

By: Senator(s) Thames

To: Fees, Salaries and
Administration; County
Affairs

SENATE BILL NO. 2236

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE FOR AN INCREASE IN THE AMOUNT OF PER DIEM PAID TO
3 COUNTY ELECTION COMMISSIONERS UPON RECEIVING A TRAINING
4 CERTIFICATE FROM THE SECRETARY OF STATE; AND FOR RELATED PURPOSES.

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

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

8 **[Until January 1, 2006, this section shall read 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 shall be
32 erased from the registration books or pollbooks based on a change
33 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 subsections (3) and (8) of this
39 section, and subject to the following annual limitations, the
40 commissioners of election shall be entitled to receive a per diem
41 in the amount of Seventy Dollars (\$70.00), to be paid from the
42 county general fund, for every day or period of no less than five
43 (5) hours accumulated over two (2) or more days actually employed
44 in the performance of their duties in the conduct of an election
45 or 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 Upon receiving a training certificate from the Secretary of State
123 as provided in Section 23-15-211, the per diem amount provided in
124 this subsection shall be Eighty-four Dollars (\$84.00). For
125 purposes of this subsection, the regular special election day
126 shall not be considered a special election. The annual

127 limitations set forth in subsection (2) of this section shall not
128 apply to this subsection.

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

133 (5) The county registrar shall provide copies of the
134 registration books revised pursuant to this section to the
135 municipal registrar of each municipality located within the
136 county.

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

144 The certification form shall be as follows:

145 **COUNTY ELECTION COMMISSIONER**

146 **PER DIEM CLAIM FORM**

147 NAME: _____ COUNTY: _____

148 ADDRESS: _____ DISTRICT: _____

149 CITY: _____ ZIP: _____

150		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
151	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
152	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

153 _____

154 _____

155 _____

156 TOTAL NUMBER OF PER DIEM DAYS EARNED _____

157 PER DIEM RATE PER DAY EARNED X * * *

158 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

164 Signed this the ____ day of _____, ____.

165 _____

166 Commissioner's Signature

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

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

187 Any contestor who successfully contests any certification
188 will be awarded all expenses incident to his contest, together
189 with reasonable attorney's fees, which will be awarded upon
190 petition to the chancery court of the involved county upon final
191 disposition of the contest before the election commission, board

192 of supervisors, clerk of the board of supervisors, or, in case of
193 an appeal, final disposition by the court. The commissioner
194 against whom the contest is decided shall be liable for the
195 payment of the expenses and attorney's fees, and the county shall
196 be jointly and severally liable for same.

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

206 (8) Upon receiving a training certificate from the Secretary
207 of State as provided in Section 23-15-211, the commissioners of
208 election shall be entitled to an additional per diem in the amount
209 of Fourteen Dollars (\$14.00) for every day or period of no less
210 than five (5) hours accumulated over two (2) or more days actually
211 employed in the performance of their duties in the conduct of an
212 election or actually employed in the performance of their duties
213 for the necessary time spent in the revision of the registration
214 books and pollbooks as required in subsection (1) of this section.

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

217 23-15-153. (1) At the following times the commissioners of
218 election shall meet at the office of the registrar and carefully
219 revise the registration books and the pollbooks of the several
220 voting precincts, and shall erase from those books the names of
221 all persons erroneously on the books, or who have died, removed or
222 become disqualified as electors from any cause; and shall register
223 the names of all persons who have duly applied to be registered
224 and have been illegally denied registration:

225 (a) On the Tuesday after the second Monday in January
226 1987 and every following year;

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

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

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

237 Except for the names of those persons who are duly qualified
238 to vote in the election, no name shall be permitted to remain on
239 the registration books and pollbooks; however, no name shall be
240 erased from the registration books or pollbooks based on a change
241 in the residence of an elector except in accordance with
242 procedures provided for by the National Voter Registration Act of
243 1993 that are in effect at the time of such erasure. Except as
244 otherwise provided by Section 23-15-573, no person shall vote at
245 any election whose name is not on the pollbook.

