

By: Representative Porter

To: Constitution; Judiciary
B

HOUSE BILL NO. 68

1 AN ACT TO PROVIDE FULL SUFFRAGE RESTORATION TO ANY PERSON
 2 DISQUALIFIED BY REASON OF CRIMINAL CONVICTION; TO AMEND SECTION
 3 23-15-11, MISSISSIPPI CODE OF 1972, TO REVISE WHO SHALL BE
 4 CONSIDERED A QUALIFIED ELECTOR; TO AMEND SECTION 23-15-19,
 5 MISSISSIPPI CODE OF 1972, TO REQUIRE THE SECRETARY OF STATE AND
 6 THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COLLABORATE TO ENSURE
 7 VOTERS ARE PLACED BACK ON VOTER ROLLS; TO AMEND SECTION 23-15-47,
 8 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
 9 AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972, TO REQUIRE
 10 TRAINING FOR ELECTIONS COMMISSIONERS TO ENSURE VOTERS WHO WERE
 11 DISENFRANCHISED ARE ALLOWED TO REGISTER TO VOTE; TO AMEND SECTIONS
 12 23-15-223, 23-15-125, 23-15-151, 23-15-153 AND 23-15-165,
 13 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
 14 BRING FORWARD SECTIONS 97-39-3 AND 99-19-37, MISSISSIPPI CODE OF
 15 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
 16 PURPOSES.

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

18 **SECTION 1.** (1) The right of suffrage is hereby fully
 19 restored to any person disqualified by reason of criminal
 20 conviction upon sentence completion.

21 (2) For purposes of this act, the term "sentence" means, and
 22 is limited to, the term of incarceration, probation, and parole
 23 for a disqualifying conviction.

24 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is
 25 amended as follows:



26 23-15-11. Every inhabitant of this state, except persons
27 adjudicated to be non compos mentis, who is a citizen of the
28 United States of America, eighteen (18) years old and upwards, who
29 has resided in this state for thirty (30) days and for thirty (30)
30 days in the county in which he or she seeks to vote, and for
31 thirty (30) days in the incorporated municipality in which he or
32 she seeks to vote, and who, has been duly registered as an elector
33 under Section 23-15-33, and who * * * if convicted of vote fraud
34 or of any crime listed in Section 241, Mississippi Constitution of
35 1890, has completed his or her sentence as defined in Section 1 of
36 this act, shall be a qualified elector in and for the county,
37 municipality and voting precinct of his or her residence, and
38 shall be entitled to vote at any election upon compliance with
39 Section 23-15-563. If the thirtieth day to register before an
40 election falls on a Sunday or legal holiday, the registration
41 applications submitted on the business day immediately following
42 the Sunday or legal holiday shall be accepted and entered in the
43 Statewide Elections Management System for the purpose of enabling
44 voters to vote in the next election. Any person who will be
45 eighteen (18) years of age or older on or before the date of the
46 general election and who is duly registered to vote not less than
47 thirty (30) days before the primary election associated with the
48 general election, may vote in the primary election even though the
49 person has not reached his or her eighteenth birthday at the time
50 that the person seeks to vote at the primary election. No others



51 than those specified in this section shall be entitled, or shall
52 be allowed, to vote at any election.

53 **SECTION 3.** Section 23-15-19, Mississippi Code of 1972, is
54 amended as follows:

55 23-15-19. (1) * * * Except when prohibited under subsection
56 (2), any person who has been convicted of vote fraud or any crime
57 listed in Section 241, Mississippi Constitution of 1890, such
58 crimes defined as "disenfranchising," shall not be
59 registered * * * if the person seeking registration has not yet
60 completed his or her sentence as defined in Section 1 of this act,
61 or if registered the name of the person shall be removed from the
62 Statewide Elections Management System by the registrar or the
63 election commissioners of the county of his or her residence if
64 the person at the time of removal has not yet completed his or her
65 sentence as defined in Section 1 of this act. Whenever any person
66 shall be convicted in the circuit court of his or her county of a
67 disenfranchising crime, the county registrar shall thereupon
68 remove his or her name from the Statewide Elections Management
69 System; and whenever any person shall be convicted of a
70 disenfranchising crime in any other court of any county, the
71 presiding judge of the court shall, on demand, certify the fact in
72 writing to the registrar of the county in which the voter resides,
73 who shall thereupon remove the name of the person from the
74 Statewide Elections Management System and retain the certificate
75 as a record of his or her office.



76 (2) The Secretary of State shall be responsible for ensuring
77 that the public can access through the Secretary of State's
78 website and a phone number the following: (a) an up-to-date list
79 of which crimes, by code section number, are disenfranchising and
80 which crimes are not; and (b) the criteria people convicted of
81 disenfranchising crimes must satisfy to become refranchised.

82 (3) The Secretary of State, working with the Mississippi
83 Department of Corrections if necessary, shall be solely
84 responsible for ensuring that all officials responsible for
85 registering voters, including circuit clerks and/or election
86 commissioners, have up-to-date Internet-based electronic means by
87 which to determine whether a person has been convicted of a
88 disenfranchising offense, according to its code section number,
89 and whether he or she has completed his or her sentence as defined
90 in Section 1 of this act. An affirmative determination shall be a
91 complete defense in criminal cases where an elector relied upon it
92 to register to vote or to vote. A person seeking to vote shall
93 not be made to furnish documentary evidence or other proof of
94 sentence completion in order to register to vote or vote.

