

By: Representatives Powell, Aguirre, Boyd (19th), Byrd, Calvert, Carpenter, Kinkade, Newman, Shanks, Brown (20th), Williamson, Wallace

To: Apportionment and Elections

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1310

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 WHEN AN AUDIT
4 SHALL BE COMPLETED; TO REPEAL SECTION 23-15-613, MISSISSIPPI CODE
5 OF 1972, WHICH PROVIDES THAT ELECTION COMMISSIONS AND COUNTY AND
6 MUNICIPAL EXECUTIVE COMMITTEES SHALL REPORT RESIDUAL VOTE
7 INFORMATION TO THE SECRETARY OF STATE; TO CREATE NEW SECTION
8 23-15-617, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE PROCEDURES
9 FOR A RISK-LIMITING AUDIT PILOT PROGRAM BEGINNING WITH THE GENERAL
10 ELECTIONS IN 2026; TO PROVIDE WHEN A MANUAL RECOUNT OF ELECTION
11 RESULTS SHALL BE NECESSARY; TO PROVIDE WHEN AND WHERE THE RESULTS
12 OF A RISK-LIMITING AUDIT SHALL BE AVAILABLE; TO AMEND SECTION
13 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ELECTION
14 COMMISSIONERS TO RECEIVE A PER DIEM OF \$100.00 FOR CONDUCTING AN
15 ELECTION RECOUNT; TO BRING FORWARD SECTION 23-15-5, MISSISSIPPI
16 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO CREATE NEW
17 SECTION 23-15-823, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT WHEN
18 A CANDIDATE OR ELECTED OFFICIAL HAS BEEN RESTRICTED BY A SOCIAL
19 MEDIA PLATFORM, THE COMPANY THAT OPERATES THE SOCIAL MEDIA
20 PLATFORM SHALL BE REQUIRED TO SUBMIT A REPORT DISCLOSING THE
21 ACTION TO THE SECRETARY OF STATE; TO CREATE NEW SECTION 23-15-395,
22 MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO
23 PROMULGATE RULES AND REGULATIONS FOR THE REVIEW, CERTIFICATION AND
24 DECERTIFICATION AND IMPLEMENTATION OF ALL VOTING SYSTEMS; TO
25 CREATE NEW SECTION 23-15-152, MISSISSIPPI CODE OF 1972, TO PROVIDE
26 THAT AN ELECTOR WHO FAILS TO RESPOND TO A CONFIRMATION NOTICE AND
27 WHO FAILS TO VOTE DURING A CERTAIN PERIOD OF TIME SHALL BE REMOVED
28 FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE
29 DEFINITIONS FOR "CONFIRMATION NOTICE" AND "FAILS TO RESPOND TO THE
30 CONFIRMATION NOTICE"; TO PROVIDE THOSE REGISTERED VOTERS WHO SHALL
31 RECEIVE CONFIRMATION NOTICES; TO PROVIDE THAT A REGISTERED VOTER
32 WHO IS MAILED A CONFIRMATION NOTICE SHALL BE PLACED ON INACTIVE
33 STATUS IN THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM BUT SHALL BE
34 ABLE TO VOTE BY AFFIDAVIT BALLOT; TO PROVIDE THE TIME FOR REMOVAL



35 OF VOTER REGISTRATION RECORDS; TO PROVIDE FOR THE RETENTION OF  
36 REMOVED VOTER REGISTRATION RECORDS; TO AMEND SECTION 23-15-125,  
37 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION;  
38 AMEND SECTION 23-15-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
39 IF AN ATTEMPTED VOTER DOES NOT PROVIDE PROOF OF CITIZENSHIP WITHIN  
40 THIRTY DAYS OF THE RECEIPT OF NOTIFICATION THAT THE VOTER HAS BEEN  
41 FLAGGED AS A POTENTIAL NON-CITIZEN, THE REGISTRAR, OR HIS OR HER  
42 DESIGNEE, WHERE THE PERSON REGISTERED TO VOTE SHALL PURGE THE  
43 VOTER FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE  
44 AN APPEAL PROCESS FOR THE VOTER; TO AMEND SECTION 23-15-165,  
45 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO  
46 BRING FORWARD SECTION 23-15-603, FOR THE PURPOSE OF POSSIBLE  
47 AMENDMENT; AND FOR RELATED PURPOSES.

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

49 **SECTION 1.** The following shall be codified as Section  
50 23-15-615, Mississippi Code of 1972:

51 23-15-615. (1) The Secretary of State shall be authorized  
52 to audit election procedures in the counties of this state. The  
53 conduction of an audit shall not create excessive interference  
54 with the general duties and responsibilities of the Secretary of  
55 State. The Secretary of State may, in order to fulfill the  
56 requirements of this section, enter into agreements with third  
57 parties, under the supervision of the Secretary of State, for the  
58 purposes of conducting election procedure audits, provided that  
59 any third parties would be licensed by and in good standing with  
60 the Mississippi Board of Public Accountancy and receive training  
61 from the Secretary of State.

