

## Senate Amendments to House Bill No. 1310

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

37           **SECTION 1.** The following shall be codified as Section  
38 23-15-615, Mississippi Code of 1972:

39           23-15-615. The Secretary of State is authorized to audit  
40 election procedures of the 2023 and 2024 General Elections in the  
41 counties of this state. The conduction of an audit shall not  
42 create excessive interference with the general duties and  
43 responsibilities of the Secretary of State, county registrar, and  
44 county election commission.

45           (a) The Secretary of State shall audit all eighty-two  
46 (82) counties by randomly selecting from each of the congressional  
47 districts during the 2023 and 2024 General Elections, and randomly  
48 selecting no more than twenty-five percent (25%) of the total  
49 precincts or no more than five (5) precents, whichever is less in  
50 each county. No county or precinct shall be selected for audit on  
51 the basis of race, geographical location or voting trends.

52           (i) If the Secretary of State finds any issues  
53 that could affect the outcome of an election or cause voters to be

54 disenfranchised, then the Secretary of State, in partnership with  
55 the local county election officials, shall develop a plan to  
56 correct those issues, which shall include additional training.

57 (ii) The Secretary of State will have the  
58 discretion to randomly select the counties and precincts that will  
59 be audited, but must do so at least ninety (90) days before the  
60 election to be audited. No audit shall occur if the election is  
61 challenged as provided in Section 23-15-927, 23-15-951 or  
62 23-15-955. No audit shall occur until after a ballot box  
63 examination has occurred and the period to contest an election has  
64 expired, or if a runoff election occurs, the audit shall occur  
65 after the runoff election.

66 (b) In conducting a procedural audit, the Secretary of  
67 State shall audit the following:

68 (i) Procedures for testing of OMR equipment before  
69 counting ballots, including the ballots used for testing of OMR  
70 equipment, as required by Section 23-15-521;

71 (ii) Ballot accounting reports, seal logs, poll  
72 books, and receipt books as required to be kept by Section  
73 23-15-519;

74 (iii) Absentee ballots, absentee ballot  
75 applications, and absentee ballot envelopes, along with the list  
76 provided to the Resolution Board, to ensure appropriate processing  
77 and counting of absentee ballots as required by Section 23-15-631  
78 et seq; and

79 (iv) Affidavit ballots and affidavit ballot  
80 envelopes, including affidavit ballot receipt book to ensure  
81 compliance with appropriate processing and counting of affidavit  
82 ballots as required by Section 23-15-573.

83 (c) The Secretary of State shall develop a  
84 post-election audit manual which shall detail the policies and  
85 procedures for conducting post-election audits. The post-election  
86 audit manual shall not be altered less than ninety (90) days  
87 before an election in which the post-election audit manual shall  
88 be utilized in conducting a post-election audit.

89 (d) No later than one hundred twenty (120) days after  
90 the election that the Secretary of State is auditing, the  
91 Secretary of State shall compile a report of the procedural audits  
92 conducted and shall submit the report to the Governor, Lieutenant  
93 Governor, Speaker of the House of Representatives and Chairmen of  
94 the Senate and House Election Committees. Prior to submitting the  
95 report, the Secretary of State shall allow the local county  
96 election officials to review the report and provide comments that  
97 will be submitted along with the report. The report shall first  
98 list all counties audited alphabetically with any major finding  
99 which may affect the outcome of the election and whether any  
100 voters were disenfranchised, then list out a detailed report of  
101 any major or minor findings, along with recommended changes to  
102 both county and Secretary of State practices.

103 **SECTION 2.** Section 23-15-613, Mississippi Code of 1972,  
104 which provides that election commissions and county and municipal

105 executive committees shall report residual vote information to the  
106 Secretary of State, is repealed.

