

AMENDMENT PROPOSED TO



HOUSE BILL NO. 1510

BY: Representative Powell

Amend by striking all after the enacting clause and inserting
in lieu thereof the following:

29 **SECTION 1.** Section 23-15-153, Mississippi Code of 1972, is
30 amended as follows:
31 23-15-153. (1) At least during the following times, the
32 election commissioners shall meet at the office of the registrar
33 or the office of the election commissioners to carefully revise
34 the county voter roll as electronically maintained by the
35 Statewide Elections Management System and remove from the roll the
36 names of all voters who have requested to be purged from the voter
37 roll, died, received an adjudication of non compos mentis, been
38 convicted of a disenfranchising crime, failed to comply with the
39 provisions of Section 23-15-152, or otherwise become disqualified

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87 allowed for the conduct of each election in excess of one (1)
88 occurring in any calendar year;

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163 revision of the county voter roll as electronically maintained by
164 the Statewide Elections Management System before any special
165 election. For purposes of this paragraph, the regular special
166 election day shall not be considered a special election. The
167 annual limitations set forth in subsection (2) of this section
168 shall not apply to this paragraph.

169 (b) The election commissioners shall be entitled to
170 receive a per diem in the amount of One Hundred Fifty Dollars
171 (\$150.00), to be paid from the county general fund, for the
172 performance of their duties on the day of any primary, runoff,
173 general or special election. The annual limitations set forth in
174 subsection (2) of this section shall apply to this paragraph.

175 * * *

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

185 (6) The election commissioners shall be entitled to receive
186 only one (1) per diem payment for those days when the election



187 commissioners discharge more than one (1) duty or responsibility
188 on the same day.

189 (7) In preparation for a municipal primary, runoff, general
190 or special election, the county registrar shall generate and
191 distribute the master voter roll and pollbooks from the Statewide
192 Elections Management System for the municipality located within
193 the county. The municipality shall pay the county registrar for
194 the actual cost of preparing and printing the municipal master
195 voter roll pollbooks. A municipality may secure "read only"
196 access to the Statewide Elections Management System and print its
197 own pollbooks using this information.

198 (8) County election commissioners who perform the duties of
199 an executive committee with regard to the conduct of a primary
200 election under a written agreement authorized by law to be entered
201 into with an executive committee shall receive per diem as
202 provided for in subsection (2) of this section. The days that
203 county election commissioners are employed in the conduct of a
204 primary election shall be treated the same as days county election
205 commissioners are employed in the conduct of other elections.

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

210 (10) Every election commissioner shall sign personally a
211 certification setting forth the number of hours actually worked in



212 the performance of the commissioner's official duties and for
 213 which the commissioner seeks compensation. The certification must
 214 be on a form as prescribed in this subsection. The commissioner's
 215 signature is, as a matter of law, made under the commissioner's
 216 oath of office and under penalties of perjury.

217 The certification form shall be as follows:

218 **COUNTY ELECTION COMMISSIONER**

219 **PER DIEM CLAIM FORM**

220 NAME: _____ COUNTY: _____

221 ADDRESS: _____ DISTRICT: _____

222 CITY: _____ ZIP: _____

223		PURPOSE	APPLICABLE	ACTUAL	PER DIEM
224	DATE	BEGINNING	ENDING	OF	MS CODE
225	WORKED	TIME	TIME	WORK	SECTION

229 TOTAL NUMBER OF PER DIEM DAYS EARNED
 230 EXCLUDING ELECTION DAYS _____

231 PER DIEM RATE PER DAY EARNED X \$100.00

232 TOTAL NUMBER PER DIEM DAYS EARNED
 233 FOR ELECTION DAYS _____

234 PER DIEM RATE PER DAY EARNED X \$150.00

235 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____



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

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

241 Signed this the _____ day of _____, ____.

242

Commissioner's Signature

243

244 When properly completed and signed, the certification must be
245 filed with the clerk of the county board of supervisors before any
246 payment may be made. The certification will be a public record
247 available for inspection and reproduction immediately upon the
248 oral or written request of any person.

249 Any person may contest the accuracy of the certification in
250 any respect by notifying the chair of the commission, any member
251 of the board of supervisors or the clerk of the board of
252 supervisors of the contest at any time before or after payment is
253 made. If the contest is made before payment is made, no payment
254 shall be made as to the contested certificate until the contest is
255 finally disposed of. The person filing the contest shall be
256 entitled to a full hearing, and the clerk of the board of
257 supervisors shall issue subpoenas upon request of the contestor
258 compelling the attendance of witnesses and production of documents
259 and things. The contestor shall have the right to appeal de novo
260 to the circuit court of the involved county, which appeal must be



261 perfected within thirty (30) days from a final decision of the
262 commission, the clerk of the board of supervisors or the board of
263 supervisors, as the case may be.