62 (2) The Secretary of State shall prescribe rules and  
63 regulations for random selection of any county for an election  
64 audit. The Secretary of State shall randomly select the  
65 precinct(s) to be audited in any county. No county or precinct  
66 shall be selected for audit on the basis of race, geographical



67 location or voting trends. Further, no county shall be selected  
68 more than once in a four (4) year period of time.

69 (3) The Secretary of State shall not conduct an audit under  
70 this section at any precinct where an election occurred and that  
71 election is being challenged pursuant to Sections 23-15-927,  
72 23-15-951 or 23-15-955.

73 (4) (a) No later than one hundred twenty (120) days after  
74 the election that the Secretary of State is auditing, the  
75 Secretary of State shall compile a report of the audits conducted,  
76 which shall be published on the official website of the Secretary  
77 of State.

78 (b) If the Secretary of State determines that more time  
79 is needed to complete an audit, the Secretary of State may make a  
80 finding of the additional time needed, which shall not exceed one  
81 hundred fifty (150) days after the election, and post notice to  
82 the official website of the Secretary of State.

83 (5) The Secretary of State shall promulgate administrative  
84 rules to carry out the provisions of this subchapter.

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

89 **SECTION 3.** The following shall be codified as Section  
90 23-15-617, Mississippi Code of 1972:



91           23-15-617. (1) The Secretary of State shall conduct a pilot  
92 program for risk-limiting audits of the general election to occur  
93 in 2026. The Secretary of State, with input from a representative  
94 of the Mississippi Circuit Clerk's Association and a  
95 representative of the Mississippi Election Commissioner's  
96 Association, shall establish the rules and procedures for  
97 implementing a risk-limiting audit no later than December 31,  
98 2025. Beginning on January 1, 2027, a risk-limiting audit will be  
99 conducted in each county in accordance with this section. Any risk  
100 limiting post-election audit performed pursuant to this section  
101 shall be conducted by the election commissioners, in conjunction  
102 with the registrar, in accordance with the instructions and  
103 procedures prescribed by the Secretary of State, including:

104                   (a) Process for randomly selecting elections and  
105 determining the risk limit, if applicable;

106                   (b) Procedures for preparing for a post-election audit,  
107 including guidelines for organizing ballots, selecting venues and  
108 securing appropriate materials;

109                   (c) Procedures for ballot custody, accounting, security  
110 and written record retention ensuring that the collection of cast  
111 ballots from which samples are drawn is complete and accurate  
112 throughout the audit;

113                   (d) Procedures for the hand counting of the audited  
114 ballots;



115 (e) Processes and methods for conducting a post-election  
116 audit, including the percentage of ballots required to be counted;

117 (f) Procedures for ensuring transparency and  
118 understanding of the process by participants and the public,  
119 including guidelines for direct observation by members of the  
120 public, representatives of the candidates involved in the  
121 post-election audit and representatives of the political parties.

122 (2) (a) Not later than sixty (60) days after the date of  
123 the general election audited, the Secretary of State shall publish  
124 a report detailing the accuracy of the audit.

125 (b) At the beginning of the 2027 legislative session,  
126 the Secretary of State shall submit a report to the Governor,  
127 Lieutenant Governor and Speaker of the House of Representatives  
128 that analyzes the audit findings and makes recommendations for  
129 legislative changes to the risk-limiting audit program.

130 (3) An audit shall not be conducted under this section at  
131 any precinct where an election occurred and that election is being  
132 challenged as provided in Sections 23-15-927, 23-15-951 or  
133 23-15-955.

134 (4) No later than thirty (30) days after a primary or  
135 general election, the election commissioners, in conjunction with  
136 the registrar, shall manually tabulate a statistically significant  
137 percentage of ballots and compare the results with the results  
138 produced by the voting machine. However, no audit shall be  
139 required if a ballot box examination has occurred, a runoff will



140 occur or the election is challenged as provided in Sections  
141 23-15-927, 23-15-951 or 23-15-955.

142 (5) (a) In the event a discrepancy of more than one percent  
143 (1%) exists, the election commissioners, in conjunction with the  
144 registrar, shall commence a full manual hand count of ballots.

145 (b) The registrar shall promptly report results of the  
146 manual tabulation to the Secretary of State. The report shall  
147 include, but is not limited to:

148 (i) The total number of voters marked as VOTED in  
149 the pollbook of each precinct in the county;

150 (ii) The sum of the total number of voters who  
151 signed the receipt book at the polling place on election day and  
152 the total number of voters who cast an absentee ballot;

153 (iii) The total number of ballots received by the  
154 poll managers from local election officials;

155 (iv) The sum of the total number of paper ballots  
156 voted on election day, the number of unused ballots and the number  
157 of spoiled ballots;

158 (v) The total number of electronic ballots cast;  
159 and

160 (vi) The total number of ballots cast.