95 (4) No person may be denied the right to register to vote
96 and cast a ballot on the basis of his or her conviction of a
97 disenfranchising offense after sentence completion as defined in
98 Section 1 of this act.

99 **SECTION 4.** Section 23-15-47, Mississippi Code of 1972, is
100 amended as follows:



101 23-15-47. (1) Any person who is qualified to register to
102 vote in the State of Mississippi may register to vote by mail-in
103 application in the manner prescribed in this section.

104 (2) The following procedure shall be used in the
105 registration of electors by mail:

106 (a) Any qualified elector may register to vote by
107 mailing or delivering a completed mail-in application to his or
108 her county registrar at least thirty (30) days before any
109 election; however, if the thirtieth day to register before an
110 election falls on a Sunday or legal holiday, the registration
111 applications submitted on the business day immediately following
112 the Sunday or legal holiday shall be accepted and entered into the
113 Statewide Elections Management System for the purpose of enabling
114 voters to vote in the next election. The postmark date of a
115 mailed application shall be the applicant's date of registration.

116 (b) Upon receipt of a mail-in application, the county
117 registrar shall stamp the application with the date of receipt,
118 and shall verify the application either by matching the
119 applicant's Mississippi driver's license number through the
120 Mississippi Department of Public Safety or by matching the
121 applicant's social security number through the American
122 Association of Motor Vehicle Administrators. Within fourteen (14)
123 days of receipt of a mail-in registration application, the county
124 registrar shall complete action on the application, including any



125 attempts to notify the applicant of the status of his or her
126 application.

127 (c) If the county registrar determines that the
128 applicant is qualified and his or her application is legible and
129 complete, the county registrar shall mail the applicant written
130 notification that the application has been approved, specifying
131 the county voting precinct, municipal voting precinct, if any,
132 polling place and supervisor district in which the person shall
133 vote. This written notification of approval containing the
134 specified information shall be the voter's registration card. The
135 registration card shall be provided by the county registrar to the
136 applicant in accordance with Section 23-15-39. Upon entry of the
137 voter registration information into the Statewide Elections
138 Management System, the system shall assign a voter registration
139 number to the applicant. The assigned voter registration number
140 shall be clearly shown on the written notification of approval.
141 In mailing the written notification, the county registrar shall
142 note the following on the envelope: "DO NOT FORWARD". If any
143 registration notification form is returned as undeliverable, the
144 voter's registration shall be void.

145 (d) A mail-in application shall be rejected for any of
146 the following reasons:

147 (i) An incomplete portion of the application makes
148 it impossible for the registrar to determine the eligibility of
149 the applicant to register;



150 (ii) A portion of the application is illegible in
151 the opinion of the county registrar and makes it impossible to
152 determine the eligibility of the applicant to register;

153 (iii) The county registrar is unable to determine,
154 from the address and information stated on the application, the
155 precinct in which the voter should be assigned or the supervisor
156 district in which he or she is entitled to vote;

157 (iv) The applicant is not qualified to register to
158 vote pursuant to Section 23-15-11;

159 (v) The county registrar determines that the
160 applicant is already registered as a qualified elector of the
161 county;

162 (vi) The county registrar is unable to verify the
163 application pursuant to subsection (2)(b) of this section.

164 (e) If the mail-in application of a person is subject
165 to rejection for any of the reasons set forth in paragraph (d)(i)
166 through (iii) of this subsection, and it appears to the county
167 registrar that the defect or omission is of such a minor nature
168 and that any necessary additional information may be supplied by
169 the applicant over the telephone or by further correspondence, the
170 county registrar may write or call the applicant at the telephone
171 number or address, or both, provided on the application. If the
172 county registrar is able to contact the applicant by mail or
173 telephone, the county registrar shall attempt to ascertain the
174 necessary information, and if this information is sufficient for



175 the registrar to complete the application, the applicant shall be
176 registered. If the necessary information cannot be obtained by
177 mail or telephone, or is not sufficient to complete the
178 application within fourteen (14) days of receipt, the county
179 registrar shall give the applicant written notice of the rejection
180 and provide the reason for the rejection. The county registrar
181 shall further inform the applicant that he or she has a right to
182 attempt to register by appearing in person or by filing another
183 mail-in application.

184 (f) If a mail-in application is subject to rejection
185 for the reason stated in paragraph (d)(v) of this subsection and
186 the "present home address" portion of the application is different
187 from the residence address for the applicant found in the
188 Statewide Elections Management System, the mail-in application
189 shall be deemed a written request to update the voter's
190 registration pursuant to Section 23-15-13. The county registrar
191 or the election commissioners shall update the voter's residence
192 address in the Statewide Elections Management System and, if
193 necessary, advise the voter of a change in the location of his or
194 her county or municipal polling place by mailing the voter a new
195 voter registration card.

