

By: Representative Porter

To: Apportionment and  
Elections; Judiciary B

## HOUSE BILL NO. 87

1 AN ACT TO PROVIDE FULL SUFFRAGE RESTORATION TO ANY PERSON  
2 DISQUALIFIED BY REASON OF CRIMINAL CONVICTION; TO AMEND SECTION  
3 23-15-11, MISSISSIPPI CODE OF 1972, TO REVISE WHO SHALL BE  
4 CONSIDERED A QUALIFIED ELECTOR; TO AMEND SECTION 23-15-19,  
5 MISSISSIPPI CODE OF 1972, TO REQUIRE THE SECRETARY OF STATE AND  
6 THE MISSISSIPPI DEPARTMENT OF CORRECTIONS TO COLLABORATE TO ENSURE  
7 VOTERS ARE PLACED BACK ON VOTER ROLLS; TO AMEND SECTION 23-15-47,  
8 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO  
9 AMEND SECTION 23-15-213, MISSISSIPPI CODE OF 1972, TO REQUIRE  
10 TRAINING FOR ELECTION COMMISSIONERS TO ENSURE VOTERS WHO WERE  
11 DISENFRANCHISED ARE ALLOWED TO REGISTER TO VOTE; TO AMEND SECTIONS  
12 23-15-223, 23-15-125, 23-15-151, 23-15-153 AND 23-15-165,  
13 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO  
14 BRING FORWARD SECTIONS 97-39-3 AND 99-19-37, MISSISSIPPI CODE OF  
15 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED  
16 PURPOSES.

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

18 **SECTION 1.** (1) The right of suffrage is hereby fully  
19 restored to any person disqualified by reason of criminal  
20 conviction upon sentence completion.

21 (2) For purposes of this act, the term "sentence" means, and  
22 is limited to, the term of incarceration, probation, and parole  
23 for a disqualifying conviction.

24 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is  
25 amended as follows:



26           23-15-11. Every inhabitant of this state, except persons  
27 adjudicated to be non compos mentis, who is a citizen of the  
28 United States of America, eighteen (18) years old and upwards, who  
29 has resided in this state for thirty (30) days and for thirty (30)  
30 days in the county in which he or she seeks to vote, and for  
31 thirty (30) days in the incorporated municipality in which he or  
32 she seeks to vote, and who, has been duly registered as an elector  
33 under Section 23-15-33, and who \* \* \* if convicted of vote fraud  
34 or of any crime listed in Section 241, Mississippi Constitution of  
35 1890, has completed his or her sentence as defined in Section 1 of  
36 this act, shall be a qualified elector in and for the county,  
37 municipality and voting precinct of his or her residence, and  
38 shall be entitled to vote at any election upon compliance with  
39 Section 23-15-563. If the thirtieth day to register before an  
40 election falls on a Sunday or legal holiday, the registration  
41 applications submitted on the business day immediately following  
42 the Sunday or legal holiday shall be accepted and entered in the  
43 Statewide Elections Management System for the purpose of enabling  
44 voters to vote in the next election. Any person who will be  
45 eighteen (18) years of age or older on or before the date of the  
46 general election and who is duly registered to vote not less than  
47 thirty (30) days before the primary election associated with the  
48 general election, may vote in the primary election even though the  
49 person has not reached his or her eighteenth birthday at the time  
50 that the person seeks to vote at the primary election. No others



than those specified in this section shall be entitled, or shall be allowed, to vote at any election.

**SECTION 3.** Section 23-15-19, Mississippi Code of 1972, is amended as follows:

23-15-19. (1) \* \* \* Except when prohibited under subsection (2), any person who has been convicted of vote fraud or any crime listed in Section 241, Mississippi Constitution of 1890, such crimes defined as "disenfranchising," shall not be registered \* \* \* if the person seeking registration has not yet completed his or her sentence as defined in Section 1 of this act, or if registered the name of the person shall be removed from the Statewide Elections Management System by the registrar or the election commissioners of the county of his or her residence if the person at the time of removal has not yet completed his or her sentence as defined in Section 1 of this act. Whenever any person shall be convicted in the circuit court of his or her county of a disenfranchising crime, the county registrar shall thereupon remove his or her name from the Statewide Elections Management System; and whenever any person shall be convicted of a disenfranchising crime in any other court of any county, the presiding judge of the court shall, on demand, certify the fact in writing to the registrar of the county in which the voter resides, who shall thereupon remove the name of the person from the Statewide Elections Management System and retain the certificate as a record of his or her office.



