

By: Reynolds

To: Apportionment and
ElectionsHOUSE BILL NO. 763
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 23-15-33, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT EVERY PERSON WHO IS ENTITLED TO BE REGISTERED AS
3 AN ELECTOR IN COMPLIANCE WITH THE LAWS OF THIS STATE AND WHO
4 REGISTERS TO VOTE PURSUANT TO THE NATIONAL VOTER REGISTRATION ACT
5 OF 1993 SHALL BE REGISTERED BY THE REGISTRAR ON THE REGISTRATION
6 BOOKS OF THE VOTING PRECINCT OF THE RESIDENCE OF SUCH PERSON; TO
7 PROVIDE THAT EVERY PERSON WHO IS ENTITLED TO BE REGISTERED AS AN
8 ELECTOR IN COMPLIANCE WITH THE LAWS OF THIS STATE AND WHO HAS
9 REGISTERED TO VOTE IN FEDERAL ELECTIONS PURSUANT TO THE NATIONAL
10 VOTER REGISTRATION ACT OF 1993, PRIOR TO THE EFFECTIVE DATE OF
11 THIS ACT, SHALL BE REGISTERED BY THE REGISTRAR ON THE REGISTRATION
12 BOOKS OF THE VOTING PRECINCT OF THE RESIDENCE OF SUCH PERSON; TO
13 AMEND SECTIONS 23-15-11 AND 23-15-13, MISSISSIPPI CODE OF 1972, TO
14 PROVIDE THAT TO BE ELIGIBLE TO VOTE A PERSON DOES NOT HAVE TO BE A
15 RESIDENT FOR 30 DAYS IN THE SUPERVISORS DISTRICT IN WHICH HE
16 OFFERS TO VOTE AND TO AUTHORIZE A VOTER'S REGISTRATION TO BE
17 TRANSFERRED WHEN HE MOVES TO A NEW VOTING PRECINCT WITHIN THE SAME
18 COUNTY AT ANY TIME UP TO 30 DAYS BEFORE THE ELECTION; TO AMEND
19 SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
20 REMOVAL OF NAMES FROM THE REGISTRATION BOOKS AND POLLBOOKS BASED
21 ON A CHANGE IN THE RESIDENCE OF THE ELECTOR MUST BE DONE IN
22 ACCORDANCE WITH THE PROCEDURES PROVIDED FOR BY THE NATIONAL VOTER
23 REGISTRATION ACT OF 1993; TO PROVIDE THAT THE NAMES OF ALL VOTERS
24 WHOSE REGISTRATION HAS BEEN CANCELLED AS A RESULT OF THE ELECTOR
25 NOT VOTING FOR FOUR SUCCESSIVE YEARS SHALL BE RETURNED TO THE
26 REGISTRATION BOOKS AND POLLBOOKS AND SHALL BE TREATED IN THE SAME
27 MANNER AS ELECTORS WHO HAVE CHANGED THEIR PLACE OF RESIDENCE; TO
28 DESIGNATE THE SECRETARY OF STATE AS MISSISSIPPI'S CHIEF ELECTION
29 OFFICER FOR PURPOSES OF THE NATIONAL VOTER REGISTRATION ACT OF
30 1993; TO REPEAL SECTION 23-15-159, MISSISSIPPI CODE OF 1972, WHICH
31 REQUIRES THAT THE NAMES OF PERSONS WHO HAVE NOT VOTED IN AT LEAST
32 ONE ELECTION IN THE LAST FOUR SUCCESSIVE YEARS BE ERASED FROM THE
33 REGISTRATION BOOKS AND POLLBOOKS; AND FOR RELATED PURPOSES.

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

35 SECTION 1. Section 23-15-33, Mississippi Code of 1972, is
36 amended as follows:

37 23-15-33. (1) Every person entitled to be registered as an
38 elector in compliance with the laws of this state and who has
39 signed his name on and properly completed the application for
40 registration to vote shall be registered by the registrar on the
41 registration books of the voting precinct of the residence of such

42 person.

43 (2) Every person entitled to be registered as an elector in
44 compliance with the laws of this state and who registers to vote
45 pursuant to the National Voter Registration Act of 1993 shall be
46 registered by the registrar on the registration books of the
47 voting precinct of the residence of such person.

48 (3) Every person entitled to be registered as an elector in
49 compliance with the laws of this state and who has registered to
50 vote in federal elections pursuant to the National Voter
51 Registration Act of 1993 prior to the effective date of House Bill
52 No. 763, 2000 Regular Session, shall be registered by the
53 registrar on the registration books of the voting precinct of the
54 residence of such person.

