

By: Representatives Powell, Aguirre, Boyd
(19th), Byrd, Calvert, Carpenter, Kinkade,
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To: Apportionment and
Elections

HOUSE BILL NO. 1310
(As Sent to Governor)

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 OF THE 2023, 2024, 2026 AND 2027 GENERAL ELECTIONS IN
4 THE COUNTIES OF THE STATE; TO PROVIDE HOW THE COUNTIES SHALL BE
5 SELECTED; TO PROVIDE WHAT THE SECRETARY OF STATE MAY AUDIT DURING
6 A PROCEDURAL AUDIT; TO REQUIRE THE SECRETARY OF STATE TO CREATE A
7 POST-ELECTION AUDIT MANUAL; TO REQUIRE THE SECRETARY OF STATE TO
8 COMPILE A REPORT OF THE PROCEDURAL AUDITS; TO REPEAL SECTION
9 23-15-613, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT ELECTION
10 COMMISSIONS AND COUNTY AND MUNICIPAL EXECUTIVE COMMITTEES SHALL
11 REPORT RESIDUAL VOTE INFORMATION TO THE SECRETARY OF STATE; TO
12 AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
13 ELECTION COMMISSIONERS TO RECEIVE A PER DIEM OF \$110 FOR
14 CONDUCTING AN AUDIT OF AN ELECTION; TO AMEND SECTION 23-15-5,
15 MISSISSIPPI CODE OF 1972, TO REVISE HOW THE MONIES IN THE
16 ELECTIONS SUPPORT FUND ARE DISTRIBUTED; TO CREATE NEW SECTION
17 23-15-152, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN ELECTOR
18 WHO FAILS TO RESPOND TO A CONFIRMATION NOTICE AND WHO FAILS TO
19 VOTE DURING A CERTAIN PERIOD OF TIME SHALL BE REMOVED FROM THE
20 STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE DEFINITIONS FOR
21 "CONFIRMATION NOTICE" AND "FAILS TO RESPOND TO THE CONFIRMATION
22 NOTICE"; TO PROVIDE THOSE REGISTERED VOTERS WHO SHALL RECEIVE
23 CONFIRMATION NOTICES; TO PROVIDE THAT A REGISTERED VOTER WHO IS
24 MAILED A CONFIRMATION NOTICE SHALL BE PLACED ON INACTIVE STATUS IN
25 THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM BUT SHALL BE ABLE TO
26 VOTE BY AFFIDAVIT BALLOT; TO PROVIDE THE TIME FOR REMOVAL OF VOTER
27 REGISTRATION RECORDS; TO PROVIDE FOR THE RETENTION OF REMOVED
28 VOTER REGISTRATION RECORDS; TO AMEND SECTION 23-15-125,
29 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
30 AMEND SECTION 23-15-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
31 BY JANUARY 1, 2025, THE SECRETARY OF STATE SHALL COMPARE THE
32 ENTIRE STATEWIDE ELECTION MANAGEMENT SYSTEM TO THE DEPARTMENT OF
33 PUBLIC SAFETY DRIVER'S LICENSE DATABASE; TO PROVIDE THAT ALL
34 DOCUMENTATION PROVIDED TO SHOW PROOF OF CITIZENSHIP SHALL BE



35 EXEMPT FROM THE MISSISSIPPI PUBLIC RECORDS ACT; TO AMEND SECTION
36 23-15-165, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
37 SECTION; AND FOR RELATED PURPOSES.

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

39 **SECTION 1.** The following shall be codified as Section
40 23-15-615, Mississippi Code of 1972:

41 23-15-615. The Secretary of State shall be authorized to
42 audit election procedures of the 2023, 2024, 2026 and 2027 general
43 elections in the counties of this state. The conduction of an
44 audit shall not create excessive interference with the general
45 duties and responsibilities of the Secretary of State, county
46 registrar, and county election commission.