76       (2) The Secretary of State shall be responsible for ensuring  
77 that the public can access through the Secretary of State's  
78 website and a phone number the following: (a) an up-to-date list  
79 of which crimes, by code section number, are disenfranchising and  
80 which crimes are not; and (b) the criteria people convicted of  
81 disenfranchising crimes must satisfy to become refranchised.

82       (3) The Secretary of State, working with the Mississippi  
83 Department of Corrections if necessary, shall be solely  
84 responsible for ensuring that all officials responsible for  
85 registering voters, including circuit clerks and/or election  
86 commissioners, have up-to-date Internet-based electronic means by  
87 which to determine whether a person has been convicted of a  
88 disenfranchising offense, according to its code section number,  
89 and whether he or she has completed his or her sentence as defined  
90 in Section 1 of this act. An affirmative determination shall be a  
91 complete defense in criminal cases where an elector relied upon it  
92 to register to vote or to vote. A person seeking to vote shall  
93 not be made to furnish documentary evidence or other proof of  
94 sentence completion in order to register to vote or vote.

95       (4) No person may be denied the right to register to vote  
96 and cast a ballot on the basis of his or her conviction of a  
97 disenfranchising offense after sentence completion as defined in  
98 Section 1 of this act.

99       **SECTION 4.** Section 23-15-47, Mississippi Code of 1972, is  
100 amended as follows:



23-15-47. (1) Any person who is qualified to register to vote in the State of Mississippi may register to vote by mail-in application in the manner prescribed in this section.

(2) The following procedure shall be used in the registration of electors by mail:

(a) Any qualified elector may register to vote by mailing or delivering a completed mail-in application to his or her county registrar at least thirty (30) days before any election; however, if the thirtieth day to register before an election falls on a Sunday or legal holiday, the registration applications submitted on the business day immediately following the Sunday or legal holiday shall be accepted and entered into the Statewide Elections Management System for the purpose of enabling voters to vote in the next election. The postmark date of a mailed application shall be the applicant's date of registration.

(b) Upon receipt of a mail-in application, the county registrar shall stamp the application with the date of receipt, and shall verify the application either by matching the applicant's Mississippi driver's license number through the Mississippi Department of Public Safety or by matching the applicant's social security number through the American Association of Motor Vehicle Administrators. Within fourteen (14) days of receipt of a mail-in registration application, the county registrar shall complete action on the application, including any



attempts to notify the applicant of the status of his or her application.

(c) If the county registrar determines that the applicant is qualified and his or her application is legible and complete, the county registrar shall mail the applicant written notification that the application has been approved, specifying the county voting precinct, municipal voting precinct, if any, polling place and supervisor district in which the person shall vote. This written notification of approval containing the specified information shall be the voter's registration card. The registration card shall be provided by the county registrar to the applicant in accordance with Section 23-15-39. Upon entry of the voter registration information into the Statewide Elections Management System, the system shall assign a voter registration number to the applicant. The assigned voter registration number shall be clearly shown on the written notification of approval. In mailing the written notification, the county registrar shall note the following on the envelope: "DO NOT FORWARD". If any registration notification form is returned as undeliverable, the voter's registration shall be void.

(d) A mail-in application shall be rejected for any of the following reasons:

(i) An incomplete portion of the application makes it impossible for the registrar to determine the eligibility of the applicant to register;



150 (ii) A portion of the application is illegible in  
151 the opinion of the county registrar and makes it impossible to  
152 determine the eligibility of the applicant to register;

153 (iii) The county registrar is unable to determine,  
154 from the address and information stated on the application, the  
155 precinct in which the voter should be assigned or the supervisor  
156 district in which he or she is entitled to vote;

157 (iv) The applicant is not qualified to register to  
158 vote pursuant to Section 23-15-11;

159 (v) The county registrar determines that the  
160 applicant is already registered as a qualified elector of the  
161 county;

162 (vi) The county registrar is unable to verify the  
163 application pursuant to subsection (2)(b) of this section.

