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 Little

To: Elections;
 Appropriations

COMMITTEE SUBSTITUTE
 FOR
 SENATE BILL NO. 2857

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

88 (2) Counties that purchase voting systems that comply with
89 the requirements of the Help America Vote Act of 2002 shall be

90 eligible for federal funds accepted by the Secretary of State for
91 Help America Vote Act of 2002 compliance efforts. The only
92 restriction that the Secretary of State may place on the
93 expenditure of federal funds for the purchase of voting systems is
94 that the systems comply with the criteria established in the Help
95 America Vote Act of 2002 for voting systems.

96 **SECTION 6.** The Secretary of State shall be responsible for
97 providing to all absent uniformed services voters and overseas
98 voters who wish to vote or register to vote in this state
99 information required by the Help America Vote Act of 2002
100 regarding voter registration procedures and absentee ballot
101 procedures to be used by absent uniformed services voters and
102 overseas voters with respect to elections, including procedures
103 relating to the use of the federal write-in absentee ballot.

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

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

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

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

123 application for registration form provided for in Section
124 23-15-39.

125 (2) The municipal clerk shall be authorized to register
126 applicants as county electors. The municipal clerk shall forward
127 notice of registration, a copy of the application for
128 registration, and any changes to the registration when they occur,
129 either by certified mail to the county registrar or by personal
130 delivery to the county registrar provided that a numbered receipt
131 is signed by the registrar in return for the described documents.
132 Upon receipt of the copy of the application for registration or
133 changes to the registration, and if a review of the application
134 indicates that the applicant meets all the criteria necessary to
135 qualify as a county elector, then the county registrar shall make
136 a determination of the county voting precinct in which the person
137 making the application shall be required to vote. The county
138 registrar shall send this county voting precinct information by
139 United States first-class mail, postage prepaid, to the person at
140 the address provided on the application. Any and all mailing
141 costs incurred by the municipal clerk or the county registrar in
142 effectuating this subsection shall be paid by the county board of
143 supervisors. If a review of the copy of the application for
144 registration or changes to the registration indicates that the
145 applicant is not qualified to vote in the county, the county
146 registrar shall challenge the application. The county election
147 commissioners shall review any * * * challenge or
148 disqualification, after having notified the applicant by certified
149 mail of the challenge or disqualification.

150 (3) The municipal clerk shall issue to the person making the
151 application a copy of the application, and the county registrar
152 shall process the application in accordance with the law regarding
153 the handling of voter registration applications. * * *

154 (4) The receipt of a copy of the application for
155 registration sent pursuant to Section 23-15-39(3) shall be

156 sufficient to allow the applicant to be registered as an elector
157 in the municipality, provided that such application is not
158 challenged as provided for therein.

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

161 23-15-35. (1) The clerk of the municipality shall be the
162 registrar of voters of the municipality, and shall take the oath
163 of office prescribed by Section 268 of the Constitution.

164 The * * * municipal registration books * * * shall conform * * *
165 to the county registration books which shall be a part of the
166 official record of registered voters as contained in the Statewide
167 Centralized Voter System. The municipal clerk shall comply with
168 all the provisions of law regarding the registration of voters,
169 including the use of the voter registration applications used by
170 county registrars and prescribed by the Secretary of State under
171 Sections 23-15-39 and 23-15-47.

172 (2) The municipal clerk shall be authorized to register
173 applicants as county electors. The municipal clerk shall forward
174 notice of registration, a copy of the application for
175 registration, and any changes to the registration when they occur,
176 either by certified mail to the county registrar or by personal
177 delivery to the county registrar provided that a numbered receipt
178 is signed by the registrar in return for the described documents.
179 Upon receipt of the copy of the application for registration or
180 changes to the registration, and if a review of the application
181 indicates that the applicant meets all the criteria necessary to
182 qualify as a county elector, then the county registrar shall make
183 a determination of the county voting precinct in which the person
184 making the application shall be required to vote. The county
185 registrar shall send this county voting precinct information by
186 United States first-class mail, postage prepaid, to the person at
187 the address provided on the application. Any and all mailing
188 costs incurred by the municipal clerk or the county registrar in

189 effectuating this subsection shall be paid by the county board of
190 supervisors. If a review of the copy of the application for
191 registration or changes to the registration indicates that the
192 applicant is not qualified to vote in the county, the county
193 registrar shall challenge the application. The county election
194 commissioners shall review any * * * challenge or
195 disqualification, after having notified the applicant by certified
196 mail of the challenge or disqualification.

197 (3) The municipal clerk shall issue to the person making the
198 application a copy of the application and the county registrar
199 shall process the application in accordance with the law regarding
200 the handling of voter registration applications. * * *

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

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

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

209 23-15-39. (1) Applications for registration as electors of
210 this state, which are sworn to and subscribed before the registrar
211 or deputy registrar authorized by law and which are not made by
212 mail, shall be made upon a * * * form established by rule duly
213 adopted by the Secretary of State.

214 * * *

215 (2) The boards of supervisors shall make proper allowances
216 for office supplies reasonably necessitated by the registration of
217 county electors.

218 (3) If the applicant indicates on the application that he
219 resides within the city limits of a city or town in the county of
220 registration, the county registrar shall forward notice of
221 registration, a copy of the application for registration, and any

222 changes to the registration when they occur, either by certified
223 mail to the clerk of the municipality in which the application
224 indicates the applicant resides, or by personal delivery to the
225 clerk of the municipality provided that a numbered receipt is
226 signed by the clerk in return for the described documents. Upon
227 receipt of the copy of the application for registration or changes
228 to the registration, and if a review * * * indicates that the
229 applicant meets all the criteria necessary to qualify as a
230 municipal elector, then the clerk of the municipality shall make a
231 determination of the municipal voting precinct in which the person
232 making the application shall be required to vote. The clerk shall
233 send this municipal voting precinct information by United States
234 first-class mail, postage prepaid, to the person at the address
235 provided on the application. Any and all mailing costs incurred
236 by the county registrar or the clerk of the municipality in
237 effectuating this subsection shall be paid by the governing
238 authority of the municipality. If a review of the copy of the
239 application for registration or changes to the registration
240 indicates that the applicant is not qualified to vote in the
241 municipality, the clerk of the municipality shall challenge the
242 application. The municipal election commissioners responsible for
243 the municipality shall review any * * * challenge or
244 disqualification after having notified the applicant by certified
245 mail of the challenge or disqualification.

