

By: Representatives Powell, Boyd

To: Apportionment and
Elections

HOUSE BILL NO. 1352

1 AN ACT TO AMEND SECTION 23-15-165, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THE FEES TO BE CHARGED FOR COPIES OF STATEWIDE,
3 DISTRICT, COUNTY OR MUNICIPAL VOTER REGISTRATION FILES WHEN THOSE
4 FILES ARE REQUESTED BY CANDIDATES FOR ELECTIVE OFFICE, REGISTERED
5 POLITICAL PARTIES AND INDIVIDUALS REQUESTING VOTER REGISTRATION
6 FILES OTHER THAN THEIR OWN; TO AMEND SECTION 23-15-5, MISSISSIPPI
7 CODE OF 1972, TO REVISE THE MONIES THAT ARE DEPOSITED INTO THE
8 ELECTIONS SUPPORT FUND; TO REVISE HOW THE MONIES IN THE ELECTIONS
9 SUPPORT FUND ARE DISTRIBUTED AND FOR WHAT PURPOSES THEY ARE SPENT;
10 AND FOR RELATED PURPOSES.

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

12 **SECTION 1.** Section 23-15-165, Mississippi Code of 1972, is
13 amended as follows:

14 23-15-165. (1) The Office of the Secretary of State, in
15 cooperation with the county registrars and election commissioners,
16 shall procure, implement and maintain an electronic information
17 processing system and programs capable of maintaining a
18 centralized database of all registered voters in the state. The
19 system shall encompass software and hardware, at both the state
20 and county level, software development training, conversion and
21 support and maintenance for the system. This system shall be
22 known as the "Statewide Elections Management System" and shall



23 constitute the official record of registered voters in every
24 county of the state.

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

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

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

32 (c) Receive regular reports of death, changes of
33 address and convictions for disenfranchising crimes that apply to
34 voters registered in the county; * * *

35 (d) Retain all present functionality related to, but
36 not limited to, the use of voter roll data and to implement such
37 other functionality as the law requires to enhance the maintenance
38 of accurate county voter records and related jury selection and
39 redistricting programs * * *; and

40 (e) When evidence exists that a particular registered
41 voter may not be a citizen of the United States as provided in
42 Section 23-15-15, send notification to the registrar of the
43 location where the person is registered to vote.

44 (3) As a part of the procurement and implementation of the
45 system, the Office of the Secretary of State shall, with the
46 assistance of the advisory committee, procure services necessary
47 to convert current voter registration records in the counties into



48 a standard, industry accepted file format that can be used on the
49 Statewide Elections Management System. Thereafter, all official
50 voter information shall be maintained on the Statewide Elections
51 Management System. The standard industry accepted format of data
52 was reviewed and approved by a majority of the advisory committee
53 created in subsection (5) of this section after consultation with
54 the Circuit Clerks Association and the format may not be changed
55 without consulting the Circuit Clerks Association.

56 (4) The Secretary of State may, with the assistance of the
57 advisory committee, adopt rules and regulations necessary to
58 administer the Statewide Elections Management System. The rules
59 and regulations shall at least:

60 (a) Provide for the establishment and maintenance of a
61 centralized database for all voter registration information in the
62 state;

63 (b) Provide procedures for integrating data into the
64 centralized database;

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

69 (d) Provide the registrar or his or her designee or
70 other appropriate official, as the law may require, access to the
71 system at all times, including the ability to download copies of
72 the industry standard file, for all purposes related to their



73 official duties, including, but not limited to, exclusive access
74 for the purpose of printing all local pollbooks;

75 (e) Provide security and protection of all information
76 in the system and monitor the system to ensure that unauthorized
77 access is not allowed;

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

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

85 (5) The Secretary of State established an advisory committee
86 to assist in developing system specifications, procurement,
87 implementation and maintenance of the Statewide Elections
88 Management System. The committee included two (2) representatives
89 from the Circuit Clerks Association, appointed by the association;
90 two (2) representatives from the Election Commissioners
91 Association of Mississippi, appointed by the association; one (1)
92 member of the Mississippi Association of Supervisors, or its
93 staff, appointed by the association; the Director of the Stennis
94 Institute of Government at Mississippi State University, or his or
95 her designee; the Executive Director of the Department of
96 Information Technology Services, or his or her designee; two (2)
97 persons knowledgeable about elections and information technology



198 appointed by the Secretary of State; and the Secretary of State,
199 who shall serve as the chair of the advisory committee.

