

By: Representatives Nelson, James-Jones

To: Apportionment and Elections

HOUSE BILL NO. 1186

1 AN ACT TO AMEND SECTIONS 23-15-153, 23-15-152, 23-15-125 AND
2 23-15-151, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECRETARY
3 OF STATE SHALL PUBLISH NOTICE ON HIS WEBSITE EACH TIME A VOTER
4 ROLL PURGE OCCURS AND THE DATE UPON WHICH IT OCCURRED; TO PROVIDE
5 THAT SUCH INFORMATION SHALL REMAIN ON THE SECRETARY OF STATE'S
6 WEBSITE FOR AT LEAST ONE YEAR AFTER THE PURGE; AND FOR RELATED
7 PURPOSES.

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

9 **SECTION 1.** Section 23-15-153, Mississippi Code of 1972, is
10 amended as follows:

11 23-15-153. (1) At least during the following times, the
12 election commissioners shall meet at the office of the registrar
13 or the office of the election commissioners to carefully revise
14 the county voter roll as electronically maintained by the
15 Statewide Elections Management System and remove from the roll the
16 names of all voters who have requested to be purged from the voter
17 roll, died, received an adjudication of non compos mentis, been
18 convicted of a disenfranchising crime, failed to comply with the
19 provisions of Section 23-15-152, or otherwise become disqualified
20 as electors for any cause, and shall register the names of all



21 persons who have duly applied to be registered but have been
22 illegally denied registration:

23 (a) On the Tuesday after the second Monday in January
24 1987 and every following year;

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

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

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

35 Except for the names of those voters who are duly qualified
36 to vote in the election, no name shall be permitted to remain in
37 the Statewide Elections Management System; however, no name shall
38 be purged from the Statewide Elections Management System based on
39 a change in the residence of an elector except in accordance with
40 procedures provided for by the National Voter Registration Act of
41 1993 and as provided in Section 23-15-152. Except as otherwise
42 provided by Section 23-15-573, no person shall vote at any
43 election whose name is not in the county voter roll electronically
44 maintained by the Statewide Elections Management System. The
45 Secretary of State shall publish notice on his website each time a



46 voter roll purge occurs and the date upon which it occurred. Such
47 information shall remain on the Secretary of State's website for
48 at least one (1) year after the purge.

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

60 (a) In counties having less than fifteen thousand
61 (15,000) residents according to the latest federal decennial
62 census, not more than fifty (50) days per year, with no more than
63 fifteen (15) additional days allowed for the conduct of each
64 election in excess of one (1) occurring in any calendar year;

65 (b) In counties having fifteen thousand (15,000)
66 residents according to the latest federal decennial census but
67 less than thirty thousand (30,000) residents according to the
68 latest federal decennial census, not more than seventy-five (75)
69 days per year, with no more than twenty-five (25) additional days



70 allowed for the conduct of each election in excess of one (1)
71 occurring in any calendar year;

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

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

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

93 (f) In counties having one hundred seventy thousand
94 (170,000) residents according to the latest federal decennial



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

100 (g) In counties having two hundred thousand (200,000)
101 residents according to the latest federal decennial census but
102 less than two hundred twenty-five thousand (225,000) residents
103 according to the latest federal decennial census, not more than
104 one hundred ninety (190) days per year, with no more than
105 seventy-five (75) additional days allowed for the conduct of each
106 election in excess of one (1) occurring in any calendar year;

107 (h) In counties having two hundred twenty-five thousand
108 (225,000) residents according to the latest federal decennial
109 census but less than two hundred fifty thousand (250,000)
110 residents according to the latest federal decennial census, not
111 more than two hundred fifteen (215) days per year, with no more
112 than eighty-five (85) additional days allowed for the conduct of
113 each election in excess of one (1) occurring in any calendar year;

114 (i) In counties having two hundred fifty thousand
115 (250,000) residents according to the latest federal decennial
116 census but less than two hundred seventy-five thousand (275,000)
117 residents according to the latest federal decennial census, not
118 more than two hundred thirty (230) days per year, with no more



119 than ninety-five (95) additional days allowed for the conduct of
120 each election in excess of one (1) occurring in any calendar year;

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

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

140 (4) (a) The election commissioners shall be entitled to
141 receive a per diem in the amount of One Hundred Ten Dollars
142 (\$110.00), to be paid from the county general fund, not to exceed
143 ten (10) days for every day or period of no less than five (5)



144 hours accumulated over two (2) or more days actually employed in
145 the performance of their duties for the necessary time spent in
146 the revision of the county voter roll as electronically maintained
147 by the Statewide Elections Management System before any special
148 election. For purposes of this paragraph, the regular special
149 election day shall not be considered a special election. The
150 annual limitations set forth in subsection (2) of this section
151 shall not apply to this paragraph.

152 (b) The election commissioners shall be entitled to
153 receive a per diem in the amount of One Hundred Sixty-five Dollars
154 (\$165.00), to be paid from the county general fund, for the
155 performance of their duties on the day of any primary, runoff,
156 general or special election. The annual limitations set forth in
157 subsection (2) of this section shall apply to this paragraph.

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

167 (6) The election commissioners shall be entitled to receive
168 only one (1) per diem payment for those days when the election



169 commissioners discharge more than one (1) duty or responsibility
170 on the same day.

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

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

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



193 primary election shall be treated the same as days county election
194 commissioners are employed in the conduct of other elections.

