



DELBERT HOSEMANN
Secretary of State

2015 Election Code Update Study Group Minutes

June 4, 2015

The first meeting of the Election Code Update Study Group was called to order on Thursday, June 4, 2015, at 11:05 a.m. at the Secretary of State's Office, 125 S. Congress Street, Jackson, Mississippi. A list of attendees is included as Exhibit A.

Welcome and Introduction

Delbert Hosemann, Secretary of State, welcomed everyone to the meeting, and announced the Office's intention to review and update the Mississippi Election Code. Secretary Hosemann then introduced the first speaker, Kim Turner, Assistant Secretary of State, Elections Division, and Preston Goff, Assistant Secretary of State, Policy and Research Division.

Articles Overview

Draft Changes to Election Code Articles 1 and 3

Ms. Turner introduced Hawley Robertson, Senior Attorney, Elections Division, and Amanda Frusha, Director of Elections Compliance.

Technical Changes. Ms. Turner began with Article 1, Section 23-15-3, which defines the "ballot box." She suggested moving the statute to another section and proposed a definition for "ballot box." Ms. Turner then discussed Section 23-15-5, which established the "Elections Support Fund" with the annual reporting fees from foreign limited liability companies. The money is divided between the counties for technical election needs, based upon population, and the Secretary of State for the Statewide Elections Management System ("SEMS"). The limitation upon the use of those funds by the State was expanded to include the acquisition, upgrade, and maintenance other elections-related technologies.

The Code does not fully reflect the implementation and use of SEMS. Ms. Turner recommended deleting references to paper registration books and the manual generation of poll books, which are now maintained and generated through SEMS.

Section 23-15-19, dealing with persons convicted of voter fraud or "disenfranchising crimes," was clarified to show such information is imported on a quarterly basis into SEMS and

readily available to election officials for purposes of voter roll maintenance. Section 23-15-37, concerning a standard to keep paper registration books open, was struck. The penalty under Section 23-15-117 for false entry and unauthorized erasure or alteration was clarified to include unauthorized changes in SEMS. Section 23-15-119 concerning new registration books or poll books was deleted in its entirety. The reference to the manual addition of the names of those voters who registered within thirty (30) days of an election in poll books, in Section 23-15-125, was revised to reflect the immediate entry of applicants for voter registration in SEMS. Section 23-15-127, pertaining to the preparation, use, and revision of primary election poll books was repealed. Section 23-15-133 was deleted because Mississippi no longer has sub-precincts. Ms. Turner explained the poll book contains a ballot style number specific to each voter which enables the poll workers to ensure each voter is provided the correct ballot style.

Section 23-15-137, providing for contracts between municipalities and county election commissioners for poll book maintenance, was repealed. Ms. Turner explained county election commissioners have the statutory duty to maintain the countywide voter roll. Section 23-15-151 no longer requires the circuit clerk, or registrar, to manually keep and compare a list of persons convicted of voter fraud and other disenfranchising crimes since this list is imported and readily available to through SEMS.

Voter Registration Deadline Extension. Section 23-15-13 currently requires a voter to update his registration with a change of residency, within the same municipality or county, thirty (30) days prior to the date of an election. A voter's failure to update his registration results in the casting of an affidavit ballot. This statute contemplates the manual creation of poll books from paper registration books. With SEMS poll books are no longer manually created from paper registration books. A voter could change his residence address within the municipality and county until the date the poll books for an election are printed from SEMS.

Section 23-15-37(2) currently mandates registrars to keep their offices open on the Saturday immediately preceding the thirtieth (30th) day before the date of an election, including holidays. The proposed revision does not require the registrars to keep their offices open if such date falls on a legal holiday, but the registrar shall accept registration applications through the following business day.

Section 23-15-39(5) was changed to require the county registrar to mail voter registration cards to the mailing address provided on the voter registration applications, as opposed to immediately providing a card to applicants over the counter. Section 23-15-39(9), as revised, requires any individual implementing new lines resulting from redistricting to first complete an annual training seminar sponsored by the Secretary of State and receive certification.

Pursuant to Section 23-15-47, the county registrar must contact an applicant who submits a mail-in registration application and verify the applicant's information. By virtue of technology, all registration applicants are either verified by Mississippi driver's license number through the Mississippi Department of Public Safety ("DPS") or by social security number through the American Association of Motor Vehicle Administrators. With these tools available to the registrar, the revised statute deletes the personal contact requirement. Within five (5) days

of receipt of the mail in application, the county registrar shall be required to complete action on the application.

Section 23-15-153 obligates county election commissioners to conduct voter roll maintenance by removing the names of ineligible voters, i.e., those voters who have died, moved, requested to be removed from the voter roll, been convicted of a disenfranchising crime, or been adjudicated as *non-compos mentis*. Though required to maintain the voter roll, few election commissioners have access to SEMS. To perform their statutory duties, county election commissioners must be granted access to SEMS. A slight change to 23-15-161 requires county registrars to provide county election commissioners access to SEMS.

Under Section 23-15-153(7), municipalities do not have full access to SEMS. Municipalities may request “read-only” access to SEMS, which enables those municipalities to print their own poll books. The statute is unclear as to whether a municipality shall be provided read-only access or if the registrar may deny access. The study group determined municipalities should be given “read-only” access if it is requested.

Subarticles G and H memorialize Mississippi’s compliance with the Help America Vote Act (HAVA) including its implementation of a centralized statewide voter roll, i.e., SEMS. Though unnecessary, these subarticles were retained as a record of Mississippi’s actions taken in compliance with HAVA.