164 (e) If the mail-in application of a person is subject  
165 to rejection for any of the reasons set forth in paragraph (d)(i)  
166 through (iii) of this subsection, and it appears to the county  
167 registrar that the defect or omission is of such a minor nature  
168 and that any necessary additional information may be supplied by  
169 the applicant over the telephone or by further correspondence, the  
170 county registrar may write or call the applicant at the telephone  
171 number or address, or both, provided on the application. If the  
172 county registrar is able to contact the applicant by mail or  
173 telephone, the county registrar shall attempt to ascertain the  
174 necessary information, and if this information is sufficient for



the registrar to complete the application, the applicant shall be registered. If the necessary information cannot be obtained by mail or telephone, or is not sufficient to complete the application within fourteen (14) days of receipt, the county registrar shall give the applicant written notice of the rejection and provide the reason for the rejection. The county registrar shall further inform the applicant that he or she has a right to attempt to register by appearing in person or by filing another mail-in application.

(f) If a mail-in application is subject to rejection for the reason stated in paragraph (d)(v) of this subsection and the "present home address" portion of the application is different from the residence address for the applicant found in the Statewide Elections Management System, the mail-in application shall be deemed a written request to update the voter's registration pursuant to Section 23-15-13. The county registrar or the election commissioners shall update the voter's residence address in the Statewide Elections Management System and, if necessary, advise the voter of a change in the location of his or her county or municipal polling place by mailing the voter a new voter registration card.

(3) The instructions and the application form for voter registration by mail shall be in a form established by rule duly adopted by the Secretary of State, and both shall state that a person is fully and completely qualified to register to vote and



200 cast a ballot after his or her conviction of a disenfranchising  
201 offense upon sentence completion as defined in Section 1 of this  
202 act.

203       (4)   (a)   The Secretary of State shall prepare and furnish  
204 without charge the necessary forms for application for voter  
205 registration by mail to each county registrar, municipal clerk,  
206 all public schools, each private school that requests such  
207 applications, and all public libraries.

208       (b)   The Secretary of State shall distribute without  
209 charge sufficient forms for application for voter registration by  
210 mail to the Commissioner of Public Safety, who shall distribute  
211 the forms to each driver's license examining and renewal station  
212 in the state, and shall ensure that the forms are regularly  
213 available to the public at such stations.

214       (c)   Bulk quantities of forms for application for voter  
215 registration by mail shall be furnished by the Secretary of State  
216 to any person or organization. The Secretary of State shall  
217 charge a person or organization the actual cost he or she incurs  
218 in providing bulk quantities of forms for application for voter  
219 registration to such person or organization.

220       (5)   The originals of completed mail-in applications shall  
221 remain on file in the office of the county registrar with copies  
222 retained in the Statewide Elections Management System.

223       (6)   If the applicant indicates on the application that he or  
224 she resides within the city limits of a city or town in the county



of registration, the county registrar shall enter the information into the Statewide Elections Management System.

(7) If the applicant indicates on the application that he or she has previously registered to vote in another county of this state or another state, notice to the voter's previous county of registration in this state shall be provided through the Statewide Elections Management System. If the voter's previous place of registration was in another state, notice shall be provided to the voter's previous state of residence.

(8) Any person who attempts to register to vote by mail shall be subject to the penalties for false registration provided for in Section 23-15-17.

**SECTION 5.** Section 23-15-213, Mississippi Code of 1972, is amended as follows:

23-15-213. (1) There shall be elected five (5) election commissioners for each county whose terms of office shall commence on the first Monday of January following their election and who shall serve for a term of four (4) years. Each of the commissioners shall be required to attend a training seminar provided by the Secretary of State and satisfactorily complete a skills assessment, and before acting, shall take and subscribe the oath of office prescribed by the Constitution. The training seminar and skills assessment shall include adequate training, including on an up-to-date database, to ensure that persons are not denied the right to register to vote and cast a ballot based



250 on a conviction that is not a disenfranchising crime, according to  
251 the code section number, after sentence completion as defined in  
252 Section 1 of this act. The oath shall be filed in the office of  
253 the clerk of the chancery court. Upon filing the oath of office,  
254 the election commissioner may be provided access to the Statewide  
255 Elections Management System for the purpose of performing his or  
256 her duties. Such skills assessment shall only be required once  
257 every four (4) years. While engaged in their duties, the  
258 commissioners shall be conservators of the peace in the county,  
259 with all the duties and powers of such. The requirement to attend  
260 a training seminar as provided in this subsection (1) shall be  
261 effective immediately upon passage of this act so that election  
262 commissioners overseeing the 2025 elections are able to receive  
263 the training.

