

By: Representatives Porter, Hines, Johnson,
Mickens

To: Apportionment and
Elections

HOUSE BILL NO. 363

1 AN ACT TO AMEND SECTION 23-15-19, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT THE SECRETARY OF STATE SHALL BE RESPONSIBLE FOR
 3 ENSURING THAT THE PUBLIC CAN ACCESS, THROUGH THE SECRETARY OF
 4 STATE'S WEBSITE AND THROUGH A TELEPHONE NUMBER, AN UP-TO-DATE LIST
 5 OF THOSE CRIMES, IDENTIFIED BY THE CODE SECTION NUMBER, THAT ARE
 6 DISENFRANCHISING AND THOSE THAT ARE NOT; TO REQUIRE THE SECRETARY
 7 OF STATE TO ENSURE THAT ALL OFFICIALS RESPONSIBLE FOR REGISTERING
 8 VOTERS HAVE UP-TO-DATE INTERNET BASED ELECTRONIC MEANS OF
 9 DETERMINING WHETHER A PERSON HAS BEEN CONVICTED OF A
 10 DISENFRANCHISING CRIME; TO AMEND SECTIONS 23-15-213 AND 23-15-223,
 11 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE TRAINING REQUIRED OF
 12 ELECTION COMMISSIONERS AND REGISTRARS SHALL INCLUDE ADEQUATE
 13 TRAINING, INCLUDING ON AN UP-TO-DATE DATABASE, TO ENSURE THAT
 14 PERSONS ARE NOT DENIED THE RIGHT TO REGISTER TO VOTE AND CAST A
 15 BALLOT BASED ON A CONVICTION THAT IS NOT A DISENFRANCHISING CRIME,
 16 ACCORDING TO THE CODE SECTION NUMBER; TO BRING FORWARD SECTION
 17 23-15-165, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE
 18 AMENDMENT; AND FOR RELATED PURPOSES.

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

20 **SECTION 1.** Section 23-15-19, Mississippi Code of 1972, is
 21 amended as follows:

22 23-15-19. (1) Any person who has been convicted of vote
 23 fraud or any crime listed in Section 241, Mississippi Constitution
 24 of 1890, such crimes defined as "disenfranchising," shall not be
 25 registered, or if registered the name of the person shall be
 26 removed from the Statewide Elections Management System by the



27 registrar or the election commissioners of the county of his or
28 her residence. Whenever any person shall be convicted in the
29 circuit court of his or her county of a disenfranchising crime,
30 the county registrar shall thereupon remove his or her name from
31 the Statewide Elections Management System; and whenever any person
32 shall be convicted of a disenfranchising crime in any other court
33 of any county, the presiding judge of the court shall, on demand,
34 certify the fact in writing to the registrar of the county in
35 which the voter resides, who shall thereupon remove the name of
36 the person from the Statewide Elections Management System and
37 retain the certificate as a record of his or her office.

38 (2) The Secretary of State shall be responsible for ensuring
39 that the public can access, through the Secretary of State's
40 website and through a telephone number, an up-to-date list of
41 those crimes, identified by the code section number, that are
42 disenfranchising and those that are not.

43 (3) The Secretary of State, working with the Mississippi
44 Department of Corrections, if necessary, shall be solely
45 responsible for ensuring that all officials responsible for
46 registering voters have up-to-date Internet-based electronic means
47 of determining whether a person has been convicted of a
48 disenfranchising crime, according to the code section number.

