To: Apportionment and Elections

MISSISSIPPI LEGISLATURE
REGULAR SESSION 2020

By: Representative Beckett

HOUSE BILL NO. 824
(As Sent to Governor)

AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE A PER DIEM IN THE AMOUNT OF $150.00 TO ELECTION COMMISSIONERS FOR THE PERFORMANCE OF THEIR DUTIES ON THE DAY OF ANY PRIMARY OR RUNOFF ELECTION IN ADDITION TO ANY GENERAL OR SPECIAL ELECTION AND TO AUTHORIZE AN ADDITIONAL PER DIEM FOR ELECTION COMMISSIONERS FOR ANY ELECTION OCCURRING FROM JULY 1, 2020, THROUGH DECEMBER 31, 2020, WHICH SHALL BE ADDITIONAL PANDEMIC PAY; TO AMEND SECTIONS 23-15-227 AND 23-15-229, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADDITIONAL PER DIEM FOR COUNTY AND MUNICIPAL POLL MANAGERS FOR ANY ELECTION OCCURRING FROM JULY 1, 2020, THROUGH DECEMBER 31, 2020, WHICH SHALL BE ADDITIONAL PANDEMIC PAY AND TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE NECESSARY REGULATIONS TO ENSURE THE SAFETY OF POLL WORKERS AND ELECTORS DURING A COVID-19 EMERGENCY; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-153, Mississippi Code of 1972, is amended as follows:

23-15-153. (1) At least during the following times, the election commissioners shall meet at the office of the registrar or the office of the election commissioners to carefully revise the county voter roll as electronically maintained by the Statewide Elections Management System and remove from the roll the names of all voters who have requested to be purged from the voter roll, died, received an adjudication of non compos mentis, been...
convicted of a disenfranchising crime, or otherwise become
disqualified as electors for any cause, and shall register the
names of all persons who have duly applied to be registered but
have been illegally denied registration:

(a) On the Tuesday after the second Monday in January
1987 and every following year;
(b) On the first Tuesday in the month immediately
preceding the first primary election for members of Congress in
the years when members of Congress are elected;
(c) On the first Monday in the month immediately
preceding the first primary election for state, state district
legislative, county and county district offices in the years in
which those offices are elected; and
(d) On the second Monday of September preceding the
general election or regular special election day in years in which
a general election is not conducted.

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

(2) Except as provided in this section, and subject to the following annual limitations, the election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System as required in subsection (1) of this section:

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

(b) In counties having fifteen thousand (15,000) residents according to the latest federal decennial census but less than thirty thousand (30,000) residents according to the latest federal decennial census, not more than seventy-five (75) days per year, with no more than twenty-five (25) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
(c) In counties having thirty thousand (30,000) residents according to the latest federal decennial census but less than seventy thousand (70,000) residents according to the latest federal decennial census, not more than one hundred (100) days per year, with no more than thirty-five (35) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

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

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

(g) In counties having two hundred thousand (200,000) residents according to the latest federal decennial census but less than two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census, not more than one hundred ninety (190) days per year, with no more than seventy-five (75) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

(i) In counties having two hundred fifty thousand (250,000) residents according to the latest federal decennial census but less than two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census, not more than two hundred thirty (230) days per year, with no more than ninety-five (95) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;
(j) In counties having two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census or more, not more than two hundred forty (240) days per year, with no more than one hundred five (105) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year.

(3) In addition to the number of days authorized in subsection (2) of this section, the board of supervisors of a county may authorize, in its discretion, the election commissioners to receive a per diem in the amount provided for in subsection (2) of this section, to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System as required in subsection (1) of this section, not to exceed five (5) days.

(4) (a) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), to be paid from the county general fund, not to exceed ten (10) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the
revision of the county voter roll as electronically maintained by
the Statewide Elections Management System before any special
election. For purposes of this paragraph, the regular special
election day shall not be considered a special election. The
annual limitations set forth in subsection (2) of this section
shall not apply to this paragraph.

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

(c) The board of supervisors may, in its discretion, pay the election commissioners an additional amount not to exceed Fifty Dollars ($50.00) for the performance of their duties at any election occurring from July 1, 2020, through December 31, 2020, which shall be considered additional pandemic pay. Such compensation shall be payable out of the county general fund, and may be payable from federal funds available for such purpose, or a combination of both funding sources.

(5) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars ($100.00), to be paid from the county general fund, not to exceed fourteen (14) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the
performance of their duties for the necessary time spent in the
revision of the county voter roll as electronically maintained by
the Statewide Elections Management System and in the conduct of a
runoff election following either a general or special election.

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

(7) In preparation for a municipal primary, runoff, general
or special election, the county registrar shall generate and
distribute the master voter roll and pollbooks from the Statewide
Elections Management System for the municipality located within
the county. The municipality shall pay the county registrar for
the actual cost of preparing and printing the municipal master
voter roll pollbooks. A municipality may secure "read only"
access to the Statewide Elections Management System and print its
own pollbooks using this information.

