

By: Representatives Gunn, Baker (8th),
Staples, Fillingane, Beckett, Bounds,
Barnett, Martinson, Zuber, Moore, Carlton,
Mayhall, Turner, Stevens, Wells-Smith, Lott

To: Apportionment and
Elections

HOUSE BILL NO. 918

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 Records
15 shall list the deaths of all persons, by county, within the
16 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, is
26 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 **[Until January 1, 2006, this section shall read as follows:]**

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

66 information from the web site established by the Mississippi
67 Department of Vital Records as provided by Section 1 of House Bill
68 No. 918, 2005 Regular Session, removed or become disqualified as
69 electors from any cause; and shall register the names of all
70 persons who have duly applied to be registered and have been
71 illegally denied registration:

72 (a) On the Tuesday after the second Monday in January
73 1987 and every following year;

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

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

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

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

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

99 performance of their duties in the conduct of an election or
100 actually employed in the performance of their duties for the
101 necessary time spent in the revision of the registration books and
102 pollbooks as required in subsection (1) of this section:

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

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

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

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

129 (e) In counties having ninety thousand (90,000)
130 residents according to the latest federal decennial census but
131 less than one hundred seventy thousand (170,000) residents

132 according to the latest federal decennial census, not more than
133 one hundred fifty (150) days per year, with no more than
134 fifty-five (55) additional days allowed for the conduct of each
135 election in excess of one (1) occurring in any calendar year;

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

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

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

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

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

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

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

185 (5) The county registrar shall provide copies of the
186 registration books revised pursuant to this section to the
187 municipal registrar of each municipality located within the
188 county.

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

196 The certification form shall be as follows:

197

COUNTY ELECTION COMMISSIONER

198

PER DIEM CLAIM FORM

199 NAME: _____ COUNTY: _____

200 ADDRESS: _____ DISTRICT: _____

201 CITY: _____ ZIP: _____

202		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
203	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
204	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

205 _____

206 _____

207 _____

208 TOTAL NUMBER OF PER DIEM DAYS EARNED _____

209 PER DIEM RATE PER DAY EARNED X 70.00

210 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

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

213 I understand that I am requesting payment from taxpayer funds
214 and that I have an obligation to be specific and truthful as to
215 the amount of hours worked 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 novo
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 **[From and after January 1, 2006, this section shall read as**
259 **follows:]**

260 23-15-153. (1) At the following times the commissioners of
261 election shall meet at the office of the registrar and carefully
262 revise the registration books and the pollbooks of the several

263 voting precincts, and shall erase from those books the names of
264 all persons erroneously on the books, or who have died using
265 information from the web site established by the Mississippi
266 Department of Vital Records as provided by Section 1 of House
267 Bill No. 918, 2005 Regular Session, removed or become disqualified
268 as electors from any cause; and shall register the names of all
269 persons who have duly applied to be registered and have been
270 illegally denied registration:

271 (a) On the Tuesday after the second Monday in January
272 1987 and every following year;

273 (b) On the first Tuesday in the month immediately
274 preceding the first primary election for congressmen in the years
275 when congressmen are elected;

276 (c) On the first Monday in the month immediately
277 preceding the first primary election for state, state district
278 legislative, county and county district offices in the years in
279 which those offices are elected; and

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

283 Except for the names of those persons who are duly qualified
284 to vote in the election, no name shall be permitted to remain on
285 the registration books and pollbooks; however, no name shall be
286 erased from the registration books or pollbooks based on a change
287 in the residence of an elector except in accordance with
288 procedures provided for by the National Voter Registration Act of
289 1993 that are in effect at the time of such erasure. Except as
290 otherwise provided by Section 23-15-573, no person shall vote at
291 any election whose name is not on the pollbook.

