

By: Representative Mims

To: Apportionment and
Elections; County Affairs

HOUSE BILL NO. 1516

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,
2 TO REVISE THE NUMBER OF DAYS THAT AN ELECTION COMMISSIONER SHALL
3 BE PAID A PER DIEM FOR THE REVISION OF REGISTRATION BOOKS AND
4 POLLBOOKS; AND FOR RELATED PURPOSES.

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

6 **SECTION 1.** Section 23-15-153, Mississippi Code of 1972, is
7 amended as follows:

8 23-15-153. (1) At the following times the commissioners of
9 election shall meet at the office of the registrar and carefully
10 revise the registration books and the pollbooks of the several
11 voting precincts, and shall erase from those books the names of
12 all persons erroneously on the books, or who have died, removed or
13 become disqualified as electors from any cause; and shall register
14 the names of all persons who have duly applied to be registered
15 and have been illegally denied registration:

16 (a) On the Tuesday after the second Monday in January
17 1987 and every following year;

18 (b) On the first Tuesday in the month immediately
19 preceding the first primary election for congressmen in the years
20 when congressmen are elected;

21 (c) On the first Monday in the month immediately
22 preceding the first primary election for state, state district
23 legislative, county and county district offices in the years in
24 which those offices are elected; and

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

28 Except for the names of those persons who are duly qualified
29 to vote in the election, no name shall be permitted to remain on
30 the registration books and pollbooks; however, no name shall be
31 erased from the registration books or pollbooks based on a change
32 in the residence of an elector except in accordance with
33 procedures provided for by the National Voter Registration Act of
34 1993 that are in effect at the time of such erasure. Except as
35 otherwise provided by Section 23-15-573, no person shall vote at
36 any election whose name is not on the pollbook.

37 (2) Except as provided in subsection (3) of this section,
38 and subject to the following annual limitations, the commissioners
39 of election shall be entitled to receive a per diem in the amount
40 of Eighty-four Dollars (\$84.00), to be paid from the county
41 general fund, for every day or period of no less than five (5)
42 hours accumulated over two (2) or more days actually employed in
43 the performance of their duties in the conduct of an election or
44 actually employed in the performance of their duties for the
45 necessary time spent in the revision of the registration books and
46 pollbooks as required in subsection (1) of this section:

47 (a) In counties having less than fifteen thousand
48 (15,000) residents according to the latest federal decennial
49 census, not more than fifty (50) days per year, with no more than
50 fifteen (15) additional days allowed for the conduct of each
51 election in excess of one (1) occurring in any calendar year;

52 (b) In counties having fifteen thousand (15,000)
53 residents according to the latest federal decennial census but
54 less than thirty thousand (30,000) residents according to the
55 latest federal decennial census, not more than seventy-five (75)
56 days per year, with no more than twenty-five (25) additional days
57 allowed for the conduct of each election in excess of one (1)
58 occurring in any calendar year;

59 (c) In counties having thirty thousand (30,000)
60 residents according to the latest federal decennial census but

61 less than seventy thousand (70,000) residents according to the
62 latest federal decennial census, not more than one hundred (100)
63 days per year, with no more than thirty-five (35) additional days
64 allowed for the conduct of each election in excess of one (1)
65 occurring in any calendar year;

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

73 (e) In counties having ninety thousand (90,000)
74 residents according to the latest federal decennial census but
75 less than one hundred seventy thousand (170,000) residents
76 according to the latest federal decennial census, not more than
77 one hundred fifty (150) days per year, with no more than
78 fifty-five (55) additional days allowed for the conduct of each
79 election in excess of one (1) occurring in any calendar year;

80 (f) In counties having one hundred seventy thousand
81 (170,000) residents according to the latest federal decennial
82 census but less than two hundred thousand (200,000) residents
83 according to the latest federal decennial census, not more than
84 one hundred seventy-five (175) days per year, with no more than
85 sixty-five (65) additional days allowed for the conduct of each
86 election in excess of one (1) occurring in any calendar year;

87 (g) In counties having two hundred thousand (200,000)
88 residents according to the latest federal decennial census but
89 less than two hundred twenty-five thousand (225,000) residents
90 according to the latest federal decennial census, not more than
91 one hundred ninety (190) days per year, with no more than
92 seventy-five (75) additional days allowed for the conduct of each
93 election in excess of one (1) occurring in any calendar year;

