

By: Representatives Powell, Aguirre, Boyd
(19th), Byrd, Calvert, Carpenter, Kinkade,
Newman, Shanks, Brown (20th), Williamson

To: Apportionment and
Elections

HOUSE BILL NO. 1310
(As Passed the House)

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 CREATE NEW SECTION
8 23-15-617, MISSISSIPPI CODE OF 1972, TO ESTABLISH THE PROCEDURES
9 FOR A RISK-LIMITING AUDIT PILOT PROGRAM BEGINNING WITH THE GENERAL
10 ELECTIONS IN 2026; TO PROVIDE WHEN A MANUAL RECOUNT OF ELECTION
11 RESULTS SHALL BE NECESSARY; TO PROVIDE WHEN AND WHERE THE RESULTS
12 OF A RISK-LIMITING AUDIT SHALL BE AVAILABLE; TO AMEND SECTION
13 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE ELECTION
14 COMMISSIONERS TO RECEIVE A PER DIEM OF \$100.00 FOR CONDUCTING AN
15 ELECTION RECOUNT; TO BRING FORWARD SECTION 23-15-5, MISSISSIPPI
16 CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; TO CREATE NEW
17 SECTION 23-15-395, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE
18 SECRETARY OF STATE TO PROMULGATE RULES AND REGULATIONS FOR THE
19 REVIEW, CERTIFICATION AND DECERTIFICATION AND IMPLEMENTATION OF
20 ALL VOTING SYSTEMS; TO CREATE NEW SECTION 23-15-152, MISSISSIPPI
21 CODE OF 1972, TO PROVIDE THAT AN ELECTOR WHO FAILS TO RESPOND TO A
22 CONFIRMATION NOTICE AND WHO FAILS TO VOTE DURING A CERTAIN PERIOD
23 OF TIME SHALL BE REMOVED FROM THE STATEWIDE ELECTIONS MANAGEMENT
24 SYSTEM; TO PROVIDE DEFINITIONS FOR "CONFIRMATION NOTICE" AND
25 "FAILS TO RESPOND TO THE CONFIRMATION NOTICE"; TO PROVIDE THOSE
26 REGISTERED VOTERS WHO SHALL RECEIVE CONFIRMATION NOTICES; TO
27 PROVIDE THAT A REGISTERED VOTER WHO IS MAILED A CONFIRMATION
28 NOTICE SHALL BE PLACED ON INACTIVE STATUS IN THE STATEWIDE
29 ELECTIONS MANAGEMENT SYSTEM BUT SHALL BE ABLE TO VOTE BY AFFIDAVIT
30 BALLOT; TO PROVIDE THE TIME FOR REMOVAL OF VOTER REGISTRATION
31 RECORDS; TO PROVIDE FOR THE RETENTION OF REMOVED VOTER
32 REGISTRATION RECORDS; TO AMEND SECTION 23-15-125, MISSISSIPPI CODE
33 OF 1972, TO CONFORM TO THE PRECEDING SECTION; AMEND SECTION
34 23-15-15, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF AN



35 ATTEMPTED VOTER DOES NOT PROVIDE PROOF OF CITIZENSHIP WITHIN
36 THIRTY DAYS OF THE RECEIPT OF NOTIFICATION THAT THE VOTER HAS BEEN
37 FLAGGED AS A POTENTIAL NON-CITIZEN, THE REGISTRAR, OR HIS OR HER
38 DESIGNEE, WHERE THE PERSON REGISTERED TO VOTE SHALL PURGE THE
39 VOTER FROM THE STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO PROVIDE
40 AN APPEAL PROCESS FOR THE VOTER; TO AMEND SECTION 23-15-165,
41 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
42 BRING FORWARD SECTION 23-15-603, FOR THE PURPOSE OF POSSIBLE
43 AMENDMENT; TO CREATE THE VETERANS ENFRANCHISING ACT TO PROVIDE
44 THAT A VETERAN WHO COMMITTED A NONVIOLENT, DISENFRANCHISING CRIME
45 SHALL HAVE HIS RIGHT TO VOTE AUTOMATICALLY RESTORED ONCE HE HAS
46 SATISFIED ALLOT THE SENTENCING REQUIREMENTS; AND FOR RELATED
47 PURPOSES.

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

49 **SECTION 1.** The following shall be codified as Section
50 23-15-615, Mississippi Code of 1972:

51 23-15-615. (1) The Secretary of State shall be authorized
52 to audit election procedures in the counties of this state. The
53 conduction of an audit shall not create excessive interference
54 with the general duties and responsibilities of the Secretary of
55 State. The Secretary of State may, in order to fulfill the
56 requirements of this section, enter into agreements with third
57 parties, under the supervision of the Secretary of State, for the
58 purposes of conducting election procedure audits, provided that
59 any third parties would be licensed by and in good standing with
60 the Mississippi Board of Public Accountancy and receive training
61 from the Secretary of State.

