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*Secretary of State*

## 2017 Legislative Update

*New laws impacting the  
Mississippi Secretary of State's Office*

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## Budget

### [HB 5: Secretary of State; revise FY 17 appropriation to make payments due under Point Cadet Settlement Agreement. \(First Extraordinary Session\).](#)

This bill revises the Secretary of State's FY 17 appropriation and directs the Secretary of State's Office to make payments in accordance with the Point Cadet Compromise and Settlement Agreement. The Secretary of State shall make the payment due in the amount of \$1,593,970.52, which is comprised of funds appropriated to the agency in the 2017 Fiscal Year and all sums available in the Point Cadet Leasing Fund. Effective upon passage. Signed 6/7/17.

### [HB 6: Appropriation; Secretary of State for making distribution to local governments for back taxes owed. \(First Extraordinary Session\).](#)

HB 6 appropriates \$497,821, out of the Land Records Maintenance Fund, to the Secretary of State for the purpose of making distributions to local governments for back taxes owed during the 2017 Fiscal Year. This bill also reappropriates \$1,000,000 out of the Secretary of State's 2017 Fiscal Year appropriation for the same purpose as authorized for expenditures from the Land Records Maintenance Fund. Effective upon passage. Signed 6/7/17.

### [SB 2001: Deposit of state agency special funds into State General Fund; make technical amendments. \(First Extraordinary Session\).](#)

SB 2001 makes technical corrections from issues arising from SB 2362, 2016 Regular Session. Below is a list of the corrections impacting the Secretary of State's Office:

- Section 2 - Excludes the Preeed Contract Loss Recovery Fund from being defrayed by appropriation from the general fund.
- Section 3 – Requires the Secretary of State to pay the principal and interest on bonds issued for county voting systems to be paid out of the Secretary of State's general fund appropriation.
- Section 4 - Amends the statute to require the Help Mississippi Vote Fund to be a line item appropriation in the Secretary of State's general fund appropriation.
- Section 5 - Maintains the Election Support Fund as a clearing account. Fifty percent (50%) of the fund will be distributed annually to the counties and the remaining fifty percent (50%) of the fund will be deposited in the general fund.
- Section 6 - Requires all fees, in the Revised Mississippi Limited Liability Company Act, to be deposited in the general fund.
- Section 17 - Maintains the Land Records Maintenance Fund as a clearing account. After local governmental units are paid for back taxes, the balance of the fund will be deposited in the general fund.
- Sections 32, 33 & 34 – Assigns the Mississippi Autism Board to the Board of Psychology for administrative and ministerial purposes as of July 1, 2018.
- Section 36 - Precludes any monies deposited in the Preeed Contracts Loss Recovery Fund from defraying any costs the Office of the Secretary of State may incur in

administering the fund. This section also deletes the Preneed Contract Loss Recovery Board's statutory authority related to receiving a per diem.  
Effective upon passage. Signed 6/23/17.

#### [SB 3003: Secretary of State's Budget\\*](#)

SB 3003 provides funding to the Secretary of State's Office for the 2018 Fiscal Year.  
Effective 7/1/17. Signed 4/18/17.

#### [SB 3015: Appropriation; additional appropriations for various state agencies for FY 2017.](#)

SB 3015 provides authorization to the Attorney General for paying legal costs, expert witness fees, court fees, judgments, and settlement agreements for cases dealing with the Public Trust Tidelands.

This act shall take effect and be in force from and after its passage and through the fiscal year ending June 30, 2018, except for Section 4, which shall take effect and be in force through the fiscal year ending June 30, 2017.

## **Business Services, Charities, Securities & Regulation and Enforcement**

#### [SB 2327: Conversion and Domestication; revise\\*](#)

Technical amendments are made to the Mississippi Entity Conversion and Domestication Act by this bill.

Section 79-37-111 is amended to allow directors, in addition to officers, to sign filings made with the Secretary of State and to allow the Secretary to determine the formatting of filings. This amendment conforms to the filing treatment of other business entities.

Section 79-37-114 is amended to increase the time for filing corrections from 60 to 120 days.

Section 79-37-116 is amended to place venue for appeals following a refusal to file by the Secretary of State in the Chancery Court of the First Judicial District of Hinds County. This conforms to venue requirements for similar filing refusals by the Secretary of State.

Section 79-37-401 is amended to clarify actions regarding conversion of entity type when a foreign entity is also domesticating in Mississippi and to exclude charitable nonprofit corporations from the list of entities allowed to convert under the Act.

Sections 79-37-405 and 79-37-505 are amended to eliminate optional paper filings.  
Effective 7/1/17. Signed 3/8/17.

#### [SB 2350: Business Corporation Act; technical revisions.\\*](#)

The Mississippi Business Corporation Act is amended by this bill. Section 79-4-7.30 is amended to eliminate the maximum 10-year period of validity on voting trust agreements and authorize the parties to a voting trust to determine the period of validity in the trust agreement.

Section 79-4-14.21 formerly did not allow for administratively dissolved corporations to continue to operate solely for the purposes of winding up. All other entities in Mississippi are statutorily allowed to wind up their business after administrative dissolution. This bill adds a provision allowing for winding-up after a corporation has been administratively dissolved. Effective 7/1/17. Signed 3/20/17.

[HB 1425: Occupational Board Compliance Act of 2017; create\\*](#)

HB 1425 creates the Occupational Licensing Review Commission. The Commission is composed of the Governor, the Secretary of State, and the Attorney General, or their respective designee. The Commission shall be responsible for the active supervision of state executive branch occupational licensing boards controlled by active market participants to ensure compliance with state policy in the adoption of occupational regulations promulgated by occupational licensing boards. The active supervision required under the Occupational Board Compliance Act shall not extend to individual disciplinary actions taken or imposed by an occupational licensing board as to any active market participant subject to the jurisdiction of the occupational licensing board.

An occupational licensing board must submit any proposed occupational regulation to the commission before the occupational board may file the occupational regulation in the Office of the Secretary of State if the occupational regulation is required to be filed in the Office of the Secretary of State by Chapter 43, Title 25, Mississippi Code of 1972, (Mississippi Administrative Procedures Law), or before the occupational regulation becomes effective (if filing is not required).

The Commission shall issue resolutions necessary to effectuate the provisions of this Act, including the process, procedures, and timelines governing any submission filed in accordance with the Act.

