

By: Representatives Denny, Sykes

To: Apportionment and
Elections

HOUSE BILL NO. 803

1 AN ACT TO AMEND SECTION 23-15-239, MISSISSIPPI CODE OF 1972,
2 TO PROVIDE THAT COUNTY ELECTION COMMISSIONERS SHALL DESIGNATE ONE
3 POLL MANAGER PER PRECINCT, INSTEAD OF TWO, TO COMPLETE THE ONLINE
4 TRAINING PROGRAM TO BECOME A "CERTIFIED POLL MANAGER"; TO PROVIDE
5 THAT THE COMPENSATION PAID TO THE CERTIFIED POLL MANAGER SHALL BE
6 PAID BY THE SECRETARY OF STATE AND NOT THE HELP MISSISSIPPI VOTE
7 FUND; TO AMEND SECTION 23-15-169.7, MISSISSIPPI CODE OF 1972, TO
8 CONFORM TO THE PRECEDING SECTION; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 23-15-239, Mississippi Code of 1972, is
11 amended as follows:

12 **[Until January 1, 2020, this section shall read as follows:]**

13 23-15-239. (1) The executive committee of each county, in
14 the case of a primary election, or the election commissioners of
15 each county, in the case of all other elections, in conjunction
16 with the circuit clerk, shall, in the years in which counties
17 conduct an election, sponsor and conduct, not less than five (5)
18 days before each election, not less than four (4) hours and not
19 more than eight (8) hours of poll manager training to instruct
20 poll managers as to their duties in the proper administration of
21 the election and the operation of the polling place. Any poll



22 manager who completes the online training course provided by the
23 Secretary of State shall only be required to complete two (2)
24 hours of in-person poll manager training. No poll manager shall
25 serve in any election unless he or she has received these
26 instructions once during the twelve (12) months immediately
27 preceding the date upon which the election is held; however,
28 nothing in this section shall prevent the appointment of an
29 alternate poll manager to fill a vacancy in case of an emergency.
30 The county executive committee or the election commissioners, as
31 appropriate, shall train a sufficient number of alternates to
32 serve in the event a poll manager is unable to serve for any
33 reason.

34 (2) (a) If it is eligible under Section 23-15-266, the
35 county executive committee may enter into a written agreement with
36 the circuit clerk or the county election commission authorizing
37 the circuit clerk or the county election commission to perform any
38 of the duties required of the county executive committee pursuant
39 to this section. Any agreement entered into pursuant to this
40 subsection shall be signed by the chair of the county executive
41 committee and the circuit clerk or the chair of the county
42 election commission, as appropriate. The county executive
43 committee shall notify the state executive committee and the
44 Secretary of State of the existence of the agreement.

45 (b) If it is eligible under Section 23-15-266, the
46 municipal executive committee may enter into a written agreement



47 with the municipal clerk or the municipal election commission
48 authorizing the municipal clerk or the municipal election
49 commission to perform any of the duties required of the municipal
50 executive committee pursuant to this section. Any agreement
51 entered into pursuant to this subsection shall be signed by the
52 chair of the municipal executive committee and the municipal clerk
53 or the chair of the municipal election commission, as appropriate.
54 The municipal executive committee shall notify the state executive
55 committee and the Secretary of State of the existence of the
56 agreement.

57 (3) The board of supervisors and the municipal governing
58 authority, in their discretion, may compensate poll managers who
59 attend these training sessions. The compensation shall be at a
60 rate of not less than the federal hourly minimum wage nor more
61 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
62 compensated for more than sixteen (16) hours of attendance at the
63 training sessions regardless of the actual amount of time that
64 they attended the training sessions.

65 (4) The time and location of the training sessions required
66 pursuant to this section shall be announced to the general public
67 by posting a notice thereof at the courthouse and by delivering a
68 copy of the notice to the office of a newspaper having general
69 circulation in the county five (5) days before the date upon which
70 the training session is to be conducted. Persons who will serve
71 as poll watchers for candidates and political parties, as well as



72 members of the general public, shall be allowed to attend the
73 sessions.