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

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

272 (c) No more than one (1) commissioner shall be a  
273 resident of and reside in each supervisor's district of the  
274 county; it being the purpose of this section that the county board



of election commissioners shall consist of one (1) person from each supervisor's district of the county and that each commissioner be elected from the supervisor's district in which he or she resides.

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

(4) The petition shall have attached thereto a certificate of the county registrar showing the number of qualified electors on each petition, which shall be furnished by the registrar on request. The board shall determine the sufficiency of the petition, and if the petition contains the required number of signatures and is filed within the time required, the president of the board shall verify that the candidate is a resident of the supervisor's district in which he or she seeks election and that the candidate is otherwise qualified as provided by law, and shall certify that the candidate is qualified to the chair or secretary



of the county election commission and the names of the candidates shall be placed upon the ballot for the ensuing election. No county election commissioner shall serve or be considered as elected until he or she has received a majority of the votes cast for the position or post for which he or she is a candidate. If a majority vote is not received in the first election, then the two (2) candidates receiving the most votes for each position or post shall be placed upon the ballot for a second election to be held four (4) weeks later in accordance with appropriate procedures followed in other elections involving runoff candidates.

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

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

**SECTION 6.** Section 23-15-223, Mississippi Code of 1972, is amended as follows:

23-15-223. (1) The State Board of Election Commissioners, on or before the fifteenth day of February succeeding each general election, shall appoint in the several counties registrars of elections, who shall hold office for four (4) years and until



their successors shall be duly qualified. The county registrar shall be the clerk of the circuit court, unless the State Board of Election Commissioners finds the circuit clerk to be an improper person to register the names of the electors in the county. The State Board of Election Commissioners shall draft rules and regulations to provide for notice and hearing before removal of the circuit clerk, if notice and a hearing is practicable under the circumstances.

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

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

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

(4) The Secretary of State, in conjunction with the State Board of Community and Junior Colleges, has developed and made available online a computer skills training course for all newly appointed registrars, which shall include adequate training, including on an up-to-date database, to ensure that persons are not denied the right to register to vote and cast a ballot on the basis of his or her conviction of a disenfranchising offense, according to its code section number, after sentence completion as



defined in Section 1 of this act, that shall be completed within one hundred eighty (180) days of the commencement of their term of office.

**SECTION 7.** Section 23-15-125, Mississippi Code of 1972, is amended as follows:

23-15-125. The pollbook of each voting precinct shall designate the voting precinct for which it is to be used, and shall be ruled in appropriate columns, with printed or written headings, as follows: date of registration; voter registration number; name of electors; date of birth; and a number of blank columns for the dates of elections. All qualified applicants who register with the registrar shall be entered in the Statewide Elections Management System. Only the names of those qualified applicants who register within thirty (30) days before an election shall appear on the pollbooks of the election; however, if the thirtieth day to register before an election falls on a Sunday or legal holiday, the registration applications submitted on the business day immediately following the legal holiday shall be accepted and entered in the Statewide Elections Management System for the purpose of enabling voters to vote in the next election. When county election commissioners determine that any elector is disqualified from voting, by reason of death, conviction of a disenfranchising crime and has not completed his or her sentence as defined in Section 1 of this act, removal from the jurisdiction, failure to comply with the provisions of Section



23-15-152, or other legal cause, that fact shall be noted in the Statewide Elections Management System and the voter's name shall be purged from the Statewide Elections Management System, the state's voter roll and the county's pollbooks. Nothing in this section shall preclude the use of electronic pollbooks.

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

23-15-151. The circuit clerk of each county is authorized and directed to prepare and keep in his or her office a full and complete list, in alphabetical order, of persons convicted of voter fraud or of any crime listed in Section 241, Mississippi Constitution of 1890. A certified copy of any enrollment by one clerk to another will be sufficient authority for the enrollment of the name, or names, in another county. A list of persons convicted of voter fraud, any crime listed in Section 241, Mississippi Constitution of 1890, or any crime interpreted as disenfranchising in later Attorney General opinions, shall also be entered into the Statewide Elections Management System on a quarterly basis. Voters who have been convicted in a Mississippi state court of any disenfranchising crime and have not completed their sentence as defined in Section 1 of this act are not qualified electors as defined by Section 23-15-11 and shall be purged or otherwise removed by the county registrar or county election commissioners from the Statewide Elections Management System.



