

By: Senator(s) Tate, Butler (38th)

To: Elections

SENATE BILL NO. 2353

1 AN ACT TO AMEND SECTIONS 23-15-227 AND 23-15-229, MISSISSIPPI
 2 CODE OF 1972, TO INCREASE THE MAXIMUM COMPENSATION POLL WORKERS
 3 AND BALLOT CARRIERS CAN RECEIVE ON ELECTION DAY; TO AMEND SECTION
 4 23-15-239, MISSISSIPPI CODE OF 1972, TO ALLOW LOCAL GOVERNING
 5 AUTHORITIES TO PROVIDE ANY FAIR AND REASONABLE VALUE OF
 6 COMPENSATION THAT SURPASSES THE FEDERAL HOURLY MINIMUM WAGE TO
 7 POLL WORKERS FOR ATTENDING REQUIRED TRAINING; AND FOR RELATED
 8 PURPOSES.

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

10 **SECTION 1.** Section 23-15-227, Mississippi Code of 1972, is
 11 amended as follows:

12 23-15-227. (1) The poll managers shall be each entitled to
 13 Seventy-five Dollars (\$75.00) for each election; however, the
 14 board of supervisors may, in its discretion, pay the poll managers
 15 an additional amount not to exceed * * * One Hundred Twenty-five
 16 Dollars (\$125.00) per election.

17 (2) The board of supervisors may, in its discretion, pay the
 18 poll managers an additional amount not to exceed Fifty Dollars
 19 (\$50.00) per any election occurring from July 1, 2020, through
 20 December 31, 2020, which shall be considered additional pandemic
 21 pay.



22 (3) The poll manager who shall carry to the place of voting,
23 away from the courthouse, the official ballots, ballot boxes,
24 pollbooks and other necessities, shall be allowed * * * up to
25 Twenty-five Dollars (\$25.00) for each voting precinct for so
26 doing. The poll manager who acts as returning officer shall be
27 allowed * * * up to Twenty-five Dollars (\$25.00) for each voting
28 precinct for that service. If a person who performs the duties
29 described in this subsection uses a privately owned motor vehicle
30 to perform them, he or she shall receive for each mile actually
31 and necessarily traveled in excess of ten (10) miles, the mileage
32 reimbursement rate allowable to federal employees for the use of a
33 privately owned vehicle while on official travel.

34 (4) The compensation authorized in this section shall be
35 allowed by the board of supervisors, and shall be payable out of
36 the county treasury; provided, however, that any compensation for
37 additional pandemic pay due to a public health emergency may be
38 payable from federal funds available for such purpose, or a
39 combination of both county and federal funding sources.

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

45 (6) The Secretary of State shall promulgate rules and
46 regulations as are necessary to ensure the safety of poll



47 managers, election commissioners, electors and their families at
48 the voting precincts during a COVID-19 public health risk or other
49 public health risk declared by the Governor where the appearance
50 of such persons may result in exposure to such risk or the
51 exposure of other persons to such risk.

52 **SECTION 2.** Section 23-15-229, Mississippi Code of 1972, is
53 amended as follows:

54 23-15-229. The compensation for poll managers and other
55 workers in the polling places of a municipality shall be the same
56 as the compensation paid by the county for those services;
57 provided, however, that the governing authorities of a
58 municipality shall not be required to pay any additional
59 compensation authorized by the board of supervisors. The
60 governing authorities of a municipality may, in their discretion,
61 pay clerks and poll managers in the polling places of the
62 municipality an additional amount of compensation not to exceed
63 Fifty Dollars (\$50.00) per election and may pay clerks and poll
64 managers in the polling places of the municipality an additional
65 amount of compensation not to exceed * * * One Hundred Twenty-five
66 Dollars (\$125.00) per any election which occurs from July 1, 2020,
67 through December 31, 2020, which shall be considered additional
68 pandemic pay. Such compensation shall be payable out of the
69 county general fund, and may be payable from federal funds
70 available for such purpose, or a combination of both funding
71 sources.



72 **SECTION 3.** Section 23-15-239, Mississippi Code of 1972, is
73 amended as follows:

74 23-15-239. (1) The executive committee of each county, in
75 the case of a primary election, or the election commissioners of
76 each county, in the case of all other elections, in conjunction
77 with the circuit clerk, shall, in the years in which counties
78 conduct an election, sponsor and conduct, not less than five (5)
79 days before each election, not less than four (4) hours and not
80 more than eight (8) hours of poll manager training to instruct
81 poll managers as to their duties in the proper administration of
82 the election and the operation of the polling place. Any poll
83 manager who completes the online training course provided by the
84 Secretary of State shall only be required to complete two (2)
85 hours of in-person poll manager training. No poll manager shall
86 serve in any election unless he or she has received these
87 instructions once during the twelve (12) months immediately
88 preceding the date upon which the election is held; however,
89 nothing in this section shall prevent the appointment of an
90 alternate poll manager to fill a vacancy in case of an emergency.
91 The county executive committee or the election commissioners, as
92 appropriate, shall train a sufficient number of alternates to
93 serve in the event a poll manager is unable to serve for any
94 reason.