196 (3) The instructions and the application form for voter
197 registration by mail shall be in a form established by rule duly
198 adopted by the Secretary of State, and both shall state that a
199 person is fully and completely qualified to register to vote and



200 cast a ballot after his or her conviction of a disenfranchising
201 offense upon sentence completion as defined in Section 1 of this
202 act.

203 (4) (a) The Secretary of State shall prepare and furnish
204 without charge the necessary forms for application for voter
205 registration by mail to each county registrar, municipal clerk,
206 all public schools, each private school that requests such
207 applications, and all public libraries.

208 (b) The Secretary of State shall distribute without
209 charge sufficient forms for application for voter registration by
210 mail to the Commissioner of Public Safety, who shall distribute
211 the forms to each driver's license examining and renewal station
212 in the state, and shall ensure that the forms are regularly
213 available to the public at such stations.

214 (c) Bulk quantities of forms for application for voter
215 registration by mail shall be furnished by the Secretary of State
216 to any person or organization. The Secretary of State shall
217 charge a person or organization the actual cost he or she incurs
218 in providing bulk quantities of forms for application for voter
219 registration to such person or organization.

220 (5) The originals of completed mail-in applications shall
221 remain on file in the office of the county registrar with copies
222 retained in the Statewide Elections Management System.

223 (6) If the applicant indicates on the application that he or
224 she resides within the city limits of a city or town in the county



225 of registration, the county registrar shall enter the information
226 into the Statewide Elections Management System.

227 (7) If the applicant indicates on the application that he or
228 she has previously registered to vote in another county of this
229 state or another state, notice to the voter's previous county of
230 registration in this state shall be provided through the Statewide
231 Elections Management System. If the voter's previous place of
232 registration was in another state, notice shall be provided to the
233 voter's previous state of residence.

234 (8) Any person who attempts to register to vote by mail
235 shall be subject to the penalties for false registration provided
236 for in Section 23-15-17.

237 **SECTION 5.** Section 23-15-213, Mississippi Code of 1972, is
238 amended as follows:

239 **[Until December 31, 2022, this section shall read as**
240 **follows:]**

241 23-15-213. (1) At the general election in 2020, there shall
242 be elected five (5) election commissioners for each county whose
243 terms of office shall commence on the first Monday of January
244 following their election. Each of the commissioners shall be
245 required to attend a training seminar provided by the Secretary of
246 State and satisfactorily complete a skills assessment, and before
247 acting, shall take and subscribe the oath of office prescribed by
248 the Constitution. The training seminar and skills assessment
249 shall include adequate training, including on an up-to-date



250 database, to ensure that persons are not denied the right to
251 register to vote and cast a ballot based on a conviction that is
252 not a disenfranchising crime, according to the code section
253 number, after sentence completion as defined in Section 1 of this
254 act. The oath shall be filed in the office of the clerk of the
255 chancery court. Upon filing the oath of office, the election
256 commissioner may be provided access to the Statewide Elections
257 Management System for the purpose of performing his or her duties.
258 Such skills assessment shall only be required once every four (4)
259 years. While engaged in their duties, the commissioners shall be
260 conservators of the peace in the county, with all the duties and
261 powers of such. The requirement to attend a training seminar as
262 provided in this subsection (1) shall be effective immediately
263 upon passage of this act so that election commissioners overseeing
264 the 2023 elections are able to receive the training.

265 (2) The qualified electors of each supervisor's district
266 shall elect, at the general election in 2020, in their district
267 one (1) election commissioner. The election commissioners from
268 board of supervisors' Districts One, Three and Five shall serve
269 for a term of four (4) years. The election commissioners from
270 board of supervisors' Districts Two and Four shall serve for a
271 term of three (3) years. No more than one (1) commissioner shall
272 be a resident of and reside in each supervisor's district of the
273 county; it being the purpose of this section that the county board
274 of election commissioners shall consist of one (1) person from



275 each supervisor's district of the county and that each
276 commissioner be elected from the supervisor's district in which he
277 or she resides.

278 (3) Candidates for county election commissioner shall
279 qualify by filing with the clerk of the board of supervisors of
280 their respective counties a petition personally signed by not less
281 than fifty (50) qualified electors of the supervisors district in
282 which they reside, requesting that they be a candidate, by 5:00
283 p.m. not later than the first Monday in June of the year in which
284 the election occurs and unless the petition is filed within the
285 required time, their names shall not be placed upon the ballot.
286 All candidates shall declare in writing their party affiliation,
287 if any, to the board of supervisors, and such party affiliation
288 shall be shown on the official ballot.

289 (4) The petition shall have attached thereto a certificate
290 of the county registrar showing the number of qualified electors
291 on each petition, which shall be furnished by the registrar on
292 request. The board shall determine the sufficiency of the
293 petition, and if the petition contains the required number of
294 signatures and is filed within the time required, the president of
295 the board shall verify that the candidate is a resident of the
296 supervisor's district in which he or she seeks election and that
297 the candidate is otherwise qualified as provided by law, and shall
298 certify that the candidate is qualified to the chair or secretary
299 of the county election commission and the names of the candidates



300 shall be placed upon the ballot for the ensuing election. No
301 county election commissioner shall serve or be considered as
302 elected until he or she has received a majority of the votes cast
303 for the position or post for which he or she is a candidate. If a
304 majority vote is not received in the first election, then the two
305 (2) candidates receiving the most votes for each position or post
306 shall be placed upon the ballot for a second election to be held
307 three (3) weeks later in accordance with appropriate procedures
308 followed in other elections involving runoff candidates.

