

By: Representatives Denny, Staples, Bennett,  
Hines

To: Apportionment and  
Elections; Revenue and  
Expenditure General Bills

HOUSE BILL NO. 871

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE COMMISSIONERS OF ELECTION TO BE PAID PER DIEM IN THE  
3 AMOUNT OF \$100.00 FOR THE PERFORMANCE OF THEIR DUTIES ON  
4 NONELECTION DAYS; 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 23-15-153. (1) At the following times, the commissioners of  
9 election shall meet at the office of the registrar and carefully  
10 revise the registration books and the pollbooks of the several  
11 voting precincts, and shall erase from those books the names of  
12 all persons erroneously on the books, or who have died, removed or  
13 become disqualified as electors from any cause; and shall register  
14 the names of all persons who have duly applied to be registered  
15 and have been illegally denied registration:

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



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

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

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

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

37 (2) Except as provided in this section, and subject to the  
38 following annual limitations, the commissioners of election shall  
39 be entitled to receive a per diem in the amount of \* \* \* One  
40 Hundred Dollars (\$100.00), to be paid from the county general  
41 fund, for every day or period of no less than five (5) hours  
42 accumulated over two (2) or more days actually employed in the



43 performance of their duties in the conduct of an election or  
44 actually employed in the performance of their duties for the  
45 necessary time spent in the revision of the registration books and  
46 pollbooks as required in subsection (1) of this section:

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

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

59           (c) In counties having thirty thousand (30,000)  
60 residents according to the latest federal decennial census but  
61 less than seventy thousand (70,000) residents according to the  
62 latest federal decennial census, not more than one hundred (100)  
63 days per year, with no more than thirty-five (35) additional days  
64 allowed for the conduct of each election in excess of one (1)  
65 occurring in any calendar year;

66           (d) In counties having seventy thousand (70,000)  
67 residents according to the latest federal decennial census but



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

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

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

87 (g) In counties having two hundred thousand (200,000)  
88 residents according to the latest federal decennial census but  
89 less than two hundred twenty-five thousand (225,000) residents  
90 according to the latest federal decennial census, not more than  
91 one hundred ninety (190) days per year, with no more than



92 seventy-five (75) additional days allowed for the conduct of each  
93 election in excess of one (1) occurring in any calendar year;

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

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

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

114 (3) In addition to the number of days authorized in  
115 subsection (2) of this section, the board of supervisors of a  
116 county may authorize, in its discretion, the commissioners of



117 election to receive a per diem in the amount provided for in  
118 subsection (2) of this section, to be paid from the county general  
119 fund, for every day or period of no less than five (5) hours  
120 accumulated over two (2) or more days actually employed in the  
121 performance of their duties in the conduct of an election or  
122 actually employed in the performance of their duties for the  
123 necessary time spent in the revision of the registration books and  
124 pollbooks as required in subsection (1) of this section, for not  
125 to exceed five (5) days.

126 (4) (a) The commissioners of election shall be entitled to  
127 receive a per diem in the amount of \* \* \* One Hundred Dollars  
128 (\$100.00), to be paid from the county general fund, not to exceed  
129 ten (10) days for every day or period of no less than five (5)  
130 hours accumulated over two (2) or more days actually employed in  
131 the performance of their duties for the necessary time spent in  
132 the revision of the registration books and pollbooks prior to any  
133 special election. For purposes of this paragraph, the regular  
134 special election day shall not be considered a special election.  
135 The annual limitations set forth in subsection (2) of this section  
136 shall not apply to this paragraph.

137 (b) The commissioners of election shall be entitled to  
138 receive a per diem in the amount of One Hundred Fifty Dollars  
139 (\$150.00), to be paid from the county general fund, for the  
140 performance of their duties on the day of any general or special



141 election. The annual limitations set forth in subsection (2) of  
142 this section shall apply to this paragraph.

143 (5) The commissioners of election shall be entitled to  
144 receive a per diem in the amount of \* \* \* One Hundred Dollars  
145 (\$100.00), to be paid from the county general fund, not to exceed  
146 fourteen (14) days for every day or period of no less than five  
147 (5) hours accumulated over two (2) or more days actually employed  
148 in the performance of their duties for the necessary time spent in  
149 the revision of the registration books, pollbooks and in the  
150 conduct of a runoff election following either a general or special  
151 election.