107         **SECTION 3.** Section 23-15-153, Mississippi Code of 1972, is  
108 amended as follows:

109         23-15-153. (1) At least during the following times, the  
110 election commissioners shall meet at the office of the registrar  
111 or the office of the election commissioners to carefully revise  
112 the county voter roll as electronically maintained by the  
113 Statewide Elections Management System and remove from the roll the  
114 names of all voters who have requested to be purged from the voter  
115 roll, died, received an adjudication of non compos mentis, been  
116 convicted of a disenfranchising crime, failed to comply with the  
117 provisions of Section 23-15-152, or otherwise become disqualified  
118 as electors for any cause, and shall register the names of all  
119 persons who have duly applied to be registered but have been  
120 illegally denied registration:

121                 (a) On the Tuesday after the second Monday in January  
122 1987 and every following year;

123                 (b) On the first Tuesday in the month immediately  
124 preceding the first primary election for members of Congress in  
125 the years when members of Congress are elected;

126                 (c) On the first Monday in the month immediately  
127 preceding the first primary election for state, state district  
128 legislative, county and county district offices in the years in  
129 which those offices are elected; and

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

133 Except for the names of those voters who are duly qualified  
134 to vote in the election, no name shall be permitted to remain in  
135 the Statewide Elections Management System; however, no name shall  
136 be purged from the Statewide Elections Management System based on  
137 a change in the residence of an elector except in accordance with  
138 procedures provided for by the National Voter Registration Act of  
139 1993 and as provided in Section 23-15-152. Except as otherwise  
140 provided by Section 23-15-573, no person shall vote at any  
141 election whose name is not in the county voter roll electronically  
142 maintained by the Statewide Elections Management System.

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

154 (a) In counties having less than fifteen thousand  
155 (15,000) residents according to the latest federal decennial

156 census, not more than fifty (50) days per year, with no more than  
157 fifteen (15) additional days allowed for the conduct of each  
158 election in excess of one (1) occurring in any calendar year;

159           (b) In counties having fifteen thousand (15,000)  
160 residents according to the latest federal decennial census but  
161 less than thirty thousand (30,000) residents according to the  
162 latest federal decennial census, not more than seventy-five (75)  
163 days per year, with no more than twenty-five (25) additional days  
164 allowed for the conduct of each election in excess of one (1)  
165 occurring in any calendar year;

166           (c) In counties having thirty thousand (30,000)  
167 residents according to the latest federal decennial census but  
168 less than seventy thousand (70,000) residents according to the  
169 latest federal decennial census, not more than one hundred (100)  
170 days per year, with no more than thirty-five (35) additional days  
171 allowed for the conduct of each election in excess of one (1)  
172 occurring in any calendar year;

173           (d) In counties having seventy thousand (70,000)  
174 residents according to the latest federal decennial census but  
175 less than ninety thousand (90,000) residents according to the  
176 latest federal decennial census, not more than one hundred  
177 twenty-five (125) days per year, with no more than forty-five (45)  
178 additional days allowed for the conduct of each election in excess  
179 of one (1) occurring in any calendar year;

180           (e) In counties having ninety thousand (90,000)  
181 residents according to the latest federal decennial census but

182 less than one hundred seventy thousand (170,000) residents  
183 according to the latest federal decennial census, not more than  
184 one hundred fifty (150) days per year, with no more than  
185 fifty-five (55) additional days allowed for the conduct of each  
186 election in excess of one (1) occurring in any calendar year;

187 (f) In counties having one hundred seventy thousand  
188 (170,000) residents according to the latest federal decennial  
189 census but less than two hundred thousand (200,000) residents  
190 according to the latest federal decennial census, not more than  
191 one hundred seventy-five (175) days per year, with no more than  
192 sixty-five (65) additional days allowed for the conduct of each  
193 election in excess of one (1) occurring in any calendar year;

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

201 (h) In counties having two hundred twenty-five thousand  
202 (225,000) residents according to the latest federal decennial  
203 census but less than two hundred fifty thousand (250,000)  
204 residents according to the latest federal decennial census, not  
205 more than two hundred fifteen (215) days per year, with no more  
206 than eighty-five (85) additional days allowed for the conduct of  
207 each election in excess of one (1) occurring in any calendar year;

208           (i) In counties having two hundred fifty thousand  
209 (250,000) residents according to the latest federal decennial  
210 census but less than two hundred seventy-five thousand (275,000)  
211 residents according to the latest federal decennial census, not  
212 more than two hundred thirty (230) days per year, with no more  
213 than ninety-five (95) additional days allowed for the conduct of  
214 each election in excess of one (1) occurring in any calendar year;

