MISSISSIPPI LEGISLATURE                        REGULAR SESSION 2001
By:  Representative Reynolds
To:  Apportionment and Elections; Fees and Salaries of Public Officers

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO.  685

AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO CHANGE THE BASIS UPON WHICH COMMISSIONERS OF ELECTION ARE COMPENSATED FROM THE NUMBER OF REGISTERED VOTERS IN A COUNTY TO THE NUMBER OF RESIDENTS IN A COUNTY; TO INCREASE THE NUMBER OF HOURS REQUIRED TO BE WORKED BY COMMISSIONERS OF ELECTION IN ORDER TO BE ENTITLED TO PER DIEM COMPENSATION; TO REVISE THE NUMBER OF DAYS THAT COMMISSIONERS OF ELECTION ARE COMPENSATED AND AUTHORIZE THE TOTAL NUMBER OF DAYS FOR WHICH THEY ARE COMPENSATED TO BE UTILIZED FOR REVISION OF THE REGISTRATION BOOKS AND POLLBOOKS AND FOR CONDUCTING ELECTIONS; TO REQUIRE COMMISSIONERS OF ELECTION TO CERTIFY UNDER OATH THE NUMBER OF HOURS ACTUALLY WORKED, AS VERIFIED BY THE CHAIRMAN OF THE ELECTION COMMISSION, WHEN REQUESTING COMPENSATION; AND FOR RELATED PURPOSES.

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

SECTION 1.  Section 23-15-153, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

Except for the names of those persons who are duly qualified to vote in the election, no name shall be permitted to remain on the registration books and pollbooks; provided, however, that no name shall be erased from the registration books or pollbooks based on a change in the residence of an elector except in accordance with procedures provided for by the National Voter Registration Act of 1993 that are in effect at the time of such erasure. Except as otherwise provided by Section 23-15-573, no person shall vote at any election whose name is not on the pollbook.

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

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

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

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

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

(e) In counties having ninety thousand (90,000) residents according to the latest federal decennial census but less than one hundred seventy thousand (170,000) residents according to the latest federal decennial census, not more than one hundred fifty (150) days per year, with no more than fifty-five (55) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

(f) In counties having one hundred seventy thousand (170,000) residents according to the latest federal decennial census but less than two hundred thousand (200,000) residents according to the latest federal decennial census, not more than one hundred seventy-five (175) days per year, with no more than sixty-five (65) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
(g) In counties having two hundred thousand (200,000) residents according to the latest federal decennial census but less than two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census, not more than one hundred ninety (190) days per year, with no more than seventy-five (75) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

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

(j) In counties having two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census or more, not more than two hundred forty (240) days per year, with no more than one hundred five (105) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year.

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

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

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

(6) Every commissioner of election shall sign a certification under oath and under penalties of perjury setting forth the number of hours actually worked in the performance of the commissioner's official duties for which the commissioner seeks compensation. The certification of an election commissioner as to the actual number of hours worked must be verified and approved as to accuracy by signature of the chairman of the county election commission. The certification shall be on a form promulgated by rule of the Secretary of State and, upon signature of the election commissioner, must be filed with the clerk of the county board of supervisors before any payment is made.

(7) Notwithstanding the provisions of this section to the contrary, from the effective date of this act until the conclusion of calendar year 2004, the number of days for which the commissioners of election of a county are entitled to receive compensation shall not be less than the number of days of compensation they were entitled to receive during the 2000 calendar year, excluding those days for which election
commissioners were either entitled to or did receive compensation for the conduct of any special elections in calendar year 2000.

SECTION 2. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 3. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.