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

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

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

316 23-15-213. (1) There shall be elected five (5) election
317 commissioners for each county whose terms of office shall commence
318 on the first Monday of January following their election and who
319 shall serve for a term of four (4) years. Each of the
320 commissioners shall be required to attend a training seminar
321 provided by the Secretary of State and satisfactorily complete a
322 skills assessment, and before acting, shall take and subscribe the
323 oath of office prescribed by the Constitution. The training
324 seminar and skills assessment shall include adequate training,



325 including on an up-to-date database, to ensure that persons are
326 not denied the right to register to vote and cast a ballot based
327 on a conviction that is not a disenfranchising crime, according to
328 the code section number, after sentence completion as defined in
329 Section 1 of this act. The oath shall be filed in the office of
330 the clerk of the chancery court. Upon filing the oath of office,
331 the election commissioner may be provided access to the Statewide
332 Elections Management System for the purpose of performing his or
333 her duties. Such skills assessment shall only be required once
334 every four (4) years. While engaged in their duties, the
335 commissioners shall be conservators of the peace in the county,
336 with all the duties and powers of such. The requirement to attend
337 a training seminar as provided in this subsection (1) shall be
338 effective immediately upon passage of this act so that election
339 commissioners overseeing the 2023 elections are able to receive
340 the training.

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

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



349 (c) No more than one (1) commissioner shall be a
350 resident of and reside in each supervisor's district of the
351 county; it being the purpose of this section that the county board
352 of election commissioners shall consist of one (1) person from
353 each supervisor's district of the county and that each
354 commissioner be elected from the supervisor's district in which he
355 or she resides.

356 (3) Candidates for county election commissioner shall
357 qualify by filing with the clerk of the board of supervisors of
358 their respective counties a petition personally signed by not less
359 than fifty (50) qualified electors of the supervisor's district in
360 which they reside, requesting that they be a candidate, by 5:00
361 p.m. not later than February 1 of the year in which the election
362 occurs and unless the petition is filed within the required time,
363 their names shall not be placed upon the ballot. All candidates
364 shall declare in writing their party affiliation, if any, to the
365 board of supervisors, and such party affiliation shall be shown on
366 the official ballot.

367 (4) The petition shall have attached thereto a certificate
368 of the county registrar showing the number of qualified electors
369 on each petition, which shall be furnished by the registrar on
370 request. The board shall determine the sufficiency of the
371 petition, and if the petition contains the required number of
372 signatures and is filed within the time required, the president of
373 the board shall verify that the candidate is a resident of the



374 supervisor's district in which he or she seeks election and that
375 the candidate is otherwise qualified as provided by law, and shall
376 certify that the candidate is qualified to the chair or secretary
377 of the county election commission and the names of the candidates
378 shall be placed upon the ballot for the ensuing election. No
379 county election commissioner shall serve or be considered as
380 elected until he or she has received a majority of the votes cast
381 for the position or post for which he or she is a candidate. If a
382 majority vote is not received in the first election, then the two
383 (2) candidates receiving the most votes for each position or post
384 shall be placed upon the ballot for a second election to be held
385 three (3) weeks later in accordance with appropriate procedures
386 followed in other elections involving runoff candidates.

387 (5) In the first meeting in January of each year, the county
388 election commissioners shall organize by electing a chair and a
389 secretary, who shall serve a one-year term. The county election
390 commissioners shall provide the names of the chair and secretary
391 to the Secretary of State and provide notice of any change in
392 officers which may occur during the year.

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

396 **SECTION 6.** Section 23-15-223, Mississippi Code of 1972, is
397 amended as follows:



398 23-15-223. (1) The State Board of Election Commissioners,
399 on or before the fifteenth day of February succeeding each general
400 election, shall appoint in the several counties registrars of
401 elections, who shall hold office for four (4) years and until
402 their successors shall be duly qualified. The county registrar
403 shall be the clerk of the circuit court, unless the State Board of
404 Election Commissioners finds the circuit clerk to be an improper
405 person to register the names of the electors in the county. The
406 State Board of Election Commissioners shall draft rules and
407 regulations to provide for notice and hearing before removal of
408 the circuit clerk, if notice and a hearing is practicable under
409 the circumstances.

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

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

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

419 (4) The Secretary of State, in conjunction with the State
420 Board of Community and Junior Colleges, has developed and made
421 available online a computer skills training course for all newly
422 appointed registrars, which shall include adequate training,



423 including on an up-to-date database, to ensure that persons are
424 not denied the right to register to vote and cast a ballot on the
425 basis of his or her conviction of a disenfranchising offense,
426 according to its code section number, after sentence completion as
427 defined in Section 1 of this act, that shall be completed within
428 one hundred eighty (180) days of the commencement of their term of
429 office.

