

By: Representative Reynolds

To: Apportionment and
Elections; Fees and Salaries
of Public Officers

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 685

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,
2 TO CHANGE THE BASIS UPON WHICH COMMISSIONERS OF ELECTION ARE
3 COMPENSATED FROM THE NUMBER OF REGISTERED VOTERS IN A COUNTY TO
4 THE NUMBER OF RESIDENTS IN A COUNTY; TO INCREASE THE NUMBER OF
5 HOURS REQUIRED TO BE WORKED BY COMMISSIONERS OF ELECTION IN ORDER
6 TO BE ENTITLED TO PER DIEM COMPENSATION; TO REVISE THE NUMBER OF
7 DAYS THAT COMMISSIONERS OF ELECTION ARE COMPENSATED AND AUTHORIZE
8 THE TOTAL NUMBER OF DAYS FOR WHICH THEY ARE COMPENSATED TO BE
9 UTILIZED FOR REVISION OF THE REGISTRATION BOOKS AND POLLBOOKS AND
10 FOR CONDUCTING ELECTIONS; TO REQUIRE COMMISSIONERS OF ELECTION TO
11 CERTIFY UNDER OATH THE NUMBER OF HOURS ACTUALLY WORKED, AS
12 VERIFIED BY THE CHAIRMAN OF THE ELECTION COMMISSION, WHEN
13 REQUESTING COMPENSATION; AND FOR RELATED PURPOSES.

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

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

17 23-15-153. (1) At the following times the commissioners of
18 election shall meet at the office of the registrar and carefully
19 revise the registration books and the pollbooks of the several
20 voting precincts, and shall erase from those books the names of
21 all persons erroneously on the books, or who have died, removed or
22 become disqualified as electors from any cause; and shall register
23 the names of all persons who have duly applied to be registered
24 and have been illegally denied registration:

25 (a) On the Tuesday after the second Monday in January
26 1987 and every following year;

27 (b) On the first Tuesday in the month immediately
28 preceding the first primary election for congressmen in the years
29 when congressmen are elected;

30 (c) On the first Monday in the month immediately
31 preceding the first primary election for state, state district,

32 legislative, county and county district offices in the years in
33 which those offices are elected; and

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

37 Except for the names of those persons who are duly qualified
38 to vote in the election, no name shall be permitted to remain on
39 the registration books and pollbooks; provided, however, that no
40 name shall be erased from the registration books or pollbooks
41 based on a change in the residence of an elector except in
42 accordance with procedures provided for by the National Voter
43 Registration Act of 1993 that are in effect at the time of such
44 erasure. Except as otherwise provided by Section 23-15-573, no
45 person shall vote at any election whose name is not on the
46 pollbook.

47 (2) Except as provided in subsection (3) of this section,
48 and subject to the following annual limitations, the commissioners
49 of election shall be entitled to receive a per diem in the amount
50 of Seventy Dollars (\$70.00), to be paid from the county general
51 fund, for every day or period of no less than five (5) hours
52 accumulated over two (2) or more days actually employed in the
53 performance of their duties in the conduct of an election or
54 actually employed in the performance of their duties for the
55 necessary time spent in the revision of the registration books and
56 pollbooks as required in subsection (1) of this section:

57 (a) In counties having less than fifteen thousand
58 (15,000) residents according to the latest federal decennial
59 census, not more than fifty (50) days per year, with no more than
60 fifteen (15) additional days allowed for the conduct of each
61 election in excess of one (1) occurring in any calendar year;

62 (b) In counties having fifteen thousand (15,000)
63 residents according to the latest federal decennial census but
64 less than thirty thousand (30,000) residents according to the

65 latest federal decennial census, not more than seventy-five (75)
66 days per year, with no more than twenty-five (25) additional days
67 allowed for the conduct of each election in excess of one (1)
68 occurring in any calendar year;

69 (c) In counties having thirty thousand (30,000)
70 residents according to the latest federal decennial census but
71 less than seventy thousand (70,000) residents according to the
72 latest federal decennial census, not more than one hundred (100)
73 days per year, with no more than thirty-five (35) additional days
74 allowed for the conduct of each election in excess of one (1)
75 occurring in any calendar year;

