

By: Representative Eubanks

To: Apportionment and
Elections

HOUSE BILL NO. 1305

1 AN ACT TO CREATE NEW SECTION 23-15-615, MISSISSIPPI CODE OF
2 1972, TO AUTHORIZE THE SECRETARY OF STATE TO AUDIT ELECTION
3 PROCEDURES IN THE COUNTIES OF THE STATE; TO PROVIDE THE
4 INFORMATION THAT EACH REGISTRAR SHALL BE REQUIRED TO SUBMIT TO THE
5 SECRETARY OF STATE; TO PROVIDE WHEN AN AUDIT SHALL BE COMPLETED;
6 TO REPEAL SECTION 23-15-613, MISSISSIPPI CODE OF 1972, WHICH
7 PROVIDES THAT ELECTION COMMISSIONS AND COUNTY AND MUNICIPAL
8 EXECUTIVE COMMITTEES SHALL REPORT RESIDUAL VOTE INFORMATION TO THE
9 SECRETARY OF STATE; TO CREATE NEW SECTIONS 23-15-617, 23-15-617.1,
10 23-15-617.2, 23-15-617.3, 23-15-617.4 AND 23-15-617.5, MISSISSIPPI
11 CODE OF 1972, TO ESTABLISH THE PROCEDURES FOR A RISK-LIMITING
12 AUDIT; TO PROVIDE WHICH STATEWIDE ELECTIONS SHALL BE SUBJECT TO A
13 RISK-LIMITING AUDIT; TO PROVIDE WHEN A MANUAL RECOUNT OF ELECTION
14 RESULTS SHALL BE NECESSARY; TO PROVIDE WHEN AND WHERE THE RESULTS
15 OF A RISK-LIMITING AUDIT SHALL BE AVAILABLE; TO CREATE A PILOT
16 PROGRAM TO TEST THE PROCESS FOR CONDUCTING A RISK-LIMITING AUDIT
17 BEFORE IT IS FULLY IMPLEMENTED; TO AMEND SECTION 23-15-153,
18 MISSISSIPPI CODE OF 1972, TO AUTHORIZE ELECTION COMMISSIONERS TO
19 RECEIVE A PER DIEM OF \$100.00 FOR CONDUCTING AN ELECTION RECOUNT;
20 TO BRING FORWARD SECTION 23-15-5, MISSISSIPPI CODE OF 1972, FOR
21 THE PURPOSE OF POSSIBLE AMENDMENT; TO AMEND SECTION 23-15-603,
22 MISSISSIPPI CODE OF 1972, TO EXTEND THE DEADLINE THAT ELECTION
23 COMMISSIONERS HAVE FOR SUBMITTING INFORMATION RELATED TO THE
24 ELECTION RESULTS WHEN A MANUAL ELECTION RECOUNT IS REQUIRED; TO
25 CREATE NEW SECTION 23-15-823, MISSISSIPPI CODE OF 1972, TO PROVIDE
26 THAT WHEN A CANDIDATE OR ELECTED OFFICIAL HAS BEEN RESTRICTED BY A
27 SOCIAL MEDIA PLATFORM, THE COMPANY THAT OPERATES THE SOCIAL MEDIA
28 PLATFORM SHALL BE REQUIRED TO SUBMIT A REPORT DISCLOSING THE
29 ACTION TO THE SECRETARY OF STATE; TO CREATE NEW SECTION 23-15-395,
30 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO
31 PROMULGATE RULES AND REGULATIONS FOR THE REVIEW, CERTIFICATION AND
32 DECERTIFICATION AND IMPLEMENTATION OF ALL VOTING SYSTEMS; TO
33 CREATE NEW SECTION 23-15-152, MISSISSIPPI CODE OF 1972, TO PROVIDE
34 THAT AN ELECTOR WHO FAILS TO RESPOND TO A CONFIRMATION NOTICE AND



35 WHO FAILS TO VOTE DURING A CERTAIN PERIOD OF TIME SHALL BE PURGED
36 FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE
37 DEFINITIONS FOR "CONFIRMATION NOTICE" AND "FAILS TO RESPOND TO THE
38 CONFIRMATION NOTICE"; TO PROVIDE THOSE REGISTERED VOTERS WHO SHALL
39 RECEIVE CONFIRMATION NOTICES; TO PROVIDE THAT A REGISTERED VOTER
40 WHO IS MAILED A CONFIRMATION NOTICE SHALL BE PLACED ON INACTIVE
41 STATUS IN THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM BUT SHALL BE
42 ABLE TO VOTE BY AFFIDAVIT BALLOT; TO PROVIDE THE TIME FOR REMOVAL
43 OF VOTER REGISTRATION RECORDS; TO PROVIDE FOR THE RETENTION OF
44 REMOVED VOTER REGISTRATION RECORDS; TO AMEND SECTION 23-15-125,
45 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND
46 FOR RELATED PURPOSES.

