

By: Representative Porter

To: Constitution; Judiciary
B

HOUSE BILL NO. 1116

1 AN ACT TO PROVIDE FULL SUFFRAGE RESTORATION TO ANY PERSON
 2 DISQUALIFIED BY REASON OF CRIMINAL CONVICTION; TO AMEND SECTION
 3 23-15-11, MISSISSIPPI CODE OF 1972, TO REVISE WHO SHALL BE
 4 CONSIDERED A QUALIFIED ELECTOR; TO AMEND SECTION 23-15-19,
 5 MISSISSIPPI CODE OF 1972, TO REQUIRE THE SECRETARY OF STATE AND
 6 MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COLLABORATE TO ENSURE
 7 VOTERS ARE PLACED BACK ON VOTER ROLLS; TO AMEND SECTION 23-15-47,
 8 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
 9 AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972, TO REQUIRE
 10 TRAINING FOR ELECTIONS COMMISSIONERS TO ENSURE VOTERS WHO WERE
 11 DISENFRANCHISED ARE ALLOWED TO REGISTER TO VOTE; TO AMEND SECTION
 12 23-15-223, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
 13 SECTION; AND FOR RELATED PURPOSES.

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

15 **SECTION 1.** (1) The right of suffrage is hereby fully
 16 restored to any person disqualified by reason of criminal
 17 conviction upon sentence completion.

18 (2) For purposes of this act, the term "sentence" means, and
 19 is limited to, the term of incarceration, probation, and parole
 20 for a disqualifying conviction.

21 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is
 22 amended as follows:



23 23-15-11. Every inhabitant of this state, except persons
24 adjudicated to be non compos mentis, who is a citizen of the
25 United States of America, eighteen (18) years old and upwards, who
26 has resided in this state for thirty (30) days and for thirty (30)
27 days in the county in which he or she seeks to vote, and for
28 thirty (30) days in the incorporated municipality in which he or
29 she seeks to vote, and who, has been duly registered as an
30 elector under Section 23-15-33, and who * * * if convicted of vote
31 fraud or of any crime listed in Section 241, Mississippi
32 Constitution of 1890, has completed his or her sentence as defined
33 in Section 1 of this act, shall be a qualified elector in and for
34 the county, municipality and voting precinct of his or her
35 residence, and shall be entitled to vote at any election upon
36 compliance with Section 23-15-563. If the thirtieth day to
37 register before an election falls on a Sunday or legal holiday,
38 the registration applications submitted on the business day
39 immediately following the Sunday or legal holiday shall be
40 accepted and entered in the Statewide Elections Management System
41 for the purpose of enabling voters to vote in the next election.
42 Any person who will be eighteen (18) years of age or older on or
43 before the date of the general election and who is duly registered
44 to vote not less than thirty (30) days before the primary election
45 associated with the general election, may vote in the primary
46 election even though the person has not reached his or her
47 eighteenth birthday at the time that the person seeks to vote at



48 the primary election. No others than those specified in this
49 section shall be entitled, or shall be allowed, to vote at any
50 election.

51 **SECTION 3.** Section 23-15-19, Mississippi Code of 1972, is
52 amended as follows:

53 23-15-19. (1) * * * Except when prohibited under subsection
54 (2), any person who has been convicted of vote fraud or any crime
55 listed in Section 241, Mississippi Constitution of 1890, such
56 crimes defined as "disenfranchising," shall not be
57 registered * * * if the person seeking registration has not yet
58 completed his or her sentence as defined in Section 1 of this act
59 or if registered the name of the person shall be removed from the
60 Statewide Elections Management System by the registrar or the
61 election commissioners of the county of his or her residence if
62 the person at the time of removal has not yet completed his or her
63 sentence as defined in Section 1 of this act. Whenever any person
64 shall be convicted in the circuit court of his or her county of a
65 disenfranchising crime, the county registrar shall thereupon
66 remove his or her name from the Statewide Elections Management
67 System; and whenever any person shall be convicted of a
68 disenfranchising crime in any other court of any county, the
69 presiding judge of the court shall, on demand, certify the fact in
70 writing to the registrar of the county in which the voter resides,
71 who shall thereupon remove the name of the person from the



72 Statewide Elections Management System and retain the certificate
73 as a record of his or her office.

74 (2) The Secretary of State shall be responsible for ensuring
75 that the public can access through the Secretary of State's
76 website and a phone number the following: (a) an up-to-date list
77 of which crimes, by criminal code statute citation, are
78 disenfranchising and which crimes are not; and (b) the criteria
79 people convicted of disenfranchising crimes must satisfy to become
80 refranchised.

