

By: Representative Scott

To: Apportionment and
Elections

HOUSE BILL NO. 983

1 AN ACT TO PROVIDE THAT A QUALIFIED ELECTOR WHO WISHES TO
 2 REGISTER TO VOTE MAY REGISTER ON THE DAY OF THE ELECTION AND THEN
 3 PROCEED TO CAST HIS OR HER VOTE AT THE PROPER POLLING PLACE; TO
 4 PROVIDE THE LOCATION TO CONDUCT THE REGISTRATION ON ELECTION DAY;
 5 TO PROVIDE THE IDENTIFICATION REQUIRED TO BE PRESENTED IN ORDER TO
 6 REGISTER TO VOTE ON ELECTION DAY; TO PROVIDE THE PROCEDURES THAT
 7 POLL MANAGERS SHALL IMPLEMENT WHEN A PERSON REGISTERS TO VOTE ON
 8 ELECTION DAY; TO PROVIDE THAT ELECTION DAY REGISTRATION BALLOTS
 9 SHALL BE TREATED THE SAME AS ABSENTEE BALLOTS FOR CERTAIN
 10 PURPOSES; TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE THE
 11 NECESSARY RULES AND REGULATIONS TO EFFECTUATE SAME DAY VOTER
 12 REGISTRATION; TO AMEND SECTIONS 23-15-11, 23-15-13, 23-15-35,
 13 23-15-37, 23-15-39, 23-15-41 AND 23-15-125, MISSISSIPPI CODE OF
 14 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO BRING FORWARD
 15 SECTION 23-15-153, MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF
 16 POSSIBLE AMENDMENT; AND FOR RELATED PURPOSES.

17 WHEREAS, according to the National Conference of State
 18 Legislators (NCSL), as of 2020, a total of twenty-one (21) states
 19 and the District of Columbia have enacted same day voter
 20 registration, which allows any qualified resident of the state to
 21 go to register to vote and cast a ballot all in that same day; and

22 WHEREAS, based on research from the NCSL, there is strong
 23 evidence that same day voter registration increases voter turnout,
 24 and same day voter registration states tend to outperform other
 25 states in terms of turnout percentages; and



26 WHEREAS, according to NCSL, all states that implement same
27 day voter registration employ various measures to ensure the
28 security of same day voter registration in order to uphold the
29 integrity of the election; NOW, THEREFORE,

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

31 **SECTION 1.** (1) Notwithstanding any other provision of law
32 to the contrary, a qualified elector who wishes to register to
33 vote may register on the day of the election and then proceed to
34 cast his or her vote at the proper polling place.

35 (2) The election commissioners of each county may designate
36 a location for the completion and processing of election day
37 registration applications through the Statewide Elections
38 Management System. The election commissioners shall be authorized
39 to appoint one or more additional poll managers to serve at the
40 designated location and accept and process registration
41 applications. The election commissioners shall supervise such
42 poll managers and train them as necessary for the registration of
43 voters as otherwise provided by law. Such additional poll
44 managers shall be compensated as otherwise provided by law.

45 (3) (a) Any person applying to register on election day
46 under the provisions of this section shall appear in person at a
47 location designated by the election commissioners for election day
48 registration and declare under oath that the person has not
49 previously voted in the election.



50 (b) Such applicant shall present the photo
51 identification required in Section 23-15-563 to the poll managers
52 at the location. If this identification does not include proof of
53 the applicant's residential address, the applicant shall also
54 submit identification that shows the applicant's bona fide
55 residence address, including, but not limited to, a utility bill
56 that has the applicant's name and current address and that has a
57 due date that is not later than thirty (30) days after the
58 election.

59 (c) If the poll managers determine that an applicant
60 has satisfied all of the provisions of this section and Section
61 23-15-11, the election commissioners shall check the Statewide
62 Elections Management System before entering such applicant as an
63 elector.

64 (d) If the poll managers determine that the applicant
65 has satisfied all of the provisions of this section and Section
66 23-15-11, and the applicant is not already registered as an
67 elector as determined by the Statewide Elections Management
68 System, the poll managers shall admit the applicant as a qualified
69 elector and all of the privileges of a qualified elector shall
70 attach immediately.

