

By: Representatives Markham, Jennings,
Rogers (61st)

To: Apportionment and
Elections

HOUSE BILL NO. 1518

1 AN ACT TO BE KNOWN AS THE "MISSISSIPPI HELP AMERICA VOTE ACT
2 OF 2002 COMPLIANCE LAW"; TO AUTHORIZE THE SECRETARY OF STATE TO
3 ESTABLISH AN ADMINISTRATIVE COMPLAINT PROCEDURE FOR HANDLING
4 GRIEVANCES IN ACCORDANCE WITH THE HELP AMERICA VOTE ACT OF 2002;
5 TO REQUIRE THE SECRETARY OF STATE AND THE COMMISSIONER OF PUBLIC
6 SAFETY TO ENTER INTO AN AGREEMENT TO GRANT THE SECRETARY OF
7 STATE'S OFFICE ACCESS TO THE DRIVER'S LICENSE DATABASE AND
8 IDENTIFICATION CARDHOLDER DATABASE FOR THE PURPOSE OF MATCHING
9 INFORMATION IN THE DATABASE OF THE STATEWIDE CENTRALIZED VOTER
10 SYSTEM TO THE EXTENT REQUIRED TO ENABLE THE SECRETARY OF STATE TO
11 VERIFY THE ACCURACY OF INFORMATION TO COMPLY WITH THE HELP AMERICA
12 VOTE ACT OF 2002; TO REQUIRE THE COMMISSIONER OF PUBLIC SAFETY TO
13 ENTER INTO AN AGREEMENT WITH THE COMMISSIONER OF SOCIAL SECURITY
14 IN ACCORDANCE WITH THE HELP AMERICA VOTE ACT OF 2002 TO VERIFY THE
15 ACCURACY OF INFORMATION PROVIDED BY THE COMMISSIONER OF PUBLIC
16 SAFETY WITH RESPECT TO APPLICATIONS FOR VOTER REGISTRATION; TO
17 PROVIDE THAT THE SECRETARY OF STATE SHALL HAVE THE AUTHORITY TO
18 ACCEPT AND EXPEND FEDERAL FUNDS AUTHORIZED UNDER THE HELP AMERICA
19 VOTE ACT OF 2002; TO PROVIDE THAT THE SECRETARY OF STATE SHALL BE
20 RESPONSIBLE FOR PROVIDING INFORMATION REQUIRED BY THE HELP AMERICA
21 VOTE ACT OF 2002 REGARDING VOTER REGISTRATION PROCEDURES AND
22 ABSENTEE BALLOT PROCEDURES TO BE USED BY ABSENT UNIFORMED SERVICES
23 VOTERS AND OVERSEAS VOTERS WITH RESPECT TO ELECTIONS; TO AUTHORIZE
24 THE SECRETARY OF STATE TO PROMULGATE RULES AND REGULATIONS
25 NECESSARY TO EFFECTUATE THE PROVISIONS OF THE HELP AMERICA VOTE
26 ACT OF 2002; TO AMEND SECTIONS 23-15-35, 23-15-39, 23-15-47,
27 23-15-137, 23-15-153, 23-15-211, 23-15-255, 23-15-573 AND
28 23-15-687, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT FROM AND
29 AFTER JANUARY 1, 2006, THE MUNICIPAL REGISTRATION BOOKS SHALL BE A
30 PART OF THE OFFICIAL RECORD OF REGISTERED VOTERS AS CONTAINED IN
31 THE STATEWIDE CENTRALIZED VOTER SYSTEM; TO PROVIDE THAT THE FORM
32 FOR REGULAR AND MAIL-IN APPLICATIONS FOR REGISTRATION AS AN
33 ELECTOR SHALL BE ESTABLISHED BY THE SECRETARY OF STATE; TO PROVIDE
34 FOR THE TYPES OF VOTER REGISTRATION NUMBERS ISSUED AFTER JANUARY
35 1, 2006; TO PROVIDE FOR THE ENTRY OF REGISTRATION INFORMATION INTO
36 THE STATEWIDE CENTRALIZED VOTER SYSTEM; TO REQUIRE, FROM AND AFTER
37 JANUARY 1, 2006, THAT THE COUNTY COMMISSIONERS OF ELECTION SHALL
38 PREPARE THE REGISTRATION AND POLLBOOKS FOR EACH MUNICIPALITY
39 LOCATED IN THE COUNTY TO PROVIDE FOR THE PAYMENT OF THE
40 COMMISSIONERS FOR SUCH WORK; TO REQUIRE THE SECRETARY OF STATE TO
41 DEVELOP A SINGLE COMPREHENSIVE POLL WORKER TRAINING PROGRAM TO
42 ASSIST LOCAL ELECTION OFFICIALS IN PROVIDING UNIFORM AND SECURE
43 ELECTIONS; TO REQUIRE THE MANAGERS OF EACH PRECINCT TO POST
44 CERTAIN INFORMATION ON THE DAY OF AN ELECTION; TO PROVIDE THAT THE
45 FORM OF THE AFFIDAVIT BALLOT AND THE AFFIDAVIT BALLOT ENVELOPE
46 SHALL BE ESTABLISHED BY THE SECRETARY OF STATE; TO REVISE THE
47 REASONS FOR WHICH A PERSON MAY VOTE BY AFFIDAVIT BALLOTS; TO
48 PROVIDE THE MANNER IN WHICH A PERSON MAY VOTE BY AFFIDAVIT BALLOT;
49 TO PROVIDE THAT ONE APPLICATION FOR AN ABSENTEE BALLOT SHALL SERVE
50 AS A REQUEST BY THE APPLICANT FOR AN ABSENTEE BALLOT FOR THE NEXT
51 TWO FEDERAL GENERAL ELECTIONS AND ALL STATE ELECTIONS OCCURRING
52 DURING THAT TIME FRAME; TO PROVIDE FOR THE PRESERVATION OF

53 ABSENTEE BALLOT APPLICATIONS FOR ONE YEAR; TO PROVIDE THAT IF A
54 REQUEST FOR AN ABSENTEE BALLOT IS REJECTED OR IF A REQUEST TO
55 REGISTER TO VOTE BY A UNIFORMED OR OVERSEAS VOTER IS DENIED, THE
56 PERSON APPLYING OR MAKING THE REQUEST SHALL BE PROVIDED WITH THE
57 REASONS FOR SUCH DENIAL OR REJECTION; TO REPEAL SECTION 23-15-14,
58 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT CERTAIN MUNICIPAL
59 RESIDENTS WHO ARE REGISTERED TO VOTE ONLY IN COUNTY ELECTIONS
60 SHALL BE REGISTERED TO VOTE IN MUNICIPAL ELECTIONS; AND FOR
61 RELATED PURPOSES.

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

63 **SECTION 1.** This act shall be known and may be cited as the
64 "Mississippi Help America Vote Act of 2002 Compliance Law."

65 **SECTION 2.** The Secretary of State shall, by rule and
66 regulation, establish an administrative complaint procedure for
67 handling grievances in accordance with the Help America Vote Act
68 of 2002.

69 **SECTION 3.** The Secretary of State and the Commissioner of
70 Public Safety shall enter into an agreement to grant the Secretary
71 of State's Office "read only" access to the driver's license
72 database and identification cardholder database for the purpose of
73 matching information in the database of the Statewide Centralized
74 Voter System created in Section 23-15-163 et seq. to the extent
75 required to enable the Secretary of State to verify the accuracy
76 of information provided on applications for voter registration in
77 compliance with the Help America Vote Act of 2002.

78 **SECTION 4.** The Commissioner of Public Safety shall enter
79 into an agreement with the Commissioner of Social Security under
80 Section 205(r)(8) of the Social Security Act in accordance with
81 the Help America Vote Act of 2002 to verify the accuracy of
82 applicable information provided by the Commissioner of Public
83 Safety with respect to applications for voter registration.