81 (3) The Secretary of State, working with the Mississippi
82 Department of Corrections if necessary, shall be solely
83 responsible for ensuring that all officials responsible for
84 registering voters, including circuit clerks and/or election
85 commissioners, have up-to-date Internet-based electronic means by
86 which to determine whether a person has been convicted of a
87 disenfranchising offense, according to its statutory code
88 citation, and whether he or she has completed his or her sentence
89 as defined in Section 1 of this act. An affirmative determination
90 shall be a complete defense in criminal cases where an elector
91 relied upon it to register to vote or to vote. A person seeking
92 to vote shall not be made to furnish documentary evidence or other
93 proof of sentence completion in order to register to vote or vote.

94 (4) No person may be denied the right to register to vote
95 and cast a ballot on the basis of his or her conviction of a



96 disenfranchising offense after sentence completion as defined in
97 Section 1 of this act.

98 **SECTION 4.** Section 23-15-47, Mississippi Code of 1972, is
99 amended as follows:

100 23-15-47. (1) Any person who is qualified to register to
101 vote in the State of Mississippi may register to vote by mail-in
102 application in the manner prescribed in this section.

103 (2) The following procedure shall be used in the
104 registration of electors by mail:

105 (a) Any qualified elector may register to vote by
106 mailing or delivering a completed mail-in application to his or
107 her county registrar at least thirty (30) days before any
108 election; however, if the thirtieth day to register before an
109 election falls on a Sunday or legal holiday, the registration
110 applications submitted on the business day immediately following
111 the Sunday or legal holiday shall be accepted and entered into the
112 Statewide Elections Management System for the purpose of enabling
113 voters to vote in the next election. The postmark date of a
114 mailed application shall be the applicant's date of registration.

115 (b) Upon receipt of a mail-in application, the county
116 registrar shall stamp the application with the date of receipt,
117 and shall verify the application either by matching the
118 applicant's Mississippi driver's license number through the
119 Mississippi Department of Public Safety or by matching the
120 applicant's social security number through the American



121 Association of Motor Vehicle Administrators. Within fourteen (14)
122 days of receipt of a mail-in registration application, the county
123 registrar shall complete action on the application, including any
124 attempts to notify the applicant of the status of his or her
125 application.

126 (c) If the county registrar determines that the
127 applicant is qualified and his or her application is legible and
128 complete, the county registrar shall mail the applicant written
129 notification that the application has been approved, specifying
130 the county voting precinct, municipal voting precinct, if any,
131 polling place and supervisor district in which the person shall
132 vote. This written notification of approval containing the
133 specified information shall be the voter's registration card. The
134 registration card shall be provided by the county registrar to the
135 applicant in accordance with Section 23-15-39. Upon entry of the
136 voter registration information into the Statewide Elections
137 Management System, the system shall assign a voter registration
138 number to the applicant. The assigned voter registration number
139 shall be clearly shown on the written notification of approval.
140 In mailing the written notification, the county registrar shall
141 note the following on the envelope: "DO NOT FORWARD". If any
142 registration notification form is returned as undeliverable, the
143 voter's registration shall be void.

144 (d) A mail-in application shall be rejected for any of
145 the following reasons:



146 (i) An incomplete portion of the application makes
147 it impossible for the registrar to determine the eligibility of
148 the applicant to register;

149 (ii) A portion of the application is illegible in
150 the opinion of the county registrar and makes it impossible to
151 determine the eligibility of the applicant to register;

152 (iii) The county registrar is unable to determine,
153 from the address and information stated on the application, the
154 precinct in which the voter should be assigned or the supervisor
155 district in which he or she is entitled to vote;

156 (iv) The applicant is not qualified to register to
157 vote pursuant to Section 23-15-11;

158 (v) The county registrar determines that the
159 applicant is already registered as a qualified elector of the
160 county;

161 (vi) The county registrar is unable to verify the
162 application pursuant to subsection (2)(b) of this section.

