

By: Senator(s) Chamberlin

To: Elections;
Appropriations

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 uniform and nondiscriminatory
89 election technology that complies with the criteria established in

90 the Help America Vote Act of 2002 shall be eligible for federal
91 funds accepted by the Secretary of State for such purpose. The
92 only restriction that the Secretary of State may place on the
93 expenditure of federal funds for the purchase of uniform and
94 nondiscriminatory election technology is that the equipment comply
95 with the criteria established in the Help America Vote Act of 2002
96 for such equipment.

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

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

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

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

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

123 which form shall conform as nearly as practicable to the
124 application for registration form provided for in Section
125 23-15-39.

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

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

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

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

162 23-15-35. (1) The clerk of the municipality shall be the
163 registrar of voters of the municipality, and shall take the oath
164 of office prescribed by Section 268 of the Constitution.
165 The * * * municipal registration books * * * shall conform * * *
166 to the county registration books which shall be a part of the
167 official record of registered voters as contained in the Statewide
168 Centralized Voter System. The municipal clerk shall comply with
169 all the provisions of law regarding the registration of voters,
170 including the use of the voter registration applications used by
171 county registrars and prescribed by the Secretary of State under
172 Sections 23-15-39 and 23-15-47.

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

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

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

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

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

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

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

215 * * *

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

219 (3) If the applicant indicates on the application that he
220 resides within the city limits of a city or town in the county of

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

247 (4) If the applicant indicates on the application that he
248 has previously registered to vote in another county of this state
249 or another state, the registrar or clerk shall on a monthly basis
250 send notice of this new registration to the registrar or clerk of
251 the county in this state or any other state that is indicated in
252 the application as the voter's previous place of registration.
253 The election commission of the voter's previous place of

254 registration shall be responsible for having such voter's name
255 erased from the appropriate registration book and pollbook.

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

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

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

287 recorded responses shall be retained permanently by the registrar.
288 The registrar shall forward a copy of all * * * recorded responses
289 to the Secretary of State and shall indicate which were approved
290 for registration.

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

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

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

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

318 * * *

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

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

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

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

351 (6) Any person desiring an application for registration may
352 secure an application from the registrar of the county of which he
353 is a resident and may take the application with him and secure
354 assistance in completing the application from any person of the
355 applicant's choice. It shall be the duty of all registrars to
356 furnish applications for registration to all persons requesting
357 them, and it shall likewise be his duty to furnish aid and
358 assistance in the completing of the application when requested by
359 an applicant. The application for registration shall be sworn to
360 and subscribed before the registrar or deputy registrar at the
361 municipal clerk's office, the county registrar's office or any
362 other location where the applicant is allowed to register to vote
363 No fee or cost shall be charged the applicant by the registrar for
364 accepting the application or administering the oath or for any
365 other duty imposed by law regarding the registration of electors.

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

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

383 (9) In any case in which a municipality expands its
384 corporate boundaries by annexation, the municipal clerk shall
385 within ten (10) days after the effective date of the annexation,
386 forward to the county registrar a map or equivalent geographic
387 information system data which accurately depicts the annexed area.
388 The county registrar shall enter updated municipal boundary
389 information into the Statewide Centralized Voter System. The
390 system will update the voter registration records to include the
391 new municipal electors who have resided within the annexed area
392 for at least thirty (30) days after annexation and assign the
393 municipal voting precincts. The county registrar shall forward to
394 the municipal clerk written notification of the additions and
395 changes, and the municipal clerk shall forward to the new
396 municipal electors written notification of the additions and
397 changes.

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

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

401 23-15-47. (1) Any person who is qualified to register to
402 vote in the State of Mississippi may register to vote by mail-in
403 application in the manner prescribed in this section.

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

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

411 (b) Upon receipt of a mail-in application, the county
412 registrar shall stamp such application with the date of receipt
413 and shall verify the application by contacting the applicant by
414 telephone, by personal contact with the applicant, or by any other
415 method approved by the Secretary of State. Within twenty-five

416 (25) days of receipt of a mail-in application, the county
417 registrar shall complete action on the application, including any
418 attempts to notify the applicant of the status of his application.