84 **SECTION 5.** The Secretary of State shall have the authority
85 to accept federal funds authorized under the Help America Vote Act
86 of 2002 and to meet all the requirements of the Help America Vote
87 Act of 2002 in order to expend the funds.

88 **SECTION 6.** The Secretary of State shall be responsible for
89 providing to all absent uniformed services voters and overseas

90 voters who wish to vote or register to vote in this state
91 information required by the Help America Vote Act of 2002
92 regarding voter registration procedures and absentee ballot
93 procedures to be used by absent uniformed services voters and
94 overseas voters with respect to elections, including procedures
95 relating to the use of the federal write-in absentee ballot.

96 **SECTION 7.** The Secretary of State shall promulgate rules and
97 regulations necessary to effectuate the provisions of the Help
98 America Vote Act of 2002 in this state.

99 **SECTION 8.** Section 23-15-35, Mississippi Code of 1972, is
100 amended as follows:

101 **[Until January 1, 2006, this section shall read as follows:]**

102 23-15-35. (1) The clerk of the municipality shall be the
103 registrar of voters of the municipality, and shall take the oath
104 of office prescribed by Section 268 of the Constitution. The
105 governing authorities shall provide suitable municipal
106 registration books, which shall conform as nearly as practicable
107 to the county registration books. The registrar shall, as nearly
108 as may be practicable, and where not otherwise provided, comply
109 with all the provisions of law regarding state and county
110 elections in keeping and maintaining such registration books and
111 in registering voters thereon. Applications for registration as
112 electors of the municipality shall be made upon a triplicate form
113 provided by and prepared at the expense of the county registrar,
114 which form shall conform as nearly as practicable to the
115 application for registration form provided for in Section
116 23-15-39.

117 (2) The municipal clerk shall be authorized to register
118 applicants as county electors. The municipal clerk shall forward
119 notice of registration, a copy of the application for
120 registration, and any changes to the registration when they occur,
121 either by certified mail to the county registrar or by personal
122 delivery to the county registrar provided that a numbered receipt

123 is signed by the registrar in return for the described documents.
124 Upon receipt of the copy of the application for registration or
125 changes to the registration, and if a review of the application
126 indicates that the applicant meets all the criteria necessary to
127 qualify as a county elector, then the county registrar shall make
128 a determination of the county voting precinct in which the person
129 making the application shall be required to vote. The county
130 registrar shall send this county voting precinct information by
131 United States first-class mail, postage prepaid, to the person at
132 the address provided on the application. Any and all mailing
133 costs incurred by the municipal clerk or the county registrar in
134 effectuating this subsection shall be paid by the county board of
135 supervisors. If a review of the copy of the application for
136 registration or changes to the registration indicates that the
137 applicant is not qualified to vote in the county, the county
138 registrar shall challenge the application. The county election
139 commissioners shall review any * * * challenge or
140 disqualification, after having notified the applicant by certified
141 mail of the challenge or disqualification.

142 (3) The municipal clerk shall issue to the person making the
143 application a copy of the application, and the county registrar
144 shall process the application in accordance with the law regarding
145 the handling of voter registration applications. * * *

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

151 **[From and after January 1, 2006, this section shall read as**
152 **follows:]**

153 23-15-35. (1) The clerk of the municipality shall be the
154 registrar of voters of the municipality, and shall take the oath
155 of office prescribed by Section 268 of the Constitution.

156 The * * * municipal registration books * * * shall conform * * *
157 to the county registration books which shall be a part of the
158 official record of registered voters as contained in the Statewide
159 Centralized Voter System. The municipal clerk shall comply with
160 all the provisions of law regarding the registration of voters,
161 including the use of the voter registration applications used by
162 county registrars and prescribed by the Secretary of State under
163 Sections 23-15-39 and 23-15-47.

164 (2) The municipal clerk shall be authorized to register
165 applicants as county electors. The municipal clerk shall forward
166 notice of registration, a copy of the application for
167 registration, and any changes to the registration when they occur,
168 either by certified mail to the county registrar or by personal
169 delivery to the county registrar provided that a numbered receipt
170 is signed by the registrar in return for the described documents.
171 Upon receipt of the copy of the application for registration or
172 changes to the registration, and if a review of the application
173 indicates that the applicant meets all the criteria necessary to
174 qualify as a county elector, then the county registrar shall make
175 a determination of the county voting precinct in which the person
176 making the application shall be required to vote. The county
177 registrar shall send this county voting precinct information by
178 United States first-class mail, postage prepaid, to the person at
179 the address provided on the application. Any and all mailing
180 costs incurred by the municipal clerk or the county registrar in
181 effectuating this subsection shall be paid by the county board of
182 supervisors. If a review of the copy of the application for
183 registration or changes to the registration indicates that the
184 applicant is not qualified to vote in the county, the county
185 registrar shall challenge the application. The county election
186 commissioners shall review any * * * challenge or
187 disqualification, after having notified the applicant by certified
188 mail of the challenge or disqualification.

189 (3) The municipal clerk shall issue to the person making the
190 application a copy of the application and the county registrar
191 shall process the application in accordance with the law regarding
192 the handling of voter registration applications. * * *

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

198 **SECTION 9.** Section 23-15-39, Mississippi Code of 1972, is
199 amended as follows:

200 **[Until January 1, 2006, this section shall read as follows:]**

201 23-15-39. (1) Applications for registration as electors of
202 this state, which are sworn to and subscribed before the registrar
203 or deputy registrar authorized by law and which are not made by
204 mail, shall be made upon a * * * form established by rule duly
205 adopted by the Secretary of State.

206 * * *

207 (2) The boards of supervisors shall make proper allowances
208 for office supplies reasonably necessitated by the registration of
209 county electors.

210 (3) If the applicant indicates on the application that he
211 resides within the city limits of a city or town in the county of
212 registration, the county registrar shall forward notice of
213 registration, a copy of the application for registration, and any
214 changes to the registration when they occur, either by certified
215 mail to the clerk of the municipality in which the application
216 indicates the applicant resides, or by personal delivery to the
217 clerk of the municipality provided that a numbered receipt is
218 signed by the clerk in return for the described documents. Upon
219 receipt of the copy of the application for registration or changes
220 to the registration, and if a review * * * indicates that the
221 applicant meets all the criteria necessary to qualify as a

222 municipal elector, then the clerk of the municipality shall make a
223 determination of the municipal voting precinct in which the person
224 making the application shall be required to vote. The clerk shall
225 send this municipal voting precinct information by United States
226 first-class mail, postage prepaid, to the person at the address
227 provided on the application. Any and all mailing costs incurred
228 by the county registrar or the clerk of the municipality in
229 effectuating this subsection shall be paid by the governing
230 authority of the municipality. If a review of the copy of the
231 application for registration or changes to the registration
232 indicates that the applicant is not qualified to vote in the
233 municipality, the clerk of the municipality shall challenge the
234 application. The municipal election commissioners responsible for
235 the municipality shall review any * * * challenge or
236 disqualification after having notified the applicant by certified
237 mail of the challenge or disqualification.

238 (4) If the applicant indicates on the application that he
239 has previously registered to vote in another county of this state
240 or another state, the registrar or clerk shall on a monthly basis
241 send notice of this new registration to the registrar or clerk of
242 the county in this state or any other state that is indicated in
243 the application as the voter's previous place of registration.
244 The election commission of the voter's previous place of
245 registration shall be responsible for having such voter's name
246 erased from the appropriate registration book and pollbook.

247 (5) The registrar shall issue to the person making the
248 application a copy of the application upon which has been written
249 the county voting precinct in which the person shall vote. The
250 registrar shall assign a voter registration number to the person
251 which shall be that person's social security number if such a
252 number is provided, and the voter registration number shall be
253 clearly shown on the application.

