

By: Representative Wilson

To: Apportionment and
Elections

HOUSE BILL NO. 137

1 AN ACT TO AMEND SECTION 23-15-229, MISSISSIPPI CODE OF 1972,
 2 TO INCREASE THE MAXIMUM AMOUNT OF ADDITIONAL COMPENSATION THAT A
 3 GOVERNING AUTHORITY OF A MUNICIPALITY MAY PAY TO ELECTION
 4 MANAGERS; TO AMEND SECTION 23-15-239, MISSISSIPPI CODE OF 1972, TO
 5 AUTHORIZE A GOVERNING AUTHORITY OF A MUNICIPALITY TO COMPENSATE
 6 ELECTION MANAGERS WHO ATTEND TRAINING SESSIONS; TO BRING FORWARD
 7 SECTIONS 23-15-211, 23-15-225 AND 23-15-227, MISSISSIPPI CODE OF
 8 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
 9 PURPOSES.

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

11 **SECTION 1.** Section 23-15-229, Mississippi Code of 1972, is
 12 amended as follows:

13 23-15-229. The compensation for clerks, managers and other
 14 workers in the polling places of a municipality shall be the same
 15 as the compensation paid by the county for such services;
 16 provided, however, that the governing authorities of a
 17 municipality shall not be required to pay any additional
 18 compensation authorized by the board of supervisors. The
 19 governing authorities of a municipality may, in their discretion,
 20 pay clerks and managers in the polling places of the municipality



21 an additional amount of compensation not to exceed * * * Fifty
22 Dollars (\$50.00) per election.

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

25 23-15-239. (1) (a) The executive committee of each county,
26 in the case of a primary election, or the commissioners of
27 election of each county, in the case of all other elections, in
28 conjunction with the circuit clerk, shall sponsor and conduct, not
29 less than five (5) days prior to each election, training sessions
30 to instruct managers as to their duties in the proper
31 administration of the election and the operation of the polling
32 place. No manager shall serve in any election unless he has
33 received such instructions once during the twelve (12) months
34 immediately preceding the date upon which such election is held;
35 however, nothing in this section shall prevent the appointment of
36 an alternate manager to fill a vacancy in case of an emergency.
37 The county executive committee or the commissioners of election,
38 as appropriate, shall train a sufficient number of alternates to
39 serve in the event a manager is unable to serve for any reason.

40 (b) The executive committee of each county, in the case
41 of a primary election, or the commissioners of election of each
42 county, in the case of all other elections, in conjunction with
43 the circuit clerk, shall sponsor and conduct annually an
44 eight-hour training course for managers that meets criteria that
45 the Secretary of State shall prescribe. Managers shall be



46 required to attend this course every four (4) years from August 7,
47 2008. The Secretary of State shall develop a version of the
48 course that may be taken by managers over the Internet. Training
49 courses, including, but not limited to, online training courses,
50 that meet criteria prescribed by the Secretary of State and are
51 not sponsored or conducted by the executive committee or the
52 commissioners of election, may be utilized to meet the
53 requirements of this paragraph if the training course is approved
54 by the Secretary of State.

55 (2) (a) If it is eligible under Section 23-15-266, the
56 county executive committee may enter into a written agreement with
57 the circuit clerk or the county election commission authorizing
58 the circuit clerk or the county election commission to perform any
59 of the duties required of the county executive committee pursuant
60 to this section. Any agreement entered into pursuant to this
61 subsection shall be signed by the chairman of the county executive
62 committee and the circuit clerk or the chairman of the county
63 election commission, as appropriate. The county executive
64 committee shall notify the state executive committee and the
65 Secretary of State of the existence of such agreement.

66 (b) If it is eligible under Section 23-15-266, the
67 municipal executive committee may enter into a written agreement
68 with the municipal clerk or the municipal election commission
69 authorizing the municipal clerk or the municipal election
70 commission to perform any of the duties required of the municipal



71 executive committee pursuant to this section. Any agreement
72 entered into pursuant to this subsection shall be signed by the
73 chairman of the municipal executive committee and the municipal
74 clerk or the chairman of the municipal election commission, as
75 appropriate. The municipal executive committee shall notify the
76 state executive committee and the Secretary of State of the
77 existence of such agreement.