246 (4) If the applicant indicates on the application that he
247 has previously registered to vote in another county of this state
248 or another state, the registrar or clerk shall on a monthly basis
249 send notice of this new registration to the registrar or clerk of
250 the county in this state or any other state that is indicated in
251 the application as the voter's previous place of registration.
252 The election commission of the voter's previous place of
253 registration shall be responsible for having such voter's name
254 erased from the appropriate registration book and pollbook.

255 (5) The registrar shall issue to the person making the
256 application a copy of the application upon which has been written
257 the county voting precinct in which the person shall vote. The
258 registrar shall assign a voter registration number to the person
259 which shall be that person's social security number if such a
260 number is provided, and the voter registration number shall be
261 clearly shown on the application.

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

277 (7) If the person making the application is unable to read
278 or write, for reason of disability or otherwise, he shall not be
279 required to personally complete the application in writing and
280 execute the oath. In such cases, the registrar or deputy
281 registrar shall read to the person the application and oath and
282 the person's answers * * * shall be recorded by the registrar or
283 his deputy. The person shall be registered as an elector if he
284 otherwise meets the requirements to be registered as an elector.
285 The registrar shall record the responses of the person and the
286 recorded responses shall be retained permanently by the registrar.
287 The registrar shall forward a copy of all * * * recorded responses

288 to the Secretary of State and shall indicate which were approved
289 for registration.

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

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

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

312 23-15-39. (1) Applications for registration as electors of
313 this state, which are sworn to and subscribed before the registrar
314 or deputy registrar authorized by law and which are not made by
315 mail, shall be made upon a * * * form established by rule duly
316 adopted by the Secretary of State.

317 * * *

318 (2) The boards of supervisors shall make proper allowances
319 for office supplies reasonably necessitated by the registration of
320 county electors.

321 (3) If the applicant indicates on the application that he
322 resides within the city limits of a city or town in the county of
323 registration, the county registrar shall process the application
324 for registration or changes to the registration as provided by
325 law. * * *

326 (4) If the applicant indicates on the application that he
327 has previously registered to vote in another county of this state
328 or another state, * * * notice to the voter's previous county of
329 registration in this state shall be provided by the Statewide
330 Centralized Voter System. If the voter's previous place of
331 registration was in another state, notice shall be provided to the
332 voter's previous state of residence if the Statewide Centralized
333 Voter system has that capability.

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

350 (6) Any person desiring an application for registration may
351 secure an application from the registrar of the county of which he
352 is a resident and may take the application with him and secure
353 assistance in completing the application from any person of the

354 applicant's choice. It shall be the duty of all registrars to
355 furnish applications for registration to all persons requesting
356 them, and it shall likewise be his duty to furnish aid and
357 assistance in the completing of the application when requested by
358 an applicant. The application for registration shall be sworn to
359 and subscribed before the registrar or deputy registrar at the
360 municipal clerk's office, the county registrar's office or any
361 other location where the applicant is allowed to register to vote
362 No fee or cost shall be charged the applicant by the registrar for
363 accepting the application or administering the oath or for any
364 other duty imposed by law regarding the registration of electors.

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

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

382 (9) In any case in which a municipality expands its
383 corporate boundaries by annexation or redistricts all or a part of
384 the municipality, the municipal clerk shall within ten (10) days
385 after the effective date of the annexation or after preclearance
386 of the redistricting plan under Section 5 of the Voting Rights Act

387 of 1965, provide the county registrar with conforming geographic
388 data that is compatible with the Statewide Centralized Voter
389 System. The data shall be developed by the municipality's use of
390 a standardized format specified by the Statewide Centralized Voter
391 System. The county registrar shall update the municipal boundary
392 information or redistricting information into the Statewide
393 Centralized Voter System. The Statewide Centralized Voter System
394 shall update the voter registration records to include the new
395 municipal electors who have resided within the annexed area for at
396 least thirty (30) days after annexation and assign the electors to
397 the municipal voting precincts. The county registrar shall
398 forward to the municipal clerk written notification of the
399 additions and changes, and the municipal clerk shall forward to
400 the new municipal electors written notification of the additions
401 and changes. The Statewide Centralized Voter System shall
402 correctly place municipal electors within districts whose
403 boundaries were altered by any redistricting conducted within the
404 municipality and assign such electors to the correct municipal
405 voting precincts.

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

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

409 23-15-47. (1) Any person who is qualified to register to
410 vote in the State of Mississippi may register to vote by mail-in
411 application in the manner prescribed in this section.

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

414 (a) Any qualified elector may register to vote by
415 mailing or delivering a completed mail-in application to his
416 county registrar at least thirty (30) days prior to any election.
417 The postmark date of a mailed application shall be the date of
418 registration. * * *

419 (b) Upon receipt of a mail-in application, the county
420 registrar shall stamp such application with the date of receipt
421 and shall verify the application by contacting the applicant by
422 telephone, by personal contact with the applicant, or by any other
423 method approved by the Secretary of State. Within twenty-five
424 (25) days of receipt of a mail-in application, the county
425 registrar shall complete action on the application, including any
426 attempts to notify the applicant of the status of his application.

427 (c) If the county registrar determines that the
428 applicant is qualified and his application is legible and
429 complete, he shall mail the applicant written notification that
430 the application has been approved, specifying the county voting
431 precinct, polling place and supervisor district in which such
432 person shall vote. This written notification of approval
433 containing the specified information shall be the voter's
434 registration card. The registration cards shall be provided by
435 the county registrar. The registrar shall assign a voter
436 registration number to such person, which shall be that person's
437 social security number if such a number is provided, and the voter
438 registration number shall be clearly shown on the application and
439 on the written notification of approval. In mailing such written
440 notification, the county registrar shall note the following on the
441 envelope: "DO NOT FORWARD." If any registration notification
442 form is returned as undeliverable, voter's registration shall be
443 void.