Online Voter Registration. A 2014 Election Administration study group recommended the Legislature adopt online voter registration in Mississippi. Mississippi is already a partial online voter registration state. Currently, when an individual applies for a driver’s license or photo identification card from DPS, he or she may also register to vote. The applicant’s registration information, including a signature capture, is electronically transmitted from DPS to the registrar in the county of the applicant’s residence. Online applicants must be qualified electors and their registration information must match that contained in the DPS database. The applicant’s registration information, including a signature capture, is electronically transmitted to the applicant’s county registrar, who would complete action on the application in accordance with existing Mississippi law.

Ms. Turner ended her presentation at 12:15 p.m. and the study group broke for lunch.

Draft Changes to Election Code Articles 5 and 7

The meeting resumed at 12:34 p.m. Secretary Hosemann introduced Ms. Robertson to review Articles 5 and 7.

Times of Primary and General Elections. Ms. Robertson began with Section 23-15-171 and recommended time changes for municipal primary elections. Namely, the revision requires municipal primary elections be held on the first Tuesday in April preceding the general election. Ms. Robertson also explained the language defining a runoff is different throughout the Code. The study group chose standard language for runoffs to be used throughout the Code.

Election Officials. In Section 23-15-211 Ms. Robertson clarified the statute concerning the State Board of Election Commissioners to include an outline of duties and a requirement the board draft administrative rules.

The law was also revised to clarify the training requirements of both election commissioners and party executive committees. Currently, both county commissioners and party executive committees are required to attend certification training conducted by the Secretary of State's Office. The Office proposed implementing a skills assessment for these elections officials to be certified to conduct an election.

Changes were also proposed to online poll manager training. The statutes will provide a twenty-five dollar (\$25) incentive for poll workers to complete the training and be certified. Under the revised statute, at least one (1) poll worker would need to be certified in each precinct.

Ms. Robertson also proposed the following statutory changes:

Section 23-15-213 is amended, following the Election Commissioner's Association of Mississippi's 2015 legislative proposal, providing staggered terms of office. Staggering office terms would guarantee one experienced commissioner is serving at every election. Party affiliation would be removed from the election commissioner ballot, and county election commissioner resignation requirements, when running for another office, are clarified in Section 23-15-217.

Section 23-15-223, the State Board of Election Commissioners will appoint the circuit clerk as the registrar; unless the board makes a finding such appointment would be improper.

Section 23-15-239, concerning poll managers training, is clarified to require training in the year in which the county conducts elections. The training must be performed by an election official or other individual certified by the Secretary of State's Office and trained in current election laws.

Section 23-15-241 clarifies the duties of the election bailiff to keep the polling place open and clear. The statute defines those individuals who may be present, including elections officials, voters, and credentialed poll watchers. Section 23-15-251 is also revised to specify the times in which the poll manager is to arrive at the polling place and return election materials.

Section 23-15-235 allows for the appointment and pay of additional poll managers based on precinct size. The group discussed reducing the number of additional poll managers allowed under the statute.

County Executive Committees. Ms. Robertson explained, under Sections 23-15-263 and 265, party executive committees are responsible for conducting primary elections and may enter into contracts with the county to conduct their primary elections. In counties with no committees or with members not properly trained by the election cutoff date, the Code should provide a fail-safe provision to ensure properly run primary elections. The Election Code already requires the parties' state executive committees to establish "integrity-assurance committees"

which conduct primary elections in the case where the county executive committee is not trained or failed to contract with the election commissioners or circuit clerk.

In concluding, Ms. Robertson explained other Article VII proposals, including a standardized oath for poll managers. Another revised statute would give the Secretary of State administrative rule-making authority to adopt additional ballot accounting forms and polling place signs. Ms. Robertson also suggested increasing fines for violation of laws by election officials above the current \$25 penalty under Section 23-15-269.

Municipal Elections. Ms. Robertson remarked the Secretary of State's Office intends to draft a separate article for municipal elections. Secretary Hosemann stated revising municipal elections will be a "monumental change." Secretary Hosemann noted county election commissioners may lack the time to run municipal elections, but the benefits from such a change could result in cost savings and more experienced officials conducting the election. He remarked the statute could address elections differently based upon city population. Secretary Hosemann asked study group members to consider those changes for subsequent meetings.

Ms. Robertson closed the meeting asking all study group members to contact the Secretary of State's Office with any questions or additional input. Secretary Hosemann thanked all study participants for their attendance and comments and reminded the group the next meeting will be held on Thursday, July 16 at 11 a.m., at the Secretary of State's Office.

The meeting was adjourned at 1:40 p.m.

Exhibit A

**Minutes of the Election Code Update Study Group,
Meeting #1**

June 4, 2015

Members in Attendance

1. Sen. David Blount
2. Rep. Bill Denny
3. Rep. Toby Barker
4. Sam Begley
5. Trudy Berger
6. Patricia Burchell
7. Rickey Cole
8. Mandy Davis
9. Mark Garriga
10. Steve Gray
11. Michael Guest
12. Reggie Hanberry
13. Terre Harris
14. Martin Hegwood
15. Michael Jinks
16. Malcolm Jones
17. Van Lowry
18. Gayle Parker
19. Reese Partridge
20. James Reed
21. Calvin Reed
22. Spencer Ritchie
23. Hubby Saunders
24. Drew Snyder
25. Lee Westbrook
26. Marty Wiseman

Secretary of State's Staff

1. Delbert Hosemann
2. Doug Davis
3. Nathan Upchurch
4. Pamela Weaver
5. Justin Fitch
6. Kim Turner
7. Hawley Robertson
8. Amanda Frusha
9. Preston Goff
10. Leann Thompson
11. Curtis Anders
12. Matt Walton
13. Garrett Wilkerson

Members in Attendance by Telephone

1. Kristie Metcalfe
2. Kristi Moore
3. Haley Salazar