47 (a) The Secretary of State shall audit all eighty-two
48 (82) counties by randomly selecting from each of the congressional
49 districts during the 2023, 2024, 2026 and 2027 general elections,
50 and randomly selecting no more than twenty-five percent (25%) of
51 the total precincts or no more than five (5) precincts, whichever
52 is less in each county. No county or precinct shall be selected
53 for audit on the basis of race, geographical location or voting
54 trends.

55 (i) If the Secretary of State finds any issues
56 that could affect the outcome of an election or cause voters to be
57 disenfranchised, then the Secretary of State, in partnership with
58 the local county election officials, shall develop a plan to
59 correct those issues, which shall include additional training.

60 (ii) The Secretary of State will have the
61 discretion to randomly select the counties and precincts that will



62 be audited, but must do so at least ninety (90) days before the
63 election to be audited. No audit shall occur if the election is
64 challenged as provided in Sections 23-15-927, 23-15-951 or
65 23-15-955. No audit shall occur until after a ballot box
66 examination has occurred and the period to contest an election has
67 expired, or if a runoff election occurs, the audit shall occur
68 after the runoff election.

69 (b) In conducting a procedural audit, the Secretary of
70 State shall audit the following:

71 (i) Procedures for testing of OMR equipment before
72 counting ballots, including the ballots used for testing of OMR
73 equipment, as required by Section 23-15-521;

74 (ii) Ballot accounting reports, seal logs, poll
75 books, and receipt books as required to be kept by Section
76 23-15-519;

77 (iii) Absentee ballots, absentee ballot
78 applications, and absentee ballot envelopes, along with the list
79 provided to the resolution board, to ensure appropriate processing
80 and counting of absentee ballots as required by Section 23-15-631
81 et seq.; and

82 (iv) Affidavit ballots and affidavit ballot
83 envelopes, including affidavit ballot receipt book to ensure
84 compliance with appropriate processing and counting of affidavit
85 ballots as required by Section 23-15-573.



86 (c) By January 20, 2027, the Secretary of State shall
87 provide a recommendation to the Mississippi Legislature on whether
88 the procedures to be audited in paragraph (b) should be expanded
89 or reduced.

90 (d) The Secretary of State shall develop a
91 post-election audit manual which shall detail the policies and
92 procedures for conducting post-election audits. The post-election
93 audit manual shall not be altered less than ninety (90) days
94 before an election in which the post-election audit manual shall
95 be utilized in conducting a post-election audit.

96 (e) No later than one hundred twenty (120) days after
97 the election that the Secretary of State is auditing, the
98 Secretary of State shall compile a report of the procedural audits
99 conducted and shall submit the report to the Governor, Lieutenant
100 Governor, Speaker of the House of Representatives and Chairmen of
101 the Senate and House Election Committees. Prior to submitting the
102 report, the Secretary of State shall allow the local county
103 election officials to review the report and provide comments that
104 will be submitted along with the report. The report shall first
105 list all counties audited alphabetically with any major finding
106 which may affect the outcome of the election and whether any
107 voters were disenfranchised, then list out a detailed report of
108 any major or minor findings, along with recommended changes to
109 both county and Secretary of State practices.



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

114 **SECTION 3.** Section 23-15-153, Mississippi Code of 1972, is
115 amended as follows:

116 23-15-153. (1) At least during the following times, the
117 election commissioners shall meet at the office of the registrar
118 or the office of the election commissioners to carefully revise
119 the county voter roll as electronically maintained by the
120 Statewide Elections Management System and remove from the roll the
121 names of all voters who have requested to be purged from the voter
122 roll, died, received an adjudication of non compos mentis, been
123 convicted of a disenfranchising crime, failed to comply with the
124 provisions of Section 23-15-152, or otherwise become disqualified
125 as electors for any cause, and shall register the names of all
126 persons who have duly applied to be registered but have been
127 illegally denied registration:

128 (a) On the Tuesday after the second Monday in January
129 1987 and every following year;

130 (b) On the first Tuesday in the month immediately
131 preceding the first primary election for members of Congress in
132 the years when members of Congress are elected;

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



135 legislative, county and county district offices in the years in
136 which those offices are elected; and

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

140 Except for the names of those voters who are duly qualified
141 to vote in the election, no name shall be permitted to remain in
142 the Statewide Elections Management System; however, no name shall
143 be purged from the Statewide Elections Management System based on
144 a change in the residence of an elector except in accordance with
145 procedures provided for by the National Voter Registration Act of
146 1993 and as provided in Section 23-15-152. Except as otherwise
147 provided by Section 23-15-573, no person shall vote at any
148 election whose name is not in the county voter roll electronically
149 maintained by the Statewide Elections Management System.