62 (2) The Secretary of State shall prescribe rules and
63 regulations for random selection of any county for an election
64 audit. The Secretary of State shall randomly select the
65 precinct(s) to be audited in any county. No county or precinct
66 shall be selected for audit on the basis of race, geographical



67 location or voting trends. Further, no county shall be selected
68 more than once in a four (4) year period of time.

69 (3) The Secretary of State shall not conduct an audit under
70 this section at any precinct where an election occurred and that
71 election is being challenged pursuant to Sections 23-15-927,
72 23-15-951 or 23-15-955.

73 (4) (a) No later than one hundred twenty (120) days after
74 the election that the Secretary of State is auditing, the
75 Secretary of State shall compile a report of the audits conducted,
76 which shall be published on the official website of the Secretary
77 of State.

78 (b) If the Secretary of State determines that more time
79 is needed to complete an audit, the Secretary of State may make a
80 finding of the additional time needed, which shall not exceed one
81 hundred fifty (150) days after the election, and post notice to
82 the official website of the Secretary of State.

83 (5) The Secretary of State shall promulgate administrative
84 rules to carry out the provisions of this subchapter.

85 **SECTION 2.** Section 23-15-613, Mississippi Code of 1972,
86 which provides that election commissions and county and municipal
87 executive committees shall report residual vote information to the
88 Secretary of State, is repealed.

89 **SECTION 3.** The following shall be codified as Section
90 23-15-617, Mississippi Code of 1972:

91 23-15-617. (1) The Secretary of State shall conduct a pilot
92 program for risk-limiting audits of the general election to occur
93 in 2026. The Secretary of State, with input from a representative
94 of the Mississippi Circuit Clerk's Association and a
95 representative of the Mississippi Election Commissioner's
96 Association, shall establish the rules and procedures for
97 implementing a risk-limiting audit no later than December 31,
98 2025. Beginning on January 1, 2027, a risk-limiting audit will be
99 conducted in each county in accordance with this section. Any risk
100 limiting post-election audit performed pursuant to this section
101 shall be conducted by the election commissioners, in conjunction
102 with the registrar, in accordance with the instructions and
103 procedures prescribed by the Secretary of State, including:
104 (a) Process for randomly selecting elections and
105 determining the risk limit, if applicable;
106 (b) Procedures for preparing for a post-election audit,
107 including guidelines for organizing ballots, selecting venues and
108 securing appropriate materials;
109 (c) Procedures for ballot custody, accounting, security
110 and written record retention ensuring that the collection of cast
111 ballots from which samples are drawn is complete and accurate
112 throughout the audit;
113 (d) Procedures for the hand counting of the audited
114 ballots;



115 (e) Processes and methods for conducting a post-election
116 audit, including the percentage of ballots required to be counted;
117 (f) Procedures for ensuring transparency and
118 understanding of the process by participants and the public,
119 including guidelines for direct observation by members of the
120 public, representatives of the candidates involved in the
121 post-election audit and representatives of the political parties.

122 (2) (a) Not later than sixty (60) days after the date of
123 the general election audited, the Secretary of State shall publish
124 a report detailing the accuracy of the audit.

125 (b) At the beginning of the 2027 legislative session,
126 the Secretary of State shall submit a report to the Governor,
127 Lieutenant Governor and Speaker of the House of Representatives
128 that analyzes the audit findings and makes recommendations for
129 legislative changes to the risk-limiting audit program.

130 (3) An audit shall not be conducted under this section at
131 any precinct where an election occurred and that election is being
132 challenged as provided in Sections 23-15-927, 23-15-951 or
133 23-15-955.

134 (4) No later than thirty (30) days after a primary or
135 general election, the election commissioners, in conjunction with
136 the registrar, shall manually tabulate a statistically significant
137 percentage of ballots and compare the results with the results
138 produced by the voting machine. However, no audit shall be
139 required if a ballot box examination has occurred, a runoff will



140 occur or the election is challenged as provided in Sections
141 23-15-927, 23-15-951 or 23-15-955.

142 (5) (a) In the event a discrepancy of more than one percent
143 (1%) exists, the election commissioners, in conjunction with the
144 registrar, shall commence a full manual hand count of ballots.

