

By: Representative Denny

To: Apportionment and
Elections

HOUSE BILL NO. 1276

1 AN ACT TO CLARIFY THE MANNER IN WHICH THE NAMES OF VOTERS ARE
2 REMOVED FROM THE REGISTRATION BOOKS AND POLLBOOKS; TO PROVIDE THAT
3 INFORMATION RECEIVED BY AN ELECTION COMMISSION FROM ANOTHER
4 JURISDICTION INDICATING THAT A VOTER IN THE ELECTION COMMISSION'S
5 COUNTY HAS REGISTERED TO VOTE IN ANOTHER JURISDICTION SHALL BE
6 CONSIDERED A REQUEST TO REMOVE THE VOTER'S NAME FROM THE
7 REGISTRATION BOOKS AND POLLBOOKS OF THE ELECTION COMMISSION'S
8 COUNTY AND THE ELECTION COMMISSION SHALL REMOVE SUCH VOTER'S NAME
9 FROM THE REGISTRATION BOOKS AND POLLBOOKS; TO REQUIRE THE
10 SECRETARY OF STATE TO PRESCRIBE CERTAIN REGISTRATION BOOK AND
11 POLLBOOK MAINTENANCE FORMS TO BE USED BY ELECTION COMMISSIONS; TO
12 REQUIRE ELECTION COMMISSIONS TO CONDUCT AN ONGOING GENERAL
13 REGISTRATION BOOK AND POLLBOOK MAINTENANCE PROGRAM TO PROTECT THE
14 INTEGRITY OF THE ELECTORAL PROCESS BY ENSURING THE MAINTENANCE OF
15 ACCURATE AND CURRENT VOTER REGISTRATION RECORDS; TO AMEND SECTION
16 23-15-11 AND 23-15-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
17 TO BE ELIGIBLE TO VOTE A PERSON DOES NOT HAVE TO BE A RESIDENT FOR
18 30 DAYS IN THE SUPERVISOR'S DISTRICT IN WHICH HE OFFERS TO VOTE
19 AND TO AUTHORIZE A VOTER'S REGISTRATION TO BE TRANSFERRED AT ANY
20 TIME UP TO 30 DAYS BEFORE THE ELECTION IF HE MOVES TO ANOTHER WARD
21 OR VOTING PRECINCT WITHIN THE SAME MUNICIPALITY OR COUNTY; TO
22 AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT
23 THE REMOVAL OF NAMES FROM THE REGISTRATION BOOKS AND POLLBOOKS
24 BASED ON A CHANGE IN THE RESIDENCE OF THE VOTER MUST BE DONE IN
25 ACCORDANCE WITH THE PROVISIONS OF THIS ACT; TO REQUIRE THE
26 COMMISSIONERS OF ELECTION IN EACH COUNTY TO MEET AT LEAST ONCE A
27 MONTH FOR THE PURPOSE OF REVISING THE REGISTRATION BOOKS AND
28 POLLBOOKS; TO CHANGE THE BASIS UPON WHICH COMMISSIONERS OF
29 ELECTION ARE COMPENSATED FROM THE NUMBER OF REGISTERED VOTERS IN A
30 COUNTY TO THE NUMBER OF RESIDENTS IN A COUNTY; TO REVISE THE
31 NUMBER OF DAYS THAT COMMISSIONERS OF ELECTION ARE COMPENSATED AND
32 AUTHORIZE THE TOTAL NUMBER OF DAYS FOR WHICH THEY ARE COMPENSATED
33 TO BE UTILIZED FOR REVISION OF THE REGISTRATION BOOKS AND
34 POLLBOOKS AND FOR CONDUCTING ELECTIONS; TO AUTHORIZE THE
35 COMMISSIONERS OF ELECTION TO RECEIVE A PER DIEM FOR A CERTAIN
36 AMOUNT OF TIME SPENT CONDUCTING RUNOFF ELECTIONS; TO AMEND SECTION
37 23-15-139, MISSISSIPPI CODE OF 1972, TO REQUIRE THE SECRETARY OF
38 STATE TO UTILIZE THE STATEWIDE VOTER REGISTRATION RECORD TO
39 IDENTIFY THE NAMES OF VOTERS WHO HAVE BEEN CONVICTED OF
40 DISENFRANCHISING CRIMES AND TO REQUIRE ALL STATE AGENCIES AND
41 POLITICAL SUBDIVISIONS OF THE STATE TO PROVIDE THE SECRETARY OF
42 STATE SUCH INFORMATION AS HE CONSIDERS NECESSARY TO PERFORM HIS
43 DUTIES IN REGARD TO THE STATEWIDE VOTER REGISTRATION RECORD; TO
44 PROVIDE THAT THE NAMES OF ALL VOTERS WHOSE REGISTRATION HAS BEEN
45 CANCELLED AS A RESULT OF THE ELECTOR NOT VOTING FOR FOUR
46 SUCCESSIVE YEARS SHALL BE RETURNED TO THE REGISTRATION BOOKS AND
47 POLLBOOKS AND SHALL BE TREATED IN THE SAME MANNER AS ELECTORS WHO
48 HAVE CHANGED THEIR PLACE OF RESIDENCE; TO REPEAL SECTION
49 23-15-159, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT THE NAMES
50 OF PERSONS WHO HAVE NOT VOTED IN AT LEAST ONE ELECTION IN THE LAST

