

By: Representatives Reeves, Reynolds

To: Apportionment and Elections

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1548

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,  
2 TO CREATE A FORM FOR ELECTION COMMISSIONERS TO CERTIFY THEIR HOURS  
3 WORKED, AND TO AUTHORIZE PERSONS TO CONTEST THE ACCURACY OF AN  
4 ELECTION COMMISSIONER'S CERTIFICATION OF HOURS WORKED; AND FOR  
5 RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-153, Mississippi Code of 1972, is  
8 amended as follows:

9 23-15-153. (1) At the following times the commissioners of  
10 election shall meet at the office of the registrar and carefully  
11 revise the registration books and the pollbooks of the several  
12 voting precincts, and shall erase from those books the names of  
13 all persons erroneously on the books, or who have died, removed or  
14 become disqualified as electors from any cause; and shall register  
15 the names of all persons who have duly applied to be registered  
16 and have been illegally denied registration:

17 (a) On the Tuesday after the second Monday in January  
18 1987 and every following year;

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

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

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



29           Except for the names of those persons who are duly qualified  
30 to vote in the election, no name shall be permitted to remain on  
31 the registration books and pollbooks; \* \* \* however, \* \* \* no name  
32 shall be erased from the registration books or pollbooks based on  
33 a change in the residence of an elector except in accordance with  
34 procedures provided for by the National Voter Registration Act of  
35 1993 that are in effect at the time of such erasure. Except as  
36 otherwise provided by Section 23-15-573, no person shall vote at  
37 any election whose name is not on the pollbook.

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

48           (a) In counties having less than fifteen thousand  
49 (15,000) residents according to the latest federal decennial  
50 census, not more than fifty (50) days per year, with no more than  
51 fifteen (15) additional days allowed for the conduct of each  
52 election in excess of one (1) occurring in any calendar year;

53           (b) In counties having fifteen thousand (15,000)  
54 residents according to the latest federal decennial census but  
55 less than thirty thousand (30,000) residents according to the  
56 latest federal decennial census, not more than seventy-five (75)  
57 days per year, with no more than twenty-five (25) additional days  
58 allowed for the conduct of each election in excess of one (1)  
59 occurring in any calendar year;

60           (c) In counties having thirty thousand (30,000)  
61 residents according to the latest federal decennial census but



62 less than seventy thousand (70,000) residents according to the  
63 latest federal decennial census, not more than one hundred (100)  
64 days per year, with no more than thirty-five (35) additional days  
65 allowed for the conduct of each election in excess of one (1)  
66 occurring in any calendar year;

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

74 (e) In counties having ninety thousand (90,000)  
75 residents according to the latest federal decennial census but  
76 less than one hundred seventy thousand (170,000) residents  
77 according to the latest federal decennial census, not more than  
78 one hundred fifty (150) days per year, with no more than  
79 fifty-five (55) additional days allowed for the conduct of each  
80 election in excess of one (1) occurring in any calendar year;

81 (f) In counties having one hundred seventy thousand  
82 (170,000) residents according to the latest federal decennial  
83 census but less than two hundred thousand (200,000) residents  
84 according to the latest federal decennial census, not more than  
85 one hundred seventy-five (175) days per year, with no more than  
86 sixty-five (65) additional days allowed for the conduct of each  
87 election in excess of one (1) occurring in any calendar year;

88 (g) In counties having two hundred thousand (200,000)  
89 residents according to the latest federal decennial census but  
90 less than two hundred twenty-five thousand (225,000) residents  
91 according to the latest federal decennial census, not more than  
92 one hundred ninety (190) days per year, with no more than  
93 seventy-five (75) additional days allowed for the conduct of each  
94 election in excess of one (1) occurring in any calendar year;



95           (h) In counties having two hundred twenty-five thousand  
96 (225,000) residents according to the latest federal decennial  
97 census but less than two hundred fifty thousand (250,000)  
98 residents according to the latest federal decennial census, not  
99 more than two hundred fifteen (215) days per year, with no more  
100 than eighty-five (85) additional days allowed for the conduct of  
101 each election in excess of one (1) occurring in any calendar year;

102           (i) In counties having two hundred fifty thousand  
103 (250,000) residents according to the latest federal decennial  
104 census but less than two hundred seventy-five thousand (275,000)  
105 residents according to the latest federal decennial census, not  
106 more than two hundred thirty (230) days per year, with no more  
107 than ninety-five (95) additional days allowed for the conduct of  
108 each election in excess of one (1) occurring in any calendar year;

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

115           (3) The commissioners of election shall be entitled to  
116 receive a per diem in the amount of Seventy Dollars (\$70.00), to  
117 be paid from the county general fund, not to exceed ten (10) days  
118 for every day or period of no less than five (5) hours accumulated  
119 over two (2) or more days actually employed in the performance of  
120 their duties for the necessary time spent in the revision of the  
121 registration books and pollbooks prior to any special election.  
122 For purposes of this subsection, the regular special election day  
123 shall not be considered a special election. The annual  
124 limitations set forth in subsection (2) of this section shall not  
125 apply to this subsection.