95 (2) (a) If it is eligible under Section 23-15-266, the
96 county executive committee may enter into a written agreement with



97 the circuit clerk or the county election commission authorizing
98 the circuit clerk or the county election commission to perform any
99 of the duties required of the county executive committee pursuant
100 to this section. Any agreement entered into pursuant to this
101 subsection shall be signed by the chair of the county executive
102 committee and the circuit clerk or the chair of the county
103 election commission, as appropriate. The county executive
104 committee shall notify the state executive committee and the
105 Secretary of State of the existence of the agreement.

106 (b) If it is eligible under Section 23-15-266, the
107 municipal executive committee may enter into a written agreement
108 with the municipal clerk or the municipal election commission
109 authorizing the municipal clerk or the municipal election
110 commission to perform any of the duties required of the municipal
111 executive committee pursuant to this section. Any agreement
112 entered into pursuant to this subsection shall be signed by the
113 chair of the municipal executive committee and the municipal clerk
114 or the chair of the municipal election commission, as appropriate.
115 The municipal executive committee shall notify the state executive
116 committee and the Secretary of State of the existence of the
117 agreement.

118 (3) The board of supervisors and the municipal governing
119 authority, in their discretion, may compensate poll managers who
120 attend these training sessions. The compensation shall be at a
121 rate of not less than the federal hourly minimum wage * * * and



122 not more than Twenty Dollars (\$20.00) per hour. Poll managers
123 shall not be compensated for more than sixteen (16) hours of
124 attendance at the training sessions regardless of the actual
125 amount of time that they attended the training sessions.

126 (4) The time and location of the training sessions required
127 pursuant to this section shall be announced to the general public
128 by posting a notice thereof at the courthouse and by delivering a
129 copy of the notice to the office of a newspaper having general
130 circulation in the county five (5) days before the date upon which
131 the training session is to be conducted. Persons who will serve
132 as poll watchers for candidates and political parties, as well as
133 members of the general public, shall be allowed to attend the
134 sessions.

135 (5) Subject to the following annual limitations, the
136 election commissioners shall be entitled to receive a per diem in
137 the amount of One Hundred Dollars (\$100.00), to be paid from the
138 county general fund, for every day or period of no less than five
139 (5) hours accumulated over two (2) or more days actually employed
140 in the performance of their duties for the necessary time spent in
141 conducting training sessions as required by this section:

142 (a) In counties having less than fifteen thousand
143 (15,000) residents according to the latest federal decennial
144 census, not more than five (5) days per year;

145 (b) In counties having fifteen thousand (15,000)
146 residents according to the latest federal decennial census but



147 less than thirty thousand (30,000) residents according to the
148 latest federal decennial census, not more than eight (8) days per
149 year;

150 (c) In counties having thirty thousand (30,000)
151 residents according to the latest federal decennial census but
152 less than seventy thousand (70,000) residents according to the
153 latest federal decennial census, not more than ten (10) days per
154 year;

155 (d) In counties having seventy thousand (70,000)
156 residents according to the latest federal decennial census but
157 less than ninety thousand (90,000) residents according to the
158 latest federal decennial census, not more than twelve (12) days
159 per year;

160 (e) In counties having ninety thousand (90,000)
161 residents according to the latest federal decennial census but
162 less than one hundred seventy thousand (170,000) residents
163 according to the latest federal decennial census, not more than
164 fifteen (15) days per year;

165 (f) In counties having one hundred seventy thousand
166 (170,000) residents according to the latest federal decennial
167 census but less than two hundred thousand (200,000) residents
168 according to the latest federal decennial census, not more than
169 eighteen (18) days per year;

170 (g) In counties having two hundred thousand (200,000)
171 residents according to the latest federal decennial census but



172 less than two hundred twenty-five thousand (225,000) residents
173 according to the latest federal decennial census, not more than
174 nineteen (19) days per year;

175 (h) In counties having two hundred twenty-five thousand
176 (225,000) residents or more according to the latest federal
177 decennial census, not more than twenty-two (22) days per year.

178 (6) Election commissioners shall claim the per diem
179 authorized in subsection (5) of this section in the manner
180 provided for in Section 23-15-153(6).

181 (7) (a) To provide poll manager training, the Secretary of
182 State has developed a single, comprehensive poll manager training
183 program to ensure uniform, secure elections throughout the state.
184 The program includes online training on all state and federal
185 election laws and procedures and voting machine opening and
186 closing procedures.

187 (b) County poll managers who individually access and
188 complete the online training program, including all skills
189 assessments, at least five (5) days before an election shall be
190 defined as "certified poll managers," and entitled to a
191 "Certificate of Completion."

192 (c) At least one (1) certified poll manager shall be
193 appointed by the county election officials to work in each polling
194 place in the county during each general election.

195 **SECTION 4.** This act shall take effect and be in force from
196 and after July 1, 2023.

