

House Amendments to Senate Bill No. 2823

TO THE SECRETARY OF THE SENATE:

THIS IS TO INFORM YOU THAT THE HOUSE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

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

14 23-15-35. (1) The clerk of the municipality shall be the
15 registrar of voters of the municipality, and shall take the oath
16 of office prescribed by Section 268 of the Constitution. The
17 governing authorities shall provide suitable municipal
18 registration books, which shall conform as nearly as practicable
19 to the county registration books. The registrar shall, as nearly
20 as may be practicable, and where not otherwise provided, comply
21 with all the provisions of law regarding state and county
22 elections in keeping and maintaining such registration books and
23 in registering voters thereon. Applications for registration as
24 electors of the municipality shall be made upon a triplicate form
25 provided by and prepared at the expense of the county registrar,
26 which form shall conform as nearly as practicable to the
27 application for registration form provided for in Section
28 23-15-39.

29 (2) The municipal clerk shall be authorized to register
30 applicants as county electors. The municipal clerk shall forward
31 notice of registration, a copy of the application for
32 registration, and any changes to the registration when they occur,
33 either by certified mail to the county registrar or by personal
34 delivery to the county registrar provided that a numbered receipt
35 is signed by the registrar in return for the described documents.
36 Upon receipt of the copy of the application for registration or

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

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

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

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

65 23-15-35. (1) The clerk of the municipality shall be the
66 registrar of voters of the municipality, and shall take the oath
67 of office prescribed by Section 268 of the Constitution. The
68 municipal registration shall conform to the county registration
69 which shall be a part of the official record of registered voters
70 as contained in the Statewide Elections Management System. The
71 municipal clerk shall comply with all the provisions of law

72 regarding the registration of voters, including the use of the
73 voter registration applications used by county registrars and
74 prescribed by the Secretary of State under Sections 23-15-39 and
75 23-15-47.

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

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

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

107 sufficient to allow the applicant to be registered as an elector
108 in the municipality, provided that such application is not
109 challenged as provided for therein.

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

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

127 (2) (a) If it is eligible under Section 23-15-266, the
128 county executive committee may enter into a written agreement with
129 the circuit clerk or the county election commission authorizing
130 the circuit clerk or the county election commission to perform any
131 of the duties required of the county executive committee pursuant
132 to this section. Any agreement entered into pursuant to this
133 subsection shall be signed by the chairman of the county executive
134 committee and the circuit clerk or the chairman of the county
135 election commission, as appropriate. The county executive
136 committee shall notify the State Executive Committee and the
137 Secretary of State of the existence of such agreement.

138 (b) If it is eligible under Section 23-15-266, the
139 municipal executive committee may enter into a written agreement
140 with the municipal clerk or the municipal election commission
141 authorizing the municipal clerk or the municipal election

142 commission to perform any of the duties required of the municipal
143 executive committee pursuant to this section. Any agreement
144 entered into pursuant to this subsection shall be signed by the
145 chairman of the municipal executive committee and the municipal
146 clerk or the chairman of the municipal election commission, as
147 appropriate. The municipal executive committee shall notify the
148 State Executive Committee and the Secretary of State of the
149 existence of such agreement.

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

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

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

173 (a) In counties having less than fifteen thousand
174 (15,000) residents according to the latest federal decennial
175 census, not more than five (5) days per year;

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

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

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

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

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

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

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

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

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

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

223 **SECTION 3.** (1) There is established an Early Voting Pilot
224 Program in Lafayette County.

225 (2) (a) A qualified elector in such county may vote early
226 in the office of the county registrar or a location designated by
227 the registrar not more than twenty-five (25) days nor less than
228 four (4) days before the day of an election. No excuse is
229 required for early voting. Any vote cast by early ballot shall be
230 final. The name of any person who votes by early ballot shall be
231 shown as voted in the pollbook before the day of election.

232 (b) A qualified elector in such county who desires to
233 vote by absentee ballot shall only do so by mail. No person may
234 vote absentee in the registrar's office.

235 (3) (a) Early voting shall be conducted during the
236 following times:

237 (i) Weekdays from 8:00 a.m. until 5:00 p.m.

238 (ii) Saturdays from 9:00 a.m. until 12:00 noon.

239 (iii) The registrar's office shall be closed on
240 the Saturday before each election.

241 (b) Notice of the office hours shall be given by the
242 registrar not less than five (5) days before the first day of
243 early voting by publication in a newspaper of general circulation.

244 (c) The registrar shall staff any personnel necessary
245 to carry out the provisions of this pilot program.

246 (4) (a) The registrar shall place the names of all
247 candidates and issues for election on a voting machine, electronic
248 voting system, optical mark reading equipment or direct recording
249 electronic voting equipment which shall comply with the
250 specifications provided by law. All early voting ballots shall be
251 placed on a voting machine, electronic voting system, optical mark
252 reading equipment or direct recording electronic voting equipment
253 which shall comply with the specifications provided by law. The
254 county election commissioner shall secure each voting machine used
255 in early voting to prohibit tampering and shall also provide
256 maximum security that allows no other person, except for persons
257 designated by the election commission to have access to the room
258 or facility in which the voting machines, ballots and other
259 election equipment are stored.

260 (b) No single direct recording electronic (DRE) voting
261 system may have more than nine thousand nine hundred ninety-nine
262 (9,999) voters using a single machine during the early voting
263 period.

264 (5) In the event a qualified elector appears to vote but
265 such person's name does not appear upon the pollbook, is not able
266 to cast a regular election day ballot under a provision of state
267 or federal law but is otherwise qualified to vote, or has been
268 illegally denied registration, such person shall vote by affidavit
269 ballot. The registrar shall follow the procedure established for
270 affidavit ballot provided in Section 23-15-573.

271 (6) Any person voting early is entitled to the same
272 assistance during the early voting period that such person would
273 be entitled as otherwise provided by law.

274 (7) The results of votes cast during early voting shall be
275 announced simultaneously with the votes cast on election day.

276 (8) Each candidate shall have the same rights to be present
277 at voting locations and to challenge the qualifications of any
278 person offering to vote in the same manner as provided by law.

279 (9) The Secretary of State's office shall provide the
280 circuit clerk for Lafayette County with a database that contains

281 the names of all registered voters within those counties at least
282 fifty-five (55) days before an election.

283 (10) Except as otherwise provided in this act for the Early
284 Voting Pilot Program in Lafayette County, election procedures as
285 otherwise provided by law shall govern the election procedures
286 during early voting in this county.

287 (11) This section shall stand repealed on June 30, 2011.

288 **SECTION 4.** The Attorney General of the State of Mississippi
289 shall submit this act, immediately upon approval by the Governor,
290 or upon approval by the Legislature subsequent to a veto, to the
291 Attorney General of the United States or to the United States
292 District Court for the District of Columbia in accordance with the
293 provisions of the Voting Rights Act of 1965, as amended and
294 extended.

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

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

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; TO CREATE AN
7 EARLY VOTING PILOT PROGRAM IN LAFAYETTE COUNTY; TO PROVIDE THE
8 PROCEDURES FOR EARLY VOTING IN SUCH COUNTY; AND FOR RELATED
9 PURPOSES.

HR40\SB2823A.1J

Don Richardson
Clerk of the House of Representatives