

By: Representative Reynolds

To: Apportionment and  
Elections

## HOUSE BILL NO. 1357

1 AN ACT TO BE KNOWN AS THE "MISSISSIPPI HELP AMERICA VOTE ACT  
2 OF 2002 COMPLIANCE LAW"; TO AUTHORIZE THE SECRETARY OF STATE TO  
3 ESTABLISH AN ADMINISTRATIVE COMPLAINT PROCEDURE FOR HANDLING  
4 GRIEVANCES IN ACCORDANCE WITH THE HELP AMERICA VOTE ACT OF 2002;  
5 TO REQUIRE THE SECRETARY OF STATE AND THE COMMISSIONER OF PUBLIC  
6 SAFETY TO ENTER INTO AN AGREEMENT TO GRANT THE SECRETARY OF  
7 STATE'S OFFICE ACCESS TO THE DRIVER'S LICENSE DATABASE AND  
8 IDENTIFICATION CARDHOLDER DATABASE FOR THE PURPOSE OF MATCHING  
9 INFORMATION IN THE DATABASE OF THE STATEWIDE CENTRALIZED VOTER  
10 SYSTEM TO THE EXTENT REQUIRED TO ENABLE THE SECRETARY OF STATE TO  
11 VERIFY THE ACCURACY OF INFORMATION TO COMPLY WITH THE HELP AMERICA  
12 VOTE ACT OF 2002; TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO  
13 ENTER INTO AN AGREEMENT WITH THE COMMISSIONER OF SOCIAL SECURITY  
14 IN ACCORDANCE WITH THE HELP AMERICA VOTE ACT OF 2002 TO VERIFY THE  
15 ACCURACY OF INFORMATION PROVIDED BY THE COMMISSIONER OF PUBLIC  
16 SAFETY WITH RESPECT TO APPLICATIONS FOR VOTER REGISTRATION; TO  
17 PROVIDE THAT THE SECRETARY OF STATE SHALL HAVE THE AUTHORITY TO  
18 ACCEPT AND EXPEND FEDERAL FUNDS AUTHORIZED UNDER THE HELP AMERICA  
19 VOTE ACT OF 2002; TO PROVIDE THAT THE SECRETARY OF STATE SHALL BE  
20 RESPONSIBLE FOR PROVIDING INFORMATION REQUIRED BY THE HELP AMERICA  
21 VOTE ACT OF 2002 REGARDING VOTER REGISTRATION PROCEDURES AND  
22 ABSENTEE BALLOT PROCEDURES TO BE USED BY ABSENT UNIFORMED SERVICES  
23 VOTERS AND OVERSEAS VOTERS WITH RESPECT TO ELECTIONS; TO AUTHORIZE  
24 THE SECRETARY OF STATE TO PROMULGATE RULES AND REGULATIONS  
25 NECESSARY TO EFFECTUATE THE PROVISIONS OF THE HELP AMERICA VOTE  
26 ACT OF 2002; TO AMEND SECTIONS 23-15-35, 23-15-39, 23-15-47,  
27 23-15-137, 23-15-153, 23-15-211, 23-15-255, 23-15-573 AND  
28 23-15-687, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FROM AND  
29 AFTER JANUARY 1, 2006, THE MUNICIPAL REGISTRATION BOOKS SHALL BE A  
30 PART OF THE OFFICIAL RECORD OF REGISTERED VOTERS AS CONTAINED IN  
31 THE STATEWIDE CENTRALIZED VOTER SYSTEM; TO PROVIDE THAT THE FORM  
32 FOR REGULAR AND MAIL-IN APPLICATIONS FOR REGISTRATION AS AN  
33 ELECTOR SHALL BE ESTABLISHED BY THE SECRETARY OF STATE; TO PROVIDE  
34 FOR THE TYPES OF VOTER REGISTRATION NUMBERS ISSUED AFTER JANUARY  
35 1, 2006; TO PROVIDE FOR THE ENTRY OF REGISTRATION INFORMATION INTO  
36 THE STATEWIDE CENTRALIZED VOTER SYSTEM; TO REQUIRE, FROM AND AFTER  
37 JANUARY 1, 2006, THAT THE COUNTY COMMISSIONERS OF ELECTION SHALL  
38 PREPARE THE REGISTRATION AND POLLBOOKS FOR EACH MUNICIPALITY  
39 LOCATED IN THE COUNTY TO PROVIDE FOR THE PAYMENT OF THE  
40 COMMISSIONERS FOR SUCH WORK; TO REQUIRE THE SECRETARY OF STATE TO  
41 DEVELOP A SINGLE COMPREHENSIVE POLL WORKER TRAINING PROGRAM TO  
42 ASSIST LOCAL ELECTION OFFICIALS IN PROVIDING UNIFORM AND SECURE  
43 ELECTIONS; TO REQUIRE THE MANAGERS OF EACH PRECINCT TO POST  
44 CERTAIN INFORMATION ON THE DAY OF AN ELECTION; TO PROVIDE THAT THE  
45 FORM OF THE AFFIDAVIT BALLOT AND THE AFFIDAVIT BALLOT ENVELOPE  
46 SHALL BE ESTABLISHED BY THE SECRETARY OF STATE; TO REVISE THE  
47 REASONS FOR WHICH A PERSON MAY VOTE BY AFFIDAVIT BALLOTS; TO  
48 PROVIDE THE MANNER IN WHICH A PERSON MAY VOTE BY AFFIDAVIT BALLOT;  
49 TO PROVIDE THAT ONE APPLICATION FOR AN ABSENTEE BALLOT SHALL SERVE  
50 AS A REQUEST BY THE APPLICANT FOR AN ABSENTEE BALLOT FOR THE NEXT  
51 TWO FEDERAL GENERAL ELECTIONS AND ALL STATE ELECTIONS OCCURRING  
52 DURING THAT TIME FRAME; TO PROVIDE FOR THE PRESERVATION OF

53 ABSENTEE BALLOT APPLICATIONS FOR ONE YEAR; TO PROVIDE THAT IF A  
54 REQUEST FOR AN ABSENTEE BALLOT IS REJECTED OR IF A REQUEST TO  
55 REGISTER TO VOTE BY A UNIFORMED OR OVERSEAS VOTER IS DENIED, THE  
56 PERSON APPLYING OR MAKING THE REQUEST SHALL BE PROVIDED WITH THE  
57 REASONS FOR SUCH DENIAL OR REJECTION; TO REPEAL SECTION 23-15-14,  
58 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT CERTAIN MUNICIPAL  
59 RESIDENTS WHO ARE REGISTERED TO VOTE ONLY IN COUNTY ELECTIONS  
60 SHALL BE REGISTERED TO VOTE IN MUNICIPAL ELECTIONS; AND FOR  
61 RELATED PURPOSES.

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

63 **SECTION 1.** This act shall be known and may be cited as the  
64 "Mississippi Help America Vote Act of 2002 Compliance Law."

65 **SECTION 2.** The Secretary of State shall, by rule and  
66 regulation, establish an administrative complaint procedure for  
67 handling grievances in accordance with the Help America Vote Act  
68 of 2002.

69 **SECTION 3.** The Secretary of State and the Commissioner of  
70 Public Safety shall enter into an agreement to grant the Secretary  
71 of State's Office "read only" access to the driver's license  
72 database and identification cardholder database for the purpose of  
73 matching information in the database of the Statewide Centralized  
74 Voter System created in Section 23-15-163 et seq. to the extent  
75 required to enable the Secretary of State to verify the accuracy  
76 of information provided on applications for voter registration in  
77 compliance with the Help America Vote Act of 2002.