430 **SECTION 7.** Section 23-15-125, Mississippi Code of 1972, is
431 amended as follows:

432 23-15-125. The pollbook of each voting precinct shall
433 designate the voting precinct for which it is to be used, and
434 shall be ruled in appropriate columns, with printed or written
435 headings, as follows: date of registration; voter registration
436 number; name of electors; date of birth; and a number of blank
437 columns for the dates of elections. All qualified applicants who
438 register with the registrar shall be entered in the Statewide
439 Elections Management System. Only the names of those qualified
440 applicants who register within thirty (30) days before an election
441 shall appear on the pollbooks of the election; however, if the
442 thirtieth day to register before an election falls on a Sunday or
443 legal holiday, the registration applications submitted on the
444 business day immediately following the legal holiday shall be
445 accepted and entered in the Statewide Elections Management System
446 for the purpose of enabling voters to vote in the next election.
447 When county election commissioners determine that any elector is



448 disqualified from voting, by reason of death, conviction of a
449 disenfranchising crime and has not completed his or her sentence
450 as defined in Section 1 of this act, removal from the
451 jurisdiction, or other legal cause, that fact shall be noted in
452 the Statewide Elections Management System and the voter's name
453 shall be removed from the Statewide Elections Management System,
454 the state's voter roll and the county's pollbooks. Nothing in
455 this section shall preclude the use of electronic pollbooks.

456 **SECTION 8.** Section 23-15-151, Mississippi Code of 1972, is
457 amended as follows:

458 23-15-151. The circuit clerk of each county is authorized
459 and directed to prepare and keep in his or her office a full and
460 complete list, in alphabetical order, of persons convicted of
461 voter fraud or of any crime listed in Section 241, Mississippi
462 Constitution of 1890. A certified copy of any enrollment by one
463 clerk to another will be sufficient authority for the enrollment
464 of the name, or names, in another county. A list of persons
465 convicted of voter fraud, any crime listed in Section 241,
466 Mississippi Constitution of 1890, or any crime interpreted as
467 disenfranchising in later Attorney General opinions, shall also be
468 entered into the Statewide Elections Management System on a
469 quarterly basis. Voters who have been convicted in a Mississippi
470 state court of any disenfranchising crime and have not completed
471 their sentence as defined in Section 1 of this act are not
472 qualified electors as defined by Section 23-15-11 and shall be



473 purged or otherwise removed by the county registrar or county
474 election commissioners from the Statewide Elections Management
475 System.

476 **SECTION 9.** Section 23-15-153, Mississippi Code of 1972, is
477 amended as follows:

478 23-15-153. (1) At least during the following times, the
479 election commissioners shall meet at the office of the registrar
480 or the office of the election commissioners to carefully revise
481 the county voter roll as electronically maintained by the
482 Statewide Elections Management System and remove from the roll the
483 names of all voters who have requested to be purged from the voter
484 roll, died, received an adjudication of non compos mentis, been
485 convicted of a disenfranchising crime and have not completed their
486 sentence as defined in Section 1 of this act, or otherwise become
487 disqualified as electors for any cause, and shall register the
488 names of all persons who have duly applied to be registered but
489 have been illegally denied registration:

490 (a) On the Tuesday after the second Monday in January
491 1987 and every following year;

492 (b) On the first Tuesday in the month immediately
493 preceding the first primary election for members of Congress in
494 the years when members of Congress are elected;

495 (c) On the first Monday in the month immediately
496 preceding the first primary election for state, state district



497 legislative, county and county district offices in the years in
498 which those offices are elected; and

499 (d) On the second Monday of September preceding the
500 general election or regular special election day in years in which
501 a general election is not conducted.

502 Except for the names of those voters who are duly qualified
503 to vote in the election, no name shall be permitted to remain in
504 the Statewide Elections Management System; however, no name shall
505 be purged from the Statewide Elections Management System based on
506 a change in the residence of an elector except in accordance with
507 procedures provided for by the National Voter Registration Act of
508 1993. Except as otherwise provided by Section 23-15-573, no
509 person shall vote at any election whose name is not in the county
510 voter roll electronically maintained by the Statewide Elections
511 Management System.

512 (2) Except as provided in this section, and subject to the
513 following annual limitations, the election commissioners shall be
514 entitled to receive a per diem in the amount of One Hundred Ten
515 Dollars (\$110.00), to be paid from the county general fund, for
516 every day or period of no less than five (5) hours accumulated
517 over two (2) or more days actually employed in the performance of
518 their duties in the conduct of an election or actually employed in
519 the performance of their duties for the necessary time spent in
520 the revision of the county voter roll as electronically maintained



521 by the Statewide Elections Management System as required in
522 subsection (1) of this section:

523 (a) In counties having less than fifteen thousand
524 (15,000) residents according to the latest federal decennial
525 census, not more than fifty (50) days per year, with no more than
526 fifteen (15) additional days allowed for the conduct of each
527 election in excess of one (1) occurring in any calendar year;