161 **SECTION 4.** Section 23-15-153, Mississippi Code of 1972, is  
162 amended as follows:

163 23-15-153. (1) At least during the following times, the  
164 election commissioners shall meet at the office of the registrar



165 or the office of the election commissioners to carefully revise  
166 the county voter roll as electronically maintained by the  
167 Statewide Elections Management System and remove from the roll the  
168 names of all voters who have requested to be \* \* \* removed from  
169 the voter roll, died, received an adjudication of non compos  
170 mentis, been convicted of a disenfranchising crime, failed to  
171 comply with the provisions of Section 23-15-152, or otherwise  
172 become disqualified as electors for any cause, and shall register  
173 the names of all persons who have duly applied to be registered  
174 but have been illegally denied registration:

175 (a) On the Tuesday after the second Monday in January  
176 1987 and every following year;

177 (b) On the first Tuesday in the month immediately  
178 preceding the first primary election for members of Congress in  
179 the years when members of Congress are elected;

180 (c) On the first Monday in the month immediately  
181 preceding the first primary election for state, state district  
182 legislative, county and county district offices in the years in  
183 which those offices are elected; \* \* \*

184 (d) On the second Monday of September preceding the  
185 general election or regular special election day in years in which  
186 a general election is not conducted \* \* \*; and

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

188 Except for the names of those voters who are duly qualified  
189 to vote in the election, no name shall be permitted to remain in



190 the Statewide Elections Management System; however, no name shall  
191 be \* \* \* removed from the Statewide Elections Management System  
192 based on a change in the residence of an elector except in  
193 accordance with procedures provided for by the National Voter  
194 Registration Act of 1993. Except as otherwise provided by Section  
195 23-15-573, no person shall vote at any election whose name is not  
196 in the county voter roll electronically maintained by the  
197 Statewide Elections Management System.

198 (2) Except as provided in this section, and subject to the  
199 following annual limitations, the election commissioners shall be  
200 entitled to receive a per diem in the amount of One Hundred Ten  
201 Dollars (\$110.00), to be paid from the county general fund, for  
202 every day or period of no less than five (5) hours accumulated  
203 over two (2) or more days actually employed in the performance of  
204 their duties in the conduct of an election or actually employed in  
205 the performance of their duties for the necessary time spent in  
206 the revision of the county voter roll as electronically maintained  
207 by the Statewide Elections Management System as required in  
208 subsection (1) of this section:

209 (a) In counties having less than fifteen thousand  
210 (15,000) residents according to the latest federal decennial  
211 census, not more than fifty (50) days per year, with no more than  
212 fifteen (15) additional days allowed for the conduct of each  
213 election in excess of one (1) occurring in any calendar year;





214 (b) In counties having fifteen thousand (15,000)  
215 residents according to the latest federal decennial census but  
216 less than thirty thousand (30,000) residents according to the  
217 latest federal decennial census, not more than seventy-five (75)  
218 days per year, with no more than twenty-five (25) additional days  
219 allowed for the conduct of each election in excess of one (1)  
220 occurring in any calendar year;

221 (c) In counties having thirty thousand (30,000)  
222 residents according to the latest federal decennial census but  
223 less than seventy thousand (70,000) residents according to the  
224 latest federal decennial census, not more than one hundred (100)  
225 days per year, with no more than thirty-five (35) additional days  
226 allowed for the conduct of each election in excess of one (1)  
227 occurring in any calendar year;

228 (d) In counties having seventy thousand (70,000)  
229 residents according to the latest federal decennial census but  
230 less than ninety thousand (90,000) residents according to the  
231 latest federal decennial census, not more than one hundred  
232 twenty-five (125) days per year, with no more than forty-five (45)  
233 additional days allowed for the conduct of each election in excess  
234 of one (1) occurring in any calendar year;

235 (e) In counties having ninety thousand (90,000)  
236 residents according to the latest federal decennial census but  
237 less than one hundred seventy thousand (170,000) residents  
238 according to the latest federal decennial census, not more than



239 one hundred fifty (150) days per year, with no more than  
240 fifty-five (55) additional days allowed for the conduct of each  
241 election in excess of one (1) occurring in any calendar year;

242 (f) In counties having one hundred seventy thousand  
243 (170,000) residents according to the latest federal decennial  
244 census but less than two hundred thousand (200,000) residents  
245 according to the latest federal decennial census, not more than  
246 one hundred seventy-five (175) days per year, with no more than  
247 sixty-five (65) additional days allowed for the conduct of each  
248 election in excess of one (1) occurring in any calendar year;

249 (g) In counties having two hundred thousand (200,000)  
250 residents according to the latest federal decennial census but  
251 less than two hundred twenty-five thousand (225,000) residents  
252 according to the latest federal decennial census, not more than  
253 one hundred ninety (190) days per year, with no more than  
254 seventy-five (75) additional days allowed for the conduct of each  
255 election in excess of one (1) occurring in any calendar year;

256 (h) In counties having two hundred twenty-five thousand  
257 (225,000) residents according to the latest federal decennial  
258 census but less than two hundred fifty thousand (250,000)  
259 residents according to the latest federal decennial census, not  
260 more than two hundred fifteen (215) days per year, with no more  
261 than eighty-five (85) additional days allowed for the conduct of  
262 each election in excess of one (1) occurring in any calendar year;