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

446 (i) An incomplete portion of the application which
447 makes it impossible for the registrar to determine the eligibility
448 of the applicant to register;

449 (ii) A portion of the application which is
450 illegible in the opinion of the county registrar and makes it

451 impossible to determine the eligibility of the applicant to
452 register;

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

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

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

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

463 (e) If the mail-in application of a person is subject
464 to rejection for any of the reasons set forth in paragraph (d)(i)
465 through (iii) of this subsection, and it appears to the registrar
466 that the defect or omission is of such a minor nature and that any
467 necessary additional information may be supplied by the applicant
468 over the telephone or by further correspondence, the registrar may
469 write or call the applicant at the telephone number provided on
470 the application. If the registrar is able to contact the
471 applicant by mail or telephone, he shall attempt to ascertain the
472 necessary information and if this information is sufficient for
473 the registrar to complete the application, the applicant shall be
474 registered. If the necessary information cannot be obtained by
475 mail or telephone or is not sufficient, the registrar shall give
476 the applicant written notice of the rejection and provide the
477 reason for the rejection. The registrar shall further inform the
478 applicant that he has a right to attempt to register by appearing
479 in person or by filing another mail-in application.

480 (f) If a mail-in application is subject to rejection
481 for the reason stated in paragraph (d)(v) of this subsection and
482 the "present home address" portion of the application is different
483 from the residence address for the applicant found in the

484 registration book, the mail-in application shall be deemed a
485 written request to transfer registration pursuant to Section
486 23-15-13. Subject to the time limits and other provisions of
487 Section 23-15-13, the registrar or the election commissioners
488 shall note the new residence address on his records and, if
489 necessary, transfer the applicant to his new precinct, advise the
490 applicant of his new precinct, polling place and supervisor
491 district, and notify the municipal clerk of any such changes on a
492 monthly basis.

493 (3) The instructions and the application form for voter
494 registration by mail shall be in a * * * form established by rule
495 duly adopted by the Secretary of State.

496 * * *

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

502 (b) The Secretary of State shall distribute without
503 charge sufficient forms for application for voter registration by
504 mail to the Commissioner of Public Safety, who shall distribute
505 such forms to each driver's license examining and renewal station
506 in the state, and shall ensure that the forms are regularly
507 available to the public at such stations.

508 (c) Bulk quantities of forms for application for voter
509 registration by mail shall be furnished by the Secretary of State
510 to any person or organization. The Secretary of State shall
511 charge a person or organization the actual cost he incurs in
512 providing bulk quantities of forms for application for voter
513 registration to such person or organization.

514 (5) The originals of completed mail-in applications shall
515 remain on file in the office of the county registrar in accordance
516 with Section 23-15-113. Nothing in this section shall preclude

517 having applications on microfilm, microfiche or as an electronic
518 image.

519 (6) If the applicant indicates on the application that he
520 resides within the city limits of a city or town in the county
521 registration, the county registrar shall forward notice of
522 registration, a duplicate copy of the application for
523 registration, and any changes to the registration when they occur,
524 either by certified mail to the clerk of the municipality
525 indicated in the present residence address stated in the
526 application or by personal delivery to the municipal clerk,
527 provided that a numbered receipt is signed by the clerk in return
528 for the described documents. Upon receipt of the copy of the
529 application for registration or changes to the registration, and
530 if a review * * * indicates that the applicant meets all the
531 criteria necessary to qualify as a municipal elector, then the
532 clerk of the municipality shall register the applicant as a
533 municipal elector and make a determination of the municipal voting
534 precinct in which the person making the application shall be
535 required to vote. The clerk shall send this municipal voting
536 precinct information by United States first-class mail, postage
537 prepaid, to the person at the address provided on the application.
538 Any and all mailing costs incurred by the county registrar or the
539 to clerk of the municipality in effectuating this subsection shall
540 be paid by the governing authority of the municipality. If a
541 review of the copy of the application for registration or changes
542 to the registration indicates that the applicant is not qualified
543 to vote in the municipality, the clerk of the municipality shall
544 deny the application and notify applicant.

545 (7) If the applicant indicates on the application that he
546 has previously registered to vote in another county of this state
547 or another state, the registrar or clerk shall send written notice
548 of this new registration by regular United States mail to the
549 registrar or clerk of the county in this state or any other state

550 that is indicated in the application as the voter's previous place
551 of registration. The information shall include the complete name,
552 address and age of the voter and shall include the current and
553 valid Mississippi driver's license of the voter, if provided, or
554 the social security number of the voter, if provided. The
555 election commission of the voter's previous place of registration
556 shall be responsible for having the voter's name erased from the
557 appropriate registration book and pollbook.

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

560 23-15-47. (1) Any person who is qualified to register to
561 vote in the State of Mississippi may register to vote by mail-in
562 application in the manner prescribed in this section.

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

565 (a) Any qualified elector may register to vote by
566 mailing or delivering a completed mail-in application to his
567 county registrar at least thirty (30) days prior to any election.
568 The postmark date of a mailed application shall be the date of
569 registration. * * *

570 (b) Upon receipt of a mail-in application, the county
571 registrar shall stamp the application with the date of receipt,
572 and shall verify the application by contacting the applicant by
573 telephone, by personal contact with the applicant, or by any other
574 method approved by the Secretary of State. Within twenty-five
575 (25) days of receipt of a mail-in application, the county
576 registrar shall complete action on the application, including any
577 attempts to notify the applicant of the status of his application.