78 **SECTION 4.** The Commissioner of Public Safety shall enter  
79 into an agreement with the Commissioner of Social Security under  
80 Section 205(r)(8) of the Social Security Act in accordance with  
81 the Help America Vote Act of 2002 to verify the accuracy of  
82 applicable information provided by the Commissioner of Public  
83 Safety with respect to applications for voter registration.

84 **SECTION 5.** The Secretary of State shall have the authority  
85 to accept federal funds authorized under the Help America Vote Act  
86 of 2002 and to meet all the requirements of the Help America Vote  
87 Act of 2002 in order to expend the funds.

88 **SECTION 6.** The Secretary of State shall be responsible for  
89 providing to all absent uniformed services voters and overseas

90 voters who wish to vote or register to vote in this state  
91 information required by the Help America Vote Act of 2002  
92 regarding voter registration procedures and absentee ballot  
93 procedures to be used by absent uniformed services voters and  
94 overseas voters with respect to elections, including procedures  
95 relating to the use of the federal write-in absentee ballot.

96 **SECTION 7.** The Secretary of State shall promulgate rules and  
97 regulations necessary to effectuate the provisions of the Help  
98 America Vote Act of 2002 in this state.

99 **SECTION 8.** Section 23-15-35, Mississippi Code of 1972, is  
100 amended as follows:

101 **[Until January 1, 2006, this section shall read as follows:]**

102 23-15-35. (1) The clerk of the municipality shall be the  
103 registrar of voters of the municipality, and shall take the oath  
104 of office prescribed by Section 268 of the Constitution. The  
105 governing authorities shall provide suitable municipal  
106 registration books, which shall conform as nearly as practicable  
107 to the county registration books. The registrar shall, as nearly  
108 as may be practicable, and where not otherwise provided, comply  
109 with all the provisions of law regarding state and county  
110 elections in keeping and maintaining such registration books and  
111 in registering voters thereon. Applications for registration as  
112 electors of the municipality shall be made upon a triplicate form  
113 provided by and prepared at the expense of the county registrar,  
114 which form shall conform as nearly as practicable to the  
115 application for registration form provided for in Section  
116 23-15-39.

117 (2) The municipal clerk shall be authorized to register  
118 applicants as county electors. The municipal clerk shall forward  
119 notice of registration, a copy of the application for  
120 registration, and any changes to the registration when they occur,  
121 either by certified mail to the county registrar or by personal  
122 delivery to the county registrar provided that a numbered receipt

123 is signed by the registrar in return for the described documents.  
124 Upon receipt of the copy of the application for registration or  
125 changes to the registration, and if a review of the application  
126 indicates that the applicant meets all the criteria necessary to  
127 qualify as a county elector, then the county registrar shall make  
128 a determination of the county voting precinct in which the person  
129 making the application shall be required to vote. The county  
130 registrar shall send this county voting precinct information by  
131 United States first-class mail, postage prepaid, to the person at  
132 the address provided on the application. Any and all mailing  
133 costs incurred by the municipal clerk or the county registrar in  
134 effectuating this subsection shall be paid by the county board of  
135 supervisors. If a review of the copy of the application for  
136 registration or changes to the registration indicates that the  
137 applicant is not qualified to vote in the county, the county  
138 registrar shall challenge the application. The county election  
139 commissioners shall review any \* \* \* challenge or  
140 disqualification, after having notified the applicant by certified  
141 mail of the challenge or disqualification.

142 (3) The municipal clerk shall issue to the person making the  
143 application a copy of the application, and the county registrar  
144 shall process the application in accordance with the law regarding  
145 the handling of voter registration applications. \* \* \*

146 (4) The receipt of a copy of the application for  
147 registration sent pursuant to Section 23-15-39(3) shall be  
148 sufficient to allow the applicant to be registered as an elector  
149 in the municipality, provided that such application is not  
150 challenged as provided for therein.

151 **[From and after January 1, 2006, this section shall read as**  
152 **follows:]**

153 23-15-35. (1) The clerk of the municipality shall be the  
154 registrar of voters of the municipality, and shall take the oath  
155 of office prescribed by Section 268 of the Constitution.

156 The \* \* \* municipal registration books \* \* \* shall conform \* \* \*  
157 to the county registration books which shall be a part of the  
158 official record of registered voters as contained in the Statewide  
159 Centralized Voter System. The municipal clerk shall comply with  
160 all the provisions of law regarding the registration of voters,  
161 including the use of the voter registration applications used by  
162 county registrars and prescribed by the Secretary of State under  
163 Sections 23-15-39 and 23-15-47.

164 (2) The municipal clerk shall be authorized to register  
165 applicants as county electors. The municipal clerk shall forward  
166 notice of registration, a copy of the application for  
167 registration, and any changes to the registration when they occur,  
168 either by certified mail to the county registrar or by personal  
169 delivery to the county registrar provided that a numbered receipt  
170 is signed by the registrar in return for the described documents.  
171 Upon receipt of the copy of the application for registration or  
172 changes to the registration, and if a review of the application  
173 indicates that the applicant meets all the criteria necessary to  
174 qualify as a county elector, then the county registrar shall make  
175 a determination of the county voting precinct in which the person  
176 making the application shall be required to vote. The county  
177 registrar shall send this county voting precinct information by  
178 United States first-class mail, postage prepaid, to the person at  
179 the address provided on the application. Any and all mailing  
180 costs incurred by the municipal clerk or the county registrar in  
181 effectuating this subsection shall be paid by the county board of  
182 supervisors. If a review of the copy of the application for  
183 registration or changes to the registration indicates that the  
184 applicant is not qualified to vote in the county, the county  
185 registrar shall challenge the application. The county election  
186 commissioners shall review any \* \* \* challenge or  
187 disqualification, after having notified the applicant by certified  
188 mail of the challenge or disqualification.

189           (3) The municipal clerk shall issue to the person making the  
190 application a copy of the application and the county registrar  
191 shall process the application in accordance with the law regarding  
192 the handling of voter registration applications. \* \* \*

193           (4) The receipt of a copy of the application for  
194 registration sent pursuant to Section 23-15-39(3) shall be  
195 sufficient to allow the applicant to be registered as an elector  
196 in the municipality, provided that such application is not  
197 challenged as provided for therein.

198           **SECTION 9.** Section 23-15-39, Mississippi Code of 1972, is  
199 amended as follows:

200           **[Until January 1, 2006, this section shall read as follows:]**

201           23-15-39. (1) Applications for registration as electors of  
202 this state, which are sworn to and subscribed before the registrar  
203 or deputy registrar authorized by law and which are not made by  
204 mail, shall be made upon a \* \* \* form established by rule duly  
205 adopted by the Secretary of State.

206           \* \* \*

207           (2) The boards of supervisors shall make proper allowances  
208 for office supplies reasonably necessitated by the registration of  
209 county electors.

210           (3) If the applicant indicates on the application that he  
211 resides within the city limits of a city or town in the county of  
212 registration, the county registrar shall forward notice of  
213 registration, a copy of the application for registration, and any  
214 changes to the registration when they occur, either by certified  
215 mail to the clerk of the municipality in which the application  
216 indicates the applicant resides, or by personal delivery to the  
217 clerk of the municipality provided that a numbered receipt is  
218 signed by the clerk in return for the described documents. Upon  
219 receipt of the copy of the application for registration or changes  
220 to the registration, and if a review \* \* \* indicates that the  
221 applicant meets all the criteria necessary to qualify as a

222 municipal elector, then the clerk of the municipality shall make a  
223 determination of the municipal voting precinct in which the person  
224 making the application shall be required to vote. The clerk shall  
225 send this municipal voting precinct information by United States  
226 first-class mail, postage prepaid, to the person at the address  
227 provided on the application. Any and all mailing costs incurred  
228 by the county registrar or the clerk of the municipality in  
229 effectuating this subsection shall be paid by the governing  
230 authority of the municipality. If a review of the copy of the  
231 application for registration or changes to the registration  
232 indicates that the applicant is not qualified to vote in the  
233 municipality, the clerk of the municipality shall challenge the  
234 application. The municipal election commissioners responsible for  
235 the municipality shall review any \* \* \* challenge or  
236 disqualification after having notified the applicant by certified  
237 mail of the challenge or disqualification.

