

By: Representative Banks

To: Apportionment and
Elections

HOUSE BILL NO. 409

1 AN ACT TO AMEND SECTIONS 23-15-151, 23-15-19, 23-15-125 AND
2 23-15-153, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO PERSON
3 SHALL BE PURGED OR OTHERWISE REMOVED FROM THE STATEWIDE ELECTIONS
4 MANAGEMENT SYSTEM 120 DAYS OR LESS BEFORE THE DATE OF ANY
5 ELECTION; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-151, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-151. The circuit clerk of each county is authorized
10 and directed to prepare and keep in his or her office a full and
11 complete list, in alphabetical order, of persons convicted of
12 voter fraud or of any crime listed in Section 241, Mississippi
13 Constitution of 1890. A certified copy of any enrollment by one
14 clerk to another will be sufficient authority for the enrollment
15 of the name, or names, in another county. A list of persons
16 convicted of voter fraud, any crime listed in Section 241,
17 Mississippi Constitution of 1890, or any crime interpreted as
18 disenfranchising in later Attorney General opinions, shall also be
19 entered into the Statewide Elections Management System on a



20 quarterly basis. Voters who have been convicted in a Mississippi
21 state court of any disenfranchising crime are not qualified
22 electors as defined by Section 23-15-11 and shall be purged or
23 otherwise removed by the county registrar or county election
24 commissioners from the Statewide Elections Management System;
25 however, no such person shall be purged or otherwise removed by
26 the county registrar or county election commissioners from the
27 Statewide Elections Management System one hundred twenty (120)
28 days or less before the date of any election.

29 **SECTION 2.** Section 23-15-19, Mississippi Code of 1972, is
30 amended as follows:

31 23-15-19. Any person who has been convicted of vote fraud or
32 any crime listed in Section 241, Mississippi Constitution of 1890,
33 such crimes defined as "disenfranchising," shall not be
34 registered, or if registered the name of the person shall be
35 removed from the Statewide Elections Management System by the
36 registrar or the election commissioners of the county of his or
37 her residence. Whenever any person shall be convicted in the
38 circuit court of his or her county of a disenfranchising crime,
39 the county registrar shall thereupon remove his or her name from
40 the Statewide Elections Management System; and whenever any person
41 shall be convicted of a disenfranchising crime in any other court
42 of any county, the presiding judge of the court shall, on demand,
43 certify the fact in writing to the registrar of the county in
44 which the voter resides, who shall thereupon remove the name of



45 the person from the Statewide Elections Management System and
46 retain the certificate as a record of his or her office. No such
47 person shall be removed by the county registrar from the Statewide
48 Elections Management System one hundred twenty (120) days or less
49 before the date of any election.

50 **SECTION 3.** Section 23-15-125, Mississippi Code of 1972, is
51 amended as follows:

52 23-15-125. The pollbook of each voting precinct shall
53 designate the voting precinct for which it is to be used, and
54 shall be ruled in appropriate columns, with printed or written
55 headings, as follows: date of registration; voter registration
56 number; name of electors; date of birth; and a number of blank
57 columns for the dates of elections. All qualified applicants who
58 register with the registrar shall be entered in the Statewide
59 Elections Management System. Only the names of those qualified
60 applicants who register within thirty (30) days before an election
61 shall appear on the pollbooks of the election; however, if the
62 thirtieth day to register before an election falls on a Sunday or
63 legal holiday, the registration applications submitted on the
64 business day immediately following the legal holiday shall be
65 accepted and entered in the Statewide Elections Management System
66 for the purpose of enabling voters to vote in the next election.
67 When county election commissioners determine that any elector is
68 disqualified from voting, by reason of death, conviction of a
69 disenfranchising crime, removal from the jurisdiction, failure to



70 comply with the provisions of Section 23-15-152, or other legal
71 cause, that fact shall be noted in the Statewide Elections
72 Management System and the voter's name shall be purged from the
73 Statewide Elections Management System, the state's voter roll and
74 the county's pollbooks; however, no such person shall be removed
75 by the county election commissioners from the Statewide Elections
76 Management System, the state's voter roll or the county's
77 pollbooks one hundred twenty (120) days or less before the date of
78 any election. Nothing in this section shall preclude the use of
79 electronic pollbooks.

80 **SECTION 4.** Section 23-15-153, Mississippi Code of 1972, is
81 amended as follows:

82 23-15-153. (1) At least during the following times, the
83 election commissioners shall meet at the office of the registrar
84 or the office of the election commissioners to carefully revise
85 the county voter roll as electronically maintained by the
86 Statewide Elections Management System and remove from the roll the
87 names of all voters who have requested to be purged from the voter
88 roll, died, received an adjudication of non compos mentis, been
89 convicted of a disenfranchising crime, failed to comply with the
90 provisions of Section 23-15-152, or otherwise become disqualified
91 as electors for any cause, and shall register the names of all
92 persons who have duly applied to be registered but have been
93 illegally denied registration:



94 (a) On the Tuesday after the second Monday in January
95 1987 and every following year;

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

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

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

106 Except for the names of those voters who are duly qualified
107 to vote in the election, no name shall be permitted to remain in
108 the Statewide Elections Management System; however, no name shall
109 be purged from the Statewide Elections Management System based on
110 a change in the residence of an elector except in accordance with
111 procedures provided for by the National Voter Registration Act of
112 1993 and as provided in Section 23-15-152, and no name shall be
113 purged from the Statewide Elections Management System one hundred
114 twenty (120) days or less before the date of any election. Except
115 as otherwise provided by Section 23-15-573, no person shall vote
116 at any election whose name is not in the county voter roll
117 electronically maintained by the Statewide Elections Management
118 System.