78 (3) The board of supervisors and the municipal governing
79 authority, in their discretion, may compensate managers who attend
80 such training sessions. The compensation shall be at a rate of
81 not less than the federal hourly minimum wage nor more than Twelve
82 Dollars (\$12.00) per hour. Managers shall not be compensated for
83 more than sixteen (16) hours of attendance at the training
84 sessions regardless of the actual amount of time that they
85 attended the training sessions.

86 (4) The time and location of the training sessions required
87 pursuant to this section shall be announced to the general public
88 by posting a notice thereof at the courthouse and by delivering a
89 copy of the notice to the office of a newspaper having general
90 circulation in the county five (5) days before the date upon which
91 the training session is to be conducted. Persons who will serve
92 as poll watchers for candidates and political parties, as well as
93 members of the general public, shall be allowed to attend the
94 sessions.



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

102 (a) In counties having less than fifteen thousand
103 (15,000) residents according to the latest federal decennial
104 census, not more than five (5) days per year;

105 (b) In counties having fifteen thousand (15,000)
106 residents according to the latest federal decennial census but
107 less than thirty thousand (30,000) residents according to the
108 latest federal decennial census, not more than eight (8) days per
109 year;

110 (c) In counties having thirty thousand (30,000)
111 residents according to the latest federal decennial census but
112 less than seventy thousand (70,000) residents according to the
113 latest federal decennial census, not more than ten (10) days per
114 year;

115 (d) In counties having seventy thousand (70,000)
116 residents according to the latest federal decennial census but
117 less than ninety thousand (90,000) residents according to the
118 latest federal decennial census, not more than twelve (12) days
119 per year;



120 (e) In counties having ninety thousand (90,000)
121 residents according to the latest federal decennial census but
122 less than one hundred seventy thousand (170,000) residents
123 according to the latest federal decennial census, not more than
124 fifteen (15) days per year;

125 (f) In counties having one hundred seventy thousand
126 (170,000) residents according to the latest federal decennial
127 census but less than two hundred thousand (200,000) residents
128 according to the latest federal decennial census, not more than
129 eighteen (18) days per year;

130 (g) In counties having two hundred thousand (200,000)
131 residents according to the latest federal decennial census but
132 less than two hundred twenty-five thousand (225,000) residents
133 according to the latest federal decennial census, not more than
134 nineteen (19) days per year;

135 (h) In counties having two hundred twenty-five thousand
136 (225,000) residents according to the latest federal decennial
137 census but less than two hundred fifty thousand (250,000)
138 residents according to the latest federal decennial census, not
139 more than twenty-two (22) days per year;

140 (i) In counties having two hundred fifty thousand
141 (250,000) residents according to the latest federal decennial
142 census but less than two hundred seventy-five thousand (275,000)
143 residents according to the latest federal decennial census, not
144 more than thirteen (13) days per year;



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

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

152 **SECTION 3.** Section 23-15-211, Mississippi Code of 1972, is
153 brought forward as follows:

154 23-15-211. (1) There shall be:

155 (a) A State Board of Election Commissioners to consist
156 of the Governor, the Secretary of State and the Attorney General,
157 any two (2) of whom may perform the duties required of the board;

158 (b) A board of election commissioners in each county to
159 consist of five (5) persons who are electors in the county in
160 which they are to act; and

161 (c) A registrar in each county who shall be the clerk
162 of the circuit court, unless he shall be shown to be an improper
163 person to register the names of the electors in the county.

164 (2) The board of supervisors of each county shall pay
165 members of the county election commission for attending training
166 events a per diem in the amount provided in Section 23-15-153;
167 however, except as otherwise provided in this section, the per
168 diem shall not be paid to an election commissioner for more than
169 twelve (12) days of training per year and shall only be paid to



170 election commissioners who actually attend and complete a training
171 event and obtain a training certificate.

172 (3) Included in this twelve (12) days shall be an elections
173 seminar, conducted and sponsored by the Secretary of State.
174 Election commissioners and chairpersons of each political party
175 executive committee, or their designee, shall be required to
176 attend.