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

221           (3) In addition to the number of days authorized in  
222 subsection (2) of this section, the board of supervisors of a  
223 county may authorize, in its discretion, the election  
224 commissioners to receive a per diem in the amount provided for in  
225 subsection (2) of this section, to be paid from the county general  
226 fund, for every day or period of no less than five (5) hours  
227 accumulated over two (2) or more days actually employed in the  
228 performance of their duties in the conduct of an election or  
229 actually employed in the performance of their duties for the  
230 necessary time spent in the revision of the county voter roll as  
231 electronically maintained by the Statewide Elections Management  
232 System as required in subsection (1) of this section, not to  
233 exceed five (5) days.



234           (4)   (a)   The election commissioners shall be entitled to  
235 receive a per diem in the amount of One Hundred Ten Dollars  
236 (\$110.00), to be paid from the county general fund, not to exceed  
237 ten (10) days for every day or period of no less than five (5)  
238 hours accumulated over two (2) or more days actually employed in  
239 the performance of their duties for the necessary time spent in  
240 the revision of the county voter roll as electronically maintained  
241 by the Statewide Elections Management System before any special  
242 election. For purposes of this paragraph, the regular special  
243 election day shall not be considered a special election. The  
244 annual limitations set forth in subsection (2) of this section  
245 shall not apply to this paragraph.

246           (b)   The election commissioners shall be entitled to  
247 receive a per diem in the amount of One Hundred Sixty-five Dollars  
248 (\$165.00), to be paid from the county general fund, for the  
249 performance of their duties on the day of any primary, runoff,  
250 general or special election. The annual limitations set forth in  
251 subsection (2) of this section shall apply to this paragraph.

252       \* \* \*

253           (5)   The election commissioners shall be entitled to receive  
254 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to  
255 be paid from the county general fund, not to exceed fourteen (14)  
256 days for every day or period of no less than five (5) hours  
257 accumulated over two (2) or more days actually employed in the  
258 performance of their duties for the necessary time spent in the  
259 revision of the county voter roll as electronically maintained by

260 the Statewide Elections Management System and in the conduct of a  
261 runoff election following either a general or special election.

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

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

273 ( \* \* \*8) In preparation for a municipal primary, runoff,  
274 general or special election, the county registrar shall generate  
275 and distribute the master voter roll and pollbooks from the  
276 Statewide Elections Management System for the municipality located  
277 within the county. The municipality shall pay the county  
278 registrar for the actual cost of preparing and printing the  
279 municipal master voter roll pollbooks. A municipality may secure  
280 "read only" access to the Statewide Elections Management System  
281 and print its own pollbooks using this information.

282 ( \* \* \*9) County election commissioners who perform the  
283 duties of an executive committee with regard to the conduct of a  
284 primary election under a written agreement authorized by law to be  
285 entered into with an executive committee shall receive per diem as

286 provided for in subsection (2) of this section. The days that  
287 county election commissioners are employed in the conduct of a  
288 primary election shall be treated the same as days county election  
289 commissioners are employed in the conduct of other elections.

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

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

302 The certification form shall be as follows:

303 **COUNTY ELECTION COMMISSIONER**

304 **PER DIEM CLAIM FORM**

305 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

306 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

307 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

311 \_\_\_\_\_

312 \_\_\_\_\_

313 \_\_\_\_\_

314 TOTAL NUMBER OF PER DIEM DAYS EARNED

315 EXCLUDING ELECTION DAYS \_\_\_\_\_

316 PER DIEM RATE PER DAY EARNED X \$110.00

317 TOTAL NUMBER PER DIEM DAYS EARNED

318 FOR ELECTION DAYS \_\_\_\_\_

319 PER DIEM RATE PER DAY EARNED X \$165.00

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

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

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

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

327 \_\_\_\_\_

328 Commissioner's Signature

329 When properly completed and signed, the certification must be  
330 filed with the clerk of the county board of supervisors before any  
331 payment may be made. The certification will be a public record  
332 available for inspection and reproduction immediately upon the  
333 oral or written request of any person.