71 (e) (i) If a qualified elector registers to vote on
72 election day as provided in this section, the poll managers shall
73 provide the elector an election day registration ballot and an
74 election day registration envelope and make a record of such



75 issuance. The ballot shall be clearly marked that it is an
76 election day registration ballot and shall be in the same form as
77 other ballots for the election and the back of the election day
78 registration envelope shall be imprinted with an affirmation that
79 the elector shall declare under oath that he or she has not
80 previously voted in the election. The affirmation shall be in the
81 form substantially as follows and signed by the elector:

82 "AFFIRMATION

83 I, the undersigned, do hereby state, under penalty of false
84 statement, (perjury) that:

85 1. I am the person admitted here as an elector in the
86 precinct indicated.

87 2. I am eligible to vote in the election indicated for
88 today in the precinct indicated.

89 3. The information I have presented as identification is
90 correct and complete.

91 4. I reside at the address that I have given to the poll
92 managers.

93 5. If previously registered at another location, I have
94 provided such address to the poll managers and hereby request
95 cancellation of such prior registration.

96 6. I have not voted in person or by absentee ballot and
97 I will not vote otherwise than by this ballot at this election.



123 class mail with instructions on the envelope that it be returned
124 if not deliverable at the address shown on the envelope.

125 (6) Notwithstanding the provisions of any laws or parts of
126 laws in conflict with this section, the provisions of this section
127 shall be controlling to the extent of the conflict.

128 (7) The Secretary of State shall promulgate rules and
129 regulations necessary to effectuate same day voter registration,
130 including measures to inform the public about the availability of
131 same day voter registration.

132 **SECTION 2.** Section 23-15-11, Mississippi Code of 1972, is
133 amended as follows:

134 23-15-11. Every inhabitant of this state, except persons
135 adjudicated to be non compos mentis, who is a citizen of the
136 United States of America, eighteen (18) years old and upwards, who
137 has resided in this state for thirty (30) days and for thirty (30)
138 days in the county in which he or she seeks to vote, and for
139 thirty (30) days in the incorporated municipality in which he or
140 she seeks to vote, and who has been duly registered as an elector
141 under Section 23-15-33, and who has never been convicted of vote
142 fraud or of any crime listed in Section 241, Mississippi
143 Constitution of 1890, shall be a qualified elector in and for the
144 county, municipality and voting precinct of his or her residence,
145 and shall be entitled to vote at any election upon compliance with
146 Section 23-15-563. * * * Except as otherwise provided in Section
147 1 of this act, any person who will be eighteen (18) years of age



148 or older on or before the date of the general election and who is
149 duly registered to vote not less than thirty (30) days before the
150 primary election associated with the general election, may vote in
151 the primary election even though the person has not reached his or
152 her eighteenth birthday at the time that the person seeks to vote
153 at the primary election. Except as otherwise provided in Section
154 1 of this act, no others than those specified in this section
155 shall be entitled, or shall be allowed, to vote at any election.

156 **SECTION 3.** Section 23-15-13, Mississippi Code of 1972, is
157 amended as follows:

158 23-15-13. (1) An elector who moves from one (1) ward or
159 voting precinct to another ward within the same municipality or
160 voting precinct within the same county shall not be disqualified
161 to vote, but he or she shall be entitled to have his or her
162 registration transferred to his or her new ward or voting precinct
163 upon making written request therefor at any time up to * * * the
164 day of the election at which he or she offers to vote * * *.

165 * * *

166 (2) If an elector requests a change in his or her address
167 under Section 23-15-49 and the address is located in a precinct in
168 the county or municipality that differs from the precinct as
169 reflected in the then current registration records, the request
170 shall be treated in the same manner as a written request to
171 transfer the elector's registration under subsection (1) of this
172 section.



173 **SECTION 4.** Section 23-15-35, Mississippi Code of 1972, is
174 amended as follows:

175 23-15-35. (1) The clerk of the municipality shall be the
176 registrar of voters of the municipality, and shall take the oath
177 of office prescribed by Section 268 of the Constitution. The
178 municipal registration shall conform to the county registration
179 which shall be a part of the official record of registered voters
180 as contained in the Statewide Elections Management System. The
181 municipal clerk shall comply with all the provisions of law
182 regarding the registration of voters, including the use of the
183 voter registration applications used by county registrars and
184 prescribed by the Secretary of State under Sections 23-15-39 and
185 23-15-47 and the provisions of Section 1 of this act.

