

By: Senator(s) Hopson, Polk, Blackwell,
Simmons (13th), Williams, Tate

To: Appropriations

SENATE BILL NO. 3052
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION TO DEFRAY THE EXPENSES OF THE
2 OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR 2023.

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

4 **SECTION 1.** The following sum, or so much thereof as may be
5 necessary, is hereby appropriated out of any money in the State
6 General Fund not otherwise appropriated, for the support and
7 maintenance of the Secretary of State for the fiscal year
8 beginning July 1, 2022, and ending June 30, 2023...\$12,251,043.00.

9 **SECTION 2.** The following sum, or so much thereof as may be
10 necessary, is hereby authorized for expenditure out of any special
11 source funds which are collected by or otherwise become available
12 for the purpose of defraying the expenses of the Secretary of
13 State for the fiscal year beginning July 1, 2022, and ending
14 June 30, 2023.....\$27,203,069.00.

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

17 AUTHORIZED HEADCOUNT:

18 Permanent: 96



19 Time-Limited: 13

20 With the funds herein appropriated, it shall be the agency's
21 responsibility to make certain that funds required for Personal
22 Services for Fiscal Year 2024 do not exceed Fiscal Year 2023 funds
23 appropriated for that purpose unless programs or positions are
24 added to the agency's Fiscal Year 2023 budget by the Mississippi
25 Legislature. The Legislature shall determine the agency's
26 personal services appropriation, which shall be published by the
27 State Personnel Board. Additionally, the State Personnel Board
28 shall determine and publish the projected annualized payroll costs
29 based on current employees. It shall be the responsibility of the
30 agency head to ensure that actual personnel expenditures for
31 Fiscal Year 2023 do not exceed the data provided by the
32 Legislative Budget Office. If the agency's Fiscal Year 2023
33 projected cost exceeds the annualized costs, no salary actions
34 shall be processed by the State Personnel Board with the exception
35 of new hires that are determined to be essential for the agency.

36 Any transfers or escalations shall be made in accordance with
37 the terms, conditions and procedures established by law or
38 allowable under the terms set forth within this act. The State
39 Personnel Board shall not escalate positions without written
40 approval from the Department of Finance and Administration. The
41 Department of Finance and Administration shall not provide written
42 approval to escalate any funds for salaries and/or positions



43 without proof of availability of new or additional funds above the
44 appropriated level.

45 No General Funds authorized to be expended herein shall be
46 used to replace federal funds and/or other special funds which are
47 being used for salaries authorized under the provisions of this
48 act and which are withdrawn and no longer available.

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

53 Funds have been appropriated herein for the purpose of
54 funding Project SEC2 minimum salaries for all employees covered
55 under the Colonel Guy Groff/Neville Kenning Variable Compensation
56 Plan. It shall be the agency's responsibility to ensure that the
57 funds are used to increase all employees' salaries up to the
58 minimum level as determined by the State Personnel Board.

59 **SECTION 4.** None of the funds appropriated by this act shall
60 be expended for any purpose that is not actually required or
61 necessary for performing any of the powers or duties of the Office
62 of the Secretary of State that are authorized by the Mississippi
63 Constitution of 1890, state or federal law, or rules or
64 regulations that implement state or federal law.

65 **SECTION 5.** No part of the funds appropriated herein shall be
66 used, either directly or indirectly, for the purpose of paying any
67 clerk, stenographer, assistant, deputy, or other person who may be



68 related by blood or marriage within the third degree, computed by
69 the rules of the civil law, to the official employing or having
70 the right of employment or selection thereof; and in the event of
71 any such payment, then the official or person approving and making
72 or receiving such payment shall be jointly and severally liable to
73 return to the State of Mississippi and to pay into the State
74 Treasury three (3) times any such amount so paid or received, to
75 be recovered at suit of the Attorney General; provided that when
76 the relationship is by affinity and the person through whom the
77 relationship was established is dead, this provision shall not
78 apply.

79 **SECTION 6.** Of the funds appropriated in Section 1 of this
80 act, the Secretary of State may use funds appropriated for the
81 purposes of defraying litigation expenses associated with the
82 enforcement of the Mississippi Securities Act, the Regulation of
83 Charitable Solicitations Act, and the administration of the Public
84 Trust.