238 (4) If the applicant indicates on the application that he  
239 has previously registered to vote in another county of this state  
240 or another state, the registrar or clerk shall on a monthly basis  
241 send notice of this new registration to the registrar or clerk of  
242 the county in this state or any other state that is indicated in  
243 the application as the voter's previous place of registration.  
244 The election commission of the voter's previous place of  
245 registration shall be responsible for having such voter's name  
246 erased from the appropriate registration book and pollbook.

247 (5) The registrar shall issue to the person making the  
248 application a copy of the application upon which has been written  
249 the county voting precinct in which the person shall vote. The  
250 registrar shall assign a voter registration number to the person  
251 which shall be that person's social security number if such a  
252 number is provided, and the voter registration number shall be  
253 clearly shown on the application.

254 (6) Any person desiring an application for registration may  
255 secure an application from the registrar of the county of which he  
256 is a resident and may take the application with him and secure  
257 assistance in completing the application from any person of the  
258 applicant's choice. It shall be the duty of all registrars to  
259 furnish applications for registration to all persons requesting  
260 them, and it shall likewise be his duty to furnish aid and  
261 assistance in the completing of the application when requested by  
262 an applicant. The application for registration shall be sworn to  
263 and subscribed before the registrar or deputy registrar at the  
264 municipal clerk's office, the county registrar's office or any  
265 other location where the applicant is allowed to register to vote.  
266 No fee or cost shall be charged the applicant by the registrar for  
267 accepting the application or administering the oath or for any  
268 other duty imposed by law regarding the registration of electors.

269 (7) If the person making the application is unable to read  
270 or write, for reason of disability or otherwise, he shall not be  
271 required to personally complete the application in writing and  
272 execute the oath. In such cases, the registrar or deputy  
273 registrar shall read to the person the application and oath and  
274 the person's answers \* \* \* shall be recorded by the registrar or  
275 his deputy. The person shall be registered as an elector if he  
276 otherwise meets the requirements to be registered as an elector.  
277 The registrar shall record the responses of the person and the  
278 recorded responses shall be retained permanently by the registrar.  
279 The registrar shall forward a copy of all \* \* \* recorded responses  
280 to the Secretary of State and shall indicate which were approved  
281 for registration.

282 (8) The receipt of a copy of the application for  
283 registration sent pursuant to Section 23-15-35(2) shall be  
284 sufficient to allow the applicant to be registered as an elector  
285 of this state, if the application is not challenged \* \* \*.



286           (9) In any case in which a municipality expands its  
287 corporate boundaries by annexation, the municipal clerk shall  
288 within ten (10) days after the effective date of the annexation,  
289 forward to the county registrar a map which accurately depicts the  
290 annexed area. The county registrar shall, within ten (10) days  
291 after the receipt of the map, forward to the municipal clerk a  
292 copy of the most recent county precinct or subprecinct pollbook  
293 for the county precincts \* \* \* which are included in the annexed  
294 area \* \* \*, or equivalent computer data or information as will  
295 permit the identification of county electors who reside in the  
296 annexed area. The municipal clerk shall add those county electors  
297 who have resided in the annexed area for at least thirty (30) days  
298 after annexation to the municipal registration books as registered  
299 voters of the municipality and shall forward to such persons  
300 written notification of such addition and of the municipal  
301 precinct or ward in which such persons reside.

302           **[From and after January 1, 2006, this section shall read as**  
303 **follows:]**

304           23-15-39. (1) Applications for registration as electors of  
305 this state, which are sworn to and subscribed before the registrar  
306 or deputy registrar authorized by law and which are not made by  
307 mail, shall be made upon a \* \* \* form established by rule duly  
308 adopted by the Secretary of State.

309           \* \* \*

310           (2) The boards of supervisors shall make proper allowances  
311 for office supplies reasonably necessitated by the registration of  
312 county electors.

313           (3) If the applicant indicates on the application that he  
314 resides within the city limits of a city or town in the county of  
315 registration, the county registrar shall process the application  
316 for registration or changes to the registration as provided by  
317 law. \* \* \*

318           (4) If the applicant indicates on the application that he  
319 has previously registered to vote in another county of this state  
320 or another state, \* \* \* notice to the voter's previous county of  
321 registration in this state shall be provided by the Statewide  
322 Centralized Voter System. If the voter's previous place of  
323 registration was in another state, notice shall be provided to the  
324 voter's previous state of residence if the Statewide Centralized  
325 Voter system has that capability.

326           (5) The county registrar shall provide to the person making  
327 the application a copy of the application upon which has been  
328 written the county voting precinct and municipal voting precinct,  
329 if any, in which the person shall vote. Upon entry of the voter  
330 registration information into the Statewide Centralized Voter  
331 System, the system shall assign a voter registration number to the  
332 person, which shall be that person's current and valid Mississippi  
333 driver's license number, or if the person does not possess a  
334 current and valid Mississippi driver's license, the last four (4)  
335 digits of the person's social security number, if the number is  
336 provided. If the person does not have a current and valid  
337 Mississippi driver's license number and does not provide the last  
338 four (4) digits of his social security number, the Statewide  
339 Centralized Voter System shall assign the person a unique  
340 registration number. The assigned voter registration number shall  
341 be clearly shown on the application.

342           (6) Any person desiring an application for registration may  
343 secure an application from the registrar of the county of which he  
344 is a resident and may take the application with him and secure  
345 assistance in completing the application from any person of the  
346 applicant's choice. It shall be the duty of all registrars to  
347 furnish applications for registration to all persons requesting  
348 them, and it shall likewise be his duty to furnish aid and  
349 assistance in the completing of the application when requested by  
350 an applicant. The application for registration shall be sworn to

351 and subscribed before the registrar or deputy registrar at the  
352 municipal clerk's office, the county registrar's office or any  
353 other location where the applicant is allowed to register to vote  
354 No fee or cost shall be charged the applicant by the registrar for  
355 accepting the application or administering the oath or for any  
356 other duty imposed by law regarding the registration of electors.

357 (7) If the person making the application is unable to read  
358 or write, for reason of disability or otherwise, he shall not be  
359 required to personally complete the application in writing and  
360 execute the oath. In such cases, the registrar or deputy  
361 registrar shall read to the person the application and oath and  
362 the person's answers thereto shall be recorded by the registrar or  
363 his deputy. The person shall be registered as an elector if he  
364 otherwise meets the requirements to be registered as an elector.  
365 The registrar shall record the responses of the person and the  
366 recorded responses shall be retained permanently by the registrar.  
367 The registrar shall enter the voter registration information into  
368 the Statewide Centralized Voter System and designate the entry as  
369 an assisted filing.

370 (8) The receipt of a copy of the application for  
371 registration sent pursuant to Section 23-15-35(2) shall be  
372 sufficient to allow the applicant to be registered as an elector  
373 of this state, if the application is not challenged \* \* \*.