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

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

438 (i) An incomplete portion of the application which
439 makes it impossible for the registrar to determine the eligibility
440 of the applicant to register;

441 (ii) A portion of the application which is
442 illegible in the opinion of the county registrar and makes it
443 impossible to determine the eligibility of the applicant to
444 register;

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

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

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

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

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

472 (f) If a mail-in application is subject to rejection
473 for the reason stated in paragraph (d)(v) of this subsection and
474 the "present home address" portion of the application is different
475 from the residence address for the applicant found in the
476 registration book, the mail-in application shall be deemed a
477 written request to transfer registration pursuant to Section
478 23-15-13. Subject to the time limits and other provisions of
479 Section 23-15-13, the registrar or the election commissioners
480 shall note the new residence address on his records and, if
481 necessary, transfer the applicant to his new precinct, advise the

482 applicant of his new precinct, polling place and supervisor
483 district, and notify the municipal clerk of any such changes on a
484 monthly basis.

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

488 * * *

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

494 (b) The Secretary of State shall distribute without
495 charge sufficient forms for application for voter registration by
496 mail to the Commissioner of Public Safety, who shall distribute
497 such forms to each driver's license examining and renewal station
498 in the state, and shall ensure that the forms are regularly
499 available to the public at such stations.

500 (c) Bulk quantities of forms for application for voter
501 registration by mail shall be furnished by the Secretary of State
502 to any person or organization. The Secretary of State shall
503 charge a person or organization the actual cost he incurs in
504 providing bulk quantities of forms for application for voter
505 registration to such person or organization.

506 (5) The originals of completed mail-in applications shall
507 remain on file in the office of the county registrar in accordance
508 with Section 23-15-113. Nothing in this section shall preclude
509 having applications on microfilm, microfiche or as an electronic
510 image.

511 (6) If the applicant indicates on the application that he
512 resides within the city limits of a city or town in the county
513 registration, the county registrar shall forward notice of
514 registration, a duplicate copy of the application for

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

537 (7) If the applicant indicates on the application that he
538 has previously registered to vote in another county of this state
539 or another state, the registrar or clerk shall send written notice
540 of this new registration by regular United States mail to the
541 registrar or clerk of the county in this state or any other state
542 that is indicated in the application as the voter's previous place
543 of registration. The information shall include the complete name,
544 address and age of the voter and shall include the current and
545 valid Mississippi driver's license of the voter, if provided, or
546 the social security number of the voter, if provided. The
547 election commission of the voter's previous place of registration

548 shall be responsible for having the voter's name erased from the
549 appropriate registration book and pollbook.

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

552 23-15-47. (1) Any person who is qualified to register to
553 vote in the State of Mississippi may register to vote by mail-in
554 application in the manner prescribed in this section.

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

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

562 (b) Upon receipt of a mail-in application, the county
563 registrar shall stamp the application with the date of receipt,
564 and shall verify the application by contacting the applicant by
565 telephone, by personal contact with the applicant, or by any other
566 method approved by the Secretary of State. Within twenty-five
567 (25) days of receipt of a mail-in application, the county
568 registrar shall complete action on the application, including any
569 attempts to notify the applicant of the status of his application.

570 (c) If the county registrar determines that the
571 applicant is qualified and his application is legible and
572 complete, he shall mail the applicant written notification that
573 the application has been approved, specifying the county voting
574 precinct, municipal voting precinct, if any, polling place and
575 supervisor district in which such person shall vote. This written
576 notification of approval containing the specified information
577 shall be the voter's registration card. The registration cards
578 shall be provided by the county registrar. Upon entry of the
579 voter registration information into the Statewide Centralized
580 Voter System, the system shall assign a voter registration number

581 to the person, which shall be that person's current and valid
582 Mississippi driver's license number, or if the person does not
583 possess a current and valid Mississippi driver's license, the last
584 four (4) digits of the person's social security number, if the
585 number is provided. If the person does not have a current and
586 valid Mississippi driver's license number and does not provide the
587 last four (4) digits of his social security number, the Statewide
588 Centralized Voter System shall assign the person a unique
589 registration number. The assigned voter registration number shall
590 be clearly shown on the application and on the written
591 notification of approval. In mailing the written notification,
592 the county registrar shall note the following on the envelope:
593 "DO NOT FORWARD." If any registration notification form is
594 returned as undeliverable, the voter's registration shall be void.