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

81 (a) In counties having less than fifteen thousand
82 (15,000) residents according to the latest federal decennial
83 census, not more than five (5) days per year;

84 (b) In counties having fifteen thousand (15,000)
85 residents according to the latest federal decennial census but
86 less than thirty thousand (30,000) residents according to the
87 latest federal decennial census, not more than eight (8) days per
88 year;

89 (c) In counties having thirty thousand (30,000)
90 residents according to the latest federal decennial census but
91 less than seventy thousand (70,000) residents according to the
92 latest federal decennial census, not more than ten (10) days per
93 year;

94 (d) In counties having seventy thousand (70,000)
95 residents according to the latest federal decennial census but
96 less than ninety thousand (90,000) residents according to the



97 latest federal decennial census, not more than twelve (12) days
98 per year;

99 (e) In counties having ninety thousand (90,000)
100 residents according to the latest federal decennial census but
101 less than one hundred seventy thousand (170,000) residents
102 according to the latest federal decennial census, not more than
103 fifteen (15) days per year;

104 (f) In counties having one hundred seventy thousand
105 (170,000) residents according to the latest federal decennial
106 census but less than two hundred thousand (200,000) residents
107 according to the latest federal decennial census, not more than
108 eighteen (18) days per year;

109 (g) In counties having two hundred thousand (200,000)
110 residents according to the latest federal decennial census but
111 less than two hundred twenty-five thousand (225,000) residents
112 according to the latest federal decennial census, not more than
113 nineteen (19) days per year;

114 (h) In counties having two hundred twenty-five thousand
115 (225,000) residents or more according to the latest federal
116 decennial census, not more than twenty-two (22) days per
117 year * * *.

118 (6) Election commissioners shall claim the per diem
119 authorized in subsection (5) of this section in the manner
120 provided for in Section 23-15-153(6).



121 (7) (a) To provide poll manager training, the Secretary of
122 State has developed a single, comprehensive poll manager training
123 program to ensure uniform, secure elections throughout the state.
124 The program includes online training on all state and federal
125 election laws and procedures and voting machine opening and
126 closing procedures.

127 (b) County election commissioners shall designate * * *
128 one (1) poll managers per precinct, who shall individually access
129 and complete the online training program, including all skills
130 assessments, at least five (5) days before an election. The
131 poll * * * manager shall be defined as a "certified poll * * *
132 manager," and entitled to a "Certificate of Completion" and
133 compensation for the successful completion of the training and
134 skills assessment in the amount of Twenty-five Dollars (\$25.00)
135 payable from the * * * Secretary of State. Compensation paid to
136 any poll manager under this paragraph (b) shall not exceed
137 Twenty-five Dollars (\$25.00) per calendar year.

138 (c) Every election held after January 1, 2018, shall
139 have at least one (1) certified poll manager appointed by the
140 county election officials to work in each polling place in the
141 county during each general election.

142 **[From and after January 1, 2020, this section shall read as**
143 **follows:]**

144 23-15-239. (1) The executive committee of each county, in
145 the case of a primary election, or the election commissioners of



146 each county, in the case of all other elections, in conjunction
147 with the circuit clerk, shall, in the years in which counties
148 conduct an election, sponsor and conduct, not less than five (5)
149 days before each election, not less than four (4) hours and not
150 more than eight (8) hours of poll manager training to instruct
151 poll managers as to their duties in the proper administration of
152 the election and the operation of the polling place. Any poll
153 manager who completes the online training course provided by the
154 Secretary of State shall only be required to complete two (2)
155 hours of in-person poll manager training. No poll manager shall
156 serve in any election unless he or she has received these
157 instructions once during the twelve (12) months immediately
158 preceding the date upon which the election is held; however,
159 nothing in this section shall prevent the appointment of an
160 alternate poll manager to fill a vacancy in case of an emergency.
161 The county executive committee or the election commissioners, as
162 appropriate, shall train a sufficient number of alternates to
163 serve in the event a poll manager is unable to serve for any
164 reason.

165 (2) (a) If it is eligible under Section 23-15-266, the
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168 the circuit clerk or the county election commission to perform any
169 of the duties required of the county executive committee pursuant
170 to this section. Any agreement entered into pursuant to this



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172 committee and the circuit clerk or the chair of the county
173 election commission, as appropriate. The county executive
174 committee shall notify the state executive committee and the
175 Secretary of State of the existence of the agreement.

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177 municipal executive committee may enter into a written agreement
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179 authorizing the municipal clerk or the municipal election
180 commission to perform any of the duties required of the municipal
181 executive committee pursuant to this section. Any agreement
182 entered into pursuant to this subsection shall be signed by the
183 chair of the municipal executive committee and the municipal clerk
184 or the chair of the municipal election commission, as appropriate.
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186 committee and the Secretary of State of the existence of the
187 agreement.

188 (3) The board of supervisors and the municipal governing
189 authority, in their discretion, may compensate poll managers who
190 attend these training sessions. The compensation shall be at a
191 rate of not less than the federal hourly minimum wage nor more
192 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
193 compensated for more than sixteen (16) hours of attendance at the
194 training sessions regardless of the actual amount of time that
195 they attended the training sessions.