254 (6) Any person desiring an application for registration may
255 secure an application from the registrar of the county of which he
256 is a resident and may take the application with him and secure
257 assistance in completing the application from any person of the
258 applicant's choice. It shall be the duty of all registrars to
259 furnish applications for registration to all persons requesting
260 them, and it shall likewise be his duty to furnish aid and
261 assistance in the completing of the application when requested by
262 an applicant. The application for registration shall be sworn to
263 and subscribed before the registrar or deputy registrar at the
264 municipal clerk's office, the county registrar's office or any
265 other location where the applicant is allowed to register to vote.
266 No fee or cost shall be charged the applicant by the registrar for
267 accepting the application or administering the oath or for any
268 other duty imposed by law regarding the registration of electors.

269 (7) If the person making the application is unable to read
270 or write, for reason of disability or otherwise, he shall not be
271 required to personally complete the application in writing and
272 execute the oath. In such cases, the registrar or deputy
273 registrar shall read to the person the application and oath and
274 the person's answers * * * shall be recorded by the registrar or
275 his deputy. The person shall be registered as an elector if he
276 otherwise meets the requirements to be registered as an elector.
277 The registrar shall record the responses of the person and the
278 recorded responses shall be retained permanently by the registrar.
279 The registrar shall forward a copy of all * * * recorded responses
280 to the Secretary of State and shall indicate which were approved
281 for registration.

282 (8) The receipt of a copy of the application for
283 registration sent pursuant to Section 23-15-35(2) shall be
284 sufficient to allow the applicant to be registered as an elector
285 of this state, if the application is not challenged * * *.

286 (9) In any case in which a municipality expands its
287 corporate boundaries by annexation, the municipal clerk shall
288 within ten (10) days after the effective date of the annexation,
289 forward to the county registrar a map which accurately depicts the
290 annexed area. The county registrar shall, within ten (10) days
291 after the receipt of the map, forward to the municipal clerk a
292 copy of the most recent county precinct or subprecinct pollbook
293 for the county precincts * * * which are included in the annexed
294 area * * *, or equivalent computer data or information as will
295 permit the identification of county electors who reside in the
296 annexed area. The municipal clerk shall add those county electors
297 who have resided in the annexed area for at least thirty (30) days
298 after annexation to the municipal registration books as registered
299 voters of the municipality and shall forward to such persons
300 written notification of such addition and of the municipal
301 precinct or ward in which such persons reside.

302 **[From and after January 1, 2006, this section shall read as**
303 **follows:]**

304 23-15-39. (1) Applications for registration as electors of
305 this state, which are sworn to and subscribed before the registrar
306 or deputy registrar authorized by law and which are not made by
307 mail, shall be made upon a * * * form established by rule duly
308 adopted by the Secretary of State.

309 * * *

310 (2) The boards of supervisors shall make proper allowances
311 for office supplies reasonably necessitated by the registration of
312 county electors.

313 (3) If the applicant indicates on the application that he
314 resides within the city limits of a city or town in the county of
315 registration, the county registrar shall process the application
316 for registration or changes to the registration as provided by
317 law. * * *

318 (4) If the applicant indicates on the application that he
319 has previously registered to vote in another county of this state
320 or another state, * * * notice to the voter's previous county of
321 registration in this state shall be provided by the Statewide
322 Centralized Voter System. If the voter's previous place of
323 registration was in another state, notice shall be provided to the
324 voter's previous state of residence if the Statewide Centralized
325 Voter system has that capability.

326 (5) The county registrar shall provide to the person making
327 the application a copy of the application upon which has been
328 written the county voting precinct and municipal voting precinct,
329 if any, in which the person shall vote. Upon entry of the voter
330 registration information into the Statewide Centralized Voter
331 System, the system shall assign a voter registration number to the
332 person, which shall be that person's current and valid Mississippi
333 driver's license number, or if the person does not possess a
334 current and valid Mississippi driver's license, the last four (4)
335 digits of the person's social security number, if the number is
336 provided. If the person does not have a current and valid
337 Mississippi driver's license number and does not provide the last
338 four (4) digits of his social security number, the Statewide
339 Centralized Voter System shall assign the person a unique
340 registration number. The assigned voter registration number shall
341 be clearly shown on the application.

342 (6) Any person desiring an application for registration may
343 secure an application from the registrar of the county of which he
344 is a resident and may take the application with him and secure
345 assistance in completing the application from any person of the
346 applicant's choice. It shall be the duty of all registrars to
347 furnish applications for registration to all persons requesting
348 them, and it shall likewise be his duty to furnish aid and
349 assistance in the completing of the application when requested by
350 an applicant. The application for registration shall be sworn to

351 and subscribed before the registrar or deputy registrar at the
352 municipal clerk's office, the county registrar's office or any
353 other location where the applicant is allowed to register to vote
354 No fee or cost shall be charged the applicant by the registrar for
355 accepting the application or administering the oath or for any
356 other duty imposed by law regarding the registration of electors.

357 (7) If the person making the application is unable to read
358 or write, for reason of disability or otherwise, he shall not be
359 required to personally complete the application in writing and
360 execute the oath. In such cases, the registrar or deputy
361 registrar shall read to the person the application and oath and
362 the person's answers thereto shall be recorded by the registrar or
363 his deputy. The person shall be registered as an elector if he
364 otherwise meets the requirements to be registered as an elector.
365 The registrar shall record the responses of the person and the
366 recorded responses shall be retained permanently by the registrar.
367 The registrar shall enter the voter registration information into
368 the Statewide Centralized Voter System and designate the entry as
369 an assisted filing.

370 (8) The receipt of a copy of the application for
371 registration sent pursuant to Section 23-15-35(2) shall be
372 sufficient to allow the applicant to be registered as an elector
373 of this state, if the application is not challenged * * *.

374 (9) In any case in which a municipality expands its
375 corporate boundaries by annexation, the municipal clerk shall
376 within ten (10) days after the effective date of the annexation,
377 forward to the county registrar a map or equivalent geographic
378 information system data which accurately depicts the annexed area.
379 The county registrar shall enter updated municipal boundary
380 information into the Statewide Centralized Voter System. The
381 system will update the voter registration records to include the
382 new municipal electors who have resided within the annexed area
383 for at least thirty (30) days after annexation and assign the

384 municipal voting precincts. The county registrar shall forward to
385 the municipal clerk written notification of the additions and
386 changes, and the municipal clerk shall forward to the new
387 municipal electors written notification of the additions and
388 changes.

389 **SECTION 10.** Section 23-15-47, Mississippi Code of 1972, is
390 amended as follows:

391 **[Until January 1, 2006, this section shall read as follows:]**

392 23-15-47. (1) Any person who is qualified to register to
393 vote in the State of Mississippi may register to vote by mail-in
394 application in the manner prescribed in this section.

395 (2) The following procedure shall be used in the
396 registration of electors by mail:

397 (a) Any qualified elector may register to vote by
398 mailing or delivering a completed mail-in application to his
399 county registrar at least thirty (30) days prior to any election.
400 The postmark date of a mailed application shall be the date of
401 registration. * * *

402 (b) Upon receipt of a mail-in application, the county
403 registrar shall stamp such application with the date of receipt
404 and shall verify the application by contacting the applicant by
405 telephone, by personal contact with the applicant, or by any other
406 method approved by the Secretary of State. Within twenty-five
407 (25) days of receipt of a mail-in application, the county
408 registrar shall complete action on the application, including any
409 attempts to notify the applicant of the status of his application.