374 (9) In any case in which a municipality expands its  
375 corporate boundaries by annexation, the municipal clerk shall  
376 within ten (10) days after the effective date of the annexation,  
377 forward to the county registrar a map or equivalent geographic  
378 information system data which accurately depicts the annexed area.  
379 The county registrar shall enter updated municipal boundary  
380 information into the Statewide Centralized Voter System. The  
381 system will update the voter registration records to include the  
382 new municipal electors who have resided within the annexed area  
383 for at least thirty (30) days after annexation and assign the

384 municipal voting precincts. The county registrar shall forward to  
385 the municipal clerk written notification of the additions and  
386 changes, and the municipal clerk shall forward to the new  
387 municipal electors written notification of the additions and  
388 changes.

389       **SECTION 10.** Section 23-15-47, Mississippi Code of 1972, is  
390 amended as follows:

391       **[Until January 1, 2006, this section shall read as follows:]**

392       23-15-47. (1) Any person who is qualified to register to  
393 vote in the State of Mississippi may register to vote by mail-in  
394 application in the manner prescribed in this section.

395       (2) The following procedure shall be used in the  
396 registration of electors by mail:

397           (a) Any qualified elector may register to vote by  
398 mailing or delivering a completed mail-in application to his  
399 county registrar at least thirty (30) days prior to any election.  
400 The postmark date of a mailed application shall be the date of  
401 registration. \* \* \*

402           (b) Upon receipt of a mail-in application, the county  
403 registrar shall stamp such application with the date of receipt  
404 and shall verify the application by contacting the applicant by  
405 telephone, by personal contact with the applicant, or by any other  
406 method approved by the Secretary of State. Within twenty-five  
407 (25) days of receipt of a mail-in application, the county  
408 registrar shall complete action on the application, including any  
409 attempts to notify the applicant of the status of his application.

410           (c) If the county registrar determines that the  
411 applicant is qualified and his application is legible and  
412 complete, he shall mail the applicant written notification that  
413 the application has been approved, specifying the county voting  
414 precinct, polling place and supervisor district in which such  
415 person shall vote. This written notification of approval  
416 containing the specified information shall be the voter's

417 registration card. The registration cards shall be provided by  
418 the county registrar. The registrar shall assign a voter  
419 registration number to such person, which shall be that person's  
420 social security number if such a number is provided, and the voter  
421 registration number shall be clearly shown on the application and  
422 on the written notification of approval. In mailing such written  
423 notification, the county registrar shall note the following on the  
424 envelope: "DO NOT FORWARD." If any registration notification  
425 form is returned as undeliverable, voter's registration shall be  
426 void.

427 (d) A mail-in application shall be rejected for any of  
428 the following reasons:

429 (i) An incomplete portion of the application which  
430 makes it impossible for the registrar to determine the eligibility  
431 of the applicant to register;

432 (ii) A portion of the application which is  
433 illegible in the opinion of the county registrar and makes it  
434 impossible to determine the eligibility of the applicant to  
435 register;

436 (iii) The county registrar is unable to determine,  
437 from the address and information stated on the application, the  
438 precinct in which the voter should be assigned or the supervisor  
439 district in which he is entitled to vote;

440 (iv) The applicant is not qualified to register to  
441 vote pursuant to Section 23-15-11;

442 (v) The registrar determines that the applicant is  
443 registered as a qualified elector of the county;

444 (vi) The county registrar is unable to verify the  
445 application pursuant to subsection (2)(b) of this section.

446 (e) If the mail-in application of a person is subject  
447 to rejection for any of the reasons set forth in paragraph (d)(i)  
448 through (iii) of this subsection, and it appears to the registrar  
449 that the defect or omission is of such a minor nature and that any

450 necessary additional information may be supplied by the applicant  
451 over the telephone or by further correspondence, the registrar may  
452 write or call the applicant at the telephone number provided on  
453 the application. If the registrar is able to contact the  
454 applicant by mail or telephone, he shall attempt to ascertain the  
455 necessary information and if this information is sufficient for  
456 the registrar to complete the application, the applicant shall be  
457 registered. If the necessary information cannot be obtained by  
458 mail or telephone or is not sufficient, the registrar shall give  
459 the applicant written notice of the rejection and provide the  
460 reason for the rejection. The registrar shall further inform the  
461 applicant that he has a right to attempt to register by appearing  
462 in person or by filing another mail-in application.

463 (f) If a mail-in application is subject to rejection  
464 for the reason stated in paragraph (d)(v) of this subsection and  
465 the "present home address" portion of the application is different  
466 from the residence address for the applicant found in the  
467 registration book, the mail-in application shall be deemed a  
468 written request to transfer registration pursuant to Section  
469 23-15-13. Subject to the time limits and other provisions of  
470 Section 23-15-13, the registrar or the election commissioners  
471 shall note the new residence address on his records and, if  
472 necessary, transfer the applicant to his new precinct, advise the  
473 applicant of his new precinct, polling place and supervisor  
474 district, and notify the municipal clerk of any such changes on a  
475 monthly basis.

476 (3) The instructions and the application form for voter  
477 registration by mail shall be in a form established by rule duly  
478 adopted by the Secretary of State.

479 \* \* \*

480 (4) (a) The Secretary of State shall prepare and furnish  
481 without charge the necessary forms for application for voter  
482 registration by mail to each county registrar, municipal clerk,

483 all public schools, each private school that requests such  
484 applications, and all public libraries.

485 (b) The Secretary of State shall distribute without  
486 charge sufficient forms for application for voter registration by  
487 mail to the Commissioner of Public Safety, who shall distribute  
488 such forms to each driver's license examining and renewal station  
489 in the state, and shall ensure that the forms are regularly  
490 available to the public at such stations.

491 (c) Bulk quantities of forms for application for voter  
492 registration by mail shall be furnished by the Secretary of State  
493 to any person or organization. The Secretary of State shall  
494 charge a person or organization the actual cost he incurs in  
495 providing bulk quantities of forms for application for voter  
496 registration to such person or organization.

497 (5) The originals of completed mail-in applications shall  
498 remain on file in the office of the county registrar in accordance  
499 with Section 23-15-113. Nothing in this section shall preclude  
500 having applications on microfilm, microfiche or as an electronic  
501 image.

502 (6) If the applicant indicates on the application that he  
503 resides within the city limits of a city or town in the county  
504 registration, the county registrar shall forward notice of  
505 registration, a duplicate copy of the application for  
506 registration, and any changes to the registration when they occur,  
507 either by certified mail to the clerk of the municipality  
508 indicated in the present residence address stated in the  
509 application or by personal delivery to the municipal clerk,  
510 provided that a numbered receipt is signed by the clerk in return  
511 for the described documents. Upon receipt of the copy of the  
512 application for registration or changes to the registration, and  
513 if a review \* \* \* indicates that the applicant meets all the  
514 criteria necessary to qualify as a municipal elector, then the  
515 clerk of the municipality shall register the applicant as a

516 municipal elector and make a determination of the municipal voting  
517 precinct in which the person making the application shall be  
518 required to vote. The clerk shall send this municipal voting  
519 precinct information by United States first-class mail, postage  
520 prepaid, to the person at the address provided on the application.  
521 Any and all mailing costs incurred by the county registrar or the  
522 to clerk of the municipality in effectuating this subsection shall  
523 be paid by the governing authority of the municipality. If a  
524 review of the copy of the application for registration or changes  
525 to the registration indicates that the applicant is not qualified  
526 to vote in the municipality, the clerk of the municipality shall  
527 deny the application and notify applicant.

528       (7) If the applicant indicates on the application that he  
529 has previously registered to vote in another county of this state  
530 or another state, the registrar or clerk shall send written notice  
531 of this new registration by regular United States mail to the  
532 registrar or clerk of the county in this state or any other state  
533 that is indicated in the application as the voter's previous place  
534 of registration. The information shall include the complete name,  
535 address and age of the voter and shall include the current and  
536 valid Mississippi driver's license of the voter, if provided, or  
537 the social security number of the voter, if provided. The  
538 election commission of the voter's previous place of registration  
539 shall be responsible for having the voter's name erased from the  
540 appropriate registration book and pollbook.

