

By: Representative Denny

To: Apportionment and  
Elections

HOUSE BILL NO. 66

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE A COUNTY BOARD OF SUPERVISORS TO APPROVE THE PAYMENT  
3 OF PER DIEM FOR UP TO FIVE ADDITIONAL DAYS TO THE CHAIR OF THE  
4 ELECTION COMMISSIONERS FOR THE PERFORMANCE OF HIS OR HER  
5 ADDITIONAL DUTIES AS CHAIR; 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 least during the following times, the  
10 election commissioners shall meet at the office of the registrar  
11 or the office of the election commissioners to carefully revise  
12 the county voter roll as electronically maintained by the  
13 Statewide Elections Management System and remove from the roll the  
14 names of all voters who have requested to be purged from the voter  
15 roll, died, received an adjudication of non compos mentis, been  
16 convicted of a disenfranchising crime, or otherwise become  
17 disqualified as electors for any cause, and shall register the  
18 names of all persons who have duly applied to be registered but  
19 have been illegally denied registration:



20 (a) On the Tuesday after the second Monday in January  
21 1987 and every following year;

22 (b) On the first Tuesday in the month immediately  
23 preceding the first primary election for members of Congress in  
24 the years when members of Congress are elected;

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

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

32 Except for the names of those voters who are duly qualified  
33 to vote in the election, no name shall be permitted to remain in  
34 the Statewide Elections Management System; however, no name shall  
35 be purged from the Statewide Elections Management System based on  
36 a change in the residence of an elector except in accordance with  
37 procedures provided for by the National Voter Registration Act of  
38 1993. Except as otherwise provided by Section 23-15-573, no  
39 person shall vote at any election whose name is not in the county  
40 voter roll electronically maintained by the Statewide Elections  
41 Management System.

42 (2) Except as provided in this section, and subject to the  
43 following annual limitations, the election commissioners shall be  
44 entitled to receive a per diem in the amount of Eighty-four



45 Dollars (\$84.00), to be paid from the county general fund, for  
46 every day or period of no less than five (5) hours accumulated  
47 over two (2) or more days actually employed in the performance of  
48 their duties in the conduct of an election or actually employed in  
49 the performance of their duties for the necessary time spent in  
50 the revision of the county voter roll as electronically maintained  
51 by the Statewide Elections Management System as required in  
52 subsection (1) of this section:

53           (a) In counties having less than fifteen thousand  
54 (15,000) residents according to the latest federal decennial  
55 census, not more than fifty (50) days per year, with no more than  
56 fifteen (15) additional days allowed for the conduct of each  
57 election in excess of one (1) occurring in any calendar year;

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

65           (c) In counties having thirty thousand (30,000)  
66 residents according to the latest federal decennial census but  
67 less than seventy thousand (70,000) residents according to the  
68 latest federal decennial census, not more than one hundred (100)  
69 days per year, with no more than thirty-five (35) additional days



70 allowed for the conduct of each election in excess of one (1)  
71 occurring in any calendar year;

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

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

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

93 (g) In counties having two hundred thousand (200,000)  
94 residents according to the latest federal decennial census but



95 less than two hundred twenty-five thousand (225,000) residents  
96 according to the latest federal decennial census, not more than  
97 one hundred ninety (190) days per year, with no more than  
98 seventy-five (75) additional days allowed for the conduct of each  
99 election in excess of one (1) occurring in any calendar year;

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

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

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



120 (3) In addition to the number of days authorized in  
121 subsection (2) of this section, the board of supervisors of a  
122 county may authorize \* \* \* the payment of per diem from the county  
123 general fund in the amount provided for in subsection (2) of this  
124 section to:

125 (a) The election commissioners \* \* \* for every day or  
126 period of no less than five (5) hours accumulated over two (2) or  
127 more days actually employed in the performance of their duties in  
128 the conduct of an election or actually employed in the performance  
129 of their duties for the necessary time spent in the revision of  
130 the county voter roll as electronically maintained by the  
131 Statewide Elections Management System as required in subsection  
132 (1) of this section, for not to exceed five (5) days.

133 (b) The chair of the election commissioners for every  
134 day or period of no less than five (5) hours accumulated over two  
135 (2) or more days actually employed in the performance of his or  
136 her additional duties as chair, not to exceed five (5) days.