578 (c) If the county registrar determines that the
579 applicant is qualified and his application is legible and
580 complete, he shall mail the applicant written notification that
581 the application has been approved, specifying the county voting
582 precinct, municipal voting precinct, if any, polling place and

583 supervisor district in which such person shall vote. This written
584 notification of approval containing the specified information
585 shall be the voter's registration card. The registration cards
586 shall be provided by the county registrar. Upon entry of the
587 voter registration information into the Statewide Centralized
588 Voter System, the system shall assign a voter registration number
589 to the person, which shall be that person's current and valid
590 Mississippi driver's license number, or if the person does not
591 possess a current and valid Mississippi driver's license, the last
592 four (4) digits of the person's social security number, if the
593 number is provided. If the person does not have a current and
594 valid Mississippi driver's license number and does not provide the
595 last four (4) digits of his social security number, the Statewide
596 Centralized Voter System shall assign the person a unique
597 registration number. The assigned voter registration number shall
598 be clearly shown on the application and on the written
599 notification of approval. In mailing the written notification,
600 the county registrar shall note the following on the envelope:
601 "DO NOT FORWARD." If any registration notification form is
602 returned as undeliverable, the voter's registration shall be void.

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

605 (i) An incomplete portion of the application which
606 makes it impossible for the registrar to determine the eligibility
607 of the applicant to register;

608 (ii) A portion of the application which is
609 illegible in the opinion of the county registrar and makes it
610 impossible to determine the eligibility of the applicant to
611 register;

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

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

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

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

622 (e) If the mail-in application of a person is subject
623 to rejection for any of the reasons set forth in paragraph (d)(i)
624 through (iii) of this subsection, and it appears to the registrar
625 that the defect or omission is of such a minor nature and that any
626 necessary additional information may be supplied by the applicant
627 over the telephone or by further correspondence, the registrar may
628 write or call the applicant at the telephone number provided on
629 the application. If the registrar is able to contact the
630 applicant by mail or telephone, he shall attempt to ascertain the
631 necessary information and if this information is sufficient for
632 the registrar to complete the application, the applicant shall be
633 registered. If the necessary information cannot be obtained by
634 mail or telephone or is not sufficient, the registrar shall give
635 the applicant written notice of the rejection and provide the
636 reason for the rejection. The registrar shall further inform the
637 applicant that he has a right to attempt to register by appearing
638 in person or by filing another mail-in application.

639 (f) If a mail-in application is subject to rejection
640 for the reason stated in paragraph (d)(v) of this subsection and
641 the "present home address" portion of the application is different
642 from the residence address for the applicant found in the
643 registration book, the mail-in application shall be deemed a
644 written request to transfer registration pursuant to Section
645 23-15-13. Subject to the time limits and other provisions of
646 Section 23-15-13, the registrar or the election commissioners
647 shall note the new residence address on his records and, if
648 necessary, transfer the applicant to his new county precinct or

649 municipal precinct, if any, advise the applicant of his new county
650 precinct or municipal precinct, if any, polling place and
651 supervisor district * * *.

652 (3) The instructions and the application form for voter
653 registration by mail shall be in a * * * form established by rule
654 duly adopted by the Secretary of State.

655 * * *

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

661 (b) The Secretary of State shall distribute without
662 charge sufficient forms for application for voter registration by
663 mail to the Commissioner of Public Safety, who shall distribute
664 such forms to each driver's license examining and renewal station
665 in the state, and shall ensure that the forms are regularly
666 available to the public at such stations.

667 (c) Bulk quantities of forms for application for voter
668 registration by mail shall be furnished by the Secretary of State
669 to any person or organization. The Secretary of State shall
670 charge a person or organization the actual cost he incurs in
671 providing bulk quantities of forms for application for voter
672 registration to such person or organization.

673 (5) The originals of completed mail-in applications shall
674 remain on file in the office of the county registrar in accordance
675 with Section 23-15-113. Nothing in this section shall preclude
676 having applications on microfilm, microfiche or as an electronic
677 image.

678 (6) If the applicant indicates on the application that he
679 resides within the city limits of a city or town in the county of
680 registration, the county registrar shall enter the information
681 into the Statewide Centralized Voter System. * * * The county

682 registrar shall send * * * municipal voting precinct information
683 by United States first-class mail, postage prepaid, to the person
684 at the address provided on the application. Any and all mailing
685 costs incurred by the county registrar or the clerk of the
686 municipality in effectuating this subsection shall be paid by the
687 governing authority of the municipality. If a review * * * of the
688 application for registration or changes to the registration
689 indicates that the applicant is not qualified to vote in the
690 municipality, the registrar * * * shall * * * notify the applicant
691 of the correct county precinct.

692 (7) If the applicant indicates on the application that he
693 has previously registered to vote in another county of this state
694 or another state, * * * notice to the voter's previous county of
695 registration in this state shall be provided by the Statewide
696 Centralized Voter System. If the voter's previous place of
697 registration was in another state, notice shall be provided to the
698 voter's previous state of residence if the Statewide Centralized
699 Voter System has that capability.

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

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

705 23-15-137. (1) If the governing authorities of a
706 municipality determine that revision of the registration books and
707 pollbooks can be performed more effectively and efficiently
708 utilizing the authority granted in this section, then such
709 governing authorities may contract with the commissioners of
710 election of the county or counties in which the municipality is
711 located to provide the municipal registrar of such municipality
712 with registration books and pollbooks containing only the duly
713 qualified electors of such municipality. The registration books
714 and pollbooks provided pursuant to this section may be used to

715 conduct any municipal election in such municipality. By adopting
716 the registration books and pollbooks so provided, the municipal
717 commissioners of election shall be deemed to have met any
718 requirements to revise such books which are imposed upon such
719 commissioners by Mississippi law.

720 (2) In addition to any meeting otherwise authorized by law,
721 the county commissioners of election may meet to prepare the
722 registration and pollbooks of each municipality pursuant to a
723 contract authorized pursuant to subsection (1) of this section.
724 Each municipality shall compensate the county commissioners of
725 election for the actual cost of preparing such registration books
726 and pollbooks for the municipality and shall pay each county
727 commissioner of election the per diem provided for in Section
728 23-15-153(2) for each day or period of not less than five (5)
729 hours accumulated over two (2) or more days such commissioners are
730 actually employed in preparing such registration books and
731 pollbooks for such municipality, not to exceed five (5) days. The
732 county commissioners of election shall not receive any
733 compensation for the preparation of registration books and
734 pollbooks pursuant to subsection (1) other than that provided for
735 in this subsection.