264 Any contestor who successfully contests any certification
265 will be awarded all expenses incident to his or her contest,
266 together with reasonable attorney's fees, which will be awarded
267 upon petition to the chancery court of the involved county upon
268 final disposition of the contest before the election commission,
269 board of supervisors, clerk of the board of supervisors, or, in
270 case of an appeal, final disposition by the court. The
271 commissioner against whom the contest is decided shall be liable
272 for the payment of the expenses and attorney's fees, and the
273 county shall be jointly and severally liable for same.

274 (11) Any election commissioner who has not received a
275 certificate issued by the Secretary of State pursuant to Section
276 23-15-211 indicating that the election commissioner has received
277 the required elections seminar instruction and that the election
278 commissioner is fully qualified to conduct an election, shall not
279 receive any compensation authorized by this section or Section
280 23-15-239.

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

283 23-15-5. (1) There is created in the State Treasury a
284 special fund to be known as the Elections Support Fund. Monies
285 derived from annual report fees imposed upon limited liability



286 companies under Section 79-29-1203 shall be deposited into the
287 Elections Support Fund. Unexpended amounts remaining in the fund
288 at the end of the fiscal year shall not lapse into the State
289 General Fund, and any interest earned or investment earnings on
290 amounts in the fund shall be disbursed as provided in subsection
291 (2) of this section. The expenditure of monies in the fund shall
292 be under the direction of the Secretary of State as provided by
293 subsection (2) of this section, and such funds shall be paid by
294 the State Treasurer upon warrants issued by the Department of
295 Finance and Administration.

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

297 (i) * * * Seventy percent (70%) of the monies in
298 the special fund shall be distributed annually to the counties,
299 upon appropriation of the Legislature, based on the proportion
300 that the population of a county bears to the total population in
301 all counties of the state population according to the most recent
302 information from the United States Census Bureau, and held in a
303 separate fund solely for the purpose of acquiring, upgrading,
304 maintaining or repairing voting equipment, systems and supplies,
305 hiring temporary technical support, conducting elections using
306 such voting equipment or systems, employing such personnel to
307 conduct an election, and training election officials; and

308 (ii) The remaining * * * thirty percent (30%) of
309 the monies in the special fund shall be * * * distributed annually
310 to the Secretary of State for the purposes of maintaining,



311 upgrading or equipping the Statewide Elections Management System,
312 improving election security throughout the state and providing
313 voter education.

314 (b) The Secretary of State shall create standard
315 training guidelines to assist counties in training election
316 officials with the funds authorized under subsection (2)(a)(ii) of
317 this section. Any criteria established by the Secretary of State
318 for the purposes of this section shall be used in addition to any
319 other training or coursework prescribed by the Secretary of State
320 to train circuit clerks, poll managers and any other election
321 officials participating in county elections.

322 (c) Notwithstanding any other provision of law, no
323 monies from the Elections Support Fund shall be used by the
324 Secretary of State or any person associated with the Office of the
325 Secretary of State to provide or otherwise support expert
326 testimony in any manner for any hearing, trial or election
327 contest.

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

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



336 **SECTION 3.** Section 23-15-15, Mississippi Code of 1972, is

337 amended as follows:

338 23-15-15. * * * (1) The Statewide Elections Management
339 System shall be compared with the Department of Public Safety
340 driver's license database to ensure non-United States citizens are
341 not registered to vote in this state. The Statewide Elections
342 Management System shall notify the registrar, or his or her
343 designee, of the county in which the person attempted to register
344 to vote that the attempted voter may not be a citizen of the
345 United States. If a person who has submitted a voter registration
346 is flagged in the database as a potential noncitizen, the county
347 registrar shall enter the person's information into the United
348 States Citizenship and Immigration Service's Systematic Alien
349 Verification for Entitlements (SAVE) or its successor database for
350 further inquiry.