263 (i) In counties having two hundred fifty thousand  
264 (250,000) residents according to the latest federal decennial  
265 census but less than two hundred seventy-five thousand (275,000)  
266 residents according to the latest federal decennial census, not  
267 more than two hundred thirty (230) days per year, with no more  
268 than ninety-five (95) additional days allowed for the conduct of  
269 each election in excess of one (1) occurring in any calendar year;

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

276 (3) In addition to the number of days authorized in  
277 subsection (2) of this section, the board of supervisors of a  
278 county may authorize, in its discretion, the election  
279 commissioners to receive a per diem in the amount provided for in  
280 subsection (2) of this section, to be paid from the county general  
281 fund, for every day or period of no less than five (5) hours  
282 accumulated over two (2) or more days actually employed in the  
283 performance of their duties in the conduct of an election or  
284 actually employed in the performance of their duties for the  
285 necessary time spent in the revision of the county voter roll as  
286 electronically maintained by the Statewide Elections Management



287 System as required in subsection (1) of this section, not to  
288 exceed five (5) days.

289 (4) (a) The election commissioners shall be entitled to  
290 receive a per diem in the amount of One Hundred Ten Dollars  
291 (\$110.00), to be paid from the county general fund, not to exceed  
292 ten (10) days for every day or period of no less than five (5)  
293 hours accumulated over two (2) or more days actually employed in  
294 the performance of their duties for the necessary time spent in  
295 the revision of the county voter roll as electronically maintained  
296 by the Statewide Elections Management System before any special  
297 election. For purposes of this paragraph, the regular special  
298 election day shall not be considered a special election. The  
299 annual limitations set forth in subsection (2) of this section  
300 shall not apply to this paragraph.

301 (b) The election commissioners shall be entitled to  
302 receive a per diem in the amount of One Hundred Sixty-five Dollars  
303 (\$165.00), to be paid from the county general fund, for the  
304 performance of their duties on the day of any primary, runoff,  
305 general or special election. The annual limitations set forth in  
306 subsection (2) of this section shall apply to this paragraph.

307 \* \* \*

308 (5) The election commissioners shall be entitled to receive  
309 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to  
310 be paid from the county general fund, not to exceed fourteen (14)  
311 days for every day or period of no less than five (5) hours



312 accumulated over two (2) or more days actually employed in the  
313 performance of their duties for the necessary time spent in the  
314 revision of the county voter roll as electronically maintained by  
315 the Statewide Elections Management System and in the conduct of a  
316 runoff election following either a general or special election.

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

321 (7) The election commissioners shall be entitled to receive  
322 a per diem in the amount of One Hundred Dollars (\$100.00), to be  
323 paid from the county general fund, for those days when the  
324 election commissioners shall be required to conduct a recount of  
325 an election as provided in Section 23-15-617.

326 ( \* \* \*8) In preparation for a municipal primary, runoff,  
327 general or special election, the county registrar shall generate  
328 and distribute the master voter roll and pollbooks from the  
329 Statewide Elections Management System for the municipality located  
330 within the county. The municipality shall pay the county  
331 registrar for the actual cost of preparing and printing the  
332 municipal master voter roll pollbooks. A municipality may secure  
333 "read only" access to the Statewide Elections Management System  
334 and print its own pollbooks using this information.

335 ( \* \* \*9) County election commissioners who perform the  
336 duties of an executive committee with regard to the conduct of a



337 primary election under a written agreement authorized by law to be  
338 entered into with an executive committee shall receive per diem as  
339 provided for in subsection (2) of this section. The days that  
340 county election commissioners are employed in the conduct of a  
341 primary election shall be treated the same as days county election  
342 commissioners are employed in the conduct of other elections.

343 ( \* \* \* 10) In addition to any per diem authorized by this  
344 section, any election commissioner shall be entitled to the  
345 mileage reimbursement rate allowable to federal employees for the  
346 use of a privately owned vehicle while on official travel on  
347 election day.

348 ( \* \* \* 11) Every election commissioner shall sign personally  
349 a certification setting forth the number of hours actually worked  
350 in the performance of the commissioner's official duties and for  
351 which the commissioner seeks compensation. The certification must  
352 be on a form as prescribed in this subsection. The commissioner's  
353 signature is, as a matter of law, made under the commissioner's  
354 oath of office and under penalties of perjury.

355 The certification form shall be as follows:

356 **COUNTY ELECTION COMMISSIONER**

357 **PER DIEM CLAIM FORM**

358 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

359 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

360 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

361 PURPOSE APPLICABLE ACTUAL PER DIEM



362 DATE BEGINNING ENDING OF MS CODE HOURS DAYS  
 363 WORKED TIME TIME WORK SECTION WORKED EARNED  
 364 \_\_\_\_\_  
 365 \_\_\_\_\_  
 366 \_\_\_\_\_

367 TOTAL NUMBER OF PER DIEM DAYS EARNED  
 368 EXCLUDING ELECTION DAYS \_\_\_\_\_  
 369 PER DIEM RATE PER DAY EARNED X \$110.00  
 370 TOTAL NUMBER PER DIEM DAYS EARNED  
 371 FOR ELECTION DAYS \_\_\_\_\_  
 372 PER DIEM RATE PER DAY EARNED X \$165.00  
 373 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

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

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

379 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.  
 380 \_\_\_\_\_

381 Commissioner's Signature

382 When properly completed and signed, the certification must be  
 383 filed with the clerk of the county board of supervisors before any  
 384 payment may be made. The certification will be a public record  
 385 available for inspection and reproduction immediately upon the  
 386 oral or written request of any person.