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

402           23-15-153. (1) At least during the following times, the  
403 election commissioners shall meet at the office of the registrar  
404 or the office of the election commissioners to carefully revise  
405 the county voter roll as electronically maintained by the  
406 Statewide Elections Management System and remove from the roll the  
407 names of all voters who have requested to be purged from the voter  
408 roll, died, received an adjudication of non compos mentis, been  
409 convicted of a disenfranchising crime and have not completed his  
410 or her sentence as defined in Section 1 of this act, failed to  
411 comply with the provisions of Section 23-15-152, or otherwise  
412 become disqualified as electors for any cause, and shall register  
413 the names of all persons who have duly applied to be registered  
414 but have been illegally denied registration:

415                   (a) On the Tuesday after the second Monday in January  
416 1987 and every following year;

417                   (b) On the first Tuesday in the month immediately  
418 preceding the first primary election for members of Congress in  
419 the years when members of Congress are elected;

420                   (c) On the first Monday in the month immediately  
421 preceding the first primary election for state, state district  
422 legislative, county and county district offices in the years in  
423 which those offices are elected; and



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

Except for the names of those voters who are duly qualified to vote in the election, no name shall be permitted to remain in the Statewide Elections Management System; however, no name shall be purged from the Statewide Elections Management System based on a change in the residence of an elector except in accordance with procedures provided for by the National Voter Registration Act of 1993 and as provided in Section 23-15-152. Except as otherwise provided by Section 23-15-573, no person shall vote at any election whose name is not in the county voter roll electronically maintained by the Statewide Elections Management System.

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



448           (a) In counties having less than fifteen thousand  
449   (15,000) residents according to the latest federal decennial  
450   census, not more than fifty (50) days per year, with no more than  
451   fifteen (15) additional days allowed for the conduct of each  
452   election in excess of one (1) occurring in any calendar year;

453           (b) In counties having fifteen thousand (15,000)  
454   residents according to the latest federal decennial census but  
455   less than thirty thousand (30,000) residents according to the  
456   latest federal decennial census, not more than seventy-five (75)  
457   days per year, with no more than twenty-five (25) additional days  
458   allowed for the conduct of each election in excess of one (1)  
459   occurring in any calendar year;

460           (c) In counties having thirty thousand (30,000)  
461   residents according to the latest federal decennial census but  
462   less than seventy thousand (70,000) residents according to the  
463   latest federal decennial census, not more than one hundred (100)  
464   days per year, with no more than thirty-five (35) additional days  
465   allowed for the conduct of each election in excess of one (1)  
466   occurring in any calendar year;

467           (d) In counties having seventy thousand (70,000)  
468   residents according to the latest federal decennial census but  
469   less than ninety thousand (90,000) residents according to the  
470   latest federal decennial census, not more than one hundred  
471   twenty-five (125) days per year, with no more than forty-five (45)



472 additional days allowed for the conduct of each election in excess  
473 of one (1) occurring in any calendar year;

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

481 (f) In counties having one hundred seventy thousand  
482 (170,000) residents according to the latest federal decennial  
483 census but less than two hundred thousand (200,000) residents  
484 according to the latest federal decennial census, not more than  
485 one hundred seventy-five (175) days per year, with no more than  
486 sixty-five (65) additional days allowed for the conduct of each  
487 election in excess of one (1) occurring in any calendar year;

488 (g) In counties having two hundred thousand (200,000)  
489 residents according to the latest federal decennial census but  
490 less than two hundred twenty-five thousand (225,000) residents  
491 according to the latest federal decennial census, not more than  
492 one hundred ninety (190) days per year, with no more than  
493 seventy-five (75) additional days allowed for the conduct of each  
494 election in excess of one (1) occurring in any calendar year;

495 (h) In counties having two hundred twenty-five thousand  
496 (225,000) residents according to the latest federal decennial



census but less than two hundred fifty thousand (250,000) residents according to the latest federal decennial census, not more than two hundred fifteen (215) days per year, with no more than eighty-five (85) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

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

(3) In addition to the number of days authorized in subsection (2) of this section, the board of supervisors of a county may authorize, in its discretion, the election commissioners to receive a per diem in the amount provided for in subsection (2) of this section, to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the



522 performance of their duties in the conduct of an election or  
523 actually employed in the performance of their duties for the  
524 necessary time spent in the revision of the county voter roll as  
525 electronically maintained by the Statewide Elections Management  
526 System as required in subsection (1) of this section, not to  
527 exceed five (5) days.