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

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

206 The certification form shall be as follows:

207 **COUNTY ELECTION COMMISSIONER**

208 **PER DIEM CLAIM FORM**

209 NAME: _____ COUNTY: _____

210 ADDRESS: _____ DISTRICT: _____

211 CITY: _____ ZIP: _____

212 PURPOSE APPLICABLE ACTUAL PER DIEM

213 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

214 WORKED TIME TIME WORK SECTION WORKED EARNED

215 _____

216 _____

217 _____



218 TOTAL NUMBER OF PER DIEM DAYS EARNED
 219 EXCLUDING ELECTION DAYS _____
 220 PER DIEM RATE PER DAY EARNED X \$110.00
 221 TOTAL NUMBER PER DIEM DAYS EARNED
 222 FOR ELECTION DAYS _____
 223 PER DIEM RATE PER DAY EARNED X \$165.00
 224 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

230 Signed this the _____ day of _____, ____.
 231 _____
 232 Commissioner's Signature

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

238 Any person may contest the accuracy of the certification in
 239 any respect by notifying the chair of the commission, any member
 240 of the board of supervisors or the clerk of the board of
 241 supervisors of the contest at any time before or after payment is
 242 made. If the contest is made before payment is made, no payment



243 shall be made as to the contested certificate until the contest is
244 finally disposed of. The person filing the contest shall be
245 entitled to a full hearing, and the clerk of the board of
246 supervisors shall issue subpoenas upon request of the contestor
247 compelling the attendance of witnesses and production of documents
248 and things. The contestor shall have the right to appeal de novo
249 to the circuit court of the involved county, which appeal must be
250 perfected within thirty (30) days from a final decision of the
251 commission, the clerk of the board of supervisors or the board of
252 supervisors, as the case may be.

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

263 (12) Any election commissioner who has not received a
264 certificate issued by the Secretary of State pursuant to Section
265 23-15-211 indicating that the election commissioner has received
266 the required elections seminar instruction and that the election
267 commissioner is fully qualified to conduct an election, shall not



268 receive any compensation authorized by this section or Section
269 23-15-239.

270 **SECTION 2.** Section 23-15-152, Mississippi Code of 1972, is
271 amended as follows:

272 23-15-152. (1) For the purposes of this section,
273 "confirmation notice" means a notice sent by the election
274 commissioners, by forwardable mail, with return postage prepaid,
275 on a form prescribed by the Secretary of State, to a registered
276 voter to confirm the registered voter's current address. The
277 notice shall comply with all applicable requirements of the
278 National Voter Registration Act of 1993.

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

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

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

288 (c) A registered voter who has failed to vote at least
289 once in any election or update his or her registration during a
290 period that begins in the year of a presidential preference
291 primary and extends until the next general election for President



292 of the United States that does not occur in the same year as the
293 beginning of the period; or

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

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

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

314 (4) A registered voter "fails to respond to the confirmation
315 notice" if the voter, during a period beginning on the date the
316 confirmation notice was sent and ending on the day after the date



317 of the second general election for federal office that occurs
318 after the date of the notice, fails to:

- 319 (a) Respond to the confirmation notice; or
320 (b) Update the elector's registration information.

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

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

333 The Secretary of State shall publish notice on his website each
334 time a voter roll purge occurs and the date upon which it
335 occurred. Such information shall remain on the Secretary of
336 State's website for at least one (1) year after the purge.

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



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

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

348 23-15-125. The pollbook of each voting precinct shall
349 designate the voting precinct for which it is to be used, and
350 shall be ruled in appropriate columns, with printed or written
351 headings, as follows: date of registration; voter registration
352 number; name of electors; date of birth; and a number of blank
353 columns for the dates of elections. All qualified applicants who
354 register with the registrar shall be entered in the Statewide
355 Elections Management System. Only the names of those qualified
356 applicants who register within thirty (30) days before an election
357 shall appear on the pollbooks of the election; however, if the
358 thirtieth day to register before an election falls on a Sunday or
359 legal holiday, the registration applications submitted on the
360 business day immediately following the legal holiday shall be
361 accepted and entered in the Statewide Elections Management System
362 for the purpose of enabling voters to vote in the next election.
363 When county election commissioners determine that any elector is
364 disqualified from voting, by reason of death, conviction of a
365 disenfranchising crime, removal from the jurisdiction, failure to
366 comply with the provisions of Section 23-15-152, or other legal



367 cause, that fact shall be noted in the Statewide Elections
368 Management System and the voter's name shall be purged from the
369 Statewide Elections Management System, the state's voter roll and
370 the county's pollbooks. The Secretary of State shall publish
371 notice on his website each time a voter roll purge occurs and the
372 date upon which it occurred. Such information shall remain on the
373 Secretary of State's website for at least one (1) year after the
374 purge. Nothing in this section shall preclude the use of
375 electronic pollbooks.

376 **SECTION 4.** Section 23-15-151, Mississippi Code of 1972, is
377 amended as follows:

378 23-15-151. The circuit clerk of each county is authorized
379 and directed to prepare and keep in his or her office a full and
380 complete list, in alphabetical order, of persons convicted of
381 voter fraud or of any crime listed in Section 241, Mississippi
382 Constitution of 1890. A certified copy of any enrollment by one
383 clerk to another will be sufficient authority for the enrollment
384 of the name, or names, in another county. A list of persons
385 convicted of voter fraud, any crime listed in Section 241,
386 Mississippi Constitution of 1890, or any crime interpreted as
387 disenfranchising in later Attorney General opinions, shall also be
388 entered into the Statewide Elections Management System on a
389 quarterly basis. Voters who have been convicted in a Mississippi
390 state court of any disenfranchising crime are not qualified
391 electors as defined by Section 23-15-11 and shall be purged or



392 otherwise removed by the county registrar or county election
393 commissioners from the Statewide Elections Management System. The
394 Secretary of State shall publish notice on his website each time a
395 voter roll purge occurs and the date upon which it occurred. Such
396 information shall remain on the Secretary of State's website for
397 at least one (1) year after the purge.

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