410 (c) If the county registrar determines that the
411 applicant is qualified and his application is legible and
412 complete, he shall mail the applicant written notification that
413 the application has been approved, specifying the county voting
414 precinct, polling place and supervisor district in which such
415 person shall vote. This written notification of approval
416 containing the specified information shall be the voter's

417 registration card. The registration cards shall be provided by
418 the county registrar. The registrar shall assign a voter
419 registration number to such person, which shall be that person's
420 social security number if such a number is provided, and the voter
421 registration number shall be clearly shown on the application and
422 on the written notification of approval. In mailing such written
423 notification, the county registrar shall note the following on the
424 envelope: "DO NOT FORWARD." If any registration notification
425 form is returned as undeliverable, voter's registration shall be
426 void.

427 (d) A mail-in application shall be rejected for any of
428 the following reasons:

429 (i) An incomplete portion of the application which
430 makes it impossible for the registrar to determine the eligibility
431 of the applicant to register;

432 (ii) A portion of the application which is
433 illegible in the opinion of the county registrar and makes it
434 impossible to determine the eligibility of the applicant to
435 register;

436 (iii) The county registrar is unable to determine,
437 from the address and information stated on the application, the
438 precinct in which the voter should be assigned or the supervisor
439 district in which he is entitled to vote;

440 (iv) The applicant is not qualified to register to
441 vote pursuant to Section 23-15-11;

442 (v) The registrar determines that the applicant is
443 registered as a qualified elector of the county;

444 (vi) The county registrar is unable to verify the
445 application pursuant to subsection (2)(b) of this section.

446 (e) If the mail-in application of a person is subject
447 to rejection for any of the reasons set forth in paragraph (d)(i)
448 through (iii) of this subsection, and it appears to the registrar
449 that the defect or omission is of such a minor nature and that any

450 necessary additional information may be supplied by the applicant
451 over the telephone or by further correspondence, the registrar may
452 write or call the applicant at the telephone number provided on
453 the application. If the registrar is able to contact the
454 applicant by mail or telephone, he shall attempt to ascertain the
455 necessary information and if this information is sufficient for
456 the registrar to complete the application, the applicant shall be
457 registered. If the necessary information cannot be obtained by
458 mail or telephone or is not sufficient, the registrar shall give
459 the applicant written notice of the rejection and provide the
460 reason for the rejection. The registrar shall further inform the
461 applicant that he has a right to attempt to register by appearing
462 in person or by filing another mail-in application.

463 (f) If a mail-in application is subject to rejection
464 for the reason stated in paragraph (d)(v) of this subsection and
465 the "present home address" portion of the application is different
466 from the residence address for the applicant found in the
467 registration book, the mail-in application shall be deemed a
468 written request to transfer registration pursuant to Section
469 23-15-13. Subject to the time limits and other provisions of
470 Section 23-15-13, the registrar or the election commissioners
471 shall note the new residence address on his records and, if
472 necessary, transfer the applicant to his new precinct, advise the
473 applicant of his new precinct, polling place and supervisor
474 district, and notify the municipal clerk of any such changes on a
475 monthly basis.

476 (3) The instructions and the application form for voter
477 registration by mail shall be in a form established by rule duly
478 adopted by the Secretary of State.

479 * * *

480 (4) (a) The Secretary of State shall prepare and furnish
481 without charge the necessary forms for application for voter
482 registration by mail to each county registrar, municipal clerk,

483 all public schools, each private school that requests such
484 applications, and all public libraries.

485 (b) The Secretary of State shall distribute without
486 charge sufficient forms for application for voter registration by
487 mail to the Commissioner of Public Safety, who shall distribute
488 such forms to each driver's license examining and renewal station
489 in the state, and shall ensure that the forms are regularly
490 available to the public at such stations.

491 (c) Bulk quantities of forms for application for voter
492 registration by mail shall be furnished by the Secretary of State
493 to any person or organization. The Secretary of State shall
494 charge a person or organization the actual cost he incurs in
495 providing bulk quantities of forms for application for voter
496 registration to such person or organization.

497 (5) The originals of completed mail-in applications shall
498 remain on file in the office of the county registrar in accordance
499 with Section 23-15-113. Nothing in this section shall preclude
500 having applications on microfilm, microfiche or as an electronic
501 image.

502 (6) If the applicant indicates on the application that he
503 resides within the city limits of a city or town in the county
504 registration, the county registrar shall forward notice of
505 registration, a duplicate copy of the application for
506 registration, and any changes to the registration when they occur,
507 either by certified mail to the clerk of the municipality
508 indicated in the present residence address stated in the
509 application or by personal delivery to the municipal clerk,
510 provided that a numbered receipt is signed by the clerk in return
511 for the described documents. Upon receipt of the copy of the
512 application for registration or changes to the registration, and
513 if a review * * * indicates that the applicant meets all the
514 criteria necessary to qualify as a municipal elector, then the
515 clerk of the municipality shall register the applicant as a

516 municipal elector and make a determination of the municipal voting
517 precinct in which the person making the application shall be
518 required to vote. The clerk shall send this municipal voting
519 precinct information by United States first-class mail, postage
520 prepaid, to the person at the address provided on the application.
521 Any and all mailing costs incurred by the county registrar or the
522 to clerk of the municipality in effectuating this subsection shall
523 be paid by the governing authority of the municipality. If a
524 review of the copy of the application for registration or changes
525 to the registration indicates that the applicant is not qualified
526 to vote in the municipality, the clerk of the municipality shall
527 deny the application and notify applicant.

528 (7) If the applicant indicates on the application that he
529 has previously registered to vote in another county of this state
530 or another state, the registrar or clerk shall send written notice
531 of this new registration by regular United States mail to the
532 registrar or clerk of the county in this state or any other state
533 that is indicated in the application as the voter's previous place
534 of registration. The information shall include the complete name,
535 address and age of the voter and shall include the current and
536 valid Mississippi driver's license of the voter, if provided, or
537 the social security number of the voter, if provided. The
538 election commission of the voter's previous place of registration
539 shall be responsible for having the voter's name erased from the
540 appropriate registration book and pollbook.

541 [From and after January 1, 2006, this section shall read as
542 follows:]

543 23-15-47. (1) Any person who is qualified to register to
544 vote in the State of Mississippi may register to vote by mail-in
545 application in the manner prescribed in this section.

546 (2) The following procedure shall be used in the 818
547 registration of electors by mail:

548 (a) Any qualified elector may register to vote by
549 mailing or delivering a completed mail-in application to his
550 county registrar at least thirty (30) days prior to any election.
551 The postmark date of a mailed application shall be the date of
552 registration. * * *

553 (b) Upon receipt of a mail-in application, the county
554 registrar shall stamp the application with the date of receipt,
555 and shall verify the application by contacting the applicant by
556 telephone, by personal contact with the applicant, or by any other
557 method approved by the Secretary of State. Within twenty-five
558 (25) days of receipt of a mail-in application, the county
559 registrar shall complete action on the application, including any
560 attempts to notify the applicant of the status of his application.

561 (c) If the county registrar determines that the
562 applicant is qualified and his application is legible and
563 complete, he shall mail the applicant written notification that
564 the application has been approved, specifying the county voting
565 precinct, municipal voting precinct, if any, polling place and
566 supervisor district in which such person shall vote. This written
567 notification of approval containing the specified information
568 shall be the voter's registration card. The registration cards
569 shall be provided by the county registrar. Upon entry of the
570 voter registration information into the Statewide Centralized
571 Voter System, the system shall assign a voter registration number
572 to the person, which shall be that person's current and valid
573 Mississippi driver's license number, or if the person does not
574 possess a current and valid Mississippi driver's license, the last
575 four (4) digits of the person's social security number, if the
576 number is provided. If the person does not have a current and
577 valid Mississippi driver's license number and does not provide the
578 last four (4) digits of his social security number, the Statewide
579 Centralized Voter System shall assign the person a unique
580 registration number. The assigned voter registration number shall

581 be clearly shown on the application and on the written
582 notification of approval. In mailing the written notification,
583 the county registrar shall note the following on the envelope:
584 "DO NOT FORWARD." If any registration notification form is
585 returned as undeliverable, the voter's registration shall be void.