736 (3) This section shall stand repealed from and after January
737 1, 2006.

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

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

741 23-15-153. (1) At the following times the commissioners of
742 election shall meet at the office of the registrar and carefully
743 revise the registration books and the pollbooks of the several
744 voting precincts, and shall erase from those books the names of
745 all persons erroneously on the books, or who have died, removed or
746 become disqualified as electors from any cause; and shall register

747 the names of all persons who have duly applied to be registered
748 and have been illegally denied registration:

749 (a) On the Tuesday after the second Monday in January
750 1987 and every following year;

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

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

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

761 Except for the names of those persons who are duly qualified
762 to vote in the election, no name shall be permitted to remain on
763 the registration books and pollbooks; however, no name shall be
764 erased from the registration books or pollbooks based on a change
765 in the residence of an elector except in accordance with
766 procedures provided for by the National Voter Registration Act of
767 1993 that are in effect at the time of such erasure. Except as
768 otherwise provided by Section 23-15-573, no person shall vote at
769 any election whose name is not on the pollbook.

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

780 (a) In counties having less than fifteen thousand
781 (15,000) residents according to the latest federal decennial
782 census, not more than fifty (50) days per year, with no more than
783 fifteen (15) additional days allowed for the conduct of each
784 election in excess of one (1) occurring in any calendar year;

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

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

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

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

813 (f) In counties having one hundred seventy thousand
814 (170,000) residents according to the latest federal decennial
815 census but less than two hundred thousand (200,000) residents
816 according to the latest federal decennial census, not more than
817 one hundred seventy-five (175) days per year, with no more than
818 sixty-five (65) additional days allowed for the conduct of each
819 election in excess of one (1) occurring in any calendar year;

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

827 (h) In counties having two hundred twenty-five thousand
828 (225,000) residents according to the latest federal decennial
829 census but less than two hundred fifty thousand (250,000)
830 residents according to the latest federal decennial census, not
831 more than two hundred fifteen (215) days per year, with no more
832 than eighty-five (85) additional days allowed for the conduct of
833 each election in excess of one (1) occurring in any calendar year;

834 (i) In counties having two hundred fifty thousand
835 (250,000) residents according to the latest federal decennial
836 census but less than two hundred seventy-five thousand (275,000)
837 residents according to the latest federal decennial census, not
838 more than two hundred thirty (230) days per year, with no more
839 than ninety-five (95) additional days allowed for the conduct of
840 each election in excess of one (1) occurring in any calendar year;

841 (j) In counties having two hundred seventy-five
842 thousand (275,000) residents according to the latest federal
843 decennial census or more, not more than two hundred forty (240)
844 days per year, with no more than one hundred five (105) additional

845 days allowed for the conduct of each election in excess of one (1)
846 occurring in any calendar year.

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

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

862 (5) The county registrar shall provide copies of the
863 registration books revised pursuant to this section to the
864 municipal registrar of each municipality located within the
865 county.

866 (6) Every commissioner of election shall sign personally a
867 certification setting forth the number of hours actually worked in
868 the performance of the commissioner's official duties and for
869 which the commissioner seeks compensation. The certification must
870 be on a form as prescribed in this subsection. The commissioner's
871 signature is, as a matter of law, made under the commissioner's
872 oath of office and under penalties of perjury.

873 The certification form shall be as follows:

874 **COUNTY ELECTION COMMISSIONER**

875 **PER DIEM CLAIM FORM**

876 NAME: _____ COUNTY: _____

877 ADDRESS: _____ DISTRICT: _____

878 CITY: _____ ZIP: _____

879		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
880	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
881	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

882 _____

883 _____

884 _____

885 TOTAL NUMBER OF PER DIEM DAYS EARNED _____

886 PER DIEM RATE PER DAY EARNED X 70.00

887 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

888 I understand that I am signing this document
889 under my oath as a commissioner of elections and under
890 penalties of perjury.

891 I understand that I am requesting payment from
892 taxpayer funds and that I have an obligation to be
893 specific and truthful as to the amount of hours worked
894 and the compensation I am requesting.

895 Signed this the _____ day of _____, ____.

896 _____

897 Commissioner's Signature

898 When properly completed and signed, the certification must be
899 filed with the clerk of the county board of supervisors before any
900 payment may be made. The certification will be a public record
901 available for inspection and reproduction immediately upon the
902 oral or written request of any person.

903 Any person may contest the accuracy of the certification in
904 any respect by notifying the chairman of the commission, any
905 member of the board of supervisors or the clerk of the board of
906 supervisors of such contest at any time before or after payment is
907 made. If the contest is made before payment is made, no payment
908 shall be made as to the contested certificate until the contest is
909 finally disposed of. The person filing the contest shall be
910 entitled to a full hearing, and the clerk of the board of

911 supervisors shall issue subpoenas upon request of the contestor
912 compelling the attendance of witnesses and production of documents
913 and things. The contestor shall have the right to appeal de novo
914 to the circuit court of the involved county, which appeal must be
915 perfected within thirty (30) days from a final decision of the
916 commission, the clerk of the board of supervisors or the board of
917 supervisors, as the case may be.

918 Any contestor who successfully contests any certification
919 will be awarded all expenses incident to his contest, together
920 with reasonable attorney's fees, which will be awarded upon
921 petition to the chancery court of the involved county upon final
922 disposition of the contest before the election commission, board
923 of supervisors, clerk of the board of supervisors, or, in case of
924 an appeal, final disposition by the court. The commissioner
925 against whom the contest is decided shall be liable for the
926 payment of the expenses and attorney's fees, and the county shall
927 be jointly and severally liable for same.

