

By: Representative Porter

To: Apportionment and
Elections; Judiciary B

HOUSE BILL NO. 88

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 ELECTIONS 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 plus five (5) years of
23 any term of probation, and parole 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 their
410 sentence as defined in Section 1 of this act, failed to comply
411 with the provisions of Section 23-15-152, or otherwise become
412 disqualified as electors for any cause, and shall register the
413 names of all persons who have duly applied to be registered but
414 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.