51 FOUR SUCCESSIVE YEARS BE ERASED FROM THE REGISTRATION BOOKS AND
52 POLLBOOKS; AND FOR RELATED PURPOSES.

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

54 SECTION 1. (1) Each county registrar shall ensure that any
55 qualified applicant for voter registration is registered to vote.

56 Once a voter is registered, the name of that voter shall not be
57 removed from the registration books and pollbooks except:

58 (a) At the written request of the voter or a family
59 member of the voter;

60 (b) At the written request of the person who is
61 currently residing at the voter's listed address;

62 (c) By reason of the voter's conviction of a
63 disenfranchising crime;

64 (d) By reason of adjudication of the voter as mentally
65 incapacitated with respect to voting;

66 (e) By death of the voter; or

67 (f) By reason of a change of residence pursuant to a
68 registration book and pollbook maintenance program or other
69 registration book and pollbook maintenance activity conducted
70 pursuant to law.

71 (2) Information received by an election commission from an
72 election official in another jurisdiction indicating that a voter
73 in the election commission's county has registered to vote in
74 another jurisdiction shall be considered as a written request from
75 the voter to have the voter's name removed from the registration
76 books and pollbooks of the election commission's county and the
77 county election commission shall remove the name of the voter from
78 the registration books and pollbooks.

79 SECTION 2. The Secretary of State shall prescribe certain
80 registration book and pollbook maintenance forms to be used by the
81 election commission, which shall include:

82 (a) An address confirmation which shall be a
83 nonforwardable mailing that shall contain the voter's name and

84 address of legal residence as shown on the voter registration
85 record and shall contain a request that the election commission be
86 informed if either the name or the address of legal residence of
87 the voter is incorrect.

88 (b) An address confirmation final notice, which shall
89 be sent by forwardable mail and shall contain a postage prepaid,
90 preaddressed return form and shall contain language which states
91 the equivalent of the following:

92 (i) If the voter has not changed his or her
93 address of legal residence or has changed his other address of
94 legal residence but resides within the same county, or has changed
95 his or her legal name, the voter should return the return form
96 within thirty (30) days after the date of the notice.

97 (ii) If the return form is not returned and the
98 voter does not vote or does not appear to vote by the second
99 federal general election thereafter, the voter's name will be
100 removed from the voter registration books.

101 (iii) If the voter has changed his or her address
102 of legal residence to a location outside of the county the voter
103 should return the form, which will serve as a request to be
104 removed from the registration books, and the voter will be
105 provided with information on how to register in the new
106 jurisdiction in order to be eligible to vote.

107 (iv) That if the card is not returned, the voter
108 may be required to vote by affidavit ballot in any subsequent
109 election up to and including the second federal general election
110 after the confirmation mailing is sent.

111 SECTION 3. (1) County election commissions shall conduct an
112 ongoing general registration book and pollbook maintenance program
113 to protect the integrity of the electoral process by ensuring the
114 maintenance of accurate and current voter registration records.
115 The program shall be uniform, nondiscriminatory and in compliance
116 with the Voting Rights Act of 1965.

117 (2) County election commissions shall incorporate one or
118 both of the following procedures in their registration list
119 maintenance program:

120 (a) A procedure by which change-of-address information
121 supplied by the United States Postal Service through its licensees
122 is used to identify registered voters whose addresses might have
123 changed; or

124 (b) A procedure by which change-of-address information
125 is identified from returned nonforwardable,
126 return-if-undeliverable mail sent to all registered voters in the
127 county.

