MISSISSIPPI LEGISLATURE

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

REGULAR SESSION 2023

To: Apportionment and Elections

HOUSE BILL NO. 1310
(As Sent to Governor)

AN ACT TO CREATE NEW SECTION 23-15-615, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF STATE TO AUDIT ELECTION PROCEDURES OF THE 2023, 2024, 2026 AND 2027 GENERAL ELECTIONS IN THE COUNTIES OF THE STATE; TO PROVIDE HOW THE COUNTIES SHALL BE SELECTED; TO PROVIDE WHAT THE SECRETARY OF STATE MAY AUDIT DURING A PROCEDURAL AUDIT; TO REQUIRE THE SECRETARY OF STATE TO CREATE A POST-ELECTION AUDIT MANUAL; TO REQUIRE THE SECRETARY OF STATE TO COMPIL A REPORT OF THE PROCEDURAL AUDITS; TO REPEAL SECTION 23-15-613, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT ELECTION COMMISSIONS AND COUNTY AND MUNICIPAL EXECUTIVE COMMITTEES SHALL REPORT RESIDUAL VOTE INFORMATION TO THE SECRETARY OF STATE; TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ELECTION COMMISSIONERS TO RECEIVE A PER DIEM OF $110 FOR CONDUCTING AN AUDIT OF AN ELECTION; TO AMEND SECTION 23-15-5, MISSISSIPPI CODE OF 1972, TO REVISE HOW THE MONIES IN THE ELECTIONS SUPPORT FUND ARE DISTRIBUTED; TO CREATE NEW SECTION 23-15-152, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT AN ELECTOR WHO FAILS TO RESPOND TO A CONFIRMATION NOTICE AND WHO FAILS TO VOTE DURING A CERTAIN PERIOD OF TIME SHALL BE REMOVED FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE DEFINITIONS FOR "CONFIRMATION NOTICE" AND "FAILS TO RESPOND TO THE CONFIRMATION NOTICE"; TO PROVIDE THOSE REGISTERED VOTERS WHO SHALL RECEIVE CONFIRMATION NOTICES; TO PROVIDE THAT A REGISTERED VOTER WHO IS MAILED A CONFIRMATION NOTICE SHALL BE PLACED ON INACTIVE STATUS IN THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM BUT SHALL BE ABLE TO VOTE BY AFFIDAVIT BALLOT; TO PROVIDE THE TIME FOR REMOVAL OF VOTE REGISTRATION RECORDS; TO PROVIDE FOR THE RETENTION OF REMOVED VOTER REGISTRATION RECORDS; TO AMEND SECTION 23-15-125, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO AMEND SECTION 23-15-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT BY JANUARY 1, 2025, THE SECRETARY OF STATE SHALL COMPARE THE ENTIRE STATEWIDE ELECTION MANAGEMENT SYSTEM TO THE DEPARTMENT OF PUBLIC SAFETY DRIVER’S LICENSE DATABASE; TO PROVIDE THAT ALL DOCUMENTATION PROVIDED TO SHOW PROOF OF CITIZENSHIP SHALL BE
EXEMPT FROM THE MISSISSIPPI PUBLIC RECORDS ACT; TO AMEND SECTION 23-15-165, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

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

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

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

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

(ii) The Secretary of State will have the discretion to randomly select the counties and precincts that will
be audited, but must do so at least ninety (90) days before the
election to be audited. No audit shall occur if the election is
challenged as provided in Sections 23-15-927, 23-15-951 or
23-15-955. No audit shall occur until after a ballot box
examination has occurred and the period to contest an election has
expired, or if a runoff election occurs, the audit shall occur
after the runoff election.

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

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

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

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

(iv) Affidavit ballots and affidavit ballot
envelopes, including affidavit ballot receipt book to ensure
compliance with appropriate processing and counting of affidavit
ballots as required by Section 23-15-573.
(c) By January 20, 2027, the Secretary of State shall provide a recommendation to the Mississippi Legislature on whether the procedures to be audited in paragraph (b) should be expanded or reduced.

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

(e) No later than one hundred twenty (120) days after the election that the Secretary of State is auditing, the Secretary of State shall compile a report of the procedural audits conducted and shall submit the report to the Governor, Lieutenant Governor, Speaker of the House of Representatives and Chairmen of the Senate and House Election Committees. Prior to submitting the report, the Secretary of State shall allow the local county election officials to review the report and provide comments that will be submitted along with the report. The report shall first list all counties audited alphabetically with any major finding which may affect the outcome of the election and whether any voters were disenfranchised, then list out a detailed report of any major or minor findings, along with recommended changes to both county and Secretary of State practices.
SECTION 2. Section 23-15-613, Mississippi Code of 1972, which provides that election commissions and county and municipal executive committees shall report residual vote information to the Secretary of State, is repealed.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(g) In counties having two hundred thousand (200,000) residents according to the latest federal decennial census but less than two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census, not more than one hundred ninety (190) days per year, with no more than seventy-five (75) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
(h) In counties having two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census but less than two hundred fifty thousand (250,000) residents according to the latest federal decennial census, not more than two hundred fifteen (215) days per year, with no more than eighty-five (85) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

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

(3) In addition to the number of days authorized in subsection (2) of this section, the board of supervisors of a county may authorize, in its discretion, the election commissioners to receive a per diem in the amount provided for in subsection (2) of this section, to be paid from the county general...
fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System as required in subsection (1) of this section, not to exceed five (5) days.