150 (2) Except as provided in this section, and subject to the
151 following annual limitations, the election commissioners shall be
152 entitled to receive a per diem in the amount of One Hundred Ten
153 Dollars (\$110.00), to be paid from the county general fund, for
154 every day or period of no less than five (5) hours accumulated
155 over two (2) or more days actually employed in the performance of
156 their duties in the conduct of an election or actually employed in
157 the performance of their duties for the necessary time spent in
158 the revision of the county voter roll as electronically maintained



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

161 (a) In counties having less than fifteen thousand
162 (15,000) residents according to the latest federal decennial
163 census, not more than fifty (50) days per year, with no more than
164 fifteen (15) additional days allowed for the conduct of each
165 election in excess of one (1) occurring in any calendar year;

166 (b) In counties having fifteen thousand (15,000)
167 residents according to the latest federal decennial census but
168 less than thirty thousand (30,000) residents according to the
169 latest federal decennial census, not more than seventy-five (75)
170 days per year, with no more than twenty-five (25) additional days
171 allowed for the conduct of each election in excess of one (1)
172 occurring in any calendar year;

173 (c) In counties having thirty thousand (30,000)
174 residents according to the latest federal decennial census but
175 less than seventy thousand (70,000) residents according to the
176 latest federal decennial census, not more than one hundred (100)
177 days per year, with no more than thirty-five (35) additional days
178 allowed for the conduct of each election in excess of one (1)
179 occurring in any calendar year;

180 (d) In counties having seventy thousand (70,000)
181 residents according to the latest federal decennial census but
182 less than ninety thousand (90,000) residents according to the
183 latest federal decennial census, not more than one hundred



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

187 (e) In counties having ninety thousand (90,000)
188 residents according to the latest federal decennial census but
189 less than one hundred seventy thousand (170,000) residents
190 according to the latest federal decennial census, not more than
191 one hundred fifty (150) days per year, with no more than
192 fifty-five (55) additional days allowed for the conduct of each
193 election in excess of one (1) occurring in any calendar year;

194 (f) In counties having one hundred seventy thousand
195 (170,000) residents according to the latest federal decennial
196 census but less than two hundred thousand (200,000) residents
197 according to the latest federal decennial census, not more than
198 one hundred seventy-five (175) days per year, with no more than
199 sixty-five (65) additional days allowed for the conduct of each
200 election in excess of one (1) occurring in any calendar year;

201 (g) In counties having two hundred thousand (200,000)
202 residents according to the latest federal decennial census but
203 less than two hundred twenty-five thousand (225,000) residents
204 according to the latest federal decennial census, not more than
205 one hundred ninety (190) days per year, with no more than
206 seventy-five (75) additional days allowed for the conduct of each
207 election in excess of one (1) occurring in any calendar year;



208 (h) In counties having two hundred twenty-five thousand
209 (225,000) residents according to the latest federal decennial
210 census but less than two hundred fifty thousand (250,000)
211 residents according to the latest federal decennial census, not
212 more than two hundred fifteen (215) days per year, with no more
213 than eighty-five (85) additional days allowed for the conduct of
214 each election in excess of one (1) occurring in any calendar year;

215 (i) In counties having two hundred fifty thousand
216 (250,000) residents according to the latest federal decennial
217 census but less than two hundred seventy-five thousand (275,000)
218 residents according to the latest federal decennial census, not
219 more than two hundred thirty (230) days per year, with no more
220 than ninety-five (95) additional days allowed for the conduct of
221 each election in excess of one (1) occurring in any calendar year;