128 (3) A registration book and pollbook maintenance program
129 shall be conducted by each election commission at least once each
130 month. A voter's name may not be removed from the registration
131 books or pollbooks later than ninety (90) days before the date of
132 a federal election; however, nothing in this section shall
133 prohibit the removal of the name of a voter from the voter
134 registration books and pollbooks at any time and without prior
135 notification upon the written request of the voter, by reason of
136 conviction of the voter of a disenfranchising crime, by reason of
137 adjudication of the voter as mentally incapacitated with respect
138 to voting or by reason of the death of the voter.

139 (4) (a) If the county election commission receives
140 change-of-address information from one of the procedures
141 authorized in subsection (2) of this section, from jury notices
142 returned to the courts, or on the basis of any other factual
143 determination by the county election commission that indicates the
144 voter has moved from one location to another within the
145 registrar's county, the election commission shall change the
146 registration records to show the new address and shall send the
147 voter a notice of the change by forwardable mail on which the
148 registrant may verify or correct the address information.

149 (b) If the county election commission receives

150 change-of-address information from one of the procedures
151 authorized in subsection (2) of this section or from jury notices
152 returned to the courts or on the basis of any other factual
153 determination by the county election commission that indicates the
154 voter has moved outside the registrar's county or receives
155 change-of-address information that contains no forwarding address,
156 the county election commission shall send an address confirmation
157 final notice to the last known address of the voter and designate
158 the voter as inactive but maintain the voter's name on the
159 registration books and pollbooks. The registrar shall redesignate
160 the voter as active if, within the next two (2) federal general
161 elections after the address confirmation final notice is sent, the
162 voter:

163 (i) Returns the postage prepaid, preaddressed
164 return form and indicates that his or her residence is in the
165 registrar's county;

166 (ii) Votes by affidavit ballot in the registrar's
167 county as authorized by subsection (5) of this section at an
168 election that is conducted in the registrar's county; or

169 (iii) Changes his or her voter registration to
170 another location in the registrar's county.

171 (c) If the voter is not redesignated as active within
172 the time period running through the day after the second of the
173 next two (2) federal elections after the address confirmation
174 final notice is sent, the county election commission shall remove
175 the voter from the registration books and pollbooks.

176 (5) A voter who has been designated as inactive may vote at
177 the precinct in which he or she resides by affidavit ballot at any
178 election that occurs within the next two (2) federal general
179 elections after the address confirmation final notice is sent, and
180 may change his or her name or address of legal residence at the
181 polls by completing the affidavit ballot.

182 (6) Voters designated as inactive shall not be used to

183 calculate the number of signatures needed on any petition.

184 SECTION 4. Section 23-15-11, Mississippi Code of 1972, is
185 amended as follows:

186 23-15-11. Every inhabitant of this state, except idiots and
187 insane persons, who is a citizen of the United States of America,
188 eighteen (18) years old and upwards, who has resided in this state
189 for thirty (30) days and for thirty (30) days in the county in
190 which he offers to vote, and for thirty (30) days * * * in the
191 incorporated city or town in which he offers to vote, and who
192 shall have been duly registered as an elector * * *, and who has
193 never been convicted of any crime listed in Section 241,
194 Mississippi Constitution of 1890, shall be a qualified elector in
195 and for the county, municipality and voting precinct of his
196 residence, and shall be entitled to vote at any election. Any
197 person who will be eighteen (18) years of age or older on or
198 before the date of the general election and who is duly registered
199 to vote not less than thirty (30) days prior to the primary
200 election associated with such general election, may vote in such
201 primary election even though such person has not reached his or
202 her eighteenth birthday at the time such person offers to vote at
203 such primary election. No others than those above included shall
204 be entitled, or shall be allowed, to vote at any election.

205 SECTION 5. Section 23-15-13, Mississippi Code of 1972, is
206 amended as follows:

207 23-15-13. An elector who moves from one ward or voting
208 precinct to another ward within the same municipality or voting
209 precinct within the same county shall not be disqualified to vote,
210 but he or she shall be entitled to have his or her registration
211 transferred to his or her new ward or voting precinct upon making
212 written request therefor at any time up to thirty (30) days prior
213 to the election at which he or she offers to vote, and if the
214 removal occurs within thirty (30) days of such election he or she
215 shall be entitled to vote in his or her new ward or voting

216 precinct by affidavit ballot as provided in Section 23-15-573.