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

205 (b) Copies of statewide, district, county or municipal
206 voter registration files, excluding social security numbers,
207 telephone numbers and date of birth and age information, shall be
208 provided to any person * * * as follows:

209 (i) An individual voter may obtain any voter
210 information contained in that voter's record upon request and free
211 of charge.

212 (ii) Voter registration files shall be made
213 available to governmental entities for investigative purposes or
214 for the purpose of jury selection upon request and free of charge.

215 (iii) A candidate for elective office or
216 registered political party may purchase a voter registration file
217 upon request for a fee of Five Hundred Dollars (\$500.00).

218 (iv) Any person who is not a candidate or agent or
219 representative of a registered political party may obtain a voter
220 registration file upon request for a fee of Two Thousand Five
221 Hundred Dollars (\$2,500.00).



122 (c) Monies collected by the Secretary of State from
123 voter registration file fees pursuant to this subsection (6) shall
124 be deposited into the Elections Support Fund established in
125 Section 23-15-5.

126 **SECTION 2.** Section 23-15-5, Mississippi Code of 1972, is
127 amended as follows:

128 23-15-5. (1) There is created in the State Treasury a
129 special fund to be known as the Elections Support Fund. Monies
130 derived from annual report fees imposed upon limited liability
131 companies under Section 79-29-1203, and voter registration file
132 fees collected by the Secretary of State's office under Section
133 23-15-165 shall be deposited into the Elections Support Fund.
134 Unexpended amounts remaining in the fund at the end of the fiscal
135 year shall not lapse into the State General Fund, and any interest
136 earned or investment earnings on amounts in the fund shall be
137 disbursed as provided in subsection (2) of this section. The
138 expenditure of monies in the fund shall be under the direction of
139 the Secretary of State as provided by subsection (2) of this
140 section, and such funds shall be paid by the State Treasurer upon
141 warrants issued by the Department of Finance and Administration.

142 (2) (a) Monies in the fund shall be used as follows:

143 (i) * * * Seventy percent (70%) of the monies in
144 the special fund shall be distributed annually to the counties,
145 upon appropriation of the Legislature, based on the proportion
146 that the population of a county bears to the total population in



147 all counties of the state population according to the most recent
148 information from the United States Census Bureau, and held in a
149 separate fund solely for the purpose of acquiring, upgrading,
150 maintaining or repairing voting equipment, systems and supplies,
151 hiring temporary technical support, conducting elections using
152 such voting equipment or systems, employing such personnel to
153 conduct an election, and training election officials; and

154 (ii) The remaining * * * thirty percent (30%) of
155 the monies in the special fund shall be * * * distributed annually
156 to the Secretary of State for the purposes of maintaining,
157 upgrading or equipping the Statewide Elections Management System,
158 improving election security throughout the state and providing
159 voter education.

160 (b) The Secretary of State shall create standard
161 training guidelines to assist counties in training election
162 officials with the funds authorized under subsection (2)(a)(ii) of
163 this section. Any criteria established by the Secretary of State
164 for the purposes of this section shall be used in addition to any
165 other training or coursework prescribed by the Secretary of State
166 to train circuit clerks, poll managers and any other election
167 officials participating in county elections.

168 (c) Notwithstanding any other provision of law, no
169 monies from the Elections Support Fund shall be used by the
170 Secretary of State or any person associated with the Office of the
171 Secretary of State to provide or otherwise support expert



172 testimony in any manner for any hearing, trial or election
173 contest.

174 (3) From and after July 1, 2017, none of the monies
175 deposited in the Elections Support Fund may be used to reimburse
176 or otherwise defray any costs that the Office of the Secretary of
177 State may incur in administering the fund.

178 (4) From and after July 1, 2016, no state agency shall
179 charge another state agency a fee, assessment, rent or other
180 charge for services or resources received by authority of this
181 section.

182 (5) By July 1, 2022, any monies not transferred into the
183 State General Fund shall be transferred to the fund created in
184 House Bill No. _____, 2022 Regular Session, for the purchase of
185 voting machines.

186 **SECTION 3.** This act shall take effect and be in force from
187 and after July 1, 2022.