928 (7) Notwithstanding the provisions of this section to the
929 contrary, from June 20, 2001, until the conclusion of calendar
930 year 2004, the number of days for which the commissioners of
931 election of a county are entitled to receive compensation shall
932 not be less than the number of days of compensation they were
933 entitled to receive during the 2000 calendar year, excluding those
934 days for which election commissioners were either entitled to or
935 did receive compensation for the conduct of any special elections
936 in calendar year 2000.

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

939 23-15-153. (1) At the following times the commissioners of
940 election shall meet at the office of the registrar and carefully
941 revise the registration books and the pollbooks of the several
942 voting precincts, and shall erase from those books the names of
943 all persons erroneously on the books, or who have died, removed or

944 become disqualified as electors from any cause; and shall register
945 the names of all persons who have duly applied to be registered
946 and have been illegally denied registration

947 (a) On the Tuesday after the second Monday in January
948 1987 and every following year;

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

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

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

959 Except for the names of those persons who are duly qualified
960 to vote in the election, no name shall be permitted to remain on
961 the registration books and pollbooks; however, no name shall be
962 erased from the registration books or pollbooks based on a change
963 in the residence of an elector except in accordance with
964 procedures provided for by the National Voter Registration Act of
965 1993 that are in effect at the time of such erasure. Except as
966 otherwise provided by Section 23-15-573, no person shall vote at
967 any election whose name is not on the pollbook.

968 (2) Except as provided in subsection (3) of this section,
969 and subject to the following annual limitations, the commissioners
970 of election shall be entitled to receive a per diem in the amount
971 of Seventy Dollars (\$70.00), to be paid from the county general
972 fund, for every day or period of no less than five (5) hours
973 accumulated over two (2) or more days actually employed in the
974 performance of their duties in the conduct of an election or
975 actually employed in the performance of their duties for the

976 necessary time spent in the revision of the registration books and
977 pollbooks as required in subsection (1) of this section:

978 (a) In counties having less than fifteen thousand
979 (15,000) residents according to the latest federal decennial
980 census, not more than fifty (50) days per year, with no more than
981 fifteen (15) additional days allowed for the conduct of each
982 election in excess of one (1) occurring in any calendar year;

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

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

997 (d) In counties having seventy thousand (70,000)
998 residents according to the latest federal decennial census but
999 less than ninety thousand (90,000) residents according to the
1000 latest federal decennial census, not more than one hundred
1001 twenty-five (125) days per year, with no more than forty-five (45)
1002 additional days allowed for the conduct of each election in excess
1003 of one (1) occurring in any calendar year;

1004 (e) In counties having ninety thousand (90,000)
1005 residents according to the latest federal decennial census but
1006 less than one hundred seventy thousand (170,000) residents
1007 according to the latest federal decennial census, not more than
1008 one hundred fifty (150) days per year, with no more than

1009 fifty-five (55) additional days allowed for the conduct of each
1010 election in excess of one (1) occurring in any calendar year;

1011 (f) In counties having one hundred seventy thousand
1012 (170,000) residents according to the latest federal decennial
1013 census but less than two hundred thousand (200,000) residents
1014 according to the latest federal decennial census, not more than
1015 one hundred seventy-five (175) days per year, with no more than
1016 sixty-five (65) additional days allowed for the conduct of each
1017 election in excess of one (1) occurring in any calendar year;

1018 (g) In counties having two hundred thousand (200,000)
1019 residents according to the latest federal decennial census but
1020 less than two hundred twenty-five thousand (225,000) residents
1021 according to the latest federal decennial census, not more than
1022 one hundred ninety (190) days per year, with no more than
1023 seventy-five (75) additional days allowed for the conduct of each
1024 election in excess of one (1) occurring in any calendar year;

1025 (h) In counties having two hundred twenty-five thousand
1026 (225,000) residents according to the latest federal decennial
1027 census but less than two hundred fifty thousand (250,000)
1028 residents according to the latest federal decennial census, not
1029 more than two hundred fifteen (215) days per year, with no more
1030 than eighty-five (85) additional days allowed for the conduct of
1031 each election in excess of one (1) occurring in any calendar year;

1032 (i) In counties having two hundred fifty thousand
1033 (250,000) residents according to the latest federal decennial
1034 census but less than two hundred seventy-five thousand (275,000)
1035 residents according to the latest federal decennial census, not
1036 more than two hundred thirty (230) days per year, with no more
1037 than ninety-five (95) additional days allowed for the conduct of
1038 each election in excess of one (1) occurring in any calendar year;

1039 (j) In counties having two hundred seventy-five
1040 thousand (275,000) residents according to the latest federal
1041 decennial census or more, not more than two hundred forty (240)

1042 days per year, with no more than one hundred five (105) additional
1043 days allowed for the conduct of each election in excess of one (1)
1044 occurring in any calendar year.

1045 (3) The commissioners of election shall be entitled to
1046 receive a per diem in the amount of Seventy Dollars (\$70.00), to
1047 be paid from the county general fund, not to exceed ten (10) days
1048 for every day or period of no less than five (5) hours accumulated
1049 over two (2) or more days actually employed in the performance of
1050 their duties for the necessary time spent in the revision of the
1051 registration books and pollbooks prior to any special election.
1052 For purposes of this subsection, the regular special election day
1053 shall not be considered a special election. The annual
1054 limitations set forth in subsection apply to this subsection (2)
1055 of this section shall not apply to this subsection.

1056 (4) The commissioners of election shall be entitled to
1057 receive only one (1) per diem payment for those days when the
1058 commissioners of election discharge more than one (1) duty or
1059 responsibility on the same day.

