MISSISSIPPI LEGISLATURE

REGULAR SESSION 2001

To: Elections

By: Senator(s) Tollison

SENATE BILL NO. 2425

AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO REQUIRE THE COMMISSIONERS OF ELECTION IN EACH COUNTY TO MEET AT LEAST ONCE A MONTH FOR THE PURPOSE OF REVISIONING THE REGISTRATION BOOKS AND POLLBOOKS; 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 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 AUTHORIZE THE COMMISSIONERS OF ELECTION TO RECEIVE A PER DIEM FOR A CERTAIN AMOUNT OF TIME SPENT CONDUCTING RUNOFF OR SPECIAL ELECTIONS; 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.

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

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 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;

(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;

(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;

(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;

(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;

(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;

(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;

(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;
(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;

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

(4) 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 conducting a runoff or special election.

* * *

(5) 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.
(6) 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.

(7) Notwithstanding the provisions of this section to the contrary, 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.

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.