

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 824

BY: Committee

**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: _____

	PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

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.