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

597 (i) An incomplete portion of the application which
598 makes it impossible for the registrar to determine the eligibility
599 of the applicant to register;

600 (ii) A portion of the application which is
601 illegible in the opinion of the county registrar and makes it
602 impossible to determine the eligibility of the applicant to
603 register;

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

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

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

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

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

631 (f) If a mail-in application is subject to rejection
632 for the reason stated in paragraph (d)(v) of this subsection and
633 the "present home address" portion of the application is different
634 from the residence address for the applicant found in the
635 registration book, the mail-in application shall be deemed a
636 written request to transfer registration pursuant to Section
637 23-15-13. Subject to the time limits and other provisions of
638 Section 23-15-13, the registrar or the election commissioners
639 shall note the new residence address on his records and, if
640 necessary, transfer the applicant to his new county precinct or
641 municipal precinct, if any, advise the applicant of his new county
642 precinct or municipal precinct, if any, polling place and
643 supervisor district * * *.

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

647 * * *

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

653 (b) The Secretary of State shall distribute without
654 charge sufficient forms for application for voter registration by
655 mail to the Commissioner of Public Safety, who shall distribute
656 such forms to each driver's license examining and renewal station
657 in the state, and shall ensure that the forms are regularly
658 available to the public at such stations.

659 (c) Bulk quantities of forms for application for voter
660 registration by mail shall be furnished by the Secretary of State
661 to any person or organization. The Secretary of State shall
662 charge a person or organization the actual cost he incurs in
663 providing bulk quantities of forms for application for voter
664 registration to such person or organization.

665 (5) The originals of completed mail-in applications shall
666 remain on file in the office of the county registrar in accordance
667 with Section 23-15-113. Nothing in this section shall preclude
668 having applications on microfilm, microfiche or as an electronic
669 image.

670 (6) If the applicant indicates on the application that he
671 resides within the city limits of a city or town in the county of
672 registration, the county registrar shall enter the information
673 into the Statewide Centralized Voter System. * * * The county
674 registrar shall send * * * municipal voting precinct information
675 by United States first-class mail, postage prepaid, to the person
676 at the address provided on the application. Any and all mailing
677 costs incurred by the county registrar or the clerk of the
678 municipality in effectuating this subsection shall be paid by the
679 governing authority of the municipality. If a review * * * of the

680 application for registration or changes to the registration
681 indicates that the applicant is not qualified to vote in the
682 municipality, the registrar * * * shall * * * notify the applicant
683 of the correct county precinct.

684 (7) If the applicant indicates on the application that he
685 has previously registered to vote in another county of this state
686 or another state, * * * notice to the voter's previous county of
687 registration in this state shall be provided by the Statewide
688 Centralized Voter System. If the voter's previous place of
689 registration was in another state, notice shall be provided to the
690 voter's previous state of residence if the Statewide Centralized
691 Voter System has that capability.

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

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

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

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

728 (3) This section shall stand repealed from and after January
729 1, 2006.

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

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

733 23-15-153. (1) At the following times the commissioners of
734 election shall meet at the office of the registrar and carefully
735 revise the registration books and the pollbooks of the several
736 voting precincts, and shall erase from those books the names of
737 all persons erroneously on the books, or who have died, removed or
738 become disqualified as electors from any cause; and shall register
739 the names of all persons who have duly applied to be registered
740 and have been illegally denied registration:

741 (a) On the Tuesday after the second Monday in January
742 1987 and every following year;

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

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

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

753 Except for the names of those persons who are duly qualified
754 to vote in the election, no name shall be permitted to remain on
755 the registration books and pollbooks; however, no name shall be
756 erased from the registration books or pollbooks based on a change
757 in the residence of an elector except in accordance with
758 procedures provided for by the National Voter Registration Act of
759 1993 that are in effect at the time of such erasure. Except as
760 otherwise provided by Section 23-15-573, no person shall vote at
761 any election whose name is not on the pollbook.