145 (b) The registrar shall promptly report results of the
146 manual tabulation to the Secretary of State. The report shall
147 include, but is not limited to:

148 (i) The total number of voters marked as VOTED in
149 the pollbook of each precinct in the county;

150 (ii) The sum of the total number of voters who
151 signed the receipt book at the polling place on election day and
152 the total number of voters who cast an absentee ballot;

153 (iii) The total number of ballots received by the
154 poll managers from local election officials;

155 (iv) The sum of the total number of paper ballots
156 voted on election day, the number of unused ballots and the number
157 of spoiled ballots;

158 (v) The total number of electronic ballots cast;
159 and

160 (vi) The total number of ballots cast.

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

163 23-15-153. (1) At least during the following times, the
164 election commissioners shall meet at the office of the registrar

165 or the office of the election commissioners to carefully revise
166 the county voter roll as electronically maintained by the
167 Statewide Elections Management System and remove from the roll the
168 names of all voters who have requested to be * * * removed from
169 the voter roll, died, received an adjudication of non compos
170 mentis, been convicted of a disenfranchising crime, failed to
171 comply with the provisions of Section 23-15-152, or otherwise
172 become disqualified as electors for any cause, and shall register
173 the names of all persons who have duly applied to be registered
174 but have been illegally denied registration:

175 (a) On the Tuesday after the second Monday in January
176 1987 and every following year;

177 (b) On the first Tuesday in the month immediately
178 preceding the first primary election for members of Congress in
179 the years when members of Congress are elected;

180 (c) On the first Monday in the month immediately
181 preceding the first primary election for state, state district
182 legislative, county and county district offices in the years in
183 which those offices are elected; * * *

184 (d) On the second Monday of September preceding the
185 general election or regular special election day in years in which
186 a general election is not conducted * * *; and

187 (e) As provided in Section 23-15-152.

188 Except for the names of those voters who are duly qualified
189 to vote in the election, no name shall be permitted to remain in



190 the Statewide Elections Management System; however, no name shall
191 be * * * removed from the Statewide Elections Management System
192 based on a change in the residence of an elector except in
193 accordance with procedures provided for by the National Voter
194 Registration Act of 1993. Except as otherwise provided by Section
195 23-15-573, no person shall vote at any election whose name is not
196 in the county voter roll electronically maintained by the
197 Statewide Elections Management System.

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

209 (a) In counties having less than fifteen thousand
210 (15,000) residents according to the latest federal decennial
211 census, not more than fifty (50) days per year, with no more than
212 fifteen (15) additional days allowed for the conduct of each
213 election in excess of one (1) occurring in any calendar year;



214 (b) In counties having fifteen thousand (15,000)
215 residents according to the latest federal decennial census but
216 less than thirty thousand (30,000) residents according to the
217 latest federal decennial census, not more than seventy-five (75)
218 days per year, with no more than twenty-five (25) additional days
219 allowed for the conduct of each election in excess of one (1)
220 occurring in any calendar year;

221 (c) In counties having thirty thousand (30,000)
222 residents according to the latest federal decennial census but
223 less than seventy thousand (70,000) residents according to the
224 latest federal decennial census, not more than one hundred (100)
225 days per year, with no more than thirty-five (35) additional days
226 allowed for the conduct of each election in excess of one (1)
227 occurring in any calendar year;

228 (d) In counties having seventy thousand (70,000)
229 residents according to the latest federal decennial census but
230 less than ninety thousand (90,000) residents according to the
231 latest federal decennial census, not more than one hundred
232 twenty-five (125) days per year, with no more than forty-five (45)
233 additional days allowed for the conduct of each election in excess
234 of one (1) occurring in any calendar year;

235 (e) In counties having ninety thousand (90,000)
236 residents according to the latest federal decennial census but
237 less than one hundred seventy thousand (170,000) residents
238 according to the latest federal decennial census, not more than



239 one hundred fifty (150) days per year, with no more than
240 fifty-five (55) additional days allowed for the conduct of each
241 election in excess of one (1) occurring in any calendar year;

242 (f) In counties having one hundred seventy thousand
243 (170,000) residents according to the latest federal decennial
244 census but less than two hundred thousand (200,000) residents
245 according to the latest federal decennial census, not more than
246 one hundred seventy-five (175) days per year, with no more than
247 sixty-five (65) additional days allowed for the conduct of each
248 election in excess of one (1) occurring in any calendar year;

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

256 (h) In counties having two hundred twenty-five thousand
257 (225,000) residents according to the latest federal decennial
258 census but less than two hundred fifty thousand (250,000)
259 residents according to the latest federal decennial census, not
260 more than two hundred fifteen (215) days per year, with no more
261 than eighty-five (85) additional days allowed for the conduct of
262 each election in excess of one (1) occurring in any calendar year;