528       (4) (a) The election commissioners shall be entitled to  
529 receive a per diem in the amount of One Hundred Ten Dollars  
530 (\$110.00), to be paid from the county general fund, not to exceed  
531 ten (10) days for every day or period of no less than five (5)  
532 hours accumulated over two (2) or more days actually employed in  
533 the performance of their duties for the necessary time spent in  
534 the revision of the county voter roll as electronically maintained  
535 by the Statewide Elections Management System before any special  
536 election. For purposes of this paragraph, the regular special  
537 election day shall not be considered a special election. The  
538 annual limitations set forth in subsection (2) of this section  
539 shall not apply to this paragraph.

540       (b) The election commissioners shall be entitled to  
541 receive a per diem in the amount of One Hundred Sixty-five Dollars  
542 (\$165.00), to be paid from the county general fund, for the  
543 performance of their duties on the day of any primary, runoff,  
544 general or special election. The annual limitations set forth in  
545 subsection (2) of this section shall apply to this paragraph.



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

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

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

566           (8) In preparation for a municipal primary, runoff, general  
567 or special election, the county registrar shall generate and  
568 distribute the master voter roll and pollbooks from the Statewide  
569 Elections Management System for the municipality located within  
570 the county. The municipality shall pay the county registrar for



the actual cost of preparing and printing the municipal master voter roll pollbooks. A municipality may secure "read only" access to the Statewide Elections Management System and print its own pollbooks using this information.

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

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

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

The certification form shall be as follows:

**COUNTY ELECTION COMMISSIONER**



596

**PER DIEM CLAIM FORM**

597 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

598 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

599 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

600 PURPOSE APPLICABLE ACTUAL PER DIEM

601 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

602 WORKED TIME TIME WORK SECTION WORKED EARNED

603 \_\_\_\_\_

604 \_\_\_\_\_

605 \_\_\_\_\_

606 TOTAL NUMBER OF PER DIEM DAYS EARNED

607 EXCLUDING ELECTION DAYS \_\_\_\_\_

608 PER DIEM RATE PER DAY EARNED X \$110.00

609 TOTAL NUMBER PER DIEM DAYS EARNED

610 FOR ELECTION DAYS \_\_\_\_\_

611 PER DIEM RATE PER DAY EARNED X \$165.00

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

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

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

618 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

619 \_\_\_\_\_

620 Commissioner's Signature



621           When properly completed and signed, the certification must be  
622   filed with the clerk of the county board of supervisors before any  
623   payment may be made. The certification will be a public record  
624   available for inspection and reproduction immediately upon the  
625   oral or written request of any person.

626           Any person may contest the accuracy of the certification in  
627   any respect by notifying the chair of the commission, any member  
628   of the board of supervisors or the clerk of the board of  
629   supervisors of the contest at any time before or after payment is  
630   made. If the contest is made before payment is made, no payment  
631   shall be made as to the contested certificate until the contest is  
632   finally disposed of. The person filing the contest shall be  
633   entitled to a full hearing, and the clerk of the board of  
634   supervisors shall issue subpoenas upon request of the contestor  
635   compelling the attendance of witnesses and production of documents  
636   and things. The contestor shall have the right to appeal de novo  
637   to the circuit court of the involved county, which appeal must be  
638   perfected within thirty (30) days from a final decision of the  
639   commission, the clerk of the board of supervisors or the board of  
640   supervisors, as the case may be.

641           Any contestor who successfully contests any certification  
642   will be awarded all expenses incident to his or her contest,  
643   together with reasonable attorney's fees, which will be awarded  
644   upon petition to the chancery court of the involved county upon  
645   final disposition of the contest before the election commission,



board of supervisors, clerk of the board of supervisors, or, in case of an appeal, final disposition by the court. The commissioner against whom the contest is decided shall be liable for the payment of the expenses and attorney's fees, and the county shall be jointly and severally liable for same.

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

**SECTION 10.** 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. The Secretary of State shall equip the Statewide Elections Management System with appropriate security measures to protect private information of the registered voter and the integrity of Mississippi elections.



671 This system shall be known as the "Statewide Elections Management  
672 System" and shall constitute the official record of registered  
673 voters in every county of the state.