541       [From and after January 1, 2006, this section shall read as  
542 follows:]

543       23-15-47. (1) Any person who is qualified to register to  
544 vote in the State of Mississippi may register to vote by mail-in  
545 application in the manner prescribed in this section.

546       (2) The following procedure shall be used in the 818  
547 registration of electors by mail:



548 (a) Any qualified elector may register to vote by  
549 mailing or delivering a completed mail-in application to his  
550 county registrar at least thirty (30) days prior to any election.  
551 The postmark date of a mailed application shall be the date of  
552 registration. \* \* \*

553 (b) Upon receipt of a mail-in application, the county  
554 registrar shall stamp the application with the date of receipt,  
555 and shall verify the application by contacting the applicant by  
556 telephone, by personal contact with the applicant, or by any other  
557 method approved by the Secretary of State. Within twenty-five  
558 (25) days of receipt of a mail-in application, the county  
559 registrar shall complete action on the application, including any  
560 attempts to notify the applicant of the status of his application.

561 (c) If the county registrar determines that the  
562 applicant is qualified and his application is legible and  
563 complete, he shall mail the applicant written notification that  
564 the application has been approved, specifying the county voting  
565 precinct, municipal voting precinct, if any, polling place and  
566 supervisor district in which such person shall vote. This written  
567 notification of approval containing the specified information  
568 shall be the voter's registration card. The registration cards  
569 shall be provided by the county registrar. Upon entry of the  
570 voter registration information into the Statewide Centralized  
571 Voter System, the system shall assign a voter registration number  
572 to the person, which shall be that person's current and valid  
573 Mississippi driver's license number, or if the person does not  
574 possess a current and valid Mississippi driver's license, the last  
575 four (4) digits of the person's social security number, if the  
576 number is provided. If the person does not have a current and  
577 valid Mississippi driver's license number and does not provide the  
578 last four (4) digits of his social security number, the Statewide  
579 Centralized Voter System shall assign the person a unique  
580 registration number. The assigned voter registration number shall

581 be clearly shown on the application and on the written  
582 notification of approval. In mailing the written notification,  
583 the county registrar shall note the following on the envelope:  
584 "DO NOT FORWARD." If any registration notification form is  
585 returned as undeliverable, the voter's registration shall be void.

586 (d) A mail-in application shall be rejected for any of  
587 the following reasons:

588 (i) An incomplete portion of the application which  
589 makes it impossible for the registrar to determine the eligibility  
590 of the applicant to register;

591 (ii) A portion of the application which is  
592 illegible in the opinion of the county registrar and makes it  
593 impossible to determine the eligibility of the applicant to  
594 register;

595 (iii) The county registrar is unable to determine,  
596 from the address and information stated on the application, the  
597 precinct in which the voter should be assigned or the supervisor  
598 district in which he is entitled to vote;

599 (iv) The applicant is not qualified to register to  
600 vote pursuant to Section 23-15-11;

601 (v) The registrar determines that the applicant is  
602 registered as a qualified elector of the county;

603 (vi) The county registrar is unable to verify the  
604 application pursuant to subsection (2)(b) of this section.

605 (e) If the mail-in application of a person is subject  
606 to rejection for any of the reasons set forth in paragraph (d)(i)  
607 through (iii) of this subsection, and it appears to the registrar  
608 that the defect or omission is of such a minor nature and that any  
609 necessary additional information may be supplied by the applicant  
610 over the telephone or by further correspondence, the registrar may  
611 write or call the applicant at the telephone number provided on  
612 the application. If the registrar is able to contact the  
613 applicant by mail or telephone, he shall attempt to ascertain the

614 necessary information and if this information is sufficient for  
615 the registrar to complete the application, the applicant shall be  
616 registered. If the necessary information cannot be obtained by  
617 mail or telephone or is not sufficient, the registrar shall give  
618 the applicant written notice of the rejection and provide the  
619 reason for the rejection. The registrar shall further inform the  
620 applicant that he has a right to attempt to register by appearing  
621 in person or by filing another mail-in application.

622 (f) If a mail-in application is subject to rejection  
623 for the reason stated in paragraph (d)(v) of this subsection and  
624 the "present home address" portion of the application is different  
625 from the residence address for the applicant found in the  
626 registration book, the mail-in application shall be deemed a  
627 written request to transfer registration pursuant to Section  
628 23-15-13. Subject to the time limits and other provisions of  
629 Section 23-15-13, the registrar or the election commissioners  
630 shall note the new residence address on his records and, if  
631 necessary, transfer the applicant to his new county precinct or  
632 municipal precinct, if any, advise the applicant of his new county  
633 precinct or municipal precinct, if any, polling place and  
634 supervisor district \* \* \*.

635 (3) The instructions and the application form for voter  
636 registration by mail shall be in a form established by rule duly  
637 adopted by the Secretary of State.

638 \* \* \*

639 (4) (a) The Secretary of State shall prepare and furnish  
640 without charge the necessary forms for application for voter  
641 registration by mail to each county registrar, municipal clerk,  
642 all public schools, each private school that requests such  
643 applications, and all public libraries.

644 (b) The Secretary of State shall distribute without  
645 charge sufficient forms for application for voter registration by  
646 mail to the Commissioner of Public Safety, who shall distribute

647 such forms to each driver's license examining and renewal station  
648 in the state, and shall ensure that the forms are regularly  
649 available to the public at such stations.

650 (c) Bulk quantities of forms for application for voter  
651 registration by mail shall be furnished by the Secretary of State  
652 to any person or organization. The Secretary of State shall  
653 charge a person or organization the actual cost he incurs in  
654 providing bulk quantities of forms for application for voter  
655 registration to such person or organization.

656 (5) The originals of completed mail-in applications shall  
657 remain on file in the office of the county registrar in accordance  
658 with Section 23-15-113. Nothing in this section shall preclude  
659 having applications on microfilm, microfiche or as an electronic  
660 image.

661 (6) If the applicant indicates on the application that he  
662 resides within the city limits of a city or town in the county of  
663 registration, the county registrar shall enter the information  
664 into the Statewide Centralized Voter System. The county registrar  
665 shall send \* \* \* municipal voting precinct information by United  
666 States first-class mail, postage prepaid, to the person at the  
667 address provided on the application. Any and all mailing costs  
668 incurred by the county registrar or the clerk of the municipality  
669 in effectuating this subsection shall be paid by the governing  
670 authority of the municipality. If a review \* \* \* of the  
671 application for registration or changes to the registration  
672 indicates that the applicant is not qualified to vote in the  
673 municipality, the registrar shall \* \* \* notify the applicant of  
674 the correct county precinct.

675 (7) If the applicant indicates on the application that he  
676 has previously registered to vote in another county of this state  
677 or another state, \* \* \* notice to the voter's previous county of  
678 registration in this state shall be provided by the Statewide  
679 Centralized Voter System. If the voter's previous place of

680 registration was in another state, notice shall be provided to the  
681 voter's previous state of residence if the Statewide Centralized  
682 Voter System has that capability.

683 (8) Any person who attempts to register to vote by mail  
684 shall be subject to the penalties for false registration provided  
685 for in Section 23-15-17.

