

By: Representatives Gunn, Ellington,
 Fillingane, Hamilton (6th), Moore, Staples

To: Apportionment and
 Elections

HOUSE BILL NO. 1487

1 AN ACT TO REQUIRE THE MISSISSIPPI DEPARTMENT OF VITAL RECORDS
 2 TO LIST THE NAMES OF DECEASED PERSONS BY COUNTY ON THE
 3 DEPARTMENT'S CURRENT WEB SITE; TO REQUIRE THAT INFORMATION ON SUCH
 4 WEB SITE IS DESIGNED SOLELY FOR USE BY THE COUNTY REGISTRAR,
 5 ELECTION COMMISSION AND CIRCUIT CLERK; TO AMEND SECTION 23-15-151,
 6 MISSISSIPPI CODE OF 1972, TO REQUIRE THE CIRCUIT CLERK OF EACH
 7 COUNTY TO PREPARE A BOOK USING INFORMATION FROM THE MISSISSIPPI
 8 DEPARTMENT OF VITAL RECORDS TO RECORD THE NAMES OF DECEASED
 9 PERSONS IN THE COUNTY; TO REQUIRE THE CIRCUIT CLERK TO USE THE
 10 BOOK TO REVISE VOTER REGISTRATION BOOKS AND POLLBOOKS; TO AMEND
 11 SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
 12 PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

14 **SECTION 1.** (1) The Mississippi Department of Vital
 15 Records shall list the deaths of all persons, by county, within
 16 the department's current web site. The lists shall include the
 17 following information for each deceased person: full name (as
 18 recorded on the death certificate), social security number, date
 19 of death, sex, race, age and usual place of residence.

20 (2) The information required under subsection (1) of this
 21 section shall be created solely for the use of the county election
 22 commission, county registrar and the circuit clerk and shall be
 23 designed in a manner that would prohibit any other person from
 24 accessing such information.

25 **SECTION 2.** Section 23-15-151, Mississippi Code of 1972,
 26 is amended as follows:

27 23-15-151. (1) The circuit clerk of each county is
 28 authorized and directed to prepare and keep in his office a full
 29 and complete list, in alphabetical order, of persons convicted of
 30 any crime listed in Section 241, Mississippi Constitution of 1890.
 31 Said clerk shall enter the names of all persons who have been or
 32 shall be hereafter convicted of any crime listed in Section 241,

33 Mississippi Constitution of 1890, in a book prepared and kept for
34 that purpose. The board of supervisors of each county shall, as
35 early as practicable, furnish the circuit clerk of their county
36 with a suitable book for the enrollment of said names showing the
37 name, date of birth, address, court, crime and date of conviction.
38 Said roll, when so prepared, shall be compared with the
39 registration book before each election commissioner of the county.
40 A certified copy of any enrollment by one clerk to another will be
41 sufficient authority for the enrollment of such name, or names, in
42 another county.

43 (2) The circuit clerk of each county is authorized and
44 directed to prepare and keep in his office a full and complete
45 list of all deceased persons in the county using information
46 obtained from the Mississippi Department of Vital Records web site
47 established for such purpose. Said clerk shall enter the names of
48 all persons who have been or shall be hereafter convicted of any
49 crime listed in Section 241, Mississippi Constitution of 1890, in
50 a book prepared and kept for that purpose. The board of
51 supervisors of each county, as early as practicable, shall furnish
52 the circuit clerk of their county with a suitable book for the
53 enrollment of the names showing the name and date of death. The
54 roll shall be compared with the registration book before each
55 election commissioner of the county and used to revise and purge
56 the registration books and pollbooks of the voting precincts as
57 required by Section 23-15-153.

