

By: Senator(s) Burton

To: Elections; County
Affairs

SENATE BILL NO. 2956

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE PAYMENT OF PER DIEM TO ELECTION COMMISSIONERS,
3 FROM THE COUNTY GENERAL FUND, FOR THE PERFORMANCE OF CERTAIN
4 DUTIES IN A RUN-OFF ELECTION FOLLOWING EITHER A GENERAL OR SPECIAL
5 ELECTION; AND FOR 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 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 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 Eighty-four Dollars (\$84.00), to be paid from the county
42 general fund, for every day or period of no less than five (5)
43 hours accumulated over two (2) or more days actually employed in
44 the 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 Eighty-four Dollars (\$84.00),
117 to be paid from the county general fund, not to exceed ten (10)
118 days for every day or period of no less than five (5) hours
119 accumulated over two (2) or more days actually employed in the
120 performance of their duties for the necessary time spent in the
121 revision of the registration books and pollbooks prior to any
122 special election. For purposes of this subsection, the regular
123 special election day shall not be considered a special election.
124 The annual limitations set forth in subsection (2) of this section
125 shall not apply to this subsection.

126 (4) The commissioners of election shall be entitled to
127 receive a per diem in the amount of Eighty-four Dollars (\$84.00),

128 to be paid from the county general fund, not to exceed fourteen
129 (14) days for every day or period of no less than five (5) hours
130 accumulated over two (2) or more days actually employed in the
131 performance of their duties for the necessary time spent in the
132 revision of the registration books, pollbooks and in the conduct
133 of a run-off election following either a general or special
134 election.

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

139 (6) The county registrar shall prepare the pollbooks and the
140 county commissioners of election shall prepare the registration
141 books of each municipality located within the county pursuant to
142 an agreement between the county and each municipality in the
143 county. The county commissioners of election and the county
144 registrar shall be paid by each municipality for the actual cost
145 of preparing registration books and pollbooks for the municipality
146 and shall pay each county commissioner of election a per diem in
147 the amount provided for in subsection (2) of this section for each
148 day or period of not less than five (5) hours accumulated over two
149 (2) or more days the commissioners are actually employed in
150 preparing the registration books for the municipality, not to
151 exceed five (5) days. The county commissioners of election and
152 county registrar shall provide copies of the registration books
153 and pollbooks to the municipal clerk of each municipality in the
154 county. The municipality shall pay the county registrar for
155 preparing and printing the pollbooks. A municipality may secure
156 "read only" access to the Statewide Centralized Voter System and
157 print its own pollbooks using this information; however, county
158 commissioners of election shall remain responsible for preparing
159 registration books for municipalities and shall be paid for this
160 duty in accordance with this subsection.

161 (7) Every commissioner of election shall sign personally a
 162 certification setting forth the number of hours actually worked in
 163 the performance of the commissioner's official duties and for
 164 which the commissioner seeks compensation. The certification must
 165 be on a form as prescribed in this subsection. The commissioner's
 166 signature is, as a matter of law, made under the commissioner's
 167 oath of office and under penalties of perjury.

168 The certification form shall be as follows:

169 **COUNTY ELECTION COMMISSIONER**

170 **PER DIEM CLAIM FORM**

171 NAME: _____ COUNTY: _____

172 ADDRESS: _____ DISTRICT: _____

173 CITY: _____ ZIP: _____

174				PURPOSE	APPLICABLE	ACTUAL	PER DIEM
175	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
176	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

177 _____
 178 _____
 179 _____

180 TOTAL NUMBER OF PER DIEM DAYS EARNED _____

181 PER DIEM RATE PER DAY EARNED X 84.00

182 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

183 I understand that I am signing this document under my oath as
 184 a commissioner of election and under penalties of perjury.

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

188 Signed this the _____ day of _____, ____.

189 _____

190 Commissioner's Signature

191 When properly completed and signed, the certification must be
 192 filed with the clerk of the county board of supervisors before any
 193 payment may be made. The certification will be a public record

194 available for inspection and reproduction immediately upon the
195 oral or written request of any person.

196 Any person may contest the accuracy of the certification in
197 any respect by notifying the chairman of the commission, any
198 member of the board of supervisors or the clerk of the board of
199 supervisors of such contest at any time before or after payment is
200 made. If the contest is made before payment is made, no payment
201 shall be made as to the contested certificate until the contest is
202 finally disposed of. The person filing the contest shall be
203 entitled to a full hearing, and the clerk of the board of
204 supervisors shall issue subpoenas upon request of the contestor
205 compelling the attendance of witnesses and production of documents
206 and things. The contestor shall have the right to appeal de novo
207 to the circuit court of the involved county, which appeal must be
208 perfected within thirty (30) days from a final decision of the
209 commission, the clerk of the board of supervisors or the board of
210 supervisors, as the case may be.

211 Any contestor who successfully contests any certification
212 will be awarded all expenses incident to his contest, together
213 with reasonable attorney's fees, which will be awarded upon
214 petition to the chancery court of the involved county upon final
215 disposition of the contest before the election commission, board
216 of supervisors, clerk of the board of supervisors, or, in case of
217 an appeal, final disposition by the court. The commissioner
218 against whom the contest is decided shall be liable for the
219 payment of the expenses and attorney's fees, and the county shall
220 be jointly and severally liable for same.

221 (8) Any commissioner of election who has not received a
222 certificate issued by the Secretary of State pursuant to Section
223 23-15-211 indicating that the commissioner of election has
224 received the required elections seminar instruction and that the
225 commissioner of election is fully qualified to conduct an

226 election, shall not receive any compensation authorized by this
227 Section 23-15-491 or Section 23-15-239.

228 **SECTION 2.** The Attorney General of the State of Mississippi
229 shall submit this act, immediately upon approval by the Governor,
230 or upon approval by the Legislature subsequent to a veto, to the
231 Attorney General of the United States or to the United States
232 District Court for the District of Columbia in accordance with the
233 provisions of the Voting Rights Act of 1965, as amended and
234 extended.

235 **SECTION 3.** This act shall take effect and be in force from
236 and after the date it is effectuated under Section 5 of the Voting
237 Rights Act of 1965, as amended and extended, or October 1, 2007,
238 whichever occurs later.