

By: Senator(s) Clarke, Hopson, Burton, Hill, To: Appropriations
Wilemon

SENATE BILL NO. 2993
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2019.

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

4 **SECTION 1.** The following sum, or so much thereof as may be
5 necessary, is hereby appropriated out of any money in the State
6 General Fund not otherwise appropriated, for the support and
7 maintenance of the Secretary of State for the fiscal year
8 beginning July 1, 2018, and ending June 30, 2019.....
9\$ 13,398,769.00.

10 **SECTION 2.** Of the funds appropriated under the provisions of
11 Section 1, the following positions are authorized:

12 AUTHORIZED POSITIONS:

13	Permanent:	Full Time.....	98
14		Part Time.....	0
15	Time-Limited:	Full Time.....	13
16		Part Time.....	0

17 With the funds herein appropriated, it shall be the agency's
18 responsibility to make certain that funds required to be



19 appropriated for "Personal Services" for Fiscal Year 2020 do not
20 exceed Fiscal Year 2019 funds appropriated for that purpose,
21 unless programs or positions are added to the agency's Fiscal Year
22 2019 budget by the Mississippi Legislature. Based on data
23 provided by the Legislative Budget Office, the State Personnel
24 Board shall determine and publish the projected annual cost to
25 fully fund all appropriated positions in compliance with the
26 provisions of this act. It shall be the responsibility of the
27 agency head to ensure that no single personnel action increases
28 this projected annual cost and/or the Fiscal Year 2019
29 appropriations for "Personal Services" when annualized, with the
30 exception of escalated funds and the award of benchmarks. If, at
31 the time the agency takes any action to change "Personal
32 Services," the State Personnel Board determines that the agency
33 has taken an action which would cause the agency to exceed this
34 projected annual cost or the Fiscal Year 2019 "Personal Services"
35 appropriated level, when annualized, then only those actions which
36 reduce the projected annual cost and/or the appropriation
37 requirement will be processed by the State Personnel Board until
38 such time as the requirements of this provision are met.

39 Any transfers or escalations shall be made in accordance with
40 the terms, conditions and procedures established by law or
41 allowable under the terms set forth within this act. The State
42 Personnel Board shall not escalate positions without written
43 approval from the Department of Finance and Administration. The



44 Department of Finance and Administration shall not provide written
45 approval to escalate any funds for salaries and/or positions
46 without proof of availability of new or additional funds above the
47 appropriated level.

48 No general funds authorized to be expended herein shall be
49 used to replace federal funds and/or other special funds which are
50 being used for salaries authorized under the provisions of this
51 act and which are withdrawn and no longer available.

52 None of the funds herein appropriated shall be used in
53 violation of Internal Revenue Service's Publication 15-A relating
54 to the reporting of income paid to contract employees, as
55 interpreted by the Office of the State Auditor.

56 **SECTION 3.** None of the funds appropriated by this act shall
57 be expended for any purpose that is not actually required or
58 necessary for performing any of the powers or duties of the Office
59 of the Secretary of State that are authorized by the Mississippi
60 Constitution of 1890, state or federal law, or rules or
61 regulations that implement state or federal law.

62 **SECTION 4.** No part of the funds appropriated herein shall be
63 used, either directly or indirectly, for the purpose of paying any
64 clerk, stenographer, assistant, deputy, or other person who may be
65 related by blood or marriage within the third degree, computed by
66 the rules of the civil law, to the official employing or having
67 the right of employment or selection thereof; and in the event of
68 any such payment, then the official or person approving and making



69 or receiving such payment shall be jointly and severally liable to
70 return to the State of Mississippi and to pay into the State
71 Treasury three (3) times any such amount so paid or received, to
72 be recovered at suit of the Attorney General; provided that when
73 the relationship is by affinity and the person through whom the
74 relationship was established is dead, this provision shall not
75 apply.

76 **SECTION 5.** Of the funds appropriated in Section 1, the
77 Secretary of State may use funds appropriated for the purposes of
78 defraying litigation expenses associated with the enforcement of
79 the Mississippi Securities Act, the Regulation of Charitable
80 Solicitations Act, and the administration of the Public Trust.

