

By: Representative Porter

To: Apportionment and
Elections

HOUSE BILL NO. 1237

1 AN ACT TO AMEND SECTION 23-15-19, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT THE SECRETARY OF STATE SHALL BE RESPONSIBLE FOR
 3 ENSURING THAT THE PUBLIC CAN ACCESS, THROUGH THE SECRETARY OF
 4 STATE'S WEBSITE AND THROUGH A TELEPHONE NUMBER, AN UP-TO-DATE LIST
 5 OF THOSE CRIMES, IDENTIFIED BY THE CODE SECTION NUMBER, THAT ARE
 6 DISENFRANCHISING AND THOSE THAT ARE NOT; TO REQUIRE THE SECRETARY
 7 OF STATE TO ENSURE THAT ALL OFFICIALS RESPONSIBLE FOR REGISTERING
 8 VOTERS HAVE UP-TO-DATE INTERNET BASED ELECTRONIC MEANS OF
 9 DETERMINING WHETHER A PERSON HAS BEEN CONVICTED OF A
 10 DISENFRANCHISING CRIME; TO AMEND SECTIONS 23-15-213 AND 23-15-223,
 11 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TRAINING REQUIRED OF
 12 ELECTION COMMISSIONERS AND REGISTRARS SHALL INCLUDE ADEQUATE
 13 TRAINING, INCLUDING ON AN UP-TO-DATE DATABASE, TO ENSURE THAT
 14 PERSONS ARE NOT DENIED THE RIGHT TO REGISTER TO VOTE AND CAST A
 15 BALLOT BASED ON A CONVICTION THAT IS NOT A DISENFRANCHISING CRIME,
 16 ACCORDING TO THE CODE SECTION NUMBER; TO BRING FORWARD SECTION
 17 23-15-165, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
 18 AMENDMENT; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 23-15-19, Mississippi Code of 1972, is
 21 amended as follows:

22 23-15-19. (1) Any person who has been convicted of vote
 23 fraud or any crime listed in Section 241, Mississippi Constitution
 24 of 1890, such crimes defined as "disenfranchising," shall not be
 25 registered, or if registered the name of the person shall be
 26 removed from the Statewide Elections Management System by the



27 registrar or the election commissioners of the county of his or
28 her residence. Whenever any person shall be convicted in the
29 circuit court of his or her county of a disenfranchising crime,
30 the county registrar shall thereupon remove his or her name from
31 the Statewide Elections Management System; and whenever any person
32 shall be convicted of a disenfranchising crime in any other court
33 of any county, the presiding judge of the court shall, on demand,
34 certify the fact in writing to the registrar of the county in
35 which the voter resides, who shall thereupon remove the name of
36 the person from the Statewide Elections Management System and
37 retain the certificate as a record of his or her office.

38 (2) The Secretary of State shall be responsible for ensuring
39 that the public can access, through the Secretary of State's
40 website and through a telephone number, an up-to-date list of
41 those crimes, identified by the code section number, that are
42 disenfranchising and those that are not.

43 (3) The Secretary of State, working with the Mississippi
44 Department of Corrections, if necessary, shall be solely
45 responsible for ensuring that all officials responsible for
46 registering voters have up-to-date Internet-based electronic means
47 of determining whether a person has been convicted of a
48 disenfranchising crime, according to the code section number.

49 **SECTION 2.** Section 23-15-213, Mississippi Code of 1972, is
50 amended as follows:



51 **[Until December 31, 2022, this section shall read as**
52 **follows:]**

53 23-15-213. (1) At the general election in 2020, there shall
54 be elected five (5) election commissioners for each county whose
55 terms of office shall commence on the first Monday of January
56 following their election. Each of the commissioners shall be
57 required to attend a training seminar provided by the Secretary of
58 State and satisfactorily complete a skills assessment, and before
59 acting, shall take and subscribe the oath of office prescribed by
60 the Constitution. The training seminar and skills assessment
61 shall include adequate training, including on an up-to-date
62 database, to ensure that persons are not denied the right to
63 register to vote and cast a ballot based on a conviction that is
64 not a disenfranchising crime, according to the code section
65 number. The oath shall be filed in the office of the clerk of the
66 chancery court. Upon filing the oath of office, the election
67 commissioner may be provided access to the Statewide Elections
68 Management System for the purpose of performing his or her duties.
69 While engaged in their duties, the commissioners shall be
70 conservators of the peace in the county, with all the duties and
71 powers of such.

72 (2) The qualified electors of each supervisors district
73 shall elect, at the general election in 2020, in their district
74 one (1) election commissioner. The election commissioners from
75 board of supervisors' Districts One, Three and Five shall serve



76 for a term of four (4) years. The election commissioners from
77 board of supervisors' Districts Two and Four shall serve for a
78 term of three (3) years. No more than one (1) commissioner shall
79 be a resident of and reside in each supervisors district of the
80 county; it being the purpose of this section that the county board
81 of election commissioners shall consist of one (1) person from
82 each supervisors district of the county and that each commissioner
83 be elected from the supervisors district in which he or she
84 resides.