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

228 (3) In addition to the number of days authorized in
229 subsection (2) of this section, the board of supervisors of a
230 county may authorize, in its discretion, the election
231 commissioners to receive a per diem in the amount provided for in
232 subsection (2) of this section, to be paid from the county general



233 fund, for every day or period of no less than five (5) hours
234 accumulated over two (2) or more days actually employed in the
235 performance of their duties in the conduct of an election or
236 actually employed in the performance of their duties for the
237 necessary time spent in the revision of the county voter roll as
238 electronically maintained by the Statewide Elections Management
239 System as required in subsection (1) of this section, not to
240 exceed five (5) days.

241 (4) (a) The election commissioners shall be entitled to
242 receive a per diem in the amount of One Hundred Ten Dollars
243 (\$110.00), to be paid from the county general fund, not to exceed
244 ten (10) days for every day or period of no less than five (5)
245 hours accumulated over two (2) or more days actually employed in
246 the performance of their duties for the necessary time spent in
247 the revision of the county voter roll as electronically maintained
248 by the Statewide Elections Management System before any special
249 election. For purposes of this paragraph, the regular special
250 election day shall not be considered a special election. The
251 annual limitations set forth in subsection (2) of this section
252 shall not apply to this paragraph.

253 (b) The election commissioners shall be entitled to
254 receive a per diem in the amount of One Hundred Sixty-five Dollars
255 (\$165.00), to be paid from the county general fund, for the
256 performance of their duties on the day of any primary, runoff,



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

259 * * *

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

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

273 (7) The election commissioners shall be entitled to receive
274 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
275 be paid from the county general fund, not to exceed five (5) days
276 for every day or period of no less than five (5) hours accumulated
277 over two (2) or more days for those days when the election
278 commissioners shall be required to conduct an audit of an election
279 as provided in Section 23-15-615.

280 (* * *8) In preparation for a municipal primary, runoff,
281 general or special election, the county registrar shall generate



282 and distribute the master voter roll and pollbooks from the
283 Statewide Elections Management System for the municipality located
284 within the county. The municipality shall pay the county
285 registrar for the actual cost of preparing and printing the
286 municipal master voter roll pollbooks. A municipality may secure
287 "read only" access to the Statewide Elections Management System
288 and print its own pollbooks using this information.

289 (* * *9) County election commissioners who perform the
290 duties of an executive committee with regard to the conduct of a
291 primary election under a written agreement authorized by law to be
292 entered into with an executive committee shall receive per diem as
293 provided for in subsection (2) of this section. The days that
294 county election commissioners are employed in the conduct of a
295 primary election shall be treated the same as days county election
296 commissioners are employed in the conduct of other elections.

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

302 (* * *11) Every election commissioner shall sign personally
303 a certification setting forth the number of hours actually worked
304 in the performance of the commissioner's official duties and for
305 which the commissioner seeks compensation. The certification must
306 be on a form as prescribed in this subsection. The commissioner's



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

309 The certification form shall be as follows:

310 **COUNTY ELECTION COMMISSIONER**

311 **PER DIEM CLAIM FORM**

312 NAME: _____ COUNTY: _____

313 ADDRESS: _____ DISTRICT: _____

314 CITY: _____ ZIP: _____

315 PURPOSE APPLICABLE ACTUAL PER DIEM

316 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

317 WORKED TIME TIME WORK SECTION WORKED EARNED

318 _____

319 _____

320 _____

321 TOTAL NUMBER OF PER DIEM DAYS EARNED

322 EXCLUDING ELECTION DAYS _____

323 PER DIEM RATE PER DAY EARNED X \$110.00

324 TOTAL NUMBER PER DIEM DAYS EARNED

325 FOR ELECTION DAYS _____

326 PER DIEM RATE PER DAY EARNED X \$165.00

327 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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



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

333 Signed this the _____ day of _____, ____.

334 _____

335 Commissioner's Signature

336 When properly completed and signed, the certification must be
337 filed with the clerk of the county board of supervisors before any
338 payment may be made. The certification will be a public record
339 available for inspection and reproduction immediately upon the
340 oral or written request of any person.

