

By: Senator(s) Hickman

To: Elections

SENATE BILL NO. 2354

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



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

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

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

50 23-15-615. (1) Any post-election audit performed pursuant  
51 to this section shall be conducted by the election commissioners,  
52 in conjunction with the registrar, in accordance with the  
53 instructions and procedures prescribed by the Secretary of State,  
54 including:

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

57 (b) Procedures for preparing for a post-election audit,  
58 including guidelines for organizing ballots, selecting venues, and  
59 securing appropriate materials;

60 (c) Procedures for ballot custody, accounting,  
61 security, and written record retention that ensure that the  
62 collection of cast ballots from which samples are drawn is  
63 complete and accurate throughout the audit;

64 (d) Procedures for hand counting of the audited  
65 ballots;



66 (e) Processes and methods for conducting a  
67 post-election audit; including the percentage of ballots required  
68 to be counted; and

69 (f) Procedures for ensuring transparency and  
70 understanding of the process by participants and the public,  
71 including guidelines for direct observation by members of the  
72 public, representatives of the candidates involved in the  
73 post-election audit, and representatives of the political parties.

74 (2) (a) The Secretary of State shall randomly select and  
75 oversee the audit of each county over a four-year period. The  
76 audit shall not begin more than thirty (30) days before and not  
77 later than ninety (90) days after the regularly scheduled general  
78 or special election. No county shall be selected for audit if  
79 that county has been audited in the last four (4) years unless a  
80 post-election audit is triggered pursuant to subsection (5) of  
81 this section. The Secretary of State shall select the precinct(s)  
82 to be audited in each county.

83 (b) In the event of a multijurisdictional election, the  
84 Secretary of State may audit all precincts participating in that  
85 election.

86 (3) (a) No later than one hundred twenty (120) days after  
87 the date of the election that the Secretary of State is auditing  
88 the Secretary of State shall post a report of any completed audit  
89 on the official website of the Secretary of State. The registrar



90 of the affected county shall post the results of the completed  
91 audit on the official website of the county.

92 (b) Not later than one hundred fifty (150) days after  
93 the election, the Secretary of State shall submit a report to the  
94 Governor, Lieutenant Governor and Speaker of the House of  
95 Representatives analyzing the reports required to be filed  
96 pursuant to subsection (5) of this section.

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

101 (4) The Secretary of State shall not conduct an audit under  
102 this section at any precinct where an election occurred and that  
103 election is being challenged as provided in Section 23-15-927,  
104 23-15-951 or 23-15-955.

105 (5) No later than seven (7) days after all ballots have been  
106 tabulated for a primary or general election, the election  
107 commissioners, in conjunction with the registrar, shall manually  
108 tabulate a statistically significant percentage of ballots and  
109 compare the results with the results produced by the voting  
110 machine.

111 (a) In the event a discrepancy of more than one percent  
112 (1%) exists, the election commissioners, in conjunction with the  
113 registrar, shall commence a full manual hand count of ballots.



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

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

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

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

124 (iv) The sum of the total number of paper ballots  
125 voted on election day, the number of unused ballots and the number  
126 of spoiled ballots;

127 (v) The total number of electronic ballots cast;  
128 and

129 (vi) The total number of ballots cast.

130 (c) Results of the audit shall be published on the  
131 Secretary of State website and the county's website, if available.

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

136 **SECTION 3.** The following shall be codified as Section  
137 23-15-617, Mississippi Code of 1972:



138           23-15-617. The provisions of Sections 23-15-617  
139 through 97 23-15-617.5 shall apply to an election that:  
140           (a) Occurs from and after August 31, 2024, except  
141 as otherwise provided in Section 23-15-617.5;  
142           (b) Contains an elective office or measure that  
143 is voted on statewide; and  
144           (c) Uses an auditable voting system as described  
145 in Section 23-15-617.4.

146           **SECTION 4.** The following shall be codified as Section  
147 23-15-617.1, Mississippi Code of 1972:

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

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

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

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



163 the event the tabulation from the manual recount differs from that  
164 of the tabulation reported from the auditable voting systems, the  
165 tabulation from the manual recount shall be the certified results.

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

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

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

183 **SECTION 5.** The following shall be codified as Section  
184 23-15-617.2, Mississippi Code of 1972:

185 23-15-617.2. The Secretary of State shall adopt rules and  
186 regulations as necessary to effectuate the provisions of Sections  
187 23-15-617 through 23-15-617.5. Such rules shall include a rule



188 that requires the use of widely accepted statistical methods to  
189 calculate the number or percentage of paper records that must be  
190 counted in a risk-limiting audit as provided in Section  
191 23-15-617.1.

192 **SECTION 6.** The following shall be codified as Section  
193 23-15-617.3, Mississippi Code of 1972:

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

198 **SECTION 7.** The following shall be codified as Section  
199 23-15-617.4, Mississippi Code of 1972:

200 23-15-617.4. (1) As used in Sections 23-15-617 through  
201 23-15-617.5, "auditable voting system" means a voting system that:

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

204 (b) Is not capable of being connected to the internet  
205 or any other computer network or electronic device.

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

211 (3) The paper record is the official record of the vote cast  
212 if a risk-limiting audit conducted under Section 23-15-617.1 fails





213 to produce strong evidence that the reported outcome of the  
214 election matches the results that a full counting of the paper  
215 records would reveal.