387 Any person may contest the accuracy of the certification in  
388 any respect by notifying the chair of the commission, any member  
389 of the board of supervisors or the clerk of the board of  
390 supervisors of the contest at any time before or after payment is  
391 made. If the contest is made before payment is made, no payment  
392 shall be made as to the contested certificate until the contest is  
393 finally disposed of. The person filing the contest shall be  
394 entitled to a full hearing, and the clerk of the board of  
395 supervisors shall issue subpoenas upon request of the contestor  
396 compelling the attendance of witnesses and production of documents  
397 and things. The contestor shall have the right to appeal de novo  
398 to the circuit court of the involved county, which appeal must be  
399 perfected within thirty (30) days from a final decision of the  
400 commission, the clerk of the board of supervisors or the board of  
401 supervisors, as the case may be.

402 Any contestor who successfully contests any certification  
403 will be awarded all expenses incident to his or her contest,  
404 together with reasonable attorney's fees, which will be awarded  
405 upon petition to the chancery court of the involved county upon  
406 final disposition of the contest before the election commission,  
407 board of supervisors, clerk of the board of supervisors, or, in  
408 case of an appeal, final disposition by the court. The  
409 commissioner against whom the contest is decided shall be liable  
410 for the payment of the expenses and attorney's fees, and the  
411 county shall be jointly and severally liable for same.





412 ( \* \* \*12) Any election commissioner who has not received a  
413 certificate issued by the Secretary of State pursuant to Section  
414 23-15-211 indicating that the election commissioner has received  
415 the required elections seminar instruction and that the election  
416 commissioner is fully qualified to conduct an election, shall not  
417 receive any compensation authorized by this section or Section  
418 23-15-239.

419 **SECTION 5.** Section 23-15-5, Mississippi Code of 1972, is  
420 amended as follows:

421 23-15-5. (1) There is created in the State Treasury a  
422 special fund to be known as the Elections Support Fund. Monies  
423 derived from annual report fees imposed upon limited liability  
424 companies under Section 79-29-1203 shall be deposited into the  
425 Elections Support Fund. Unexpended amounts remaining in the fund  
426 at the end of the fiscal year shall not lapse into the State  
427 General Fund, and any interest earned or investment earnings on  
428 amounts in the fund shall be disbursed as provided in subsection  
429 (2) of this section. The expenditure of monies in the fund shall  
430 be under the direction of the Secretary of State as provided by  
431 subsection (2) of this section, and such funds shall be paid by  
432 the State Treasurer upon warrants issued by the Department of  
433 Finance and Administration.

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

435 (i) Seventy percent (70%) of the monies in the  
436 special fund shall be distributed annually to the counties, upon



437 appropriation of the Legislature, based on the proportion that the  
438 population of a county bears to the total population in all  
439 counties of the state population according to the most recent  
440 information from the United States Census Bureau, and held in a  
441 separate fund solely for the purpose of acquiring, upgrading,  
442 maintaining or repairing voting equipment, systems and supplies,  
443 hiring temporary technical support, conducting elections using  
444 such voting equipment or systems, employing such personnel to  
445 conduct an election, and training election officials; and

446 (ii) The remaining thirty percent (30%) of the  
447 monies in the special fund shall be allocated annually to the  
448 Secretary of State for the purpose of maintaining, upgrading, or  
449 equipping the Statewide Election Management System, including  
450 costs to maintain, upgrade, or equip the Statewide Election  
451 Management System with appropriate security measures to protect  
452 the integrity of Mississippi elections. Funds may also be used to  
453 educate voters on voting procedures and voting rights. Any funds  
454 not obligated by the end of the fiscal year shall be deposited  
455 into the State General Fund.

456 (b) The Secretary of State shall create standard  
457 training guidelines to assist counties in training election  
458 officials with the funds authorized under subsection (2)(a)(ii) of  
459 this section. Any criteria established by the Secretary of State  
460 for the purposes of this section shall be used in addition to any  
461 other training or coursework prescribed by the Secretary of State



462 to train circuit clerks, poll managers and any other election  
463 officials participating in county elections.

464 (c) Notwithstanding any other provision of law, no  
465 monies from the Elections Support Fund shall be used by the  
466 Secretary of State or any person associated with the Office of the  
467 Secretary of State to provide or otherwise support expert  
468 testimony in any manner for any hearing, trial or election  
469 contest.

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

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

478 **SECTION 6.** The following shall be codified as Section  
479 23-15-823, Mississippi Code of 1972:

480 23-15-823. (1) The following words and phrases shall have  
481 the meanings as defined in this subsection unless the context  
482 clearly indicates otherwise:

483 (a) "Election" means a general, special, primary or  
484 runoff election.



