

By: Representative Reynolds

To: Apportionment and  
ElectionsHOUSE BILL NO. 1259  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 23-15-35, MISSISSIPPI CODE OF 1972,  
2 TO DELAY UNTIL JULY 1, 2009, THE DATE UPON WHICH REGISTRATION OF  
3 MUNICIPAL VOTERS MUST COMPLY WITH THE REQUIREMENTS OF THE  
4 STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO AMEND SECTION 23-15-239,  
5 MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF TRAINING  
6 SESSIONS FOR WHICH POLL MANAGERS MAY BE COMPENSATED; AND FOR  
7 RELATED PURPOSES.

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

9 **SECTION 1.** Section 23-15-35, Mississippi Code of 1972, is  
10 amended as follows:

11 **[Until January 1, 2009, this section shall read as follows:]**

12 23-15-35. (1) The clerk of the municipality shall be the  
13 registrar of voters of the municipality, and shall take the oath  
14 of office prescribed by Section 268 of the Constitution. The  
15 governing authorities shall provide suitable municipal  
16 registration books, which shall conform as nearly as practicable  
17 to the county registration books. The registrar shall, as nearly  
18 as may be practicable, and where not otherwise provided, comply  
19 with all the provisions of law regarding state and county  
20 elections in keeping and maintaining such registration books and  
21 in registering voters thereon. Applications for registration as  
22 electors of the municipality shall be made upon a triplicate form  
23 provided by and prepared at the expense of the county registrar,  
24 which form shall conform as nearly as practicable to the  
25 application for registration form provided for in Section  
26 23-15-39.

27 (2) The municipal clerk shall be authorized to register  
28 applicants as county electors. The municipal clerk shall forward  
29 notice of registration, a copy of the application for

30 registration, and any changes to the registration when they occur,  
31 either by certified mail to the county registrar or by personal  
32 delivery to the county registrar provided that a numbered receipt  
33 is signed by the registrar in return for the described documents.  
34 Upon receipt of the copy of the application for registration or  
35 changes to the registration, and if a review of the application  
36 indicates that the applicant meets all the criteria necessary to  
37 qualify as a county elector, then the county registrar shall make  
38 a determination of the county voting precinct in which the person  
39 making the application shall be required to vote. The county  
40 registrar shall send this county voting precinct information by  
41 United States first-class mail, postage prepaid, to the person at  
42 the address provided on the application. Any and all mailing  
43 costs incurred by the municipal clerk or the county registrar in  
44 effectuating this subsection shall be paid by the county board of  
45 supervisors. If a review of the copy of the application for  
46 registration or changes to the registration indicates that the  
47 applicant is not qualified to vote in the county, the county  
48 registrar shall challenge the application. The county election  
49 commissioners shall review any challenge or disqualification,  
50 after having notified the applicant by certified mail of the  
51 challenge or disqualification.

52 (3) The municipal clerk shall issue to the person making the  
53 application a copy of the application, and the county registrar  
54 shall process the application in accordance with the law regarding  
55 the handling of voter registration applications.

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

61 **[From and after January 1, 2009, this section shall read as**  
62 **follows:]**

63           23-15-35. (1) The clerk of the municipality shall be the  
64 registrar of voters of the municipality, and shall take the oath  
65 of office prescribed by Section 268 of the Constitution. The  
66 municipal registration shall conform to the county registration  
67 which shall be a part of the official record of registered voters  
68 as contained in the Statewide Elections Management System. The  
69 municipal clerk shall comply with all the provisions of law  
70 regarding the registration of voters, including the use of the  
71 voter registration applications used by county registrars and  
72 prescribed by the Secretary of State under Sections 23-15-39 and  
73 23-15-47.

74           (2) The municipal clerk shall be authorized to register  
75 applicants as county electors. The municipal clerk shall forward  
76 notice of registration, a copy of the application for  
77 registration, and any changes to the registration when they occur,  
78 either by certified mail to the county registrar or by personal  
79 delivery to the county registrar provided that a numbered receipt  
80 is signed by the registrar in return for the described documents.  
81 Upon receipt of the copy of the application for registration or  
82 changes to the registration, and if a review of the application  
83 indicates that the applicant meets all the criteria necessary to  
84 qualify as a county elector, then the county registrar shall make  
85 a determination of the county voting precinct in which the person  
86 making the application shall be required to vote. The county  
87 registrar shall send this county voting precinct information by  
88 United States first-class mail, postage prepaid, to the person at  
89 the address provided on the application. Any and all mailing  
90 costs incurred by the municipal clerk or the county registrar in  
91 effectuating this subsection shall be paid by the county board of  
92 supervisors. If a review of the copy of the application for  
93 registration or changes to the registration indicates that the  
94 applicant is not qualified to vote in the county, the county  
95 registrar shall challenge the application. The county election

96 commissioners shall review any challenge or disqualification,  
97 after having notified the applicant by certified mail of the  
98 challenge or disqualification.

99 (3) The municipal clerk shall issue to the person making the  
100 application a copy of the application and the county registrar  
101 shall process the application in accordance with the law regarding  
102 the handling of voter registration applications.

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

108 **SECTION 2.** Section 23-15-239, Mississippi Code of 1972, is  
109 amended as follows:

110 23-15-239. (1) The executive committee of each county, in  
111 the case of a primary election, or the commissioners of election  
112 of each county, in the case of all other elections, in conjunction  
113 with the circuit clerk, shall sponsor and conduct, not less than  
114 five (5) days prior to each election, training sessions to  
115 instruct managers as to their duties in the proper administration  
116 of the election and the operation of the polling place. No  
117 manager shall serve in any election unless he has received such  
118 instructions once during the twelve (12) months immediately  
119 preceding the date upon which such election is held; however,  
120 nothing in this section shall prevent the appointment of an  
121 alternate manager to fill a vacancy in case of an emergency. The  
122 county executive committee or the commissioners of election, as  
123 appropriate, shall train a sufficient number of alternates to  
124 serve in the event a manager is unable to serve for any reason.