58 **SECTION 3.** Section 23-15-153, Mississippi Code of 1972, is
59 amended as follows:

60 23-15-153. (1) At the following times the commissioners of
61 election shall meet at the office of the registrar and carefully
62 revise the registration books and the pollbooks of the several
63 voting precincts, and shall erase from those books the names of
64 all persons erroneously on the books, or who have died using
65 information from the web site established by the Mississippi

66 Department of Vital Records, removed or become disqualified as
67 electors from any cause; and shall register the names of all
68 persons who have duly applied to be registered and have been
69 illegally denied registration:

70 (a) On the Tuesday after the second Monday in January
71 1987 and every following year;

72 (b) On the first Tuesday in the month immediately
73 preceding the first primary election for congressmen in the years
74 when congressmen are elected;

75 (c) On the first Monday in the month immediately
76 preceding the first primary election for state, state district,
77 legislative, county and county district offices in the years in
78 which those offices are elected; and

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

82 Except for the names of those persons who are duly qualified
83 to vote in the election, no name shall be permitted to remain on
84 the registration books and pollbooks; however, no name shall be
85 erased from the registration books or pollbooks based on a change
86 in the residence of an elector except in accordance with
87 procedures provided for by the National Voter Registration Act of
88 1993 that are in effect at the time of such erasure. Except as
89 otherwise provided by Section 23-15-573, no person shall vote at
90 any election whose name is not on the pollbook.

91 (2) Except as provided in subsection (3) of this section,
92 and subject to the following annual limitations, the commissioners
93 of election shall be entitled to receive a per diem in the amount
94 of Seventy Dollars (\$70.00), to be paid from the county general
95 fund, for every day or period of no less than five (5) hours
96 accumulated over two (2) or more days actually employed in the
97 performance of their duties in the conduct of an election or
98 actually employed in the performance of their duties for the

99 necessary time spent in the revision of the registration books and
100 pollbooks as required in subsection (1) of this section:

101 (a) In counties having less than fifteen thousand
102 (15,000) residents according to the latest federal decennial
103 census, not more than fifty (50) days per year, with no more than
104 fifteen (15) additional days allowed for the conduct of each
105 election in excess of one (1) occurring in any calendar year;

106 (b) In counties having fifteen thousand (15,000)
107 residents according to the latest federal decennial census but
108 less than thirty thousand (30,000) residents according to the
109 latest federal decennial census, not more than seventy-five (75)
110 days per year, with no more than twenty-five (25) additional days
111 allowed for the conduct of each election in excess of one (1)
112 occurring in any calendar year;

113 (c) In counties having thirty thousand (30,000)
114 residents according to the latest federal decennial census but
115 less than seventy thousand (70,000) residents according to the
116 latest federal decennial census, not more than one hundred (100)
117 days per year, with no more than thirty-five (35) additional days
118 allowed for the conduct of each election in excess of one (1)
119 occurring in any calendar year;

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

127 (e) In counties having ninety thousand (90,000)
128 residents according to the latest federal decennial census but
129 less than one hundred seventy thousand (170,000) residents
130 according to the latest federal decennial census, not more than
131 one hundred fifty (150) days per year, with no more than

132 fifty-five (55) additional days allowed for the conduct of each
133 election in excess of one (1) occurring in any calendar year;

134 (f) In counties having one hundred seventy thousand
135 (170,000) residents according to the latest federal decennial
136 census but less than two hundred thousand (200,000) residents
137 according to the latest federal decennial census, not more than
138 one hundred seventy-five (175) days per year, with no more than
139 sixty-five (65) additional days allowed for the conduct of each
140 election in excess of one (1) occurring in any calendar year;

141 (g) In counties having two hundred thousand (200,000)
142 residents according to the latest federal decennial census but
143 less than two hundred twenty-five thousand (225,000) residents
144 according to the latest federal decennial census, not more than
145 one hundred ninety (190) days per year, with no more than
146 seventy-five (75) additional days allowed for the conduct of each
147 election in excess of one (1) occurring in any calendar year;

148 (h) In counties having two hundred twenty-five thousand
149 (225,000) residents according to the latest federal decennial
150 census but less than two hundred fifty thousand (250,000)
151 residents according to the latest federal decennial census, not
152 more than two hundred fifteen (215) days per year, with no more
153 than eighty-five (85) additional days allowed for the conduct of
154 each election in excess of one (1) occurring in any calendar year;

155 (i) In counties having two hundred fifty thousand
156 (250,000) residents according to the latest federal decennial
157 census but less than two hundred seventy-five thousand (275,000)
158 residents according to the latest federal decennial census, not
159 more than two hundred thirty (230) days per year, with no more
160 than ninety-five (95) additional days allowed for the conduct of
161 each election in excess of one (1) occurring in any calendar year;

162 (j) In counties having two hundred seventy-five
163 thousand (275,000) residents according to the latest federal
164 decennial census or more, not more than two hundred forty (240)

165 days per year, with no more than one hundred five (105) additional
166 days allowed for the conduct of each election in excess of one (1)
167 occurring in any calendar year.