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

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

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

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

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

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

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

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

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

The certification form shall be as follows:

COUNTY ELECTION COMMISSIONER

PER DIEM CLAIM FORM

NAME: _________________________ COUNTY: ____________
ADDRESS: _________________________ DISTRICT: ____________
CITY: ____________ ZIP: ________

DATE BEGINNING ENDING OF MS CODE HOURS DAYS
WORKED TIME TIME WORK SECTION WORKED EARNED

TOTAL NUMBER OF PER DIEM DAYS EARNED
EXCLUDING ELECTION DAYS ______
PER DIEM RATE PER DAY EARNED X $110.00
TOTAL NUMBER PER DIEM DAYS EARNED
FOR ELECTION DAYS ______
PER DIEM RATE PER DAY EARNED X $165.00
TOTAL AMOUNT OF PER DIEM CLAIMED $______

I understand that I am signing this document under my oath as an election commissioner and under penalties of perjury.
I understand that I am requesting payment from taxpayer funds and that I have an obligation to be specific and truthful as to the amount of hours worked and the compensation I am requesting.

Signed this the _____ day of ____________, ____.

________________________
Commissioner's Signature

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

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

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

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

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

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

(2) (a) Monies in the fund shall be distributed annually to the counties, upon appropriation of the Legislature, based on the proportion that the population of a county bears to the total population in all counties of the state population according to the most recent information from the United States Census Bureau, and held in a separate fund solely for the purpose of acquiring, upgrading, maintaining or repairing voting equipment, systems and supplies, hiring temporary technical support, conducting elections using such voting equipment or systems, employing such personnel to conduct an election, and training election officials. The counties shall ensure all computers with access to the Statewide Elections Management System are equipped with appropriate security measures to protect private information of the registered voter and the integrity of Mississippi elections, and these funds may be used to purchase such security measures.
(b) The Secretary of State shall create standard training guidelines to assist counties in training election officials with the funds authorized under paragraph of this subsection. Any criteria established by the Secretary of State for the purposes of this section shall be used in addition to any other training or coursework prescribed by the Secretary of State to train circuit clerks, poll managers and any other election officials participating in county elections.

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

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

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

SECTION 5. The following shall be codified as Section 23-15-152, Mississippi Code of 1972:
(1) For the purposes of this section, "confirmation notice" means a notice sent by the election commissioners, by forwardable mail, with return postage prepaid, on a form prescribed by the Secretary of State, to a registered voter to confirm the registered voter's current address. The notice shall comply with all applicable requirements of the National Voter Registration Act of 1993.

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

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

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

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

(d) A registered voter if the registrar or election commissioners have received reliable information that he or she has moved within or outside of the state. Reliable information
includes, but is not limited to: official mail returned as undeliverable by the county election commission, registrar or other county or municipal office, Secretary of State; application for homestead exemption filed by the voter at an address other than the address of current registration; or any information from another state or county entity indicating the voter no longer resides at the address of voter registration.

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

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

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

(a) Respond to the confirmation notice; or

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

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

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

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

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

23-15-125. The pollbook of each voting precinct shall designate the voting precinct for which it is to be used, and
shall be ruled in appropriate columns, with printed or written headings, as follows: date of registration; voter registration number; name of electors; date of birth; and a number of blank columns for the dates of elections. All qualified applicants who register with the registrar shall be entered in the Statewide Elections Management System. Only the names of those qualified applicants who register within thirty (30) days before an election shall appear on the pollbooks of the election; however, if the thirtieth day to register before an election falls on a Sunday or legal holiday, the registration applications submitted on the business day immediately following the legal holiday shall be accepted and entered in the Statewide Elections Management System for the purpose of enabling voters to vote in the next election. When county election commissioners determine that any elector is disqualified from voting, by reason of death, conviction of a disenfranchising crime, removal from the jurisdiction, failure to comply with the provisions of Section 23-15-152, or other legal cause, that fact shall be noted in the Statewide Elections Management System and the voter's name shall be * * * purged from the Statewide Elections Management System, the state's voter roll and the county's pollbooks. Nothing in this section shall preclude the use of electronic pollbooks.

SECTION 7. Section 23-15-15, Mississippi Code of 1972, is amended as follows:
23-15-15. (1) By January 1, 2025, the Secretary of State shall compare the entire Statewide Elections Management System to the Department of Public Safety Driver's License Database and follow the procedures outlined in subsections (2) through (8) of this section if a voter is flagged in the database as a potential noncitizen.

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

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

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

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

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

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

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

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

(c) The applicant's United States naturalization
documentation, a legible photocopy of the naturalization
documentation, or the number of the applicant's Certificate of
Naturalization; except that any person who provides the number of
the Certificate of Naturalization in lieu of the naturalization
documentation shall not be deemed to have provided proof of
citizenship until the number is verified with the United States
Citizenship and Immigration Services in the Department of Homeland
Security or its successor; or
(d) Any document or method of proof of citizenship established by the Federal Immigration Reform and Control Act of 1986, Public Law 99-603, compiled in 8 USC Section 1101 et seq.

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

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

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

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

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

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

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

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

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

(b) Be notified automatically that a registered voter
in its county has registered to vote in another county;
(c) Receive regular reports of death, changes of address and convictions for disenfranchising crimes that apply to voters registered in the county; *

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

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

(3) As a part of the procurement and implementation of the system, the Office of the Secretary of State shall, with the assistance of the advisory committee, procure services necessary to convert current voter registration records in the counties into a standard, industry accepted file format that can be used on the Statewide Elections Management System. Thereafter, all official voter information shall be maintained on the Statewide Elections Management System. The standard industry accepted format of data was reviewed and approved by a majority of the advisory committee created in subsection (5) of this section after consultation with the Circuit Clerks Association and the format may not be changed without consulting the Circuit Clerks Association.
(4) The Secretary of State may, with the assistance of the advisory committee, adopt rules and regulations necessary to administer the Statewide Elections Management System. The rules and regulations shall at least:

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

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

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

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

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

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

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

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

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

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

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