

By: Senator(s) Clarke, Hopson, Burton, Hill, To: Appropriations  
Wilemon, Jackson (11th), Jordan

SENATE BILL NO. 3054  
(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 2020.

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, 2019, and ending June 30, 2020.....  
9 .....\$ 13,462,659.00.

10 **SECTION 2.** The following sum, or so much thereof as may be  
11 necessary, is hereby authorized for expenditure out of any special  
12 source funds which are collected by or otherwise become available  
13 for the purpose of defraying the expenses of the Secretary of  
14 State for the fiscal year beginning July 1, 2019, and ending June  
15 30, 2020.....\$ 19,973,541.00.

16 **SECTION 3.** Of the funds appropriated under the provisions of  
17 Section 1, the following positions are authorized:

18 AUTHORIZED POSITIONS:



19	Permanent:	Full Time.....	98
20		Part Time.....	0
21	Time-Limited:	Full Time.....	13
22		Part Time.....	0

23 With the funds herein appropriated, it shall be the agency's  
24 responsibility to make certain that funds required to be  
25 appropriated for "Personal Services" for Fiscal Year 2021 do not  
26 exceed Fiscal Year 2020 funds appropriated for that purpose,  
27 unless programs or positions are added to the agency's Fiscal Year  
28 2020 budget by the Mississippi Legislature. Based on data  
29 provided by the Legislative Budget Office, the State Personnel  
30 Board shall determine and publish the projected annual cost to  
31 fully fund all appropriated positions in compliance with the  
32 provisions of this act. It shall be the responsibility of the  
33 agency head to ensure that no single personnel action increases  
34 this projected annual cost and/or the Fiscal Year 2020  
35 appropriations for "Personal Services" when annualized, with the  
36 exception of escalated funds and the award of benchmarks. If, at  
37 the time the agency takes any action to change "Personal  
38 Services," the State Personnel Board determines that the agency  
39 has taken an action which would cause the agency to exceed this  
40 projected annual cost or the Fiscal Year 2020 "Personal Services"  
41 appropriated level, when annualized, then only those actions which  
42 reduce the projected annual cost and/or the appropriation



43 requirement will be processed by the State Personnel Board until  
44 such time as the requirements of this provision are met.

45 Funds are provided herein for all full-time employees to  
46 receive up to a Three Percent (3%) pay increase to the realignment  
47 component of the Variable Compensation Plan, excluding head of  
48 agencies, board members and commission members.

49 Any transfers or escalations shall be made in accordance with  
50 the terms, conditions and procedures established by law or  
51 allowable under the terms set forth within this act. The State  
52 Personnel Board shall not escalate positions without written  
53 approval from the Department of Finance and Administration. The  
54 Department of Finance and Administration shall not provide written  
55 approval to escalate any funds for salaries and/or positions  
56 without proof of availability of new or additional funds above the  
57 appropriated level.

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

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

66 **SECTION 4.** None of the funds appropriated by this act shall  
67 be expended for any purpose that is not actually required or



68 necessary for performing any of the powers or duties of the Office  
69 of the Secretary of State that are authorized by the Mississippi  
70 Constitution of 1890, state or federal law, or rules or  
71 regulations that implement state or federal law.

72       **SECTION 5.** No part of the funds appropriated herein shall be  
73 used, either directly or indirectly, for the purpose of paying any  
74 clerk, stenographer, assistant, deputy, or other person who may be  
75 related by blood or marriage within the third degree, computed by  
76 the rules of the civil law, to the official employing or having  
77 the right of employment or selection thereof; and in the event of  
78 any such payment, then the official or person approving and making  
79 or receiving such payment shall be jointly and severally liable to  
80 return to the State of Mississippi and to pay into the State  
81 Treasury three (3) times any such amount so paid or received, to  
82 be recovered at suit of the Attorney General; provided that when  
83 the relationship is by affinity and the person through whom the  
84 relationship was established is dead, this provision shall not  
85 apply.

86       **SECTION 6.** Of the funds appropriated in Section 1, the  
87 Secretary of State may use funds appropriated for the purposes of  
88 defraying litigation expenses associated with the enforcement of  
89 the Mississippi Securities Act, the Regulation of Charitable  
90 Solicitations Act, and the administration of the Public Trust.

91       **SECTION 7.** In compliance with the "Mississippi Performance  
92 Budget and Strategic Planning Act of 1994," it is the intent of



93 the Legislature that the funds provided herein shall be utilized  
 94 in the most efficient and effective manner possible to achieve the  
 95 intended mission of this agency. Based on the funding authorized,  
 96 this agency shall make every effort to attain the targeted  
 97 performance measures provided below:

98 FY2020

99 Performance Measures Target

100 Business Services

101       Phone Calls Answered within 10 Seconds (%) 92.00

102 Elections

103       Voter Registrations Updated via Secure  
 104            Online Website (Number of) 50.00

105       Poll Workers to Successfully Complete  
 106            the Online Training Program (Number of) 82.00

107       Poll Workers who Successfully Complete  
 108            the Online Poll Manager Training on  
 109            their First Attempt (%) 60.00

110 Publications

111       Visits to the Secretary of State's  
 112            Website (Number of) 11,000,000.00

113 Public Lands

114       Tax-Forfeited Properties Sold (Number of) 500.00

115 Support Services

116       Support Services as a Percentage of  
 117            Total Agency Expenditures (%) 27.00



118 A reporting of the degree to which the performance targets  
119 set above have been or are being achieved shall be provided in the  
120 agency's budget request submitted to the Joint Legislative Budget  
121 Committee for Fiscal Year 2021.

122 **SECTION 8.** Of the funds appropriated in Section 1, no more  
123 than Five Hundred Thousand Dollars (\$500,000.00) is provided for  
124 paying principal and interest on bond issues for county voting  
125 systems.

126 **SECTION 9.** Of the funds appropriated in Section 2, or so  
127 much thereof as may be necessary, is appropriated out of any money  
128 in the State Treasury to the credit of the Land Records  
129 Maintenance Fund, for the purpose of making distributions to local  
130 governments for taxes owed during the fiscal year.....  
131 .....\$ 1,750,000.00.

132 **SECTION 10.** Of the funds appropriated in Section 2, or so  
133 much thereof as may be necessary, is appropriated out of any money  
134 in the State Treasury to the credit of the Elections Support Fund,  
135 for the purpose of acquiring, upgrading, maintaining, or repairing  
136 voting equipment, systems, and supplies, hiring temporary  
137 technical support, conducting elections using such voting  
138 equipment or systems and training election officials during the  
139 fiscal year.....\$ 1,500,000.00.

140 **SECTION 11.** Of the funds appropriated in Section 2, or so  
141 much thereof as may be necessary, is appropriated out of any money  
142 in the State Treasury to the credit of the Public Trust Tidelands



143 Fund, and is authorized to be transferred by the Secretary of  
144 State to the Mississippi Department of Marine Resources in an  
145 amount not to exceed Eleven Million Seven Hundred Forty Thousand  
146 Dollars (\$11,740,000.00).

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

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

161       **SECTION 14.** This act shall take effect and be in force from  
162 and after July 1, 2019.

