

House Bill 763

AN ACT TO AMEND SECTION 23-15-33, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT EVERY PERSON WHO IS ENTITLED TO BE REGISTERED AS AN ELECTOR IN COMPLIANCE WITH THE LAWS OF THIS STATE AND WHO REGISTERS TO VOTE PURSUANT TO THE NATIONAL VOTER REGISTRATION ACT OF 1993 SHALL BE REGISTERED BY THE REGISTRAR ON THE REGISTRATION BOOKS OF THE VOTING PRECINCT OF THE RESIDENCE OF SUCH PERSON; TO PROVIDE THAT EVERY PERSON WHO IS ENTITLED TO BE REGISTERED AS AN ELECTOR IN COMPLIANCE WITH THE LAWS OF THIS STATE AND WHO HAS REGISTERED TO VOTE IN FEDERAL ELECTIONS PURSUANT TO THE NATIONAL VOTER REGISTRATION ACT OF 1993, PRIOR TO THE EFFECTIVE DATE OF THIS ACT, SHALL BE REGISTERED BY THE REGISTRAR ON THE REGISTRATION BOOKS OF THE VOTING PRECINCT OF THE RESIDENCE OF SUCH PERSON; TO AMEND SECTIONS 23-15-11 AND 23-15-13, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT TO BE ELIGIBLE TO VOTE A PERSON DOES NOT HAVE TO BE A RESIDENT FOR 30 DAYS IN THE SUPERVISORS DISTRICT IN WHICH HE OFFERS TO VOTE AND TO AUTHORIZE A VOTER'S REGISTRATION TO BE TRANSFERRED WHEN HE MOVES TO A NEW VOTING PRECINCT WITHIN THE SAME COUNTY AT ANY TIME UP TO 30 DAYS BEFORE THE ELECTION; TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE REMOVAL OF NAMES FROM THE REGISTRATION BOOKS AND POLLBOOKS BASED ON A CHANGE IN THE RESIDENCE OF THE ELECTOR MUST BE DONE IN ACCORDANCE WITH THE PROCEDURES PROVIDED FOR BY THE NATIONAL VOTER REGISTRATION ACT OF 1993; TO PROVIDE THAT THE NAMES OF ALL VOTERS WHOSE REGISTRATION HAS BEEN CANCELLED AS A RESULT OF THE ELECTOR NOT VOTING FOR FOUR SUCCESSIVE YEARS SHALL BE RETURNED TO THE REGISTRATION BOOKS AND POLLBOOKS AND SHALL BE TREATED IN THE SAME MANNER AS ELECTORS WHO HAVE CHANGED THEIR PLACE OF RESIDENCE; TO DESIGNATE THE SECRETARY OF STATE AS MISSISSIPPI'S CHIEF ELECTION OFFICER FOR PURPOSES OF THE NATIONAL VOTER REGISTRATION ACT OF 1993; TO REPEAL SECTION 23-15-159, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT THE NAMES OF PERSONS WHO HAVE NOT VOTED IN AT LEAST ONE ELECTION IN THE LAST FOUR SUCCESSIVE YEARS BE ERASED FROM THE REGISTRATION BOOKS AND POLLBOOKS; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-33, Mississippi Code of 1972, is amended as follows:

23-15-33. (1) Every person entitled to be registered as an elector in compliance with the laws of this state and who has signed his name on and properly completed the application for registration to vote shall be registered by the registrar on the registration books of the voting precinct of the residence of such person.

(2) Every person entitled to be registered as an elector in compliance with the laws of this state and who registers to vote pursuant to the National Voter Registration Act of 1993 shall be registered by the registrar on the registration books of the voting precinct of the residence of such person.

(3) Every person entitled to be registered as an elector in compliance with the laws of this state and who has registered to vote in federal elections pursuant to the National Voter Registration Act of 1993 prior to the effective date of House Bill No. 763, 2000 Regular Session, shall be registered by the registrar on the registration books of the voting precinct of the residence of such person.

SECTION 2. Section 23-15-11, Mississippi Code of 1972, is amended as follows:

23-15-11. Every inhabitant of this state, except idiots and insane persons, who is a citizen of the United States of America, eighteen (18) years old and upwards, who has resided in this state for thirty (30) days and for thirty (30) days in the county in which he offers to vote, and for thirty (30) days * * * in the incorporated city or town in which he offers to vote, and who shall have been duly registered as an elector pursuant to Section 23-15-33, and who has never been convicted of any crime listed in Section 241, Mississippi Constitution of 1890, shall be a qualified elector in and for the county, municipality and voting precinct of his residence, and shall be entitled to vote at any election. Any person who will be eighteen (18) years of age or older on or before the date of the general election and who is duly registered to vote not less than thirty (30) days prior to the primary election associated with such general election, may vote in such primary election even though such person has not reached his or her eighteenth birthday at the time such person offers to vote at such primary election. No others than those above included shall be entitled, or shall be allowed, to vote at any election.