341 Any person may contest the accuracy of the certification in
342 any respect by notifying the chair of the commission, any member
343 of the board of supervisors or the clerk of the board of
344 supervisors of the contest at any time before or after payment is
345 made. If the contest is made before payment is made, no payment
346 shall be made as to the contested certificate until the contest is
347 finally disposed of. The person filing the contest shall be
348 entitled to a full hearing, and the clerk of the board of
349 supervisors shall issue subpoenas upon request of the contestor
350 compelling the attendance of witnesses and production of documents
351 and things. The contestor shall have the right to appeal de novo
352 to the circuit court of the involved county, which appeal must be
353 perfected within thirty (30) days from a final decision of the



354 commission, the clerk of the board of supervisors or the board of
355 supervisors, as the case may be.

356 Any contestor who successfully contests any certification
357 will be awarded all expenses incident to his or her contest,
358 together with reasonable attorney's fees, which will be awarded
359 upon petition to the chancery court of the involved county upon
360 final disposition of the contest before the election commission,
361 board of supervisors, clerk of the board of supervisors, or, in
362 case of an appeal, final disposition by the court. The
363 commissioner against whom the contest is decided shall be liable
364 for the payment of the expenses and attorney's fees, and the
365 county shall be jointly and severally liable for same.

366 (* * *12) Any election commissioner who has not received a
367 certificate issued by the Secretary of State pursuant to Section
368 23-15-211 indicating that the election commissioner has received
369 the required elections seminar instruction and that the election
370 commissioner is fully qualified to conduct an election, shall not
371 receive any compensation authorized by this section or Section
372 23-15-239.

373 **SECTION 4.** Section 23-15-5, Mississippi Code of 1972, is
374 amended as follows:

375 23-15-5. (1) There is created in the State Treasury a
376 special fund to be known as the Elections Support Fund. Monies
377 derived from annual report fees imposed upon limited liability
378 companies under Section 79-29-1203 shall be deposited into the



379 Elections Support Fund. Unexpended amounts remaining in the fund
380 at the end of the fiscal year shall not lapse into the State
381 General Fund, and any interest earned or investment earnings on
382 amounts in the fund shall be disbursed as provided in subsection
383 (2) of this section. The expenditure of monies in the fund shall
384 be under the direction of the Secretary of State as provided by
385 subsection (2) of this section, and such funds shall be paid by
386 the State Treasurer upon warrants issued by the Department of
387 Finance and Administration.

388 (2) (a) Monies in the fund * * * shall be distributed
389 annually to the counties, upon appropriation of the Legislature,
390 based on the proportion that the population of a county bears to
391 the total population in all counties of the state population
392 according to the most recent information from the United States
393 Census Bureau, and held in a separate fund solely for the purpose
394 of acquiring, upgrading, maintaining or repairing voting
395 equipment, systems and supplies, hiring temporary technical
396 support, conducting elections using such voting equipment or
397 systems, employing such personnel to conduct an election, and
398 training election officials * * *. The counties shall ensure all
399 computers with access to the Statewide Elections Management System
400 are equipped with appropriate security measures to protect private
401 information of the registered voter and the integrity of
402 Mississippi elections, and these funds may be used to purchase
403 such security measures.



404 * * *

405 (b) The Secretary of State shall create standard
406 training guidelines to assist counties in training election
407 officials with the funds authorized under * * * paragraph
408 (a) * * * of this subsection. Any criteria established by the
409 Secretary of State for the purposes of this section shall be used
410 in addition to any other training or coursework prescribed by the
411 Secretary of State to train circuit clerks, poll managers and any
412 other election officials participating in county elections.

413 (c) Notwithstanding any other provision of law, no
414 monies from the Elections Support Fund shall be used by the
415 Secretary of State or any person associated with the Office of the
416 Secretary of State to provide or otherwise support expert
417 testimony in any manner for any hearing, trial or election
418 contest.