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

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

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

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

684 (d) Receive regular reports of voters who have  
685 completed their sentence as defined in Section 1 of this act;

686 ( \* \* \*e) Retain all present functionality related to,  
687 but not limited to, the use of voter roll data and to implement  
688 such other functionality as the law requires to enhance the  
689 maintenance of accurate county voter records and related jury  
690 selection and redistricting programs; and

691 ( \* \* \*f) When evidence exists that a registered voter  
692 may not be a citizen of the United States as provided in Section  
693 23-15-15, send notification to the registrar of the location where  
694 the person is registered to vote.



695           (3) As a part of the procurement and implementation of the  
696 system, the Office of the Secretary of State shall, with the  
697 assistance of the advisory committee, procure services necessary  
698 to convert current voter registration records in the counties into  
699 a standard, industry accepted file format that can be used on the  
700 Statewide Elections Management System. Thereafter, all official  
701 voter information shall be maintained on the Statewide Elections  
702 Management System. The standard industry accepted format of data  
703 was reviewed and approved by a majority of the advisory committee  
704 created in subsection (5) of this section after consultation with  
705 the Circuit Clerks Association and the format may not be changed  
706 without consulting the Circuit Clerks Association.

707           (4) The Secretary of State may, with the assistance of the  
708 advisory committee, adopt rules and regulations necessary to  
709 administer the Statewide Elections Management System. The rules  
710 and regulations shall at least:

711                   (a) Provide for the establishment and maintenance of a  
712 centralized database for all voter registration information in the  
713 state;

714                   (b) Provide procedures for integrating data into the  
715 centralized database;

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



720 (d) Provide the registrar or his or her designee or  
721 other appropriate official, as the law may require, access to the  
722 system at all times, including the ability to download copies of  
723 the industry standard file, for all purposes related to their  
724 official duties, including, but not limited to, exclusive access  
725 for the purpose of printing all local pollbooks;

726 (e) Provide security and protection of all information  
727 in the system and monitor the system to ensure that unauthorized  
728 access is not allowed;

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

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

736 (5) The Secretary of State established an advisory committee  
737 to assist in developing system specifications, procurement,  
738 implementation and maintenance of the Statewide Elections  
739 Management System. The committee included two (2) representatives  
740 from the Circuit Clerks Association, appointed by the association;  
741 two (2) representatives from the Election Commissioners  
742 Association of Mississippi, appointed by the association; one (1)  
743 member of the Mississippi Association of Supervisors, or its  
744 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, email addresses, 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, email addresses, 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 11.** Section 97-39-3, Mississippi Code of 1972, is brought forward as follows:

97-39-3. If any person shall fight a duel, or give or accept a challenge to fight a duel, or knowingly carry or deliver such challenge or the acceptance thereof, or be second to either party to any duel, whether such act be done in the state or out of it, or who shall go out of the state to fight a duel, or to assist in



the same as second, or to send, accept, or carry a challenge, shall be disqualified from holding any office, be disenfranchised, and incapable of holding or being elected to any post of honor, profit or emolument, civil or military, under the constitution and laws of this state; and the appointment of any such person to office, as also all votes given to any such person, are illegal, and none of the votes given to such person for any office shall be taken or counted.

**SECTION 12.** Section 99-19-37, Mississippi Code of 1972, is brought forward as follows:

99-19-37. (1) Any person who has lost the right of suffrage by reason of conviction of crime and has not been pardoned therefrom, who thereafter served honorably in any branch of the Armed Forces of the United States during the periods of World War I or World War II as hereinafter defined and shall have received an honorable discharge, or release therefrom, shall by reason of such honorable service, have the full right of suffrage restored, provided, however, this does not apply to any one having an unfinished or suspended sentence.

(2) For the purposes of this section the period of World War I shall be from April 6, 1917 to December 1, 1918, and the period of World War II shall be from December 7, 1941 to December 31, 1946.

(3) In order to have restored, and to exercise, the right of franchise under the provisions of this section a person affected



795 hereby shall have his discharge, or release, from the Armed Forces  
796 of the United States recorded in the office of the chancery clerk  
797 of the county in which such person desires to exercise the right  
798 of franchise and if such discharge, or release, appears to be an  
799 honorable discharge, or release, and shows such person to have  
800 served honorably during either of the periods stated in subsection  
801 (2) of this section such person shall have the full right of  
802 suffrage restored as though an act had been passed by the  
803 Legislature in accordance with Section 253 of the Constitution of  
804 the State of Mississippi restoring the right of suffrage to such  
805 person.

806       **SECTION 13.** This act shall take effect and be in force from  
807 and after its passage.