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

772 (a) In counties having less than fifteen thousand
773 (15,000) residents according to the latest federal decennial
774 census, not more than fifty (50) days per year, with no more than

775 fifteen (15) additional days allowed for the conduct of each
776 election in excess of one (1) occurring in any calendar year;

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

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

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

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

805 (f) In counties having one hundred seventy thousand
806 (170,000) residents according to the latest federal decennial
807 census but less than two hundred thousand (200,000) residents

808 according to the latest federal decennial census, not more than
809 one hundred seventy-five (175) days per year, with no more than
810 sixty-five (65) additional days allowed for the conduct of each
811 election in excess of one (1) occurring in any calendar year;

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

819 (h) In counties having two hundred twenty-five thousand
820 (225,000) residents according to the latest federal decennial
821 census but less than two hundred fifty thousand (250,000)
822 residents according to the latest federal decennial census, not
823 more than two hundred fifteen (215) days per year, with no more
824 than eighty-five (85) additional days allowed for the conduct of
825 each election in excess of one (1) occurring in any calendar year;

826 (i) In counties having two hundred fifty thousand
827 (250,000) residents according to the latest federal decennial
828 census but less than two hundred seventy-five thousand (275,000)
829 residents according to the latest federal decennial census, not
830 more than two hundred thirty (230) days per year, with no more
831 than ninety-five (95) additional days allowed for the conduct of
832 each election in excess of one (1) occurring in any calendar year;

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

839 (3) The commissioners of election shall be entitled to
840 receive a per diem in the amount of Seventy Dollars (\$70.00), to

841 be paid from the county general fund, not to exceed ten (10) days
 842 for every day or period of no less than five (5) hours accumulated
 843 over two (2) or more days actually employed in the performance of
 844 their duties for the necessary time spent in the revision of the
 845 registration books and pollbooks prior to any special election.
 846 For purposes of this subsection, the regular special election day
 847 shall not be considered a special election. The annual
 848 limitations set forth in subsection (2) of this section shall not
 849 apply to this subsection.

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

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

858 (6) Every commissioner of election shall sign personally a
 859 certification setting forth the number of hours actually worked in
 860 the performance of the commissioner's official duties and for
 861 which the commissioner seeks compensation. The certification must
 862 be on a form as prescribed in this subsection. The commissioner's
 863 signature is, as a matter of law, made under the commissioner's
 864 oath of office and under penalties of perjury.

865 The certification form shall be as follows:

866 **COUNTY ELECTION COMMISSIONER**

867 **PER DIEM CLAIM FORM**

868 NAME: _____ COUNTY: _____
 869 ADDRESS: _____ DISTRICT: _____
 870 CITY: _____ ZIP: _____

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

874 _____
 875 _____
 876 _____
 877 TOTAL NUMBER OF PER DIEM DAYS EARNED _____
 878 PER DIEM RATE PER DAY EARNED X 70.00
 879 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

880 I understand that I am signing this document
 881 under my oath as a commissioner of elections and under
 882 penalties of perjury.

883 I understand that I am requesting payment from
 884 taxpayer funds and that I have an obligation to be
 885 specific and truthful as to the amount of hours worked
 886 and the compensation I am requesting.

887 Signed this the _____day of _____, ____.

888 _____
 889 Commissioner's Signature

890 When properly completed and signed, the certification must be
 891 filed with the clerk of the county board of supervisors before any
 892 payment may be made. The certification will be a public record
 893 available for inspection and reproduction immediately upon the
 894 oral or written request of any person.

895 Any person may contest the accuracy of the certification in
 896 any respect by notifying the chairman of the commission, any
 897 member of the board of supervisors or the clerk of the board of
 898 supervisors of such contest at any time before or after payment is
 899 made. If the contest is made before payment is made, no payment
 900 shall be made as to the contested certificate until the contest is
 901 finally disposed of. The person filing the contest shall be
 902 entitled to a full hearing, and the clerk of the board of
 903 supervisors shall issue subpoenas upon request of the contestor
 904 compelling the attendance of witnesses and production of documents
 905 and things. The contestor shall have the right to appeal de novo
 906 to the circuit court of the involved county, which appeal must be

907 perfected within thirty (30) days from a final decision of the
908 commission, the clerk of the board of supervisors or the board of
909 supervisors, as the case may be.