586 (d) A mail-in application shall be rejected for any of
587 the following reasons:

588 (i) An incomplete portion of the application which
589 makes it impossible for the registrar to determine the eligibility
590 of the applicant to register;

591 (ii) A portion of the application which is
592 illegible in the opinion of the county registrar and makes it
593 impossible to determine the eligibility of the applicant to
594 register;

595 (iii) The county registrar is unable to determine,
596 from the address and information stated on the application, the
597 precinct in which the voter should be assigned or the supervisor
598 district in which he is entitled to vote;

599 (iv) The applicant is not qualified to register to
600 vote pursuant to Section 23-15-11;

601 (v) The registrar determines that the applicant is
602 registered as a qualified elector of the county;

603 (vi) The county registrar is unable to verify the
604 application pursuant to subsection (2)(b) of this section.

605 (e) If the mail-in application of a person is subject
606 to rejection for any of the reasons set forth in paragraph (d)(i)
607 through (iii) of this subsection, and it appears to the registrar
608 that the defect or omission is of such a minor nature and that any
609 necessary additional information may be supplied by the applicant
610 over the telephone or by further correspondence, the registrar may
611 write or call the applicant at the telephone number provided on
612 the application. If the registrar is able to contact the
613 applicant by mail or telephone, he shall attempt to ascertain the

614 necessary information and if this information is sufficient for
615 the registrar to complete the application, the applicant shall be
616 registered. If the necessary information cannot be obtained by
617 mail or telephone or is not sufficient, the registrar shall give
618 the applicant written notice of the rejection and provide the
619 reason for the rejection. The registrar shall further inform the
620 applicant that he has a right to attempt to register by appearing
621 in person or by filing another mail-in application.

622 (f) If a mail-in application is subject to rejection
623 for the reason stated in paragraph (d)(v) of this subsection and
624 the "present home address" portion of the application is different
625 from the residence address for the applicant found in the
626 registration book, the mail-in application shall be deemed a
627 written request to transfer registration pursuant to Section
628 23-15-13. Subject to the time limits and other provisions of
629 Section 23-15-13, the registrar or the election commissioners
630 shall note the new residence address on his records and, if
631 necessary, transfer the applicant to his new county precinct or
632 municipal precinct, if any, advise the applicant of his new county
633 precinct or municipal precinct, if any, polling place and
634 supervisor district * * *.

635 (3) The instructions and the application form for voter
636 registration by mail shall be in a form established by rule duly
637 adopted by the Secretary of State.

638 * * *

639 (4) (a) The Secretary of State shall prepare and furnish
640 without charge the necessary forms for application for voter
641 registration by mail to each county registrar, municipal clerk,
642 all public schools, each private school that requests such
643 applications, and all public libraries.

644 (b) The Secretary of State shall distribute without
645 charge sufficient forms for application for voter registration by
646 mail to the Commissioner of Public Safety, who shall distribute

647 such forms to each driver's license examining and renewal station
648 in the state, and shall ensure that the forms are regularly
649 available to the public at such stations.

650 (c) Bulk quantities of forms for application for voter
651 registration by mail shall be furnished by the Secretary of State
652 to any person or organization. The Secretary of State shall
653 charge a person or organization the actual cost he incurs in
654 providing bulk quantities of forms for application for voter
655 registration to such person or organization.

656 (5) The originals of completed mail-in applications shall
657 remain on file in the office of the county registrar in accordance
658 with Section 23-15-113. Nothing in this section shall preclude
659 having applications on microfilm, microfiche or as an electronic
660 image.

661 (6) If the applicant indicates on the application that he
662 resides within the city limits of a city or town in the county of
663 registration, the county registrar shall enter the information
664 into the Statewide Centralized Voter System. The county registrar
665 shall send * * * municipal voting precinct information by United
666 States first-class mail, postage prepaid, to the person at the
667 address provided on the application. Any and all mailing costs
668 incurred by the county registrar or the clerk of the municipality
669 in effectuating this subsection shall be paid by the governing
670 authority of the municipality. If a review * * * of the
671 application for registration or changes to the registration
672 indicates that the applicant is not qualified to vote in the
673 municipality, the registrar shall * * * notify the applicant of
674 the correct county precinct.

675 (7) If the applicant indicates on the application that he
676 has previously registered to vote in another county of this state
677 or another state, * * * notice to the voter's previous county of
678 registration in this state shall be provided by the Statewide
679 Centralized Voter System. If the voter's previous place of

680 registration was in another state, notice shall be provided to the
681 voter's previous state of residence if the Statewide Centralized
682 Voter System has that capability.

683 (8) Any person who attempts to register to vote by mail
684 shall be subject to the penalties for false registration provided
685 for in Section 23-15-17.

686 **SECTION 11.** Section 23-15-137, Mississippi Code of 1972, is
687 amended as follows:

688 23-15-137. (1) If the governing authorities of a
689 municipality determine that revision of the registration books and
690 pollbooks can be performed more effectively and efficiently
691 utilizing the authority granted in this section, then such
692 governing authorities may contract with the commissioners of
693 election of the county or counties in which the municipality is
694 located to provide the municipal registrar of such municipality
695 with registration books and pollbooks containing only the duly
696 qualified electors of such municipality. The registration books
697 and pollbooks provided pursuant to this section may be used to
698 conduct any municipal election in such municipality. By adopting
699 the registration books and pollbooks so provided, the municipal
700 commissioners of election shall be deemed to have met any
701 requirements to revise such books which are imposed upon such
702 commissioners by Mississippi law.

703 (2) In addition to any meeting otherwise authorized by law,
704 the county commissioners of election may meet to prepare the
705 registration and pollbooks of each municipality pursuant to a
706 contract authorized pursuant to subsection (1) of this section.
707 Each municipality shall compensate the county commissioners of
708 election for the actual cost of preparing such registration books
709 and pollbooks for the municipality and shall pay each county
710 commissioner of election the per diem provided for in Section
711 23-15-153(2) for each day or period of not less than five (5)
712 hours accumulated over two (2) or more days such commissioners are

713 actually employed in preparing such registration books and
714 pollbooks for such municipality, not to exceed five (5) days. The
715 county commissioners of election shall not receive any
716 compensation for the preparation of registration books and
717 pollbooks pursuant to subsection (1) other than that provided for
718 in this subsection.

719 (3) This section shall stand repealed from and after January
720 1, 2006.

721 **SECTION 12.** Section 23-15-153, Mississippi Code of 1972, is
722 amended as follows:

723 **[Until January 1, 2006, this section shall read as follows:]**

724 23-15-153. (1) At the following times the commissioners of
725 election shall meet at the office of the registrar and carefully
726 revise the registration books and the pollbooks of the several
727 voting precincts, and shall erase from those books the names of
728 all persons erroneously on the books, or who have died, removed or
729 become disqualified as electors from any cause; and shall register
730 the names of all persons who have duly applied to be registered
731 and have been illegally denied registration:

732 (a) On the Tuesday after the second Monday in January
733 1987 and every following year;

734 (b) On the first Tuesday in the month immediately
735 preceding the first primary election for congressmen in the years
736 when congressmen are elected;

737 (c) On the first Monday in the month immediately
738 preceding the first primary election for state, state district,
739 legislative, county and county district offices in the years in
740 which those offices are elected; and

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

744 Except for the names of those persons who are duly qualified
745 to vote in the election, no name shall be permitted to remain on

746 the registration books and pollbooks; however, no name shall be
747 erased from the registration books or pollbooks based on a change
748 in the residence of an elector except in accordance with
749 procedures provided for by the National Voter Registration Act of
750 1993 that are in effect at the time of such erasure. Except as
751 otherwise provided by Section 23-15-573, no person shall vote at
752 any election whose name is not on the pollbook.