126           (4) The commissioners of election shall be entitled to  
127 receive only one (1) per diem payment for those days when the



128 commissioners of election discharge more than one (1) duty or  
129 responsibility on the same day.

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

134 (6) Every commissioner of election shall sign personally a  
135 certification \* \* \* setting forth the number of hours actually  
136 worked in the performance of the commissioner's official duties  
137 and for which the commissioner seeks compensation. The  
138 certification must be on a form as prescribed in this subsection.  
139 The commissioner's signature is, as a matter of law, made under  
140 the commissioner's oath of office and under penalties of perjury.

141 The certification form shall be as follows:

142 **COUNTY ELECTION COMMISSIONER**

143 **PER DIEM CLAIM FORM**

144 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

145 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

146 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

147 \_\_\_\_\_ PURPOSE APPLICABLE ACTUAL PER DIEM

148 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

149 WORKED TIME TIME WORK SECTION WORKED EARNED

150 \_\_\_\_\_

151 \_\_\_\_\_

152 \_\_\_\_\_

153 TOTAL NUMBER OF PER DIEM DAYS EARNED \_\_\_\_\_

154 PER DIEM RATE PER DAY EARNED \_\_\_\_\_ X 70.00

155 TOTAL AMOUNT OF PER DIEM CLAIMED \_\_\_\_\_ \$ \_\_\_\_\_

156 I understand that I am signing this document  
157 under my oath as a commissioner of elections and under  
158 penalties of perjury.

159 I understand that I am requesting payment from  
160 taxpayer funds and that I have an obligation to be



161 specific and truthful as to the amount of hours worked  
162 and the compensation I am requesting.

163 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

164 \_\_\_\_\_

165 Commissioner's Signature

166 When properly completed and signed, the certification must be  
167 filed with the clerk of the county board of supervisors before any  
168 payment may be made. The certification will be a public record  
169 available for inspection and reproduction immediately upon the  
170 oral or written request of any person.

171 Any person may contest the accuracy of the certification in  
172 any respect by notifying the chairman of the commission, any  
173 member of the board of supervisors or the clerk of the board of  
174 supervisors of such contest at any time before or after payment is  
175 made. If the contest is made before payment is made, no payment  
176 shall be made as to the contested certificate until the contest is  
177 finally disposed of. The person filing the contest shall be  
178 entitled to a full hearing, and the clerk of the board of  
179 supervisors shall issue subpoenas upon request of the contestor  
180 compelling the attendance of witnesses and production of documents  
181 and things. The contestor shall have the right to appeal de nova  
182 to the circuit court of the involved county, which appeal must be  
183 perfected within thirty (30) days from a final decision of the  
184 commission, the clerk of the board of supervisors or the board of  
185 supervisors, as the case may be.

186 Any contestor who successfully contests any certification  
187 will be awarded all expenses incident to his contest, together  
188 with reasonable attorney's fees, which will be awarded upon  
189 petition to the chancery court of the involved county upon final  
190 disposition of the contest before the election commission, board  
191 of supervisors, clerk of the board of supervisors, or, in case of  
192 an appeal, final disposition by the court. The commissioner  
193 against whom the contest is decided shall be liable for the



194 payment of the expenses and attorney's fees, and the county shall  
195 be jointly and severally liable for same.

196 (7) Notwithstanding the provisions of this section to the  
197 contrary, from June 20, 2001, until the conclusion of calendar  
198 year 2004, the number of days for which the commissioners of  
199 election of a county are entitled to receive compensation shall  
200 not be less than the number of days of compensation they were  
201 entitled to receive during the 2000 calendar year, excluding those  
202 days for which election commissioners were either entitled to or  
203 did receive compensation for the conduct of any special elections  
204 in calendar year 2000.

205 **SECTION 2.** This act shall take effect and be in force from  
206 and after July 1, 2002.