334 Any person may contest the accuracy of the certification in  
335 any respect by notifying the chair of the commission, any member  
336 of the board of supervisors or the clerk of the board of  
337 supervisors of the contest at any time before or after payment is

338 made. If the contest is made before payment is made, no payment  
339 shall be made as to the contested certificate until the contest is  
340 finally disposed of. The person filing the contest shall be  
341 entitled to a full hearing, and the clerk of the board of  
342 supervisors shall issue subpoenas upon request of the contestor  
343 compelling the attendance of witnesses and production of documents  
344 and things. The contestor shall have the right to appeal de novo  
345 to the circuit court of the involved county, which appeal must be  
346 perfected within thirty (30) days from a final decision of the  
347 commission, the clerk of the board of supervisors or the board of  
348 supervisors, as the case may be.

349 Any contestor who successfully contests any certification  
350 will be awarded all expenses incident to his or her contest,  
351 together with reasonable attorney's fees, which will be awarded  
352 upon petition to the chancery court of the involved county upon  
353 final disposition of the contest before the election commission,  
354 board of supervisors, clerk of the board of supervisors, or, in  
355 case of an appeal, final disposition by the court. The  
356 commissioner against whom the contest is decided shall be liable  
357 for the payment of the expenses and attorney's fees, and the  
358 county shall be jointly and severally liable for same.

359 ( \* \* \*12) Any election commissioner who has not received a  
360 certificate issued by the Secretary of State pursuant to Section  
361 23-15-211 indicating that the election commissioner has received  
362 the required elections seminar instruction and that the election  
363 commissioner is fully qualified to conduct an election, shall not

364 receive any compensation authorized by this section or Section  
365 23-15-239.

366 **SECTION 4.** Section 23-15-5, Mississippi Code of 1972, is  
367 amended as follows:

368 23-15-5. (1) There is created in the State Treasury a  
369 special fund to be known as the Elections Support Fund. Monies  
370 derived from annual report fees imposed upon limited liability  
371 companies under Section 79-29-1203 shall be deposited into the  
372 Elections Support Fund. Unexpended amounts remaining in the fund  
373 at the end of the fiscal year shall not lapse into the State  
374 General Fund, and any interest earned or investment earnings on  
375 amounts in the fund shall be disbursed as provided in subsection  
376 (2) of this section. The expenditure of monies in the fund shall  
377 be under the direction of the Secretary of State as provided by  
378 subsection (2) of this section, and such funds shall be paid by  
379 the State Treasurer upon warrants issued by the Department of  
380 Finance and Administration.

381 (2) (a) Monies in the fund \*\*\* shall be distributed  
382 annually to the counties, upon appropriation of the Legislature,  
383 based on the proportion that the population of a county bears to  
384 the total population in all counties of the state population  
385 according to the most recent information from the United States  
386 Census Bureau, and held in a separate fund solely for the purpose  
387 of acquiring, upgrading, maintaining or repairing voting  
388 equipment, systems and supplies, hiring temporary technical  
389 support, conducting elections using such voting equipment or

390 systems, employing such personnel to conduct an election, and  
391 training election officials \* \* \*. The counties shall ensure all  
392 computers with access to the Statewide Election Management System  
393 are equipped with appropriate security measures to protect private  
394 information of the registered voter and the integrity of  
395 Mississippi elections, and these funds may be used to purchase  
396 such security measures.

397 \* \* \*

398 (b) The Secretary of State shall create standard  
399 training guidelines to assist counties in training election  
400 officials with the funds authorized under \* \* \* paragraph  
401 (a) \* \* \* of this subsection. Any criteria established by the  
402 Secretary of State for the purposes of this section shall be used  
403 in addition to any other training or coursework prescribed by the  
404 Secretary of State to train circuit clerks, poll managers and any  
405 other election officials participating in county elections.

406 (c) Notwithstanding any other provision of law, no  
407 monies from the Elections Support Fund shall be used by the  
408 Secretary of State or any person associated with the Office of the  
409 Secretary of State to provide or otherwise support expert  
410 testimony in any manner for any hearing, trial or election  
411 contest.