528 (b) In counties having fifteen thousand (15,000)
529 residents according to the latest federal decennial census but
530 less than thirty thousand (30,000) residents according to the
531 latest federal decennial census, not more than seventy-five (75)
532 days per year, with no more than twenty-five (25) additional days
533 allowed for the conduct of each election in excess of one (1)
534 occurring in any calendar year;

535 (c) In counties having thirty thousand (30,000)
536 residents according to the latest federal decennial census but
537 less than seventy thousand (70,000) residents according to the
538 latest federal decennial census, not more than one hundred (100)
539 days per year, with no more than thirty-five (35) additional days
540 allowed for the conduct of each election in excess of one (1)
541 occurring in any calendar year;

542 (d) In counties having seventy thousand (70,000)
543 residents according to the latest federal decennial census but
544 less than ninety thousand (90,000) residents according to the
545 latest federal decennial census, not more than one hundred



546 twenty-five (125) days per year, with no more than forty-five (45)
547 additional days allowed for the conduct of each election in excess
548 of one (1) occurring in any calendar year;

549 (e) In counties having ninety thousand (90,000)
550 residents according to the latest federal decennial census but
551 less than one hundred seventy thousand (170,000) residents
552 according to the latest federal decennial census, not more than
553 one hundred fifty (150) days per year, with no more than
554 fifty-five (55) additional days allowed for the conduct of each
555 election in excess of one (1) occurring in any calendar year;

556 (f) In counties having one hundred seventy thousand
557 (170,000) residents according to the latest federal decennial
558 census but less than two hundred thousand (200,000) residents
559 according to the latest federal decennial census, not more than
560 one hundred seventy-five (175) days per year, with no more than
561 sixty-five (65) additional days allowed for the conduct of each
562 election in excess of one (1) occurring in any calendar year;

563 (g) In counties having two hundred thousand (200,000)
564 residents according to the latest federal decennial census but
565 less than two hundred twenty-five thousand (225,000) residents
566 according to the latest federal decennial census, not more than
567 one hundred ninety (190) days per year, with no more than
568 seventy-five (75) additional days allowed for the conduct of each
569 election in excess of one (1) occurring in any calendar year;



570 (h) In counties having two hundred twenty-five thousand
571 (225,000) residents according to the latest federal decennial
572 census but less than two hundred fifty thousand (250,000)
573 residents according to the latest federal decennial census, not
574 more than two hundred fifteen (215) days per year, with no more
575 than eighty-five (85) additional days allowed for the conduct of
576 each election in excess of one (1) occurring in any calendar year;

577 (i) In counties having two hundred fifty thousand
578 (250,000) residents according to the latest federal decennial
579 census but less than two hundred seventy-five thousand (275,000)
580 residents according to the latest federal decennial census, not
581 more than two hundred thirty (230) days per year, with no more
582 than ninety-five (95) additional days allowed for the conduct of
583 each election in excess of one (1) occurring in any calendar year;

584 (j) In counties having two hundred seventy-five
585 thousand (275,000) residents according to the latest federal
586 decennial census or more, not more than two hundred forty (240)
587 days per year, with no more than one hundred five (105) additional
588 days allowed for the conduct of each election in excess of one (1)
589 occurring in any calendar year.

590 (3) In addition to the number of days authorized in
591 subsection (2) of this section, the board of supervisors of a
592 county may authorize, in its discretion, the election
593 commissioners to receive a per diem in the amount provided for in
594 subsection (2) of this section, to be paid from the county general



595 fund, for every day or period of no less than five (5) hours
596 accumulated over two (2) or more days actually employed in the
597 performance of their duties in the conduct of an election or
598 actually employed in the performance of their duties for the
599 necessary time spent in the revision of the county voter roll as
600 electronically maintained by the Statewide Elections Management
601 System as required in subsection (1) of this section, not to
602 exceed five (5) days.

603 (4) (a) The election commissioners shall be entitled to
604 receive a per diem in the amount of One Hundred Ten Dollars
605 (\$110.00), to be paid from the county general fund, not to exceed
606 ten (10) days for every day or period of no less than five (5)
607 hours accumulated over two (2) or more days actually employed in
608 the performance of their duties for the necessary time spent in
609 the revision of the county voter roll as electronically maintained
610 by the Statewide Elections Management System before any special
611 election. For purposes of this paragraph, the regular special
612 election day shall not be considered a special election. The
613 annual limitations set forth in subsection (2) of this section
614 shall not apply to this paragraph.

615 (b) The election commissioners shall be entitled to
616 receive a per diem in the amount of One Hundred Sixty-five Dollars
617 (\$165.00), to be paid from the county general fund, for the
618 performance of their duties on the day of any primary, runoff,



619 general or special election. The annual limitations set forth in
620 subsection (2) of this section shall apply to this paragraph.

621 (c) The board of supervisors may, in its discretion,
622 pay the election commissioners an additional amount not to exceed
623 Fifty Dollars (\$50.00) for the performance of their duties at any
624 election occurring from July 1, 2020, through December 31, 2020,
625 which shall be considered additional pandemic pay. Such
626 compensation shall be payable out of the county general fund, and
627 may be payable from federal funds available for such purpose, or a
628 combination of both funding sources.