246 (2) Except as provided in subsections (3) and (7) of this
247 section, and subject to the following annual limitations, the
248 commissioners of election shall be entitled to receive a per diem
249 in the amount of Seventy Dollars (\$70.00), to be paid from the
250 county general fund, for every day or period of no less than five
251 (5) hours accumulated over two (2) or more days actually employed
252 in the performance of their duties in the conduct of an election
253 or actually employed in the performance of their duties for the
254 necessary time spent in the revision of the registration books and
255 pollbooks as required in subsection (1) of this section:

256 (a) In counties having less than fifteen thousand
257 (15,000) residents according to the latest federal decennial

258 census, not more than fifty (50) days per year, with no more than
259 fifteen (15) additional days allowed for the conduct of each
260 election in excess of one (1) occurring in any calendar year;

261 (b) In counties having fifteen thousand (15,000)
262 residents according to the latest federal decennial census but
263 less than thirty thousand (30,000) residents according to the
264 latest federal decennial census, not more than seventy-five (75)
265 days per year, with no more than twenty-five (25) additional days
266 allowed for the conduct of each election in excess of one (1)
267 occurring in any calendar year;

268 (c) In counties having thirty thousand (30,000)
269 residents according to the latest federal decennial census but
270 less than seventy thousand (70,000) residents according to the
271 latest federal decennial census, not more than one hundred (100)
272 days per year, with no more than thirty-five (35) additional days
273 allowed for the conduct of each election in excess of one (1)
274 occurring in any calendar year;

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

282 (e) In counties having ninety thousand (90,000)
283 residents according to the latest federal decennial census but
284 less than one hundred seventy thousand (170,000) residents
285 according to the latest federal decennial census, not more than
286 one hundred fifty (150) days per year, with no more than
287 fifty-five (55) additional days allowed for the conduct of each
288 election in excess of one (1) occurring in any calendar year;

289 (f) In counties having one hundred seventy thousand
290 (170,000) residents according to the latest federal decennial

291 census but less than two hundred thousand (200,000) residents
292 according to the latest federal decennial census, not more than
293 one hundred seventy-five (175) days per year, with no more than
294 sixty-five (65) additional days allowed for the conduct of each
295 election in excess of one (1) occurring in any calendar year;

296 (g) In counties having two hundred thousand (200,000)
297 residents according to the latest federal decennial census but
298 less than two hundred twenty-five thousand (225,000) residents
299 according to the latest federal decennial census, not more than
300 one hundred ninety (190) days per year, with no more than
301 seventy-five (75) additional days allowed for the conduct of each
302 election in excess of one (1) occurring in any calendar year;

303 (h) In counties having two hundred twenty-five thousand
304 (225,000) residents according to the latest federal decennial
305 census but less than two hundred fifty thousand (250,000)
306 residents according to the latest federal decennial census, not
307 more than two hundred fifteen (215) days per year, with no more
308 than eighty-five (85) additional days allowed for the conduct of
309 each election in excess of one (1) occurring in any calendar year;

310 (i) In counties having two hundred fifty thousand
311 (250,000) residents according to the latest federal decennial
312 census but less than two hundred seventy-five thousand (275,000)
313 residents according to the latest federal decennial census, not
314 more than two hundred thirty (230) days per year, with no more
315 than ninety-five (95) additional days allowed for the conduct of
316 each election in excess of one (1) occurring in any calendar year;

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

323 (3) The commissioners of election shall be entitled to
324 receive a per diem in the amount of Seventy Dollars (\$70.00), to
325 be paid from the county general fund, not to exceed ten (10) days
326 for every day or period of no less than five (5) hours accumulated
327 over two (2) or more days actually employed in the performance of
328 their duties for the necessary time spent in the revision of the
329 registration books and pollbooks prior to any special election.
330 Upon receiving a training certificate from the Secretary of State
331 as provided in Section 23-15-211, the per diem amount provided in
332 this subsection shall be Eighty-four Dollars (\$84.00). Upon
333 receiving a training certificate from the Secretary of State as
334 provided in Section 23-15-211, the per diem amount provided in
335 this subsection shall be Eight-four Dollars (\$84.00). For
336 purposes of this subsection, the regular special election day
337 shall not be considered a special election. The annual
338 limitations set forth in subsection (2) of this section shall not
339 apply to this subsection.

