

By: Senator(s) Chamberlin, Butler,  
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 Gollott, Hewes, Hyde-Smith, Jackson (15th),  
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 Lee (47th), Morgan, Tollison, White, Doxey,  
 Little

To: Elections;  
 Appropriations

SENATE BILL NO. 2857  
 (As Passed the Senate)

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; TO CREATE A  
61 TASK FORCE TO STUDY VOTING SYSTEMS THAT COMPLY WITH THE HELP  
62 AMERICA VOTE ACT OF 2002 AND MAKE RECOMMENDATIONS TO THE  
63 LEGISLATURE REGARDING THE TYPES OF VOTING SYSTEMS THAT ARE  
64 SUITABLE FOR USE IN MISSISSIPPI; AND FOR RELATED PURPOSES.

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

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

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

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

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

87 **SECTION 5.** (1) The Secretary of State shall have the  
88 authority to accept federal funds authorized under the Help  
89 America Vote Act of 2002 and to meet all the requirements of the  
90 Help America Vote Act of 2002 in order to expend the funds.

91 (2) Counties that purchase voting systems that comply with  
92 the requirements of the Help America Vote Act of 2002 shall be  
93 eligible for federal funds accepted by the Secretary of State for  
94 Help America Vote Act of 2002 compliance efforts. The only  
95 restriction that the Secretary of State may place on the  
96 expenditure of federal funds for the purchase of voting systems is  
97 that the systems comply with the criteria established in the Help  
98 America Vote Act of 2002 for voting systems.

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

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

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

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

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

124 provided by and prepared at the expense of the county registrar,  
125 which form shall conform as nearly as practicable to the  
126 application for registration form provided for in Section  
127 23-15-39.

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

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

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

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

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

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

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

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

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

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

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

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

217 \* \* \*

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

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

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

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

255 The election commission of the voter's previous place of

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

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

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

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



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

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

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

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

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

320 \* \* \*

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

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

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

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

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

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

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

385           (9) In any case in which a municipality expands its  
386 corporate boundaries by annexation or redistricts all or a part of  
387 the municipality, the municipal clerk shall within ten (10) days  
388 after the effective date of the annexation or after preclearance  
389 of the redistricting plan under Section 5 of the Voting Rights Act  
390 of 1965, provide the county registrar with conforming geographic  
391 data that is compatible with the Statewide Centralized Voter  
392 System. The data shall be developed by the municipality's use of  
393 a standardized format specified by the Statewide Centralized Voter  
394 System. The county registrar shall update the municipal boundary  
395 information or redistricting information into the Statewide  
396 Centralized Voter System. The Statewide Centralized Voter System  
397 shall update the voter registration records to include the new  
398 municipal electors who have resided within the annexed area for at  
399 least thirty (30) days after annexation and assign the electors to  
400 the municipal voting precincts. The county registrar shall  
401 forward to the municipal clerk written notification of the  
402 additions and changes, and the municipal clerk shall forward to  
403 the new municipal electors written notification of the additions  
404 and changes. The Statewide Centralized Voter System shall  
405 correctly place municipal electors within districts whose  
406 boundaries were altered by any redistricting conducted within the  
407 municipality and assign such electors to the correct municipal  
408 voting precincts.

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

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

412           23-15-47. (1) Any person who is qualified to register to  
413 vote in the State of Mississippi may register to vote by mail-in  
414 application in the manner prescribed in this section.

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

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

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

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

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

449 (i) An incomplete portion of the application which  
450 makes it impossible for the registrar to determine the eligibility  
451 of the applicant to register;

452 (ii) A portion of the application which is  
453 illegible in the opinion of the county registrar and makes it  
454 impossible to determine the eligibility of the applicant to  
455 register;

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

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

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

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

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

481 applicant that he has a right to attempt to register by appearing  
482 in person or by filing another mail-in application.

483 (f) If a mail-in application is subject to rejection  
484 for the reason stated in paragraph (d)(v) of this subsection and  
485 the "present home address" portion of the application is different  
486 from the residence address for the applicant found in the  
487 registration book, the mail-in application shall be deemed a  
488 written request to transfer registration pursuant to Section  
489 23-15-13. Subject to the time limits and other provisions of  
490 Section 23-15-13, the registrar or the election commissioners  
491 shall note the new residence address on his records and, if  
492 necessary, transfer the applicant to his new precinct, advise the  
493 applicant of his new precinct, polling place and supervisor  
494 district, and notify the municipal clerk of any such changes on a  
495 monthly basis.

