

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2823**

**BY: Committee**

**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.