263 (i) In counties having two hundred fifty thousand
264 (250,000) residents according to the latest federal decennial
265 census but less than two hundred seventy-five thousand (275,000)
266 residents according to the latest federal decennial census, not
267 more than two hundred thirty (230) days per year, with no more
268 than ninety-five (95) additional days allowed for the conduct of
269 each election in excess of one (1) occurring in any calendar year;



287 System as required in subsection (1) of this section, not to
288 exceed five (5) days.

289 (4) (a) The election commissioners shall be entitled to
290 receive a per diem in the amount of One Hundred Ten Dollars
291 (\$110.00), to be paid from the county general fund, not to exceed
292 ten (10) days for every day or period of no less than five (5)
293 hours accumulated over two (2) or more days actually employed in
294 the performance of their duties for the necessary time spent in
295 the revision of the county voter roll as electronically maintained
296 by the Statewide Elections Management System before any special
297 election. For purposes of this paragraph, the regular special
298 election day shall not be considered a special election. The
299 annual limitations set forth in subsection (2) of this section
300 shall not apply to this paragraph.

301 (b) The election commissioners shall be entitled to
302 receive a per diem in the amount of One Hundred Sixty-five Dollars
303 (\$165.00), to be paid from the county general fund, for the
304 performance of their duties on the day of any primary, runoff,
305 general or special election. The annual limitations set forth in
306 subsection (2) of this section shall apply to this paragraph.

307 * * *

308 (5) The election commissioners shall be entitled to receive
309 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
310 be paid from the county general fund, not to exceed fourteen (14)
311 days for every day or period of no less than five (5) hours



312 accumulated over two (2) or more days actually employed in the
313 performance of their duties for the necessary time spent in the
314 revision of the county voter roll as electronically maintained by
315 the Statewide Elections Management System and in the conduct of a
316 runoff election following either a general or special election.

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

321 (7) The election commissioners shall be entitled to receive
322 a per diem in the amount of One Hundred Dollars (\$100.00), to be
323 paid from the county general fund, for those days when the
324 election commissioners shall be required to conduct a recount of
325 an election as provided in Section 23-15-617.

326 (* * *8) In preparation for a municipal primary, runoff,
327 general or special election, the county registrar shall generate
328 and distribute the master voter roll and pollbooks from the
329 Statewide Elections Management System for the municipality located
330 within the county. The municipality shall pay the county
331 registrar for the actual cost of preparing and printing the
332 municipal master voter roll pollbooks. A municipality may secure
333 "read only" access to the Statewide Elections Management System
334 and print its own pollbooks using this information.

335 (* * *9) County election commissioners who perform the
336 duties of an executive committee with regard to the conduct of a



337 primary election under a written agreement authorized by law to be
338 entered into with an executive committee shall receive per diem as
339 provided for in subsection (2) of this section. The days that
340 county election commissioners are employed in the conduct of a
341 primary election shall be treated the same as days county election
342 commissioners are employed in the conduct of other elections.

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

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

355 The certification form shall be as follows:

356 **COUNTY ELECTION COMMISSIONER**

357 **PER DIEM CLAIM FORM**

358 NAME: _____ COUNTY: _____

359 ADDRESS: _____ DISTRICT: _____

360 CITY: _____ ZIP: _____

361 PURPOSE APPLICABLE ACTUAL PER DIEM



362 DATE BEGINNING ENDING OF MS CODE HOURS DAYS
363 WORKED TIME TIME WORK SECTION WORKED EARNED
364 _____
365 _____
366 _____

367 TOTAL NUMBER OF PER DIEM DAYS EARNED

368 EXCLUDING ELECTION DAYS _____

369 PER DIEM RATE PER DAY EARNED X \$110.00

370 TOTAL NUMBER PER DIEM DAYS EARNED

371 FOR ELECTION DAYS _____

372 PER DIEM RATE PER DAY EARNED X \$165.00

373 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

379 Signed this the _____ day of _____, ____.

380 _____

381 Commissioner's Signature

382 When properly completed and signed, the certification must be
383 filed with the clerk of the county board of supervisors before any
384 payment may be made. The certification will be a public record
385 available for inspection and reproduction immediately upon the
386 oral or written request of any person.



387 Any person may contest the accuracy of the certification in
388 any respect by notifying the chair of the commission, any member
389 of the board of supervisors or the clerk of the board of
390 supervisors of the contest at any time before or after payment is
391 made. If the contest is made before payment is made, no payment
392 shall be made as to the contested certificate until the contest is
393 finally disposed of. The person filing the contest shall be
394 entitled to a full hearing, and the clerk of the board of
395 supervisors shall issue subpoenas upon request of the contestor
396 compelling the attendance of witnesses and production of documents
397 and things. The contestor shall have the right to appeal de novo
398 to the circuit court of the involved county, which appeal must be
399 perfected within thirty (30) days from a final decision of the
400 commission, the clerk of the board of supervisors or the board of
401 supervisors, as the case may be.