137 (4) (a) The election commissioners shall be entitled to  
138 receive a per diem in the amount of Eighty-four Dollars (\$84.00),  
139 to be paid from the county general fund, not to exceed ten (10)  
140 days for every day or period of no less than five (5) hours  
141 accumulated over two (2) or more days actually employed in the  
142 performance of their duties for the necessary time spent in the  
143 revision of the county voter roll as electronically maintained by  
144 the Statewide Elections Management System before any special



145 election. For purposes of this paragraph, the regular special  
146 election day shall not be considered a special election. The  
147 annual limitations set forth in subsection (2) of this section  
148 shall not apply to this paragraph.

149 (b) The election commissioners shall be entitled to  
150 receive a per diem in the amount of One Hundred Fifty Dollars  
151 (\$150.00), to be paid from the county general fund, for the  
152 performance of their duties on the day of any general or special  
153 election. The annual limitations set forth in subsection (2) of  
154 this section shall apply to this paragraph.

155 (5) The election commissioners shall be entitled to receive  
156 a per diem in the amount of Eighty-four Dollars (\$84.00), to be  
157 paid from the county general fund, not to exceed fourteen (14)  
158 days for every day or period of no less than five (5) hours  
159 accumulated over two (2) or more days actually employed in the  
160 performance of their duties for the necessary time spent in the  
161 revision of the county voter roll as electronically maintained by  
162 the Statewide Elections Management System and in the conduct of a  
163 runoff election following either a general or special election.

164 (6) The election commissioners shall be entitled to receive  
165 only one (1) per diem payment for those days when the election  
166 commissioners discharge more than one (1) duty or responsibility  
167 on the same day.

168 (7) In preparation for a municipal primary, runoff, general  
169 or special election, the county registrar shall generate and



170 distribute the master voter roll and pollbooks from the Statewide  
171 Elections Management System for the municipality located within  
172 the county. The municipality shall pay the county registrar for  
173 the actual cost of preparing and printing the municipal master  
174 voter roll pollbooks. A municipality may secure "read only"  
175 access to the Statewide Elections Management System and print its  
176 own pollbooks using this information.

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

185 (9) In addition to any per diem authorized by this section,  
186 any election commissioner shall be entitled to the mileage  
187 reimbursement rate allowable to federal employees for the use of a  
188 privately owned vehicle while on official travel on election day.

189 (10) Every election commissioner shall sign personally a  
190 certification setting forth the number of hours actually worked in  
191 the performance of the commissioner's official duties and for  
192 which the commissioner seeks compensation. The certification must  
193 be on a form as prescribed in this subsection. The commissioner's





194 signature is, as a matter of law, made under the commissioner's  
195 oath of office and under penalties of perjury.

196 The certification form shall be as follows:

197 **COUNTY ELECTION COMMISSIONER**

198 **PER DIEM CLAIM FORM**

199 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

200 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

201 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

205 \_\_\_\_\_  
206 \_\_\_\_\_  
207 \_\_\_\_\_

208 TOTAL NUMBER OF PER DIEM DAYS EARNED

209 EXCLUDING ELECTION DAYS \_\_\_\_\_

210 PER DIEM RATE PER DAY EARNED X \$84.00

211 TOTAL NUMBER PER DIEM DAYS EARNED

212 FOR ELECTION DAYS \_\_\_\_\_

213 PER DIEM RATE PER DAY EARNED X \$150.00

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

215 I understand that I am signing this document under my oath as  
216 an election commissioner and under penalties of perjury.



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

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

221 \_\_\_\_\_  
222 Commissioner's Signature

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

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



241 commission, the clerk of the board of supervisors or the board of  
242 supervisors, as the case may be.

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

253 (11) Any election commissioner who has not received a  
254 certificate issued by the Secretary of State pursuant to Section  
255 23-15-211 indicating that the election commissioner has received  
256 the required elections seminar instruction and that the election  
257 commissioner is fully qualified to conduct an election, shall not  
258 receive any compensation authorized by this section or Section  
259 23-15-239.

260 **SECTION 2.** This act shall take effect and be in force from  
261 and after July 1, 2018.