686 **SECTION 11.** Section 23-15-137, Mississippi Code of 1972, is  
687 amended as follows:

688 23-15-137. (1) If the governing authorities of a  
689 municipality determine that revision of the registration books and  
690 pollbooks can be performed more effectively and efficiently  
691 utilizing the authority granted in this section, then such  
692 governing authorities may contract with the commissioners of  
693 election of the county or counties in which the municipality is  
694 located to provide the municipal registrar of such municipality  
695 with registration books and pollbooks containing only the duly  
696 qualified electors of such municipality. The registration books  
697 and pollbooks provided pursuant to this section may be used to  
698 conduct any municipal election in such municipality. By adopting  
699 the registration books and pollbooks so provided, the municipal  
700 commissioners of election shall be deemed to have met any  
701 requirements to revise such books which are imposed upon such  
702 commissioners by Mississippi law.

703 (2) In addition to any meeting otherwise authorized by law,  
704 the county commissioners of election may meet to prepare the  
705 registration and pollbooks of each municipality pursuant to a  
706 contract authorized pursuant to subsection (1) of this section.  
707 Each municipality shall compensate the county commissioners of  
708 election for the actual cost of preparing such registration books  
709 and pollbooks for the municipality and shall pay each county  
710 commissioner of election the per diem provided for in Section  
711 23-15-153(2) for each day or period of not less than five (5)  
712 hours accumulated over two (2) or more days such commissioners are

713 actually employed in preparing such registration books and  
714 pollbooks for such municipality, not to exceed five (5) days. The  
715 county commissioners of election shall not receive any  
716 compensation for the preparation of registration books and  
717 pollbooks pursuant to subsection (1) other than that provided for  
718 in this subsection.

719 (3) This section shall stand repealed from and after January  
720 1, 2006.

721 **SECTION 12.** Section 23-15-153, Mississippi Code of 1972, is  
722 amended as follows:

723 **[Until January 1, 2006, this section shall read as follows:]**

724 23-15-153. (1) At the following times the commissioners of  
725 election shall meet at the office of the registrar and carefully  
726 revise the registration books and the pollbooks of the several  
727 voting precincts, and shall erase from those books the names of  
728 all persons erroneously on the books, or who have died, removed or  
729 become disqualified as electors from any cause; and shall register  
730 the names of all persons who have duly applied to be registered  
731 and have been illegally denied registration:

732 (a) On the Tuesday after the second Monday in January  
733 1987 and every following year;

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

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

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

744 Except for the names of those persons who are duly qualified  
745 to vote in the election, no name shall be permitted to remain on

746 the registration books and pollbooks; however, no name shall be  
747 erased from the registration books or pollbooks based on a change  
748 in the residence of an elector except in accordance with  
749 procedures provided for by the National Voter Registration Act of  
750 1993 that are in effect at the time of such erasure. Except as  
751 otherwise provided by Section 23-15-573, no person shall vote at  
752 any election whose name is not on the pollbook.

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

763 (a) In counties having less than fifteen thousand  
764 (15,000) residents according to the latest federal decennial  
765 census, not more than fifty (50) days per year, with no more than  
766 fifteen (15) additional days allowed for the conduct of each  
767 election in excess of one (1) occurring in any calendar year;

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

775 (c) In counties having thirty thousand (30,000)  
776 residents according to the latest federal decennial census but  
777 less than seventy thousand (70,000) residents according to the  
778 latest federal decennial census, not more than one hundred (100)

779 days per year, with no more than thirty-five (35) additional days  
780 allowed for the conduct of each election in excess of one (1)  
781 occurring in any calendar year;

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

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

796 (f) In counties having one hundred seventy thousand  
797 (170,000) residents according to the latest federal decennial  
798 census but less than two hundred thousand (200,000) residents  
799 according to the latest federal decennial census, not more than  
800 one hundred seventy-five (175) days per year, with no more than  
801 sixty-five (65) additional days allowed for the conduct of each  
802 election in excess of one (1) occurring in any calendar year;

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

810 (h) In counties having two hundred twenty-five thousand  
811 (225,000) residents according to the latest federal decennial



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

817           (i) In counties having two hundred fifty thousand  
818 (250,000) residents according to the latest federal decennial  
819 census but less than two hundred seventy-five thousand (275,000)  
820 residents according to the latest federal decennial census, not  
821 more than two hundred thirty (230) days per year, with no more  
822 than ninety-five (95) additional days allowed for the conduct of  
823 each election in excess of one (1) occurring in any calendar year;

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

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

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

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

849 (6) Every commissioner of election shall sign personally a  
850 certification setting forth the number of hours actually worked in  
851 the performance of the commissioner's official duties and for  
852 which the commissioner seeks compensation. The certification must  
853 be on a form as prescribed in this subsection. The commissioner's  
854 signature is, as a matter of law, made under the commissioner's  
855 oath of office and under penalties of perjury.

856 The certification form shall be as follows:

857 **COUNTY ELECTION COMMISSIONER**

858 **PER DIEM CLAIM FORM**

859 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_  
860 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_  
861 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

862		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
863	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
864	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

865 \_\_\_\_\_  
866 \_\_\_\_\_  
867 \_\_\_\_\_

868 TOTAL NUMBER OF PER DIEM DAYS EARNED \_\_\_\_\_  
869 PER DIEM RATE PER DAY EARNED X 70.00  
870 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

871 I understand that I am signing this document  
872 under my oath as a commissioner of elections and under  
873 penalties of perjury.

874 I understand that I am requesting payment from  
875 taxpayer funds and that I have an obligation to be  
876 specific and truthful as to the amount of hours worked  
877 and the compensation I am requesting.

878 Signed this the \_\_\_\_\_day of \_\_\_\_\_, \_\_\_\_.

879 \_\_\_\_\_

880 Commissioner's Signature

881 When properly completed and signed, the certification must be  
882 filed with the clerk of the county board of supervisors before any  
883 payment may be made. The certification will be a public record  
884 available for inspection and reproduction immediately upon the  
885 oral or written request of any person.

886 Any person may contest the accuracy of the certification in  
887 any respect by notifying the chairman of the commission, any  
888 member of the board of supervisors or the clerk of the board of  
889 supervisors of such contest at any time before or after payment is  
890 made. If the contest is made before payment is made, no payment  
891 shall be made as to the contested certificate until the contest is  
892 finally disposed of. The person filing the contest shall be  
893 entitled to a full hearing, and the clerk of the board of  
894 supervisors shall issue subpoenas upon request of the contestor  
895 compelling the attendance of witnesses and production of documents  
896 and things. The contestor shall have the right to appeal de novo  
897 to the circuit court of the involved county, which appeal must be  
898 perfected within thirty (30) days from a final decision of the  
899 commission, the clerk of the board of supervisors or the board of  
900 supervisors, as the case may be.

901 Any contestor who successfully contests any certification  
902 will be awarded all expenses incident to his contest, together  
903 with reasonable attorney's fees, which will be awarded upon  
904 petition to the chancery court of the involved county upon final  
905 disposition of the contest before the election commission, board  
906 of supervisors, clerk of the board of supervisors, or, in case of  
907 an appeal, final disposition by the court. The commissioner  
908 against whom the contest is decided shall be liable for the  
909 payment of the expenses and attorney's fees, and the county shall  
910 be jointly and severally liable for same.

911 (7) Notwithstanding the provisions of this section to the  
912 contrary, from June 20, 2001, until the conclusion of calendar  
913 year 2004, the number of days for which the commissioners of  
914 election of a county are entitled to receive compensation shall  
915 not be less than the number of days of compensation they were  
916 entitled to receive during the 2000 calendar year, excluding those  
917 days for which election commissioners were either entitled to or  
918 did receive compensation for the conduct of any special elections  
919 in calendar year 2000.

