE PER DAY EARNED X \$100.00

286 TOTAL NUMBER PER DIEM DAYS EARNED

287 FOR ELECTION DAYS _____

288 PER DIEM RATE PER DAY EARNED X \$150.00

289 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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



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

295 Signed this the _____ day of _____, ____.

296 _____

297 Commissioner's Signature

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

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



316 commission, the clerk of the board of supervisors or the board of
317 supervisors, as the case may be.

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

328 (11) Any election commissioner who has not received a
329 certificate issued by the Secretary of State pursuant to Section
330 23-15-211 indicating that the election commissioner has received
331 the required elections seminar instruction and that the election
332 commissioner is fully qualified to conduct an election, shall not
333 receive any compensation authorized by this section or Section
334 23-15-239.

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