49 **SECTION 2.** Section 23-15-213, Mississippi Code of 1972, is
50 amended as follows:



51 23-15-213. (1) There shall be elected five (5) election
52 commissioners for each county whose terms of office shall commence
53 on the first Monday of January following their election and who
54 shall serve for a term of four (4) years. Each of the
55 commissioners shall be required to attend a training seminar
56 provided by the Secretary of State and satisfactorily complete a
57 skills assessment, and before acting, shall take and subscribe the
58 oath of office prescribed by the Constitution. The training
59 seminar and skills assessment shall include adequate training,
60 including on an up-to-date database, to ensure that persons are
61 not denied the right to register to vote and cast a ballot based
62 on a conviction that is not a disenfranchising crime, according to
63 the code section number. The oath shall be filed in the office of
64 the clerk of the chancery court. Upon filing the oath of office,
65 the election commissioner may be provided access to the Statewide
66 Elections Management System for the purpose of performing his or
67 her duties. Such skills assessment shall only be required once
68 every four (4) years. While engaged in their duties, the
69 commissioners shall be conservators of the peace in the county,
70 with all the duties and powers of such.

71 (2) (a) At the general election in 2024 and every four (4)
72 years thereafter, the qualified electors of the board of
73 supervisors' Districts One, Three and Five shall elect in their
74 district one (1) election commissioner.



75 (b) At the general election in 2023 and every four (4)
76 years thereafter, the qualified electors of the board of
77 supervisors' Districts Two and Four shall elect in their district
78 one (1) election commissioner.

79 (c) No more than one (1) commissioner shall be a
80 resident of and reside in each supervisor's district of the
81 county; it being the purpose of this section that the county board
82 of election commissioners shall consist of one (1) person from
83 each supervisor's district of the county and that each
84 commissioner be elected from the supervisor's district in which he
85 or she resides.

86 (3) Candidates for county election commissioner shall
87 qualify by filing with the clerk of the board of supervisors of
88 their respective counties a petition personally signed by not less
89 than fifty (50) qualified electors of the supervisor's district in
90 which they reside, requesting that they be a candidate, by 5:00
91 p.m. not later than February 1 of the year in which the election
92 occurs and unless the petition is filed within the required time,
93 their names shall not be placed upon the ballot. All candidates
94 shall declare in writing their party affiliation, if any, to the
95 board of supervisors, and such party affiliation shall be shown on
96 the official ballot.

97 (4) The petition shall have attached thereto a certificate
98 of the county registrar showing the number of qualified electors
99 on each petition, which shall be furnished by the registrar on



100 request. The board shall determine the sufficiency of the
101 petition, and if the petition contains the required number of
102 signatures and is filed within the time required, the president of
103 the board shall verify that the candidate is a resident of the
104 supervisor's district in which he or she seeks election and that
105 the candidate is otherwise qualified as provided by law, and shall
106 certify that the candidate is qualified to the chair or secretary
107 of the county election commission and the names of the candidates
108 shall be placed upon the ballot for the ensuing election. No
109 county election commissioner shall serve or be considered as
110 elected until he or she has received a majority of the votes cast
111 for the position or post for which he or she is a candidate. If a
112 majority vote is not received in the first election, then the two
113 (2) candidates receiving the most votes for each position or post
114 shall be placed upon the ballot for a second election to be held
115 three (3) weeks later in accordance with appropriate procedures
116 followed in other elections involving runoff candidates.

117 (5) In the first meeting in January of each year, the county
118 election commissioners shall organize by electing a chair and a
119 secretary, who shall serve a one-year term. The county election
120 commissioners shall provide the names of the chair and secretary
121 to the Secretary of State and provide notice of any change in
122 officers which may occur during the year.



123 (6) It shall be the duty of the chair to have the official
124 ballot printed and distributed at each general or special
125 election.

126 **SECTION 3.** Section 23-15-223, Mississippi Code of 1972, is
127 amended as follows:

128 23-15-223. (1) The State Board of Election Commissioners,
129 on or before the fifteenth day of February succeeding each general
130 election, shall appoint in the several counties registrars of
131 elections, who shall hold office for four (4) years and until
132 their successors shall be duly qualified. The county registrar
133 shall be the clerk of the circuit court, unless the State Board of
134 Election Commissioners finds the circuit clerk to be an improper
135 person to register the names of the electors in the county. The
136 State Board of Election Commissioners shall draft rules and
137 regulations to provide for notice and hearing before removal of
138 the circuit clerk, if notice and a hearing is practicable under
139 the circumstances.