496 (3) The instructions and the application form for voter  
497 registration by mail shall be in a \* \* \* form established by rule  
498 duly adopted by the Secretary of State.

499 \* \* \*

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

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

511 (c) Bulk quantities of forms for application for voter  
512 registration by mail shall be furnished by the Secretary of State  
513 to any person or organization. The Secretary of State shall

514 charge a person or organization the actual cost he incurs in  
515 providing bulk quantities of forms for application for voter  
516 registration to such person or organization.

517 (5) The originals of completed mail-in applications shall  
518 remain on file in the office of the county registrar in accordance  
519 with Section 23-15-113. Nothing in this section shall preclude  
520 having applications on microfilm, microfiche or as an electronic  
521 image.

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



546 in the municipality, the clerk of the municipality shall deny the  
547 application and notify applicant.

548 (7) If the applicant indicates on the application that he  
549 has previously registered to vote in another county of this state  
550 or another state, the registrar or clerk shall send written notice  
551 of this new registration by regular United States mail to the  
552 registrar or clerk of the county in this state or any other state  
553 that is indicated in the application as the voter's previous place  
554 of registration. The information shall include the complete name,  
555 address and age of the voter and shall include the current and  
556 valid Mississippi driver's license of the voter, if provided, or  
557 the social security number of the voter, if provided. The  
558 election commission of the voter's previous place of registration  
559 shall be responsible for having the voter's name erased from the  
560 appropriate registration book and pollbook.

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

563 23-15-47. (1) Any person who is qualified to register to  
564 vote in the State of Mississippi may register to vote by mail-in  
565 application in the manner prescribed in this section.

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

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

573 (b) Upon receipt of a mail-in application, the county  
574 registrar shall stamp the application with the date of receipt,  
575 and shall verify the application by contacting the applicant by  
576 telephone, by personal contact with the applicant, or by any other  
577 method approved by the Secretary of State. Within twenty-five  
578 (25) days of receipt of a mail-in application, the county

579 registrar shall complete action on the application, including any  
580 attempts to notify the applicant of the status of his application.

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

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

608 (i) An incomplete portion of the application which  
609 makes it impossible for the registrar to determine the eligibility  
610 of the applicant to register;

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

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

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

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

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

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

642                   (f) If a mail-in application is subject to rejection  
643 for the reason stated in paragraph (d)(v) of this subsection and

644 the "present home address" portion of the application is different  
645 from the residence address for the applicant found in the  
646 registration book, the mail-in application shall be deemed a  
647 written request to transfer registration pursuant to Section  
648 23-15-13. Subject to the time limits and other provisions of  
649 Section 23-15-13, the registrar or the election commissioners  
650 shall note the new residence address on his records and, if  
651 necessary, transfer the applicant to his new county precinct or  
652 municipal precinct, if any, advise the applicant of his new county  
653 precinct or municipal precinct, if any, polling place and  
654 supervisor district \* \* \*.

655 (3) The instructions and the application form for voter  
656 registration by mail shall be in a \* \* \* form established by rule  
657 duly adopted by the Secretary of State.

658 \* \* \*

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

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

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

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

681 (6) If the applicant indicates on the application that he  
682 resides within the city limits of a city or town in the county of  
683 registration, the county registrar shall enter the information  
684 into the Statewide Centralized Voter System. \* \* \* The county  
685 registrar shall send \* \* \* municipal voting precinct information  
686 by United States first-class mail, postage prepaid, to the person  
687 at the address provided on the application. Any and all mailing  
688 costs incurred by the county registrar or the clerk of the  
689 municipality in effectuating this subsection shall be paid by the  
690 governing authority of the municipality. If a review \* \* \* of the  
691 application for registration or changes to the registration  
692 indicates that the applicant is not qualified to vote in the  
693 municipality, the registrar \* \* \* shall \* \* \* notify the applicant  
694 of the correct county precinct.