The provisions of the Act shall not apply to occupational licensing boards not controlled by active market participants. The term “active market participants” and additional relevant terms are defined in the bill. Effective 7/1/17. Signed 4/11/17.

[SB 2423: Mississippi Securities Act; clarify grounds for discipline for violations of.\\*](#)

SB 2423 amends Section 75-72-412 to clarify the grounds for disciplining a broker-dealer or investment advisor for violations of the Mississippi Securities Act. Security firms failing to supervise an employee for more than 12 months, or failing to supervise multiple employees, will result in multiple violations rather than a single violation.

This bill also amends Section 75-71-701 to clarify the applicability of the predecessor chapter to pending proceedings and existing rights. The predecessor chapter exclusively governed all actions or proceedings pending as of January 1, 2010, or may be instituted on the basis of conduct occurring before January 1, 2010, but a private civil action may not be maintained to enforce any liability under the predecessor chapter, unless instituted within any period of limitation that applied when the cause of action accrued or within five years after

January 1, 2010, whichever is earlier. This time limitation shall not apply to a civil enforcement action or an administrative enforcement action instituted by the administrator under Section 75-71-603 or Section 75-71-604. Effective 7/1/17. Signed 3/20/17.

[SB 2911: MS Securities Act; provide additional post-registration requirements to prevent exploitation of vulnerable persons.\\*](#)

SB 2911 creates new Section 75-71-413 to provide additional post-registration requirements for broker-dealers and investment advisers to prevent the exploitation of vulnerable persons. A broker-dealer or an investment adviser who is required to file a report with the Department of Human Services pursuant to the Mississippi Vulnerable Persons Act must now immediately forward a copy of that report to the Secretary of State, and may notify any third party reasonably associated with the customer of the suspected financial exploitation, or any other party permitted by state or federal laws or regulations, the rules of a self-regulatory organization, or by customer agreement. A broker-dealer or investment adviser who reasonably believes a requested transaction may result in financial exploitation of its customer may now delay the transaction (not to exceed 15 business days). If the transaction is delayed, the broker-dealer or investment adviser must notify the Secretary of State and all parties authorized to transact business on the account within two business days. Disclosures and notifications of the transaction shall not be made to any third party who is suspected of financial exploitation or other abuse. A person making disclosures or delaying transactions under this section shall be immune from any administrative or civil liability that may otherwise arise from compliance with this section. A person failing to comply with the disclosure and notification requirements in this section shall be subject to Section 43-47-7 (1) (c) of the Mississippi Vulnerable Persons Act. Effective 7/1/17. Signed 3/27/17.

## Elections

[HB 467: Election code; revise.\\*](#)

This bill amends various sections throughout the Mississippi Election Code.

- Section 23-15-5 is amended as follows:
  - Requires monies in the Election Support Fund be held in a separate fund.
  - Allows said monies to be used to employ personnel to conduct elections.
  - Expands the use of the fund from upgrading, maintaining, or equipping the Statewide Election Management System (SEMS) to also include acquiring, upgrading, or maintaining any other election-related site, system, or providing technical training to elected officials.
  - This section was later amended by SB 2001, of the First Extraordinary Session.
- Sections 23-15-11, 23-15-13, 23-15-37, 23-15-47, 23-15-125, 23-15-299, 23-15-309, 23-15-398, 23-15-853, and 23-15-857 are amended to provide that certain submission filing deadlines falling on a Sunday or legal holiday are extended to the business day immediately following that Sunday or legal holiday.
- Section 23-15-39 is amended as follows:



- Requires the county registrar to mail voter registration cards to the mailing address provided by an applicant on the voter registration application.
- Allows county election commissioners or other county officials to update the municipal boundary information in SEMS if said commissioner or official has completed an annual training seminar sponsored by the Secretary of State pertaining to the implementation of new boundary lines in SEMS and received certification for the training.
- Section 23-15-47 is amended as follows:
  - Revises the process for verifying mail-in voter registration applications. The county registrar is now required to verify applications by matching the applicant's Mississippi driver's license number through the Mississippi Department of Public Safety or by matching the applicant's social security number through the American Association of Motor Vehicle Administrators.
  - Revises the timeline for a county registrar to complete action on an application for voter registration to within 14 days (formerly within 25 days).
- Section 23-15-153 is amended as follows:
  - Removes the ability of election commissioners to erase the names of all people erroneously included on the voter roll. Only voters requesting to be purged from the voter roll may be removed by the election commissioners.
- Section 23-15-169.7 is amended as follows:
  - Allows monies from the "Help Mississippi Vote Fund" to be utilized to compensate certified poll managers under Section 23-15-239.
  - This section was later amended by SB 2001, of the First Extraordinary Session.
- Section 23-15-171 is amended as follows:
  - Changes the time for holding municipal primary elections from the first Tuesday in May before the general municipal election to the first Tuesday in April before the municipal general election.
  - Changes the time for holding the second municipal primary election from two weeks after the first primary to three weeks after the first primary.
  - Provides the procedure for holding a second primary election in the event no candidate receives a majority of votes cast in the first primary election.
- Section 23-15-211 is amended as follows:
  - Designates the Secretary of State as the Secretary of the State Board of Election Commissioners and directs the Secretary to maintain minutes of all meetings and accept service of process on behalf of the Commissioners.
  - Provides the duties of the State Board of Election Commissioners.
  - Provides that an election commissioner shall be certified by the Secretary of State after attending the annual elections seminar and satisfactorily completing the skills assessment provided for in Section 23-15-213.
- Section 23-15-213 is amended as follows:
  - Establishes staggered terms for election commissioners.