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

920 (7) Notwithstanding the provisions of this section to the
921 contrary, from June 20, 2001, until the conclusion of calendar
922 year 2004, the number of days for which the commissioners of
923 election of a county are entitled to receive compensation shall
924 not be less than the number of days of compensation they were
925 entitled to receive during the 2000 calendar year, excluding those
926 days for which election commissioners were either entitled to or
927 did receive compensation for the conduct of any special elections
928 in calendar year 2000.

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

931 23-15-153. (1) At the following times the commissioners of
932 election shall meet at the office of the registrar and carefully
933 revise the registration books and the pollbooks of the several
934 voting precincts, and shall erase from those books the names of
935 all persons erroneously on the books, or who have died, removed or
936 become disqualified as electors from any cause; and shall register
937 the names of all persons who have duly applied to be registered
938 and have been illegally denied registration

939 (a) On the Tuesday after the second Monday in January
940 1987 and every following year;

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

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

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

951 Except for the names of those persons who are duly qualified
952 to vote in the election, no name shall be permitted to remain on
953 the registration books and pollbooks; however, no name shall be
954 erased from the registration books or pollbooks based on a change
955 in the residence of an elector except in accordance with
956 procedures provided for by the National Voter Registration Act of
957 1993 that are in effect at the time of such erasure. Except as
958 otherwise provided by Section 23-15-573, no person shall vote at
959 any election whose name is not on the pollbook.

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

970 (a) In counties having less than fifteen thousand
971 (15,000) residents according to the latest federal decennial

972 census, not more than fifty (50) days per year, with no more than
973 fifteen (15) additional days allowed for the conduct of each
974 election in excess of one (1) occurring in any calendar year;

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

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

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

996 (e) In counties having ninety thousand (90,000)
997 residents according to the latest federal decennial census but
998 less than one hundred seventy thousand (170,000) residents
999 according to the latest federal decennial census, not more than
1000 one hundred fifty (150) days per year, with no more than
1001 fifty-five (55) additional days allowed for the conduct of each
1002 election in excess of one (1) occurring in any calendar year;

1003 (f) In counties having one hundred seventy thousand
1004 (170,000) residents according to the latest federal decennial

1005 census but less than two hundred thousand (200,000) residents
1006 according to the latest federal decennial census, not more than
1007 one hundred seventy-five (175) days per year, with no more than
1008 sixty-five (65) additional days allowed for the conduct of each
1009 election in excess of one (1) occurring in any calendar year;

1010 (g) In counties having two hundred thousand (200,000)
1011 residents according to the latest federal decennial census but
1012 less than two hundred twenty-five thousand (225,000) residents
1013 according to the latest federal decennial census, not more than
1014 one hundred ninety (190) days per year, with no more than
1015 seventy-five (75) additional days allowed for the conduct of each
1016 election in excess of one (1) occurring in any calendar year;

1017 (h) In counties having two hundred twenty-five thousand
1018 (225,000) residents according to the latest federal decennial
1019 census but less than two hundred fifty thousand (250,000)
1020 residents according to the latest federal decennial census, not
1021 more than two hundred fifteen (215) days per year, with no more
1022 than eighty-five (85) additional days allowed for the conduct of
1023 each election in excess of one (1) occurring in any calendar year;

1024 (i) In counties having two hundred fifty thousand
1025 (250,000) residents according to the latest federal decennial
1026 census but less than two hundred seventy-five thousand (275,000)
1027 residents according to the latest federal decennial census, not
1028 more than two hundred thirty (230) days per year, with no more
1029 than ninety-five (95) additional days allowed for the conduct of
1030 each election in excess of one (1) occurring in any calendar year;

1031 (j) In counties having two hundred seventy-five
1032 thousand (275,000) residents according to the latest federal
1033 decennial census or more, not more than two hundred forty (240)
1034 days per year, with no more than one hundred five (105) additional
1035 days allowed for the conduct of each election in excess of one (1)
1036 occurring in any calendar year.

1037 (3) The commissioners of election shall be entitled to
1038 receive a per diem in the amount of Seventy Dollars (\$70.00), to
1039 be paid from the county general fund, not to exceed ten (10) days
1040 for every day or period of no less than five (5) hours accumulated
1041 over two (2) or more days actually employed in the performance of
1042 their duties for the necessary time spent in the revision of the
1043 registration books and pollbooks prior to any special election.
1044 For purposes of this subsection, the regular special election day
1045 shall not be considered a special election. The annual
1046 limitations set forth in subsection apply to this subsection (2)
1047 of this section shall not apply to this subsection.