55 SECTION 2. Section 23-15-11, Mississippi Code of 1972, is
56 amended as follows:

57 23-15-11. Every inhabitant of this state, except idiots and
58 insane persons, who is a citizen of the United States of America,
59 eighteen (18) years old and upwards, who has resided in this state
60 for thirty (30) days and for thirty (30) days in the county in
61 which he offers to vote, and for thirty (30) days * * * in the
62 incorporated city or town in which he offers to vote, and who
63 shall have been duly registered as an elector pursuant to Section
64 23-15-33, and who has never been convicted of any crime listed in
65 Section 241, Mississippi Constitution of 1890, shall be a
66 qualified elector in and for the county, municipality and voting
67 precinct of his residence, and shall be entitled to vote at any
68 election. Any person who will be eighteen (18) years of age or
69 older on or before the date of the general election and who is
70 duly registered to vote not less than thirty (30) days prior to
71 the primary election associated with such general election, may
72 vote in such primary election even though such person has not
73 reached his or her eighteenth birthday at the time such person
74 offers to vote at such primary election. No others than those
75 above included shall be entitled, or shall be allowed, to vote at
76 any election.

77 SECTION 3. Section 23-15-13, Mississippi Code of 1972, is
78 amended as follows:

79 23-15-13. An elector who moves from one ward or voting
80 precinct to another ward within the same municipality or voting
81 precinct within the same county shall not be disqualified to vote,
82 but he or she shall be entitled to have his or her registration
83 transferred to his or her new ward or voting precinct upon making
84 written request therefor at any time up to thirty (30) days prior
85 to the election at which he or she offers to vote, and if the
86 removal occurs within thirty (30) days of such election he or she
87 shall be entitled to vote in his or her new ward or voting
88 precinct by affidavit ballot as provided in Section 23-15-573.

89 SECTION 4. Section 23-15-153, Mississippi Code of 1972, is
90 amended as follows:

91 23-15-153. (1) At the following times the commissioners of
92 election shall meet at the office of the registrar and carefully
93 revise the registration books and the pollbooks of the several
94 voting precincts, and shall erase from those books the names of
95 all persons erroneously on the books, or who have died, removed or
96 become disqualified as electors from any cause; and shall register
97 the names of all persons who have duly applied to be registered
98 and have been illegally denied registration:

99 (a) On the Tuesday after the second Monday in January
100 1987 and every following year;

101 (b) On the first Tuesday in the month immediately
102 preceding the first primary election for congressmen in the years
103 when congressmen are elected;

104 (c) On the first Monday in the month immediately
105 preceding the first primary election for state, state district,
106 legislative, county and county district offices in the years in
107 which those offices are elected; and

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

111 Except for the names of those persons who are duly qualified

112 to vote in the election, no name shall be permitted to remain on
113 the registration and pollbooks; provided, however, that no name
114 shall be erased from the registration books or pollbooks based on
115 a change in the residence of an elector except in accordance with
116 procedures provided for by the National Voter Registration Act of
117 1993 that are in effect at the time of such erasure. Except as
118 otherwise provided by Section 23-15-573, no person shall vote at
119 any election whose name is not on the pollbook.

120 (2) Except as provided in subsection (3) of this section,
121 and subject to the following annual limitations, the commissioners
122 of election shall be entitled to receive a per diem in the amount
123 of Seventy Dollars (\$70.00), to be paid from the county general
124 fund, for every day or period of no less than five (5) hours
125 accumulated over two (2) or more days actually employed in the
126 performance of their duties for the necessary time spent in the
127 revision of the registration books and pollbooks as required in
128 subsection (1) of this section:

129 (a) In counties having less than ten thousand (10,000)
130 qualified electors, not more than thirty-five (35) days per year;

131 (b) In counties having ten thousand (10,000) qualified
132 electors but less than twenty thousand (20,000) qualified
133 electors, not more than fifty (50) days per year;

134 (c) In counties having twenty thousand (20,000)
135 qualified electors but less than fifty thousand (50,000)
136 qualified electors, not more than sixty-five (65) days per year;

137 (d) In counties having fifty thousand (50,000)
138 qualified electors but less than seventy-five thousand (75,000)
139 qualified electors, not more than eighty (80) days per year;

140 (e) In counties having seventy-five thousand (75,000)
141 qualified electors but less than one hundred thousand (100,000)
142 qualified electors, not more than ninety-five (95) days per year;

143 (f) In counties having one hundred thousand (100,000)
144 qualified electors but less than one hundred twenty-five thousand

145 (125,000) qualified electors, not more than one hundred ten (110)
146 days per year;

147 (g) In counties having one hundred twenty-five thousand
148 (125,000) qualified electors but less than one hundred fifty
149 thousand (150,000) qualified electors, not more than one hundred
150 twenty-five (125) days per year;

151 (h) In counties having one hundred fifty thousand
152 (150,000) qualified electors but less than one hundred
153 seventy-five thousand (175,000) qualified electors, not more than
154 one hundred forty (140) days per year;

155 (i) In counties having one hundred seventy-five
156 thousand (175,000) qualified electors but less than two hundred
157 thousand (200,000) qualified electors, not more than one hundred
158 fifty-five (155) days per year;

159 (j) In counties having two hundred thousand (200,000)
160 qualified electors or more, not more than one hundred seventy
161 (170) days per year.