1060 (5) The county registrar shall prepare the pollbooks and the
1061 county commissioners of election shall prepare the registration
1062 books * * * of each municipality located within the county
1063 pursuant to an agreement between the county and each municipality
1064 in the county. The county commissioners of election and the
1065 county registrar shall be paid by each municipality for the actual
1066 cost of preparing registration books and pollbooks for the
1067 municipality and shall pay each county commissioner of election a
1068 per diem in the amount provided for in subsection (2) of this
1069 section for each day or period of not less than five (5) hours
1070 accumulated over two (2) or more days the commissioners are
1071 actually employed in preparing the registration books for the
1072 municipality, not to exceed five (5) days. The county
1073 commissioners of election and county registrar shall provide
1074 copies of the registration books and pollbooks to the municipal

1075 clerk of each municipality in the county. The municipality shall
 1076 pay the country registrar for preparing and printing the
 1077 pollbooks. A municipality may secure "read only" access to the
 1078 Statewide Centralized Voter System and print its own pollbooks
 1079 using this information; however, county commissioners of election
 1080 shall remain responsible for preparing registration books for
 1081 municipalities and shall be paid for this duty in accordance with
 1082 this subsection.

1083 (6) Every commissioner of election shall sign personally a
 1084 certification setting forth the number of hours actually worked in
 1085 the performance of the commissioner's official duties and for
 1086 which the commissioner seeks compensation. The certification must
 1087 be on a form as prescribed in this subsection. The commissioner's
 1088 signature is, as a matter of law, made under the commissioner's
 1089 oath of office and under penalties of perjury.

1090 The certification form shall be as follows:

1091 **COUNTY ELECTION COMMISSIONER**

1092 **PER DIEM CLAIM FORM**

1093 NAME: _____ COUNTY: _____
 1094 ADDRESS: _____ DISTRICT: _____
 1095 CITY: _____ ZIP: _____

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

1102 TOTAL NUMBER OF PER DIEM DAYS EARNED _____
 1103 PER DIEM RATE PER DAY EARNED X 70.00
 1104 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

1105 I understand that I am signing this document
 1106 under my oath as a commissioner of elections and under
 1107 penalties of perjury.

1108 I understand that I am requesting payment from
1109 taxpayer funds and that I have an obligation to be
1110 specific and truthful as to the amount of hours worked
1111 and the compensation I am requesting.

1112 Signed this the ____ day of _____, ____.

1113 _____

1114 Commissioner's Signature

1115 When properly completed and signed, the certification must be
1116 filed with the clerk of the county board of supervisors before any
1117 payment may be made. The certification will be a public record
1118 available for inspection and reproduction immediately upon the
1119 oral or written request of any person.

1120 Any person may contest the accuracy of the certification in
1121 any respect by notifying the chairman of the commission, any
1122 member of the board of supervisors or the clerk of the board of
1123 supervisors of such contest at any time before or after payment is
1124 made. If the contest is made before payment is made, no payment
1125 shall be made as to the contested certificate until the contest is
1126 finally disposed of. The person filing the contest shall be
1127 entitled to a full hearing, and the clerk of the board of
1128 supervisors shall issue subpoenas upon request of the contestor
1129 compelling the attendance of witnesses and production of documents
1130 and things. The contestor shall have the right to appeal de novo
1131 to the circuit court of the involved county, which appeal must be
1132 perfected within thirty (30) days from a final decision of the
1133 commission, the clerk of the board of supervisors or the board of
1134 supervisors, as the case may be.

1135 Any contestor who successfully contests any certification
1136 will be awarded all expenses incident to his contest, together
1137 with reasonable attorney's fees, which will be awarded upon
1138 petition to the chancery court of the involved county upon final
1139 disposition of the contest before the election commission, board
1140 of supervisors, clerk of the board of supervisors, or, in case of

1141 an appeal, final disposition by the court. The commissioner
1142 against whom the contest is decided shall be liable for the
1143 payment of the expenses and attorney's fees, and the county shall
1144 be jointly and severally liable for same.

1145 * * *

1146 **SECTION 13.** Section 23-15-211, Mississippi Code of 1972, is
1147 amended as follows:

1148 23-15-211. (1) There shall be a State Board of Election
1149 Commissioners to consist of the Governor, the Secretary of State
1150 and the Attorney General, any two (2) of whom may perform the
1151 duties required of the board; a board of election commissioners in
1152 each county to consist of five (5) persons who are electors in the
1153 county in which they are to act; and a registrar in each county
1154 who shall be the clerk of the circuit court, unless he shall be
1155 shown to be an improper person to register the names of the
1156 electors therein.

1157 (2) The board of supervisors of each county shall pay
1158 members of the county election commission for attending training
1159 events a per diem in the amount provided in Section 23-15-153;
1160 however, the per diem shall not be paid to an election
1161 commissioner for more than six (6) days of training per year and
1162 shall only be paid to election commissioners who actually attend
1163 and complete a training event and obtain a training certificate.

1164 (3) Included in this six (6) days shall be an elections
1165 seminar, conducted and sponsored by the Secretary of State.
1166 Election commissioners and chairpersons of each political party
1167 executive committee, or their designee, shall be required to
1168 attend.

1169 (4) Each participant shall receive a certificate from the
1170 Secretary of State indicating that the named participant has
1171 received the elections training seminar instruction and that each
1172 participant is fully qualified to conduct an election.

1173 (5) The Secretary of State shall develop a single,
1174 comprehensive poll worker training program to assist local
1175 election officials in providing uniform, secure elections
1176 throughout the state. The program shall include, at a minimum,
1177 training on all state and federal election laws and procedures.

1178 **SECTION 14.** Section 23-15-255, Mississippi Code of 1972, is
1179 amended as follows:

1180 23-15-255. (1) The supervisor of each respective
1181 supervisors district shall provide at each election place a
1182 sufficient number of voting compartments, shelves and tables for
1183 the use of electors, which shall be so arranged that it will be
1184 impossible for a voter in one compartment to see another voter who
1185 is preparing his ballot. The number of voting compartments and
1186 shelves or tables shall not be less than one (1) to every two
1187 hundred (200) electors in the voting precinct. Each compartment
1188 shall be supplied and have posted up in it a card of instructions,
1189 and be furnished with other conveniences for marking the ballots.

