

By: Representatives Porter, Summers

To: Apportionment and Elections

HOUSE BILL NO. 66

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 Such skills assessment shall only be required once every four (4)
70 years. While engaged in their duties, the commissioners shall be
71 conservators of the peace in the county, with all the duties and
72 powers of such.

73 (2) The qualified electors of each supervisor's district
74 shall elect, at the general election in 2020, in their district
75 one (1) election commissioner. The election commissioners from



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

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

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



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

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

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

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

124 23-15-213. (1) There shall be elected five (5) election
125 commissioners for each county whose terms of office shall commence



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

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

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



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

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

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

170 (4) The petition shall have attached thereto a certificate
171 of the county registrar showing the number of qualified electors
172 on each petition, which shall be furnished by the registrar on
173 request. The board shall determine the sufficiency of the
174 petition, and if the petition contains the required number of



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

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

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



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

201 23-15-223. (1) The State Board of Election Commissioners,
202 on or before the fifteenth day of February succeeding each general
203 election, shall appoint in the several counties registrars of
204 elections, who shall hold office for four (4) years and until
205 their successors shall be duly qualified. The county registrar
206 shall be the clerk of the circuit court, unless the State Board of
207 Election Commissioners finds the circuit clerk to be an improper
208 person to register the names of the electors in the county. The
209 State Board of Election Commissioners shall draft rules and
210 regulations to provide for notice and hearing before removal of
211 the circuit clerk, if notice and a hearing is practicable under
212 the circumstances.

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

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

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

222 (4) (a) The Secretary of State, in conjunction with the
223 State Board of Community and Junior Colleges, has developed and



224 made available online a computer skills training course for all
225 newly appointed registrars that shall be completed within one
226 hundred eighty (180) days of the commencement of their term of
227 office.

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

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

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

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



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

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

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

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

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



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

277 (a) Provide for the establishment and maintenance of a
278 centralized database for all voter registration information in the
279 state;

280 (b) Provide procedures for integrating data into the
281 centralized database;

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

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

292 (e) Provide security and protection of all information
293 in the system and monitor the system to ensure that unauthorized
294 access is not allowed;

295 (f) Provide a procedure that will allow the registrar,
296 or his or her designee or other appropriate official, as the law



297 may require, to identify the precinct to which a voter should be
298 assigned; and

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

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

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



322 (b) Copies of statewide, district, county or municipal
323 voter registration files, excluding social security numbers,
324 telephone numbers and date of birth and age information, shall be
325 provided to any person in accordance with the Mississippi Public
326 Records Act of 1983 at a cost not to exceed the actual cost of
327 production.

328 **SECTION 5.** This act shall take effect and be in force from
329 and after July 1, 2023, except for Section 2, which shall take
330 effect and be in force from and after the passage of this act.