402 Any contestor who successfully contests any certification
403 will be awarded all expenses incident to his or her contest,
404 together with reasonable attorney's fees, which will be awarded
405 upon petition to the chancery court of the involved county upon
406 final disposition of the contest before the election commission,
407 board of supervisors, clerk of the board of supervisors, or, in
408 case of an appeal, final disposition by the court. The
409 commissioner against whom the contest is decided shall be liable
410 for the payment of the expenses and attorney's fees, and the
411 county shall be jointly and severally liable for same.



412 (* * *12) Any election commissioner who has not received a
413 certificate issued by the Secretary of State pursuant to Section
414 23-15-211 indicating that the election commissioner has received
415 the required elections seminar instruction and that the election
416 commissioner is fully qualified to conduct an election, shall not
417 receive any compensation authorized by this section or Section
418 23-15-239.

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

421 23-15-5. (1) There is created in the State Treasury a
422 special fund to be known as the Elections Support Fund. Monies
423 derived from annual report fees imposed upon limited liability
424 companies under Section 79-29-1203 shall be deposited into the
425 Elections Support Fund. Unexpended amounts remaining in the fund
426 at the end of the fiscal year shall not lapse into the State
427 General Fund, and any interest earned or investment earnings on
428 amounts in the fund shall be disbursed as provided in subsection
429 (2) of this section. The expenditure of monies in the fund shall
430 be under the direction of the Secretary of State as provided by
431 subsection (2) of this section, and such funds shall be paid by
432 the State Treasurer upon warrants issued by the Department of
433 Finance and Administration.

434 (2) (a) Monies in the fund shall be used as follows:

435 (i) Seventy percent (70%) of the monies in the
436 special fund shall be distributed annually to the counties, upon



437 appropriation of the Legislature, based on the proportion that the
438 population of a county bears to the total population in all
439 counties of the state population according to the most recent
440 information from the United States Census Bureau, and held in a
441 separate fund solely for the purpose of acquiring, upgrading,
442 maintaining or repairing voting equipment, systems and supplies,
443 hiring temporary technical support, conducting elections using
444 such voting equipment or systems, employing such personnel to
445 conduct an election, and training election officials; and

446 (ii) The remaining thirty percent (30%) of the
447 monies in the special fund shall be allocated annually to the
448 Secretary of State for the purpose of maintaining, upgrading, or
449 equipping the Statewide Election Management System, including
450 costs to maintain, upgrade, or equip the Statewide Election
451 Management System with appropriate security measures to protect
452 the integrity of Mississippi elections. Funds may also be used to
453 educate voters on voting procedures and voting rights. Any funds
454 not obligated by the end of the fiscal year shall be deposited
455 into the State General Fund.

456 (b) The Secretary of State shall create standard
457 training guidelines to assist counties in training election
458 officials with the funds authorized under subsection (2)(a)(ii) of
459 this section. Any criteria established by the Secretary of State
460 for the purposes of this section shall be used in addition to any
461 other training or coursework prescribed by the Secretary of State



462 to train circuit clerks, poll managers and any other election
463 officials participating in county elections.

464 (c) Notwithstanding any other provision of law, no
465 monies from the Elections Support Fund shall be used by the
466 Secretary of State or any person associated with the Office of the
467 Secretary of State to provide or otherwise support expert
468 testimony in any manner for any hearing, trial or election
469 contest.

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

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

478 **SECTION 6.** The following shall be codified as Section
479 23-15-395, Mississippi Code of 1972:

480 23-15-395. The Secretary of State shall promulgate rules and
481 regulations for the review, certification and decertification, and
482 implementation of all voting systems. Before promulgating any
483 rules or regulations, the Secretary of State shall present the
484 proposed rules and regulations to the State Board of Election
485 Commissioners for comment and approval. Upon approval of the
486 rules and regulations by the State Board of Election



487 Commissioners, the Secretary of State shall promulgate the
488 approved rules and regulations.

489 **SECTION 7.** The following shall be codified as Section
490 23-15-152, Mississippi Code of 1972:

491 23-15-152. (1) For the purposes of this section,
492 "confirmation notice" means a notice sent by the election
493 commissioners, by forwardable mail, with return postage prepaid,
494 on a form prescribed by the Secretary of State, to a registered
495 voter to confirm the registered voter's current address. The
496 notice shall comply with all applicable requirements of the
497 National Voter Registration Act of 1993.