217 SECTION 6. Section 23-15-139, Mississippi Code of 1972, is
218 amended as follows:

219 23-15-139. (1) From and after July 1, 1998, the Office of
220 the Secretary of State shall maintain a statewide voter
221 registration record listing all qualified electors in the State of
222 Mississippi. The statewide voter registration record shall be
223 compiled by the Secretary of State from the records of voter
224 registration submitted by each county registrar of this state and
225 shall consist of a copy of the computer record maintained by each
226 registrar pursuant to Section 23-15-114. Voters registered under
227 the National Voter Registration Act shall be included in such
228 list.

229 (2) The Secretary of State shall utilize the statewide voter
230 registration record for the purpose of identifying voters who may
231 have moved from or within a county to another jurisdiction,
232 identifying the names of voters who may be deceased, identifying
233 the names of voters who may be registered in more than one (1)
234 county, identifying voters who may have registered more than once
235 in the same county and identifying the names of voters who have
236 been convicted of disenfranchising crimes. Any such information
237 secured by the Secretary of State in accordance with this act
238 indicating the possible need for revising a county's voter
239 registration records shall be forwarded to the county and
240 municipal election commissions and the county and municipal
241 registrars on a periodic basis, upon receipt of which the
242 appropriate election commission shall revise the voter
243 registration records, in accordance with applicable state and
244 federal law.

245 (3) All state agencies and political subdivisions of the
246 state shall provide the Secretary of State with such information
247 as he considers necessary to carry out his duties under this
248 section.

249 SECTION 7. Section 23-15-153, Mississippi Code of 1972, is
250 amended as follows:

251 23-15-153. (1) At the following times the commissioners of
252 election shall meet at the office of the registrar and carefully
253 revise the registration books and the pollbooks of the several
254 voting precincts, and shall erase from those books the names of
255 all persons erroneously on the books, or who have died, removed or
256 become disqualified as electors from any cause or who verbally
257 request their names to be erased or a voter's name shall be erased
258 if a commissioner has personal knowledge of a reason that would
259 allow a voter's name to be erased; and shall register the names of
260 all persons who have duly applied to be registered and have been
261 illegally denied registration:

262 (a) On the Tuesday after the second Monday in January
263 1987 and every following year;

264 (b) On the first Tuesday in the month immediately
265 preceding the first primary election for congressmen in the years
266 when congressmen are elected;

267 (c) On the first Monday in the month immediately
268 preceding the first primary election for state, state district,
269 legislative, county and county district offices in the years in
270 which those offices are elected; and

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

274 In addition, the commissioners of election shall meet at
275 least once a month in the office of the registrar to perform the
276 duties required under this subsection with regard to the revision
277 of the registration books and pollbooks.

278 Except for the names of those persons who are duly qualified
279 to vote in the election, no name shall be permitted to remain on
280 the registration and pollbook; however, a name shall not be erased
281 from the registration books or pollbooks based on a change in the

282 residence of an elector except in accordance with procedures
283 provided for in Section 3 of House Bill No. _____, 1999 Regular
284 Session. Except as otherwise provided by Section 23-15-573, no
285 person shall vote at any election whose name is not on the
286 pollbook.

287 (2) Except as provided in subsection (3) of this section,
288 and subject to the following annual limitations, the commissioners
289 of election shall be entitled to receive a per diem in the amount
290 of Seventy Dollars (\$70.00), to be paid from the county general
291 fund, for every day or period of no less than five (5) hours
292 accumulated over two (2) or more days actually employed in the
293 performance of their duties in the conduct of an election or
294 actually employed in the performance of their duties for the
295 necessary time spent in the revision of the registration books and
296 pollbooks as required in subsection (1) of this section:

297 (a) In counties having less than fifteen thousand
298 (15,000) residents according to the latest federal decennial
299 census, not more than fifty (50) days per year;

300 (b) In counties having fifteen thousand (15,000)
301 residents according to the latest federal decennial census but
302 less than thirty thousand (30,000) residents according to the
303 latest federal decennial census, not more than seventy-five (75)
304 days per year;