412 (3) From and after July 1, 2017, none of the monies  
413 deposited in the Elections Support Fund may be used to reimburse  
414 or otherwise defray any costs that the Office of the Secretary of  
415 State may incur in administering the fund.

416 (4) From and after July 1, 2016, no state agency shall  
417 charge another state agency a fee, assessment, rent or other  
418 charge for services or resources received by authority of this  
419 section.

420 **SECTION 5.** The following shall be codified as Section  
421 23-15-152, Mississippi Code of 1972:

422 23-15-152. (1) For the purposes of this section,  
423 "confirmation notice" means a notice sent by the election  
424 commissioners, by forwardable mail, with return postage prepaid,  
425 on a form prescribed by the Secretary of State, to a registered  
426 voter to confirm the registered voter's current address. The  
427 notice shall comply with all applicable requirements of the  
428 National Voter Registration Act of 1993.

429 (2) The election commissioners shall send a confirmation  
430 notice to the following:

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

434 (b) A registered voter if a county election  
435 commissioner or county registrar has received notice from another  
436 state, or political subdivision of another state, that the  
437 registered voter has registered to vote in another state;

438 (c) A registered voter who has failed to vote at least  
439 once in the previous two (2) years which must include two (2)  
440 general federal elections; and



441           (d) A registered voter if the registrar or election  
442 commissioners have received reliable information that he or she  
443 has moved within or outside of the state. Reliable information  
444 includes, but is not limited to: official mail returned as  
445 undeliverable by the county election commission, registrar or  
446 other county or municipal office, Secretary of State; application  
447 for homestead exemption filed by the voter at an address other  
448 than the address of current registration; or any information from  
449 another state or county entity indicating the voter no longer  
450 resides at the address of voter registration.

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

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

461           (4) A registered voter "fails to respond to the confirmation  
462 notice" if the voter, during a period of four (4) consecutive  
463 years beginning from the date of the delivery of the confirmation  
464 notice, fails to:

465                   (a) Respond to the confirmation notice; or

466                   (b) Update the elector's registration information.

467           The period of four (4) consecutive years beginning from the  
468 date of the delivery of the confirmation notice required in  
469 subsection (4) of this section shall include two (2) general  
470 federal elections. A registered voter who votes at least once in  
471 any election in the registered voter's county or municipality of  
472 registration during the period of four (4) consecutive years  
473 beginning from the date of the delivery of the confirmation notice  
474 or who is active or reserve military or who serves on jury duty or  
475 responds to a summons for jury duty shall not be purged from the  
476 Statewide Elections Management System.

477           (5) The county registrar or county election commission shall  
478 move those registered voters who fail to respond to the  
479 confirmation notice as provided in subsection (4) of this section  
480 and who fail to vote as provided in subsection (4) of this section  
481 to purged status in the Statewide Elections Management System.

482           (6) No systematic list maintenance shall occur during the  
483 ninety (90) days immediately preceding a federal primary or  
484 general election which is limited to moving a voter to inactive  
485 status in subsection (2) of this section or purged status in  
486 subsection (5) of this section.

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

491           **SECTION 6.** Section 23-15-125, Mississippi Code of 1972, is  
492 amended as follows:

493           23-15-125. The pollbook of each voting precinct shall  
494 designate the voting precinct for which it is to be used, and  
495 shall be ruled in appropriate columns, with printed or written  
496 headings, as follows: date of registration; voter registration  
497 number; name of electors; date of birth; and a number of blank  
498 columns for the dates of elections. All qualified applicants who  
499 register with the registrar shall be entered in the Statewide  
500 Elections Management System. Only the names of those qualified  
501 applicants who register within thirty (30) days before an election  
502 shall appear on the pollbooks of the election; however, if the  
503 thirtieth day to register before an election falls on a Sunday or  
504 legal holiday, the registration applications submitted on the  
505 business day immediately following the legal holiday shall be  
506 accepted and entered in the Statewide Elections Management System  
507 for the purpose of enabling voters to vote in the next election.  
508 When county election commissioners determine that any elector is  
509 disqualified from voting, by reason of death, conviction of a  
510 disenfranchising crime, removal from the jurisdiction, failure to  
511 comply with the provisions of Section 23-15-152, or other legal  
512 cause, that fact shall be noted in the Statewide Elections  
513 Management System and the voter's name shall be purged from the  
514 Statewide Elections Management System, the state's voter roll and  
515 the county's pollbooks. Nothing in this section shall preclude  
516 the use of electronic pollbooks.