629 (5) The election commissioners shall be entitled to receive
630 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
631 be paid from the county general fund, not to exceed fourteen (14)
632 days for every day or period of no less than five (5) hours
633 accumulated over two (2) or more days actually employed in the
634 performance of their duties for the necessary time spent in the
635 revision of the county voter roll as electronically maintained by
636 the Statewide Elections Management System and in the conduct of a
637 runoff election following either a general or special election.

638 (6) The election commissioners shall be entitled to receive
639 only one (1) per diem payment for those days when the election
640 commissioners discharge more than one (1) duty or responsibility
641 on the same day.

642 (7) In preparation for a municipal primary, runoff, general
643 or special election, the county registrar shall generate and



644 distribute the master voter roll and pollbooks from the Statewide
645 Elections Management System for the municipality located within
646 the county. The municipality shall pay the county registrar for
647 the actual cost of preparing and printing the municipal master
648 voter roll pollbooks. A municipality may secure "read only"
649 access to the Statewide Elections Management System and print its
650 own pollbooks using this information.

651 (8) County election commissioners who perform the duties of
652 an executive committee with regard to the conduct of a primary
653 election under a written agreement authorized by law to be entered
654 into with an executive committee shall receive per diem as
655 provided for in subsection (2) of this section. The days that
656 county election commissioners are employed in the conduct of a
657 primary election shall be treated the same as days county election
658 commissioners are employed in the conduct of other elections.

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

663 (10) Every election commissioner shall sign personally a
664 certification setting forth the number of hours actually worked in
665 the performance of the commissioner's official duties and for
666 which the commissioner seeks compensation. The certification must
667 be on a form as prescribed in this subsection. The commissioner's



668 signature is, as a matter of law, made under the commissioner's
669 oath of office and under penalties of perjury.

670 The certification form shall be as follows:

671 **COUNTY ELECTION COMMISSIONER**

672 **PER DIEM CLAIM FORM**

673 NAME: _____ COUNTY: _____

674 ADDRESS: _____ DISTRICT: _____

675 CITY: _____ ZIP: _____

676 PURPOSE APPLICABLE ACTUAL PER DIEM

677 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

678 WORKED TIME TIME WORK SECTION WORKED EARNED

679 _____

680 _____

681 _____

682 TOTAL NUMBER OF PER DIEM DAYS EARNED

683 EXCLUDING ELECTION DAYS _____

684 PER DIEM RATE PER DAY EARNED X \$110.00

685 TOTAL NUMBER PER DIEM DAYS EARNED

686 FOR ELECTION DAYS _____

687 PER DIEM RATE PER DAY EARNED X \$165.00

688 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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



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

694 Signed this the _____ day of _____, ____.

695

Commissioner's Signature

696
697 When properly completed and signed, the certification must be
698 filed with the clerk of the county board of supervisors before any
699 payment may be made. The certification will be a public record
700 available for inspection and reproduction immediately upon the
701 oral or written request of any person.

702 Any person may contest the accuracy of the certification in
703 any respect by notifying the chair of the commission, any member
704 of the board of supervisors or the clerk of the board of
705 supervisors of the contest at any time before or after payment is
706 made. If the contest is made before payment is made, no payment
707 shall be made as to the contested certificate until the contest is
708 finally disposed of. The person filing the contest shall be
709 entitled to a full hearing, and the clerk of the board of
710 supervisors shall issue subpoenas upon request of the contestor
711 compelling the attendance of witnesses and production of documents
712 and things. The contestor shall have the right to appeal de novo
713 to the circuit court of the involved county, which appeal must be
714 perfected within thirty (30) days from a final decision of the



715 commission, the clerk of the board of supervisors or the board of
716 supervisors, as the case may be.

717 Any contestor who successfully contests any certification
718 will be awarded all expenses incident to his or her contest,
719 together with reasonable attorney's fees, which will be awarded
720 upon petition to the chancery court of the involved county upon
721 final disposition of the contest before the election commission,
722 board of supervisors, clerk of the board of supervisors, or, in
723 case of an appeal, final disposition by the court. The
724 commissioner against whom the contest is decided shall be liable
725 for the payment of the expenses and attorney's fees, and the
726 county shall be jointly and severally liable for same.

727 (11) Any election commissioner who has not received a
728 certificate issued by the Secretary of State pursuant to Section
729 23-15-211 indicating that the election commissioner has received
730 the required elections seminar instruction and that the election
731 commissioner is fully qualified to conduct an election, shall not
732 receive any compensation authorized by this section or Section
733 23-15-239.

734 **SECTION 10.** Section 23-15-165, Mississippi Code of 1972, is
735 amended as follows:

736 23-15-165. (1) The Office of the Secretary of State, in
737 cooperation with the county registrars and election commissioners,
738 shall procure, implement and maintain an electronic information
739 processing system and programs capable of maintaining a



740 centralized database of all registered voters in the state. The
741 system shall encompass software and hardware, at both the state
742 and county level, software development training, conversion and
743 support and maintenance for the system. This system shall be
744 known as the "Statewide Elections Management System" and shall
745 constitute the official record of registered voters in every
746 county of the state.