292 (2) Except as provided in subsection (3) of this section,
293 and subject to the following annual limitations, the commissioners
294 of election shall be entitled to receive a per diem in the amount
295 of Seventy Dollars (\$70.00), to be paid from the county general

296 fund, for every day or period of no less than five (5) hours
297 accumulated over two (2) or more days actually employed in the
298 performance of their duties in the conduct of an election or
299 actually employed in the performance of their duties for the
300 necessary time spent in the revision of the registration books and
301 pollbooks as required in subsection (1) of this section:

302 (a) In counties having less than fifteen thousand
303 (15,000) residents according to the latest federal decennial
304 census, not more than fifty (50) days per year, with no more than
305 fifteen (15) additional days allowed for the conduct of each
306 election in excess of one (1) occurring in any calendar year;

307 (b) In counties having fifteen thousand (15,000)
308 residents according to the latest federal decennial census but
309 less than thirty thousand (30,000) residents according to the
310 latest federal decennial census, not more than seventy-five (75)
311 days per year, with no more than twenty-five (25) additional days
312 allowed for the conduct of each election in excess of one (1)
313 occurring in any calendar year;

314 (c) In counties having thirty thousand (30,000)
315 residents according to the latest federal decennial census but
316 less than seventy thousand (70,000) residents according to the
317 latest federal decennial census, not more than one hundred (100)
318 days per year, with no more than thirty-five (35) additional days
319 allowed for the conduct of each election in excess of one (1)
320 occurring in any calendar year;

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

328 (e) In counties having ninety thousand (90,000)
329 residents according to the latest federal decennial census but
330 less than one hundred seventy thousand (170,000) residents
331 according to the latest federal decennial census, not more than
332 one hundred fifty (150) days per year, with no more than
333 fifty-five (55) additional days allowed for the conduct of each
334 election in excess of one (1) occurring in any calendar year;

335 (f) In counties having one hundred seventy thousand
336 (170,000) residents according to the latest federal decennial
337 census but less than two hundred thousand (200,000) residents
338 according to the latest federal decennial census, not more than
339 one hundred seventy-five (175) days per year, with no more than
340 sixty-five (65) additional days allowed for the conduct of each
341 election in excess of one (1) occurring in any calendar year;

342 (g) In counties having two hundred thousand (200,000)
343 residents according to the latest federal decennial census but
344 less than two hundred twenty-five thousand (225,000) residents
345 according to the latest federal decennial census, not more than
346 one hundred ninety (190) days per year, with no more than
347 seventy-five (75) additional days allowed for the conduct of each
348 election in excess of one (1) occurring in any calendar year;

349 (h) In counties having two hundred twenty-five thousand
350 (225,000) residents according to the latest federal decennial
351 census but less than two hundred fifty thousand (250,000)
352 residents according to the latest federal decennial census, not
353 more than two hundred fifteen (215) days per year, with no more
354 than eighty-five (85) additional days allowed for the conduct of
355 each election in excess of one (1) occurring in any calendar year;

356 (i) In counties having two hundred fifty thousand
357 (250,000) residents according to the latest federal decennial
358 census but less than two hundred seventy-five thousand (275,000)
359 residents according to the latest federal decennial census, not
360 more than two hundred thirty (230) days per year, with no more

361 than ninety-five (95) additional days allowed for the conduct of
362 each election in excess of one (1) occurring in any calendar year;

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

369 (3) The commissioners of election shall be entitled to
370 receive a per diem in the amount of Seventy Dollars (\$70.00), to
371 be paid from the county general fund, not to exceed ten (10) days
372 for every day or period of no less than five (5) hours accumulated
373 over two (2) or more days actually employed in the performance of
374 their duties for the necessary time spent in the revision of the
375 registration books and pollbooks prior to any special election.
376 For purposes of this subsection, the regular special election day
377 shall not be considered a special election. The annual
378 limitations set forth in subsection (2) of this section shall not
379 apply to this subsection.