351 (2) If, after following the procedures provided in
352 subsection (1) of this section, both the Department of Public
353 Safety driver's license database and SAVE indicate that the person
354 is a noncitizen, the registrar, or his or her designee, shall send
355 a notice to the attempted voter that he or she has been flagged as
356 a noncitizen. Any attempted voter who receives the notice shall,
357 within thirty (30) days of the receipt of such notice, provide
358 proof of citizenship to the registrar or his or her designee. For
359 purposes of this subsection (2), proof of citizenship includes,
360 but is not limited to:



361 (a) The attempted voter's birth certificate or a
362 legible photocopy of the birth certificate;
363 (b) A United States passport, or a legible photocopy of
364 the pertinent pages of the passport, identifying the voter and
365 showing the passport number;
366 (c) The attempted voter's United States naturalization
367 documentation, a legible photocopy of the naturalization
368 documentation or the number of the voter's certificate of
369 naturalization; however, the number of the certificate of
370 naturalization shall not be considered proof of citizenship until
371 the Secretary of State verifies the number with the United States
372 Citizenship and Immigration Services in the Department of Homeland
373 Security or its successor; or
374 (d) Any document or method of proof of citizenship
375 established by the federal Immigration Reform and Control Act of
376 1986, Public Law No. 99-603, compiled in 8 USCS Section 1101 et
377 seq.
378 (3) If the attempted voter does not provide proof of
379 citizenship within thirty (30) days of the receipt of the
380 notification, the registrar, or his or her designee, where the
381 person registered to vote shall purge the voter from the Statewide
382 Elections Management System.
383 (4) In the event a person is unable to provide any of the
384 documentation listed in subsection (2) to show proof of
385 citizenship, the person may appeal to the election commissioners



386 of the county in which he or she attempted to register and submit
387 additional proof of citizenship in person or in writing. The
388 election commissioners shall conduct a hearing and make a finding
389 concerning the individual's citizenship status and shall forward a
390 copy of their decision to the registrar, or his or her designee,
391 of the county where the person resides as established in Section
392 23-15-61. The registrar, or his or her designee, shall update the
393 Statewide Elections Management System to accurately reflect the
394 decision of the election commissioners with respect to such voter.

395 (5) All documentation provided to show proof of citizenship
396 as well as the Department of Public Safety database or relevant
397 federal and state agency and county records shall be confidential
398 and shall not be subject to inspection, examination, copying or
399 reproduction under the Mississippi Public Records Act of 1983.

400 (6) On or before July 1, 2023, the Secretary of State shall
401 compare the entire Statewide Elections Management System to the
402 Department of Public Safety driver's license database and follow
403 the procedures set forth in subsection (1) and (2) of this section
404 as applicable.

405 (7) The Secretary of State shall promulgate rules and
406 regulations as necessary to effectuate the provisions of this
407 section.

408 **SECTION 4.** Section 23-15-165, Mississippi Code of 1972, is
409 amended as follows:



410 23-15-165. (1) The Office of the Secretary of State, in
411 cooperation with the county registrars and election commissioners,
412 shall procure, implement and maintain an electronic information
413 processing system and programs capable of maintaining a
414 centralized database of all registered voters in the state. The
415 system shall encompass software and hardware, at both the state
416 and county level, software development training, conversion and
417 support and maintenance for the system. This system shall be
418 known as the ""Statewide Elections Management System"" and shall
419 constitute the official record of registered voters in every
420 county of the state.

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

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

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

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

431 (d) Retain all present functionality related to, but
432 not limited to, the use of voter roll data and to implement such
433 other functionality as the law requires to enhance the maintenance



434 of accurate county voter records and related jury selection and
435 redistricting programs * * *; and

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

440 (3) As a part of the procurement and implementation of the
441 system, the Office of the Secretary of State shall, with the
442 assistance of the advisory committee, procure services necessary
443 to convert current voter registration records in the counties into
444 a standard, industry accepted file format that can be used on the
445 Statewide Elections Management System. Thereafter, all official
446 voter information shall be maintained on the Statewide Elections
447 Management System. The standard industry accepted format of data
448 was reviewed and approved by a majority of the advisory committee
449 created in subsection (5) of this section after consultation with
450 the Circuit Clerks Association and the format may not be changed
451 without consulting the Circuit Clerks Association.