81 **SECTION 6.** In compliance with the "Mississippi Performance
82 Budget and Strategic Planning Act of 1994," it is the intent of
83 the Legislature that the funds provided herein shall be utilized
84 in the most efficient and effective manner possible to achieve the
85 intended mission of this agency. Based on the funding authorized,
86 this agency shall make every effort to attain the targeted
87 performance measures provided below:

	FY2019
<u>Performance Measures</u>	<u>Target</u>
Business Services	
Phone Calls Answered within 10 Seconds (%)	92.00
Elections	
Voter Registrations Updated via Secure	



94	Online Website (Number of)	50
95	Poll Workers to Successfully Complete the	
96	Online Training Program (Number of)	82
97	Poll Workers who Successfully Complete the	
98	Online Poll Manager Training on their	
99	First Attempt (%)	60.00

100 Publications

101	Visits to the Secretary of State's	
102	Website (Number of)	11,000,000

103 Public Lands

104	Tax-Forfeited Properties Sold (Number of)	500
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105 Support Services

106	Support Services as a Percentage of Total	
107	Agency Expenditures (%)	27.00

108 A reporting of the degree to which the performance targets
 109 set above have been or are being achieved shall be provided in the
 110 agency's budget request submitted to the Joint Legislative Budget
 111 Committee for Fiscal Year 2020.

112 **SECTION 7.** Of the funds appropriated in Section 1, no more
 113 than Five Hundred Thousand Dollars (\$500,000.00) is provided for
 114 paying principal and interest on bond issues for county voting
 115 systems.

116 **SECTION 8.** The following sum, or so much thereof as may be
 117 necessary, is appropriated out of any money in the State Treasury
 118 to the credit of the Land Records Maintenance Fund, for the



purpose of making distributions to local governments for taxes
owed during the fiscal year.....\$1,750,000.00.

SECTION 9. The following sum, or so much thereof as may be
necessary, is appropriated out of any money in the State Treasury
to the credit of the Elections Support Fund, for the purpose of
acquiring, upgrading, maintaining, or repairing voting equipment,
systems, and supplies, hiring temporary technical support,
conducting elections using such voting equipment or systems and
training election officials during the fiscal year
.....\$ 1,500,000.00.

SECTION 10. The following sum, or so much thereof as may be
necessary, is reappropriated out of any money in the State General
Fund not otherwise appropriated for the Secretary of State for the
purpose of reauthorizing the expenditure of State General Funds,
as authorized in Senate Bill 3003, 2017 Regular Session, to
provide matching funds for a statewide voting administration
program, for the fiscal year beginning July 1, 2018, and ending
June 30, 2019.....\$ 210,000.00.

SECTION 11. The following sum, or so much thereof as may be
necessary, is appropriated out of any money in the State Treasury
to the credit of the Public Trust Tidelands Fund, and is
authorized to be transferred by the Secretary of State to the
Mississippi Department of Marine Resources in an amount not to
exceed Ten Million Dollars (\$10,000,000.00).



143 **SECTION 12.** It is the intention of the Legislature that
144 whenever two (2) or more bids are received by this agency for the
145 purchase of commodities or equipment, and whenever all things
146 stated in such received bids are equal with respect to price,
147 quality and service, the Mississippi Industries for the Blind
148 shall be given preference. A similar preference shall be given to
149 the Mississippi Industries for the Blind whenever purchases are
150 made without competitive bids.

151 **SECTION 13.** The money herein appropriated shall be paid by
152 the State Treasurer out of any money in the State Treasury to the
153 credit of the proper fund or funds as set forth in this act, upon
154 warrants issued by the State Fiscal Officer; and the State Fiscal
155 Officer shall issue his warrants upon requisitions signed by the
156 proper person, officer or officers in the manner provided by law.

157 **SECTION 14.** This act shall take effect and be in force from
158 and after July 1, 2018.