85 **SECTION 7.** In compliance with the "Mississippi Performance
86 Budget and Strategic Planning Act of 1994," it is the intent of
87 the Legislature that the funds provided herein shall be utilized
88 in the most efficient and effective manner possible to achieve the
89 intended mission of this agency. Based on the funding authorized,
90 this agency shall make every effort to attain the targeted
91 performance measures provided below:

92

FY2023



93	<u>Performance Measures</u>	<u>Target</u>
94	Business Services	
95	Percent of Business Services Customer	
96	Phone Calls Answered	95.00
97	Elections	
98	Number of Poll Workers to Successfully	
99	Complete the Online Training Program	150
100	Number of Voter Registrations Updated on	
101	Secure Online Website	6,400
102	Percent of Poll Workers who Successfully	
103	Complete the Online Poll Manager	
104	Training on Their First Attempt	65.00
105	Publications	
106	Number of Visits to the Secretary of	
107	State's Website	11,700,000
108	Public Lands	
109	Number of Tax-Forfeited Properties Sold	900
110	Support Services	
111	Support Services as a Percent of Total	
112	Agency Expenditures	27.00
113	A reporting of the degree to which the performance targets	
114	set above have been or are being achieved shall be provided in the	
115	agency's budget request submitted to the Joint Legislative Budget	
116	Committee for Fiscal Year 2024.	



117 **SECTION 8.** Of the funds appropriated in Section 1 of this
118 act, no more than Five Hundred Thousand Dollars (\$500,000.00) is
119 provided for paying principal and interest on bond issues for
120 county voting systems.

121 **SECTION 9.** Of the funds appropriated in Section 2 of this
122 act, One Million Seven Hundred Fifty Thousand Dollars
123 (\$1,750,000.00), or so much thereof as may be necessary, is
124 appropriated out of any money in the State Treasury to the credit
125 of the Land Records Maintenance Fund, for the purpose of making
126 distributions to local governments for taxes owed during the
127 fiscal year.

128 **SECTION 10.** Of the funds appropriated in Section 2 of this
129 act, Four Million Two Hundred Fifty Thousand Dollars
130 (\$4,250,000.00), or so much thereof as may be necessary, is
131 appropriated out of any money in the State Treasury to the credit
132 of the Elections Support Fund, for the purpose of acquiring,
133 upgrading, maintaining, or repairing voting equipment, systems,
134 and supplies, hiring temporary technical support, conducting
135 elections using such voting equipment or systems and training
136 election officials during the fiscal year.

137 **SECTION 11.** Of the funds appropriated in Section 2 of this
138 act, Eleven Million Four Hundred Fifty-five Thousand Two Hundred
139 Forty-seven Dollars (\$11,455,247.00), or so much thereof as may be
140 necessary, is appropriated out of any money in the State Treasury
141 to the credit of the Public Trust Tidelands Fund, and is



142 authorized to be transferred by the Secretary of State to the
143 Mississippi Department of Marine Resources.

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

152 **SECTION 13.** Of the funds appropriated in Section 2 of this
153 act, Eight Million Seven Hundred Eighty Thousand Dollars
154 (\$8,780,000.00), or so much thereof, shall be derived out of any
155 money in the State Treasury to the credit of the Capital Expense
156 Fund, as created in Section 27-103-303, Mississippi Code of 1972,
157 and allocated in a manner as determined by the Treasurer's Office.
158 These funds are provided to the Mississippi Secretary of State for
159 the purpose of reimbursing counties or disbursing funds to
160 counties for the purchase of modern voting systems, as prescribed
161 in the Mississippi Voting Modernization Act, Senate Bill 2879,
162 2022 Regular Session.

163 **SECTION 14.** The money herein appropriated shall be paid by
164 the State Treasurer out of any money in the State Treasury to the
165 credit of the proper fund or funds as set forth in this act, upon
166 warrants issued by the State Fiscal Officer; and the State Fiscal



167 Officer shall issue his warrants upon requisitions signed by the
168 proper person, officer or officers in the manner provided by law.

169 **SECTION 15.** This act shall take effect and be in force from
170 and after July 1, 2022.