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

48 **SECTION 1.** The following shall be codified as Section
49 23-15-615, Mississippi Code of 1972:

50 23-15-615. (1) The Secretary of State shall be authorized
51 to audit election procedures in the counties of this state. The
52 Secretary of State may, in order to fulfill the requirements of
53 this section, enter into an agreement with a third-party for the
54 conduction of a post-election audit.

55 (2) The registrar of each county shall, within ten (10) days
56 after a primary, general or special election, submit to the
57 Secretary of State the following information:

58 (a) The total number of voters marked as VOTED in the
59 pollbook of each precinct in the county;

60 (b) The sum of the total number of voters who signed
61 the receipt book at the polling place on election day and the
62 total number of voters who cast an absentee ballot;

63 (c) The total number of ballots received by the poll
64 managers from local election officials;



65 (d) The sum of the total number of paper ballots voted
66 on election day, the number of unused ballots and the number of
67 spoiled ballots;

68 (e) The total number of electronic ballots cast; and

69 (f) The total number of ballots cast.

70 (3) If a discrepancy meets or exceeds the threshold set
71 forth in subsection (4), the Secretary of State may conduct an
72 audit in that county.

73 (4) A discrepancy occurs if the difference between the
74 reported totals in subsection (2) meets or exceeds:

75 (a) One (1), if the total number of total votes cast in
76 a precinct is not more than twenty (20).

77 (b) Two (2), if the total number of total votes cast in
78 a precinct is:

79 (i) More than twenty (20); but

80 (ii) Not more than forty (40).

81 (c) Three (3), if the total number of total votes cast
82 in a precinct is:

83 (i) More than forty (40); but

84 (ii) Not more than sixty (60).

85 (d) Four (4), if the total number of total votes cast
86 in a precinct is:

87 (i) More than sixty (60); but

88 (ii) Not more than eighty (80).



89 (e) Three percent (3%) of the total number of total
90 votes cast, rounded up to the nearest whole number, if the total
91 number of votes cast in a precinct is:

92 (i) More than eighty (80); but

93 (ii) Not more than five hundred (500).

94 (f) Fifteen (15), if the total number of total votes
95 cast in a precinct is more than five hundred (500).

96 (5) The Secretary of State shall randomly select and audit
97 each county over a four-year period. The audit shall not begin
98 more than thirty (30) days before and not later than ninety (90)
99 days after the regularly scheduled general or special election.
100 No county shall be selected for audit if that county has been
101 audited in the last four (4) years unless an audit is triggered
102 pursuant to subsection (2) of this section. The Secretary of
103 State shall select the precinct(s) to be audited in each county.

104 (6) The Secretary of State shall not conduct an audit under
105 this section at any precinct where an election occurred and that
106 election is being challenged as provided in Sections 23-15-927,
107 23-15-951 or 23-15-955. Any documents, materials, notes or
108 communications used to prepare the reports required in subsection
109 (7) of this section shall be exempt from and shall not be subject
110 to inspection, examination, copying or reproduction under the
111 Mississippi Public Records Act of 1983.

112 (7) (a) Not later than one hundred twenty (120) days after
113 the date of the election that the Secretary of State is auditing,



114 the Secretary of State shall post a report of any completed audit
115 on the official website of the Secretary of State. The registrar
116 of the affected county may post the results of the completed audit
117 on the official website of the county.

118 (b) Not later than one hundred fifty (150) days after
119 the election, the Secretary of State shall submit a report to the
120 Governor, Lieutenant Governor and Speaker of the House of
121 Representatives analyzing the reports required to be filed
122 pursuant to subsection (2) of this section.

123 (c) If, while conducting an audit, the Secretary of
124 State determines that more time is needed to complete the audit,
125 he or she may certify that such need exists and post the
126 certification to the website of the Secretary of State.

127 (8) The Secretary of State shall promulgate any rules and
128 regulations as necessary to effectuate the provisions of this
129 section.

130 **SECTION 2.** Section 23-15-613, Mississippi Code of 1972,
131 which provides that election commissions and county and municipal
132 executive committees shall report residual vote information to the
133 Secretary of State, is repealed.