(8) County election commissioners who perform the duties of
an executive committee with regard to the conduct of a primary
election under a written agreement authorized by law to be entered
into with an executive committee shall receive per diem as
provided for in subsection (2) of this section. The days that
county election commissioners are employed in the conduct of a
primary election shall be treated the same as days county election
commissioners are employed in the conduct of other elections.
(9) In addition to any per diem authorized by this section, any election commissioner shall be entitled to the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel on election day.

(10) Every election commissioner shall sign personally a certification setting forth the number of hours actually worked in the performance of the commissioner's official duties and for which the commissioner seeks compensation. The certification must be on a form as prescribed in this subsection. The commissioner's signature is, as a matter of law, made under the commissioner's oath of office and under penalties of perjury.

The certification form shall be as follows:

<table>
<thead>
<tr>
<th>COUNTY ELECT</th>
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<tbody>
<tr>
<td>PER DIEM CLAIM FORM</td>
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<td>NAME: ____________________________    COUNTY: ______________</td>
<td></td>
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<tr>
<td>ADDRESS: _________________________    DISTRICT: _____________</td>
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<td>CITY: ______________  ZIP: ________</td>
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<td>PURPOSE APPLICABLE ACTUAL PER DIEM</td>
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<td>DATE BEGINNING ENDING OF MS CODE HOURS DAYS</td>
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<td>WORKED TIME TIME WORK SECTION WORKED EARNED</td>
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<td>TOTAL NUMBER OF PER DIEM DAYS EARNED</td>
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<td>EXCLUDING ELECTION DAYS</td>
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<td>_______</td>
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</table>
PER DIEM RATE PER DAY EARNED X $100.00

TOTAL NUMBER PER DIEM DAYS EARNED

FOR ELECTION DAYS

PER DIEM RATE PER DAY EARNED X $150.00

TOTAL AMOUNT OF PER DIEM CLAIMED $_____

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

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

Signed this the ____ day of ______________, ___.

________________________

Commissioner's Signature

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

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

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

(11) Any election commissioner who has not received a
certificate issued by the Secretary of State pursuant to Section
23-15-211 indicating that the election commissioner has received
the required elections seminar instruction and that the election
commissioner is fully qualified to conduct an election, shall not
receive any compensation authorized by this section or Section
23-15-239.
SECTION 2. Section 23-15-227, Mississippi Code of 1972, is amended as follows:

23-15-227. (1) The poll managers shall be each entitled to Seventy-five Dollars ($75.00) for each election; however, the board of supervisors may, in its discretion, pay the poll managers an additional amount not to exceed Fifty Dollars ($50.00) per election.

(2) The board of supervisors may, in its discretion, pay the poll managers an additional amount not to exceed Fifty Dollars ($50.00) per any election occurring from July 1, 2020, through December 31, 2020, which shall be considered additional pandemic pay.

(* * *) The poll manager who shall carry to the place of voting, away from the courthouse, the official ballots, ballot boxes, pollbooks and other necessities, shall be allowed Ten Dollars ($10.00) for each voting precinct for so doing. The poll manager who acts as returning officer shall be allowed Ten Dollars ($10.00) for each voting precinct for that service. If a person who performs the duties described in this subsection uses a privately owned motor vehicle to perform them, he or she shall receive for each mile actually and necessarily traveled in excess of ten (10) miles, the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel.
The compensation authorized in this section shall be allowed by the board of supervisors, and shall be payable out of the county treasury; provided, however, that any compensation for additional pandemic pay due to a public health emergency may be payable from federal funds available for such purpose, or a combination of both county and federal funding sources.

The compensation provided in this section shall constitute payment in full for the services rendered by the persons named for any election, whether there be one (1) election or issue voted upon, or more than one (1) election or issue voted upon at the same time.

The Secretary of State shall promulgate rules and regulations as are necessary to ensure the safety of poll managers, election commissioners, electors and their families at the voting precincts during a COVID-19 public health risk or other public health risk declared by the Governor where the appearance of such persons may result in exposure to such risk or the exposure of other persons to such risk.

SECTION 3. Section 23-15-229, Mississippi Code of 1972, is amended as follows:

23-15-229. The compensation for poll managers and other workers in the polling places of a municipality shall be the same as the compensation paid by the county for those services; provided, however, that the governing authorities of a municipality shall not be required to pay any additional
compensation authorized by the board of supervisors. The
governing authorities of a municipality may, in their discretion, 
pay clerks and poll managers in the polling places of the 
municipality an additional amount of compensation not to exceed 
Fifty Dollars ($50.00) per election and may pay clerks and poll 
managers in the polling places of the municipality an additional 
amount of compensation not to exceed Fifty Dollars ($50.00) per 
any election which occurs from July 1, 2020, through December 31, 
2020, which shall be considered additional pandemic pay. Such 
compensation shall be payable out of the county general fund, and 
may be payable from federal funds available for such purpose, or a 
combination of both funding sources.

SECTION 4. This act shall take effect and be in force from 
and after July 1, 2020.