

## Senate Amendments to House Bill No. 824

TO THE CLERK OF THE HOUSE:

THIS IS TO INFORM YOU THAT THE SENATE HAS ADOPTED THE AMENDMENTS SET OUT BELOW:

### AMENDMENT NO. 1

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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

17           23-15-153. (1) At least during the following times, the  
18 election commissioners shall meet at the office of the registrar  
19 or the office of the election commissioners to carefully revise  
20 the county voter roll as electronically maintained by the  
21 Statewide Elections Management System and remove from the roll the  
22 names of all voters who have requested to be purged from the voter  
23 roll, died, received an adjudication of non compos mentis, been  
24 convicted of a disenfranchising crime, or otherwise become  
25 disqualified as electors for any cause, and shall register the  
26 names of all persons who have duly applied to be registered but  
27 have been illegally denied registration:

28           (a) On the Tuesday after the second Monday in January  
29 1987 and every following year;

30           (b) On the first Tuesday in the month immediately  
31 preceding the first primary election for members of Congress in  
32 the years when members of Congress are elected;

33           (c) On the first Monday in the month immediately  
34 preceding the first primary election for state, state district  
35 legislative, county and county district offices in the years in  
36 which those offices are elected; and

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

40           Except for the names of those voters who are duly qualified  
41 to vote in the election, no name shall be permitted to remain in  
42 the Statewide Elections Management System; however, no name shall  
43 be purged from the Statewide Elections Management System based on  
44 a change in the residence of an elector except in accordance with  
45 procedures provided for by the National Voter Registration Act of  
46 1993. Except as otherwise provided by Section 23-15-573, no  
47 person shall vote at any election whose name is not in the county  
48 voter roll electronically maintained by the Statewide Elections  
49 Management System.

50           (2) Except as provided in this section, and subject to the  
51 following annual limitations, the election commissioners shall be  
52 entitled to receive a per diem in the amount of One Hundred  
53 Dollars (\$100.00), to be paid from the county general fund, for  
54 every day or period of no less than five (5) hours accumulated  
55 over two (2) or more days actually employed in the performance of

56 their duties in the conduct of an election or actually employed in  
57 the performance of their duties for the necessary time spent in  
58 the revision of the county voter roll as electronically maintained  
59 by the Statewide Elections Management System as required in  
60 subsection (1) of this section:

61           (a) In counties having less than fifteen thousand  
62 (15,000) residents according to the latest federal decennial  
63 census, not more than fifty (50) days per year, with no more than  
64 fifteen (15) additional days allowed for the conduct of each  
65 election in excess of one (1) occurring in any calendar year;

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

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

80           (d) In counties having seventy thousand (70,000)  
81 residents according to the latest federal decennial census but

82 less than ninety thousand (90,000) residents according to the  
83 latest federal decennial census, not more than one hundred  
84 twenty-five (125) days per year, with no more than forty-five (45)  
85 additional days allowed for the conduct of each election in excess  
86 of one (1) occurring in any calendar year;

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

94 (f) In counties having one hundred seventy thousand  
95 (170,000) residents according to the latest federal decennial  
96 census but less than two hundred thousand (200,000) residents  
97 according to the latest federal decennial census, not more than  
98 one hundred seventy-five (175) days per year, with no more than  
99 sixty-five (65) additional days allowed for the conduct of each  
100 election in excess of one (1) occurring in any calendar year;

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

108           (h) In counties having two hundred twenty-five thousand  
109 (225,000) residents according to the latest federal decennial  
110 census but less than two hundred fifty thousand (250,000)  
111 residents according to the latest federal decennial census, not  
112 more than two hundred fifteen (215) days per year, with no more  
113 than eighty-five (85) additional days allowed for the conduct of  
114 each election in excess of one (1) occurring in any calendar year;

115           (i) In counties having two hundred fifty thousand  
116 (250,000) residents according to the latest federal decennial  
117 census but less than two hundred seventy-five thousand (275,000)  
118 residents according to the latest federal decennial census, not  
119 more than two hundred thirty (230) days per year, with no more  
120 than ninety-five (95) additional days allowed for the conduct of  
121 each election in excess of one (1) occurring in any calendar year;

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

128           (3) In addition to the number of days authorized in  
129 subsection (2) of this section, the board of supervisors of a  
130 county may authorize, in its discretion, the election  
131 commissioners to receive a per diem in the amount provided for in  
132 subsection (2) of this section, to be paid from the county general  
133 fund, for every day or period of no less than five (5) hours

134 accumulated over two (2) or more days actually employed in the  
135 performance of their duties in the conduct of an election or  
136 actually employed in the performance of their duties for the  
137 necessary time spent in the revision of the county voter roll as  
138 electronically maintained by the Statewide Elections Management  
139 System as required in subsection (1) of this section, \* \* \* not to  
140 exceed five (5) days.