452 (4) The Secretary of State may, with the assistance of the
453 advisory committee, adopt rules and regulations necessary to
454 administer the Statewide Elections Management System. The rules
455 and regulations shall at least:

456 (a) Provide for the establishment and maintenance of a
457 centralized database for all voter registration information in the
458 state;



459 (b) Provide procedures for integrating data into the
460 centralized database;
461 (c) Provide security to ensure that only the registrar,
462 or his or her designee or other appropriate official, as the law
463 may require, can add information to, delete information from and
464 modify information in the system;
465 (d) Provide the registrar or his or her designee or
466 other appropriate official, as the law may require, access to the
467 system at all times, including the ability to download copies of
468 the industry standard file, for all purposes related to their
469 official duties, including, but not limited to, exclusive access
470 for the purpose of printing all local pollbooks;
471 (e) Provide security and protection of all information
472 in the system and monitor the system to ensure that unauthorized
473 access is not allowed;
474 (f) Provide a procedure that will allow the registrar,
475 or his or her designee or other appropriate official, as the law
476 may require, to identify the precinct to which a voter should be
477 assigned; and
478 (g) Provide a procedure for phasing in or converting
479 existing manual and computerized voter registration systems in
480 counties to the Statewide Elections Management System.
481 (5) The Secretary of State established an advisory committee
482 to assist in developing system specifications, procurement,
483 implementation and maintenance of the Statewide Elections



484 Management System. The committee included two (2) representatives
485 from the Circuit Clerks Association, appointed by the association;
486 two (2) representatives from the Election Commissioners
487 Association of Mississippi, appointed by the association; one (1)
488 member of the Mississippi Association of Supervisors, or its
489 staff, appointed by the association; the Director of the Stennis
490 Institute of Government at Mississippi State University, or his or
491 her designee; the Executive Director of the Department of
492 Information Technology Services, or his or her designee; two (2)
493 persons knowledgeable about elections and information technology
494 appointed by the Secretary of State; and the Secretary of State,
495 who shall serve as the chair of the advisory committee.

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

501 (b) Copies of statewide, district, county or municipal
502 voter registration files, excluding social security numbers,
503 telephone numbers and date of birth and age information, shall be
504 provided to any person in accordance with the Mississippi Public
505 Records Act of 1983 at a cost not to exceed the actual cost of
506 production.

507 **SECTION 5.** The following shall be codified as Section
508 23-15-152, Mississippi Code of 1972:



509 23-15-152. (1) For the purposes of this section,
510 "confirmation notice" means a notice sent by the election
511 commissioners, by forwardable mail, with return postage prepaid,
512 on a form prescribed by the Secretary of State, to a registered
513 voter to confirm the registered voter's current address. The
514 notice shall comply with all applicable requirements of the
515 National Voter Registration Act of 1993.

516 (2) The election commissioners shall send a confirmation
517 notice to the following:

518 (a) A registered voter if it appears from the United
519 States Postal Service change-of-address information that the
520 registered voter has moved to a different residence;

521 (b) A registered voter if a county election
522 commissioner or county registrar has received notice from another
523 state, or political subdivision of another state, that the
524 registered voter has registered to vote in another state;

525 (c) A registered voter who has failed to vote at least
526 once in one (1) of the following periods:

527 (i) A period of three (3) years, which shall
528 include two (2) federal general elections; or

529 (ii) A period of two (2) years, which shall
530 include an election for Governor and a federal general election;
531 and



532 (d) A registered voter if the registrar or election
533 commissioners have received reliable information that he or she
534 has moved within or outside of the state.

535 No registered voter shall be sent a confirmation notice under
536 paragraph (c) of this subsection if he or she has been sent a
537 confirmation notice for those same reasons within the last six (6)
538 years.

539 (3) The county election commissioners shall place any
540 registered voter who has been sent a confirmation notice on
541 inactive status in the Statewide Elections Management System. Any
542 registered voter who is placed on inactive status shall be unable
543 to cast a regular ballot on election day but shall be able to cast
544 an affidavit ballot as provided in Section 23-15-573.

545 (4) A registered voter "fails to respond to the confirmation
546 notice" if the voter, during a period of four (4) consecutive
547 years beginning from the date of the delivery of the confirmation
548 notice, fails to:

- 549 (a) Respond to the confirmation notice; or
550 (b) Update the elector's registration information.

551 The period of four (4) consecutive years beginning from the
552 date of the delivery of the confirmation notice required in
553 subsection (4) of this section shall include two (2) general
554 federal elections. A registered voter who votes at least once in
555 any election in the registered voter's county of registration
556 during the period of four (4) consecutive years beginning from the



557 date of the delivery of the confirmation notice shall not be
558 purged from the Statewide Elections Management System.