485 (b) "Candidate" means an individual who seeks  
486 nomination for election, or election, to any elective office and  
487 has or intends to:

488 (i) Pay the assessment, file a written statement,  
489 and file a petition containing the signatures of the requisite  
490 number of voters, if applicable, pursuant to Sections 23-15-297  
491 and 23-15-299; or

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

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

500 (2) (a) When a candidate and/or elected official has been  
501 restricted from a social media platform, the company which  
502 operates and/or maintains the social media platform, or its  
503 successor entities, shall file a report with the Secretary of  
504 State disclosing this action, on a form as prescribed by the  
505 Secretary, within three (3) business days of the day the  
506 restriction occurred.

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



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

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

516 **SECTION 7.** The following shall be codified as Section  
517 23-15-395, Mississippi Code of 1972:

518 23-15-395. The Secretary of State shall promulgate rules and  
519 regulations for the review, certification and decertification, and  
520 implementation of all voting systems. Before promulgating any  
521 rules or regulations, the Secretary of State shall present the  
522 proposed rules and regulations to the State Board of Election  
523 Commissioners for comment and approval. Upon approval of the  
524 rules and regulations by the State Board of Election  
525 Commissioners, the Secretary of State shall promulgate the  
526 approved rules and regulations.

527 **SECTION 8.** The following shall be codified as Section  
528 23-15-152, Mississippi Code of 1972:

529 23-15-152. (1) For the purposes of this section,  
530 "confirmation notice" means a notice sent by the election  
531 commissioners, by forwardable mail, with return postage prepaid,  
532 on a form prescribed by the Secretary of State, to a registered  
533 voter to confirm the registered voter's current address. The



534 notice shall comply with all applicable requirements of the  
535 National Voter Registration Act of 1993.

536 (2) The election commissioners shall send a confirmation  
537 notice to the following:

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

541 (b) A registered voter if a county election  
542 commissioner or county registrar has received notice from another  
543 state, or political subdivision of another state, that the  
544 registered voter has registered to vote in another state;

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

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

549 (ii) A period of two (2) years, which shall  
550 include an election for Governor and a federal general election;  
551 and

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

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



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

565 (4) A registered voter "fails to respond to the confirmation  
566 notice" if the voter, during a period of four (4) consecutive  
567 years beginning from the date of the delivery of the confirmation  
568 notice, fails to:

569 (a) Respond to the confirmation notice; or

570 (b) Update the elector's registration information.

571 The period of four (4) consecutive years beginning from the  
572 date of the delivery of the confirmation notice required in  
573 subsection (4) of this section shall include two (2) general  
574 federal elections. A registered voter who votes at least once in  
575 any election in the registered voter's county of registration  
576 during the period of four (4) consecutive years beginning from the  
577 date of the delivery of the confirmation notice shall not be  
578 removed from the Statewide Elections Management System.

579 (5) The county registrar or county election commission shall  
580 move those registered voters who fail to respond to the  
581 confirmation notice as provided in subsection (4) and who fail to  
582 vote as provided in subsection (4) of this section to removed  
583 status in the Statewide Elections Management System.



584 (6) No systematic list maintenance shall occur during the  
585 ninety (90) days immediately preceding a federal primary or  
586 general election.

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

591 **SECTION 9.** Section 23-15-125, Mississippi Code of 1972, is  
592 amended as follows:

593 23-15-125. The pollbook of each voting precinct shall  
594 designate the voting precinct for which it is to be used, and  
595 shall be ruled in appropriate columns, with printed or written  
596 headings, as follows: date of registration; voter registration  
597 number; name of electors; date of birth; and a number of blank  
598 columns for the dates of elections. All qualified applicants who  
599 register with the registrar shall be entered in the Statewide  
600 Elections Management System. Only the names of those qualified  
601 applicants who register within thirty (30) days before an election  
602 shall appear on the pollbooks of the election; however, if the  
603 thirtieth day to register before an election falls on a Sunday or  
604 legal holiday, the registration applications submitted on the  
605 business day immediately following the legal holiday shall be  
606 accepted and entered in the Statewide Elections Management System  
607 for the purpose of enabling voters to vote in the next election.  
608 When county election commissioners determine that any elector is





609 disqualified from voting, by reason of death, conviction of a  
610 disenfranchising crime, removal from the jurisdiction, failure to  
611 comply with the provisions of Section 23-15-152, or other legal  
612 cause, that fact shall be noted in the Statewide Elections  
613 Management System and the voter's name shall be removed from the  
614 Statewide Elections Management System, the state's voter roll and  
615 the county's pollbooks. Nothing in this section shall preclude  
616 the use of electronic pollbooks.

617       **SECTION 10.** Section 23-15-15, Mississippi Code of 1972, is  
618 amended as follows:

619       23-15-15. (1) By January 1, 2025, the Secretary of State  
620 shall compare the entire Statewide Elections Management System to  
621 the Department of Public Safety Driver's License Database and  
622 follow the procedures outlined in subsection (2) through (9) if a  
623 voter is flagged in the database as a potential noncitizen.