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

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

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

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

757 (d) Receive regular reports of voters who have
758 completed their sentence as defined in Section 1 of this act; and

759 (* * *e) Retain all present functionality related to,
760 but not limited to, the use of voter roll data and to implement
761 such other functionality as the law requires to enhance the
762 maintenance of accurate county voter records and related jury
763 selection and redistricting programs.



764 (3) As a part of the procurement and implementation of the
765 system, the Office of the Secretary of State shall, with the
766 assistance of the advisory committee, procure services necessary
767 to convert current voter registration records in the counties into
768 a standard, industry accepted file format that can be used on the
769 Statewide Elections Management System. Thereafter, all official
770 voter information shall be maintained on the Statewide Elections
771 Management System. The standard industry accepted format of data
772 was reviewed and approved by a majority of the advisory committee
773 created in subsection (5) of this section after consultation with
774 the Circuit Clerks Association and the format may not be changed
775 without consulting the Circuit Clerks Association.

776 (4) The Secretary of State may, with the assistance of the
777 advisory committee, adopt rules and regulations necessary to
778 administer the Statewide Elections Management System. The rules
779 and regulations shall at least:

780 (a) Provide for the establishment and maintenance of a
781 centralized database for all voter registration information in the
782 state;

783 (b) Provide procedures for integrating data into the
784 centralized database;

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



789 (d) Provide the registrar or his or her designee or
790 other appropriate official, as the law may require, access to the
791 system at all times, including the ability to download copies of
792 the industry standard file, for all purposes related to their
793 official duties, including, but not limited to, exclusive access
794 for the purpose of printing all local pollbooks;

795 (e) Provide security and protection of all information
796 in the system and monitor the system to ensure that unauthorized
797 access is not allowed;

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

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

805 (5) The Secretary of State established an advisory committee
806 to assist in developing system specifications, procurement,
807 implementation and maintenance of the Statewide Elections
808 Management System. The committee included two (2) representatives
809 from the Circuit Clerks Association, appointed by the association;
810 two (2) representatives from the Election Commissioners
811 Association of Mississippi, appointed by the association; one (1)
812 member of the Mississippi Association of Supervisors, or its
813 staff, appointed by the association; the Director of the Stennis



814 Institute of Government at Mississippi State University, or his or
815 her designee; the Executive Director of the Department of
816 Information Technology Services, or his or her designee; two (2)
817 persons knowledgeable about elections and information technology
818 appointed by the Secretary of State; and the Secretary of State,
819 who shall serve as the chair of the advisory committee.

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

825 (b) Copies of statewide, district, county or municipal
826 voter registration files, excluding social security numbers,
827 telephone numbers and date of birth and age information, shall be
828 provided to any person in accordance with the Mississippi Public
829 Records Act of 1983 at a cost not to exceed the actual cost of
830 production.

831 **SECTION 11.** Section 97-39-3, Mississippi Code of 1972, is
832 brought forward as follows:

833 97-39-3. If any person shall fight a duel, or give or accept
834 a challenge to fight a duel, or knowingly carry or deliver such
835 challenge or the acceptance thereof, or be second to either party
836 to any duel, whether such act be done in the state or out of it,
837 or who shall go out of the state to fight a duel, or to assist in
838 the same as second, or to send, accept, or carry a challenge,



839 shall be disqualified from holding any office, be disenfranchised,
840 and incapable of holding or being elected to any post of honor,
841 profit or emolument, civil or military, under the constitution and
842 laws of this state; and the appointment of any such person to
843 office, as also all votes given to any such person, are illegal,
844 and none of the votes given to such person for any office shall be
845 taken or counted.

846 **SECTION 12.** Section 99-19-37, Mississippi Code of 1972, is
847 brought forward as follows:

848 99-19-37. (1) Any person who has lost the right of suffrage
849 by reason of conviction of crime and has not been pardoned
850 therefrom, who thereafter served honorably in any branch of the
851 Armed Forces of the United States during the periods of World War
852 I or World War II as hereinafter defined and shall have received
853 an honorable discharge, or release therefrom, shall by reason of
854 such honorable service, have the full right of suffrage restored,
855 provided, however, this does not apply to any one having an
856 unfinished or suspended sentence.

857 (2) For the purposes of this section the period of World War
858 I shall be from April 6, 1917 to December 1, 1918, and the period
859 of World War II shall be from December 7, 1941 to December 31,
860 1946.

861 (3) In order to have restored, and to exercise, the right of
862 franchise under the provisions of this section a person affected
863 hereby shall have his discharge, or release, from the Armed Forces



864 of the United States recorded in the office of the chancery clerk
865 of the county in which such person desires to exercise the right
866 of franchise and if such discharge, or release, appears to be an
867 honorable discharge, or release, and shows such person to have
868 served honorably during either of the periods stated in subsection
869 (2) of this section such person shall have the full right of
870 suffrage restored as though an act had been passed by the
871 Legislature in accordance with Section 253 of the Constitution of
872 the State of Mississippi restoring the right of suffrage to such
873 person.

874 **SECTION 13.** This act shall take effect and be in force from
875 and after its passage.