186 (2) The municipal clerk shall be authorized to register
187 applicants as county electors. The municipal clerk shall forward
188 notice of registration, a copy of the application for
189 registration, and any changes to the registration when they occur,
190 either by certified mail to the county registrar or by personal
191 delivery to the county registrar provided that a numbered receipt
192 is signed by the county registrar in return for the described
193 documents. Upon receipt of the copy of the application for
194 registration or changes to the registration, and if a review of
195 the application indicates that the applicant meets all the
196 criteria necessary to qualify as a county elector, then the county
197 registrar shall make a determination of the county voting precinct



198 in which the person making the application shall be required to
199 vote. The county registrar shall send this county voting precinct
200 information by United States first-class mail, postage prepaid, to
201 the person at the address provided on the application. Any
202 mailing costs incurred by the municipal clerk or the county
203 registrar in effectuating this subsection (2) shall be paid by the
204 county board of supervisors. If a review of the copy of the
205 application for registration or changes to the registration
206 indicates that the applicant is not qualified to vote in the
207 county, the county registrar shall challenge the application. The
208 county election commissioners shall review any challenge or
209 disqualification, after having notified the applicant by certified
210 mail of the challenge or disqualification.

211 (3) The municipal clerk shall issue to the person making the
212 application a copy of the application and the county registrar
213 shall process the application in accordance with the law regarding
214 the handling of voter registration applications.

215 (4) The receipt of a copy of the application for
216 registration sent pursuant to Section 23-15-39(3) shall be
217 sufficient to allow the applicant to be registered as an elector
218 in the municipality, provided that such application is not
219 challenged as provided for therein.

220 (5) The municipal clerk of each municipality shall provide
221 the county registrar in which the municipality is located the
222 information necessary to conform the municipal registration to the



223 county registration which shall be a part of the official record
224 of registered voters as contained in the Statewide Elections
225 Management System. If any changes to the information occur as a
226 result of redistricting, annexation or other reason, it shall be
227 the responsibility of the municipal clerk to timely provide the
228 changes to the county registrar.

229 **SECTION 5.** Section 23-15-37, Mississippi Code of 1972, is
230 amended as follows:

231 23-15-37. (1) The registrar shall register the electors of
232 his or her county at any time during regular office hours and on
233 election day as provided in Section 1 of this act.

234 (2) The county registrar may keep his or her office open to
235 register voters from 8:00 a.m. until 7:00 p.m., including the noon
236 hour, for the five (5) business days immediately preceding the
237 thirtieth day before any regularly scheduled primary or general
238 election. The county registrar shall also keep his or her office
239 open from 8:00 a.m. until 12:00 noon on the Saturday immediately
240 preceding the thirtieth day before any regularly scheduled primary
241 or general election, unless that Saturday falls on a legal
242 holiday, in which case registration applications submitted on the
243 Monday immediately following the legal holiday shall be accepted
244 and entered in the Statewide Elections Management System for the
245 purpose of enabling such voters to vote in the next primary or
246 general election. Qualified electors shall be allowed to register



247 to vote and cast a ballot on election day as provided in Section 1
248 of this act.

249 (3) The registrar, or any deputy registrar duly appointed by
250 law, may visit and spend such time as he or she may deem necessary
251 at any location in his or her county, selected by the registrar
252 not less than thirty (30) days before an election, for the purpose
253 of registering voters.

254 (4) A person who is physically disabled and unable to visit
255 the office of the registrar to register to vote due to such
256 disability may contact the registrar and request that the
257 registrar or the registrar's deputy visit him or her for the
258 purpose of registering such person to vote. The registrar or the
259 registrar's deputy shall visit that person as soon as possible
260 after such request and provide the person with an application for
261 registration, if necessary. The completed application for
262 registration shall be executed in the presence of the registrar or
263 the registrar's deputy.

264 (5) (a) In the fall and spring of each year the registrar
265 of each county shall furnish all public schools with mail-in voter
266 registration applications. The applications shall be provided in
267 a reasonable time to enable those students who will be eighteen
268 (18) years of age before a general election to be able to vote in
269 the primary and general elections.

270 (b) Each public school district shall permit access to
271 all public schools of this state for the county registrar or the



272 county registrar's deputy to register persons who are eligible to
273 vote and to provide voter education.

274 **SECTION 6.** Section 23-15-39, Mississippi Code of 1972, is
275 amended as follows:

276 23-15-39. (1) (a) Applications for registration as
277 electors of this state, which are sworn to and subscribed before
278 the registrar or deputy registrar authorized by law and which are
279 not made by mail, shall be made upon a form established by rule
280 duly adopted by the Secretary of State.

281 (b) Applications for registration on election day as
282 provided in Section 1 of this act shall be made upon a form
283 established by rule duly adopted by the Secretary of State and as
284 provided in Section 1 of this act.