624       (2) Upon receiving a completed voter registration  
625 application, the registrar shall enter the applicant into the  
626 Statewide Elections Management System. \* \* \* The registration  
627 application shall be compared with the Department of Public Safety  
628 driver's license and identification information. If such  
629 information indicates that a particular applicant is not a citizen  
630 of the United States, the Statewide Elections Management System  
631 shall notify the registrar, or his or her designee, that the  
632 applicant may not be a citizen of the United States.



633 ( \* \* \*3) After receiving the notice from the Statewide  
634 Elections Management System as provided in subsection (1) and (2)  
635 of this section, the registrar, or his or her designee, shall:

636 (a) Enter the applicant's information into the United  
637 States Citizenship and Immigration Service's Systematic Alien  
638 Verification for Entitlements (SAVE) or its successor database for  
639 further inquiry; and

640 (b) If both the Department of Public Safety driver's  
641 license and identification information and the database in  
642 paragraph (a) of this subsection indicate that the applicant is  
643 not a citizen, send a notice by first-class mail to the  
644 applicant's mailing address provided on the voter registration  
645 application inquiring whether the individual is eligible to be  
646 registered to vote. The registrar may, in addition to first-class  
647 mail, contact the applicant by email or telephone.

648 ( \* \* \*4) Any applicant who receives the notice under  
649 subsection ( \* \* \*3) (b) of this section shall, within thirty (30)  
650 days of the receipt of such notice, provide proof of citizenship  
651 to the registrar or his or her designee.

652 ( \* \* \*5) For purposes of this section, proof of citizenship  
653 includes, but is not limited to:

654 (a) The applicant's birth certificate or a legible  
655 photocopy of the birth certificate;



656 (b) A United States passport, or a legible photocopy of  
657 the pertinent pages of the passport, identifying the applicant and  
658 showing the passport number;

659 (c) The applicant's United States naturalization  
660 documentation, a legible photocopy of the naturalization  
661 documentation, or the number of the applicant's Certificate of  
662 Naturalization; except that any person who provides the number of  
663 the Certificate of Naturalization in lieu of the naturalization  
664 documentation shall not be deemed to have provided proof of  
665 citizenship until the number is verified with the United States  
666 Citizenship and Immigration Services in the Department of Homeland  
667 Security or its successor; or

668 (d) Any document or method of proof of citizenship  
669 established by the Federal Immigration Reform and Control Act of  
670 1986, Public Law 99-603, compiled in 8 USC Section 1101 et seq.

671 ( \* \* \*6) If the applicant provides proof of citizenship and  
672 meets all other qualifications provided by law, the registrar  
673 shall register the applicant to vote.

674 ( \* \* \*7) \* \* \* If the attempted voter does not provide  
675 proof of citizenship within thirty (30) days of the receipt of the  
676 notification, the registrar, or his or her designee, where the  
677 person registered to vote shall purge the voter from the Statewide  
678 Elections Management System.

679 (8) In the event a person is unable to provide any of the  
680 documentation listed in subsection (5) to show proof of



681 citizenship, the person may appeal to the election commissioners  
682 of the county in which he or she attempted to register and submit  
683 additional proof of citizenship in person or in writing. The  
684 election commissioners shall conduct a hearing and make a finding  
685 concerning the individual's citizenship status and shall forward a  
686 copy of their decision to the registrar, or his or her designee,  
687 of the county where the person resides as established in Section  
688 23-15-61. The registrar, or his or her designee, shall update the  
689 Statewide Elections Management System to accurately reflect the  
690 decision of the election commissioners with respect to such voter.

691 (9) All documentation provided to show proof of citizenship  
692 as well as the Department of Public Safety database or relevant  
693 federal and state agency and county records shall be confidential  
694 and shall not be subject to inspection, examination, copying or  
695 reproduction under the Mississippi Public Records Act of 1983.

696 (10) The Secretary of State shall adopt the necessary rules  
697 and regulations for the administration of this section.

698 **SECTION 11.** Section 23-15-165, Mississippi Code of 1972, is  
699 amended as follows:

700 23-15-165. (1) The Office of the Secretary of State, in  
701 cooperation with the county registrars and election commissioners,  
702 shall procure, implement and maintain an electronic information  
703 processing system and programs capable of maintaining a  
704 centralized database of all registered voters in the state. The  
705 system shall encompass software and hardware, at both the state



706 and county level, software development training, conversion and  
707 support and maintenance for the system. This system shall be  
708 known as the "Statewide Elections Management System" and shall  
709 constitute the official record of registered voters in every  
710 county of the state.

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

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

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

718 (c) Receive regular reports of death, changes of  
719 address and convictions for disenfranchising crimes that apply to  
720 voters registered in the county; \* \* \*

721 (d) Retain all present functionality related to, but  
722 not limited to, the use of voter roll data and to implement such  
723 other functionality as the law requires to enhance the maintenance  
724 of accurate county voter records and related jury selection and  
725 redistricting programs \* \* \*; and

726 (e) When evidence exists that a registered voter may  
727 not be a citizen of the United States as provided in Section  
728 23-15-15, send notification to the registrar of the location where  
729 the person is registered to vote.