216 **SECTION 8.** The following shall be codified as Section  
217 23-15-617.5, Mississippi Code of 1972:

218 23-15-617.5. (1) Notwithstanding the provisions of Section  
219 23-15-617(a), the Secretary of State shall conduct a pilot  
220 program, beginning with the election that occurs on November 5,  
221 2024, of the risk-limiting audit program created under Sections  
222 23-15-617 through 23-15-617.5.

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

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

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

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

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



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

250           (a) On the Tuesday after the second Monday in January  
251 1987 and every following year;

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

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

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

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



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

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

284           (a) In counties having less than fifteen thousand  
285 (15,000) residents according to the latest federal decennial  
286 census, not more than fifty (50) days per year, with no more than



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

382 \* \* \*

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



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

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

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

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





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

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

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

430 The certification form shall be as follows:

431 **COUNTY ELECTION COMMISSIONER**

432 **PER DIEM CLAIM FORM**

433 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

434 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_



435 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

436		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
437	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
438	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED
439	_____						
440	_____						
441	_____						

442 TOTAL NUMBER OF PER DIEM DAYS EARNED  
443 EXCLUDING ELECTION DAYS \_\_\_\_\_

444 PER DIEM RATE PER DAY EARNED X \$110.00

445 TOTAL NUMBER PER DIEM DAYS EARNED  
446 FOR ELECTION DAYS \_\_\_\_\_

447 PER DIEM RATE PER DAY EARNED X \$165.00

448 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

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

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

454 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.  
455 \_\_\_\_\_

456 Commissioner's Signature

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



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

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

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



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

487 ( \* \* \*12) Any election commissioner who has not received a  
488 certificate issued by the Secretary of State pursuant to Section  
489 23-15-211 indicating that the election commissioner has received  
490 the required elections seminar instruction and that the election  
491 commissioner is fully qualified to conduct an election, shall not  
492 receive any compensation authorized by this section or Section  
493 23-15-239.

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

593            (6) If the results of a risk-limiting audit determine that  
594            the county election commissioners must manually recount an  
595            election, then the county election commissioners shall not be  
596            required to transmit the information required in subsections (1)  
597            and (2) of this section within ten (10) days of the election.  
598            When manual recount is required, the election commissioners shall  
599            transmit the results no later than five (5) business days after  
600            the results would have otherwise been required to be transmitted  
601            under subsections (1) and (2) of this section.

602            **SECTION 12.** The following shall be codified as Section  
603            23-15-823, Mississippi Code of 1972:

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

607            (a) "Election" means a general, special, primary or  
608            runoff election.





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

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

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

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

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

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



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

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

640 **SECTION 13.** The following shall be codified as Section  
641 23-15-395, Mississippi Code of 1972:

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

651 **SECTION 14.** The following shall be codified as Section  
652 23-15-152, Mississippi Code of 1972:

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



658 notice shall comply with all applicable requirements of the  
659 National Voter Registration Act of 1993.

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

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

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

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

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

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

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

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



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

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

693                   (a) Respond to the confirmation notice;

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

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

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



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

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

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

717 23-15-165. (1) The Office of the Secretary of State, in  
718 cooperation with the county registrars and election commissioners,  
719 shall procure, implement and maintain an electronic information  
720 processing system and programs capable of maintaining a  
721 centralized database of all registered voters in the state. The  
722 system shall encompass software and hardware, at both the state  
723 and county level, software development training, conversion and  
724 support and maintenance for the system. This system shall be  
725 known as the "Statewide Elections Management System" and shall  
726 constitute the official record of registered voters in every  
727 county of the state.

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

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



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

735           (c) Receive regular reports of death, changes of  
736 address and convictions for disenfranchising crimes that apply to  
737 voters registered in the county; and

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

743           (3) As a part of the procurement and implementation of the  
744 system, the Office of the Secretary of State shall, with the  
745 assistance of the advisory committee, procure services necessary  
746 to convert current voter registration records in the counties into  
747 a standard, industry accepted file format that can be used on the  
748 Statewide Elections Management System. Thereafter, all official  
749 voter information shall be maintained on the Statewide Elections  
750 Management System. The standard industry accepted format of data  
751 was reviewed and approved by a majority of the advisory committee  
752 created in subsection (5) of this section after consultation with  
753 the Circuit Clerks Association and the format may not be changed  
754 without consulting the Circuit Clerks Association.

755           (4) The Secretary of State may, with the assistance of the  
756 advisory committee, adopt rules and regulations necessary to



757 administer the Statewide Elections Management System. The rules  
758 and regulations shall at least:

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

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

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

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

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

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



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

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

799 (6) The Office of the Secretary of State shall report  
800 annually by February 1 for the preceding twelve (12) months ending  
801 January 31 to the Governor, Lieutenant Governor, Speaker of the  
802 House of Representatives and the Mississippi Legislature on each  
803 of the activities undertaken to maintain the Statewide Elections  
804 Management System and the results of those activities. The  
805 Secretary of State's report shall include all relevant information





806 to the maintenance of voter rolls. This report shall contain the  
807 methodology used in gathering and analyzing the data. The  
808 Secretary of State shall certify that the data included in the  
809 report is accurate and reliable.

810 ( \* \* \*7) (a) Social security numbers, telephone numbers  
811 and date of birth and age information in statewide, district,  
812 county and municipal voter registration files shall be exempt from  
813 and shall not be subject to inspection, examination, copying or  
814 reproduction under the Mississippi Public Records Act of 1983.

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

821 **SECTION 16.** This act shall take effect and be in force from  
822 and after January 1, 2024.

