

REPORT OF CONFERENCE COMMITTEE

MR. SPEAKER AND MADAM PRESIDENT:

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

H. B. No. 1259: Municipal clerks; revise time restrictions.

We, therefore, respectfully submit the following report and recommendation:

1. That the Senate recede from its Amendment No. 1.
2. That the House and Senate adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

9 **SECTION 1.** Section 23-15-35, Mississippi Code of 1972, is
10 amended as follows:

11 [Until January 1, 2009, this section shall read as follows:]

12 23-15-35. (1) The clerk of the municipality shall be the
13 registrar of voters of the municipality, and shall take the oath
14 of office prescribed by Section 268 of the Constitution. The
15 governing authorities shall provide suitable municipal
16 registration books, which shall conform as nearly as practicable
17 to the county registration books. The registrar shall, as nearly
18 as may be practicable, and where not otherwise provided, comply
19 with all the provisions of law regarding state and county
20 elections in keeping and maintaining such registration books and
21 in registering voters thereon. Applications for registration as
22 electors of the municipality shall be made upon a triplicate form
23 provided by and prepared at the expense of the county registrar,
24 which form shall conform as nearly as practicable to the
25 application for registration form provided for in Section
26 23-15-39.

27 (2) The municipal clerk shall be authorized to register
28 applicants as county electors. The municipal clerk shall forward
29 notice of registration, a copy of the application for
30 registration, and any changes to the registration when they occur,

31 either by certified mail to the county registrar or by personal
32 delivery to the county registrar provided that a numbered receipt
33 is signed by the registrar in return for the described documents.
34 Upon receipt of the copy of the application for registration or
35 changes to the registration, and if a review of the application
36 indicates that the applicant meets all the criteria necessary to
37 qualify as a county elector, then the county registrar shall make
38 a determination of the county voting precinct in which the person
39 making the application shall be required to vote. The county
40 registrar shall send this county voting precinct information by
41 United States first-class mail, postage prepaid, to the person at
42 the address provided on the application. Any and all mailing
43 costs incurred by the municipal clerk or the county registrar in
44 effectuating this subsection shall be paid by the county board of
45 supervisors. If a review of the copy of the application for
46 registration or changes to the registration indicates that the
47 applicant is not qualified to vote in the county, the county
48 registrar shall challenge the application. The county election
49 commissioners shall review any challenge or disqualification,
50 after having notified the applicant by certified mail of the
51 challenge or disqualification.

52 (3) The municipal clerk shall issue to the person making the
53 application a copy of the application, and the county registrar
54 shall process the application in accordance with the law regarding
55 the handling of voter registration applications.

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

61 **[From and after January 1, 2009, this section shall read as**
62 **follows:]**

63 23-15-35. (1) The clerk of the municipality shall be the
64 registrar of voters of the municipality, and shall take the oath
65 of office prescribed by Section 268 of the Constitution. The
66 municipal registration shall conform to the county registration
67 which shall be a part of the official record of registered voters
68 as contained in the Statewide Elections Management System. The
69 municipal clerk shall comply with all the provisions of law
70 regarding the registration of voters, including the use of the
71 voter registration applications used by county registrars and
72 prescribed by the Secretary of State under Sections 23-15-39 and
73 23-15-47.

74 (2) The municipal clerk shall be authorized to register
75 applicants as county electors. The municipal clerk shall forward
76 notice of registration, a copy of the application for
77 registration, and any changes to the registration when they occur,
78 either by certified mail to the county registrar or by personal
79 delivery to the county registrar provided that a numbered receipt
80 is signed by the registrar in return for the described documents.
81 Upon receipt of the copy of the application for registration or
82 changes to the registration, and if a review of the application
83 indicates that the applicant meets all the criteria necessary to
84 qualify as a county elector, then the county registrar shall make
85 a determination of the county voting precinct in which the person
86 making the application shall be required to vote. The county
87 registrar shall send this county voting precinct information by
88 United States first-class mail, postage prepaid, to the person at
89 the address provided on the application. Any and all mailing
90 costs incurred by the municipal clerk or the county registrar in
91 effectuating this subsection shall be paid by the county board of
92 supervisors. If a review of the copy of the application for
93 registration or changes to the registration indicates that the
94 applicant is not qualified to vote in the county, the county

95 registrar shall challenge the application. The county election
96 commissioners shall review any challenge or disqualification,
97 after having notified the applicant by certified mail of the
98 challenge or disqualification.

99 (3) The municipal clerk shall issue to the person making the
100 application a copy of the application and the county registrar
101 shall process the application in accordance with the law regarding
102 the handling of voter registration applications.

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

108 **SECTION 2.** Section 23-15-239, Mississippi Code of 1972, is
109 amended as follows:

110 23-15-239. (1) The executive committee of each county, in
111 the case of a primary election, or the commissioners of election
112 of each county, in the case of all other elections, in conjunction
113 with the circuit clerk, shall sponsor and conduct, not less than
114 five (5) days prior to each election, training sessions to
115 instruct managers as to their duties in the proper administration
116 of the election and the operation of the polling place. No
117 manager shall serve in any election unless he has received such
118 instructions once during the twelve (12) months immediately
119 preceding the date upon which such election is held; however,
120 nothing in this section shall prevent the appointment of an
121 alternate manager to fill a vacancy in case of an emergency. The
122 county executive committee or the commissioners of election, as
123 appropriate, shall train a sufficient number of alternates to
124 serve in the event a manager is unable to serve for any reason.

125 (2) (a) If it is eligible under Section 23-15-266, the
126 county executive committee may enter into a written agreement with

127 the circuit clerk or the county election commission authorizing
128 the circuit clerk or the county election commission to perform any
129 of the duties required of the county executive committee pursuant
130 to this section. Any agreement entered into pursuant to this
131 subsection shall be signed by the chairman of the county executive
132 committee and the circuit clerk or the chairman of the county
133 election commission, as appropriate. The county executive
134 committee shall notify the State Executive Committee and the
135 Secretary of State of the existence of such agreement.