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

344 (5) The county registrar shall prepare the pollbooks and the
345 county commissioners of election shall prepare the registration
346 books of each municipality located within the county pursuant to
347 an agreement between the county and each municipality in the
348 county. The county commissioners of election and the county
349 registrar shall be paid by each municipality for the actual cost
350 of preparing registration books and pollbooks for the municipality
351 and shall pay each county commissioner of election a per diem in
352 the amount provided for in subsection (2) of this section for each
353 day or period of not less than five (5) hours accumulated over two
354 (2) or more days the commissioners are actually employed in
355 preparing the registration books for the municipality, not to

356 exceed five (5) days. The county commissioners of election and
 357 county registrar shall provide copies of the registration books
 358 and pollbooks to the municipal clerk of each municipality in the
 359 county. The municipality shall pay the county registrar for
 360 preparing and printing the pollbooks. A municipality may secure
 361 "read only" access to the Statewide Centralized Voter System and
 362 print its own pollbooks using this information; however, county
 363 commissioners of election shall remain responsible for preparing
 364 registration books for municipalities and shall be paid for this
 365 duty in accordance with this subsection.

366 (6) Every commissioner of election shall sign personally a
 367 certification setting forth the number of hours actually worked in
 368 the performance of the commissioner's official duties and for
 369 which the commissioner seeks compensation. The certification must
 370 be on a form as prescribed in this subsection. The commissioner's
 371 signature is, as a matter of law, made under the commissioner's
 372 oath of office and under penalties of perjury.

373 The certification form shall be as follows:

374 **COUNTY ELECTION COMMISSIONER**

375 **PER DIEM CLAIM FORM**

376 NAME: _____ COUNTY: _____
 377 ADDRESS: _____ DISTRICT: _____
 378 CITY: _____ ZIP: _____

379				PURPOSE	APPLICABLE	ACTUAL	PER DIEM
380	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
381	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED
382	_____						
383	_____						
384	_____						

385 TOTAL NUMBER OF PER DIEM DAYS EARNED _____
 386 PER DIEM RATE PER DAY EARNED X * * *
 387 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

393 Signed this the ____ day of _____, ____.

394 _____

395 Commissioner's Signature

396 When properly completed and signed, the certification must be
397 filed with the clerk of the county board of supervisors before any
398 payment may be made. The certification will be a public record
399 available for inspection and reproduction immediately upon the
400 oral or written request of any person.

401 Any person may contest the accuracy of the certification in
402 any respect by notifying the chairman of the commission, any
403 member of the board of supervisors or the clerk of the board of
404 supervisors of such contest at any time before or after payment is
405 made. If the contest is made before payment is made, no payment
406 shall be made as to the contested certificate until the contest is
407 finally disposed of. The person filing the contest shall be
408 entitled to a full hearing, and the clerk of the board of
409 supervisors shall issue subpoenas upon request of the contestor
410 compelling the attendance of witnesses and production of documents
411 and things. The contestor shall have the right to appeal de novo
412 to the circuit court of the involved county, which appeal must be
413 perfected within thirty (30) days from a final decision of the
414 commission, the clerk of the board of supervisors or the board of
415 supervisors, as the case may be.

416 Any contestor who successfully contests any certification
417 will be awarded all expenses incident to his contest, together
418 with reasonable attorney's fees, which will be awarded upon
419 petition to the chancery court of the involved county upon final
420 disposition of the contest before the election commission, board

421 of supervisors, clerk of the board of supervisors, or, in case of
422 an appeal, final disposition by the court. The commissioner
423 against whom the contest is decided shall be liable for the
424 payment of the expenses and attorney's fees, and the county shall
425 be jointly and severally liable for same.

426 (7) Upon receiving a training certificate from the Secretary
427 of State as provided in Section 23-15-211, the commissioners of
428 election shall be entitled to an additional per diem in the amount
429 of Fourteen Dollars (\$14.00) for every day or period of no less
430 than five (5) hours accumulated over two (2) or more days actually
431 employed in the performance of their duties in the conduct of an
432 election or actually employed in the performance of their duties
433 for the necessary time spent in the revision of the registration
434 books and pollbooks as required in subsection (1) of this section.

435 **SECTION 2.** The Attorney General of the State of Mississippi
436 shall submit this act, immediately upon approval by the Governor,
437 or upon approval by the Legislature subsequent to a veto, to the
438 Attorney General of the United States or to the United States
439 District Court for the District of Columbia in accordance with the
440 provisions of the Voting Rights Act of 1965, as amended and
441 extended.

442 **SECTION 3.** This act shall take effect and be in force from
443 and after October 1, 2005, if it is effectuated on or before that
444 date under Section 5 of the voting Rights Act of 1965, as amended
445 and extended. If it is effectuated under Section 5 of the Voting
446 Rights Act of 1965, as amended and extended, after October 1,
447 2005, this act shall take effect and be in force from and after
448 the date it is effectuated under Section 5 of the Voting Rights
449 Act of 1965, as amended and extended.