753 (2) Except as provided in subsection (3) of this section,
754 and subject to the following annual limitations, the commissioners
755 of election shall be entitled to receive a per diem in the amount
756 of Seventy Dollars (\$70.00), to be paid from the county general
757 fund, for every day or period of no less than five (5) hours
758 accumulated over two (2) or more days actually employed in the
759 performance of their duties in the conduct of an election or
760 actually employed in the performance of their duties for the
761 necessary time spent in the revision of the registration books and
762 pollbooks as required in subsection (1) of this section:

763 (a) In counties having less than fifteen thousand
764 (15,000) residents according to the latest federal decennial
765 census, not more than fifty (50) days per year, with no more than
766 fifteen (15) additional days allowed for the conduct of each
767 election in excess of one (1) occurring in any calendar year;

768 (b) In counties having fifteen thousand (15,000)
769 residents according to the latest federal decennial census but
770 less than thirty thousand (30,000) residents according to the
771 latest federal decennial census, not more than seventy-five (75)
772 days per year, with no more than twenty-five (25) additional days
773 allowed for the conduct of each election in excess of one (1)
774 occurring in any calendar year;

775 (c) In counties having thirty thousand (30,000)
776 residents according to the latest federal decennial census but
777 less than seventy thousand (70,000) residents according to the
778 latest federal decennial census, not more than one hundred (100)

779 days per year, with no more than thirty-five (35) additional days
780 allowed for the conduct of each election in excess of one (1)
781 occurring in any calendar year;

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

789 (e) In counties having ninety thousand (90,000)
790 residents according to the latest federal decennial census but
791 less than one hundred seventy thousand (170,000) residents
792 according to the latest federal decennial census, not more than
793 one hundred fifty (150) days per year, with no more than
794 fifty-five (55) additional days allowed for the conduct of each
795 election in excess of one (1) occurring in any calendar year;

796 (f) In counties having one hundred seventy thousand
797 (170,000) residents according to the latest federal decennial
798 census but less than two hundred thousand (200,000) residents
799 according to the latest federal decennial census, not more than
800 one hundred seventy-five (175) days per year, with no more than
801 sixty-five (65) additional days allowed for the conduct of each
802 election in excess of one (1) occurring in any calendar year;

803 (g) In counties having two hundred thousand (200,000)
804 residents according to the latest federal decennial census but
805 less than two hundred twenty-five thousand (225,000) residents
806 according to the latest federal decennial census, not more than
807 one hundred ninety (190) days per year, with no more than
808 seventy-five (75) additional days allowed for the conduct of each
809 election in excess of one (1) occurring in any calendar year;

810 (h) In counties having two hundred twenty-five thousand
811 (225,000) residents according to the latest federal decennial

812 census but less than two hundred fifty thousand (250,000)
813 residents according to the latest federal decennial census, not
814 more than two hundred fifteen (215) days per year, with no more
815 than eighty-five (85) additional days allowed for the conduct of
816 each election in excess of one (1) occurring in any calendar year;

817 (i) In counties having two hundred fifty thousand
818 (250,000) residents according to the latest federal decennial
819 census but less than two hundred seventy-five thousand (275,000)
820 residents according to the latest federal decennial census, not
821 more than two hundred thirty (230) days per year, with no more
822 than ninety-five (95) additional days allowed for the conduct of
823 each election in excess of one (1) occurring in any calendar year;

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

830 (3) The commissioners of election shall be entitled to
831 receive a per diem in the amount of Seventy Dollars (\$70.00), to
832 be paid from the county general fund, not to exceed ten (10) days
833 for every day or period of no less than five (5) hours accumulated
834 over two (2) or more days actually employed in the performance of
835 their duties for the necessary time spent in the revision of the
836 registration books and pollbooks prior to any special election.
837 For purposes of this subsection, the regular special election day
838 shall not be considered a special election. The annual
839 limitations set forth in subsection (2) of this section shall not
840 apply to this subsection.

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

845 (5) The county commissioners of election shall provide
846 copies of the registration books revised pursuant to this section
847 to the municipal registrar of each municipality located within the
848 county.

849 (6) Every commissioner of election shall sign personally a
850 certification setting forth the number of hours actually worked in
851 the performance of the commissioner's official duties and for
852 which the commissioner seeks compensation. The certification must
853 be on a form as prescribed in this subsection. The commissioner's
854 signature is, as a matter of law, made under the commissioner's
855 oath of office and under penalties of perjury.

856 The certification form shall be as follows:

857 **COUNTY ELECTION COMMISSIONER**

858 **PER DIEM CLAIM FORM**

859 NAME: _____ COUNTY: _____
860 ADDRESS: _____ DISTRICT: _____
861 CITY: _____ ZIP: _____

862		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
863	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
864	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

865 _____
866 _____
867 _____

868 TOTAL NUMBER OF PER DIEM DAYS EARNED _____
869 PER DIEM RATE PER DAY EARNED X 70.00
870 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

871 I understand that I am signing this document
872 under my oath as a commissioner of elections and under
873 penalties of perjury.

874 I understand that I am requesting payment from
875 taxpayer funds and that I have an obligation to be
876 specific and truthful as to the amount of hours worked
877 and the compensation I am requesting.

878 Signed this the _____day of _____, ____.

879 _____

880 Commissioner's Signature

881 When properly completed and signed, the certification must be
882 filed with the clerk of the county board of supervisors before any
883 payment may be made. The certification will be a public record
884 available for inspection and reproduction immediately upon the
885 oral or written request of any person.

886 Any person may contest the accuracy of the certification in
887 any respect by notifying the chairman of the commission, any
888 member of the board of supervisors or the clerk of the board of
889 supervisors of such contest at any time before or after payment is
890 made. If the contest is made before payment is made, no payment
891 shall be made as to the contested certificate until the contest is
892 finally disposed of. The person filing the contest shall be
893 entitled to a full hearing, and the clerk of the board of
894 supervisors shall issue subpoenas upon request of the contestor
895 compelling the attendance of witnesses and production of documents
896 and things. The contestor shall have the right to appeal de novo
897 to the circuit court of the involved county, which appeal must be
898 perfected within thirty (30) days from a final decision of the
899 commission, the clerk of the board of supervisors or the board of
900 supervisors, as the case may be.

901 Any contestor who successfully contests any certification
902 will be awarded all expenses incident to his contest, together
903 with reasonable attorney's fees, which will be awarded upon
904 petition to the chancery court of the involved county upon final
905 disposition of the contest before the election commission, board
906 of supervisors, clerk of the board of supervisors, or, in case of
907 an appeal, final disposition by the court. The commissioner
908 against whom the contest is decided shall be liable for the
909 payment of the expenses and attorney's fees, and the county shall
910 be jointly and severally liable for same.

911 (7) Notwithstanding the provisions of this section to the
912 contrary, from June 20, 2001, until the conclusion of calendar
913 year 2004, the number of days for which the commissioners of
914 election of a county are entitled to receive compensation shall
915 not be less than the number of days of compensation they were
916 entitled to receive during the 2000 calendar year, excluding those
917 days for which election commissioners were either entitled to or
918 did receive compensation for the conduct of any special elections
919 in calendar year 2000.

920 **[From and after January 1, 2006, this section shall read as**
921 **follows:]**

922 23-15-153. (1) At the following times the commissioners of
923 election shall meet at the office of the registrar and carefully
924 revise the registration books and the pollbooks of the several
925 voting precincts, and shall erase from those books the names of
926 all persons erroneously on the books, or who have died, removed or
927 become disqualified as electors from any cause; and shall register
928 the names of all persons who have duly applied to be registered
929 and have been illegally denied registration

930 (a) On the Tuesday after the second Monday in January
931 1987 and every following year;

932 (b) On the first Tuesday in the month immediately
933 preceding the first primary election for congressmen in the years
934 when congressmen are elected;

935 (c) On the first Monday in the month immediately
936 preceding the first primary election for state, state district
937 legislative, county and county district offices in the years in
938 which those offices are elected; and

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

942 Except for the names of those persons who are duly qualified
943 to vote in the election, no name shall be permitted to remain on

944 the registration books and pollbooks; however, no name shall be
945 erased from the registration books or pollbooks based on a change
946 in the residence of an elector except in accordance with
947 procedures provided for by the National Voter Registration Act of
948 1993 that are in effect at the time of such erasure. Except as
949 otherwise provided by Section 23-15-573, no person shall vote at
950 any election whose name is not on the pollbook.