140 (2) The county registrar is empowered to appoint deputy
141 registrars, with the consent of the board of election
142 commissioners, who may discharge the duties of the registrar.

143 The clerk of every municipality shall be appointed as such a
144 deputy registrar, as contemplated by the National Voter
145 Registration Act (NVRA).



146 (3) The county registrar shall not be held liable for any
147 malfeasance or nonfeasance in office by any deputy registrar who
148 is a deputy registrar by virtue of his or her office.

149 (4) (a) The Secretary of State, in conjunction with the
150 State Board of Community and Junior Colleges, has developed and
151 made available online a computer skills training course for all
152 newly appointed registrars that shall be completed within one
153 hundred eighty (180) days of the commencement of their term of
154 office.

155 (b) The online computer skills training course shall
156 include adequate training, including on an up-to-date database, to
157 ensure that persons are not denied the right to register to vote
158 and cast a ballot based on a conviction that is not a
159 disenfranchising crime, according to the code section number.

160 **SECTION 4.** Section 23-15-165, Mississippi Code of 1972, is
161 brought forward as follows:

162 23-15-165. (1) The Office of the Secretary of State, in
163 cooperation with the county registrars and election commissioners,
164 shall procure, implement and maintain an electronic information
165 processing system and programs capable of maintaining a
166 centralized database of all registered voters in the state. The
167 system shall encompass software and hardware, at both the state
168 and county level, software development training, conversion and
169 support and maintenance for the system. The Secretary of State
170 shall equip the Statewide Elections Management System with



171 appropriate security measures to protect private information of
172 the registered voter and the integrity of Mississippi elections.
173 This system shall be known as the "Statewide Elections Management
174 System" and shall constitute the official record of registered
175 voters in every county of the state.

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

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

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

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

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

191 (e) When evidence exists that a registered voter may
192 not be a citizen of the United States as provided in Section
193 23-15-15, send notification to the registrar of the location where
194 the person is registered to vote.



195 (3) As a part of the procurement and implementation of the
196 system, the Office of the Secretary of State shall, with the
197 assistance of the advisory committee, procure services necessary
198 to convert current voter registration records in the counties into
199 a standard, industry accepted file format that can be used on the
200 Statewide Elections Management System. Thereafter, all official
201 voter information shall be maintained on the Statewide Elections
202 Management System. The standard industry accepted format of data
203 was reviewed and approved by a majority of the advisory committee
204 created in subsection (5) of this section after consultation with
205 the Circuit Clerks Association and the format may not be changed
206 without consulting the Circuit Clerks Association.

207 (4) The Secretary of State may, with the assistance of the
208 advisory committee, adopt rules and regulations necessary to
209 administer the Statewide Elections Management System. The rules
210 and regulations shall at least:

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

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

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



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

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

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

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

236 (5) The Secretary of State established an advisory committee
237 to assist in developing system specifications, procurement,
238 implementation and maintenance of the Statewide Elections
239 Management System. The committee included two (2) representatives
240 from the Circuit Clerks Association, appointed by the association;
241 two (2) representatives from the Election Commissioners
242 Association of Mississippi, appointed by the association; one (1)
243 member of the Mississippi Association of Supervisors, or its
244 staff, appointed by the association; the Director of the Stennis



245 Institute of Government at Mississippi State University, or his or
246 her designee; the Executive Director of the Department of
247 Information Technology Services, or his or her designee; two (2)
248 persons knowledgeable about elections and information technology
249 appointed by the Secretary of State; and the Secretary of State,
250 who shall serve as the chair of the advisory committee.

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

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

263 **SECTION 5.** This act shall take effect and be in force from
264 and after July 1, 2024, except for Section 2, which shall take
265 effect and be in force from and after the passage of this act.