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

153 (b) The election commissioners shall be entitled to  
154 receive a per diem in the amount of One Hundred Fifty Dollars  
155 (\$150.00), to be paid from the county general fund, for the  
156 performance of their duties on the day of any primary, runoff,  
157 general or special election. The annual limitations set forth in  
158 subsection (2) of this section shall apply to this paragraph.

159           (c) The board of supervisors may, in its discretion,  
160 pay the election commissioners an additional amount not to exceed  
161 Fifty Dollars (\$50.00) for the performance of their duties at any  
162 election which occurs during a COVID-19 public health risk or  
163 other public health risk declared by the Governor which shall be  
164 considered additional pandemic pay. Such compensation shall be  
165 payable out of the county general fund, and may be payable from  
166 federal funds available for such purpose, or a combination of both  
167 funding sources.

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

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

181           (7) In preparation for a municipal primary, runoff, general  
182 or special election, the county registrar shall generate and  
183 distribute the master voter roll and pollbooks from the Statewide  
184 Elections Management System for the municipality located within

185 the county. The municipality shall pay the county registrar for  
186 the actual cost of preparing and printing the municipal master  
187 voter roll pollbooks. A municipality may secure "read only"  
188 access to the Statewide Elections Management System and print its  
189 own pollbooks using this information.

190 (8) County election commissioners who perform the duties of  
191 an executive committee with regard to the conduct of a primary  
192 election under a written agreement authorized by law to be entered  
193 into with an executive committee shall receive per diem as  
194 provided for in subsection (2) of this section. The days that  
195 county election commissioners are employed in the conduct of a  
196 primary election shall be treated the same as days county election  
197 commissioners are employed in the conduct of other elections.

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

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

209 The certification form shall be as follows:

210 **COUNTY ELECTION COMMISSIONER**



211

**PER DIEM CLAIM FORM**

212 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

213 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

214 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

215				PURPOSE	APPLICABLE	ACTUAL	PER DIEM
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216	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
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217	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED
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218 \_\_\_\_\_

219 \_\_\_\_\_

220 \_\_\_\_\_

221 TOTAL NUMBER OF PER DIEM DAYS EARNED

222 EXCLUDING ELECTION DAYS \_\_\_\_\_

223 PER DIEM RATE PER DAY EARNED X \$100.00

224 TOTAL NUMBER PER DIEM DAYS EARNED

225 FOR ELECTION DAYS \_\_\_\_\_

226 PER DIEM RATE PER DAY EARNED X \$150.00

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

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

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

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

234 \_\_\_\_\_

235 Commissioner's Signature

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

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

256           Any contestor who successfully contests any certification  
257 will be awarded all expenses incident to his or her contest,  
258 together with reasonable attorney's fees, which will be awarded  
259 upon petition to the chancery court of the involved county upon  
260 final disposition of the contest before the election commission,  
261 board of supervisors, clerk of the board of supervisors, or, in

262 case of an appeal, final disposition by the court. The  
263 commissioner against whom the contest is decided shall be liable  
264 for the payment of the expenses and attorney's fees, and the  
265 county shall be jointly and severally liable for same.

266 (11) Any election commissioner who has not received a  
267 certificate issued by the Secretary of State pursuant to Section  
268 23-15-211 indicating that the election commissioner has received  
269 the required elections seminar instruction and that the election  
270 commissioner is fully qualified to conduct an election, shall not  
271 receive any compensation authorized by this section or Section  
272 23-15-239.