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

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

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

708           23-15-137. (1) If the governing authorities of a  
709 municipality determine that revision of the registration books and  
710 pollbooks can be performed more effectively and efficiently  
711 utilizing the authority granted in this section, then such  
712 governing authorities may contract with the commissioners of  
713 election of the county or counties in which the municipality is  
714 located to provide the municipal registrar of such municipality  
715 with registration books and pollbooks containing only the duly  
716 qualified electors of such municipality. The registration books  
717 and pollbooks provided pursuant to this section may be used to  
718 conduct any municipal election in such municipality. By adopting  
719 the registration books and pollbooks so provided, the municipal  
720 commissioners of election shall be deemed to have met any  
721 requirements to revise such books which are imposed upon such  
722 commissioners by Mississippi law.

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

739           (3) This section shall stand repealed from and after January  
740 1, 2006.

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

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

744           23-15-153. (1) At the following times the commissioners of  
745 election shall meet at the office of the registrar and carefully  
746 revise the registration books and the pollbooks of the several  
747 voting precincts, and shall erase from those books the names of  
748 all persons erroneously on the books, or who have died, removed or  
749 become disqualified as electors from any cause; and shall register  
750 the names of all persons who have duly applied to be registered  
751 and have been illegally denied registration:

752                   (a) On the Tuesday after the second Monday in January  
753 1987 and every following year;

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

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

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

764           Except for the names of those persons who are duly qualified  
765 to vote in the election, no name shall be permitted to remain on  
766 the registration books and pollbooks; however, no name shall be  
767 erased from the registration books or pollbooks based on a change  
768 in the residence of an elector except in accordance with  
769 procedures provided for by the National Voter Registration Act of  
770 1993 that are in effect at the time of such erasure. Except as  
771 otherwise provided by Section 23-15-573, no person shall vote at  
772 any election whose name is not on the pollbook.

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

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

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

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

802           (d) In counties having seventy thousand (70,000)  
803 residents according to the latest federal decennial census but  
804 less than ninety thousand (90,000) residents according to the  
805 latest federal decennial census, not more than one hundred



806 twenty-five (125) days per year, with no more than forty-five (45)  
807 additional days allowed for the conduct of each election in excess  
808 of one (1) occurring in any calendar year;

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

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

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

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

837 (i) In counties having two hundred fifty thousand  
838 (250,000) residents according to the latest federal decennial

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

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

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

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

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

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

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

876 The certification form shall be as follows:

877 **COUNTY ELECTION COMMISSIONER**

878 **PER DIEM CLAIM FORM**

879 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

880 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

881 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

882 PURPOSE APPLICABLE ACTUAL PER DIEM

883 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

884 WORKED TIME TIME WORK SECTION WORKED EARNED

885 \_\_\_\_\_

886 \_\_\_\_\_

887 \_\_\_\_\_

888 TOTAL NUMBER OF PER DIEM DAYS EARNED \_\_\_\_\_

889 PER DIEM RATE PER DAY EARNED X 70.00

890 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

891 I understand that I am signing this document  
892 under my oath as a commissioner of elections and under  
893 penalties of perjury.

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

898 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

899 \_\_\_\_\_

900 Commissioner's Signature

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

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

906 Any person may contest the accuracy of the certification in  
907 any respect by notifying the chairman of the commission, any  
908 member of the board of supervisors or the clerk of the board of  
909 supervisors of such contest at any time before or after payment is  
910 made. If the contest is made before payment is made, no payment  
911 shall be made as to the contested certificate until the contest is  
912 finally disposed of. The person filing the contest shall be  
913 entitled to a full hearing, and the clerk of the board of  
914 supervisors shall issue subpoenas upon request of the contestor  
915 compelling the attendance of witnesses and production of documents  
916 and things. The contestor shall have the right to appeal de novo  
917 to the circuit court of the involved county, which appeal must be  
918 perfected within thirty (30) days from a final decision of the  
919 commission, the clerk of the board of supervisors or the board of  
920 supervisors, as the case may be.

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

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

937 days for which election commissioners were either entitled to or  
938 did receive compensation for the conduct of any special elections  
939 in calendar year 2000.