196 (4) The time and location of the training sessions required
197 pursuant to this section shall be announced to the general public
198 by posting a notice thereof at the courthouse and by delivering a
199 copy of the notice to the office of a newspaper having general
200 circulation in the county five (5) days before the date upon which
201 the training session is to be conducted. Persons who will serve
202 as poll watchers for candidates and political parties, as well as
203 members of the general public, shall be allowed to attend the
204 sessions.

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

212 (a) In counties having less than fifteen thousand
213 (15,000) residents according to the latest federal decennial
214 census, not more than five (5) days per year;

215 (b) In counties having fifteen thousand (15,000)
216 residents according to the latest federal decennial census but
217 less than thirty thousand (30,000) residents according to the
218 latest federal decennial census, not more than eight (8) days per
219 year;



220 (c) In counties having thirty thousand (30,000)
221 residents according to the latest federal decennial census but
222 less than seventy thousand (70,000) residents according to the
223 latest federal decennial census, not more than ten (10) days per
224 year;

225 (d) In counties having seventy thousand (70,000)
226 residents according to the latest federal decennial census but
227 less than ninety thousand (90,000) residents according to the
228 latest federal decennial census, not more than twelve (12) days
229 per year;

230 (e) In counties having ninety thousand (90,000)
231 residents according to the latest federal decennial census but
232 less than one hundred seventy thousand (170,000) residents
233 according to the latest federal decennial census, not more than
234 fifteen (15) days per year;

235 (f) In counties having one hundred seventy thousand
236 (170,000) residents according to the latest federal decennial
237 census but less than two hundred thousand (200,000) residents
238 according to the latest federal decennial census, not more than
239 eighteen (18) days per year;

240 (g) In counties having two hundred thousand (200,000)
241 residents according to the latest federal decennial census but
242 less than two hundred twenty-five thousand (225,000) residents
243 according to the latest federal decennial census, not more than
244 nineteen (19) days per year;



245 (h) In counties having two hundred twenty-five thousand
246 (225,000) residents or more according to the latest federal
247 decennial census, not more than twenty-two (22) days per
248 year * * *.

249 (6) Election commissioners shall claim the per diem
250 authorized in subsection (5) of this section in the manner
251 provided for in Section 23-15-153(6).

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253 State has developed a single, comprehensive poll manager training
254 program to ensure uniform, secure elections throughout the state.
255 The program includes online training on all state and federal
256 election laws and procedures and voting machine opening and
257 closing procedures.

258 (b) County poll managers who individually access and
259 complete the online training program, including all skills
260 assessments, at least five (5) days before an election shall be
261 defined as "certified poll * * * managers," and entitled to a
262 "Certificate of Completion."

263 (c) At least one (1) certified poll manager shall be
264 appointed by the county election officials to work in each polling
265 place in the county during each general election.

266 **SECTION 2.** Section 23-15-169.7, Mississippi Code of 1972, is
267 amended as follows:

268 23-15-169.7. (1) There is created in the State Treasury a
269 special fund, to be designated the "Help Mississippi Vote Fund" to



270 the credit of the Secretary of State, which shall be comprised of
271 the monies required to be deposited into the fund under Section
272 7-3-59, and any other funds that may be made available for the
273 fund by the Legislature.

274 (2) Monies in the fund shall be expended by the Secretary of
275 State to support the state's maintenance of efforts as required by
276 the federal mandates of the Help America Vote Act of 2002 * * *.

277 (3) Unexpended amounts remaining in the special fund at the
278 end of a fiscal year shall not lapse into the State General Fund,
279 and any interest earned or investment earnings on amounts in the
280 special fund shall be deposited to the credit of the special fund.

281 (4) From and after July 1, 2016, the expenses of this agency
282 shall be defrayed by line item appropriation from the State
283 General Fund to the Office of Secretary of State and all user
284 charges and fees authorized under this section shall be deposited
285 into the State General Fund as authorized by law and as determined
286 by the State Fiscal Officer, and shall not be authorized for
287 expenditure by the Secretary of State to reimburse or otherwise
288 defray expenses of any office administered by the Secretary of
289 State.

290 (5) From and after July 1, 2016, no state agency shall
291 charge another state agency a fee, assessment, rent or other
292 charge for services or resources received by authority of this
293 section.



294 **SECTION 3.** This act shall take effect and be in force from
295 and after its passage.