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

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

183 (5) The county commissioners of election may provide copies
184 of the registration books revised pursuant to this section to the
185 municipal registrar of each municipality located within the
186 county.

187 (6) Every commissioner of election shall sign personally a
188 certification setting forth the number of hours actually worked in
189 the performance of the commissioner's official duties and for
190 which the commissioner seeks compensation. The certification must
191 be on a form as prescribed in this subsection. The commissioner's
192 signature is, as a matter of law, made under the commissioner's
193 oath of office and under penalties of perjury.

194 The certification form shall be as follows:

195 **COUNTY ELECTION COMMISSIONER**

196 **PER DIEM CLAIM FORM**

197 NAME: _____ COUNTY: _____

198 ADDRESS: _____ DISTRICT: _____

199 CITY: _____ ZIP: _____

200 PURPOSE APPLICABLE ACTUAL PER DIEM

201 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

202 WORKED TIME TIME WORK SECTION WORKED EARNED

203 _____

204 _____

205 _____

206 TOTAL NUMBER OF PER DIEM DAYS EARNED _____

207 PER DIEM RATE PER DAY EARNED X 70.00

208 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

209 I understand that I am signing this document
210 under my oath as a commissioner of elections and under
211 penalties of perjury.

212 I understand that I am requesting payment from
213 taxpayer funds and that I have an obligation to be
214 specific and truthful as to the amount of hours worked
215 and the compensation I am requesting.

216 Signed this the _____ day of _____, ____.

217 _____

218 Commissioner's Signature

219 When properly completed and signed, the certification must be
220 filed with the clerk of the county board of supervisors before any
221 payment may be made. The certification will be a public record
222 available for inspection and reproduction immediately upon the
223 oral or written request of any person.

224 Any person may contest the accuracy of the certification in
225 any respect by notifying the chairman of the commission, any
226 member of the board of supervisors or the clerk of the board of
227 supervisors of such contest at any time before or after payment is
228 made. If the contest is made before payment is made, no payment
229 shall be made as to the contested certificate until the contest is
230 finally disposed of. The person filing the contest shall be

231 entitled to a full hearing, and the clerk of the board of
232 supervisors shall issue subpoenas upon request of the contestor
233 compelling the attendance of witnesses and production of documents
234 and things. The contestor shall have the right to appeal de nova
235 to the circuit court of the involved county, which appeal must be
236 perfected within thirty (30) days from a final decision of the
237 commission, the clerk of the board of supervisors or the board of
238 supervisors, as the case may be.

239 Any contestor who successfully contests any certification
240 will be awarded all expenses incident to his contest, together
241 with reasonable attorney's fees, which will be awarded upon
242 petition to the chancery court of the involved county upon final
243 disposition of the contest before the election commission, board
244 of supervisors, clerk of the board of supervisors, or, in case of
245 an appeal, final disposition by the court. The commissioner
246 against whom the contest is decided shall be liable for the
247 payment of the expenses and attorney's fees, and the county shall
248 be jointly and severally liable for same.

249 (7) Notwithstanding the provisions of this section to the
250 contrary, from June 20, 2001, until the conclusion of calendar
251 year 2004, the number of days for which the commissioners of
252 election of a county are entitled to receive compensation shall
253 not be less than the number of days of compensation they were
254 entitled to receive during the 2000 calendar year, excluding those
255 days for which election commissioners were either entitled to or
256 did receive compensation for the conduct of any special elections
257 in calendar year 2000.

258 **SECTION 4.** The Attorney General of the State of Mississippi
259 shall submit this act, immediately upon approval by the Governor,
260 or upon approval by the Legislature subsequent to a veto, to the
261 Attorney General of the United States or to the United States
262 District Court for the District of Columbia in accordance with the

263 provisions of the Voting Rights Act of 1965, as amended and
264 extended.

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