

By: Senator(s) Tate

To: Elections;
Accountability, Efficiency,
Transparency

SENATE BILL NO. 2609

1 AN ACT TO AMEND SECTION 23-15-165, MISSISSIPPI CODE OF 1972,
2 TO REVISE VOTER REGISTRATION FILE FEES; TO PROVIDE THAT AN
3 INDIVIDUAL VOTER MAY OBTAIN ANY VOTER INFORMATION CONTAINED IN
4 THAT VOTER'S RECORD FREE OF CHARGE; TO PROVIDE THAT VOTER
5 REGISTRATION FILES SHALL BE MADE AVAILABLE TO GOVERNMENTAL
6 ENTITIES FOR INVESTIGATIVE PURPOSES OR FOR THE PURPOSE OF JURY
7 SELECTION AND FREE OF CHARGE; TO REQUIRE THE SECRETARY OF STATE TO
8 DEPOSIT MONIES COLLECTED UNDER THIS SECTION IN THE ELECTIONS
9 SUPPORT FUND; TO AMEND SECTION 23-15-5, MISSISSIPPI CODE OF 1972,
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; and

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.

40 (3) As a part of the procurement and implementation of the
41 system, the Office of the Secretary of State shall, with the
42 assistance of the advisory committee, procure services necessary
43 to convert current voter registration records in the counties into
44 a standard, industry accepted file format that can be used on the
45 Statewide Elections Management System. Thereafter, all official
46 voter information shall be maintained on the Statewide Elections
47 Management System. The standard industry accepted format of data



48 was reviewed and approved by a majority of the advisory committee
49 created in subsection (5) of this section after consultation with
50 the Circuit Clerks Association and the format may not be changed
51 without consulting the Circuit Clerks Association.

52 (4) The Secretary of State may, with the assistance of the
53 advisory committee, adopt rules and regulations necessary to
54 administer the Statewide Elections Management System. The rules
55 and regulations shall at least:

56 (a) Provide for the establishment and maintenance of a
57 centralized database for all voter registration information in the
58 state;

59 (b) Provide procedures for integrating data into the
60 centralized database;

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

65 (d) Provide the registrar or his or her designee or
66 other appropriate official, as the law may require, access to the
67 system at all times, including the ability to download copies of
68 the industry standard file, for all purposes related to their
69 official duties, including, but not limited to, exclusive access
70 for the purpose of printing all local pollbooks;



71 (e) Provide security and protection of all information
72 in the system and monitor the system to ensure that unauthorized
73 access is not allowed;

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

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

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



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

101 (b) Copies of statewide, district, county or municipal
102 voter registration files, excluding social security numbers,
103 telephone numbers and date of birth and age information, shall be
104 provided to any person * * * subject to the fees set forth in
105 subsection (7) of this section.

106 (7) (a) Voter registration file fees are as follows:

107 (i) An individual voter may obtain any voter
108 information contained in that voter's record free of charge.

109 (ii) Voter registration files shall be made
110 available to governmental entities for investigative purposes or
111 for the purpose of jury selection free of charge.

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

115 (iv) Any person may obtain a voter registration
116 file upon request for a fee of Two Thousand Five Hundred Dollars
117 (\$2,500.00).

118 (b) Monies collected by the Secretary of State from
119 voter registration file fees pursuant to this section shall be



120 deposited into the Elections Support Fund as outlined in Section
121 23-15-5.

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

124 23-15-5. (1) There is created in the State Treasury a
125 special fund to be known as the Elections Support Fund. Monies
126 derived from annual report fees imposed upon limited liability
127 companies under Section 79-29-1203 and voter file fees collected
128 by the Secretary of State's office under Section 23-15-165 shall
129 be deposited into the Elections Support Fund. Unexpended amounts
130 remaining in the fund at the end of the fiscal year shall not
131 lapse into the State General Fund, and any interest earned or
132 investment earnings on amounts in the fund shall be disbursed as
133 provided in subsection (2) of this section. The expenditure of
134 monies in the fund shall be under the direction of the Secretary
135 of State as provided by subsection (2) of this section, and such
136 funds shall be paid by the State Treasurer upon warrants issued by
137 the Department of Finance and Administration.

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

139 (i) * * * Seventy percent (70%) of the monies in
140 the special fund shall be distributed annually to the counties,
141 upon appropriation of the Legislature, based on the proportion
142 that the population of a county bears to the total population in
143 all counties of the state population according to the most recent
144 information from the United States Census Bureau, and held in a



145 separate fund solely for the purpose of acquiring, upgrading,
146 maintaining or repairing voting equipment, systems and supplies,
147 hiring temporary technical support, conducting elections using
148 such voting equipment or systems, employing such personnel to
149 conduct an election, and training election officials; and

150 (ii) The remaining * * * thirty percent (30%) of
151 the monies in the special fund shall be * * * allocated to the
152 Secretary of State to be expended for the purposes of maintaining,
153 upgrading or equipping the Statewide Elections Management System,
154 improving election security in the state and providing voter
155 education.

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

164 (c) Notwithstanding any other provision of law, no
165 monies from the Elections Support Fund shall be used by the
166 Secretary of State or any person associated with the Office of the
167 Secretary of State to provide or otherwise support expert
168 testimony in any manner for any hearing, trial or election
169 contest.



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

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

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