- Requires satisfactory completion of a skills assessment before an election commissioner is allowed to take the oath of office.
- Section 23-15-221 is amended as follows:
  - Allows the city council or board of aldermen or other governing authority of a municipality to adopt an ordinance to enter into an agreement with the county election commissioners authorizing the county election commissioners to conduct municipal elections and other functions which are currently performed by the municipal election commissioners.
  - Provides that if the municipality is located in more than one county, the municipality will choose which county will conduct its elections.
  - Provides the duties of county election commissioners conducting municipal elections in the place of municipal election commissioners.
  - Provides the responsibilities of municipal election commissioners if no ordinance is adopted.
- Section 23-15-223 is amended as follows:
  - Provides that the circuit clerk shall be the registrar unless the State Board of Election Commissioners determines the circuit clerk to be an improper person. The clerk will be given notice and a hearing if such a determination is made.
  - Eliminates the requirement for a computer training refresher course for election officials. The course will only be required for newly appointed registrars.
- Section 23-15-239 is amended as follows:
  - Provides that the poll manager training will not be less than four hours and no more than eight hours unless a poll manager completes the online training course offered by the Secretary of State, in which case, the poll manager would then only be required to complete the two hours of in-person poll manager training.
  - Deletes the language regarding counties with a population of 250,000 to 275,000 and with a population of 275,000 for the purposes of per diem that election commissioners can receive and adds the language “or more” after 225,000 residents.
  - Creates “certified poll managers” and provides that not more than two poll managers per precinct are selected by the election officials to undergo online training provided by the Secretary of State.
    - Beginning with every election held after January 1, 2018, at least one certified poll manager will be assigned to each polling place during the general election.
    - These certified poll managers will be paid \$25 from the Help Mississippi Vote Fund for completing the course until 2020, at which time the \$25 compensation will be repealed.
- Section 23-15-251 is amended as follows:
  - Provides that the ballot boxes can be delivered to the voting place by the poll manager who has been so designated on the day before the election or before 6



a.m. on the morning of the election. Currently, the ballot boxes must be delivered “on the day previous to the election.”

- Section 23-15-255 is amended as follows:
  - Requires the poll managers of each precinct to publicly post the following information at the precinct polling place on the day of any election:
    - A list of voters in each polling place who have cast an absentee ballot.
    - The acceptable forms of photo identification that may be presented in the polling place.
- Section 23-15-271 is amended as follows:
  - Requires a county or municipal executive committee to complete training within 60 days of an election, and if the training is not completed, the election integrity assurance committee is required to either conduct the training itself or contract on behalf of the executive committee with the respective election commission or circuit clerk to conduct the election.
    - Previously the integrity committee was authorized to run the election if training was not completed, but lacked authority to contract with election officials to administer the election.
- Section 23-15-28 is amended as follows:
  - Requires the board of supervisors to ensure the legal description and map of each supervisor’s district is available in the circuit clerk’s office for public inspection.
  - Removed language from Section 23-15-259 to this section providing for agreements between the board of supervisors and the state, county, municipality or school authority to use its property as polling places.
  - Provides that by May 1, 2019, polling places must be accessible to all voters, structurally sound, capable of providing air conditioning and heating, and compliant with the American with Disabilities Act.
- Section 23-15-283 is amended as follows:
  - Requires the person changing the boundaries in SEMS to first attend training conducted by the Secretary of State.
  - Requires the board of supervisors to designate the person who will be responsible for making all boundary changes and attending the required training.
- Section 23-15-299 is amended as follows:
  - Prohibits a candidate from qualifying with a political party if that political party does not have an organized county executive committee.
    - Prohibits a circuit clerk from accepting easements from non-legislative offices if the circuit clerk does not have the contact information for the secretary of the county executive committee.
  - Requires the written statement of the candidate to include the candidate’s email address if the candidate has one.
  - Requires the county executive committee to offer a hearing to aggrieved persons the committee has determined are not qualified to be a candidate for office.

- Section 23-15-309 is amended as follows:
  - Prohibits a candidate from qualifying with a political party if that political party does not have an organized municipal executive committee.
    - Prohibits a municipal clerk from accepting assessments from non-legislative offices if the municipal clerk does not have the contact information for the secretary of the municipal executive committee.
  - Requires the written statement of the candidate to include the candidate's email if the candidate has one.
  - Requires the municipal executive committee to offer a hearing to aggrieved persons the committee has determined are not qualified to be a candidate for office.
- Section 23-15-333 is amended as follows:
  - Details the order in which titles for various offices shall be listed on the ballot in primary elections.
  - Requires an unopposed candidate's name to be listed on the primary election ballot unless all of the primary races appearing on the ballot are uncontested, in which case the election shall be dispensed with and the appropriate executive committee will declare each candidate as the party nominee.
- Section 23-15-359 is amended as follows:
  - Requires the municipal election commission to offer a hearing to aggrieved persons the commission has determined are not qualified to be a candidate for office.
- Section 23-15-367 is amended as follows:
  - Provides the order for the titles of the various offices.
- Section 23-15-391 is amended as follows:
  - Authorizes the governing authorities of each municipality to use OMR equipment or DRE voting equipment.
  - Deletes the references to voting machines (lever machines) and electronic voting equipment (punch card machines).
  - Restricts the use of paper ballots to special, municipal, and runoff elections.
- Section 23-15-511 is amended as follows:
  - Changes the number of sample ballots required to be provided to each precinct and posted in each polling place on Election Day from two to one.
- Section 23-15-513 is amended as follows:
  - Separates the number of ballots to be printed for primary elections and general elections.
    - For primary elections, as conducted by each respective party executive committee, reduces the number of paper ballots to be printed from seventy-five percent (75%) (x2) of the number of eligible voters to not less than one hundred twenty-five percent (125%) of the highest number of

votes cast in a comparable primary election conducted by the same political party in the preceding 10 years.

- Creates new language pertaining to general elections and reduces the number of paper ballots to be printed from seventy-five percent (75%) to sixty percent (60%) of eligible voters.
- Section 23-15-515 is amended as follows:
  - Provides that the municipal clerk shall be the custodian of the OMR equipment acquired by the municipality and shall be charged with the proper storage, maintenance, and repair of the OMR equipment.
- Section 23-15-517 is amended as follows:
  - Requires the election officials to arrive at the polling place one hour before the polls open instead of 30 minutes before the polls open.
  - Requires the separate bundling of all spoiled ballots and placement of all paper ballots in the sealed ballot box to return to the officials in charge of the election.
- Section 23-15- 519 is amended as follows:
  - Requires a tamper-evident seal to seal all ballot boxes and defines “tamper-evident” as a seal that has been designed in such a way to allow someone to easily detect any tampering.
  - Requires poll managers or officials in charge of the election, depending on who has the election materials, to keep seal logs to document each time a tamper-evident seal on a ballot box is opened or changed.
  - Provides that failure to strictly comply with the provisions regarding the seal log will not result in a presumption of fraud.
- Section 23-15-521 is amended as follows:
  - Includes the language “or their designees” which will allow election commissioners to contract with others to perform the logic and accuracy testing of the voting machines before the ballots are counted.
- Section 23-15-523 is amended as follows:
  - Prohibits the spouse of a candidate from being appointed to the resolution board.
  - Provides the procedures to be followed when preparing a duplicate ballot and deletes the alternative of marking over the voter’s mark with a detectable marking device.
  - Modified the training requirements for the resolution board members from eight hours to two hours not less than five days before the election, at least once during the 12 months immediately preceding the election.
- Section 23-15-531.1 is amended as follows:
  - Authorizes the board of supervisors of each county and the governing authorities of each municipality to purchase or rent DRE units that meet certain requirements and to use such systems in all or part of the precincts within its boundaries.
- Section 23-15-531.4 is amended as follows:

- Provides that the circuit clerk shall be charged with the proper storage, maintenance and repair of its county’s DRE units.
- Provides that the municipal clerk shall be the custodian of the DRE units acquired by the municipality, and shall be charged with proper storage, maintenance and repair of the DRE unit.
- Provides that the custodian shall provide compensation for the safe storage and care of the DRE units and related equipment if the same are stored and secured by a person or entity other than the circuit or municipal clerk.
- Section 23-15-531.5 is amended as follows:
  - Deletes the provision that pertained to separate write-in ballots.
  - Requires the officials in charge of the election to create a database for each DRE unit.
- Section 23-15-531.6 is amended as follows:
  - Provides that, for all elections other than primary and general election, if the officials in charge of the election choose to use DRE units, at least 1/3 of all DRE units available to the county or municipality shall be used in the election.
  - Requires election commissioners or their designees to test each DRE unit and requires public notice prior to the test.
  - Requires election commissioners or their designees to test all memory cards and encoders.
  - Requires only one sample ballot instead of two.
- Section 23-15-541 is amended as follows:
  - Clarifies that polls shall remain open until the last person who is in line at 7 p.m. has voted.
  - Requires poll managers to designate two of their number as receiving and returning manager one hour before the polls open.
  - Clarifies the procedures for poll managers to identify voters, locate their names in the pollbook, and have voters sign the receipt book.
  - Clarifies the procedure for marking a voter as “VOTED” in the pollbook.
  - Revises the language for curbside voting:
    - Provides that when a disabled voter is voting curbside, all able-bodied individuals must exit the car while the individual votes.
    - Provides that all normal voting procedures, such as marking the pollbook, apply when conducting curbside voting for disabled individuals.
  - Clarifies that a minimum of three poll managers must be present inside the precinct at all times voting is conducted. If three cannot be present, then all voting in the precinct shall be stopped until three managers are present.
  - Provides that nothing shall prevent a voter from requesting voter assistance as provided in Section 23-15-549.
- Section 23-15-547 is amended as follows:

- Provides for the capture of electronic signatures instead of signatures in a paper receipt book.
- Requires that a paper copy of the electronic signatures be made and sealed in the ballot box.
- Section 23-15-553 is amended as follows:
  - Provides for the following if any voter spoils a ballot;
    - The word “SPOILED” shall be written across the face of the ballot and each ballot shall be deposited into the sealed ballot box.
    - When the polls have closed, those ballots marked as “SPOILED” shall be bundled together and placed in a separate strong envelope provided for spoiled ballots.
    - The envelope containing all spoiled ballots shall be sealed in the ballot box once the poll managers have completed the closing procedures and returned the materials to the officials in charge of the election.
- Section 23-15-573 is amended as follows:
  - Clarifies the ability to vote by affidavit in the event a voter forgets his or her photo ID.
    - Provides that if an affidavit voter is so voting because he or she forgot ID, then the poll manager shall write “NO ID” across the voter’s name in the pollbook.
    - Provides the ways that an affidavit voter who failed to present ID can have his or her vote counted.
  - Clarifies that a present and previous physical mailing address of the voter and telephone numbers where the voter may be contacted shall be printed on the affidavit ballot envelope.
  - Provides that the officials in charge of the election shall process the affidavit ballots through SEMS.
    - Provides that the officials in charge of the election shall account for all affidavit ballots cast and categorize the affidavit ballots cast by reason and record the total number counted and not counted.
- Section 23-15-575 is amended as follows:
  - Regulates voting in primary election by providing for the following:
    - No person shall vote or attempt to vote in the primary election of one party when he or she has voted on the same date in the primary election of another party.
    - No person shall vote or attempt to vote in the second primary election of one party when he or she has voted in the first primary election of another party.
- Section 23-15-577 is amended as follows:
  - Provides candidates shall have the right to have a credentialed poll watcher at the polling places during the election.

- Defines a credentialed poll watcher as a poll watcher of good conduct and behavior, authorized in writing to act as the representative of a candidate on the ballot or political party that has a candidate on the ballot.
  - Provides that candidates and credentialed poll watchers shall have a suitable position from which they can clearly see and hear the manner in which the election is held.
  - Authorizes candidates and credentialed poll watchers to bring their own pollbooks, either in electronic form or print form, to the polling place during each general and special election.
  - Outlines prohibited activities that would interfere with the election process.
- Section 23-15-597 is amended as follows:
  - Revises the time that an executive committee is required to meet after each primary election “on the first or second day after each primary election” to “no later than one week from the day following each primary election.”
- Section 23-15-601 is amended as follows:
  - Revises the time for the poll managers to deliver a statement of the whole number of votes given for each person and for what office to the election commissioners from the “second day after the election” to “on the night of the election.”
  - Clarifies that county elections resulting in a tie may be determined by the toss of a coin or by a lot fairly and publicly drawn.
- Sections 23-15-605 and 23-15-607 are amended as follows:
  - Provides that, in the case of a tie vote, each candidate shall individually draw one of two sealed containers from an opaque bag.
  - Provides that the containers shall consist of a straw of conspicuous length, and the candidate drawing the container with the longer of the two straws shall be declared the winner.
- Section 23-15-611 is amended as follows:
  - Changes requirement for election commissioners to deliver a certificate of election from within five (5) to within six (6) days.
  - Conforms language to allow a tie to be decided by a toss of a coin or by lot fairly and publicly drawn.
  - Changes requirement for municipal election commissioners to certify election results to the Secretary of State from within five (5) days to within six (6) days.
- Section 23-15-843 is amended as follows:
  - Provides that a special election will not be necessary if a vacancy in the Office of District Attorney occurs in a general election year.
    - Currently, the Governor must call for a special election if a vacancy occurs in the office of the district attorney more than 90 days before the general election.
- Section 23-15-851 is amended as follows:



- Extends the notice required for the election to fill a vacancy in either house of the Legislature from 40 days to 60 days.
  - Extends the qualifying deadline for that election from 30 days to 50 days.
- Provides that a special election will not be necessary if a vacancy occurs in the calendar year of a general election.
- Section 23-15-853 is amended as follows:
  - Revises the date candidates must qualify for office for special elections to fill Congressional vacancies, from not less than 45 days to not less than 50 days before the date of the special election.
- Section 23-115-857 is amended as follows:
  - Revises the date for a municipal special election to fill vacancies that end in no candidate receiving a majority vote from being held two weeks after the first election to three weeks after the first election.
    - If the election ends in a tie, the tie may be broken by a toss of the coin or by lot fairly and publicly drawn.
- Section 23-15-873 is amended as follows:
  - Provides that any violation of this section, which deals with unlawful inducements, shall constitute a violation of Section 97-13-37 and shall be referred to the district attorney for prosecution.
- Section 23-15-875 is amended as follows:
  - Removes language related to the claims against the integrity of a candidate, specifically regarding prohibitions on making such allegations, whether true or untrue, within five days preceding the election.
- Section 23-15-897 is amended as follows:
  - Provides definitions for the terms “campaign materials,” “publish,” and “printed materials” and prohibits a candidate, political committee or other person from publishing, or knowingly cause to be published, any campaign materials unless it contains certain identifying information.
  - Provides that the publication of campaign materials through an electronic platform shall be deemed to comply with the requirements of this section if the home page of the candidate or political committee provides the information required in this section, and each electronic publication provides a link to that home page.
- Section 23-15-911 is amended as follows:
  - Provides methods for serving notice to the opposing candidate if a candidate decides to examine the ballot box and its contents.
  - Notice shall be given by delivering a copy personally to each candidate, or by performing two of the following:
    - By leaving a copy at each candidate’s usual place of residence with a family member, who shall be no less than 16 years of age and who resides in the candidate’s residence;

- By e-mail or other electronic means, with receipt deemed upon transmission; or
    - By mailing a copy of the notice by registered or certified mail that is addressed to each opposing candidate at such candidate’s residence with receipt deemed upon mailing.
  - If the service of notice cannot be made to any opposing candidate, then notice may be posted on the door of each candidate’s usual place of abode. If any candidate’s usual place of residence is a multifamily dwelling, a copy of the notice must be mailed to the candidate by United States first-class mail, postage prepaid, return receipt requested thereon.
  - Proof of service of notice upon any opposing candidate shall be made to the circuit clerk within three days before a full examination of the ballot box may be conducted.
- Section 23-15-994 is amended as follows:
  - Provide that the elections for the Office of Judge of the Court of Appeals shall be as prescribed in Section 9-4-1 et seq.
- Section 23-15-1059 is amended as follows:
  - Requires the Chair or Secretary of the State Executive Committee of a political party to annually update its official registration, including the names of all organizations officially sanctioned by the political party. The filing shall be made to the Secretary of State’s Office.
- Sections 23-15-545 is amended as follows:
  - Clarifies how the poll manager is to mark the pollbook upon the return of a marked paper ballot.
  - Provides that when a DRE unit is used in the polling place, the word “VOTED” shall be marked by at least one poll manger in the pollbook.
- Section 23-15-549 is amended as follows:
  - Provides that voter assistance shall not be given by a candidate whose name is on the ballot, or by a spouse, parent, sibling or child of a candidate whose name is on the ballot, or by a poll watcher who is observing the polling place on Election Day unless the voter is related within the first degree.
- Section 23-15-631 is amended as follows:
  - Provides that a candidate whose name is on the ballot, or the spouse, parent or child of a candidate whose name is on the ballot, shall not be an attesting witness for any absentee ballot upon which the candidate’s name appears unless the absentee voter is related to the candidate with the first degree.
- Sections 23-15-111, 23-15-119, 23-15-127, 23-15-129, 23-15-133, 23-15-137, and 23-15-160, which provide for the preparation, revision and maintenance of registration books and pollbooks, are repealed.
- Section 23-15-167, which provides for the funding to purchase computer hardware or software for the Centralized Statewide Voter System, is repealed.

- Section 23-15-169.6, which created a task force to study voting systems that comply with the Help America Vote Act of 2002 and their suitability for use in elections in Mississippi, is repealed.
- Section 23-15-212, which created a study committee to conduct a study to determine how registrars, election commissioners, executive committee members and poll workers can be better trained in the conduct of elections, is repealed.
- Section 23-15-269, which provides the penalties for an election commissioner, or any other officer or person acting as such, or performing election duty, who willfully refuses or knowingly fails to perform any duty required of him or her by the election laws, is repealed.
- Sections 23-15-393, 23-15-401, 23-15-403, 23-15-405, 23-15-407, 23-15-409, 23-15-411, 23-15-413, 23-15-415, 23-15-417, 23-15-419, 23-15-421, 23-15-423, 23-15-425, 23-15-427, 23-15-429, 23-15-431, 23-15-433, 23-15-435, 23-15-437, 23-15-439, 23-15-441, 23-15-443, 23-15-445, 23-15-447, 23-15-449, and 23-15-451, which provide for the use of voting machines in elections, are repealed.
- Sections 23-15-461, 23-15-465, 23-15-467, 23-15-469, 23-15-471, 23-15-473, 23-15-475, 23-15-477, 23-15-479, 23-15-481, 23-15-483, 23-15-485, and 23-15-501, which provide for the use of electronic voting systems, are repealed.
- Section 23-15-509, which provides when and where OMR equipment may be used, is repealed.
- Section 23-15-531.7, which provides for the demonstration of DRE units, is repealed.
- Section 23-15-531.8, which provides for the storage and security of DRE units, is repealed.
- Section 23-15-531.11, which provides for the coding of challenged ballots on DRE units, is repealed.
- Section 23-15-559, which provides the times for holding primary and general elections for municipalities that operate under a special or private charter, is repealed.
- Section 23-15-841, which provides for the holding of a primary election in special elections for county and county district sets, is repealed.
- Section 23-15-893, which provides the penalty for being intoxicated in or about a polling place during an election, is repealed.
- Section 97-13-18, which prohibits foreign nationals from making contributions or expenditures to or on behalf of political parties or candidates, is repealed.