1190 (2) The managers of each precinct shall publicly post the
1191 following information at the precinct polling place on the day of
1192 any election:

1193 (a) A sample version of the ballot that will be used at
1194 the election;

1195 (b) Information the date of the election and the hours
1196 during which the polling places will be open;

1197 (c) Instructions on how to vote, including how to cast
1198 a vote and how to cast an affidavit ballot;

1199 (d) Instruction persons who have registered to vote by
1200 mail and first time voters, if appropriate;

1201 (e) General information on voting rights, including
1202 information on the right of an individual to cast an affidavit
1203 ballot and instructions on how to contact the appropriate
1204 officials if these rights are alleged to have been violated; and

1205 (f) The consequences under federal and state laws
1206 regarding fraud and misrepresentation.

1207 **SECTION 15.** Section 23-15-573, Mississippi Code of 1972, is
1208 amended as follows:

1209 23-15-573. (1) If any person declares that he is a
1210 registered voter in the jurisdiction in which he offers to vote
1211 and that he is eligible to vote in the election, but his name does
1212 not appear upon the pollbooks, or that he is not able to cast a
1213 regular election day ballot under a provision of state or federal
1214 law but is otherwise qualified to vote, or that he has been
1215 illegally denied registration:

1216 (a) A poll manager shall notify the person that he may
1217 cast an affidavit ballot at the election.

1218 (b) The person shall be permitted to cast an affidavit
1219 ballot at the polling place upon execution of a written affidavit
1220 before one (1) of the managers of election stating that the
1221 individual:

1222 (i) Believes he is a registered voter in the
1223 jurisdiction in which he desires to vote and is eligible to vote
1224 in the election; or

1225 (ii) Is not able to cast a regular election day
1226 ballot under a provision of state or federal law but is otherwise
1227 qualified to vote; or

1228 (iii) Believes that he has been illegally denied
1229 registration.

1230 (c) The manager shall allow the individual to prepare
1231 his vote which shall be delivered by him to the proper election
1232 official who shall enclose it in an envelope with the written
1233 affidavit of the voter, seal the envelope and mark plainly upon it
1234 the name of the person offering to vote.

1235 (2) The affidavit shall include:

1236 (a) The complete name, all required addresses and
1237 telephone numbers;

1238 (b) A statement that the affiant believes he is
1239 registered to vote in the jurisdiction in which he offers to vote;

1240 (c) The signature of the affiant; and

1241 (d) The signature of a poll manager at the precinct at
1242 which the affiant offers to vote.

1243 (3) (a) A separate register shall be maintained for
1244 affidavit ballots and the affiant shall sign the register upon
1245 completing the affidavit ballot.

1246 (b) In canvassing the returns of the election, the
1247 executive committee in primary elections, or the election
1248 commissioners in other elections, shall examine the records and
1249 allow the ballot to be counted, or not counted as it appears
1250 legal.

1251 (4) When a person is offered the opportunity to vote by
1252 affidavit ballot, he shall be provided with written information
1253 that informs the person how to ascertain whether his affidavit
1254 ballot was counted and, if the vote was not counted, the reasons
1255 the vote was not counted.

1256 (5) The Secretary of State shall, by rule duly adopted,
1257 establish a uniform affidavit and affidavit ballot envelope which
1258 shall be used in all elections in this state. The Secretary of
1259 State shall print and distribute a sufficient number of affidavits
1260 and affidavit ballot envelopes to the registrar of each county for
1261 use in elections. The registrar shall distribute the affidavits
1262 and affidavit ballot envelopes to municipal and county executive
1263 committees for use in primary elections and to municipal and
1264 county election commissioners for use in other elections.

1265 (6) County registrars and municipal registrars shall
1266 implement a secure free access system that complies with the Help
1267 America Vote Act of 2002, by which persons who vote by affidavit
1268 ballot may determine if their ballots were counted, and if not,
1269 the reasons the ballot was not counted.

1270 (7) Any person who votes in any election as a result of a
1271 federal or state court order or other order extending the time
1272 established by law for closing the polls, may only vote by
1273 affidavit ballot. Any affidavit ballot cast under this subsection
1274 shall be separated and kept apart from other affidavit ballots
1275 cast by voters not affected by the order.

1276 * * *

1277 **SECTION 16.** Section 23-15-687, Mississippi Code of 1972, is
1278 amended as follows:

1279 23-15-687. (1) The registrar shall keep all applications
1280 for absentee ballots and shall, within twenty-four (24) hours, if
1281 possible, send to the absent voter on whose behalf the application
1282 is made, the proper affidavit and the proper ballot or ballots
1283 applicable to the elections. * * *

1284 (2) One (1) application for an absentee ballot shall serve
1285 as a request by the applicant for an absentee ballot for:

1286 (a) The next two (2) federal general elections,
1287 including all primary elections associated with the elections;

1288 (b) All state and county primary and general elections
1289 that occur after the receipt of the application by the registrar
1290 through the date of the second federal general election that
1291 occurs after the receipt of the application by the registrar.

1292 (3) The registrar shall preserve all applications for
1293 absentee ballots for one (1) year as a record to be furnished to
1294 any court or other duly constituted authority for inspection or
1295 evidence if properly requested.

1296 (4) If the registrar rejects an application for an absentee
1297 ballot or denies a request to register to vote from a uniformed
1298 services applicant or an overseas voter, the registrar shall
1299 provide the person with the reasons for the rejection.

1300 **SECTION 17.** Section 23-15-14, Mississippi Code of 1972,
1301 provides that certain municipal residents who are registered to

1302 vote only in county elections shall be registered to vote in
1303 municipal elections, is repealed.

1304 **SECTION 18.** The Attorney General of the State of Mississippi
1305 shall submit this act, immediately upon approval by the Governor
1306 or upon approval by the Legislature subsequent to a veto, to the
1307 Attorney General of the United States or to the United States
1308 District Court for the District of Columbia in accordance with the
1309 provisions of the Voting Rights Act of 1965, as amended and
1310 extended.

1311 **SECTION 19.** This act shall take effect and be in force from
1312 and after the date it is effectuated under Section 5 of the Voting
1313 Rights Act of 1965, as amended and extended.