136 (b) If it is eligible under Section 23-15-266, the
137 municipal executive committee may enter into a written agreement
138 with the municipal clerk or the municipal election commission
139 authorizing the municipal clerk or the municipal election
140 commission to perform any of the duties required of the municipal
141 executive committee pursuant to this section. Any agreement
142 entered into pursuant to this subsection shall be signed by the
143 chairman of the municipal executive committee and the municipal
144 clerk or the chairman of the municipal election commission, as
145 appropriate. The municipal executive committee shall notify the
146 State Executive Committee and the Secretary of State of the
147 existence of such agreement.

148 (3) The board of supervisors, in their discretion, may
149 compensate managers who attend such training sessions. The
150 compensation shall be at a rate of not less than the federal
151 hourly minimum wage nor more than Twelve Dollars (\$12.00) per
152 hour. Managers shall not be compensated for more than eight (8)
153 hours of attendance at the training sessions regardless of the
154 actual amount of time that they attended the training sessions.

155 (4) The time and location of the training sessions required
156 pursuant to this section shall be announced to the general public
157 by posting a notice thereof at the courthouse and by delivering a
158 copy of the notice to the office of a newspaper having general

159 circulation in the county five (5) days before the date upon which
160 the training session is to be conducted. Persons who will serve
161 as poll watchers for candidates and political parties, as well as
162 members of the general public, shall be allowed to attend the
163 sessions.

164 (5) Subject to the following annual limitations, the
165 commissioners of election shall be entitled to receive a per diem
166 in the amount of Eighty-four Dollars (\$84.00), to be paid from the
167 county general fund, for every day or period of no less than five
168 (5) hours accumulated over two (2) or more days actually employed
169 in the performance of their duties for the necessary time spent in
170 conducting training sessions as required by this section:

171 (a) In counties having less than fifteen thousand
172 (15,000) residents according to the latest federal decennial
173 census, not more than five (5) days per year;

174 (b) In counties having fifteen thousand (15,000)
175 residents according to the latest federal decennial census but
176 less than thirty thousand (30,000) residents according to the
177 latest federal decennial census, not more than eight (8) days per
178 year;

179 (c) In counties having thirty thousand (30,000)
180 residents according to the latest federal decennial census but
181 less than seventy thousand (70,000) residents according to the
182 latest federal decennial census, not more than ten (10) days per
183 year;

184 (d) In counties having seventy thousand (70,000)
185 residents according to the latest federal decennial census but
186 less than ninety thousand (90,000) residents according to the
187 latest federal decennial census, not more than twelve (12) days
188 per year;

189 (e) In counties having ninety thousand (90,000)
190 residents according to the latest federal decennial census but

191 less than one hundred seventy thousand (170,000) residents
192 according to the latest federal decennial census, not more than
193 fifteen (15) days per year;

194 (f) In counties having one hundred seventy thousand
195 (170,000) residents according to the latest federal decennial
196 census but less than two hundred thousand (200,000) residents
197 according to the latest federal decennial census, not more than
198 eighteen (18) days per year;

199 (g) In counties having two hundred thousand (200,000)
200 residents according to the latest federal decennial census but
201 less than two hundred twenty-five thousand (225,000) residents
202 according to the latest federal decennial census, not more than
203 nineteen (19) days per year;

204 (h) In counties having two hundred twenty-five thousand
205 (225,000) residents according to the latest federal decennial
206 census but less than two hundred fifty thousand (250,000)
207 residents according to the latest federal decennial census, not
208 more than twenty-two (22) days per year;

209 (i) In counties having two hundred fifty thousand
210 (250,000) residents according to the latest federal decennial
211 census but less than two hundred seventy-five thousand (275,000)
212 residents according to the latest federal decennial census, not
213 more than thirteen (13) days per year;

214 (j) In counties having two hundred seventy-five
215 thousand (275,000) residents according to the latest federal
216 decennial census or more, not more than fourteen (14) days per
217 year.

218 (6) Commissioners of election shall claim the per diem
219 authorized in subsection (5) of this section in the manner
220 provided for in Section 23-15-153(6).

221 **SECTION 3.** The Attorney General of the State of Mississippi
222 shall submit this act, immediately upon approval by the Governor,

223 or upon approval by the Legislature subsequent to a veto, to the
224 Attorney General of the United States or to the United States
225 District Court for the District of Columbia in accordance with the
226 provisions of the Voting Rights Act of 1965, as amended and
227 extended.

228 **SECTION 4.** This act shall take effect and be in force from
229 and after the date it is effectuated under Section 5 of the Voting
230 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTION 23-15-35, MISSISSIPPI CODE OF 1972,
2 TO DELAY UNTIL JULY 1, 2009, THE DATE UPON WHICH REGISTRATION OF
3 MUNICIPAL VOTERS MUST COMPLY WITH THE REQUIREMENTS OF THE
4 STATEWIDE ELECTIONS MANAGEMENT SYSTEM; TO AMEND SECTION 23-15-239,
5 MISSISSIPPI CODE OF 1972, TO INCREASE THE NUMBER OF TRAINING
6 SESSIONS FOR WHICH POLL MANAGERS MAY BE COMPENSATED; AND FOR
7 RELATED PURPOSES.

CONFEREES FOR THE HOUSE

CONFEREES FOR THE SENATE

X (SIGNED)
Reynolds

X (SIGNED)
Burton

X (SIGNED)
Jennings

X (SIGNED)
Lee (35th)

X (SIGNED)
Robinson (63rd)

X (SIGNED)
Turner