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

942 23-15-153. (1) At the following times the commissioners of  
943 election shall meet at the office of the registrar and carefully  
944 revise the registration books and the pollbooks of the several  
945 voting precincts, and shall erase from those books the names of  
946 all persons erroneously on the books, or who have died, removed or  
947 become disqualified as electors from any cause; and shall register  
948 the names of all persons who have duly applied to be registered  
949 and have been illegally denied registration

950 (a) On the Tuesday after the second Monday in January  
951 1987 and every following year;

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

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

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

962 Except for the names of those persons who are duly qualified  
963 to vote in the election, no name shall be permitted to remain on  
964 the registration books and pollbooks; however, no name shall be  
965 erased from the registration books or pollbooks based on a change  
966 in the residence of an elector except in accordance with  
967 procedures provided for by the National Voter Registration Act of  
968 1993 that are in effect at the time of such erasure. Except as

969 otherwise provided by Section 23-15-573, no person shall vote at  
970 any election whose name is not on the pollbook.

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

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

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

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

1000 (d) In counties having seventy thousand (70,000)  
1001 residents according to the latest federal decennial census but

1002 less than ninety thousand (90,000) residents according to the  
1003 latest federal decennial census, not more than one hundred  
1004 twenty-five (125) days per year, with no more than forty-five (45)  
1005 additional days allowed for the conduct of each election in excess  
1006 of one (1) occurring in any calendar year;

1007 (e) In counties having ninety thousand (90,000)  
1008 residents according to the latest federal decennial census but  
1009 less than one hundred seventy thousand (170,000) residents  
1010 according to the latest federal decennial census, not more than  
1011 one hundred fifty (150) days per year, with no more than  
1012 fifty-five (55) additional days allowed for the conduct of each  
1013 election in excess of one (1) occurring in any calendar year;

1014 (f) In counties having one hundred seventy thousand  
1015 (170,000) residents according to the latest federal decennial  
1016 census but less than two hundred thousand (200,000) residents  
1017 according to the latest federal decennial census, not more than  
1018 one hundred seventy-five (175) days per year, with no more than  
1019 sixty-five (65) additional days allowed for the conduct of each  
1020 election in excess of one (1) occurring in any calendar year;

1021 (g) In counties having two hundred thousand (200,000)  
1022 residents according to the latest federal decennial census but  
1023 less than two hundred twenty-five thousand (225,000) residents  
1024 according to the latest federal decennial census, not more than  
1025 one hundred ninety (190) days per year, with no more than  
1026 seventy-five (75) additional days allowed for the conduct of each  
1027 election in excess of one (1) occurring in any calendar year;

1028 (h) In counties having two hundred twenty-five thousand  
1029 (225,000) residents according to the latest federal decennial  
1030 census but less than two hundred fifty thousand (250,000)  
1031 residents according to the latest federal decennial census, not  
1032 more than two hundred fifteen (215) days per year, with no more  
1033 than eighty-five (85) additional days allowed for the conduct of  
1034 each election in excess of one (1) occurring in any calendar year;

1035 (i) In counties having two hundred fifty thousand  
1036 (250,000) residents according to the latest federal decennial  
1037 census but less than two hundred seventy-five thousand (275,000)  
1038 residents according to the latest federal decennial census, not  
1039 more than two hundred thirty (230) days per year, with no more  
1040 than ninety-five (95) additional days allowed for the conduct of  
1041 each election in excess of one (1) occurring in any calendar year;

1042 (j) In counties having two hundred seventy-five  
1043 thousand (275,000) residents according to the latest federal  
1044 decennial census or more, not more than two hundred forty (240)  
1045 days per year, with no more than one hundred five (105) additional  
1046 days allowed for the conduct of each election in excess of one (1)  
1047 occurring in any calendar year.

1048 (3) The commissioners of election shall be entitled to  
1049 receive a per diem in the amount of Seventy Dollars (\$70.00), to  
1050 be paid from the county general fund, not to exceed ten (10) days  
1051 for every day or period of no less than five (5) hours accumulated  
1052 over two (2) or more days actually employed in the performance of  
1053 their duties for the necessary time spent in the revision of the  
1054 registration books and pollbooks prior to any special election.  
1055 For purposes of this subsection, the regular special election day  
1056 shall not be considered a special election. The annual  
1057 limitations set forth in subsection (2) of this section shall not  
1058 apply to this subsection.

1059 (4) The commissioners of election shall be entitled to  
1060 receive only one (1) per diem payment for those days when the  
1061 commissioners of election discharge more than one (1) duty or  
1062 responsibility on the same day.