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

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

427 **SECTION 5.** The following shall be codified as Section
428 23-15-152, Mississippi Code of 1972:



429 23-15-152. (1) For the purposes of this section,
430 "confirmation notice" means a notice sent by the election
431 commissioners, by forwardable mail, with return postage prepaid,
432 on a form prescribed by the Secretary of State, to a registered
433 voter to confirm the registered voter's current address. The
434 notice shall comply with all applicable requirements of the
435 National Voter Registration Act of 1993.

436 (2) The election commissioners shall send a confirmation
437 notice to the following:

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

441 (b) A registered voter if a county election
442 commissioner or county registrar has received notice from another
443 state, or political subdivision of another state, that the
444 registered voter has registered to vote in another state;

445 (c) A registered voter who has failed to vote at least
446 once in any election or update his or her registration during a
447 period that begins in the year of a presidential preference
448 primary and extends until the next general election for President
449 of the United States that does not occur in the same year as the
450 beginning of the period; or

451 (d) A registered voter if the registrar or election
452 commissioners have received reliable information that he or she
453 has moved within or outside of the state. Reliable information



454 includes, but is not limited to: official mail returned as
455 undeliverable by the county election commission, registrar or
456 other county or municipal office, Secretary of State; application
457 for homestead exemption filed by the voter at an address other
458 than the address of current registration; or any information from
459 another state or county entity indicating the voter no longer
460 resides at the address of voter registration.

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

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

471 (4) A registered voter "fails to respond to the confirmation
472 notice" if the voter, during a period beginning on the date the
473 confirmation notice was sent and ending on the day after the date
474 of the second general election for federal office that occurs
475 after the date of the notice, fails to:

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



478 A registered voter who votes at least once in any election in
479 the registered voter's county or municipality of registration
480 during the period beginning from the date of the delivery of the
481 confirmation notice provided in this subsection (4) or who is
482 active or reserve military or who serves on jury duty or responds
483 to a summons for jury duty shall not be purged from the Statewide
484 Elections Management System.

485 (5) The county registrar or county election commission shall
486 move those registered voters who fail to respond to the
487 confirmation notice as provided in subsection (4) of this section
488 and who fail to vote as provided in subsection (4) of this section
489 to purged status in the Statewide Elections Management System.

490 (6) No systematic list maintenance shall occur during the
491 ninety (90) days immediately preceding a federal primary or
492 general election which is limited to moving a voter to inactive
493 status in subsection (2) of this section or purged status in
494 subsection (5) of this section.

495 (7) The county registrar shall retain purged voter
496 registration records after they are purged for a period that
497 includes at least two (2) federal general elections and shall
498 record the reason for the removal.

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

501 23-15-125. The pollbook of each voting precinct shall
502 designate the voting precinct for which it is to be used, and



503 shall be ruled in appropriate columns, with printed or written
504 headings, as follows: date of registration; voter registration
505 number; name of electors; date of birth; and a number of blank
506 columns for the dates of elections. All qualified applicants who
507 register with the registrar shall be entered in the Statewide
508 Elections Management System. Only the names of those qualified
509 applicants who register within thirty (30) days before an election
510 shall appear on the pollbooks of the election; however, if the
511 thirtieth day to register before an election falls on a Sunday or
512 legal holiday, the registration applications submitted on the
513 business day immediately following the legal holiday shall be
514 accepted and entered in the Statewide Elections Management System
515 for the purpose of enabling voters to vote in the next election.
516 When county election commissioners determine that any elector is
517 disqualified from voting, by reason of death, conviction of a
518 disenfranchising crime, removal from the jurisdiction, failure to
519 comply with the provisions of Section 23-15-152, or other legal
520 cause, that fact shall be noted in the Statewide Elections
521 Management System and the voter's name shall be * * * purged from
522 the Statewide Elections Management System, the state's voter roll
523 and the county's pollbooks. Nothing in this section shall
524 preclude the use of electronic pollbooks.