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

156 (7) The county registrar shall prepare the pollbooks and the  
157 county commissioners of election shall prepare the registration  
158 books of each municipality located within the county pursuant to  
159 an agreement between the county and each municipality in the  
160 county. The county commissioners of election and the county  
161 registrar shall be paid by each municipality for the actual cost  
162 of preparing registration books and pollbooks for the municipality  
163 and shall pay each county commissioner of election a per diem in  
164 the amount provided for in subsection (2) of this section for each  
165 day or period of not less than five (5) hours accumulated over two



166 (2) or more days the commissioners are actually employed in  
167 preparing the registration books for the municipality, not to  
168 exceed five (5) days. The county commissioners of election and  
169 county registrar shall provide copies of the registration books  
170 and pollbooks to the municipal clerk of each municipality in the  
171 county. The municipality shall pay the county registrar for  
172 preparing and printing the pollbooks. A municipality may secure  
173 "read only" access to the Statewide Centralized Voter System and  
174 print its own pollbooks using this information; however, county  
175 commissioners of election shall remain responsible for preparing  
176 registration books for municipalities and shall be paid for this  
177 duty in accordance with this subsection.

178 (8) County commissioners of election who perform the duties  
179 of an executive committee with regard to the conduct of a primary  
180 election under a written agreement authorized by law to be entered  
181 into with an executive committee shall receive per diem as  
182 provided for in subsection (2) of this section. The days that  
183 county commissioners of election are employed in the conduct of a  
184 primary election shall be treated the same as days county  
185 commissioners of election are employed in the conduct of other  
186 elections.

187 (9) Every commissioner of election shall sign personally a  
188 certification setting forth the number of hours actually worked in  
189 the performance of the commissioner's official duties and for  
190 which the commissioner seeks compensation. The certification must





191 be on a form as prescribed in this subsection. The commissioner's  
192 signature is, as a matter of law, made under the commissioner's  
193 oath of office and under penalties of perjury.

194 The certification form shall be as follows:

195 **COUNTY ELECTION COMMISSIONER**

196 **PER DIEM CLAIM FORM**

197 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

198 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

199 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

200			PURPOSE	APPLICABLE	ACTUAL	PER DIEM	
201	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
202	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED
203	_____	_____	_____	_____	_____	_____	_____
204	_____	_____	_____	_____	_____	_____	_____
205	_____	_____	_____	_____	_____	_____	_____

206 TOTAL NUMBER OF PER DIEM DAYS EARNED

207 EXCLUDING ELECTION DAYS \_\_\_\_\_

208 PER DIEM RATE PER DAY EARNED X \* \* \* \$100.00

209 TOTAL NUMBER PER DIEM DAYS EARNED

210 FOR ELECTION DAYS \_\_\_\_\_

211 PER DIEM RATE PER DAY EARNED X \$150.00

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

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



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

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

219 \_\_\_\_\_

220 Commissioner's Signature

221 When properly completed and signed, the certification must be  
222 filed with the clerk of the county board of supervisors before any  
223 payment may be made. The certification will be a public record  
224 available for inspection and reproduction immediately upon the  
225 oral or written request of any person.

226 Any person may contest the accuracy of the certification in  
227 any respect by notifying the chairman of the commission, any  
228 member of the board of supervisors or the clerk of the board of  
229 supervisors of such contest at any time before or after payment is  
230 made. If the contest is made before payment is made, no payment  
231 shall be made as to the contested certificate until the contest is  
232 finally disposed of. The person filing the contest shall be  
233 entitled to a full hearing, and the clerk of the board of  
234 supervisors shall issue subpoenas upon request of the contestor  
235 compelling the attendance of witnesses and production of documents  
236 and things. The contestor shall have the right to appeal de novo  
237 to the circuit court of the involved county, which appeal must be  
238 perfected within thirty (30) days from a final decision of the



239 commission, the clerk of the board of supervisors or the board of  
240 supervisors, as the case may be.

241 Any contestor who successfully contests any certification  
242 will be awarded all expenses incident to his contest, together  
243 with reasonable attorney's fees, which will be awarded upon  
244 petition to the chancery court of the involved county upon final  
245 disposition of the contest before the election commission, board  
246 of supervisors, clerk of the board of supervisors, or, in case of  
247 an appeal, final disposition by the court. The commissioner  
248 against whom the contest is decided shall be liable for the  
249 payment of the expenses and attorney's fees, and the county shall  
250 be jointly and severally liable for same.

251 (10) Any commissioner of election who has not received a  
252 certificate issued by the Secretary of State pursuant to Section  
253 23-15-211 indicating that the commissioner of election has  
254 received the required elections seminar instruction and that the  
255 commissioner of election is fully qualified to conduct an  
256 election, shall not receive any compensation authorized by this  
257 section, Section 23-15-491 or Section 23-15-239.

258 **SECTION 2.** This act shall take effect and be in force from  
259 and after July 1, 2016.