163 (e) If the mail-in application of a person is subject
164 to rejection for any of the reasons set forth in paragraph (d)(i)
165 through (iii) of this subsection, and it appears to the county
166 registrar that the defect or omission is of such a minor nature
167 and that any necessary additional information may be supplied by
168 the applicant over the telephone or by further correspondence, the
169 county registrar may write or call the applicant at the telephone
170 number or address, or both, provided on the application. If the



171 county registrar is able to contact the applicant by mail or
172 telephone, the county registrar shall attempt to ascertain the
173 necessary information, and if this information is sufficient for
174 the registrar to complete the application, the applicant shall be
175 registered. If the necessary information cannot be obtained by
176 mail or telephone, or is not sufficient to complete the
177 application within fourteen (14) days of receipt, the county
178 registrar shall give the applicant written notice of the rejection
179 and provide the reason for the rejection. The county registrar
180 shall further inform the applicant that he or she has a right to
181 attempt to register by appearing in person or by filing another
182 mail-in application.

183 (f) If a mail-in application is subject to rejection
184 for the reason stated in paragraph (d)(v) of this subsection and
185 the "present home address" portion of the application is different
186 from the residence address for the applicant found in the
187 Statewide Elections Management System, the mail-in application
188 shall be deemed a written request to update the voter's
189 registration pursuant to Section 23-15-13. The county registrar
190 or the election commissioners shall update the voter's residence
191 address in the Statewide Elections Management System and, if
192 necessary, advise the voter of a change in the location of his or
193 her county or municipal polling place by mailing the voter a new
194 voter registration card.



195 (3) The instructions and the application form for voter
196 registration by mail shall be in a form established by rule duly
197 adopted by the Secretary of State, and both shall state that a
198 person is fully and completely qualified to register to vote and
199 cast a ballot after his or her conviction of a disenfranchising
200 offense upon sentence completion as defined in Section 1 of this
201 act.

202 (4) (a) The Secretary of State shall prepare and furnish
203 without charge the necessary forms for application for voter
204 registration by mail to each county registrar, municipal clerk,
205 all public schools, each private school that requests such
206 applications, and all public libraries.

207 (b) The Secretary of State shall distribute without
208 charge sufficient forms for application for voter registration by
209 mail to the Commissioner of Public Safety, who shall distribute
210 the forms to each driver's license examining and renewal station
211 in the state, and shall ensure that the forms are regularly
212 available to the public at such stations.

213 (c) Bulk quantities of forms for application for voter
214 registration by mail shall be furnished by the Secretary of State
215 to any person or organization. The Secretary of State shall
216 charge a person or organization the actual cost he or she incurs
217 in providing bulk quantities of forms for application for voter
218 registration to such person or organization.



219 (5) The originals of completed mail-in applications shall
220 remain on file in the office of the county registrar with copies
221 retained in the Statewide Elections Management System.

222 (6) If the applicant indicates on the application that he or
223 she resides within the city limits of a city or town in the county
224 of registration, the county registrar shall enter the information
225 into the Statewide Elections Management System.

226 (7) If the applicant indicates on the application that he or
227 she has previously registered to vote in another county of this
228 state or another state, notice to the voter's previous county of
229 registration in this state shall be provided through the Statewide
230 Elections Management System. If the voter's previous place of
231 registration was in another state, notice shall be provided to the
232 voter's previous state of residence.

233 (8) Any person who attempts to register to vote by mail
234 shall be subject to the penalties for false registration provided
235 for in Section 23-15-17.

236 **SECTION 5.** Section 23-15-213, Mississippi Code of 1972, is
237 amended as follows:

238 **[Until December 31, 2022, this section shall read as**
239 **follows:]**

240 23-15-213. (1) At the general election in 2020, there shall
241 be elected five (5) election commissioners for each county whose
242 terms of office shall commence on the first Monday of January
243 following their election. Each of the commissioners shall be



244 required to attend a training seminar provided by the Secretary of
245 State and satisfactorily complete a skills assessment, which shall
246 include adequate training, including on an up-to-date database, to
247 ensure that persons are not denied the right to register to vote
248 and cast a ballot on the basis of his or her conviction of a
249 disenfranchising offense, according to its statutory code
250 citation, after sentence completion as defined in Section 1 of
251 this act, and before acting, shall take and subscribe the oath of
252 office prescribed by the Constitution. The oath shall be filed in
253 the office of the clerk of the chancery court. Upon filing the
254 oath of office, the election commissioner may be provided access
255 to the Statewide Elections Management System for the purpose of
256 performing his or her duties. While engaged in their duties, the
257 commissioners shall be conservators of the peace in the county,
258 with all the duties and powers of such. This subsection's
259 requirement to attend a training seminar provided by the Secretary
260 of State as described in this subsection is effective immediately
261 upon passage such that election commissioners overseeing the 2022
262 elections shall be so trained.