This act shall take effect and be in force from and after July 1, 2017, except for Sections 3, 9, 13, 14, 15, 18, 19, 21, 24, 31, 70, 108, 115, 116, 117, 118, 119, 184 and 188, which shall take effect and be in force from and after passage. Signed 4/18/17.

[SB 2689: Campaign funds; prohibit personal use of.](#)

This bill creates a new provision of law that prohibits the personal use of campaign contributions by public officeholders and candidates for public office. Contributions in a

candidate's or officeholder's campaign account before January 1, 2018, are exempt from this new provision of law.

Generally, "personal use" is any expenditure unrelated to running for or performing the duties of public office or that would be treated as gross income by federal tax law. Personal use does not include donations to political organizations, political action committees or other candidates.

**Expenditures for the following are specifically prohibited:**

- Mortgage, rent or utilities or residential items for residential property where a homestead exemption is claimed;
- Mortgage, rent or utilities for nonresidential property that exceeds fair market value of the property usage;
- Funeral, cremation or burial expenses;
- Clothing, except for items of de minimis value;
- Automobiles, except for automobile rental or other automobile expenses related to running for or performing the duties of public office;
- Tuition payments, except for payments related to training campaign staff or to the officeholder's duties;
- Salary payments to candidate's family members who do not work for the campaign;
- Non-documented loans;
- Travel expenses that are unrelated to running for public office, performing the duties of public office, attending certain conferences or attending state or national party convention;
- Payment of any fines, fees or penalties.

**Expenditures for the following are permitted:**

- Ordinary and necessary expenses related to running for or performing the duties of public office;
- Office space and equipment;
- Donations to charitable organizations or sponsorships;
- Special-occasion gifts or donations to non-family members;
- Meal and beverage expenses related to running for, performing the duties of, or maintaining a position within a publicly elected body;
- Reasonable rental or accommodation expenses incurred during a legislative session or while the officeholder is required to be at the Capitol or other locations outside his/her county of residence;
- Communication access expenses;
- Membership costs for chambers of commerce and civic organizations;
- Legal fees and costs related to running or performing the duties of public office.

**The new provision of law specifies how a candidate or officeholder must handle unused campaign funds. These funds must be:**

- Maintained in the campaign account;
- Donated to a political organization, political action committee or other candidate;
- Transferred to a new political action committee or ballot question advocate;
- Donated to a tax-exempt charitable organization;
- Donated to the State of Mississippi; or
- Returned to donors.

A violation of the campaign finance law is a misdemeanor punishable by a \$1,000 fine and a state assessment equal to the amount of misappropriated funds. The state assessment will be deposited into the Public Employee's Retirement System.

The Mississippi Ethics Commission is tasked with issuing advisory opinions regarding the requirements in the new provision of law. Officeholders and candidates must submit written requests for advisory opinions. Although the Commission's advisory opinions will be made public, the requesting individual's identity will remain confidential.

Section 23-15-803 is amended to reduce the time within which a political committee must file a statement of organization with the Secretary of State. These statements must be received by the Secretary of State within 48 hours. The Mississippi Ethics Commission is authorized to impose a penalty of up to \$5,000 against political committees that do not comply with this section.

Section 23-15-805 is amended to allow candidates to file campaign finance reports directly with the Secretary of State. A candidate may fax, email, postal mail or hand-deliver the report.

Section 23-15-807 is amended to provide that unopposed candidates are not required to file pre-election reports but must file all other reports. Also, this section now requires that an expenditure to a credit card issuer, financial institution or business allowing payments and money transfers to be made over the Internet must detail the amount of the funds passing to each person, business entity or organization receiving funds from the expenditure.

Sections 23-15-811, 23-15-813, and 23-15-817 are amended to authorize the Mississippi Ethics Commission to take certain action to enforce provisions of the campaign finance laws. Effective 1/1/18. Signed 4/11/17.

## Miscellaneous

[HB 649: Mississippi Data Management Working Group; create.](#)

HB 649 creates the Mississippi Management Working Group and prescribes its responsibility for researching and reporting on issues related to the quality, utility and accessibility of data maintained by all agencies, boards, commissions, departments and

committees of the three branches of state government. Based on its research, the working group shall determine and ascertain the following:

- a) The identity of any and all financial and nonfinancial databases that such entities maintain;
- b) The degree to which those databases are kept current, as well as any standards each entity has developed for ensuring that data is maintained and updated in a timely and accurate manner;
- c) The existence of policies regarding the retention and archiving of past years' database files;
- d) Any standards for uniformity of database architecture;
- e) The transparency and Internet accessibility of such databases that are established for public access and use;
- f) The degree of Internet accessibility and any hindrances to the accessibility of such databases by agencies and committees charged with the responsibility for assessing agency and program effectiveness and efficiency;
- g) The general volume, source and format of unstructured data not currently found in databases;
- h) Any legal requirements under state and federal law that impact access and use of confidential or otherwise legally protected information;
- i) The existence of one or more data dictionaries for any and all databases;
- j) The existence of any audit procedures implemented by such entities to ensure reliability of data;
- k) Issues related to the public ownership of the databases of such entities;
- l) Issues related to security of such databases;
- m) Cost of maintaining databases;
- n) Any other matter that the working group considers merited to study and comment.

The group, which shall serve without compensation, consists of nine members representing the Department of Information Technology Services, Department of Finance and Administration, Joint Legislative Committee on Performance and Evaluation and Expenditure Review (PEER), Legislative Budget Office, State Health Officer, Division of Medicaid, Commissioner of Higher Education, Mississippi Administrative Office of Courts and the Commissioner of Revenue. The report is required to be submitted to respective offices and committees of the Legislature by December 1, 2018, at which time the group will be dissolved on December 2, 2018. Effective 7/1/17. Signed 3/10/17.