559 (5) The county registrar or county election commission shall
560 move those registered voters who fail to respond to the
561 confirmation notice as provided in subsection (4) and who fail to
562 vote as provided in subsection (4) of this section to purged
563 status in the Statewide Elections Management System.

564 (6) No systematic list maintenance shall occur during the
565 ninety (90) days immediately preceding a federal primary or
566 general election.

567 (7) The county registrar shall retain removed voter
568 registration records after they are removed for a period that
569 includes at least two (2) federal general elections and shall
570 record the reason for the removal.

571 **SECTION 6.** Section 23-15-125, Mississippi Code of 1972, is
572 amended as follows:

573 23-15-125. The pollbook of each voting precinct shall
574 designate the voting precinct for which it is to be used, and
575 shall be ruled in appropriate columns, with printed or written
576 headings, as follows: date of registration; voter registration
577 number; name of electors; date of birth; and a number of blank
578 columns for the dates of elections. All qualified applicants who
579 register with the registrar shall be entered in the Statewide
580 Elections Management System. Only the names of those qualified
581 applicants who register within thirty (30) days before an election



582 shall appear on the pollbooks of the election; however, if the
583 thirtieth day to register before an election falls on a Sunday or
584 legal holiday, the registration applications submitted on the
585 business day immediately following the legal holiday shall be
586 accepted and entered in the Statewide Elections Management System
587 for the purpose of enabling voters to vote in the next election.
588 When county election commissioners determine that any elector is
589 disqualified from voting, by reason of death, conviction of a
590 disenfranchising crime, removal from the jurisdiction, failure to
591 comply with the provisions of Section 23-15-152, or other legal
592 cause, that fact shall be noted in the Statewide Elections
593 Management System and the voter's name shall be removed from the
594 Statewide Elections Management System, the state's voter roll and
595 the county's pollbooks. Nothing in this section shall preclude
596 the use of electronic pollbooks.

597 **SECTION 7.** This act shall take effect and be in force from
598 and after July 1, 2022, *and shall stand repealed from and*
after June 30, 2022

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 23-15-5, MISSISSIPPI CODE OF 1972, TO
2 REVISE THE MONIES THAT ARE DEPOSITED INTO THE ELECTIONS SUPPORT
3 FUND; TO REVISE HOW THE MONIES IN THE ELECTIONS SUPPORT FUND ARE
4 DISTRIBUTED AND FOR WHAT PURPOSES THEY ARE SPENT; TO AMEND SECTION
5 23-15-153, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PROVISIONS
6 OF THIS ACT; TO AMEND SECTION 23-15-15, MISSISSIPPI CODE OF 1972,
7 TO PROVIDE THAT THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM SHALL BE
8 COMPARED TO CERTAIN IDENTIFICATION DATABASES TO ENSURE NON-UNITED
9 STATES CITIZENS ARE NOT REGISTERED TO VOTE; TO PROVIDE THE
10 NOTIFICATION REQUIRED WHEN A NON-UNITED STATES CITIZEN IS FOUND TO



11 BE REGISTERED TO VOTE; TO PROVIDE THE DOCUMENTATION THAT MUST BE
12 SUBMITTED AS PROOF OF CITIZENSHIP; TO AMEND SECTION 23-15-165,
13 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
14 CREATE NEW SECTION 23-15-152, MISSISSIPPI CODE OF 1972, TO PROVIDE
15 THAT AN ELECTOR WHO FAILS TO RESPOND TO A CONFIRMATION NOTICE AND
16 WHO FAILS TO VOTE DURING A CERTAIN PERIOD OF TIME SHALL BE PURGED
17 FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE
18 DEFINITIONS FOR "CONFIRMATION NOTICE" AND "FAILS TO RESPOND TO THE
19 CONFIRMATION NOTICE"; TO PROVIDE THOSE REGISTERED VOTERS WHO SHALL
20 RECEIVE CONFIRMATION NOTICES; TO PROVIDE THAT A REGISTERED VOTER
21 WHO IS MAILED A CONFIRMATION NOTICE SHALL BE PLACED ON INACTIVE
22 STATUS IN THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM BUT SHALL BE
23 ABLE TO VOTE BY AFFIDAVIT BALLOT; TO PROVIDE THE TIME FOR REMOVAL
24 OF VOTER REGISTRATION RECORDS; TO PROVIDE FOR THE RETENTION OF
25 REMOVED VOTER REGISTRATION RECORDS; TO AMEND SECTION 23-15-125,
26 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND
27 FOR RELATED PURPOSES.



cl/am