920 **[From and after January 1, 2006, this section shall read as**  
921 **follows:]**

922 23-15-153. (1) At the following times the commissioners of  
923 election shall meet at the office of the registrar and carefully  
924 revise the registration books and the pollbooks of the several  
925 voting precincts, and shall erase from those books the names of  
926 all persons erroneously on the books, or who have died, removed or  
927 become disqualified as electors from any cause; and shall register  
928 the names of all persons who have duly applied to be registered  
929 and have been illegally denied registration

930 (a) On the Tuesday after the second Monday in January  
931 1987 and every following year;

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

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

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

942 Except for the names of those persons who are duly qualified  
943 to vote in the election, no name shall be permitted to remain on

944 the registration books and pollbooks; however, no name shall be  
945 erased from the registration books or pollbooks based on a change  
946 in the residence of an elector except in accordance with  
947 procedures provided for by the National Voter Registration Act of  
948 1993 that are in effect at the time of such erasure. Except as  
949 otherwise provided by Section 23-15-573, no person shall vote at  
950 any election whose name is not on the pollbook.

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

961 (a) In counties having less than fifteen thousand  
962 (15,000) residents according to the latest federal decennial  
963 census, not more than fifty (50) days per year, with no more than  
964 fifteen (15) additional days allowed for the conduct of each  
965 election in excess of one (1) occurring in any calendar year;

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

973 (c) In counties having thirty thousand (30,000)  
974 residents according to the latest federal decennial census but  
975 less than seventy thousand (70,000) residents according to the  
976 latest federal decennial census, not more than one hundred (100)

977 days per year, with no more than thirty-five (35) additional days  
978 allowed for the conduct of each election in excess of one (1)  
979 occurring in any calendar year;

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

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

994 (f) In counties having one hundred seventy thousand  
995 (170,000) residents according to the latest federal decennial  
996 census but less than two hundred thousand (200,000) residents  
997 according to the latest federal decennial census, not more than  
998 one hundred seventy-five (175) days per year, with no more than  
999 sixty-five (65) additional days allowed for the conduct of each  
1000 election in excess of one (1) occurring in any calendar year;

1001 (g) In counties having two hundred thousand (200,000)  
1002 residents according to the latest federal decennial census but  
1003 less than two hundred twenty-five thousand (225,000) residents  
1004 according to the latest federal decennial census, not more than  
1005 one hundred ninety (190) days per year, with no more than  
1006 seventy-five (75) additional days allowed for the conduct of each  
1007 election in excess of one (1) occurring in any calendar year;

1008 (h) In counties having two hundred twenty-five thousand  
1009 (225,000) residents according to the latest federal decennial

1010 census but less than two hundred fifty thousand (250,000)  
1011 residents according to the latest federal decennial census, not  
1012 more than two hundred fifteen (215) days per year, with no more  
1013 than eighty-five (85) additional days allowed for the conduct of  
1014 each election in excess of one (1) occurring in any calendar year;

1015           (i) In counties having two hundred fifty thousand  
1016 (250,000) residents according to the latest federal decennial  
1017 census but less than two hundred seventy-five thousand (275,000)  
1018 residents according to the latest federal decennial census, not  
1019 more than two hundred thirty (230) days per year, with no more  
1020 than ninety-five (95) additional days allowed for the conduct of  
1021 each election in excess of one (1) occurring in any calendar year;

1022           (j) In counties having two hundred seventy-five  
1023 thousand (275,000) residents according to the latest federal  
1024 decennial census or more, not more than two hundred forty (240)  
1025 days per year, with no more than one hundred five (105) additional  
1026 days allowed for the conduct of each election in excess of one (1)  
1027 occurring in any calendar year.

1028           (3) The commissioners of election shall be entitled to  
1029 receive a per diem in the amount of Seventy Dollars (\$70.00), to  
1030 be paid from the county general fund, not to exceed ten (10) days  
1031 for every day or period of no less than five (5) hours accumulated  
1032 over two (2) or more days actually employed in the performance of  
1033 their duties for the necessary time spent in the revision of the  
1034 registration books and pollbooks prior to any special election.  
1035 For purposes of this subsection, the regular special election day  
1036 shall not be considered a special election. The annual  
1037 limitations set forth in subsection apply to this subsection (2)  
1038 of this section shall not apply to this subsection.

1039           (4) The commissioners of election shall be entitled to  
1040 receive only one (1) per diem payment for those days when the  
1041 commissioners of election discharge more than one (1) duty or  
1042 responsibility on the same day.





1076 \_\_\_\_\_  
1077 TOTAL NUMBER OF PER DIEM DAYS EARNED \_\_\_\_\_  
1078 PER DIEM RATE PER DAY EARNED X 70.00  
1079 TOTAL AMOUNT OF PER DIEM CLAIMED \$\_\_\_\_\_

1080 I understand that I am signing this document  
1081 under my oath as a commissioner of elections and under  
1082 penalties of perjury.

1083 I understand that I am requesting payment from  
1084 taxpayer funds and that I have an obligation to be  
1085 specific and truthful as to the amount of hours worked  
1086 and the compensation I am requesting.

1087 Signed this the \_\_\_\_\_day of \_\_\_\_\_, \_\_\_\_\_.  
1088 \_\_\_\_\_  
1089 Commissioner's Signature

1090 When properly completed and signed, the certification must be  
1091 filed with the clerk of the county board of supervisors before any  
1092 payment may be made. The certification will be a public record  
1093 available for inspection and reproduction immediately upon the  
1094 oral or written request of any person.

1095 Any person may contest the accuracy of the certification in  
1096 any respect by notifying the chairman of the commission, any  
1097 member of the board of supervisors or the clerk of the board of  
1098 supervisors of such contest at any time before or after payment is  
1099 made. If the contest is made before payment is made, no payment  
1100 shall be made as to the contested certificate until the contest is  
1101 finally disposed of. The person filing the contest shall be  
1102 entitled to a full hearing, and the clerk of the board of  
1103 supervisors shall issue subpoenas upon request of the contestor  
1104 compelling the attendance of witnesses and production of documents  
1105 and things. The contestor shall have the right to appeal de novo  
1106 to the circuit court of the involved county, which appeal must be  
1107 perfected within thirty (30) days from a final decision of the

1108 commission, the clerk of the board of supervisors or the board of  
1109 supervisors, as the case may be.

1110 Any contestor who successfully contests any certification  
1111 will be awarded all expenses incident to his contest, together  
1112 with reasonable attorney's fees, which will be awarded upon  
1113 petition to the chancery court of the involved county upon final  
1114 disposition of the contest before the election commission, board  
1115 of supervisors, clerk of the board of supervisors, or, in case of  
1116 an appeal, final disposition by the court. The commissioner  
1117 against whom the contest is decided shall be liable for the  
1118 payment of the expenses and attorney's fees, and the county shall  
1119 be jointly and severally liable for same.

1120 \* \* \*

1121 **SECTION 13.** Section 23-15-211, Mississippi Code of 1972, is  
1122 amended as follows:

1123 23-15-211. (1) There shall be a State Board of Election  
1124 Commissioners to consist of the Governor, the Secretary of State  
1125 and the Attorney General, any two (2) of whom may perform the  
1126 duties required of the board; a board of election commissioners in  
1127 each county to consist of five (5) persons who are electors in the  
1128 county in which they are to act; and a registrar in each county  
1129 who shall be the clerk of the circuit court, unless he shall be  
1130 shown to be an improper person to register the names of the  
1131 electors therein.

1132 (2) The board of supervisors of each county shall pay  
1133 members of the county election commission for attending training  
1134 events a per diem in the amount provided in Section 23-15-153;  
1135 however, the per diem shall not be paid to an election  
1136 commissioner for more than six (6) days of training per year and  
1137 shall only be paid to election commissioners who actually attend  
1138 and complete a training event and obtain a training certificate.

1139 (3) Included in this six (6) days shall be an elections  
1140 seminar, conducted and sponsored by the Secretary of State.