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

83 (e) In counties having ninety thousand (90,000)
84 residents according to the latest federal decennial census but
85 less than one hundred seventy thousand (170,000) residents
86 according to the latest federal decennial census, not more than
87 one hundred fifty (150) days per year, with no more than
88 fifty-five (55) additional days allowed for the conduct of each
89 election in excess of one (1) occurring in any calendar year;

90 (f) In counties having one hundred seventy thousand
91 (170,000) residents according to the latest federal decennial
92 census but less than two hundred thousand (200,000) residents
93 according to the latest federal decennial census, not more than
94 one hundred seventy-five (175) days per year, with no more than
95 sixty-five (65) additional days allowed for the conduct of each
96 election in excess of one (1) occurring in any calendar year;

97 (g) In counties having two hundred thousand (200,000)
98 residents according to the latest federal decennial census but
99 less than two hundred twenty-five thousand (225,000) residents
100 according to the latest federal decennial census, not more than
101 one hundred ninety (190) days per year, with no more than
102 seventy-five (75) additional days allowed for the conduct of each
103 election in excess of one (1) occurring in any calendar year;

104 (h) In counties having two hundred twenty-five thousand
105 (225,000) residents according to the latest federal decennial
106 census but less than two hundred fifty thousand (250,000)
107 residents according to the latest federal decennial census, not
108 more than two hundred fifteen (215) days per year, with no more
109 than eighty-five (85) additional days allowed for the conduct of
110 each election in excess of one (1) occurring in any calendar year;

111 (i) In counties having two hundred fifty thousand
112 (250,000) residents according to the latest federal decennial
113 census but less than two hundred seventy-five thousand (275,000)
114 residents according to the latest federal decennial census, not
115 more than two hundred thirty (230) days per year, with no more
116 than ninety-five (95) additional days allowed for the conduct of
117 each election in excess of one (1) occurring in any calendar year;

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

124 (3) The commissioners of election shall be entitled to
125 receive a per diem in the amount of Seventy Dollars (\$70.00), to
126 be paid from the county general fund, not to exceed ten (10) days
127 for every day or period of no less than five (5) hours accumulated
128 over two (2) or more days actually employed in the performance of
129 their duties for the necessary time spent in the revision of the

130 registration books and pollbooks prior to any special election.
131 For purposes of this subsection, the regular special election day
132 shall not be considered a special election. The annual
133 limitations set forth in subsection (2) of this section shall not
134 apply to this subsection.

135 * * *

136 (4) The commissioners of election shall be entitled to
137 receive only one (1) per diem payment for those days when the
138 commissioners of election discharge more than one (1) duty or
139 responsibility on the same day.

140 (5) The county commissioners of election may provide copies
141 of the registration books revised pursuant to this section to the
142 municipal registrar of each municipality located within the
143 county.

144 (6) Every commissioner of election shall sign a
145 certification under oath and under penalties of perjury setting
146 forth the number of hours actually worked in the performance of
147 the commissioner's official duties for which the commissioner
148 seeks compensation. The certification of an election commissioner
149 as to the actual number of hours worked must be verified and
150 approved as to accuracy by signature of the chairman of the county
151 election commission. The certification shall be on a form
152 promulgated by rule of the Secretary of State and, upon signature
153 of the election commissioner, must be filed with the clerk of the
154 county board of supervisors before any payment is made.

155 (7) Notwithstanding the provisions of this section to the
156 contrary, from the effective date of this act until the conclusion
157 of calendar year 2004, the number of days for which the
158 commissioners of election of a county are entitled to receive
159 compensation shall not be less than the number of days of
160 compensation they were entitled to receive during the 2000
161 calendar year, excluding those days for which election

162 commissioners were either entitled to or did receive compensation
163 for the conduct of any special elections in calendar year 2000.

164 SECTION 2. The Attorney General of the State of Mississippi
165 shall submit this act, immediately upon approval by the Governor,
166 or upon approval by the Legislature subsequent to a veto, to the
167 Attorney General of the United States or to the United States
168 District Court for the District of Columbia in accordance with the
169 provisions of the Voting Rights Act of 1965, as amended and
170 extended.

171 SECTION 3. This act shall take effect and be in force from
172 and after the date it is effectuated under Section 5 of the Voting
173 Rights Act of 1965, as amended and extended.