498 (2) The election commissioners shall send a confirmation
499 notice to the following:

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

503 (b) A registered voter if a county election
504 commissioner or county registrar has received notice from another
505 state, or political subdivision of another state, that the
506 registered voter has registered to vote in another state;

507 (c) A registered voter who has failed to vote at least
508 once in one (1) of the following periods:

509 (i) A period of three (3) years, which shall
510 include two (2) federal general elections; or

(ii) A period of four (4) years, which shall include two (2) federal general elections and an election for municipal officers; or

(iii) A period of four (4) years, which shall include an election for Governor, a federal general election and an election for municipal officers; or

(iv) A period of two (2) years, which shall include an election for Governor and a federal general election; and

(d) A registered voter if the registrar or election commissioners have received reliable information that he or she has moved within or outside of the state.

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

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

(4) A registered voter "fails to respond to the confirmation notice" if the voter, during a period of four (4) consecutive



535 years beginning from the date of the delivery of the confirmation
536 notice, fails to:

537 (a) Respond to the confirmation notice; or
538 (b) Update the elector's registration information.

539 The period of four (4) consecutive years beginning from the
540 date of the delivery of the confirmation notice required in
541 subsection (4) of this section shall include two (2) general
542 federal elections. A registered voter who votes at least once in
543 any election in the registered voter's county or municipality of
544 registration during the period of four (4) consecutive years
545 beginning from the date of the delivery of the confirmation notice
546 or who is active or reserve military or who serves on jury duty or
547 responds to a summons for jury duty shall not be removed from the
548 Statewide Elections Management System.

549 (5) The county registrar or county election commission shall
550 move those registered voters who fail to respond to the
551 confirmation notice as provided in subsection (4) and who fail to
552 vote as provided in subsection (4) of this section to removed
553 status in the Statewide Elections Management System.

554 (6) No systematic list maintenance shall occur during the
555 ninety (90) days immediately preceding a federal primary or
556 general election.

557 (7) The county registrar shall retain removed voter
558 registration records after they are removed for a period that



559 includes at least two (2) federal general elections and shall
560 record the reason for the removal.

561 **SECTION 8.** Section 23-15-125, Mississippi Code of 1972, is
562 amended as follows:

563 23-15-125. The pollbook of each voting precinct shall
564 designate the voting precinct for which it is to be used, and
565 shall be ruled in appropriate columns, with printed or written
566 headings, as follows: date of registration; voter registration
567 number; name of electors; date of birth; and a number of blank
568 columns for the dates of elections. All qualified applicants who
569 register with the registrar shall be entered in the Statewide
570 Elections Management System. Only the names of those qualified
571 applicants who register within thirty (30) days before an election
572 shall appear on the pollbooks of the election; however, if the
573 thirtieth day to register before an election falls on a Sunday or
574 legal holiday, the registration applications submitted on the
575 business day immediately following the legal holiday shall be
576 accepted and entered in the Statewide Elections Management System
577 for the purpose of enabling voters to vote in the next election.
578 When county election commissioners determine that any elector is
579 disqualified from voting, by reason of death, conviction of a
580 disenfranchising crime, removal from the jurisdiction, failure to
581 comply with the provisions of Section 23-15-152, or other legal
582 cause, that fact shall be noted in the Statewide Elections
583 Management System and the voter's name shall be removed from the



584 Statewide Elections Management System, the state's voter roll and
585 the county's pollbooks. Nothing in this section shall preclude
586 the use of electronic pollbooks.

587 **SECTION 9.** Section 23-15-15, Mississippi Code of 1972, is
588 amended as follows:

589 23-15-15. (1) By January 1, 2025, the Secretary of State
590 shall compare the entire Statewide Elections Management System to
591 the Department of Public Safety Driver's License Database and
592 follow the procedures outlined in subsection (2) through (9) if a
593 voter is flagged in the database as a potential noncitizen.

594 (2) Upon receiving a completed voter registration
595 application, the registrar shall enter the applicant into the
596 Statewide Elections Management System. * * * The registration
597 application shall be compared with the Department of Public Safety
598 driver's license and identification information. If such
599 information indicates that a particular applicant is not a citizen
600 of the United States, the Statewide Elections Management System
601 shall notify the registrar, or his or her designee, that the
602 applicant may not be a citizen of the United States.