263 (2) The qualified electors of each supervisors district
264 shall elect, at the general election in 2020, in their district
265 one (1) election commissioner. The election commissioners from
266 board of supervisors' Districts One, Three and Five shall serve
267 for a term of four (4) years. The election commissioners from
268 board of supervisors' Districts Two and Four shall serve for a



269 term of three (3) years. No more than one (1) commissioner shall
270 be a resident of and reside in each supervisors district of the
271 county; it being the purpose of this section that the county board
272 of election commissioners shall consist of one (1) person from
273 each supervisors district of the county and that each commissioner
274 be elected from the supervisors district in which he or she
275 resides.

276 (3) Candidates for county election commissioner shall
277 qualify by filing with the clerk of the board of supervisors of
278 their respective counties a petition personally signed by not less
279 than fifty (50) qualified electors of the supervisors district in
280 which they reside, requesting that they be a candidate, by 5:00
281 p.m. not later than the first Monday in June of the year in which
282 the election occurs and unless the petition is filed within the
283 required time, their names shall not be placed upon the ballot.
284 All candidates shall declare in writing their party affiliation,
285 if any, to the board of supervisors, and such party affiliation
286 shall be shown on the official ballot.

287 (4) The petition shall have attached thereto a certificate
288 of the county registrar showing the number of qualified electors
289 on each petition, which shall be furnished by the registrar on
290 request. The board shall determine the sufficiency of the
291 petition, and if the petition contains the required number of
292 signatures and is filed within the time required, the president of
293 the board shall verify that the candidate is a resident of the



294 supervisors district in which he or she seeks election and that
295 the candidate is otherwise qualified as provided by law, and shall
296 certify that the candidate is qualified to the chair or secretary
297 of the county election commission and the names of the candidates
298 shall be placed upon the ballot for the ensuing election. No
299 county election commissioner shall serve or be considered as
300 elected until he or she has received a majority of the votes cast
301 for the position or post for which he or she is a candidate. If a
302 majority vote is not received in the first election, then the two
303 (2) candidates receiving the most votes for each position or post
304 shall be placed upon the ballot for a second election to be held
305 three (3) weeks later in accordance with appropriate procedures
306 followed in other elections involving runoff candidates.

307 (5) Upon taking office, the county election commissioners
308 shall organize by electing a chair and a secretary.

309 (6) It shall be the duty of the chair to have the official
310 ballot printed and distributed at each general or special
311 election.

312 **[From and after January 1, 2023, this section shall read as**
313 **follows:]**

314 23-15-213. (1) There shall be elected five (5) election
315 commissioners for each county whose terms of office shall commence
316 on the first Monday of January following their election and who
317 shall serve for a term of four (4) years. Each of the
318 commissioners shall be required to attend a training seminar



319 provided by the Secretary of State and satisfactorily complete a
320 skills assessment, which shall include adequate training,
321 including on an up-to-date database, to ensure that persons are
322 not denied the right to register to vote and cast a ballot on the
323 basis of his or her conviction of a disenfranchising offense,
324 according to its statutory code citation, after sentence
325 completion as defined in Section 1 of this act, and before acting,
326 shall take and subscribe the oath of office prescribed by the
327 Constitution. The oath shall be filed in the office of the clerk
328 of the chancery court. Upon filing the oath of office, the
329 election commissioner may be provided access to the Statewide
330 Elections Management System for the purpose of performing his or
331 her duties. While engaged in their duties, the commissioners
332 shall be conservators of the peace in the county, with all the
333 duties and powers of such. This subsection's requirement to
334 attend a training seminar provided by the Secretary of State as
335 described in this subsection is effective immediately upon passage
336 such that election commissioners overseeing the 2022 elections
337 shall be so trained.

338 (2) (a) At the general election in 2024 and every four (4)
339 years thereafter, the qualified electors of the board of
340 supervisors' Districts One, Three and Five shall elect in their
341 district one (1) election commissioner.