94 (h) In counties having two hundred twenty-five thousand
95 (225,000) residents according to the latest federal decennial
96 census but less than two hundred fifty thousand (250,000)
97 residents according to the latest federal decennial census, not
98 more than two hundred fifteen (215) days per year, with no more
99 than eighty-five (85) additional days allowed for the conduct of
100 each election in excess of one (1) occurring in any calendar year;

101 (i) In counties having two hundred fifty thousand
102 (250,000) residents according to the latest federal decennial
103 census but less than two hundred seventy-five thousand (275,000)
104 residents according to the latest federal decennial census, not
105 more than two hundred thirty (230) days per year, with no more
106 than ninety-five (95) additional days allowed for the conduct of
107 each election in excess of one (1) occurring in any calendar year;

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

114 (3) The commissioners of election shall be entitled to
115 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
116 to be paid from the county general fund, not to exceed fourteen
117 (14) days for every day or period of no less than five (5) hours
118 accumulated over two (2) or more days actually employed in the
119 performance of their duties for the necessary time spent in the
120 revision of the registration books and pollbooks before any
121 special or run-off election. For purposes of this subsection, the
122 regular special election day shall not be considered a special
123 election. The annual limitations set forth in subsection (2) of
124 this section shall not apply to this subsection.

125 (4) The commissioners of election shall be entitled to
126 receive only one (1) per diem payment for those days when the

127 commissioners of election discharge more than one (1) duty or
128 responsibility on the same day.

129 (5) The county registrar shall prepare the pollbooks and the
130 county commissioners of election shall prepare the registration
131 books of each municipality located within the county pursuant to
132 an agreement between the county and each municipality in the
133 county. The county commissioners of election and the county
134 registrar shall be paid by each municipality for the actual cost
135 of preparing registration books and pollbooks for the municipality
136 and shall pay each county commissioner of election a per diem in
137 the amount provided for in subsection (2) of this section for each
138 day or period of not less than five (5) hours accumulated over two
139 (2) or more days the commissioners are actually employed in
140 preparing the registration books for the municipality, not to
141 exceed five (5) days. The county commissioners of election and
142 county registrar shall provide copies of the registration books
143 and pollbooks to the municipal clerk of each municipality in the
144 county. The municipality shall pay the county registrar for
145 preparing and printing the pollbooks. A municipality may secure
146 "read only" access to the Statewide Centralized Voter System and
147 print its own pollbooks using this information; however, county
148 commissioners of election shall remain responsible for preparing
149 registration books for municipalities and shall be paid for this
150 duty in accordance with this subsection.

151 (6) Every commissioner of election shall sign personally a
152 certification setting forth the number of hours actually worked in
153 the performance of the commissioner's official duties and for
154 which the commissioner seeks compensation. The certification must
155 be on a form as prescribed in this subsection. The commissioner's
156 signature is, as a matter of law, made under the commissioner's
157 oath of office and under penalties of perjury.

158 The certification form shall be as follows:

159 **COUNTY ELECTION COMMISSIONER**

193 entitled to a full hearing, and the clerk of the board of
194 supervisors shall issue subpoenas upon request of the contestor
195 compelling the attendance of witnesses and production of documents
196 and things. The contestor shall have the right to appeal de novo
197 to the circuit court of the involved county, which appeal must be
198 perfected within thirty (30) days from a final decision of the
199 commission, the clerk of the board of supervisors or the board of
200 supervisors, as the case may be.

201 Any contestor who successfully contests any certification
202 will be awarded all expenses incident to his contest, together
203 with reasonable attorney's fees, which will be awarded upon
204 petition to the chancery court of the involved county upon final
205 disposition of the contest before the election commission, board
206 of supervisors, clerk of the board of supervisors, or, in case of
207 an appeal, final disposition by the court. The commissioner
208 against whom the contest is decided shall be liable for the
209 payment of the expenses and attorney's fees, and the county shall
210 be jointly and severally liable for same.

211 (7) Any commissioner of election who has not received a
212 certificate issued by the Secretary of State pursuant to Section
213 23-15-211 indicating that the commissioner of election has
214 received the required elections seminar instruction and that the
215 commissioner of election is fully qualified to conduct an
216 election, shall not receive any compensation authorized by this
217 section, Section 1, Senate Bill No. 2291, 2006 Regular Session, or
218 Section 23-15-239.

219 **SECTION 2.** This act shall take effect and be in force from
220 and after July 1, 2007.