603 (* * *3) After receiving the notice from the Statewide
604 Elections Management System as provided in subsection (1) and (2)
605 of this section, the registrar, or his or her designee, shall:

606 (a) Enter the applicant's information into the United
607 States Citizenship and Immigration Service's Systematic Alien

608 Verification for Entitlements (SAVE) or its successor database for
609 further inquiry; and

610 (b) If both the Department of Public Safety driver's
611 license and identification information and the database in
612 paragraph (a) of this subsection indicate that the applicant is
613 not a citizen, send a notice by first-class mail to the
614 applicant's mailing address provided on the voter registration
615 application inquiring whether the individual is eligible to be
616 registered to vote. The registrar may, in addition to first-class
617 mail, contact the applicant by email or telephone.

618 (* * *4) Any applicant who receives the notice under
619 subsection (* * *3) (b) of this section shall, within thirty (30)
620 days of the receipt of such notice, provide proof of citizenship
621 to the registrar or his or her designee.

622 (* * *5) For purposes of this section, proof of citizenship
623 includes, but is not limited to:

624 (a) The applicant's birth certificate or a legible
625 photocopy of the birth certificate;

626 (b) A United States passport, or a legible photocopy of
627 the pertinent pages of the passport, identifying the applicant and
628 showing the passport number;

629 (c) The applicant's United States naturalization
630 documentation, a legible photocopy of the naturalization
631 documentation, or the number of the applicant's Certificate of
632 Naturalization; except that any person who provides the number of



633 the Certificate of Naturalization in lieu of the naturalization
634 documentation shall not be deemed to have provided proof of
635 citizenship until the number is verified with the United States
636 Citizenship and Immigration Services in the Department of Homeland
637 Security or its successor; or

638 (d) Any document or method of proof of citizenship
639 established by the Federal Immigration Reform and Control Act of
640 1986, Public Law 99-603, compiled in 8 USC Section 1101 et seq.

641 (* * *6) If the applicant provides proof of citizenship and
642 meets all other qualifications provided by law, the registrar
643 shall register the applicant to vote.

644 (* * *7) * * * If the attempted voter does not provide
645 proof of citizenship within thirty (30) days of the receipt of the
646 notification, the registrar, or his or her designee, where the
647 person registered to vote shall purge the voter from the Statewide
648 Elections Management System.

649 (8) In the event a person is unable to provide any of the
650 documentation listed in subsection (5) to show proof of
651 citizenship, the person may appeal to the election commissioners
652 of the county in which he or she attempted to register and submit
653 additional proof of citizenship in person or in writing. The
654 election commissioners shall conduct a hearing and make a finding
655 concerning the individual's citizenship status and shall forward a
656 copy of their decision to the registrar, or his or her designee,
657 of the county where the person resides as established in Section



658 23-15-61. The registrar, or his or her designee, shall update the
659 Statewide Elections Management System to accurately reflect the
660 decision of the election commissioners with respect to such voter.

661 (9) All documentation provided to show proof of citizenship
662 as well as the Department of Public Safety database or relevant
663 federal and state agency and county records shall be confidential
664 and shall not be subject to inspection, examination, copying or
665 reproduction under the Mississippi Public Records Act of 1983.

666 (10) The Secretary of State shall adopt the necessary rules
667 and regulations for the administration of this section.

668 **SECTION 10.** Section 23-15-165, Mississippi Code of 1972, is
669 amended as follows:

670 23-15-165. (1) The Office of the Secretary of State, in
671 cooperation with the county registrars and election commissioners,
672 shall procure, implement and maintain an electronic information
673 processing system and programs capable of maintaining a
674 centralized database of all registered voters in the state. The
675 system shall encompass software and hardware, at both the state
676 and county level, software development training, conversion and
677 support and maintenance for the system. This system shall be
678 known as the "Statewide Elections Management System" and shall
679 constitute the official record of registered voters in every
680 county of the state.

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

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

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

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

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

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

700 (3) As a part of the procurement and implementation of the
701 system, the Office of the Secretary of State shall, with the
702 assistance of the advisory committee, procure services necessary
703 to convert current voter registration records in the counties into
704 a standard, industry accepted file format that can be used on the
705 Statewide Elections Management System. Thereafter, all official



706 voter information shall be maintained on the Statewide Elections
707 Management System. The standard industry accepted format of data
708 was reviewed and approved by a majority of the advisory committee
709 created in subsection (5) of this section after consultation with
710 the Circuit Clerks Association and the format may not be changed
711 without consulting the Circuit Clerks Association.