134 **SECTION 3.** The following shall be codified as Section
135 23-15-617, Mississippi Code of 1972:

136 23-15-617. The provisions of Sections 23-15-617 through
137 23-15-617.5 shall apply to an election that:



138 (a) Occurs from and after August 31, 2027, except as
139 otherwise provided in Section 23-15-617.5;

140 (b) Contains an elective office or measure that is
141 voted on statewide; and

142 (c) Uses an auditable voting system as described in
143 Section 23-15-617.4.

144 **SECTION 4.** The following shall be codified as Section
145 23-15-617.1, Mississippi Code of 1972:

146 23-15-617.1. (1) Not later than twenty-four (24) hours
147 after all of the ballots have been counted in an election, the
148 election commissioners, in conjunction with the registrar, shall
149 conduct a risk-limiting audit for a selected statewide elective
150 office or measure.

151 (2) The Secretary of State shall select, in accordance with
152 rules adopted by the secretary, the statewide elective office or
153 measure to be audited.

154 (3) The election commissioners, in conjunction with the
155 registrar, shall complete the audit before the certification of
156 the election pursuant to Section 23-15-603.

157 (4) If the results of the audit determine that the ballots
158 cast in the election do not meet the risk-limiting threshold
159 established as provided in Section 23-15-617.2, the election
160 commissioners shall conduct a manual recount of the election. In
161 the event the tabulation from the manual recount differs from that



162 of the tabulation reported from the auditable voting systems, the
163 tabulation from the manual recount shall be the certified results.

164 (5) The election commissioners, in conjunction with the
165 registrar, shall publish notice of the date, time and location of
166 the audit in the county courthouse and on the county's website, if
167 the county maintains a website. If the county does not maintain a
168 website, such information shall be posted on the Secretary of
169 State's website.

170 (6) A credentialed poll watcher may be present for the audit
171 if he or she is appointed by a candidate whose name appears on the
172 ballot for the statewide elective office to be audited. A
173 credentialed poll watcher shall present credentials to the
174 election commissioners or registrar at the time he or she reports
175 for service. The credentials must be in writing and must include
176 any information also required by Section 23-15-577.

177 (7) The Secretary of State may appoint personnel to assist
178 with the audit, including appropriate voting system technicians or
179 representatives and persons who have assisted with the design and
180 implementation of the audit.

181 **SECTION 5.** The following shall be codified as Section
182 23-15-617.2, Mississippi Code of 1972:

183 23-15-617.2. The Secretary of State shall adopt rules and
184 regulations as necessary to effectuate the provisions of Sections
185 23-15-617 through 23-15-617.5. Such rules shall include a rule
186 that requires the use of widely accepted statistical methods to



187 calculate the number or percentage of paper records that must be
188 counted in a risk-limiting audit as provided in Section
189 23-15-617.1.

190 **SECTION 6.** The following shall be codified as Section
191 23-15-617.3, Mississippi Code of 1972:

192 23-15-617.3. The results of a risk-limiting audit conducted
193 under Section 23-15-617.1 shall be published on the Secretary of
194 State's website not later than three (3) days after the audit is
195 completed.

196 **SECTION 7.** The following shall be codified as Section
197 23-15-617.4, Mississippi Code of 1972:

198 23-15-617.4. (1) As used in Sections 23-15-617 through
199 23-15-617.5, "auditable voting system" means a voting system that:

200 (a) Uses, creates or displays a paper record that may
201 be read by the voter; and

202 (b) Is not capable of being connected to the Internet
203 or any other computer network or electronic device.

204 (2) The electronic vote is the official record of the vote
205 cast if a risk-limiting audit conducted under Section 23-15-617.1
206 produces strong evidence that the reported outcome of the election
207 matches the results that a full counting of the paper records
208 would reveal.

209 (3) The paper record is the official record of the vote cast
210 if a risk-limiting audit conducted under Section 23-15-617.1 fails
211 to produce strong evidence that the reported outcome of the



212 election matches the results that a full counting of the paper
213 records would reveal.

214 **SECTION 8.** The following shall be codified as Section
215 23-15-617.5, Mississippi Code of 1972:

216 23-15-617.5. (1) Notwithstanding the provisions of Section
217 23-15-617(a), the Secretary of State shall conduct a pilot
218 program, beginning with the election that occurs on November 7,
219 2023, of the risk-limiting audit program created under Sections
220 23-15-617 through 23-15-617.5.

221 (2) The Secretary of State shall select at least five (5)
222 counties to participate in the pilot program.