177 (4) Each participant shall receive a certificate from the
178 Secretary of State indicating that the named participant has
179 received the elections training seminar instruction and that each
180 participant is fully qualified to conduct an election.
181 Commissioners of election shall annually file the certificate with
182 the chancery clerk. If any commissioner of election shall fail to
183 file the certificate by April 30 of each year, his office shall be
184 vacated, absent exigent circumstances as determined by the board
185 of supervisors and consistent with the facts. The vacancy shall
186 be declared by the board of supervisors and the vacancy shall be
187 filled in the manner described by law. Prior to declaring the
188 office vacant, the board of supervisors shall give the election
189 commissioner notice and the opportunity for a hearing.

190 (5) The Secretary of State, upon approval of the board of
191 supervisors, may authorize not more than eight (8) additional
192 training days per year for commissioners of election in one or
193 more counties. The board of supervisors of each county shall pay
194 members of the county election commission for attending training



195 on these days a per diem in the amount provided in Section
196 23-15-153.

197 (6) The Secretary of State shall develop a single,
198 comprehensive poll worker training program to assist local
199 election officials in providing uniform, secure elections
200 throughout the state. The program shall include, at a minimum,
201 training on all state and federal election laws and procedures.

202 (7) The Secretary of State shall develop, in conjunction
203 with the Mississippi Community College Board:

204 (a) A computer skills training course for all newly
205 elected circuit clerks that shall be completed within one hundred
206 eighty (180) days of the commencement of their term of office; and

207 (b) A computer skills refresher course for all serving
208 circuit clerks that shall be completed within one hundred eighty
209 (180) days of the commencement of every odd-numbered term of
210 service.

211 **SECTION 4.** Section 23-15-225, Mississippi Code of 1972, is
212 brought forward as follows:

213 23-15-225. (1) The registrar shall be entitled to such
214 compensation, payable monthly out of the county treasury, which
215 the board of supervisors of the county shall allow on an annual
216 basis in the following amounts:

217 (a) For counties with a total population of more than
218 two hundred thousand (200,000), an amount not to exceed



219 Twenty-nine Thousand Nine Hundred Dollars (\$29,900.00), but not
220 less than Nine Thousand Two Hundred Dollars (\$9,200.00).

221 (b) For counties with a total population of more than
222 one hundred thousand (100,000) and not more than two hundred
223 thousand (200,000), an amount not to exceed Twenty-five Thousand
224 Three Hundred Dollars (\$25,300.00), but not less than Nine
225 Thousand Two Hundred Dollars (\$9,200.00).

226 (c) For counties with a total population of more than
227 fifty thousand (50,000) and not more than one hundred thousand
228 (100,000), an amount not to exceed Twenty-three Thousand Dollars
229 (\$23,000.00), but not less than Nine Thousand Two Hundred Dollars
230 (\$9,200.00).

231 (d) For counties with a total population of more than
232 thirty-five thousand (35,000) and not more than fifty thousand
233 (50,000), an amount not to exceed Twenty Thousand Seven Hundred
234 Dollars (\$20,700.00), but not less than Nine Thousand Two Hundred
235 Dollars (\$9,200.00).

236 (e) For counties with a total population of more than
237 twenty-five thousand (25,000) and not more than thirty-five
238 thousand (35,000), an amount not to exceed Eighteen Thousand Four
239 Hundred Dollars (\$18,400.00), but not less than Nine Thousand Two
240 Hundred Dollars (\$9,200.00).

241 (f) For counties with a total population of more than
242 fifteen thousand (15,000) and not more than twenty-five thousand
243 (25,000), an amount not to exceed Sixteen Thousand One Hundred



244 Dollars (\$16,100.00), but not less than Nine Thousand Two Hundred
245 Dollars (\$9,200.00).

246 (g) For counties with a total population of more than
247 ten thousand (10,000) and not more than fifteen thousand (15,000),
248 an amount not to exceed Thirteen Thousand Eight Hundred Dollars
249 (\$13,800.00), but not less than Eight Thousand Fifty Dollars
250 (\$8,050.00).