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

384 (5) The county registrar shall prepare the pollbooks and the
385 county commissioners of election shall prepare the registration
386 books of each municipality located within the county pursuant to
387 an agreement between the county and each municipality in the
388 county. The county commissioners of election and the county
389 registrar shall be paid by each municipality for the actual cost
390 of preparing registration books and pollbooks for the municipality
391 and shall pay each county commissioner of election a per diem in
392 the amount provided for in subsection (2) of this section for each
393 day or period of not less than five (5) hours accumulated over two

394 (2) or more days the commissioners are actually employed in
 395 preparing the registration books for the municipality, not to
 396 exceed five (5) days. The county commissioners of election and
 397 county registrar shall provide copies of the registration books
 398 and pollbooks to the municipal clerk of each municipality in the
 399 county. The municipality shall pay the county registrar for
 400 preparing and printing the pollbooks. A municipality may secure
 401 "read only" access to the Statewide Centralized Voter System and
 402 print its own pollbooks using this information; however, county
 403 commissioners of election shall remain responsible for preparing
 404 registration books for municipalities and shall be paid for this
 405 duty in accordance with this subsection.

406 (6) Every commissioner of election shall sign personally a
 407 certification setting forth the number of hours actually worked in
 408 the performance of the commissioner's official duties and for
 409 which the commissioner seeks compensation. The certification must
 410 be on a form as prescribed in this subsection. The commissioner's
 411 signature is, as a matter of law, made under the commissioner's
 412 oath of office and under penalties of perjury.

413 The certification form shall be as follows:

414 **COUNTY ELECTION COMMISSIONER**

415 **PER DIEM CLAIM FORM**

416 NAME: _____ COUNTY: _____
 417 ADDRESS: _____ DISTRICT: _____
 418 CITY: _____ ZIP: _____

419		PURPOSE	APPLICABLE	ACTUAL	PER DIEM
420	DATE	BEGINNING	ENDING	OF	MS CODE
421	WORKED	TIME	TIME	WORK	SECTION
422					
423					
424					
				HOURS	DAYS
				WORKED	EARNED

425 TOTAL NUMBER OF PER DIEM DAYS EARNED _____
 426 PER DIEM RATE PER DAY EARNED X 70.00

427 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

428 I understand that I am signing this document under my oath as
429 a commissioner of elections and under penalties of perjury.

430 I understand that I am requesting payment from taxpayer funds
431 and that I have an obligation to be specific and truthful as to
432 the amount of hours worked and the compensation I am requesting.

433 Signed this the _____day of _____, ____.

434 _____

435 Commissioner's Signature

436 When properly completed and signed, the certification must be
437 filed with the clerk of the county board of supervisors before any
438 payment may be made. The certification will be a public record
439 available for inspection and reproduction immediately upon the
440 oral or written request of any person.

441 Any person may contest the accuracy of the certification in
442 any respect by notifying the chairman of the commission, any
443 member of the board of supervisors or the clerk of the board of
444 supervisors of such contest at any time before or after payment is
445 made. If the contest is made before payment is made, no payment
446 shall be made as to the contested certificate until the contest is
447 finally disposed of. The person filing the contest shall be
448 entitled to a full hearing, and the clerk of the board of
449 supervisors shall issue subpoenas upon request of the contestor
450 compelling the attendance of witnesses and production of documents
451 and things. The contestor shall have the right to appeal de novo
452 to the circuit court of the involved county, which appeal must be
453 perfected within thirty (30) days from a final decision of the
454 commission, the clerk of the board of supervisors or the board of
455 supervisors, as the case may be.

456 Any contestor who successfully contests any certification
457 will be awarded all expenses incident to his contest, together
458 with reasonable attorney's fees, which will be awarded upon
459 petition to the chancery court of the involved county upon final

460 disposition of the contest before the election commission, board
461 of supervisors, clerk of the board of supervisors, or, in case of
462 an appeal, final disposition by the court. The commissioner
463 against whom the contest is decided shall be liable for the
464 payment of the expenses and attorney's fees, and the county shall
465 jointly and severally liable for same.

466 **SECTION 4.** The Attorney General of the State of Mississippi
467 shall submit this act, immediately upon approval by the Governor,
468 or upon approval by the Legislature subsequent to a veto, to the
469 Attorney General of the United States or to the United States
470 District Court for the District of Columbia in accordance with the
471 provisions of the Voting Rights Act of 1965, as amended and
472 extended.

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