1063 (5) The county registrar shall prepare the pollbooks and the  
1064 county commissioners of election shall prepare the registration  
1065 books \* \* \* of each municipality located within the county  
1066 pursuant to an agreement between the county and each municipality  
1067 in the county. The county commissioners of election and the



1068 county registrar shall be paid by each municipality for the actual  
 1069 cost of preparing registration books and pollbooks for the  
 1070 municipality and shall pay each county commissioner of election a  
 1071 per diem in the amount provided for in subsection (2) of this  
 1072 section for each day or period of not less than five (5) hours  
 1073 accumulated over two (2) or more days the commissioners are  
 1074 actually employed in preparing the registration books for the  
 1075 municipality, not to exceed five (5) days. The county  
 1076 commissioners of election and county registrar shall provide  
 1077 copies of the registration books and pollbooks to the municipal  
 1078 clerk of each municipality in the county. The municipality shall  
 1079 pay the county registrar for preparing and printing the  
 1080 pollbooks. A municipality may secure "read only" access to the  
 1081 Statewide Centralized Voter System and print its own pollbooks  
 1082 using this information; however, county commissioners of election  
 1083 shall remain responsible for preparing registration books for  
 1084 municipalities and shall be paid for this duty in accordance with  
 1085 this subsection.

1086 (6) Every commissioner of election shall sign personally a  
 1087 certification setting forth the number of hours actually worked in  
 1088 the performance of the commissioner's official duties and for  
 1089 which the commissioner seeks compensation. The certification must  
 1090 be on a form as prescribed in this subsection. The commissioner's  
 1091 signature is, as a matter of law, made under the commissioner's  
 1092 oath of office and under penalties of perjury.

1093 The certification form shall be as follows:

1094 **COUNTY ELECTION COMMISSIONER**

1095 **PER DIEM CLAIM FORM**

1096 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_  
 1097 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_  
 1098 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

| 1099 |      | PURPOSE   | APPLICABLE | ACTUAL | PER DIEM |       |      |
|------|------|-----------|------------|--------|----------|-------|------|
| 1100 | DATE | BEGINNING | ENDING     | OF     | MS CODE  | HOURS | DAYS |

1101 WORKED TIME TIME WORK SECTION WORKED EARNED

1102 \_\_\_\_\_

1103 \_\_\_\_\_

1104 \_\_\_\_\_

1105 TOTAL NUMBER OF PER DIEM DAYS EARNED \_\_\_\_\_

1106 PER DIEM RATE PER DAY EARNED X 70.00

1107 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

1108 I understand that I am signing this document  
1109 under my oath as a commissioner of elections and under  
1110 penalties of perjury.

1111 I understand that I am requesting payment from  
1112 taxpayer funds and that I have an obligation to be  
1113 specific and truthful as to the amount of hours worked  
1114 and the compensation I am requesting.

1115 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

1116 \_\_\_\_\_

1117 Commissioner's Signature

1118 When properly completed and signed, the certification must be  
1119 filed with the clerk of the county board of supervisors before any  
1120 payment may be made. The certification will be a public record  
1121 available for inspection and reproduction immediately upon the  
1122 oral or written request of any person.

1123 Any person may contest the accuracy of the certification in  
1124 any respect by notifying the chairman of the commission, any  
1125 member of the board of supervisors or the clerk of the board of  
1126 supervisors of such contest at any time before or after payment is  
1127 made. If the contest is made before payment is made, no payment  
1128 shall be made as to the contested certificate until the contest is  
1129 finally disposed of. The person filing the contest shall be  
1130 entitled to a full hearing, and the clerk of the board of  
1131 supervisors shall issue subpoenas upon request of the contestor  
1132 compelling the attendance of witnesses and production of documents  
1133 and things. The contestor shall have the right to appeal de novo

1134 to the circuit court of the involved county, which appeal must be  
1135 perfected within thirty (30) days from a final decision of the  
1136 commission, the clerk of the board of supervisors or the board of  
1137 supervisors, as the case may be.

