

By: Senator(s) Harden (By Request)

To: Elections

## SENATE BILL NO. 2581

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 AMEND SECTION  
26 23-15-139, MISSISSIPPI CODE OF 1972, TO REQUIRE THE SECRETARY OF  
27 STATE TO UTILIZE THE STATEWIDE VOTER REGISTRATION RECORD TO  
28 IDENTIFY THE NAMES OF VOTERS WHO HAVE BEEN CONVICTED OF  
29 DISENFRANCHISING CRIMES AND TO REQUIRE ALL STATE AGENCIES AND  
30 POLITICAL SUBDIVISIONS OF THE STATE TO PROVIDE THE SECRETARY OF  
31 STATE SUCH INFORMATION AS HE CONSIDERS NECESSARY TO PERFORM HIS  
32 DUTIES IN REGARD TO THE STATEWIDE VOTER REGISTRATION RECORD; TO  
33 PROVIDE THAT THE NAMES OF ALL VOTERS WHOSE REGISTRATION HAS BEEN  
34 CANCELLED AS A RESULT OF THE ELECTOR NOT VOTING FOR FOUR  
35 SUCCESSIVE YEARS SHALL BE RETURNED TO THE REGISTRATION BOOKS AND  
36 POLLBOOKS AND SHALL BE TREATED IN THE SAME MANNER AS ELECTORS WHO  
37 HAVE CHANGED THEIR PLACE OF RESIDENCE; TO REPEAL SECTION  
38 23-15-159, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT THE NAMES  
39 OF PERSONS WHO HAVE NOT VOTED IN AT LEAST ONE ELECTION IN THE LAST  
40 FOUR SUCCESSIVE YEARS BE ERASED FROM THE REGISTRATION BOOKS AND  
41 POLLBOOKS; AND FOR RELATED PURPOSES.

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

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

45 Once a voter is registered, the name of that voter shall not be

46 removed from the registration books and pollbooks except:

47 (a) At the written request of the voter;

48 (b) By reason of the voter's conviction of a  
49 disenfranchising crime;

50 (c) By reason of adjudication of the voter as mentally  
51 incapacitated with respect to voting;

52 (d) By death of the voter; or

53 (e) By reason of a change of residence pursuant to a  
54 registration book and pollbook maintenance program or other  
55 registration book and pollbook maintenance activity conducted  
56 pursuant to law.

57 (2) Information received by an election commission from an  
58 election official in another jurisdiction indicating that a voter  
59 in the election commission's county has registered to vote in  
60 another jurisdiction shall be considered as a written request from  
61 the voter to have the voter's name removed from the registration  
62 books and pollbooks of the election commission's county and the  
63 county election commission shall remove the name of the voter from  
64 the registration books and pollbooks.

65 (3) Each election commission shall maintain for at least two  
66 (2) years, and make available for public inspection and copying,  
67 all records concerning implementation of registration book and  
68 pollbook maintenance programs and activities conducted pursuant to  
69 Section 3 of this act. The records shall include lists of the  
70 name and address of each person to whom an address confirmation  
71 final notice was sent and information as to whether each person  
72 responded to the mailing, but shall not include any information  
73 that is confidential or exempt from the Mississippi Public Records  
74 Act of 1983.

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

78 (a) An address confirmation which shall be a  
79 nonforwardable mailing that shall contain the voter's name and  
80 address of legal residence as shown on the voter registration  
81 record and shall contain a request that the election commission be  
82 informed if either the name or the address of legal residence of

83 the voter is incorrect.

84 (b) An address confirmation final notice, which shall  
85 be sent by forwardable mail and shall contain a postage prepaid,  
86 preaddressed return form and shall contain language which states  
87 the equivalent of the following:

88 (i) That if the voter has not changed his or her  
89 address of legal residence or has changed address of legal  
90 residence within the county, or has changed his or her legal name,  
91 the voter should return the return form within thirty (30) days  
92 after the date of the notice.