342 (b) At the general election in 2023 and every four (4)
343 years thereafter, the qualified electors of the board of



344 supervisors' Districts Two and Four shall elect in their district
345 one (1) election commissioner.

346 (c) No more than one (1) commissioner shall be a
347 resident of and reside in each supervisors district of the county;
348 it being the purpose of this section that the county board of
349 election commissioners shall consist of one (1) person from each
350 supervisors district of the county and that each commissioner be
351 elected from the supervisors district in which he or she resides.

352 (3) Candidates for county election commissioner shall
353 qualify by filing with the clerk of the board of supervisors of
354 their respective counties a petition personally signed by not less
355 than fifty (50) qualified electors of the supervisors district in
356 which they reside, requesting that they be a candidate, by 5:00
357 p.m. not later than February 1 of the year in which the election
358 occurs and unless the petition is filed within the required time,
359 their names shall not be placed upon the ballot. All candidates
360 shall declare in writing their party affiliation, if any, to the
361 board of supervisors, and such party affiliation shall be shown on
362 the official ballot.

363 (4) The petition shall have attached thereto a certificate
364 of the county registrar showing the number of qualified electors
365 on each petition, which shall be furnished by the registrar on
366 request. The board shall determine the sufficiency of the
367 petition, and if the petition contains the required number of
368 signatures and is filed within the time required, the president of



369 the board shall verify that the candidate is a resident of the
370 supervisors district in which he or she seeks election and that
371 the candidate is otherwise qualified as provided by law, and shall
372 certify that the candidate is qualified to the chair or secretary
373 of the county election commission and the names of the candidates
374 shall be placed upon the ballot for the ensuing election. No
375 county election commissioner shall serve or be considered as
376 elected until he or she has received a majority of the votes cast
377 for the position or post for which he or she is a candidate. If a
378 majority vote is not received in the first election, then the two
379 (2) candidates receiving the most votes for each position or post
380 shall be placed upon the ballot for a second election to be held
381 three (3) weeks later in accordance with appropriate procedures
382 followed in other elections involving runoff candidates.

383 (5) In the first meeting in January of each year, the county
384 election commissioners shall organize by electing a chair and a
385 secretary, who shall serve a one * * * -year term. The county
386 election commissioners shall provide the names of the chair and
387 secretary to the Secretary of State and provide notice of any
388 change in officers which may occur during the year.

389 (6) It shall be the duty of the chair to have the official
390 ballot printed and distributed at each general or special
391 election.

392 **SECTION 6.** Section 23-15-223, Mississippi Code of 1972, is
393 amended as follows:



394 23-15-223. (1) The State Board of Election Commissioners,
395 on or before the fifteenth day of February succeeding each general
396 election, shall appoint in the several counties registrars of
397 elections, who shall hold office for four (4) years and until
398 their successors shall be duly qualified. The county registrar
399 shall be the clerk of the circuit court, unless the State Board of
400 Election Commissioners finds the circuit clerk to be an improper
401 person to register the names of the electors in the county. The
402 State Board of Election Commissioners shall draft rules and
403 regulations to provide for notice and hearing before removal of
404 the circuit clerk, if notice and a hearing is practicable under
405 the circumstances.

406 (2) The county registrar is empowered to appoint deputy
407 registrars, with the consent of the board of election
408 commissioners, who may discharge the duties of the registrar.

409 The clerk of every municipality shall be appointed as such a
410 deputy registrar, as contemplated by the National Voter
411 Registration Act (NVRA).

412 (3) The county registrar shall not be held liable for any
413 malfeasance or nonfeasance in office by any deputy registrar who
414 is a deputy registrar by virtue of his or her office.

415 (4) The Secretary of State, in conjunction with the State
416 Board of Community and Junior Colleges, has developed and made
417 available online a computer skills training course for all newly
418 appointed registrars which shall include adequate training,



419 including on an up-to-date database, to ensure that persons are
420 not denied the right to register to vote and cast a ballot on the
421 basis of his or her conviction of a disenfranchising offense,
422 according to its statutory code citation, after sentence
423 completion as defined in Section 1 of this act, that shall be
424 completed within one hundred eighty (180) days of the commencement
425 of their term of office.

426 **SECTION 7.** This act shall take effect and be in force from
427 and after its passage.