1138 Any contestor who successfully contests any certification  
1139 will be awarded all expenses incident to his contest, together  
1140 with reasonable attorney's fees, which will be awarded upon  
1141 petition to the chancery court of the involved county upon final  
1142 disposition of the contest before the election commission, board  
1143 of supervisors, clerk of the board of supervisors, or, in case of  
1144 an appeal, final disposition by the court. The commissioner  
1145 against whom the contest is decided shall be liable for the  
1146 payment of the expenses and attorney's fees, and the county shall  
1147 be jointly and severally liable for same.

1148 \* \* \*

1149 **SECTION 13.** Section 23-15-211, Mississippi Code of 1972, is  
1150 amended as follows:

1151 23-15-211. (1) There shall be a State Board of Election  
1152 Commissioners to consist of the Governor, the Secretary of State  
1153 and the Attorney General, any two (2) of whom may perform the  
1154 duties required of the board; a board of election commissioners in  
1155 each county to consist of five (5) persons who are electors in the  
1156 county in which they are to act; and a registrar in each county  
1157 who shall be the clerk of the circuit court, unless he shall be  
1158 shown to be an improper person to register the names of the  
1159 electors therein.

1160 (2) The board of supervisors of each county shall pay  
1161 members of the county election commission for attending training  
1162 events a per diem in the amount provided in Section 23-15-153;  
1163 however, the per diem shall not be paid to an election  
1164 commissioner for more than six (6) days of training per year and  
1165 shall only be paid to election commissioners who actually attend  
1166 and complete a training event and obtain a training certificate.

1167 (3) Included in this six (6) days shall be an elections  
1168 seminar, conducted and sponsored by the Secretary of State.  
1169 Election commissioners and chairpersons of each political party  
1170 executive committee, or their designee, shall be required to  
1171 attend.

1172 (4) Each participant shall receive a certificate from the  
1173 Secretary of State indicating that the named participant has  
1174 received the elections training seminar instruction and that each  
1175 participant is fully qualified to conduct an election.

1176 (5) The Secretary of State shall develop a single,  
1177 comprehensive poll worker training program to assist local  
1178 election officials in providing uniform, secure elections  
1179 throughout the state. The program shall include, at a minimum,  
1180 training on all state and federal election laws and procedures.

1181 **SECTION 14.** Section 23-15-255, Mississippi Code of 1972, is  
1182 amended as follows:

1183 23-15-255. (1) The supervisor of each respective  
1184 supervisors district shall provide at each election place a  
1185 sufficient number of voting compartments, shelves and tables for  
1186 the use of electors, which shall be so arranged that it will be  
1187 impossible for a voter in one compartment to see another voter who  
1188 is preparing his ballot. The number of voting compartments and  
1189 shelves or tables shall not be less than one (1) to every two  
1190 hundred (200) electors in the voting precinct. Each compartment  
1191 shall be supplied and have posted up in it a card of instructions,  
1192 and be furnished with other conveniences for marking the ballots.

1193 (2) The managers of each precinct shall publicly post the  
1194 following information at the precinct polling place on the day of  
1195 any election:

1196 (a) A sample version of the ballot that will be used at  
1197 the election;

1198 (b) Information the date of the election and the hours  
1199 during which the polling places will be open;

1200           (c) Instructions on how to vote, including how to cast  
1201 a vote and how to cast an affidavit ballot;

1202           (d) Instruction for persons who have registered to vote  
1203 by mail and first time voters, if appropriate;

1204           (e) General information on voting rights, including  
1205 information on the right of an individual to cast an affidavit  
1206 ballot and instructions on how to contact the appropriate  
1207 officials if these rights are alleged to have been violated; and

1208           (f) The consequences under federal and state laws  
1209 regarding fraud and misrepresentation.

1210           **SECTION 15.** Section 23-15-573, Mississippi Code of 1972, is  
1211 amended as follows:

1212           23-15-573. (1) If any person declares that he is a  
1213 registered voter in the jurisdiction in which he offers to vote  
1214 and that he is eligible to vote in the election, but his name does  
1215 not appear upon the pollbooks, or that he is not able to cast a  
1216 regular election day ballot under a provision of state or federal  
1217 law but is otherwise qualified to vote, or that he has been  
1218 illegally denied registration:

1219           (a) A poll manager shall notify the person that he may  
1220 cast an affidavit ballot at the election.