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

130 (a) In counties having less than fifteen thousand
131 (15,000) residents according to the latest federal decennial
132 census, not more than fifty (50) days per year, with no more than
133 fifteen (15) additional days allowed for the conduct of each
134 election in excess of one (1) occurring in any calendar year;

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

142 (c) In counties having thirty thousand (30,000)
143 residents according to the latest federal decennial census but



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

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

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

163 (f) In counties having one hundred seventy thousand
164 (170,000) residents according to the latest federal decennial
165 census but less than two hundred thousand (200,000) residents
166 according to the latest federal decennial census, not more than
167 one hundred seventy-five (175) days per year, with no more than



168 sixty-five (65) additional days allowed for the conduct of each
169 election in excess of one (1) occurring in any calendar year;

170 (g) In counties having two hundred thousand (200,000)
171 residents according to the latest federal decennial census but
172 less than two hundred twenty-five thousand (225,000) residents
173 according to the latest federal decennial census, not more than
174 one hundred ninety (190) days per year, with no more than
175 seventy-five (75) additional days allowed for the conduct of each
176 election in excess of one (1) occurring in any calendar year;

177 (h) In counties having two hundred twenty-five thousand
178 (225,000) residents according to the latest federal decennial
179 census but less than two hundred fifty thousand (250,000)
180 residents according to the latest federal decennial census, not
181 more than two hundred fifteen (215) days per year, with no more
182 than eighty-five (85) additional days allowed for the conduct of
183 each election in excess of one (1) occurring in any calendar year;

184 (i) In counties having two hundred fifty thousand
185 (250,000) residents according to the latest federal decennial
186 census but less than two hundred seventy-five thousand (275,000)
187 residents according to the latest federal decennial census, not
188 more than two hundred thirty (230) days per year, with no more
189 than ninety-five (95) additional days allowed for the conduct of
190 each election in excess of one (1) occurring in any calendar year;

191 (j) In counties having two hundred seventy-five
192 thousand (275,000) residents according to the latest federal



193 decennial census or more, not more than two hundred forty (240)
194 days per year, with no more than one hundred five (105) additional
195 days allowed for the conduct of each election in excess of one (1)
196 occurring in any calendar year.

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

210 (4) (a) The election commissioners shall be entitled to
211 receive a per diem in the amount of One Hundred Ten Dollars
212 (\$110.00), to be paid from the county general fund, not to exceed
213 ten (10) days for every day or period of no less than five (5)
214 hours accumulated over two (2) or more days actually employed in
215 the performance of their duties for the necessary time spent in
216 the revision of the county voter roll as electronically maintained
217 by the Statewide Elections Management System before any special



218 election. For purposes of this paragraph, the regular special
219 election day shall not be considered a special election. The
220 annual limitations set forth in subsection (2) of this section
221 shall not apply to this paragraph.

222 (b) The election commissioners shall be entitled to
223 receive a per diem in the amount of One Hundred Sixty-five Dollars
224 (\$165.00), to be paid from the county general fund, for the
225 performance of their duties on the day of any primary, runoff,
226 general or special election. The annual limitations set forth in
227 subsection (2) of this section shall apply to this paragraph.

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

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

241 (7) The election commissioners shall be entitled to receive
242 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to



243 be paid from the county general fund, not to exceed five (5) days
244 for every day or period of no less than five (5) hours accumulated
245 over two (2) or more days for those days when the election
246 commissioners shall be required to conduct an audit of an election
247 as provided in Section 23-15-615.

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

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

265 (10) In addition to any per diem authorized by this section,
266 any election commissioner shall be entitled to the mileage



267 reimbursement rate allowable to federal employees for the use of a
268 privately owned vehicle while on official travel on election day.

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

276 The certification form shall be as follows:

277 **COUNTY ELECTION COMMISSIONER**

278 **PER DIEM CLAIM FORM**

279 NAME: _____ COUNTY: _____

280 ADDRESS: _____ DISTRICT: _____

281 CITY: _____ ZIP: _____

		PURPOSE	APPLICABLE	ACTUAL	PER DIEM	
DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

285 _____

286 _____

287 _____

288 TOTAL NUMBER OF PER DIEM DAYS EARNED

289 EXCLUDING ELECTION DAYS _____

290 PER DIEM RATE PER DAY EARNED X \$110.00

291 TOTAL NUMBER PER DIEM DAYS EARNED



292 FOR ELECTION DAYS _____
293 PER DIEM RATE PER DAY EARNED X \$165.00
294 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

300 Signed this the _____ day of _____, ____.
301 _____
302 Commissioner's Signature

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

308 Any person may contest the accuracy of the certification in
309 any respect by notifying the chair of the commission, any member
310 of the board of supervisors or the clerk of the board of
311 supervisors of the contest at any time before or after payment is
312 made. If the contest is made before payment is made, no payment
313 shall be made as to the contested certificate until the contest is
314 finally disposed of. The person filing the contest shall be
315 entitled to a full hearing, and the clerk of the board of
316 supervisors shall issue subpoenas upon request of the contestor



317 compelling the attendance of witnesses and production of documents
318 and things. The contestor shall have the right to appeal de novo
319 to the circuit court of the involved county, which appeal must be
320 perfected within thirty (30) days from a final decision of the
321 commission, the clerk of the board of supervisors or the board of
322 supervisors, as the case may be.

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

333 (12) Any election commissioner who has not received a
334 certificate issued by the Secretary of State pursuant to Section
335 23-15-211 indicating that the election commissioner has received
336 the required elections seminar instruction and that the election
337 commissioner is fully qualified to conduct an election, shall not
338 receive any compensation authorized by this section or Section
339 23-15-239.

340 **SECTION 5.** This act shall take effect and be in force from
341 and after July 1, 2024.