223 (3) After each election conducted under the pilot program,
224 the Secretary of State shall send a detailed report to the
225 Governor, Lieutenant Governor, Speaker of the House of
226 Representatives, Chair of the Senate Elections Committee and Chair
227 of the House Committee on Apportionment and Elections. The report
228 shall evaluate the success of the program and make a
229 recommendation as to whether the Legislature should delay the
230 statewide implementation of the program.

231 (4) The Secretary of State shall adopt rules and regulations
232 as necessary to effectuate the provisions of this section.

233 (5) This section shall repeal on August 31, 2026.

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



236 23-15-153. (1) At least during the following times, the
237 election commissioners shall meet at the office of the registrar
238 or the office of the election commissioners to carefully revise
239 the county voter roll as electronically maintained by the
240 Statewide Elections Management System and remove from the roll the
241 names of all voters who have requested to be purged from the voter
242 roll, died, received an adjudication of non compos mentis, been
243 convicted of a disenfranchising crime, failed to comply with the
244 provisions of Section 23-15-152, or otherwise become disqualified
245 as electors for any cause, and shall register the names of all
246 persons who have duly applied to be registered but have been
247 illegally denied registration:

248 (a) On the Tuesday after the second Monday in January
249 1987 and every following year;

250 (b) On the first Tuesday in the month immediately
251 preceding the first primary election for members of Congress in
252 the years when members of Congress are elected;

253 (c) On the first Monday in the month immediately
254 preceding the first primary election for state, state district
255 legislative, county and county district offices in the years in
256 which those offices are elected; * * *

257 (d) On the second Monday of September preceding the
258 general election or regular special election day in years in which
259 a general election is not conducted * * *; and

260 (e) As provided in Section 23-15-152.



261 Except for the names of those voters who are duly qualified
262 to vote in the election, no name shall be permitted to remain in
263 the Statewide Elections Management System; however, no name shall
264 be purged from the Statewide Elections Management System based on
265 a change in the residence of an elector except in accordance with
266 procedures provided for by the National Voter Registration Act of
267 1993. Except as otherwise provided by Section 23-15-573, no
268 person shall vote at any election whose name is not in the county
269 voter roll electronically maintained by the Statewide Elections
270 Management System.

271 (2) Except as provided in this section, and subject to the
272 following annual limitations, the election commissioners shall be
273 entitled to receive a per diem in the amount of One Hundred Ten
274 Dollars (\$110.00), to be paid from the county general fund, for
275 every day or period of no less than five (5) hours accumulated
276 over two (2) or more days actually employed in the performance of
277 their duties in the conduct of an election or actually employed in
278 the performance of their duties for the necessary time spent in
279 the revision of the county voter roll as electronically maintained
280 by the Statewide Elections Management System as required in
281 subsection (1) of this section:

282 (a) In counties having less than fifteen thousand
283 (15,000) residents according to the latest federal decennial
284 census, not more than fifty (50) days per year, with no more than



285 fifteen (15) additional days allowed for the conduct of each
286 election in excess of one (1) occurring in any calendar year;

287 (b) In counties having fifteen thousand (15,000)
288 residents according to the latest federal decennial census but
289 less than thirty thousand (30,000) residents according to the
290 latest federal decennial census, not more than seventy-five (75)
291 days per year, with no more than twenty-five (25) additional days
292 allowed for the conduct of each election in excess of one (1)
293 occurring in any calendar year;

294 (c) In counties having thirty thousand (30,000)
295 residents according to the latest federal decennial census but
296 less than seventy thousand (70,000) residents according to the
297 latest federal decennial census, not more than one hundred (100)
298 days per year, with no more than thirty-five (35) additional days
299 allowed for the conduct of each election in excess of one (1)
300 occurring in any calendar year;

301 (d) In counties having seventy thousand (70,000)
302 residents according to the latest federal decennial census but
303 less than ninety thousand (90,000) residents according to the
304 latest federal decennial census, not more than one hundred
305 twenty-five (125) days per year, with no more than forty-five (45)
306 additional days allowed for the conduct of each election in excess
307 of one (1) occurring in any calendar year;

308 (e) In counties having ninety thousand (90,000)
309 residents according to the latest federal decennial census but



310 less than one hundred seventy thousand (170,000) residents
311 according to the latest federal decennial census, not more than
312 one hundred fifty (150) days per year, with no more than
313 fifty-five (55) additional days allowed for the conduct of each
314 election in excess of one (1) occurring in any calendar year;

315 (f) In counties having one hundred seventy thousand
316 (170,000) residents according to the latest federal decennial
317 census but less than two hundred thousand (200,000) residents
318 according to the latest federal decennial census, not more than
319 one hundred seventy-five (175) days per year, with no more than
320 sixty-five (65) additional days allowed for the conduct of each
321 election in excess of one (1) occurring in any calendar year;