525 **SECTION 7.** Section 23-15-15, Mississippi Code of 1972, is
526 amended as follows:



527 23-15-15. (1) By January 1, 2025, the Secretary of State
528 shall compare the entire Statewide Elections Management System to
529 the Department of Public Safety Driver's License Database and
530 follow the procedures outlined in subsections (2) through (8) of
531 this section if a voter is flagged in the database as a potential
532 noncitizen.

533 (2) Upon receiving a completed voter registration
534 application, the registrar shall enter the applicant into the
535 Statewide Elections Management System. * * * The registration
536 application shall be compared with the Department of Public Safety
537 driver's license and identification information. If such
538 information indicates that a particular applicant is not a citizen
539 of the United States, the Statewide Elections Management System
540 shall notify the registrar, or his or her designee, that the
541 applicant may not be a citizen of the United States.

542 (* * *3) After receiving the notice from the Statewide
543 Elections Management System as provided in subsections (1) and (2)
544 of this section, the registrar, or his or her designee, shall:

545 (a) Enter the applicant's information into the United
546 States Citizenship and Immigration Service's Systematic Alien
547 Verification for Entitlements (SAVE) or its successor database for
548 further inquiry; and

549 (b) If both the Department of Public Safety driver's
550 license and identification information and the database in
551 paragraph (a) of this subsection indicate that the applicant is



552 not a citizen, send a notice by first-class mail to the
553 applicant's mailing address provided on the voter registration
554 application inquiring whether the individual is eligible to be
555 registered to vote. The registrar may, in addition to first-class
556 mail, contact the applicant by email or telephone.

557 (* * *4) Any applicant who receives the notice under
558 subsection (* * *3) (b) of this section shall, within thirty (30)
559 days of the receipt of such notice, provide proof of citizenship
560 to the registrar or his or her designee.

561 (* * *5) For purposes of this section, proof of citizenship
562 includes, but is not limited to:

563 (a) The applicant's birth certificate or a legible
564 photocopy of the birth certificate;

565 (b) A United States passport, or a legible photocopy of
566 the pertinent pages of the passport, identifying the applicant and
567 showing the passport number;

568 (c) The applicant's United States naturalization
569 documentation, a legible photocopy of the naturalization
570 documentation, or the number of the applicant's Certificate of
571 Naturalization; except that any person who provides the number of
572 the Certificate of Naturalization in lieu of the naturalization
573 documentation shall not be deemed to have provided proof of
574 citizenship until the number is verified with the United States
575 Citizenship and Immigration Services in the Department of Homeland
576 Security or its successor; or



577 (d) Any document or method of proof of citizenship
578 established by the Federal Immigration Reform and Control Act of
579 1986, Public Law 99-603, compiled in 8 USC Section 1101 et seq.

580 (* * * 6) If the applicant provides proof of citizenship and
581 meets all other qualifications provided by law, the registrar
582 shall register the applicant to vote.

583 (* * * 7) If the applicant does not reply to the notice or
584 provide proof of citizenship, the registrar of the county, or his
585 or her designee, where the person registered to vote shall mark
586 the applicant as "PENDING" in the Statewide Elections Management
587 System until the next federal general election:

588 (a) A voter in pending status may cast an affidavit
589 ballot. The affidavit ballot shall be considered if the voter
590 provides the required documentation under subsection * * * (5) of
591 this section to the registrar within five (5) days of casting the
592 affidavit ballot.

593 (b) If the applicant fails to respond to the notice or
594 cast an affidavit ballot and provide the proof described in
595 subsection * * * (5) of this section by the next federal general
596 election, the registrar shall mark the applicant as "REJECTED" in
597 the Statewide Elections Management System.

598 (8) All documentation provided to show proof of citizenship
599 as well as the Department of Public Safety database or relevant
600 federal and state agency and county records shall be confidential



601 and shall not be subject to inspection, examination, copying or
602 reproduction under the Mississippi Public Records Act of 1983.