730           (3) As a part of the procurement and implementation of the  
731 system, the Office of the Secretary of State shall, with the  
732 assistance of the advisory committee, procure services necessary  
733 to convert current voter registration records in the counties into  
734 a standard, industry accepted file format that can be used on the  
735 Statewide Elections Management System. Thereafter, all official  
736 voter information shall be maintained on the Statewide Elections  
737 Management System. The standard industry accepted format of data  
738 was reviewed and approved by a majority of the advisory committee  
739 created in subsection (5) of this section after consultation with  
740 the Circuit Clerks Association and the format may not be changed  
741 without consulting the Circuit Clerks Association.

742           (4) The Secretary of State may, with the assistance of the  
743 advisory committee, adopt rules and regulations necessary to  
744 administer the Statewide Elections Management System. The rules  
745 and regulations shall at least:

746                   (a) Provide for the establishment and maintenance of a  
747 centralized database for all voter registration information in the  
748 state;

749                   (b) Provide procedures for integrating data into the  
750 centralized database;

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



755 (d) Provide the registrar or his or her designee or  
756 other appropriate official, as the law may require, access to the  
757 system at all times, including the ability to download copies of  
758 the industry standard file, for all purposes related to their  
759 official duties, including, but not limited to, exclusive access  
760 for the purpose of printing all local pollbooks;

761 (e) Provide security and protection of all information  
762 in the system and monitor the system to ensure that unauthorized  
763 access is not allowed;

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

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

771 (5) The Secretary of State established an advisory committee  
772 to assist in developing system specifications, procurement,  
773 implementation and maintenance of the Statewide Elections  
774 Management System. The committee included two (2) representatives  
775 from the Circuit Clerks Association, appointed by the association;  
776 two (2) representatives from the Election Commissioners  
777 Association of Mississippi, appointed by the association; one (1)  
778 member of the Mississippi Association of Supervisors, or its  
779 staff, appointed by the association; the Director of the Stennis



780 Institute of Government at Mississippi State University, or his or  
781 her designee; the Executive Director of the Department of  
782 Information Technology Services, or his or her designee; two (2)  
783 persons knowledgeable about elections and information technology  
784 appointed by the Secretary of State; and the Secretary of State,  
785 who shall serve as the chair of the advisory committee.

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

791 (b) Copies of statewide, district, county or municipal  
792 voter registration files, excluding social security numbers,  
793 telephone numbers and date of birth and age information, shall be  
794 provided to any person in accordance with the Mississippi Public  
795 Records Act of 1983 at a cost not to exceed the actual cost of  
796 production.

797 **SECTION 12.** Section 23-15-603, Mississippi Code of 1972, is  
798 brought forward as follows:

799 23-15-603. (1) The election commissioners shall, within ten  
800 (10) days after the general election, transmit to the Secretary of  
801 State, to be filed in his or her office, a statement of the whole  
802 number of votes given in their county and the whole number of  
803 votes given in each precinct in their county, for each candidate  
804 for any office at the election; but the returns of every election





805 for Governor, Lieutenant Governor, Secretary of State, Attorney  
806 General, Auditor of Public Accounts, State Treasurer, Commissioner  
807 of Insurance and other state officers, shall each be made out  
808 separately, sealed up together and transmitted to the seat of  
809 government, directed to the Secretary of State, and endorsed the  
810 "VOTE FOR STATE OFFICERS," to be delivered by the Secretary of  
811 State to the Speaker of the House of Representatives at the next  
812 ensuing session of the Legislature. In addition to the other  
813 information required pursuant to this subsection, the returns for  
814 state officers shall contain a statement of the whole number of  
815 votes given in each House of Representative district or portion  
816 thereof for each candidate for state office at the election.

817 (2) Constitutional amendments shall be voted for at the time  
818 fixed by the concurrent resolution. The election, whether held  
819 separately or with other elections, shall be conducted, in all  
820 respects, as required for elections generally. The election  
821 commissioners shall, within ten (10) days after the election,  
822 transmit to the Secretary of State a statement of the whole number  
823 of votes given in their county and the whole number of votes given  
824 in each precinct in their county for or against constitutional  
825 amendments.

826 (3) The statements certified by the election commissioners  
827 and transmitted to the Secretary of State, as required by this  
828 section, shall be tabulated by the Secretary of State and  
829 submitted to each branch of the Legislature, at the session next



830 ensuing. Certified county vote totals shall represent the final  
831 results of the election.

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

835 "We, the undersigned election commissioners, do  
836 hereby certify that this statement of the whole number  
837 of votes contains the official vote for the election  
838 reflected therein."

839 (5) The statements required by this section shall be  
840 transmitted to the Secretary of State on such forms and by such  
841 methods as may be required by rules and regulations promulgated by  
842 the Secretary of State.

843 **SECTION 13.** This act shall take effect and be in force from  
844 and after January 1, 2024.