1048 (4) The commissioners of election shall be entitled to
1049 receive only one (1) per diem payment for those days when the
1050 commissioners of election discharge more than one (1) duty or
1051 responsibility on the same day.

1052 (5) The county commissioners of election shall prepare the
1053 registration books and pollbooks * * * of each municipality
1054 located within the county pursuant to an agreement between the
1055 county and each municipality in the county. The county
1056 commissioners of election shall be paid by each municipality for
1057 the actual cost of preparing registration books and pollbooks for
1058 the municipality and shall pay each county commissioner of
1059 election a per diem in the amount provided for in subsection (2)
1060 of this section for each day or period of not less than five (5)
1061 hours accumulated over two (2) or more days the commissioners are
1062 actually employed in preparing the registration books and
1063 pollbooks for the municipality, not to exceed five (5) days. The
1064 county commissioners of election and county registrar shall
1065 provide copies of the registration books and pollbooks to the
1066 municipal clerk of each municipality in the county.

1067 (6) Every commissioner of election shall sign personally a
1068 certification setting forth the number of hours actually worked in
1069 the performance of the commissioner's official duties and for

1070 which the commissioner seeks compensation. The certification must
 1071 be on a form as prescribed in this subsection. The commissioner's
 1072 signature is, as a matter of law, made under the commissioner's
 1073 oath of office and under penalties of perjury.

1074 The certification form shall be as follows:

1075 **COUNTY ELECTION COMMISSIONER**

1076 **PER DIEM CLAIM FORM**

1077 NAME: _____ COUNTY: _____

1078 ADDRESS: _____ DISTRICT: _____

1079 CITY: _____ ZIP: _____

1080 PURPOSE APPLICABLE ACTUAL PER DIEM

1081 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

1082 WORKED TIME TIME WORK SECTION WORKED EARNED

1083 _____

1084 _____

1085 _____

1086 TOTAL NUMBER OF PER DIEM DAYS EARNED _____

1087 PER DIEM RATE PER DAY EARNED X 70.00

1088 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1089 I understand that I am signing this document
 1090 under my oath as a commissioner of elections and under
 1091 penalties of perjury.

1092 I understand that I am requesting payment from
 1093 taxpayer funds and that I have an obligation to be
 1094 specific and truthful as to the amount of hours worked
 1095 and the compensation I am requesting.

1096 Signed this the _____ day of _____, _____.

1097 _____

1098 Commissioner's Signature

1099 When properly completed and signed, the certification must be
 1100 filed with the clerk of the county board of supervisors before any
 1101 payment may be made. The certification will be a public record

1102 available for inspection and reproduction immediately upon the
1103 oral or written request of any person.

1104 Any person may contest the accuracy of the certification in
1105 any respect by notifying the chairman of the commission, any
1106 member of the board of supervisors or the clerk of the board of
1107 supervisors of such contest at any time before or after payment is
1108 made. If the contest is made before payment is made, no payment
1109 shall be made as to the contested certificate until the contest is
1110 finally disposed of. The person filing the contest shall be
1111 entitled to a full hearing, and the clerk of the board of
1112 supervisors shall issue subpoenas upon request of the contestor
1113 compelling the attendance of witnesses and production of documents
1114 and things. The contestor shall have the right to appeal de novo
1115 to the circuit court of the involved county, which appeal must be
1116 perfected within thirty (30) days from a final decision of the
1117 commission, the clerk of the board of supervisors or the board of
1118 supervisors, as the case may be.

1119 Any contestor who successfully contests any certification
1120 will be awarded all expenses incident to his contest, together
1121 with reasonable attorney's fees, which will be awarded upon
1122 petition to the chancery court of the involved county upon final
1123 disposition of the contest before the election commission, board
1124 of supervisors, clerk of the board of supervisors, or, in case of
1125 an appeal, final disposition by the court. The commissioner
1126 against whom the contest is decided shall be liable for the
1127 payment of the expenses and attorney's fees, and the county shall
1128 be jointly and severally liable for same.