322 (g) In counties having two hundred thousand (200,000)
323 residents according to the latest federal decennial census but
324 less than two hundred twenty-five thousand (225,000) residents
325 according to the latest federal decennial census, not more than
326 one hundred ninety (190) days per year, with no more than
327 seventy-five (75) additional days allowed for the conduct of each
328 election in excess of one (1) occurring in any calendar year;

329 (h) In counties having two hundred twenty-five thousand
330 (225,000) residents according to the latest federal decennial
331 census but less than two hundred fifty thousand (250,000)
332 residents according to the latest federal decennial census, not
333 more than two hundred fifteen (215) days per year, with no more



334 than eighty-five (85) additional days allowed for the conduct of
335 each election in excess of one (1) occurring in any calendar year;

336 (i) In counties having two hundred fifty thousand
337 (250,000) residents according to the latest federal decennial
338 census but less than two hundred seventy-five thousand (275,000)
339 residents according to the latest federal decennial census, not
340 more than two hundred thirty (230) days per year, with no more
341 than ninety-five (95) additional days allowed for the conduct of
342 each election in excess of one (1) occurring in any calendar year;

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

349 (3) In addition to the number of days authorized in
350 subsection (2) of this section, the board of supervisors of a
351 county may authorize, in its discretion, the election
352 commissioners to receive a per diem in the amount provided for in
353 subsection (2) of this section, to be paid from the county general
354 fund, for every day or period of no less than five (5) hours
355 accumulated over two (2) or more days actually employed in the
356 performance of their duties in the conduct of an election or
357 actually employed in the performance of their duties for the
358 necessary time spent in the revision of the county voter roll as



359 electronically maintained by the Statewide Elections Management
360 System as required in subsection (1) of this section, not to
361 exceed five (5) days.

362 (4) (a) The election commissioners shall be entitled to
363 receive a per diem in the amount of One Hundred Ten Dollars
364 (\$110.00), to be paid from the county general fund, not to exceed
365 ten (10) days for every day or period of no less than five (5)
366 hours accumulated over two (2) or more days actually employed in
367 the performance of their duties for the necessary time spent in
368 the revision of the county voter roll as electronically maintained
369 by the Statewide Elections Management System before any special
370 election. For purposes of this paragraph, the regular special
371 election day shall not be considered a special election. The
372 annual limitations set forth in subsection (2) of this section
373 shall not apply to this paragraph.

374 (b) The election commissioners shall be entitled to
375 receive a per diem in the amount of One Hundred Sixty-five Dollars
376 (\$165.00), to be paid from the county general fund, for the
377 performance of their duties on the day of any primary, runoff,
378 general or special election. The annual limitations set forth in
379 subsection (2) of this section shall apply to this paragraph.

380 * * *

381 (5) The election commissioners shall be entitled to receive
382 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
383 be paid from the county general fund, not to exceed fourteen (14)



384 days for every day or period of no less than five (5) hours
385 accumulated over two (2) or more days actually employed in the
386 performance of their duties for the necessary time spent in the
387 revision of the county voter roll as electronically maintained by
388 the Statewide Elections Management System and in the conduct of a
389 runoff election following either a general or special election.

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

394 (7) The election commissioners shall be entitled to receive
395 a per diem in the amount of One Hundred Dollars (\$100.00), to be
396 paid from the county general fund, for those days when the
397 election commissioners shall be required to conduct a recount of
398 an election as provided in Section 23-15-617.1.

399 (* * *8) In preparation for a municipal primary, runoff,
400 general or special election, the county registrar shall generate
401 and distribute the master voter roll and pollbooks from the
402 Statewide Elections Management System for the municipality located
403 within the county. The municipality shall pay the county
404 registrar for the actual cost of preparing and printing the
405 municipal master voter roll pollbooks. A municipality may secure
406 "read only" access to the Statewide Elections Management System
407 and print its own pollbooks using this information.



408 (* * *9) County election commissioners who perform the
409 duties of an executive committee with regard to the conduct of a
410 primary election under a written agreement authorized by law to be
411 entered into with an executive committee shall receive per diem as
412 provided for in subsection (2) of this section. The days that
413 county election commissioners are employed in the conduct of a
414 primary election shall be treated the same as days county election
415 commissioners are employed in the conduct of other elections.

416 (* * *10) In addition to any per diem authorized by this
417 section, any election commissioner shall be entitled to the
418 mileage reimbursement rate allowable to federal employees for the
419 use of a privately owned vehicle while on official travel on
420 election day.