162 (3) The commissioners of election shall be entitled to
163 receive a per diem in the amount of Seventy Dollars (\$70.00), to
164 be paid from the county general fund, not to exceed ten (10) days
165 for every day or period of no less than five (5) hours accumulated
166 over two (2) or more days actually employed in the performance of
167 their duties for the necessary time spent in the revision of the
168 registration books and pollbooks prior to any special election.
169 For purposes of this subsection, the regular special election day
170 shall not be considered a special election. The annual
171 limitations set forth in subsection (2) of this section shall not
172 apply to this subsection.

173 (4) Subject to the following limitations, the commissioners
174 of election shall be entitled to receive a per diem in the amount
175 of Seventy Dollars (\$70.00), to be paid from the county general
176 fund, for every day or period of no less than five (5) hours
177 accumulated over two (2) or more days actually employed in the

178 performance of their duties in the conduct of an election:

179 (a) In counties having less than ten thousand (10,000)
180 qualified electors, not more than fifteen (15) days per election;

181 (b) In counties having ten thousand (10,000) qualified
182 electors but less than twenty-five thousand (25,000) qualified
183 electors, not more than twenty-five (25) days per election;

184 (c) In counties having twenty-five thousand (25,000)
185 qualified electors but less than fifty thousand (50,000) qualified
186 electors, not more than thirty-five (35) days per election;

187 (d) In counties having fifty thousand (50,000)
188 qualified electors but less than seventy-five thousand (75,000)
189 qualified electors, not more than forty-five (45) days per
190 election;

191 (e) In counties having seventy-five thousand (75,000)
192 qualified electors but less than one hundred thousand (100,000)
193 qualified electors, not more than fifty-five (55) days per
194 election;

195 (f) In counties having one hundred thousand (100,000)
196 qualified electors but less than one hundred fifty thousand
197 (150,000) qualified electors, not more than sixty-five (65) days
198 per election;

199 (g) In counties having one hundred fifty thousand
200 (150,000) qualified electors but less than two hundred thousand
201 (200,000) qualified electors, not more than seventy-five (75) days
202 per election; and

203 (h) In counties having two hundred thousand (200,000)
204 qualified electors or more, not more than eighty-five (85) days
205 per election.

206 It is the intention of the Legislature that the conduct of an
207 election as required by law and as compensated in this subsection
208 is a separate and distinct function from the purging and revision
209 of the registration and pollbooks as required by subsection (1) of
210 this section and the compensation for those revisions provided by

211 subsection (2) of this section.

212 (5) The commissioners of election shall be entitled to
213 receive only one (1) per diem payment for those days when the
214 commissioners of election discharge more than one (1) duty or
215 responsibility on the same day.

216 (6) The county commissioners of election may provide copies
217 of the registration books revised pursuant to this section to the
218 municipal registrar of each municipality located within the
219 county.

220 SECTION 5. The names of all electors whose registration has
221 been cancelled pursuant to the provisions of Section 23-15-159
222 prior to the effective date of this act, shall be returned to the
223 registration books and pollbooks and shall be treated in the same
224 manner as electors who have changed their place of residence.

225 SECTION 6. For purposes of the National Voter Registration
226 Act of 1993, the Secretary of State is designated as Mississippi's
227 chief election officer.

228 SECTION 7. Section 23-15-159, Mississippi Code of 1972,
229 which requires that the names of persons who have not voted in at
230 least one (1) election in the last four (4) successive years be
231 erased from the registration books and pollbooks, is repealed.

232 SECTION 8. The Attorney General of the State of Mississippi
233 is hereby directed to submit this act, immediately upon approval
234 by the Governor, or upon approval by the Legislature subsequent to
235 a veto, to the Attorney General of the United States or to the
236 United States District Court for the District of Columbia in
237 accordance with the provisions of the Voting Rights Act of 1965,
238 as amended and extended.

239 SECTION 9. This act shall take effect and be in force from
240 and after the date it is effectuated under Section 5 of the Voting
241 Rights Act of 1965, as amended and extended.