1129 * * *

1130 **SECTION 13.** Section 23-15-211, Mississippi Code of 1972, is
1131 amended as follows:

1132 23-15-211. (1) There shall be a State Board of Election
1133 Commissioners to consist of the Governor, the Secretary of State
1134 and the Attorney General, any two (2) of whom may perform the

1135 duties required of the board; a board of election commissioners in
1136 each county to consist of five (5) persons who are electors in the
1137 county in which they are to act; and a registrar in each county
1138 who shall be the clerk of the circuit court, unless he shall be
1139 shown to be an improper person to register the names of the
1140 electors therein.

1141 (2) The board of supervisors of each county shall pay
1142 members of the county election commission for attending training
1143 events a per diem in the amount provided in Section 23-15-153;
1144 however, the per diem shall not be paid to an election
1145 commissioner for more than six (6) days of training per year and
1146 shall only be paid to election commissioners who actually attend
1147 and complete a training event and obtain a training certificate.

1148 (3) Included in this six (6) days shall be an elections
1149 seminar, conducted and sponsored by the Secretary of State.
1150 Election commissioners and chairpersons of each political party
1151 executive committee, or their designee, shall be required to
1152 attend.

1153 (4) Each participant shall receive a certificate from the
1154 Secretary of State indicating that the named participant has
1155 received the elections training seminar instruction and that each
1156 participant is fully qualified to conduct an election.

1157 (5) The Secretary of State shall develop a single,
1158 comprehensive poll worker training program to assist local
1159 election officials in providing uniform, secure elections
1160 throughout the state. The program shall include, at a minimum,
1161 training on all state and federal election laws and procedures.

1162 **SECTION 14.** Section 23-15-255, Mississippi Code of 1972, is
1163 amended as follows:

1164 23-15-255. (1) The supervisor of each respective
1165 supervisors district shall provide at each election place a
1166 sufficient number of voting compartments, shelves and tables for
1167 the use of electors, which shall be so arranged that it will be

1168 impossible for a voter in one compartment to see another voter who
1169 is preparing his ballot. The number of voting compartments and
1170 shelves or tables shall not be less than one (1) to every two
1171 hundred (200) electors in the voting precinct. Each compartment
1172 shall be supplied and have posted up in it a card of instructions,
1173 and be furnished with other conveniences for marking the ballots.

1174 (2) The managers of each precinct shall publicly post the
1175 following information at the precinct polling place on the day of
1176 any election:

1177 (a) A sample version of the ballot that will be used at
1178 the election;

1179 (b) Information the date of the election and the hours
1180 during which the polling places will be open;

1181 (c) Instructions on how to vote, including how to cast
1182 a vote and how to cast an affidavit ballot;

1183 (d) Instruction persons who have registered to vote by
1184 mail and first time voters, if appropriate;

1185 (e) General information on voting rights, including
1186 information on the right of an individual to cast an affidavit
1187 ballot and instructions on how to contact the appropriate
1188 officials if these rights are alleged to have been violated; and

1189 (f) The consequences under federal and state laws
1190 regarding fraud and misrepresentation.

1191 **SECTION 15.** Section 23-15-573, Mississippi Code of 1972, is
1192 amended as follows:

1193 23-15-573. (1) If any person declares that he is a
1194 registered voter in the jurisdiction in which he offers to vote
1195 and that he is eligible to vote in the election, but his name does
1196 not appear upon the pollbooks, or that he is not able to cast a
1197 regular election day ballot under a provision of state or federal
1198 law but is otherwise qualified to vote, or that he has been
1199 illegally denied registration:

1200 (a) A poll manager shall notify the person that he may
1201 cast an affidavit ballot at the election.

1202 (b) The person shall be permitted to cast an affidavit
1203 ballot at the polling place upon execution of a written affidavit
1204 before one (1) of the managers of election stating that the
1205 individual:

1206 (i) Believes he is a registered voter in the
1207 jurisdiction in which he desires to vote and is eligible to vote
1208 in the election; or

1209 (ii) Is not able to cast a regular election day
1210 ballot under a provision of state or federal law but is otherwise
1211 qualified to vote; or

1212 (iii) Believes that he has been illegally denied
1213 registration.