421 (* * *11) Every election commissioner shall sign personally
422 a certification setting forth the number of hours actually worked
423 in the performance of the commissioner's official duties and for
424 which the commissioner seeks compensation. The certification must
425 be on a form as prescribed in this subsection. The commissioner's
426 signature is, as a matter of law, made under the commissioner's
427 oath of office and under penalties of perjury.

428 The certification form shall be as follows:

429 **COUNTY ELECTION COMMISSIONER**

430 **PER DIEM CLAIM FORM**

431 NAME: _____ COUNTY: _____

432 ADDRESS: _____ DISTRICT: _____



433 CITY: _____ ZIP: _____

434		PURPOSE	APPLICABLE	ACTUAL	PER DIEM
435	DATE	BEGINNING	ENDING	OF	MS CODE
436	WORKED	TIME	TIME	WORK	SECTION
437					
438					
439					

440 TOTAL NUMBER OF PER DIEM DAYS EARNED

441 EXCLUDING ELECTION DAYS _____

442 PER DIEM RATE PER DAY EARNED X \$110.00

443 TOTAL NUMBER PER DIEM DAYS EARNED

444 FOR ELECTION DAYS _____

445 PER DIEM RATE PER DAY EARNED X \$165.00

446 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

452 Signed this the _____ day of _____, ____.

453 _____

454 Commissioner's Signature

455 When properly completed and signed, the certification must be
456 filed with the clerk of the county board of supervisors before any
457 payment may be made. The certification will be a public record



458 available for inspection and reproduction immediately upon the
459 oral or written request of any person.

460 Any person may contest the accuracy of the certification in
461 any respect by notifying the chair of the commission, any member
462 of the board of supervisors or the clerk of the board of
463 supervisors of the contest at any time before or after payment is
464 made. If the contest is made before payment is made, no payment
465 shall be made as to the contested certificate until the contest is
466 finally disposed of. The person filing the contest shall be
467 entitled to a full hearing, and the clerk of the board of
468 supervisors shall issue subpoenas upon request of the contestor
469 compelling the attendance of witnesses and production of documents
470 and things. The contestor shall have the right to appeal de novo
471 to the circuit court of the involved county, which appeal must be
472 perfected within thirty (30) days from a final decision of the
473 commission, the clerk of the board of supervisors or the board of
474 supervisors, as the case may be.

475 Any contestor who successfully contests any certification
476 will be awarded all expenses incident to his or her contest,
477 together with reasonable attorney's fees, which will be awarded
478 upon petition to the chancery court of the involved county upon
479 final disposition of the contest before the election commission,
480 board of supervisors, clerk of the board of supervisors, or, in
481 case of an appeal, final disposition by the court. The
482 commissioner against whom the contest is decided shall be liable



483 for the payment of the expenses and attorney's fees, and the
484 county shall be jointly and severally liable for same.

485 (* * *12) Any election commissioner who has not received a
486 certificate issued by the Secretary of State pursuant to Section
487 23-15-211 indicating that the election commissioner has received
488 the required elections seminar instruction and that the election
489 commissioner is fully qualified to conduct an election, shall not
490 receive any compensation authorized by this section or Section
491 23-15-239.

492 **SECTION 10.** Section 23-15-5, Mississippi Code of 1972, is
493 brought forward as follows:

494 23-15-5. (1) There is created in the State Treasury a
495 special fund to be known as the Elections Support Fund. Monies
496 derived from annual report fees imposed upon limited liability
497 companies under Section 79-29-1203 shall be deposited into the
498 Elections Support Fund. Unexpended amounts remaining in the fund
499 at the end of the fiscal year shall not lapse into the State
500 General Fund, and any interest earned or investment earnings on
501 amounts in the fund shall be disbursed as provided in subsection
502 (2) of this section. The expenditure of monies in the fund shall
503 be under the direction of the Secretary of State as provided by
504 subsection (2) of this section, and such funds shall be paid by
505 the State Treasurer upon warrants issued by the Department of
506 Finance and Administration.

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



508 (i) Seventy percent (70%) of the monies in the
509 special fund shall be distributed annually to the counties, upon
510 appropriation of the Legislature, based on the proportion that the
511 population of a county bears to the total population in all
512 counties of the state population according to the most recent
513 information from the United States Census Bureau, and held in a
514 separate fund solely for the purpose of acquiring, upgrading,
515 maintaining or repairing voting equipment, systems and supplies,
516 hiring temporary technical support, conducting elections using
517 such voting equipment or systems, employing such personnel to
518 conduct an election, and training election officials; and

519 (ii) The remaining thirty percent (30%) of the
520 monies in the special fund shall be deposited in the State General
521 Fund.