SECTION 3. Section 23-15-13, Mississippi Code of 1972, is amended as follows:

23-15-13. An elector who moves from one ward or voting precinct to another ward within the same municipality or voting precinct within the same county shall not be disqualified to vote, but he or she shall be entitled to have his or her registration transferred to his or her new ward or voting precinct upon making written request therefor at any time up to thirty (30) days prior to the election at which he or she offers to vote, and if the removal occurs within thirty (30) days of such election he or she shall be entitled to vote in his or her new ward or voting precinct by affidavit ballot as provided in Section 23-15-573.

SECTION 4. Section 23-15-153, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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

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

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

- (a) In counties having less than ten thousand (10,000) qualified electors, not more than thirty-five (35) days per year;
- (b) In counties having ten thousand (10,000) qualified electors but less than twenty thousand (20,000) qualified electors, not more than fifty (50) days per year;
- (c) In counties having twenty thousand (20,000) qualified electors but less than fifty thousand (50,000) qualified electors, not more than sixty-five (65) days per year;
- (d) In counties having fifty thousand (50,000) qualified electors but less than seventy-five thousand (75,000) qualified electors, not more than eighty (80) days per year;
- (e) In counties having seventy-five thousand (75,000) qualified electors but less than one hundred thousand (100,000) qualified electors, not more than ninety-five (95) days per year;
- (f) In counties having one hundred thousand (100,000) qualified electors but less than one hundred twenty-five thousand (125,000) qualified electors, not more than one hundred ten (110) days per year;
- (g) In counties having one hundred twenty-five thousand (125,000) qualified electors but less than one hundred fifty thousand (150,000) qualified electors, not more than one hundred twenty-five (125) days per year;
- (h) In counties having one hundred fifty thousand (150,000) qualified electors but less than one hundred seventy-five thousand (175,000) qualified electors, not more than one hundred forty (140) days per year;
- (i) In counties having one hundred seventy-five thousand (175,000) qualified electors but less than two hundred thousand (200,000) qualified electors, not more than one hundred fifty-five (155) days per year;
- (j) In counties having two hundred thousand (200,000) qualified electors or more, not more than one hundred seventy (170) days per year.
- (3) The commissioners of election shall be entitled to receive a per diem in the amount of Seventy Dollars (\$70.00), to be paid from the county general fund, not to exceed ten (10) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the revision of the registration books and pollbooks prior to any special election. For purposes of this subsection, the regular special election day shall not be considered a special election. The annual limitations set forth in subsection (2) of this section shall not apply to this subsection.
- (4) Subject to the following limitations, the commissioners of election shall be entitled to receive a per diem in the amount of Seventy Dollars (\$70.00), to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election:
- (a) In counties having less than ten thousand (10,000) qualified electors, not more than fifteen (15) days per election;
- (b) In counties having ten thousand (10,000) qualified electors but less than twenty-five thousand (25,000) qualified electors, not more than twenty-five (25) days per election;
- (c) In counties having twenty-five thousand (25,000) qualified electors but less than fifty thousand (50,000) qualified electors, not more than thirty-five (35) days per election;
- (d) In counties having fifty thousand (50,000) qualified electors but less than seventy-five thousand (75,000) qualified electors, not more than forty-five (45) days per election;

(e) In counties having seventy-five thousand (75,000) qualified electors but less than one hundred thousand (100,000) qualified electors, not more than fifty-five (55) days per election;

(f) In counties having one hundred thousand (100,000) qualified electors but less than one hundred fifty thousand (150,000) qualified electors, not more than sixty-five (65) days per election;

(g) In counties having one hundred fifty thousand (150,000) qualified electors but less than two hundred thousand (200,000) qualified electors, not more than seventy-five (75) days per election; and

(h) In counties having two hundred thousand (200,000) qualified electors or more, not more than eighty-five (85) days per election.

It is the intention of the Legislature that the conduct of an election as required by law and as compensated in this subsection is a separate and distinct function from the purging and revision of the registration and pollbooks as required by subsection (1) of this section and the compensation for those revisions provided by subsection (2) of this section.

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

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

SECTION 5. The names of all electors whose registration has been cancelled pursuant to the provisions of Section 23-15-159 prior to the effective date of this act, shall be returned to the registration books and pollbooks and shall be treated in the same manner as electors who have changed their place of residence.

SECTION 6. For purposes of the National Voter Registration Act of 1993, the Secretary of State is designated as Mississippi's chief election officer.

SECTION 7. Section 23-15-159, Mississippi Code of 1972, which requires that the names of persons who have not voted in at least one (1) election in the last four (4) successive years be erased from the registration books and pollbooks, is repealed.

SECTION 8. The Attorney General of the State of Mississippi is hereby directed to submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance with the provisions of the Voting Rights Act of 1965, as amended and extended.

SECTION 9. This act shall take effect and be in force from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended.

Passed State Senate
April 5, 2000

Passed House of Representatives
February 16, 2000

APPROVED BY GOVERNOR

GOVERNOR