951 (2) Except as provided in subsection (3) of this section,
952 and subject to the following annual limitations, the commissioners
953 of election shall be entitled to receive a per diem in the amount
954 of Seventy Dollars (\$70.00), to be paid from the county general
955 fund, for every day or period of no less than five (5) hours
956 accumulated over two (2) or more days actually employed in the
957 performance of their duties in the conduct of an election or
958 actually employed in the performance of their duties for the
959 necessary time spent in the revision of the registration books and
960 pollbooks as required in subsection (1) of this section:

961 (a) In counties having less than fifteen thousand
962 (15,000) residents according to the latest federal decennial
963 census, not more than fifty (50) days per year, with no more than
964 fifteen (15) additional days allowed for the conduct of each
965 election in excess of one (1) occurring in any calendar year;

966 (b) In counties having fifteen thousand (15,000)
967 residents according to the latest federal decennial census but
968 less than thirty thousand (30,000) residents according to the
969 latest federal decennial census, not more than seventy-five (75)
970 days per year, with no more than twenty-five (25) additional days
971 allowed for the conduct of each election in excess of one (1)
972 occurring in any calendar year;

973 (c) In counties having thirty thousand (30,000)
974 residents according to the latest federal decennial census but
975 less than seventy thousand (70,000) residents according to the
976 latest federal decennial census, not more than one hundred (100)

977 days per year, with no more than thirty-five (35) additional days
978 allowed for the conduct of each election in excess of one (1)
979 occurring in any calendar year;

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

987 (e) In counties having ninety thousand (90,000)
988 residents according to the latest federal decennial census but
989 less than one hundred seventy thousand (170,000) residents
990 according to the latest federal decennial census, not more than
991 one hundred fifty (150) days per year, with no more than
992 fifty-five (55) additional days allowed for the conduct of each
993 election in excess of one (1) occurring in any calendar year;

994 (f) In counties having one hundred seventy thousand
995 (170,000) residents according to the latest federal decennial
996 census but less than two hundred thousand (200,000) residents
997 according to the latest federal decennial census, not more than
998 one hundred seventy-five (175) days per year, with no more than
999 sixty-five (65) additional days allowed for the conduct of each
1000 election in excess of one (1) occurring in any calendar year;

1001 (g) In counties having two hundred thousand (200,000)
1002 residents according to the latest federal decennial census but
1003 less than two hundred twenty-five thousand (225,000) residents
1004 according to the latest federal decennial census, not more than
1005 one hundred ninety (190) days per year, with no more than
1006 seventy-five (75) additional days allowed for the conduct of each
1007 election in excess of one (1) occurring in any calendar year;

1008 (h) In counties having two hundred twenty-five thousand
1009 (225,000) residents according to the latest federal decennial

1010 census but less than two hundred fifty thousand (250,000)
1011 residents according to the latest federal decennial census, not
1012 more than two hundred fifteen (215) days per year, with no more
1013 than eighty-five (85) additional days allowed for the conduct of
1014 each election in excess of one (1) occurring in any calendar year;

1015 (i) In counties having two hundred fifty thousand
1016 (250,000) residents according to the latest federal decennial
1017 census but less than two hundred seventy-five thousand (275,000)
1018 residents according to the latest federal decennial census, not
1019 more than two hundred thirty (230) days per year, with no more
1020 than ninety-five (95) additional days allowed for the conduct of
1021 each election in excess of one (1) occurring in any calendar year;

1022 (j) In counties having two hundred seventy-five
1023 thousand (275,000) residents according to the latest federal
1024 decennial census or more, not more than two hundred forty (240)
1025 days per year, with no more than one hundred five (105) additional
1026 days allowed for the conduct of each election in excess of one (1)
1027 occurring in any calendar year.

1028 (3) The commissioners of election shall be entitled to
1029 receive a per diem in the amount of Seventy Dollars (\$70.00), to
1030 be paid from the county general fund, not to exceed ten (10) days
1031 for every day or period of no less than five (5) hours accumulated
1032 over two (2) or more days actually employed in the performance of
1033 their duties for the necessary time spent in the revision of the
1034 registration books and pollbooks prior to any special election.
1035 For purposes of this subsection, the regular special election day
1036 shall not be considered a special election. The annual
1037 limitations set forth in subsection apply to this subsection (2)
1038 of this section shall not apply to this subsection.

1039 (4) The commissioners of election shall be entitled to
1040 receive only one (1) per diem payment for those days when the
1041 commissioners of election discharge more than one (1) duty or
1042 responsibility on the same day.

1076 _____
1077 TOTAL NUMBER OF PER DIEM DAYS EARNED _____
1078 PER DIEM RATE PER DAY EARNED X 70.00
1079 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

1080 I understand that I am signing this document
1081 under my oath as a commissioner of elections and under
1082 penalties of perjury.

1083 I understand that I am requesting payment from
1084 taxpayer funds and that I have an obligation to be
1085 specific and truthful as to the amount of hours worked
1086 and the compensation I am requesting.

1087 Signed this the _____day of _____, _____.
1088 _____
1089 Commissioner's Signature

1090 When properly completed and signed, the certification must be
1091 filed with the clerk of the county board of supervisors before any
1092 payment may be made. The certification will be a public record
1093 available for inspection and reproduction immediately upon the
1094 oral or written request of any person.

1095 Any person may contest the accuracy of the certification in
1096 any respect by notifying the chairman of the commission, any
1097 member of the board of supervisors or the clerk of the board of
1098 supervisors of such contest at any time before or after payment is
1099 made. If the contest is made before payment is made, no payment
1100 shall be made as to the contested certificate until the contest is
1101 finally disposed of. The person filing the contest shall be
1102 entitled to a full hearing, and the clerk of the board of
1103 supervisors shall issue subpoenas upon request of the contestor
1104 compelling the attendance of witnesses and production of documents
1105 and things. The contestor shall have the right to appeal de ново
1106 to the circuit court of the involved county, which appeal must be
1107 perfected within thirty (30) days from a final decision of the

1108 commission, the clerk of the board of supervisors or the board of
1109 supervisors, as the case may be.

1110 Any contestor who successfully contests any certification
1111 will be awarded all expenses incident to his contest, together
1112 with reasonable attorney's fees, which will be awarded upon
1113 petition to the chancery court of the involved county upon final
1114 disposition of the contest before the election commission, board
1115 of supervisors, clerk of the board of supervisors, or, in case of
1116 an appeal, final disposition by the court. The commissioner
1117 against whom the contest is decided shall be liable for the
1118 payment of the expenses and attorney's fees, and the county shall
1119 be jointly and severally liable for same.

1120 * * *

1121 **SECTION 13.** Section 23-15-211, Mississippi Code of 1972, is
1122 amended as follows:

1123 23-15-211. (1) There shall be a State Board of Election
1124 Commissioners to consist of the Governor, the Secretary of State
1125 and the Attorney General, any two (2) of whom may perform the
1126 duties required of the board; a board of election commissioners in
1127 each county to consist of five (5) persons who are electors in the
1128 county in which they are to act; and a registrar in each county
1129 who shall be the clerk of the circuit court, unless he shall be
1130 shown to be an improper person to register the names of the
1131 electors therein.