522 (b) The Secretary of State shall create standard
523 training guidelines to assist counties in training election
524 officials with the funds authorized under subsection (2)(a)(ii) of
525 this section. Any criteria established by the Secretary of State
526 for the purposes of this section shall be used in addition to any
527 other training or coursework prescribed by the Secretary of State
528 to train circuit clerks, poll managers and any other election
529 officials participating in county elections.

530 (c) Notwithstanding any other provision of law, no
531 monies from the Elections Support Fund shall be used by the
532 Secretary of State or any person associated with the Office of the



533 Secretary of State to provide or otherwise support expert
534 testimony in any manner for any hearing, trial or election
535 contest.

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

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

544 **SECTION 11.** Section 23-15-603, Mississippi Code of 1972, is
545 amended as follows:

546 23-15-603. (1) Except as otherwise provided in this
547 section, the election commissioners shall, within ten (10) days
548 after the general election, transmit to the Secretary of State, to
549 be filed in his or her office, a statement of the whole number of
550 votes given in their county and the whole number of votes given in
551 each precinct in their county, for each candidate for any office
552 at the election; but the returns of every election for Governor,
553 Lieutenant Governor, Secretary of State, Attorney General, Auditor
554 of Public Accounts, State Treasurer, Commissioner of Insurance and
555 other state officers, shall each be made out separately, sealed up
556 together and transmitted to the seat of government, directed to
557 the Secretary of State, and endorsed the "VOTE FOR STATE



558 OFFICERS," to be delivered by the Secretary of State to the
559 Speaker of the House of Representatives at the next ensuing
560 session of the Legislature. In addition to the other information
561 required pursuant to this subsection, the returns for state
562 officers shall contain a statement of the whole number of votes
563 given in each House of Representative district or portion thereof
564 for each candidate for state office at the election.

565 (2) Except as otherwise provided in this section,
566 constitutional amendments shall be voted for at the time fixed by
567 the concurrent resolution. The election, whether held separately
568 or with other elections, shall be conducted, in all respects, as
569 required for elections generally. The election commissioners
570 shall, within ten (10) days after the election, transmit to the
571 Secretary of State a statement of the whole number of votes given
572 in their county and the whole number of votes given in each
573 precinct in their county for or against constitutional amendments.

574 (3) The statements certified by the election commissioners
575 and transmitted to the Secretary of State, as required by this
576 section, shall be tabulated by the Secretary of State and
577 submitted to each branch of the Legislature, at the session next
578 ensuing. Certified county vote totals shall represent the final
579 results of the election.

580 (4) The statements required by this section shall contain a
581 certification, signed and dated by a majority of the election
582 commissioners, which shall read as follows:



583 "We, the undersigned election commissioners, do
584 hereby certify that this statement of the whole number
585 of votes contains the official vote for the election
586 reflected therein."

587 (5) The statements required by this section shall be
588 transmitted to the Secretary of State on such forms and by such
589 methods as may be required by rules and regulations promulgated by
590 the Secretary of State.

591 (6) If the results of a risk-limiting audit determine that
592 the county election commissioners must manually recount an
593 election, then the county election commissioners shall not be
594 required to transmit the information required in subsections (1)
595 and (2) of this section within ten (10) days of the election.
596 When a manual recount is required, the election commissioners
597 shall transmit the results not later than five (5) business days
598 after the results would have otherwise been required to be
599 transmitted under subsections (1) and (2) of this section.

600 **SECTION 12.** The following shall be codified as Section
601 23-15-823, Mississippi Code of 1972:

602 23-15-823. (1) The following words and phrases shall have
603 the meanings as defined in this subsection unless the context
604 clearly indicates otherwise:

605 (a) "Election" means a general, special, primary or
606 runoff election.



607 (b) "Candidate" means an individual who seeks
608 nomination for election, or election, to any elective office and
609 has or intends to:

610 (i) Pay the assessment, file a written statement,
611 and file a petition containing the signatures of the requisite
612 number of voters, if applicable, pursuant to Sections 23-15-297
613 and 23-15-299; or

614 (ii) Designate a principal campaign committee
615 pursuant to 52 USCS Section 30102(e) and 11 CFR Section 101.1.

616 (c) "Social Media Platform" means any website and/or
617 application that has a primary purpose of communication,
618 collaboration, social interaction and/or sharing user-generated
619 content through personalized web profiles. This definition shall
620 not be construed to mean electronic mail, short message service,
621 or other similar means of communication.