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

519           23-15-15. (1) By January 1, 2025, the Secretary of State  
520 shall compare the entire Statewide Elections Management System to  
521 the Department of Public Safety Driver's License Database and  
522 follow the procedures outlined in subsections (2) through (9) of  
523 this section if a voter is flagged in the database as a potential  
524 noncitizen.

525           (2) Upon receiving a completed voter registration  
526 application, the registrar shall enter the applicant into the  
527 Statewide Elections Management System. \* \* \* The registration  
528 application shall be compared with the Department of Public Safety  
529 driver's license and identification information. If such  
530 information indicates that a particular applicant is not a citizen  
531 of the United States, the Statewide Elections Management System  
532 shall notify the registrar, or his or her designee, that the  
533 applicant may not be a citizen of the United States.

534           ( \* \* \*3) After receiving the notice from the Statewide  
535 Elections Management System as provided in subsections (1) and (2)  
536 of this section, the registrar, or his or her designee, shall:

537           (a) Enter the applicant's information into the United  
538 States Citizenship and Immigration Service's Systematic Alien  
539 Verification for Entitlements (SAVE) or its successor database for  
540 further inquiry; and

541           (b) If both the Department of Public Safety driver's  
542 license and identification information and the database in  
543 paragraph (a) of this subsection indicate that the applicant is  
544 not a citizen, send a notice by first-class mail to the

545 applicant's mailing address provided on the voter registration  
546 application inquiring whether the individual is eligible to be  
547 registered to vote. The registrar may, in addition to first-class  
548 mail, contact the applicant by email or telephone.

549 ( \* \* \*4) Any applicant who receives the notice under  
550 subsection ( \* \* \*3) (b) of this section shall, within thirty (30)  
551 days of the receipt of such notice, provide proof of citizenship  
552 to the registrar or his or her designee.

553 ( \* \* \*5) For purposes of this section, proof of citizenship  
554 includes, but is not limited to:

555 (a) The applicant's birth certificate or a legible  
556 photocopy of the birth certificate;

557 (b) A United States passport, or a legible photocopy of  
558 the pertinent pages of the passport, identifying the applicant and  
559 showing the passport number;

560 (c) The applicant's United States naturalization  
561 documentation, a legible photocopy of the naturalization  
562 documentation, or the number of the applicant's Certificate of  
563 Naturalization; except that any person who provides the number of  
564 the Certificate of Naturalization in lieu of the naturalization  
565 documentation shall not be deemed to have provided proof of  
566 citizenship until the number is verified with the United States  
567 Citizenship and Immigration Services in the Department of Homeland  
568 Security or its successor; or

569 (d) Any document or method of proof of citizenship  
570 established by the Federal Immigration Reform and Control Act of  
571 1986, Public Law 99-603, compiled in 8 USC Section 1101 et seq.

572 ( \* \* \*6) If the applicant provides proof of citizenship and  
573 meets all other qualifications provided by law, the registrar  
574 shall register the applicant to vote.

575 ( \* \* \*7) If the applicant does not reply to the notice or  
576 provide proof of citizenship, the registrar of the county, or his  
577 or her designee, where the person registered to vote shall mark  
578 the applicant as "PENDING" in the Statewide Elections Management  
579 System until the next federal general election:

580 (a) A voter in pending status may cast an affidavit  
581 ballot. The affidavit ballot shall be considered if the voter  
582 provides the required documentation under subsection (4) of this  
583 section to the registrar within five (5) days of casting the  
584 affidavit ballot.

585 (b) If the applicant fails to respond to the notice or  
586 cast an affidavit ballot and provide the proof described in  
587 subsection (4) of this section by the next federal general  
588 election, the registrar shall mark the applicant as "REJECTED" in  
589 the Statewide Election Management System.