125 (2) (a) If it is eligible under Section 23-15-266, the  
126 county executive committee may enter into a written agreement with  
127 the circuit clerk or the county election commission authorizing  
128 the circuit clerk or the county election commission to perform any

129 of the duties required of the county executive committee pursuant  
130 to this section. Any agreement entered into pursuant to this  
131 subsection shall be signed by the chairman of the county executive  
132 committee and the circuit clerk or the chairman of the county  
133 election commission, as appropriate. The county executive  
134 committee shall notify the State Executive Committee and the  
135 Secretary of State of the existence of such agreement.

136 (b) If it is eligible under Section 23-15-266, the  
137 municipal executive committee may enter into a written agreement  
138 with the municipal clerk or the municipal election commission  
139 authorizing the municipal clerk or the municipal election  
140 commission to perform any of the duties required of the municipal  
141 executive committee pursuant to this section. Any agreement  
142 entered into pursuant to this subsection shall be signed by the  
143 chairman of the municipal executive committee and the municipal  
144 clerk or the chairman of the municipal election commission, as  
145 appropriate. The municipal executive committee shall notify the  
146 State Executive Committee and the Secretary of State of the  
147 existence of such agreement.

148 (3) The board of supervisors, in their discretion, may  
149 compensate managers who attend such training sessions. The  
150 compensation shall be at a rate of not less than the federal  
151 hourly minimum wage nor more than Twelve Dollars (\$12.00) per  
152 hour. Managers shall not be compensated for more than eight (8)  
153 hours of attendance at the training sessions regardless of the  
154 actual amount of time that they attended the training sessions.

155 (4) The time and location of the training sessions required  
156 pursuant to this section shall be announced to the general public  
157 by posting a notice thereof at the courthouse and by delivering a  
158 copy of the notice to the office of a newspaper having general  
159 circulation in the county five (5) days before the date upon which  
160 the training session is to be conducted. Persons who will serve  
161 as poll watchers for candidates and political parties, as well as

162 members of the general public, shall be allowed to attend the  
163 sessions.

164 (5) Subject to the following annual limitations, the  
165 commissioners of election shall be entitled to receive a per diem  
166 in the amount of Eighty-four Dollars (\$84.00), to be paid from the  
167 county general fund, for every day or period of no less than five  
168 (5) hours accumulated over two (2) or more days actually employed  
169 in the performance of their duties for the necessary time spent in  
170 conducting training sessions as required by this section:

171 (a) In counties having less than fifteen thousand  
172 (15,000) residents according to the latest federal decennial  
173 census, not more than five (5) days per year;

174 (b) In counties having fifteen thousand (15,000)  
175 residents according to the latest federal decennial census but  
176 less than thirty thousand (30,000) residents according to the  
177 latest federal decennial census, not more than eight (8) days per  
178 year;

179 (c) In counties having thirty thousand (30,000)  
180 residents according to the latest federal decennial census but  
181 less than seventy thousand (70,000) residents according to the  
182 latest federal decennial census, not more than ten (10) days per  
183 year;

184 (d) In counties having seventy thousand (70,000)  
185 residents according to the latest federal decennial census but  
186 less than ninety thousand (90,000) residents according to the  
187 latest federal decennial census, not more than twelve (12) days  
188 per year;

189 (e) In counties having ninety thousand (90,000)  
190 residents according to the latest federal decennial census but  
191 less than one hundred seventy thousand (170,000) residents  
192 according to the latest federal decennial census, not more than  
193 fifteen (15) days per year;

194 (f) In counties having one hundred seventy thousand  
195 (170,000) residents according to the latest federal decennial  
196 census but less than two hundred thousand (200,000) residents  
197 according to the latest federal decennial census, not more than  
198 eighteen (18) days per year;

199 (g) In counties having two hundred thousand (200,000)  
200 residents according to the latest federal decennial census but  
201 less than two hundred twenty-five thousand (225,000) residents  
202 according to the latest federal decennial census, not more than  
203 nineteen (19) days per year;

204 (h) In counties having two hundred twenty-five thousand  
205 (225,000) residents according to the latest federal decennial  
206 census but less than two hundred fifty thousand (250,000)  
207 residents according to the latest federal decennial census, not  
208 more than twenty-two (22) days per year;

209 (i) In counties having two hundred fifty thousand  
210 (250,000) residents according to the latest federal decennial  
211 census but less than two hundred seventy-five thousand (275,000)  
212 residents according to the latest federal decennial census, not  
213 more than thirteen (13) days per year;

214 (j) In counties having two hundred seventy-five  
215 thousand (275,000) residents according to the latest federal  
216 decennial census or more, not more than fourteen (14) days per  
217 year.

218 (6) Commissioners of election shall claim the per diem  
219 authorized in subsection (5) of this section in the manner  
220 provided for in Section 23-15-153(6).

221 **SECTION 3.** The Attorney General of the State of Mississippi  
222 shall submit this act, immediately upon approval by the Governor,  
223 or upon approval by the Legislature subsequent to a veto, to the  
224 Attorney General of the United States or to the United States  
225 District Court for the District of Columbia in accordance with the

226 provisions of the Voting Rights Act of 1965, as amended and  
227 extended.

228         **SECTION 4.** This act shall take effect and be in force from  
229 and after the date it is effectuated under Section 5 of the Voting  
230 Rights Act of 1965, as amended and extended.