

By: Senator(s) McDaniel

To: Elections

SENATE BILL NO. 2499

1 AN ACT TO PROVIDE THAT THE STATEWIDE ELECTIONS MANAGEMENT
2 SYSTEM SHALL BE COMPARED TO THE IDENTIFICATION DATABASES TO ENSURE
3 NON-UNITED STATES CITIZENS ARE NOT REGISTERED TO VOTE; TO PROVIDE
4 THE NOTIFICATION REQUIRED WHEN A NON-UNITED STATES CITIZEN IS
5 FOUND TO BE REGISTERED TO VOTE; TO PROVIDE THE DOCUMENTATION THAT
6 MUST BE SUBMITTED AS PROOF OF CITIZENSHIP; TO AMEND SECTION
7 23-15-165, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING
8 SECTION; TO BRING FORWARD SECTION 23-15-15, MISSISSIPPI CODE OF
9 1972, WHICH PROVIDES THE DOCUMENTATION THAT A NATURALIZED CITIZEN
10 MUST PRESENT IN ORDER TO REGISTER TO VOTE OR TO VOTE; AND FOR
11 RELATED PURPOSES.

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

13 **SECTION 1.** (1) The Statewide Elections Management System
14 shall be compared with the state's identification databases to
15 ensure non-United States citizens are not registered to vote in
16 this state. The Secretary of State is authorized to enter into a
17 memorandum of understanding to compare the Statewide Elections
18 Management System with relevant federal and state agencies and
19 county records for the same purpose. If evidence exists that a
20 particular registered voter is not a citizen of the United States,
21 the Statewide Elections Management System shall notify the
22 registrar, or his or her designee, where the person registered to



23 vote that the registered voter may not be a citizen of the United
24 States.

25 (2) After receiving the notice from the Statewide Elections
26 Management System as provided in subsection (1) of this section,
27 the registrar, or his or her designee, shall send a notice to the
28 registered voter inquiring whether the individual is eligible to
29 be registered to vote. Any registered voter who receives the
30 notice shall, within thirty (30) days of the receipt of such
31 notice, provide proof of citizenship to the registrar or his or
32 her designee. For purposes of this subsection (2), proof of
33 citizenship includes, but is not limited to:

34 (a) The voter's birth certificate or a legible
35 photocopy of the birth certificate;

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

39 (c) The voter's United States naturalization
40 documentation, a legible photocopy of the naturalization
41 documentation, or the number of the voter's certificate of
42 naturalization; except that any person who provides the number of
43 the certificate of naturalization in lieu of the naturalization
44 documentation shall not be deemed to have provided proof of
45 citizenship until the Secretary of State verifies the number with
46 the United States citizenship and immigration services in the
47 department of Homeland Security or its successor; or



48 (d) Any document or method of proof of citizenship
49 established by the federal Immigration Reform and Control Act of
50 1986, Public Law 99-603, compiled in 8 USC Section 1101 et seq.

51 (3) If the registered voter does not provide proof of
52 citizenship within thirty (30) days of the receipt of the
53 notification, the registrar of the county, or his or her designee,
54 where the person registered to vote shall purge the voter from the
55 Statewide Elections Management System.

56 (4) In the event a person is unable to provide any
57 documentation listed in subsection (2) of this section to show
58 proof of citizenship, the person may appeal to the board of
59 election commissioners of the county in which he or she attempted
60 to register and submit additional proof of citizenship in person
61 or in writing. The board of election commissioners shall conduct
62 a hearing and make a finding concerning the individual's
63 citizenship status and shall forward a copy of their decision to
64 the registrar, or his or her designee, of the county where the
65 person resides as established in Section 23-15-61. The Statewide
66 Elections Management System shall be changed by the registrar, or
67 his or her designee, to accurately reflect the decision of the
68 board of election commissioners with respect to such voter.

69 (5) All documentation provided to show proof of citizenship
70 as well as the Department of Public Safety database or relevant
71 federal and state agency and county records shall be confidential
72 and shall not be available for inspection by the public.



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

SECTION 2. Section 23-15-165, Mississippi Code of 1972, is amended as follows:

23-15-165. (1) The Office of the Secretary of State, in cooperation 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. 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; * * *



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

103 (e) When evidence exists that a particular registered
104 voter may not be a citizen of the United States, send notification
105 to the registrar of the location where the person is registered to
106 vote.

107 (3) As a part of the procurement and implementation of the
108 system, the Office of the Secretary of State shall, with the
109 assistance of the advisory committee, procure services necessary
110 to convert current voter registration records in the counties into
111 a standard, industry accepted file format that can be used on the
112 Statewide Elections Management System. Thereafter, all official
113 voter information shall be maintained on the Statewide Elections
114 Management System. The standard industry accepted format of data
115 was reviewed and approved by a majority of the advisory committee
116 created in subsection (5) of this section after consultation with
117 the Circuit Clerks Association and the format may not be changed
118 without consulting the Circuit Clerks Association.

119 (4) The Secretary of State may, with the assistance of the
120 advisory committee, adopt rules and regulations necessary to
121 administer the Statewide Elections Management System. The rules
122 and regulations shall at least:



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

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

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

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

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

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

145 (g) Provide a procedure for phasing in or converting
146 existing manual and computerized voter registration systems in
147 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 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 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 3. Section 23-15-15, Mississippi Code of 1972, is brought forward as follows:

23-15-15. (1) Upon receiving a completed voter registration application, the registrar shall enter the applicant into the Statewide Elections Management System. Said 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.

(2) After receiving the notice from the Statewide Elections Management System as provided in subsection (1) 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



197 application inquiring whether the individual is eligible to be
198 registered to vote. The registrar may, in addition to first-class
199 mail, contact the applicant by email or telephone.

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

204 (4) For purposes of this section, proof of citizenship
205 includes, but is not limited to:

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

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

211 (c) The applicant's United States naturalization
212 documentation, a legible photocopy of the naturalization
213 documentation, or the number of the applicant's Certificate of
214 Naturalization; except that any person who provides the number of
215 the Certificate of Naturalization in lieu of the naturalization
216 documentation shall not be deemed to have provided proof of
217 citizenship until the number is verified with the United States
218 Citizenship and Immigration Services in the Department of Homeland
219 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.

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

(6) 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 (4) 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 (4) of this section by the next federal general election, the registrar shall mark the applicant as "REJECTED" in the Statewide Elections Management System.

SECTION 4. This act shall take effect and be in force from and after July 1, 2023.