603 **SECTION 8.** Section 23-15-165, Mississippi Code of 1972, is
604 amended as follows:

605 23-15-165. (1) The Office of the Secretary of State, in
606 cooperation with the county registrars and election commissioners,
607 shall procure, implement and maintain an electronic information
608 processing system and programs capable of maintaining a
609 centralized database of all registered voters in the state. The
610 system shall encompass software and hardware, at both the state
611 and county level, software development training, conversion and
612 support and maintenance for the system. The Secretary of State
613 shall equip the Statewide Elections Management System with
614 appropriate security measures to protect private information of
615 the registered voter and the integrity of Mississippi elections.
616 This system shall be known as the "Statewide Elections Management
617 System" and shall constitute the official record of registered
618 voters in every county of the state.

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

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

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



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

629 (d) Retain all present functionality related to, but
630 not limited to, the use of voter roll data and to implement such
631 other functionality as the law requires to enhance the maintenance
632 of accurate county voter records and related jury selection and
633 redistricting programs * * *; and

634 (e) When evidence exists that a registered voter may
635 not be a citizen of the United States as provided in Section
636 23-15-15, send notification to the registrar of the location where
637 the person is registered to vote.

638 (3) As a part of the procurement and implementation of the
639 system, the Office of the Secretary of State shall, with the
640 assistance of the advisory committee, procure services necessary
641 to convert current voter registration records in the counties into
642 a standard, industry accepted file format that can be used on the
643 Statewide Elections Management System. Thereafter, all official
644 voter information shall be maintained on the Statewide Elections
645 Management System. The standard industry accepted format of data
646 was reviewed and approved by a majority of the advisory committee
647 created in subsection (5) of this section after consultation with
648 the Circuit Clerks Association and the format may not be changed
649 without consulting the Circuit Clerks Association.



650 (4) The Secretary of State may, with the assistance of the
651 advisory committee, adopt rules and regulations necessary to
652 administer the Statewide Elections Management System. The rules
653 and regulations shall at least:

654 (a) Provide for the establishment and maintenance of a
655 centralized database for all voter registration information in the
656 state;

657 (b) Provide procedures for integrating data into the
658 centralized database;

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

663 (d) Provide the registrar or his or her designee or
664 other appropriate official, as the law may require, access to the
665 system at all times, including the ability to download copies of
666 the industry standard file, for all purposes related to their
667 official duties, including, but not limited to, exclusive access
668 for the purpose of printing all local pollbooks;

669 (e) Provide security and protection of all information
670 in the system and monitor the system to ensure that unauthorized
671 access is not allowed;

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



674 may require, to identify the precinct to which a voter should be
675 assigned; and

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

679 (5) The Secretary of State established an advisory committee
680 to assist in developing system specifications, procurement,
681 implementation and maintenance of the Statewide Elections
682 Management System. The committee included two (2) representatives
683 from the Circuit Clerks Association, appointed by the association;
684 two (2) representatives from the Election Commissioners
685 Association of Mississippi, appointed by the association; one (1)
686 member of the Mississippi Association of Supervisors, or its
687 staff, appointed by the association; the Director of the Stennis
688 Institute of Government at Mississippi State University, or his or
689 her designee; the Executive Director of the Department of
690 Information Technology Services, or his or her designee; two (2)
691 persons knowledgeable about elections and information technology
692 appointed by the Secretary of State; and the Secretary of State,
693 who shall serve as the chair of the advisory committee.

694 (6) (a) Social security numbers, telephone numbers, email
695 addresses, and date of birth and age information in statewide,
696 district, county and municipal voter registration files shall be
697 exempt from and shall not be subject to inspection, examination,



698 copying or reproduction under the Mississippi Public Records Act
699 of 1983.

700 (b) Copies of statewide, district, county or municipal
701 voter registration files, excluding social security numbers,
702 telephone numbers, email addresses, and date of birth and age
703 information, shall be provided to any person in accordance with
704 the Mississippi Public Records Act of 1983 at a cost not to exceed
705 the actual cost of production.

706 **SECTION 9.** This act shall take effect and be in force from
707 and after January 1, 2024.