305 (c) In counties having thirty thousand (30,000)
306 residents according to the latest federal decennial census but
307 less than seventy thousand (70,000) residents according to the
308 latest federal decennial census, not more than one hundred (100)
309 days per year;

310 (d) In counties having seventy thousand (70,000)
311 residents according to the latest federal decennial census but
312 less than ninety thousand (90,000) residents according to the
313 latest federal decennial census, not more than one hundred
314 twenty-five (125) days per year;

315 (e) In counties having ninety thousand (90,000)
316 residents according to the latest federal decennial census but
317 less than one hundred seventy thousand (170,000) residents
318 according to the latest federal decennial census, not more than
319 one hundred fifty (150) days per year;

320 (f) In counties having one hundred seventy thousand
321 (170,000) residents according to the latest federal decennial
322 census but less than two hundred thousand (200,000) residents
323 according to the latest federal decennial census, not more than
324 one hundred seventy-five (175) days per year;

325 (g) In counties having two hundred thousand (200,000)
326 residents according to the latest federal decennial census but
327 less than two hundred twenty-five thousand (225,000) residents
328 according to the latest federal decennial census, not more than
329 one hundred ninety (190) days per year;

330 (h) In counties having two hundred twenty-five thousand
331 (225,000) residents according to the latest federal decennial
332 census but less than, two hundred fifty thousand (250,000)
333 residents according to the latest federal decennial census not
334 more than two hundred fifteen (215) days per year;

335 (i) In counties having two hundred fifty thousand
336 (250,000) residents according to the latest federal decennial
337 census but less than two hundred seventy-five thousand (275,000)
338 residents according to the latest federal decennial census, not
339 more than two hundred thirty (230) days per year;

340 (j) In counties having two hundred seventy-five
341 thousand (275,000) residents according to the latest federal
342 decennial census, not more than two hundred forty (240) days per
343 year.

344 (3) The commissioners of election shall be entitled to
345 receive a per diem in the amount of Seventy Dollars (\$70.00), to
346 be paid from the county general fund, not to exceed ten (10) days
347 for every day or period of no less than five (5) hours accumulated

348 over two (2) or more days actually employed in the performance of
349 their duties for the necessary time spent in the revision of the
350 registration books and pollbooks prior to any special election.
351 For purposes of this subsection, the regular special election day
352 shall not be considered a special election. The annual
353 limitations set forth in subsection (2) of this section shall not
354 apply to this subsection.

355 (4) The commissioners of election shall be entitled to
356 receive a per diem in the amount of Seventy Dollars (\$70.00), to
357 be paid from the county general fund, not to exceed ten (10) days
358 for every day or period of no less than five (5) hours accumulated
359 over two (2) or more days actually employed in the performance of
360 their duties for the necessary time spent in conducting a runoff
361 election.

362 * * *

363 (5) The commissioners of election shall be entitled to
364 receive only one (1) per diem payment for those days when the
365 commissioners of election discharge more than one (1) duty or
366 responsibility on the same day.

367 (6) The county commissioners of election may provide copies
368 of the registration books revised pursuant to this section to the
369 municipal registrar of each municipality located within the
370 county.

371 (7) Notwithstanding the provisions of this section to the
372 contrary, the number of days for which the commissioners of
373 election of a county are entitled to receive compensation shall
374 not be less than the number of days of compensation they were
375 entitled to receive during the 1999 calendar year.

376 SECTION 8. The names of all electors whose registration has
377 been cancelled pursuant to the provisions of Section 23-15-159
378 prior to the effective date of this act, shall be returned to the
379 registration books and pollbooks and shall be treated in the same
380 manner as electors who have changed their place of residence.

381 SECTION 9. Section 23-15-159, Mississippi Code of 1972,
382 which requires that the names of persons who have not voted in at
383 least one (1) election in the last four (4) successive years be
384 erased from the registration books and pollbooks, is repealed.

385 SECTION 10. The Attorney General of the State of Mississippi
386 shall submit this act, immediately upon approval by the Governor,
387 or upon approval by the Legislature subsequent to a veto, to the
388 Attorney General of the United States or to the United States
389 District Court for the District of Columbia in accordance with the
390 provisions of the Voting Rights Act of 1965, as amended and
391 extended.

392 SECTION 11. This act shall take effect and be in force from
393 and after the date it is effectuated under Section 5 of the Voting
394 Rights Act of 1965, as amended and extended.