590 (8) All documentation provided to show proof of citizenship  
591 as well as the Department of Public Safety database or relevant  
592 federal and state agency and county records shall be confidential  
593 and shall not be subject to inspection, examination, copying or  
594 reproduction under the Mississippi Public Records Act of 1983.

595           **SECTION 8.** Section 23-15-165, Mississippi Code of 1972, is  
596 amended as follows:

597           23-15-165. (1) The Office of the Secretary of State, in  
598 cooperation with the county registrars and election commissioners,  
599 shall procure, implement and maintain an electronic information  
600 processing system and programs capable of maintaining a  
601 centralized database of all registered voters in the state. The  
602 system shall encompass software and hardware, at both the state  
603 and county level, software development training, conversion and  
604 support and maintenance for the system. The Secretary of State  
605 shall equip the Statewide Election Management System with  
606 appropriate security measures to protect private information of  
607 the registered voter and the integrity of Mississippi elections.  
608 This system shall be known as the "Statewide Elections Management  
609 System" and shall constitute the official record of registered  
610 voters in every county of the state.

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

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

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

618                   (c) Receive regular reports of death, changes of  
619 address and convictions for disenfranchising crimes that apply to  
620 voters registered in the county; \* \* \*

621 (d) Retain all present functionality related to, but  
622 not limited to, the use of voter roll data and to implement such  
623 other functionality as the law requires to enhance the maintenance  
624 of accurate county voter records and related jury selection and  
625 redistricting programs \* \* \*; and

626 (e) When evidence exists that a registered voter may  
627 not be a citizen of the United States as provided in Section  
628 23-15-15, send notification to the registrar of the location where  
629 the person is registered to vote.

630 (3) As a part of the procurement and implementation of the  
631 system, the Office of the Secretary of State shall, with the  
632 assistance of the advisory committee, procure services necessary  
633 to convert current voter registration records in the counties into  
634 a standard, industry accepted file format that can be used on the  
635 Statewide Elections Management System. Thereafter, all official  
636 voter information shall be maintained on the Statewide Elections  
637 Management System. The standard industry accepted format of data  
638 was reviewed and approved by a majority of the advisory committee  
639 created in subsection (5) of this section after consultation with  
640 the Circuit Clerks Association and the format may not be changed  
641 without consulting the Circuit Clerks Association.

642 (4) The Secretary of State may, with the assistance of the  
643 advisory committee, adopt rules and regulations necessary to  
644 administer the Statewide Elections Management System. The rules  
645 and regulations shall at least:



646           (a) Provide for the establishment and maintenance of a  
647 centralized database for all voter registration information in the  
648 state;

649           (b) Provide procedures for integrating data into the  
650 centralized database;

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

655           (d) Provide the registrar or his or her designee or  
656 other appropriate official, as the law may require, access to the  
657 system at all times, including the ability to download copies of  
658 the industry standard file, for all purposes related to their  
659 official duties, including, but not limited to, exclusive access  
660 for the purpose of printing all local pollbooks;

661           (e) Provide security and protection of all information  
662 in the system and monitor the system to ensure that unauthorized  
663 access is not allowed;

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

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

671           (5) The Secretary of State established an advisory committee  
672 to assist in developing system specifications, procurement,  
673 implementation and maintenance of the Statewide Elections  
674 Management System. The committee included two (2) representatives  
675 from the Circuit Clerks Association, appointed by the association;  
676 two (2) representatives from the Election Commissioners  
677 Association of Mississippi, appointed by the association; one (1)  
678 member of the Mississippi Association of Supervisors, or its  
679 staff, appointed by the association; the Director of the Stennis  
680 Institute of Government at Mississippi State University, or his or  
681 her designee; the Executive Director of the Department of  
682 Information Technology Services, or his or her designee; two (2)  
683 persons knowledgeable about elections and information technology  
684 appointed by the Secretary of State; and the Secretary of State,  
685 who shall serve as the chair of the advisory committee.

686           (6) (a) Social security numbers, telephone numbers, email  
687 addresses, and date of birth and age information in statewide,  
688 district, county and municipal voter registration files shall be  
689 exempt from and shall not be subject to inspection, examination,  
690 copying or reproduction under the Mississippi Public Records Act  
691 of 1983.