1221           (b) The person shall be permitted to cast an affidavit  
1222 ballot at the polling place upon execution of a written affidavit  
1223 before one (1) of the managers of election stating that the  
1224 individual:

1225           (i) Believes he is a registered voter in the  
1226 jurisdiction in which he desires to vote and is eligible to vote  
1227 in the election; or

1228           (ii) Is not able to cast a regular election day  
1229 ballot under a provision of state or federal law but is otherwise  
1230 qualified to vote; or

1231           (iii) Believes that he has been illegally denied  
1232 registration.

1233           (c) The manager shall allow the individual to prepare  
1234 his vote which shall be delivered by him to the proper election  
1235 official who shall enclose it in an envelope with the written  
1236 affidavit of the voter, seal the envelope and mark plainly upon it  
1237 the name of the person offering to vote.

1238           (2) The affidavit shall include:

1239           (a) The complete name, all required addresses and  
1240 telephone numbers;

1241           (b) A statement that the affiant believes he is  
1242 registered to vote in the jurisdiction in which he offers to vote;

1243           (c) The signature of the affiant; and

1244           (d) The signature of a poll manager at the precinct at  
1245 which the affiant offers to vote.

1246           (3) (a) A separate register shall be maintained for  
1247 affidavit ballots and the affiant shall sign the register upon  
1248 completing the affidavit ballot.

1249           (b) In canvassing the returns of the election, the  
1250 executive committee in primary elections, or the election  
1251 commissioners in other elections, shall examine the records and  
1252 allow the ballot to be counted, or not counted as it appears  
1253 legal.

1254           (4) When a person is offered the opportunity to vote by  
1255 affidavit ballot, he shall be provided with written information  
1256 that informs the person how to ascertain whether his affidavit  
1257 ballot was counted and, if the vote was not counted, the reasons  
1258 the vote was not counted.

1259           (5) The Secretary of State shall, by rule duly adopted,  
1260 establish a uniform affidavit and affidavit ballot envelope which  
1261 shall be used in all elections in this state. The Secretary of  
1262 State shall print and distribute a sufficient number of affidavits  
1263 and affidavit ballot envelopes to the registrar of each county for  
1264 use in elections. The registrar shall distribute the affidavits  
1265 and affidavit ballot envelopes to municipal and county executive

1266 committees for use in primary elections and to municipal and  
1267 county election commissioners for use in other elections.

1268 (6) County registrars and municipal registrars shall  
1269 implement a secure free access system that complies with the Help  
1270 America Vote Act of 2002, by which persons who vote by affidavit  
1271 ballot may determine if their ballots were counted, and if not,  
1272 the reasons the ballot was not counted.

1273 (7) Any person who votes in any election as a result of a  
1274 federal or state court order or other order extending the time  
1275 established by law for closing the polls, may only vote by  
1276 affidavit ballot. Any affidavit ballot cast under this subsection  
1277 shall be separated and kept apart from other affidavit ballots  
1278 cast by voters not affected by the order.

1279 \* \* \*

1280 **SECTION 16.** Section 23-15-687, Mississippi Code of 1972, is  
1281 amended as follows:

1282 23-15-687. (1) The registrar shall keep all applications  
1283 for absentee ballots and shall, within twenty-four (24) hours, if  
1284 possible, send to the absent voter on whose behalf the application  
1285 is made, the proper affidavit and the proper ballot or ballots  
1286 applicable to the elections. \* \* \*

1287 (2) One (1) application for an absentee ballot shall serve  
1288 as a request by the applicant for an absentee ballot for:

1289 (a) The next two (2) federal general elections,  
1290 including all primary elections associated with the elections;

1291 (b) All state and county primary and general elections  
1292 that occur after the receipt of the application by the registrar  
1293 through the date of the second federal general election that  
1294 occurs after the receipt of the application by the registrar.

1295 (3) The registrar shall preserve all applications for  
1296 absentee ballots for one (1) year as a record to be furnished to  
1297 any court or other duly constituted authority for inspection or  
1298 evidence if properly requested.

1299       (4) If the registrar rejects an application for an absentee  
1300 ballot or denies a request to register to vote from a uniformed  
1301 services applicant or an overseas voter, the registrar shall  
1302 provide the person with the reasons for the rejection.