1132 (2) The board of supervisors of each county shall pay
1133 members of the county election commission for attending training
1134 events a per diem in the amount provided in Section 23-15-153;
1135 however, the per diem shall not be paid to an election
1136 commissioner for more than six (6) days of training per year and
1137 shall only be paid to election commissioners who actually attend
1138 and complete a training event and obtain a training certificate.

1139 (3) Included in this six (6) days shall be an elections
1140 seminar, conducted and sponsored by the Secretary of State.

1141 Election commissioners and chairpersons of each political party
1142 executive committee, or their designee, shall be required to
1143 attend.

1144 (4) Each participant shall receive a certificate from the
1145 Secretary of State indicating that the named participant has
1146 received the elections training seminar instruction and that each
1147 participant is fully qualified to conduct an election.

1148 (5) The Secretary of State shall develop a single,
1149 comprehensive poll worker training program to assist local
1150 election officials in providing uniform, secure elections
1151 throughout the state. The program shall include, at a minimum,
1152 training on all state and federal election laws and procedures.

1153 **SECTION 14.** Section 23-15-255, Mississippi Code of 1972, is
1154 amended as follows:

1155 23-15-255. (1) The supervisor of each respective
1156 supervisors district shall provide at each election place a
1157 sufficient number of voting compartments, shelves and tables for
1158 the use of electors, which shall be so arranged that it will be
1159 impossible for a voter in one compartment to see another voter who
1160 is preparing his ballot. The number of voting compartments and
1161 shelves or tables shall not be less than one (1) to every two
1162 hundred (200) electors in the voting precinct. Each compartment
1163 shall be supplied and have posted up in it a card of instructions,
1164 and be furnished with other conveniences for marking the ballots.

1165 (2) The managers of each precinct shall publicly post the
1166 following information at the precinct polling place on the day of
1167 any election:

1168 (a) A sample version of the ballot that will be used at
1169 the election;

1170 (b) Information on the date of the election and the
1171 hours during which the polling places will be open;

1172 (c) Instructions on how to vote, including how to cast
1173 a vote and how to cast an affidavit ballot;

1174 (d) Instruction for persons who have registered to vote
1175 by mail and first time voters, if appropriate;

1176 (e) General information on voting rights, including
1177 information on the right of an individual to cast an affidavit
1178 ballot and instructions on how to contact the appropriate
1179 officials if these rights are alleged to have been violated; and

1180 (f) The consequences under federal and state laws
1181 regarding fraud and misrepresentation.

1182 **SECTION 15.** Section 23-15-573, Mississippi Code of 1972, is
1183 amended as follows:

1184 23-15-573. (1) If any person declares that he is a
1185 registered voter in the jurisdiction in which he offers to vote
1186 and that he is eligible to vote in the election, but his name does
1187 not appear upon the pollbooks, or that he is not able to cast a
1188 regular election day ballot under a provision of state or federal
1189 law but is otherwise qualified to vote, or that he has been
1190 illegally denied registration:

1191 (a) A poll manager shall notify the person that he may
1192 cast an affidavit ballot at the election.

1193 (b) The person shall be permitted to cast an affidavit
1194 ballot at the polling place upon execution of a written affidavit
1195 before one (1) of the managers of election stating that the
1196 individual:

1197 (i) Believes he is a registered voter in the
1198 jurisdiction in which he desires to vote and is eligible to vote
1199 in the election; or

1200 (ii) Is not able to cast a regular election day
1201 ballot under a provision of state or federal law but is otherwise
1202 qualified to vote; or

1203 (iii) Believes that he has been illegally denied
1204 registration.

1205 (c) The manager shall allow the individual to prepare
1206 his vote which shall be delivered by him to the proper election

1207 official who shall enclose it in an envelope with the written
1208 affidavit of the voter, seal the envelope and mark plainly upon it
1209 the name of the person offering to vote.

1210 (2) The affidavit shall include:

1211 (a) The complete name, all required addresses and
1212 telephone numbers;

1213 (b) A statement that the affiant believes he is
1214 registered to vote in the jurisdiction in which he offers to vote;

1215 (c) The signature of the affiant; and

1216 (d) The signature of a poll manager at the precinct at
1217 which the affiant offers to vote.

1218 (3) (a) A separate register shall be maintained for
1219 affidavit ballots and the affiant shall sign the register upon
1220 completing the affidavit ballot.

1221 (b) In canvassing the returns of the election, the
1222 executive committee in primary elections, or the election
1223 commissioners in other elections, shall examine the records and
1224 allow the ballot to be counted, or not counted as it appears
1225 legal.

1226 (4) When a person is offered the opportunity to vote by
1227 affidavit ballot, he shall be provided with written information
1228 that informs the person how to ascertain whether his affidavit
1229 ballot was counted and, if the vote was not counted, the reasons
1230 the vote was not counted.

1231 (5) The Secretary of State shall, by rule duly adopted,
1232 establish a uniform affidavit and affidavit ballot envelope which
1233 shall be used in all elections in this state. The Secretary of
1234 State shall print and distribute a sufficient number of affidavits
1235 and affidavit ballot envelopes to the registrar of each county for
1236 use in elections. The registrar shall distribute the affidavits
1237 and affidavit ballot envelopes to municipal and county executive
1238 committees for use in primary elections and to municipal and
1239 county election commissioners for use in other elections.

1240 (6) County registrars shall implement a secure free access
1241 system that complies with the Help America Vote Act of 2002, by
1242 which persons who vote by affidavit ballot may determine if their
1243 ballots were counted, and if not, the reasons the ballot was not
1244 counted.

1245 (7) Any person who votes in any election as a result of a
1246 federal or state court order or other order extending the time
1247 established by law for closing the polls, may only vote by
1248 affidavit ballot. Any affidavit ballot cast under this subsection
1249 shall be separated and kept apart from other affidavit ballots
1250 cast by voters not affected by the order.

1251 * * *

1252 **SECTION 16.** Section 23-15-687, Mississippi Code of 1972, is
1253 amended as follows:

1254 23-15-687. (1) The registrar shall keep all applications
1255 for absentee ballots and shall, within twenty-four (24) hours, if
1256 possible, send to the absent voter on whose behalf the application
1257 is made, the proper affidavit and the proper ballot or ballots
1258 applicable to the elections. * * *

1259 (2) One (1) application for an absentee ballot shall serve
1260 as a request by the applicant for an absentee ballot for:

1261 (a) The next two (2) federal general elections,
1262 including all primary elections associated with the elections;

1263 (b) All state and county primary and general elections
1264 that occur after the receipt of the application by the registrar
1265 through the date of the second federal general election that
1266 occurs after the receipt of the application by the registrar.

1267 (3) The registrar shall preserve all applications for
1268 absentee ballots for one (1) year as a record to be furnished to
1269 any court or other duly constituted authority for inspection or
1270 evidence if properly requested.

1271 (4) If the registrar rejects an application for an absentee
1272 ballot or denies a request to register to vote from a uniformed

1273 services applicant or an overseas voter, the registrar shall
1274 provide the person with the reasons for the rejection.

1275 **SECTION 17.** Section 23-15-14, Mississippi Code of 1972,
1276 provides that certain municipal residents who are registered to
1277 vote only in county elections shall be registered to vote in
1278 municipal elections, is repealed.

1279 **SECTION 18.** The Attorney General of the State of Mississippi
1280 shall submit this act, immediately upon approval by the Governor
1281 or upon approval by the Legislature subsequent to a veto, to the
1282 Attorney General of the United States or to the United States
1283 District Court for the District of Columbia in accordance with the
1284 provisions of the Voting Rights Act of 1965, as amended and
1285 extended.

1286 **SECTION 19.** This act shall take effect and be in force from
1287 and after the date it is effectuated under Section 5 of the Voting
1288 Rights Act of 1965, as amended and extended.