692           (b) Copies of statewide, district, county or municipal  
693 voter registration files, excluding social security numbers,  
694 telephone numbers, email addresses, and date of birth and age  
695 information, shall be provided to any person in accordance with

696 the Mississippi Public Records Act of 1983 at a cost not to exceed  
697 the actual cost of production.

698 **SECTION 9.** This act shall take effect and be in force from  
699 and after January 1, 2024, and shall stand repealed on June 30,  
700 2023.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO CREATE NEW SECTION 23-15-615, MISSISSIPPI CODE OF  
2 1972, TO AUTHORIZE THE SECRETARY OF STATE TO AUDIT ELECTION  
3 PROCEDURES IN THE COUNTIES OF THE STATE; TO PROVIDE WHEN AN AUDIT  
4 SHALL BE COMPLETED; TO REPEAL SECTION 23-15-613, MISSISSIPPI CODE  
5 OF 1972, WHICH PROVIDES THAT ELECTION COMMISSIONS AND COUNTY AND  
6 MUNICIPAL EXECUTIVE COMMITTEES SHALL REPORT RESIDUAL VOTE  
7 INFORMATION TO THE SECRETARY OF STATE; TO PROVIDE WHEN A MANUAL  
8 RECOUNT OF ELECTION RESULTS SHALL BE NECESSARY; TO PROVIDE WHEN  
9 AND WHERE THE RESULTS OF A RISK-LIMITING AUDIT SHALL BE AVAILABLE;  
10 TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
11 ELECTION COMMISSIONERS TO RECEIVE A PER DIEM OF \$110.00 FOR  
12 CONDUCTING AN ELECTION RECOUNT; TO BRING FORWARD SECTION 23-15-5,  
13 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;  
14 TO CREATE NEW SECTION 23-15-152, MISSISSIPPI CODE OF 1972, TO  
15 PROVIDE THAT AN ELECTOR WHO FAILS TO RESPOND TO A CONFIRMATION  
16 NOTICE AND WHO FAILS TO VOTE DURING A CERTAIN PERIOD OF TIME SHALL  
17 BE REMOVED FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO  
18 PROVIDE DEFINITIONS FOR "CONFIRMATION NOTICE" AND "FAILS TO  
19 RESPOND TO THE CONFIRMATION NOTICE"; TO PROVIDE THOSE REGISTERED  
20 VOTERS WHO SHALL RECEIVE CONFIRMATION NOTICES; TO PROVIDE THAT A  
21 REGISTERED VOTER WHO IS MAILED A CONFIRMATION NOTICE SHALL BE  
22 PLACED ON INACTIVE STATUS IN THE STATEWIDE ELECTIONS MANAGEMENT  
23 SYSTEM BUT SHALL BE ABLE TO VOTE BY AFFIDAVIT BALLOT; TO PROVIDE  
24 THE TIME FOR REMOVAL OF VOTER REGISTRATION RECORDS; TO PROVIDE FOR  
25 THE RETENTION OF REMOVED VOTER REGISTRATION RECORDS; TO AMEND  
26 SECTION 23-15-125, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
27 PRECEDING SECTION; TO AMEND SECTION 23-15-15, MISSISSIPPI CODE OF  
28 1972, TO PROVIDE THAT IF AN ATTEMPTED VOTER DOES NOT PROVIDE PROOF  
29 OF CITIZENSHIP WITHIN 30 DAYS OF THE RECEIPT OF NOTIFICATION THAT  
30 THE VOTER HAS BEEN FLAGGED AS A POTENTIAL NONCITIZEN, THE  
31 REGISTRAR, OR HIS OR HER DESIGNEE, WHERE THE PERSON REGISTERED TO  
32 VOTE SHALL PURGE THE VOTER FROM THE STATEWIDE ELECTIONS MANAGEMENT  
33 SYSTEM; TO PROVIDE AN APPEAL PROCESS FOR THE VOTER; TO AMEND  
34 SECTION 23-15-165, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE  
35 PRECEDING SECTION; AND FOR RELATED PURPOSES.

SS26\HB1310PS.J

Eugene S. Clarke  
Secretary of the Senate