[HB 938: Motor vehicles; prohibit state agencies from purchasing one year.](#)

HB 938 provides for certain restrictions on state agencies and employees regarding motor vehicles as follows:



- Provides for a one-year moratorium, from July 1, 2017, through June 20, 2018, on state agencies purchasing, leasing or acquiring any motor vehicle, regardless of the source of funds used.
    - Provides an exemption from the moratorium for vehicles of the Department of Child Protection Services, and for vehicles that are acquired by the use of grant monies for which no state matching funds from the State General Fund are used.
  - Requires state agencies to use a trip optimizer type system developed and administered by the Department of Finance and Administration to compute the optimum method and cost for travel by state officers and employees using a motor vehicle where the travel by state officers will exceed 100 miles per day and the officer or employee is not driving a state-owned or state-leased vehicle that has been dedicated or assigned to the officer or employee.
    - Provides that the maximum authorized amount of travel reimbursement related to motor vehicle usage will be the lowest cost option as determined by the trip optimizer type system.
    - Provides an exemption from the requirement to use the trip optimizer type system by state officials in vehicles driven by the official or in vehicles used for the transport of the official. “State Officials” for the purposes of this exemption is defined as statewide-elected officials and the elected members of the Public Service Commission.
  - Requires state agencies making requests to the Bureau of Fleet Management for authority to purchase, lease or acquire vehicles to submit the lowest cost vehicle possible to carry out its intended use.
    - Provides that the Bureau of Fleet Management will only approve the lowest cost vehicle which, in its estimation, will carry out the intended use.
    - Prohibits agencies from purchasing any vehicle that the Bureau of Fleet Management has disapproved as being a higher cost option.
- Effective 7/1/17. Signed 4/6/17.

[HB 999: Enterprise Security Program; established to provide policies for cybersecurity safety across state government.](#)

HB 999 creates a new code Section 25-53-201 to establish the Enterprise Security Program to provide for the coordinated oversight of the cybersecurity efforts across all state agencies, including cybersecurity systems, services and the development of policies, standards and guidelines. The Mississippi Department of Information Technology Services (MDITS) is required to provide centralized management and coordination of state policies for the security of data and information technology resources to be distributed to each participating agency, in addition to the fulfillment of other responsibilities with regard to administering the provision of the program. Each state agency’s executive director or agency head is responsible for ensuring the protection of agency and employee data and information systems, being solely responsible for the security of all data and IT resources under its purview, implementing policies and standards to ensure that all agency data and IT resources comply with state and federal laws and

regulations, ensuring that internal assessments of the Security program are conducted, and participating in annual information security training. Effective 7/1/17. Signed 3/10/17.

[HB 1106: Public contracts; require purchasing entities to allow contractors to submit bids electronically.](#)

HB 1106 amends Section 31-7-13, as amended by House Bill No. 926, 2017 Regular Session, and House Bill No. 1109, 2017 Regular Session, to require, for purchases over \$50,000, state agencies and local governing authorities to provide a secure electronic interactive systems for the submittal of bids requiring competitive bidding that will be an additional bidding option for those bidders who choose to submit their bids electronically.

- The Department of Finance and Administration shall provide, by regulation, the standards that agencies must follow when receiving electronic bids.
- Agencies and governing authorities shall make the appropriate provisions necessary to accept electronic bids from those bidders who choose to submit their bids electronically for all purchases requiring competitive bidding.
- Any special condition or requirement for the electronic bid submission shall be specified in the advertisement for bids.
- Agencies or governing authorities that are currently without available high-speed Internet access shall be exempt from this requirement until such time that high-speed Internet access becomes available.
- Any county having a population of less than 20,000 shall be exempt from the provisions of this requirement, and any municipality having a population of less than 10,000 shall be exempt from the provision of this requirement.
- No bidder shall be required to submit bids electronically.
- When construction bids are submitted electronically, the requirement for including a certificate of responsibility, or a statement that the bid enclosed does not exceed \$50,000, on the exterior of the bid envelope as indicated in Section 31-3-21(1) and (2) shall be deemed in compliance by including same as an attachment with the electronic bid submittal.

The bill also amends Section 9, House Bill No. 1109, 2017 Regular Session, to remove the \$1,000 fine assessed to those employees who reveal the names of the offerors and the corresponding identifying information before the appropriate time. Effective 1/1/18. Signed 4/6/17.

[HB 1109: Requests for proposals; provide standards for state agencies to follow regarding.](#)

HB 1109 creates standards for procurements by the solicitation of requests for proposals or request for qualifications and provides that the standards shall apply to procurements by state agencies of commodities, supplies, equipment, construction, technology, personal and

professional services, of any type of state agency employee benefits and state agency supplemental insurance and cafeteria plans.

Additionally, the bill provides the factors that must be considered when determining to use a request for proposals or request for qualifications, the content to include in a request for proposals or request for qualifications, the requirements of pre-proposal conferences, the method to properly draft a request for proposals or request for qualifications, the evaluation factors to use when reviewing a request for proposal or request for qualifications, the qualifications of the valuation committee that will evaluate each submitted proposal or qualification, the guidelines for discussions once proposals or qualifications have been submitted and the content to be included in the best and final offer.

In addition, the bill provides for the following:

- Amends Section 25-9-120 to abolish the Personal Service Contract Review Boards and to provide that the powers, duties and all resources of the Personal Service Contract Review Boards shall be transferred to the Public Procurement Review Board.
- Amends Section 27-104-7 to reconstitute the Public Procurement Review Board in order to include the powers and duties of the Personal Service Contract Review Board under the purview of the Public Procurement Review Board.
- Amends Section 31-7-13 to require reverse auctions to be the primary method for receiving bids during the competitive bidding process and to require the Public Procurement Review Board to approve a purchasing entity's decision to use a method other than reverse auction for soliciting bids.
- Amends Section 25-61-9 to require anyone seeking a protective order for certain contract information otherwise required to be public under the Public Records Act to post notice of the petition and the reasons for the protective order on the Mississippi Procurement Portal for a minimum of seven days before filing the petition for the protective order in chancery court.

Effective 1/1/18. Signed 3/29/17.

[HB 1116: Special meetings; require notice of to be posted on public body's website.](#)

HB 1116 amends Section 25-41-13 to revise certain provisions of the Open Meetings Act as follows:

- Requires notice of called special meetings to be posted to a public body's website not less than one hour before the meeting.
- Provides that a copy of the notice shall be transmitted to any citizen and all publications, broadcasts and digital media not less than one hour before the meeting if those media outlets have requested in writing to receive the notice.
- Provides that any public body may purge any list of publications, broadcasts, or digital media that have requested to receive the notice once every 24 months, and that after the

purge, any publication, broadcast, or digital media may resubmit in writing its interest to receive the notices.