285 (2) The boards of supervisors shall make proper allowances
286 for office supplies reasonably necessitated by the registration of
287 county electors.

288 (3) If the applicant indicates on the application that he or
289 she resides within the city limits of a city or town in the county
290 of registration, the county registrar shall process the
291 application for registration or changes to the registration as
292 provided by law.

293 (4) If the applicant indicates on the application that he or
294 she has previously registered to vote in another county of this
295 state or another state, notice to the voter's previous county of
296 registration in this state shall be provided by the Statewide



297 Elections Management System. If the voter's previous place of
298 registration was in another state, notice shall be provided to the
299 voter's previous state of residence if the Statewide Elections
300 Management System has that capability.

301 (5) The county registrar shall provide to the person making
302 the application a copy of the application upon which has been
303 written the county voting precinct and municipal voting precinct,
304 if any, in which the person shall vote. Upon entry of the voter
305 registration information into the Statewide Elections Management
306 System, the system shall assign a voter registration number to the
307 person, and the county registrar shall mail the applicant a voter
308 registration card to the mailing address provided on the
309 application.

310 (6) Any person desiring an application for registration may
311 secure an application from the registrar of the county of which he
312 or she is a resident and may take the application with him or her
313 and secure assistance in completing the application from any
314 person of the applicant's choice. It shall be the duty of all
315 registrars to furnish applications for registration to all persons
316 requesting them, and it shall likewise be the registrar's duty to
317 furnish aid and assistance in the completing of the application
318 when requested by an applicant. The application for registration
319 shall be sworn to and subscribed before the registrar or deputy
320 registrar at the municipal clerk's office, the county registrar's
321 office or any other location where the applicant is allowed to



322 register to vote. The registrar shall not charge a fee or cost to
323 the applicant for accepting the application or administering the
324 oath or for any other duty imposed by law regarding the
325 registration of electors.

326 (7) If the person making the application is unable to read
327 or write, for reason of disability or otherwise, he or she shall
328 not be required to personally complete the application in writing
329 and execute the oath. In such cases, the registrar or deputy
330 registrar shall read the application and oath to the person and
331 the person's answers thereto shall be recorded by the registrar or
332 the registrar's deputy. The person shall be registered as an
333 elector if he or she otherwise meets the requirements to be
334 registered as an elector. The registrar shall record the
335 responses of the person and the recorded responses shall be
336 retained permanently by the registrar. The county registrar shall
337 enter the voter registration information into the Statewide
338 Elections Management System and designate the entry as an assisted
339 filing.

340 (8) The receipt of a copy of the application for
341 registration sent pursuant to Section 23-15-35(2) shall be
342 sufficient to allow the applicant to be registered as an elector
343 of this state, if the application is not challenged.

344 (9) In any case in which the corporate boundaries of a
345 municipality change, whether by annexation or redistricting, the
346 municipal clerk shall, within ten (10) days after approval of the



347 change in corporate boundaries, provide to the county registrar
348 conforming geographic data that is compatible with the Statewide
349 Elections Management System. The data shall be developed by the
350 municipality's use of a standardized format specified by the
351 Statewide Elections Management System. The county registrar,
352 county election commissioner or other county official, who has
353 completed an annual training seminar sponsored by the Secretary of
354 State pertaining to the implementation of new boundary lines in
355 the Statewide Elections Management System and received
356 certification for that training, shall update the municipal
357 boundary information into the Statewide Elections Management
358 System. The Statewide Elections Management System updates the
359 municipal voter registration records and assigns electors to their
360 municipal voting precincts. The county registrar shall forward to
361 the municipal clerk written notification of the additions and
362 changes, and the municipal clerk shall forward to the affected
363 municipal electors written notification of the additions and
364 changes.

365 **SECTION 7.** Section 23-15-41, Mississippi Code of 1972, is
366 amended as follows:

367 23-15-41. (1) When an applicant to register to vote has
368 completed the application form as prescribed by administrative
369 rule, the county registrar shall enter the applicant's information
370 into the Statewide Elections Management System where the
371 applicant's status will be marked as "ACTIVE," "PENDING" or



372 "REJECTED," and the applicant shall be entitled to register upon
373 his or her request for registration made in person to the
374 registrar, or deputy registrar if a deputy registrar has been
375 appointed. Except as otherwise provided in Section 1 of this act,
376 no person other than the registrar, or a deputy registrar, shall
377 register any applicant.