1303       **SECTION 17.** Section 23-15-14, Mississippi Code of 1972,  
1304 provides that certain municipal residents who are registered to  
1305 vote only in county elections shall be registered to vote in  
1306 municipal elections, is repealed.

1307       **SECTION 18.** (1) There is created a task force to study  
1308 voting systems that comply with the Help America Vote Act of 2002  
1309 and their suitability for use in elections in Mississippi. The  
1310 task force shall make a report of its findings and recommendations  
1311 to the Legislature during the 2005 Regular Session, including any  
1312 recommended legislation.

1313       (2) The task force shall be composed of the following  
1314 members:

1315               (a) The Secretary of State, or his designee;

1316               (b) The Chairman of the Elections Committee of the  
1317 Senate;

1318               (c) The Chairman of the Apportionment and Elections  
1319 Committee of the House of Representatives;

1320               (d) A circuit clerk appointed by the President of the  
1321 Mississippi Association of Circuit Clerks;

1322               (e) A member of the general public who is not an  
1323 elected official or state employee, appointed by the Governor;

1324               (f) A member of the general public who is not an  
1325 elected official or state employee, appointed by the Lieutenant  
1326 Governor; and

1327               (g) A member of the general public who is not an  
1328 elected official or state employee, appointed by the Speaker of  
1329 the House of Representatives.

1330       (3) Appointments shall be made within thirty (30) days after  
1331 the effective date of this act, and, within fifteen (15) days



1332 thereafter on a day to be designated jointly by the Speaker of the  
1333 House and the Lieutenant Governor, the task force shall meet and  
1334 organize by selecting from its membership a chairman and a vice  
1335 chairman. The vice chairman shall also serve as secretary and  
1336 shall be responsible for keeping all records of the task force. A  
1337 majority of the members of the task force shall constitute a  
1338 quorum. In the selection of its officers and the adoption of  
1339 rules, resolutions and reports, an affirmative vote of a majority  
1340 of the task force shall be required. All members shall be  
1341 notified in writing of all meetings, such notices to be mailed at  
1342 least fifteen (15) days before the date on which a meeting is to  
1343 be held.

1344 (4) The task force shall study voting systems that comply  
1345 with the Help America Vote Act of 2002 and make recommendations  
1346 regarding the types of voting systems that are suitable for use in  
1347 Mississippi.

1348 (5) Members of the task force who are not legislators, state  
1349 officials or state employees shall be compensated at the per diem  
1350 rate authorized by Section 25-3-69 and shall be reimbursed in  
1351 accordance with Section 25-3-41 for mileage and actual expenses  
1352 incurred in the performance of their duties. Legislative members  
1353 of the task force shall be paid from the contingent expense funds  
1354 of their respective houses in the same manner as provided for  
1355 committee meetings when the Legislature is not in session.  
1356 However, no per diem or expense for attending meetings of the task  
1357 force will be paid to legislative members of the task force while  
1358 the Legislature is in session. No task force member may incur per  
1359 diem, travel or other expenses unless previously authorized by  
1360 vote, at a meeting of the task force, which action shall be  
1361 recorded in the official minutes of the meeting. Nonlegislative  
1362 members shall be paid from any funds made available to the task  
1363 force for that purpose.

1364           (6) The task force shall use clerical and legal staff  
1365 already employed by the Legislature and any other staff assistance  
1366 made available to it. To effectuate the purposes of this section,  
1367 any department, division, board, bureau, commission or agency of  
1368 the state or of any political subdivision thereof shall, at the  
1369 request of the chairman of the task force, provide to the task  
1370 force such facilities, assistance and data as will enable the task  
1371 force to properly carry out its task.

1372           (7) Upon presentation of its report to the Legislature at  
1373 the 2005 Regular Session, the task force shall be dissolved.

1374           **SECTION 19.** The Attorney General of the State of Mississippi  
1375 shall submit this act, immediately upon approval by the Governor  
1376 or upon approval by the Legislature subsequent to a veto, to the  
1377 Attorney General of the United States or to the United States  
1378 District Court for the District of Columbia in accordance with the  
1379 provisions of the Voting Rights Act of 1965, as amended and  
1380 extended.

1381           **SECTION 20.** This act shall take effect and be in force from  
1382 and after the date it is effectuated under Section 5 of the Voting  
1383 Rights Act of 1965, as amended and extended.