- States that nothing shall add additional notice requirements for meetings of public bodies held in cases of emergencies that result from serious damage to public property or roads or bridges, or in cases of emergencies that result from epidemic conditions or weather conditions.
- Provides that these new notice requirements shall not apply to any municipality with a population as determined by the latest federal decennial census of less than 25,000 inhabitants or any county with a population as determined by the latest federal decennial census of less than 50,000 inhabitants.

Effective 7/1/17. Signed 3/22/17.

[HB 1119: Open Meetings Act; revise portion that deals with teleconference and video meetings.](#)

HB 1119 amends Section 25-41-5 to revise the manner in which teleconference and video meetings are required to be held under the Open Meetings Act as follows:

- Revises the language that required participation to be available to the general public at one or more public locations specified in the public meeting notice to require that if a teleconference or video meeting is held, the equipment must be placed at the location where the public body normally meets or at a public location specified in the notice.
- Requires that the equipment allow the members of the public body and members of the public who attend the meetings to hear the deliberation of the public body.
- Deletes language that provides the establishment of a quorum by a municipal public body with members of the public body who are on active duty.
- Deletes the five-day notice requirement for meetings that are conducted by teleconference or video means.
- Revises the way that votes are taken during a teleconference or video meeting to require that they are taken in a manner that is clearly audible or visible to all members of the public body and to members of the public present at the public location.
- Deletes language that specifically authorizes a public body to meet by teleconference or video means as often as needed if an emergency exists and the public body is unable to meet in regular session.

Effective 7/1/17. Signed 3/10/17.

[HB 1301: Retirement; make technical revisions to PERS, SLRP and Hwy Patrol and exempt executive director from salary cap.](#)

This bill makes several technical amendments to the Public Employee's Retirement System (PERS), the Highway Safety Patrol Retirement Systems (HSPRS) and the Supplemental Legislative Retirement Plan (SLRP) as follows:

- Simplifies the language regarding the purchase of certain service credit in PERS and HSPRS by removing language that specifies the increments in which the payment for that credit must be made.
- Clarifies to whom the actuarial equivalent of any remaining payments under Option 4B of PERS and HSPRS will be paid in the event of the death of the retired member and the last designated beneficiary.
- If the beneficiary dies before the selected time period is up, any remaining benefits would revert to the account of the member/retiree and be paid to his or her successors, not to the estate of the beneficiary.
- Provides that if a person who has received a refund from PERS or SLRP re-enters state service on or after July 1, 2017, and repays all or part of the amount previously received as a refund, the amounts that are repaid and the creditable service related thereto will not be used in any benefit calculation until the member has remained a contributor to the system for eight years after the member's re-entry into state service.
- From and after July 1, 2018 exempts the Executive Director of PERS and the Chief Investment Officer of PERS from the Governor's salary cap, which prohibits any public officer, public employee, or executive head of any state agency in the executive branch of government from being paid a salary or compensation greater than one hundred fifty percent (150%) of the statutory salary for the Governor.  
Effective 7/1/17. Signed 3/13/17.

[HB 1330: Boards and commissions; abolish certain that have become inactive.](#)

This bill abolishes certain boards and commissions that have become inactive, as follows:

- Amends Section 51-1-3, as amended by Senate Bill No. 2572, 2017 Regular Session, to abolish the Advisory Council to the Department of Economic and Community Development.
- Amends Sections 41-30-, 45-23-9, 7-7-2, 49-31-17, 11-27-81, and 61-1-115 to conform to the amendments that repealed certain inactive boards and commissions in Senate Bill No. 2572, 2017 Regular Session.
- Repeals Sections 41-95-1 and 41-95-3, which create the Mississippi Health Policy Act of 1994.
- Repeals Section 49-31-43, which prescribes the duties for the Task Force on Recycling.
- Repeals Section 61-4-1 through 61-4-5 and Sections 61-4-9 through 61-4-13, which create the Mississippi Wayport Authority.
- Repeals Section 27-31-43, which exempts from ad valorem taxation all real and personal property belonging to the United States that constitutes a part of the project or a facility related to the project in the Mississippi Wayport Authority.  
Effective 7/1/17. Signed 4/5/17.

[SB 2275: Annual reports of state agencies; require to be published on the Transparency Mississippi website.](#)

SB 2275 creates a new code section 27-104-167 to require the Department of Finance and Administration to publish on its searchable website the annual report required by Section 27-101-1 to be prepared by each agency, board, commission, department and institution. All such agencies, boards, commissions and institutions shall fully cooperate with the Department of Finance and Administration in providing the information necessary to comply with the requirements of this section. Effective upon passage. Signed 3/20/17.

[SB 2354: Public Purchasing Law; define certain terms as used in.](#)

SB 2354 amends Section 31-7-1 to define certain terms as used in the Public Purchasing Law which were inadvertently deleted from the code during the 2016 Regular Session. Effective upon passage. Signed 3/20/17.

[SB 2572: Inactive state boards, commissions and councils; abolish.](#)

This bill abolishes certain inactive boards, commissions, councils, committees, authorities, task forces and panels:

- The Task Force to Study Voting Systems that Comply with the Help American Vote Act of 2002;
- The Institute For Technology Development Oversight Committee;
- The Advisory Committee on Alcohol Abuse and Alcoholism of Advisory Council on Comprehensive Health Planning of the Office of the Governor;
- The Mississippi Health Finance Authority;
- The Healthcare Coordinating Council;
- The Technical Advisory Committee on Boiler and Pressure Vessel Safety;
- The Advisory Council to the Department of Economic Development;
- The Food Technology Advisory Board;
- The Mississippi Wayport Authority and a Mississippi Wayport Authority Advisory Council;
- The Council of State Agencies on Agriculture;
- The Agricultural Marketing Advisory Task Force.

The bill also repeals obsolete provisions of law relating to Un-American activities investigations of the 1950s-1960s. It repeals sections:

- Authorizing an investigation of Un-American activities in the state;
- Empowering the Secretary of State to investigate subversive groups
- Empowering the Secretary of State to require a list of officers and members of subversive groups;



- Providing a criminal penalty for failure to comply, direct district attorneys to enforce this law and direct the Attorney General to seek an injunction to dissolve such subversive groups.

Effective 7/1/17. Signed 4/5/17.