378 (2) If an applicant is not qualified to register to vote,
379 then the registrar shall enter the applicant's information into
380 the Statewide Elections Management System and mark the applicant's
381 status as "PENDING" or "REJECTED," with the specific reason or
382 reasons for that status noted. The registrar shall notify the
383 election commission of those applicants rejected.

384 **SECTION 8.** Section 23-15-125, Mississippi Code of 1972, is
385 amended as follows:

386 23-15-125. The pollbook of each voting precinct shall
387 designate the voting precinct for which it is to be used, and
388 shall be ruled in appropriate columns, with printed or written
389 headings, as follows: date of registration; voter registration
390 number; name of electors; date of birth; and a number of blank
391 columns for the dates of elections. All qualified applicants who
392 register with the registrar shall be entered in the Statewide
393 Elections Management System. * * * When county election
394 commissioners determine that any elector is disqualified from
395 voting, by reason of death, conviction of a disenfranchising
396 crime, removal from the jurisdiction, or other legal cause, that



397 fact shall be noted in the Statewide Elections Management System
398 and the voter's name shall be removed from the Statewide Elections
399 Management System, the state's voter roll and the county's
400 pollbooks. Nothing in this section shall preclude the use of
401 electronic pollbooks.

402 **SECTION 9.** Section 23-15-153, Mississippi Code of 1972, is
403 brought forward as follows:

404 23-15-153. (1) At least during the following times, the
405 election commissioners shall meet at the office of the registrar
406 or the office of the election commissioners to carefully revise
407 the county voter roll as electronically maintained by the
408 Statewide Elections Management System and remove from the roll the
409 names of all voters who have requested to be purged from the voter
410 roll, died, received an adjudication of non compos mentis, been
411 convicted of a disenfranchising crime, or otherwise become
412 disqualified as electors for any cause, and shall register the
413 names of all persons who have duly applied to be registered but
414 have been illegally denied registration:

415 (a) On the Tuesday after the second Monday in January
416 1987 and every following year;

417 (b) On the first Tuesday in the month immediately
418 preceding the first primary election for members of Congress in
419 the years when members of Congress are elected;

420 (c) On the first Monday in the month immediately
421 preceding the first primary election for state, state district



422 legislative, county and county district offices in the years in
423 which those offices are elected; and

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

427 Except for the names of those voters who are duly qualified
428 to vote in the election, no name shall be permitted to remain in
429 the Statewide Elections Management System; however, no name shall
430 be purged from the Statewide Elections Management System based on
431 a change in the residence of an elector except in accordance with
432 procedures provided for by the National Voter Registration Act of
433 1993. Except as otherwise provided by Section 23-15-573, no
434 person shall vote at any election whose name is not in the county
435 voter roll electronically maintained by the Statewide Elections
436 Management System.

437 (2) Except as provided in this section, and subject to the
438 following annual limitations, the election commissioners shall be
439 entitled to receive a per diem in the amount of One Hundred
440 Dollars (\$100.00), to be paid from the county general fund, for
441 every day or period of no less than five (5) hours accumulated
442 over two (2) or more days actually employed in the performance of
443 their duties in the conduct of an election or actually employed in
444 the performance of their duties for the necessary time spent in
445 the revision of the county voter roll as electronically maintained



446 by the Statewide Elections Management System as required in
447 subsection (1) of this section:

448 (a) In counties having less than fifteen thousand
449 (15,000) residents according to the latest federal decennial
450 census, not more than fifty (50) days per year, with no more than
451 fifteen (15) additional days allowed for the conduct of each
452 election in excess of one (1) occurring in any calendar year;

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

460 (c) In counties having thirty thousand (30,000)
461 residents according to the latest federal decennial census but
462 less than seventy thousand (70,000) residents according to the
463 latest federal decennial census, not more than one hundred (100)
464 days per year, with no more than thirty-five (35) additional days
465 allowed for the conduct of each election in excess of one (1)
466 occurring in any calendar year;

467 (d) In counties having seventy thousand (70,000)
468 residents according to the latest federal decennial census but
469 less than ninety thousand (90,000) residents according to the
470 latest federal decennial census, not more than one hundred



471 twenty-five (125) days per year, with no more than forty-five (45)
472 additional days allowed for the conduct of each election in excess
473 of one (1) occurring in any calendar year;

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

481 (f) In counties having one hundred seventy thousand
482 (170,000) residents according to the latest federal decennial
483 census but less than two hundred thousand (200,000) residents
484 according to the latest federal decennial census, not more than
485 one hundred seventy-five (175) days per year, with no more than
486 sixty-five (65) additional days allowed for the conduct of each
487 election in excess of one (1) occurring in any calendar year;