1214 (c) The manager shall allow the individual to prepare
1215 his vote which shall be delivered by him to the proper election
1216 official who shall enclose it in an envelope with the written
1217 affidavit of the voter, seal the envelope and mark plainly upon it
1218 the name of the person offering to vote.

1219 (2) The affidavit shall include:

1220 (a) The complete name, all required addresses and
1221 telephone numbers;

1222 (b) A statement that the affiant believes he is
1223 registered to vote in the jurisdiction in which he offers to vote;

1224 (c) The signature of the affiant; and

1225 (d) The signature of a poll manager at the precinct at
1226 which the affiant offers to vote.

1227 (3) (a) A separate register shall be maintained for
1228 affidavit ballots and the affiant shall sign the register upon
1229 completing the affidavit ballot.

1230 (b) In canvassing the returns of the election, the
1231 executive committee in primary elections, or the election
1232 commissioners in other elections, shall examine the records and

1233 allow the ballot to be counted, or not counted as it appears
1234 legal.

1235 (4) When a person is offered the opportunity to vote by
1236 affidavit ballot, he shall be provided with written information
1237 that informs the person how to ascertain whether his affidavit
1238 ballot was counted and, if the vote was not counted, the reasons
1239 the vote was not counted.

1240 (5) The Secretary of State shall, by rule duly adopted,
1241 establish a uniform affidavit and affidavit ballot envelope which
1242 shall be used in all elections in this state. The Secretary of
1243 State shall print and distribute a sufficient number of affidavits
1244 and affidavit ballot envelopes to the registrar of each county for
1245 use in elections. The registrar shall distribute the affidavits
1246 and affidavit ballot envelopes to municipal and county executive
1247 committees for use in primary elections and to municipal and
1248 county election commissioners for use in other elections.

1249 (6) County registrars shall implement a secure free access
1250 system that complies with the Help America Vote Act of 2002, by
1251 which persons who vote by affidavit ballot may determine if their
1252 ballots were counted, and if not, the reasons the ballot was not
1253 counted.

1254 (7) Any person who votes in any election as a result of a
1255 federal or state court order or other order extending the time
1256 established by law for closing the polls, may only vote by
1257 affidavit ballot. Any affidavit ballot cast under this subsection
1258 shall be separated and kept apart from other affidavit ballots
1259 cast by voters not affected by the order.

1260 * * *

1261 **SECTION 16.** Section 23-15-687, Mississippi Code of 1972, is
1262 amended as follows:

1263 23-15-687. (1) The registrar shall keep all applications
1264 for absentee ballots and shall, within twenty-four (24) hours, if
1265 possible, send to the absent voter on whose behalf the application

1266 is made, the proper affidavit and the proper ballot or ballots
1267 applicable to the elections. * * *

1268 (2) One (1) application for an absentee ballot shall serve
1269 as a request by the applicant for an absentee ballot for:

1270 (a) The next two (2) federal general elections,
1271 including all primary elections associated with the elections;

1272 (b) All state and county primary and general elections
1273 that occur after the receipt of the application by the registrar
1274 through the date of the second federal general election that
1275 occurs after the receipt of the application by the registrar.

1276 (3) The registrar shall preserve all applications for
1277 absentee ballots for one (1) year as a record to be furnished to
1278 any court or other duly constituted authority for inspection or
1279 evidence if properly requested.

1280 (4) If the registrar rejects an application for an absentee
1281 ballot or denies a request to register to vote from a uniformed
1282 services applicant or an overseas voter, the registrar shall
1283 provide the person with the reasons for the rejection.

1284 **SECTION 17.** Section 23-15-14, Mississippi Code of 1972,
1285 provides that certain municipal residents who are registered to
1286 vote only in county elections shall be registered to vote in
1287 municipal elections, is repealed.

1288 **SECTION 18.** The Attorney General of the State of Mississippi
1289 shall submit this act, immediately upon approval by the Governor
1290 or upon approval by the Legislature subsequent to a veto, to the
1291 Attorney General of the United States or to the United States
1292 District Court for the District of Columbia in accordance with the
1293 provisions of the Voting Rights Act of 1965, as amended and
1294 extended.

1295 **SECTION 19.** This act shall take effect and be in force from
1296 and after the date it is effectuated under Section 5 of the Voting
1297 Rights Act of 1965, as amended and extended.