85 (3) Candidates for county election commissioner shall
86 qualify by filing with the clerk of the board of supervisors of
87 their respective counties a petition personally signed by not less
88 than fifty (50) qualified electors of the supervisors district in
89 which they reside, requesting that they be a candidate, by 5:00
90 p.m. not later than the first Monday in June of the year in which
91 the election occurs and unless the petition is filed within the
92 required time, their names shall not be placed upon the ballot.
93 All candidates shall declare in writing their party affiliation,
94 if any, to the board of supervisors, and such party affiliation
95 shall be shown on the official ballot.

96 (4) The petition shall have attached thereto a certificate
97 of the county registrar showing the number of qualified electors
98 on each petition, which shall be furnished by the registrar on
99 request. The board shall determine the sufficiency of the
100 petition, and if the petition contains the required number of



101 signatures and is filed within the time required, the president of
102 the board shall verify that the candidate is a resident of the
103 supervisors district in which he or she seeks election and that
104 the candidate is otherwise qualified as provided by law, and shall
105 certify that the candidate is qualified to the chair or secretary
106 of the county election commission and the names of the candidates
107 shall be placed upon the ballot for the ensuing election. No
108 county election commissioner shall serve or be considered as
109 elected until he or she has received a majority of the votes cast
110 for the position or post for which he or she is a candidate. If a
111 majority vote is not received in the first election, then the two
112 (2) candidates receiving the most votes for each position or post
113 shall be placed upon the ballot for a second election to be held
114 three (3) weeks later in accordance with appropriate procedures
115 followed in other elections involving runoff candidates.

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

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

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

123 23-15-213. (1) There shall be elected five (5) election
124 commissioners for each county whose terms of office shall commence
125 on the first Monday of January following their election and who



126 shall serve for a term of four (4) years. Each of the
127 commissioners shall be required to attend a training seminar
128 provided by the Secretary of State and satisfactorily complete a
129 skills assessment, and before acting, shall take and subscribe the
130 oath of office prescribed by the Constitution. The training
131 seminar and skills assessment shall include adequate training,
132 including on an up-to-date database, to ensure that persons are
133 not denied the right to register to vote and cast a ballot based
134 on a conviction that is not a disenfranchising crime, according to
135 the code section number. The oath shall be filed in the office of
136 the clerk of the chancery court. Upon filing the oath of office,
137 the election commissioner may be provided access to the Statewide
138 Elections Management System for the purpose of performing his or
139 her duties. While engaged in their duties, the commissioners
140 shall be conservators of the peace in the county, with all the
141 duties and powers of such.

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

146 (b) At the general election in 2023 and every four (4)
147 years thereafter, the qualified electors of the board of
148 supervisors' Districts Two and Four shall elect in their district
149 one (1) election commissioner.



150 (c) No more than one (1) commissioner shall be a
151 resident of and reside in each supervisors district of the county;
152 it being the purpose of this section that the county board of
153 election commissioners shall consist of one (1) person from each
154 supervisors district of the county and that each commissioner be
155 elected from the supervisors district in which he or she resides.

156 (3) Candidates for county election commissioner shall
157 qualify by filing with the clerk of the board of supervisors of
158 their respective counties a petition personally signed by not less
159 than fifty (50) qualified electors of the supervisors district in
160 which they reside, requesting that they be a candidate, by 5:00
161 p.m. not later than February 1 of the year in which the election
162 occurs and unless the petition is filed within the required time,
163 their names shall not be placed upon the ballot. All candidates
164 shall declare in writing their party affiliation, if any, to the
165 board of supervisors, and such party affiliation shall be shown on
166 the official ballot.

167 (4) The petition shall have attached thereto a certificate
168 of the county registrar showing the number of qualified electors
169 on each petition, which shall be furnished by the registrar on
170 request. The board shall determine the sufficiency of the
171 petition, and if the petition contains the required number of
172 signatures and is filed within the time required, the president of
173 the board shall verify that the candidate is a resident of the
174 supervisors district in which he or she seeks election and that



175 the candidate is otherwise qualified as provided by law, and shall
176 certify that the candidate is qualified to the chair or secretary
177 of the county election commission and the names of the candidates
178 shall be placed upon the ballot for the ensuing election. No
179 county election commissioner shall serve or be considered as
180 elected until he or she has received a majority of the votes cast
181 for the position or post for which he or she is a candidate. If a
182 majority vote is not received in the first election, then the two
183 (2) candidates receiving the most votes for each position or post
184 shall be placed upon the ballot for a second election to be held
185 three (3) weeks later in accordance with appropriate procedures
186 followed in other elections involving runoff candidates.

187 (5) In the first meeting in January of each year, the county
188 election commissioners shall organize by electing a chair and a
189 secretary, who shall serve a one * * * -year term. The county
190 election commissioners shall provide the names of the chair and
191 secretary to the Secretary of State and provide notice of any
192 change in officers which may occur during the year.