93 (ii) That if the return form is not returned and  
94 the voter does vote or appear to vote by the second federal  
95 general election thereafter, the voter's name will be removed from  
96 the voter registration books.

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

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

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

113 (2) County election commissions shall incorporate one or  
114 both of the following procedures in their registration list  
115 maintenance program:

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

120           (b) A procedure by which change-of-address information  
121 is identified from returned nonforwardable,  
122 return-if-undeliverable mail sent to all registered voters in the  
123 county.

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

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

147           (b) If the county election commission receives  
148 change-of-address information from one of the procedures

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

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

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

167                   (iii) Changes his or her voter registration to  
168 another location in the registrar's county; or

169                   (iv) Properly requests an absentee ballot for an  
170 election that is conducted 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 and identifying the names of voters who have been convicted  
235 of disenfranchising crimes. Any such information secured by the  
236 Secretary of State in accordance with this act indicating the  
237 possible need for revising a county's voter registration records  
238 shall be forwarded to the county and municipal election  
239 commissions and the county and municipal registrars on a periodic  
240 basis, upon receipt of which the appropriate election commission  
241 shall revise the voter registration records, in accordance with  
242 applicable state and federal law.

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

247 SECTION 7. Section 23-15-153, Mississippi Code of 1972, is

248 amended as follows:

249 23-15-153. (1) At the following times the commissioners of  
250 election shall meet at the office of the registrar and carefully  
251 revise the registration books and the pollbooks of the several  
252 voting precincts, and shall erase from those books the names of  
253 all persons erroneously on the books, or who have died, removed or  
254 become disqualified as electors from any cause; and shall register  
255 the names of all persons who have duly applied to be registered  
256 and have been illegally denied registration:

257 (a) On the Tuesday after the second Monday in January  
258 1987 and every following year;

259 (b) On the first Tuesday in the month immediately  
260 preceding the first primary election for congressmen in the years  
261 when congressmen are elected;

262 (c) On the first Monday in the month immediately  
263 preceding the first primary election for state, state district,  
264 legislative, county and county district offices in the years in  
265 which those offices are elected; and

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

269 Except for the names of those persons who are duly qualified  
270 to vote in the election, no name shall be permitted to remain on  
271 the registration and pollbooks; provided, however, that no name  
272 shall be erased from the registration books or pollbooks based on  
273 a change in the residence of an elector except in accordance with  
274 procedures provided for in Section 3 of Senate Bill No. \_\_\_\_\_, 1999  
275 Regular Session. Except as otherwise provided by Section  
276 23-15-573, no person shall vote at any election whose name is not  
277 on the pollbook.

278 (2) Except as provided in subsection (3) of this section,  
279 and subject to the following annual limitations, the commissioners  
280 of election shall be entitled to receive a per diem in the amount



281 of Seventy Dollars (\$70.00), to be paid from the county general  
282 fund, for every day or period of no less than five (5) hours  
283 accumulated over two (2) or more days actually employed in the  
284 performance of their duties for the necessary time spent in the  
285 revision of the registration books and pollbooks as required in  
286 subsection (1) of this section:

287 (a) In counties having less than ten thousand (10,000)  
288 qualified electors, not more than thirty-five (35) days per year;

289 (b) In counties having ten thousand (10,000) qualified  
290 electors but less than twenty thousand (20,000) qualified  
291 electors, not more than fifty (50) days per year;

292 (c) In counties having twenty thousand (20,000)  
293 qualified electors but less than fifty thousand (50,000)  
294 qualified electors, not more than sixty-five (65) days per year;

295 (d) In counties having fifty thousand (50,000)  
296 qualified electors but less than seventy-five thousand (75,000)  
297 qualified electors, not more than eighty (80) days per year;

298 (e) In counties having seventy-five thousand (75,000)  
299 qualified electors but less than one hundred thousand (100,000)  
300 qualified electors, not more than ninety-five (95) days per year;