622 (2) (a) When a candidate and/or elected official has been
623 restricted from a social media platform, the company which
624 operates and/or maintains the social media platform, or its
625 successor entities, shall file a report with the Secretary of
626 State disclosing this action, on a form as prescribed by the
627 Secretary, within three (3) business days of the day the
628 restriction occurred.

629 (b) The Secretary of State shall promulgate rules and
630 regulations as necessary to effectuate the provisions of this
631 section, including the public inspection, preservation of reports



632 and a process by which candidates or elected officials may allege
633 a violation of this section.

634 (3) When a social media platform indicates a good faith
635 effort has been made to submit the information required, any
636 record or report shall be considered in compliance with this
637 section.

638 **SECTION 13.** The following shall be codified as Section
639 23-15-395, Mississippi Code of 1972:

640 23-15-395. The Secretary of State shall promulgate rules and
641 regulations for the review, certification and decertification, and
642 implementation of all voting systems. Before promulgating any
643 rules or regulations, the Secretary of State shall present the
644 proposed rules and regulations to the State Board of Election
645 Commissioners for comment and approval. Upon approval of the
646 rules and regulations by the State Board of Election
647 Commissioners, the Secretary of State shall promulgate the
648 approved rules and regulations.

649 **SECTION 14.** The following shall be codified as Section
650 23-15-152, Mississippi Code of 1972:

651 23-15-152. (1) For the purposes of this section,
652 "confirmation notice" means a notice sent by the election
653 commissioners, by forwardable mail, with return postage prepaid,
654 on a form prescribed by the Secretary of State, to a registered
655 voter to confirm the registered voter's current address. The



656 notice shall comply with all applicable requirements of the
657 National Voter Registration Act of 1993.

658 (2) The election commissioners shall send a confirmation
659 notice to the following:

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

663 (b) A registered voter if a county election
664 commissioner or county registrar has received notice from another
665 state, or political subdivision of another state, that the
666 registered voter has registered to vote in another state;

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

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

671 (ii) A period of two (2) years, which shall
672 include an election for Governor and a federal general election;
673 and

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

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



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

687 (4) A registered voter "fails to respond to the confirmation
688 notice" if the voter, during a period of four (4) consecutive
689 years beginning from the date of the delivery of the confirmation
690 notice, fails to:

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

693 The period of four (4) consecutive years beginning from the
694 date of the delivery of the confirmation notice required in
695 subsection (4) of this section shall include two (2) general
696 federal elections. A registered voter who votes at least once in
697 any election in the registered voter's county of registration
698 during the period of four (4) consecutive years beginning from the
699 date of the delivery of the confirmation notice shall not be
700 purged from the Statewide Elections Management System.

701 (5) The county registrar or county election commission shall
702 move those registered voters who fail to respond to the
703 confirmation notice as provided in subsection (4) and who fail to
704 vote as provided in subsection (4) of this section to purged
705 status in the Statewide Elections Management System.



706 (6) No systematic list maintenance shall occur during the
707 ninety (90) days immediately preceding a federal primary or
708 general election.

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

713 **SECTION 15.** Section 23-15-125, Mississippi Code of 1972, is
714 amended as follows:

715 23-15-125. The pollbook of each voting precinct shall
716 designate the voting precinct for which it is to be used, and
717 shall be ruled in appropriate columns, with printed or written
718 headings, as follows: date of registration; voter registration
719 number; name of electors; date of birth; and a number of blank
720 columns for the dates of elections. All qualified applicants who
721 register with the registrar shall be entered in the Statewide
722 Elections Management System. Only the names of those qualified
723 applicants who register within thirty (30) days before an election
724 shall appear on the pollbooks of the election; however, if the
725 thirtieth day to register before an election falls on a Sunday or
726 legal holiday, the registration applications submitted on the
727 business day immediately following the legal holiday shall be
728 accepted and entered in the Statewide Elections Management System
729 for the purpose of enabling voters to vote in the next election.
730 When county election commissioners determine that any elector is



731 disqualified from voting, by reason of death, conviction of a
732 disenfranchising crime, removal from the jurisdiction, failure to
733 comply with the provisions of Section 23-15-152, or other legal
734 cause, that fact shall be noted in the Statewide Elections
735 Management System and the voter's name shall be removed from the
736 Statewide Elections Management System, the state's voter roll and
737 the county's pollbooks. Nothing in this section shall preclude
738 the use of electronic pollbooks.

739 **SECTION 16.** This act shall take effect and be in force from
740 and after July 1, 2023.