712 (4) The Secretary of State may, with the assistance of the
713 advisory committee, adopt rules and regulations necessary to
714 administer the Statewide Elections Management System. The rules
715 and regulations shall at least:

716 (a) Provide for the establishment and maintenance of a
717 centralized database for all voter registration information in the
718 state;

719 (b) Provide procedures for integrating data into the
720 centralized database;

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

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



731 (e) Provide security and protection of all information
732 in the system and monitor the system to ensure that unauthorized
733 access is not allowed;

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

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

741 (5) The Secretary of State established an advisory committee
742 to assist in developing system specifications, procurement,
743 implementation and maintenance of the Statewide Elections
744 Management System. The committee included two (2) representatives
745 from the Circuit Clerks Association, appointed by the association;
746 two (2) representatives from the Election Commissioners
747 Association of Mississippi, appointed by the association; one (1)
748 member of the Mississippi Association of Supervisors, or its
749 staff, appointed by the association; the Director of the Stennis
750 Institute of Government at Mississippi State University, or his or
751 her designee; the Executive Director of the Department of
752 Information Technology Services, or his or her designee; two (2)
753 persons knowledgeable about elections and information technology
754 appointed by the Secretary of State; and the Secretary of State,
755 who shall serve as the chair of the advisory committee.



756 (6) (a) Social security numbers, telephone numbers and date
757 of birth and age information in statewide, district, county and
758 municipal voter registration files shall be exempt from and shall
759 not be subject to inspection, examination, copying or reproduction
760 under the Mississippi Public Records Act of 1983.

761 (b) Copies of statewide, district, county or municipal
762 voter registration files, excluding social security numbers,
763 telephone numbers and date of birth and age information, shall be
764 provided to any person in accordance with the Mississippi Public
765 Records Act of 1983 at a cost not to exceed the actual cost of
766 production.

767 **SECTION 11.** Section 23-15-603, Mississippi Code of 1972, is
768 brought forward as follows:

769 23-15-603. (1) The election commissioners shall, within ten
770 (10) days after the general election, transmit to the Secretary of
771 State, to be filed in his or her office, a statement of the whole
772 number of votes given in their county and the whole number of
773 votes given in each precinct in their county, for each candidate
774 for any office at the election; but the returns of every election
775 for Governor, Lieutenant Governor, Secretary of State, Attorney
776 General, Auditor of Public Accounts, State Treasurer, Commissioner
777 of Insurance and other state officers, shall each be made out
778 separately, sealed up together and transmitted to the seat of
779 government, directed to the Secretary of State, and endorsed the
780 "VOTE FOR STATE OFFICERS," to be delivered by the Secretary of



781 State to the Speaker of the House of Representatives at the next
782 ensuing session of the Legislature. In addition to the other
783 information required pursuant to this subsection, the returns for
784 state officers shall contain a statement of the whole number of
785 votes given in each House of Representative district or portion
786 thereof for each candidate for state office at the election.

787 (2) Constitutional amendments shall be voted for at the time
788 fixed by the concurrent resolution. The election, whether held
789 separately or with other elections, shall be conducted, in all
790 respects, as required for elections generally. The election
791 commissioners shall, within ten (10) days after the election,
792 transmit to the Secretary of State a statement of the whole number
793 of votes given in their county and the whole number of votes given
794 in each precinct in their county for or against constitutional
795 amendments.

796 (3) The statements certified by the election commissioners
797 and transmitted to the Secretary of State, as required by this
798 section, shall be tabulated by the Secretary of State and
799 submitted to each branch of the Legislature, at the session next
800 ensuing. Certified county vote totals shall represent the final
801 results of the election.

802 (4) The statements required by this section shall contain a
803 certification, signed and dated by a majority of the election
804 commissioners, which shall read as follows:

805 "We, the undersigned election commissioners, do
806 hereby certify that this statement of the whole number
807 of votes contains the official vote for the election
808 reflected therein."

809 (5) The statements required by this section shall be
810 transmitted to the Secretary of State on such forms and by such
811 methods as may be required by rules and regulations promulgated by
812 the Secretary of State.

813 **SECTION 12.** (1) This section shall be known as the Veterans
814 Enfranchising Act.

815 (2) (a) Supplemental to any other provision of law that
816 pertains to disenfranchisement, a veteran, as defined in Title 38
817 of the United States Code, who is otherwise a qualified elector
818 under the provisions of subsection (1) and has been convicted of a
819 nonviolent disenfranchising crime listed in Section 241,
820 Mississippi Constitution of 1890, or of any nonviolent crime
821 interpreted as disenfranchising in later Attorney General
822 opinions, shall have his or her right to vote suspended upon
823 conviction but shall have his or her right to vote automatically
824 restored once he or she has satisfied all of the sentencing
825 requirements of the conviction.

826 (b) The provisions of this subsection shall only apply
827 to veterans who have been honorably discharged.

828 **SECTION 13.** This act shall take effect and be in force from
829 and after January 1, 2024.