301 (f) In counties having one hundred thousand (100,000)  
302 qualified electors but less than one hundred twenty-five thousand  
303 (125,000) qualified electors, not more than one hundred ten (110)  
304 days per year;

305 (g) In counties having one hundred twenty-five thousand  
306 (125,000) qualified electors but less than one hundred fifty  
307 thousand (150,000) qualified electors, not more than one hundred  
308 twenty-five (125) days per year;

309 (h) In counties having one hundred fifty thousand  
310 (150,000) qualified electors but less than one hundred  
311 seventy-five thousand (175,000) qualified electors, not more than  
312 one hundred forty (140) days per year;

313 (i) In counties having one hundred seventy-five

314 thousand (175,000) qualified electors but less than two hundred  
315 thousand (200,000) qualified electors, not more than one hundred  
316 fifty-five (155) days per year;

317           (j) In counties having two hundred thousand (200,000)  
318 qualified electors or more, not more than one hundred seventy  
319 (170) days per year.

320           (3) The commissioners of election shall be entitled to  
321 receive a per diem in the amount of Seventy Dollars (\$70.00), to  
322 be paid from the county general fund, not to exceed ten (10) days  
323 for every day or period of no less than five (5) hours accumulated  
324 over two (2) or more days actually employed in the performance of  
325 their duties for the necessary time spent in the revision of the  
326 registration books and pollbooks prior to any special election.  
327 For purposes of this subsection, the regular special election day  
328 shall not be considered a special election. The annual  
329 limitations set forth in subsection (2) of this section shall not  
330 apply to this subsection.

331           (4) Subject to the following limitations, the commissioners  
332 of election shall be entitled to receive a per diem in the amount  
333 of Seventy Dollars (\$70.00), to be paid from the county general  
334 fund, for every day or period of no less than five (5) hours  
335 accumulated over two (2) or more days actually employed in the  
336 performance of their duties in the conduct of an election:

337           (a) In counties having less than ten thousand (10,000)  
338 qualified electors, not more than fifteen (15) days per election;

339           (b) In counties having ten thousand (10,000) qualified  
340 electors but less than twenty-five thousand (25,000) qualified  
341 electors, not more than twenty-five (25) days per election;

342           (c) In counties having twenty-five thousand (25,000)  
343 qualified electors but less than fifty thousand (50,000) qualified  
344 electors, not more than thirty-five (35) days per election;

345           (d) In counties having fifty thousand (50,000)  
346 qualified electors but less than seventy-five thousand (75,000)

347 qualified electors, not more than forty-five (45) days per  
348 election;

349 (e) In counties having seventy-five thousand (75,000)  
350 qualified electors but less than one hundred thousand (100,000)  
351 qualified electors, not more than fifty-five (55) days per  
352 election;

353 (f) In counties having one hundred thousand (100,000)  
354 qualified electors but less than one hundred fifty thousand  
355 (150,000) qualified electors, not more than sixty-five (65) days  
356 per election;

357 (g) In counties having one hundred fifty thousand  
358 (150,000) qualified electors but less than two hundred thousand  
359 (200,000) qualified electors, not more than seventy-five (75) days  
360 per election; and

361 (h) In counties having two hundred thousand (200,000)  
362 qualified electors or more, not more than eighty-five (85) days  
363 per election.

364 It is the intention of the Legislature that the conduct of an  
365 election as required by law and as compensated in this subsection  
366 is a separate and distinct function from the purging and revision  
367 of the registration books and pollbooks as required by subsection  
368 (1) of this section and the compensation for those revisions  
369 provided by subsection (2) of this section.

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

374 (6) The county commissioners of election may provide copies  
375 of the registration books revised pursuant to this section to the  
376 municipal registrar of each municipality located within the  
377 county.

378 SECTION 8. The names of all electors whose registration has  
379 been cancelled pursuant to the provisions of Section 23-15-159

380 prior to the effective date of this act, shall be returned to the  
381 registration books and pollbooks and shall be treated in the same  
382 manner as electors who have changed their place of residence.

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

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

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