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

196 **SECTION 3.** Section 23-15-223, Mississippi Code of 1972, is
197 amended as follows:

198 23-15-223. (1) The State Board of Election Commissioners,
199 on or before the fifteenth day of February succeeding each general



200 election, shall appoint in the several counties registrars of
201 elections, who shall hold office for four (4) years and until
202 their successors shall be duly qualified. The county registrar
203 shall be the clerk of the circuit court, unless the State Board of
204 Election Commissioners finds the circuit clerk to be an improper
205 person to register the names of the electors in the county. The
206 State Board of Election Commissioners shall draft rules and
207 regulations to provide for notice and hearing before removal of
208 the circuit clerk, if notice and a hearing is practicable under
209 the circumstances.

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

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

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

219 (4) (a) The Secretary of State, in conjunction with the
220 State Board of Community and Junior Colleges, has developed and
221 made available online a computer skills training course for all
222 newly appointed registrars that shall be completed within one
223 hundred eighty (180) days of the commencement of their term of
224 office.



225 (b) The online computer skills training course shall
226 include adequate training, including on an up-to-date database, to
227 ensure that persons are not denied the right to register to vote
228 and cast a ballot based on a conviction that is not a
229 disenfranchising crime, according to the code section number.

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

232 23-15-165. (1) The Office of the Secretary of State, in
233 cooperation with the county registrars and election commissioners,
234 shall procure, implement and maintain an electronic information
235 processing system and programs capable of maintaining a
236 centralized database of all registered voters in the state. The
237 system shall encompass software and hardware, at both the state
238 and county level, software development training, conversion and
239 support and maintenance for the system. This system shall be
240 known as the "Statewide Elections Management System" and shall
241 constitute the official record of registered voters in every
242 county of the state.

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

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

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



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

253 (d) Retain all present functionality related to, but
254 not limited to, the use of voter roll data and to implement such
255 other functionality as the law requires to enhance the maintenance
256 of accurate county voter records and related jury selection and
257 redistricting programs.

258 (3) As a part of the procurement and implementation of the
259 system, the Office of the Secretary of State shall, with the
260 assistance of the advisory committee, procure services necessary
261 to convert current voter registration records in the counties into
262 a standard, industry accepted file format that can be used on the
263 Statewide Elections Management System. Thereafter, all official
264 voter information shall be maintained on the Statewide Elections
265 Management System. The standard industry accepted format of data
266 was reviewed and approved by a majority of the advisory committee
267 created in subsection (5) of this section after consultation with
268 the Circuit Clerks Association and the format may not be changed
269 without consulting the Circuit Clerks Association.

270 (4) The Secretary of State may, with the assistance of the
271 advisory committee, adopt rules and regulations necessary to
272 administer the Statewide Elections Management System. The rules
273 and regulations shall at least:



274 (a) Provide for the establishment and maintenance of a
275 centralized database for all voter registration information in the
276 state;

277 (b) Provide procedures for integrating data into the
278 centralized database;

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

283 (d) Provide the registrar or his or her designee or
284 other appropriate official, as the law may require, access to the
285 system at all times, including the ability to download copies of
286 the industry standard file, for all purposes related to their
287 official duties, including, but not limited to, exclusive access
288 for the purpose of printing all local pollbooks;

289 (e) Provide security and protection of all information
290 in the system and monitor the system to ensure that unauthorized
291 access is not allowed;

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

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



299 (5) The Secretary of State established an advisory committee
300 to assist in developing system specifications, procurement,
301 implementation and maintenance of the Statewide Elections
302 Management System. The committee included two (2) representatives
303 from the Circuit Clerks Association, appointed by the association;
304 two (2) representatives from the Election Commissioners
305 Association of Mississippi, appointed by the association; one (1)
306 member of the Mississippi Association of Supervisors, or its
307 staff, appointed by the association; the Director of the Stennis
308 Institute of Government at Mississippi State University, or his or
309 her designee; the Executive Director of the Department of
310 Information Technology Services, or his or her designee; two (2)
311 persons knowledgeable about elections and information technology
312 appointed by the Secretary of State; and the Secretary of State,
313 who shall serve as the chair of the advisory committee.

314 (6) (a) Social security numbers, telephone numbers and date
315 of birth and age information in statewide, district, county and
316 municipal voter registration files shall be exempt from and shall
317 not be subject to inspection, examination, copying or reproduction
318 under the Mississippi Public Records Act of 1983.

319 (b) Copies of statewide, district, county or municipal
320 voter registration files, excluding social security numbers,
321 telephone numbers and date of birth and age information, shall be
322 provided to any person in accordance with the Mississippi Public



323 Records Act of 1983 at a cost not to exceed the actual cost of
324 production.

325 **SECTION 5.** This act shall take effect and be in force from
326 and after July 1, 2022, except for Section 2, which shall take
327 effect and be in force from and after the passage of this act.