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



495 (h) In counties having two hundred twenty-five thousand
496 (225,000) residents according to the latest federal decennial
497 census but less than two hundred fifty thousand (250,000)
498 residents according to the latest federal decennial census, not
499 more than two hundred fifteen (215) days per year, with no more
500 than eighty-five (85) additional days allowed for the conduct of
501 each election in excess of one (1) occurring in any calendar year;

502 (i) In counties having two hundred fifty thousand
503 (250,000) residents according to the latest federal decennial
504 census but less than two hundred seventy-five thousand (275,000)
505 residents according to the latest federal decennial census, not
506 more than two hundred thirty (230) days per year, with no more
507 than ninety-five (95) additional days allowed for the conduct of
508 each election in excess of one (1) occurring in any calendar year;

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

515 (3) In addition to the number of days authorized in
516 subsection (2) of this section, the board of supervisors of a
517 county may authorize, in its discretion, the election
518 commissioners to receive a per diem in the amount provided for in
519 subsection (2) of this section, to be paid from the county general



520 fund, for every day or period of no less than five (5) hours
521 accumulated over two (2) or more days actually employed in the
522 performance of their duties in the conduct of an election or
523 actually employed in the performance of their duties for the
524 necessary time spent in the revision of the county voter roll as
525 electronically maintained by the Statewide Elections Management
526 System as required in subsection (1) of this section, not to
527 exceed five (5) days.

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

540 (b) The election commissioners shall be entitled to
541 receive a per diem in the amount of One Hundred Fifty Dollars
542 (\$150.00), to be paid from the county general fund, for the
543 performance of their duties on the day of any primary, runoff,



544 general or special election. The annual limitations set forth in
545 subsection (2) of this section shall apply to this paragraph.

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

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

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

567 (7) In preparation for a municipal primary, runoff, general
568 or special election, the county registrar shall generate and



569 distribute the master voter roll and pollbooks from the Statewide
570 Elections Management System for the municipality located within
571 the county. The municipality shall pay the county registrar for
572 the actual cost of preparing and printing the municipal master
573 voter roll pollbooks. A municipality may secure "read only"
574 access to the Statewide Elections Management System and print its
575 own pollbooks using this information.

576 (8) County election commissioners who perform the duties of
577 an executive committee with regard to the conduct of a primary
578 election under a written agreement authorized by law to be entered
579 into with an executive committee shall receive per diem as
580 provided for in subsection (2) of this section. The days that
581 county election commissioners are employed in the conduct of a
582 primary election shall be treated the same as days county election
583 commissioners are employed in the conduct of other elections.

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

588 (10) Every election commissioner shall sign personally a
589 certification setting forth the number of hours actually worked in
590 the performance of the commissioner's official duties and for
591 which the commissioner seeks compensation. The certification must
592 be on a form as prescribed in this subsection. The commissioner's



593 signature is, as a matter of law, made under the commissioner's
594 oath of office and under penalties of perjury.

595 The certification form shall be as follows:

596 **COUNTY ELECTION COMMISSIONER**

597 **PER DIEM CLAIM FORM**

598 NAME: _____ COUNTY: _____

599 ADDRESS: _____ DISTRICT: _____

600 CITY: _____ ZIP: _____

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

604 _____
605 _____
606 _____

607 TOTAL NUMBER OF PER DIEM DAYS EARNED

608 EXCLUDING ELECTION DAYS _____

609 PER DIEM RATE PER DAY EARNED X \$100.00

610 TOTAL NUMBER PER DIEM DAYS EARNED

611 FOR ELECTION DAYS _____

612 PER DIEM RATE PER DAY EARNED X \$150.00

613 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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



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

619 Signed this the _____ day of _____, ____.

620 _____

621 Commissioner's Signature

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

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



640 commission, the clerk of the board of supervisors or the board of
641 supervisors, as the case may be.

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

652 (11) Any election commissioner who has not received a
653 certificate issued by the Secretary of State pursuant to Section
654 23-15-211 indicating that the election commissioner has received
655 the required elections seminar instruction and that the election
656 commissioner is fully qualified to conduct an election, shall not
657 receive any compensation authorized by this section or Section
658 23-15-239.

659 **SECTION 10.** Section 1 of this act shall be codified as a new
660 section in Article 3, Chapter 15, Title 23, Mississippi Code of
661 1972.

662 **SECTION 11.** This act shall take effect and be in force from
663 and after July 1, 2021.