273 **SECTION 2.** Section 23-15-227, Mississippi Code of 1972, is  
274 amended as follows:

275 23-15-227. (1) The poll managers shall be each entitled to  
276 Seventy-five Dollars (\$75.00) for each election; however, the  
277 board of supervisors may, in its discretion, pay the poll managers  
278 an additional amount not to exceed Fifty Dollars (\$50.00) per  
279 election.

280 (2) The board of supervisors may, in its discretion, pay the  
281 poll managers an additional amount not to exceed Fifty Dollars  
282 (\$50.00) per any election which occurs during a COVID-19 public  
283 health risk or any other public health risk declared by the  
284 Governor which shall be considered additional pandemic pay.

285 ( \* \* \*3) The poll manager who shall carry to the place of  
286 voting, away from the courthouse, the official ballots, ballot  
287 boxes, pollbooks and other necessities, shall be allowed Ten

288 Dollars (\$10.00) for each voting precinct for so doing. The poll  
289 manager who acts as returning officer shall be allowed Ten Dollars  
290 (\$10.00) for each voting precinct for that service. If a person  
291 who performs the duties described in this subsection uses a  
292 privately owned motor vehicle to perform them, he or she shall  
293 receive for each mile actually and necessarily traveled in excess  
294 of ten (10) miles, the mileage reimbursement rate allowable to  
295 federal employees for the use of a privately owned vehicle while  
296 on official travel.

297 ( \* \* \*4) The compensation authorized in this section shall  
298 be allowed by the board of supervisors, and shall be payable out  
299 of the county treasury; provided, however, that any compensation  
300 for additional pandemic pay due to a public health emergency may  
301 be payable from federal funds available for such purpose, or a  
302 combination of both county and federal funding sources.

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

308 (6) The Secretary of State shall promulgate rules and  
309 regulations as are necessary to ensure the safety of poll  
310 managers, election commissioners, electors and their families at  
311 the voting precincts during a COVID-19 public health risk or other  
312 public health risk declared by the Governor where the appearance

313 of such persons may result in exposure to such risk or the  
314 exposure of other persons to such risk.

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

317         23-15-229. The compensation for poll managers and other  
318 workers in the polling places of a municipality shall be the same  
319 as the compensation paid by the county for those services;  
320 provided, however, that the governing authorities of a  
321 municipality shall not be required to pay any additional  
322 compensation authorized by the board of supervisors. The  
323 governing authorities of a municipality may, in their discretion,  
324 pay clerks and poll managers in the polling places of the  
325 municipality an additional amount of compensation not to exceed  
326 Fifty Dollars (\$50.00) per election and may pay clerks and poll  
327 managers in the polling places of the municipality an additional  
328 amount of compensation not to exceed Fifty Dollars (\$50.00) per  
329 any election which occurs during a COVID-19 public health risk or  
330 any other public health risk declared by the Governor which shall  
331 be considered additional pandemic pay. Such compensation shall be  
332 payable out of the county general fund, and may be payable from  
333 federal funds available for such purpose, or a combination of both  
334 funding sources.

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

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1           AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE A PER DIEM IN THE AMOUNT OF \$150.00 TO ELECTION  
3 COMMISSIONERS FOR THE PERFORMANCE OF THEIR DUTIES ON THE DAY OF  
4 ANY PRIMARY OR RUNOFF ELECTION IN ADDITION TO ANY GENERAL OR  
5 SPECIAL ELECTION AND TO AUTHORIZE AN ADDITIONAL PER DIEM FOR  
6 ELECTION COMMISSIONERS FOR ANY ELECTION OCCURRING DURING A  
7 COVID-19 OR OTHER PUBLIC HEALTH EMERGENCY; TO AMEND SECTIONS  
8 23-15-227 AND 23-15-229, MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN  
9 ADDITIONAL PER DIEM FOR COUNTY AND MUNICIPAL POLL MANAGERS FOR ANY  
10 ELECTION OCCURRING DURING A COVID-19 OR OTHER PUBLIC HEALTH  
11 EMERGENCY AND TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE  
12 NECESSARY REGULATIONS TO ENSURE THE SAFETY OF POLL WORKERS AND  
13 ELECTORS DURING SUCH EMERGENCY; AND FOR RELATED PURPOSES.

SS26\HB824A.2J

Eugene S. Clarke  
Secretary of the Senate