1141 Election commissioners and chairpersons of each political party  
1142 executive committee, or their designee, shall be required to  
1143 attend.

1144 (4) Each participant shall receive a certificate from the  
1145 Secretary of State indicating that the named participant has  
1146 received the elections training seminar instruction and that each  
1147 participant is fully qualified to conduct an election.

1148 (5) The Secretary of State shall develop a single,  
1149 comprehensive poll worker training program to assist local  
1150 election officials in providing uniform, secure elections  
1151 throughout the state. The program shall include, at a minimum,  
1152 training on all state and federal election laws and procedures.

1153 **SECTION 14.** Section 23-15-255, Mississippi Code of 1972, is  
1154 amended as follows:

1155 23-15-255. (1) The supervisor of each respective  
1156 supervisors district shall provide at each election place a  
1157 sufficient number of voting compartments, shelves and tables for  
1158 the use of electors, which shall be so arranged that it will be  
1159 impossible for a voter in one compartment to see another voter who  
1160 is preparing his ballot. The number of voting compartments and  
1161 shelves or tables shall not be less than one (1) to every two  
1162 hundred (200) electors in the voting precinct. Each compartment  
1163 shall be supplied and have posted up in it a card of instructions,  
1164 and be furnished with other conveniences for marking the ballots.

1165 (2) The managers of each precinct shall publicly post the  
1166 following information at the precinct polling place on the day of  
1167 any election:

1168 (a) A sample version of the ballot that will be used at  
1169 the election;

1170 (b) Information on the date of the election and the  
1171 hours during which the polling places will be open;

1172 (c) Instructions on how to vote, including how to cast  
1173 a vote and how to cast an affidavit ballot;

1174 (d) Instruction for persons who have registered to vote  
1175 by mail and first time voters, if appropriate;

1176 (e) General information on voting rights, including  
1177 information on the right of an individual to cast an affidavit  
1178 ballot and instructions on how to contact the appropriate  
1179 officials if these rights are alleged to have been violated; and

1180 (f) The consequences under federal and state laws  
1181 regarding fraud and misrepresentation.

1182 **SECTION 15.** Section 23-15-573, Mississippi Code of 1972, is  
1183 amended as follows:

1184 23-15-573. (1) If any person declares that he is a  
1185 registered voter in the jurisdiction in which he offers to vote  
1186 and that he is eligible to vote in the election, but his name does  
1187 not appear upon the pollbooks, or that he is not able to cast a  
1188 regular election day ballot under a provision of state or federal  
1189 law but is otherwise qualified to vote, or that he has been  
1190 illegally denied registration:

1191 (a) A poll manager shall notify the person that he may  
1192 cast an affidavit ballot at the election.

1193 (b) The person shall be permitted to cast an affidavit  
1194 ballot at the polling place upon execution of a written affidavit  
1195 before one (1) of the managers of election stating that the  
1196 individual:

1197 (i) Believes he is a registered voter in the  
1198 jurisdiction in which he desires to vote and is eligible to vote  
1199 in the election; or

1200 (ii) Is not able to cast a regular election day  
1201 ballot under a provision of state or federal law but is otherwise  
1202 qualified to vote; or

1203 (iii) Believes that he has been illegally denied  
1204 registration.

1205 (c) The manager shall allow the individual to prepare  
1206 his vote which shall be delivered by him to the proper election

1207 official who shall enclose it in an envelope with the written  
1208 affidavit of the voter, seal the envelope and mark plainly upon it  
1209 the name of the person offering to vote.

1210 (2) The affidavit shall include:

1211 (a) The complete name, all required addresses and  
1212 telephone numbers;

1213 (b) A statement that the affiant believes he is  
1214 registered to vote in the jurisdiction in which he offers to vote;

1215 (c) The signature of the affiant; and

1216 (d) The signature of a poll manager at the precinct at  
1217 which the affiant offers to vote.

1218 (3) (a) A separate register shall be maintained for  
1219 affidavit ballots and the affiant shall sign the register upon  
1220 completing the affidavit ballot.

1221 (b) In canvassing the returns of the election, the  
1222 executive committee in primary elections, or the election  
1223 commissioners in other elections, shall examine the records and  
1224 allow the ballot to be counted, or not counted as it appears  
1225 legal.

1226 (4) When a person is offered the opportunity to vote by  
1227 affidavit ballot, he shall be provided with written information  
1228 that informs the person how to ascertain whether his affidavit  
1229 ballot was counted and, if the vote was not counted, the reasons  
1230 the vote was not counted.

1231 (5) The Secretary of State shall, by rule duly adopted,  
1232 establish a uniform affidavit and affidavit ballot envelope which  
1233 shall be used in all elections in this state. The Secretary of  
1234 State shall print and distribute a sufficient number of affidavits  
1235 and affidavit ballot envelopes to the registrar of each county for  
1236 use in elections. The registrar shall distribute the affidavits  
1237 and affidavit ballot envelopes to municipal and county executive  
1238 committees for use in primary elections and to municipal and  
1239 county election commissioners for use in other elections.

1240       (6) County registrars shall implement a secure free access  
1241 system that complies with the Help America Vote Act of 2002, by  
1242 which persons who vote by affidavit ballot may determine if their  
1243 ballots were counted, and if not, the reasons the ballot was not  
1244 counted.

1245       (7) Any person who votes in any election as a result of a  
1246 federal or state court order or other order extending the time  
1247 established by law for closing the polls, may only vote by  
1248 affidavit ballot. Any affidavit ballot cast under this subsection  
1249 shall be separated and kept apart from other affidavit ballots  
1250 cast by voters not affected by the order.

1251       \* \* \*

1252       **SECTION 16.** Section 23-15-687, Mississippi Code of 1972, is  
1253 amended as follows:

1254       23-15-687. (1) The registrar shall keep all applications  
1255 for absentee ballots and shall, within twenty-four (24) hours, if  
1256 possible, send to the absent voter on whose behalf the application  
1257 is made, the proper affidavit and the proper ballot or ballots  
1258 applicable to the elections. \* \* \*

1259       (2) One (1) application for an absentee ballot shall serve  
1260 as a request by the applicant for an absentee ballot for:

1261           (a) The next two (2) federal general elections,  
1262 including all primary elections associated with the elections;

1263           (b) All state and county primary and general elections  
1264 that occur after the receipt of the application by the registrar  
1265 through the date of the second federal general election that  
1266 occurs after the receipt of the application by the registrar.

1267       (3) The registrar shall preserve all applications for  
1268 absentee ballots for one (1) year as a record to be furnished to  
1269 any court or other duly constituted authority for inspection or  
1270 evidence if properly requested.

1271       (4) If the registrar rejects an application for an absentee  
1272 ballot or denies a request to register to vote from a uniformed

1273 services applicant or an overseas voter, the registrar shall  
1274 provide the person with the reasons for the rejection.

1275       **SECTION 17.** Section 23-15-14, Mississippi Code of 1972,  
1276 provides that certain municipal residents who are registered to  
1277 vote only in county elections shall be registered to vote in  
1278 municipal elections, is repealed.

1279       **SECTION 18.** The Attorney General of the State of Mississippi  
1280 shall submit this act, immediately upon approval by the Governor  
1281 or upon approval by the Legislature subsequent to a veto, to the  
1282 Attorney General of the United States or to the United States  
1283 District Court for the District of Columbia in accordance with the  
1284 provisions of the Voting Rights Act of 1965, as amended and  
1285 extended.

1286       **SECTION 19.** This act shall take effect and be in force from  
1287 and after the date it is effectuated under Section 5 of the Voting  
1288 Rights Act of 1965, as amended and extended.