251 (h) For counties with a total population of more than
252 six thousand (6,000) and not more than ten thousand (10,000), an
253 amount not to exceed Eleven Thousand Five Hundred Dollars
254 (\$11,500.00), but not less than Eight Thousand Fifty Dollars
255 (\$8,050.00).

256 (i) For counties with a total population of not more
257 than six thousand (6,000), an amount not to exceed Nine Thousand
258 Two Hundred Dollars (\$9,200.00) but not less than Six Thousand
259 Three Hundred Twenty-five Dollars (\$6,325.00).

260 (j) For counties having two (2) judicial districts, the
261 board of supervisors of the county may allow, in addition to the
262 sums prescribed herein, in its discretion, an amount not to exceed
263 Eleven Thousand Five Hundred Dollars (\$11,500.00).

264 (2) In the event of a reregistration within such county, or
265 a redistricting which necessitates the hiring of additional deputy
266 registrars, the board of supervisors may by contract compensate
267 the county registrar amounts in addition to the sums prescribed
268 herein, in its discretion.



269 (3) As compensation for their services in assisting the
270 county election commissioners in performance of their duties in
271 the revision of the registration books and the pollbooks of the
272 several voting precincts of the several counties and in assisting
273 the election commissioners, executive committees or boards of
274 supervisors in connection with any election, the registrar shall
275 receive the same daily per diem and limitation on meeting days as
276 provided for the board of election commissioners as set out in
277 Sections 23-15-153 and 23-15-227 to be paid from the general fund
278 of the county.

279 (4) In any case where an amount has been allowed by the
280 board of supervisors pursuant to this section, such amount shall
281 not be reduced or terminated during the term for which the
282 registrar was elected.

283 (5) The circuit clerk shall, in addition to any other
284 compensation provided for by law, be entitled to receive as
285 compensation from the board of supervisors the amount of Two
286 Thousand Five Hundred Dollars (\$2,500.00) per year. This payment
287 shall be for the performance of his duties in regard to the
288 conduct of elections and the performance of his other duties.

289 (6) The municipal clerk shall, in addition to any other
290 compensation for performance of duties, be eligible to receive as
291 compensation from the municipality's governing authorities a
292 reasonable amount of additional compensation for reimbursement of



293 costs and for additional duties associated with mail-in
294 registration of voters.

295 (7) The board of supervisors shall not allow any additional
296 compensation authorized under this section for services as county
297 registrar to any circuit clerk who is receiving fees as
298 compensation for his services equal to the limitation on
299 compensation prescribed in Section 9-1-43.

300 **SECTION 5.** Section 23-15-227, Mississippi Code of 1972, is
301 brought forward as follows:

302 23-15-227. (1) The managers and clerks shall be each
303 entitled to Seventy-five Dollars (\$75.00) for each election;
304 however, the board of supervisors may, in its discretion, pay the
305 managers and clerks an additional amount not to exceed Fifty
306 Dollars (\$50.00) per election.

307 (2) The manager or other person who shall carry to the place
308 of voting, away from the courthouse, the official ballots, ballot
309 boxes, pollbooks and other necessities, shall be allowed Ten
310 Dollars (\$10.00) for each voting precinct for so doing. The
311 manager or other person who acts as returning officer shall be
312 allowed Ten Dollars (\$10.00) for each voting precinct for that
313 service. If a person who performs the duties described in this
314 subsection utilizes a privately owned motor vehicle to perform
315 them, he or she shall receive for each mile actually and
316 necessarily traveled in excess of ten (10) miles, the mileage



317 reimbursement rate allowable to federal employees for the use of a
318 privately owned vehicle while on official travel.

319 (3) The compensation authorized in this section shall be
320 allowed by the board of supervisors, and shall be payable out of
321 the county treasury.

322 (4) The compensation provided in this section shall
323 constitute payment in full for the services rendered by the
324 persons named for any election, whether there be one (1) election
325 or issue voted upon, or more than one (1) election or issue voted
326 upon at the same time.

327 **SECTION 6.** This act shall take effect and be in force from
328 and after July 1, 2016.

