

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

To: Elections

SENATE BILL NO. 2353
(As Sent to Governor)

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) [Effective July 1, 2023 to December 31,
13 2023]. The poll managers shall be each entitled to Seventy-five
14 Dollars (\$75.00) for each election; however, the board of
15 supervisors may, in its discretion, pay the poll managers an
16 additional amount not to exceed * * * One Hundred Twenty-five
17 Dollars (\$125.00) per election.

18 * * * [Effective from and after January 1, 2024]. The poll
19 managers shall be each entitled to One Hundred Twenty-five Dollars
20 (\$125.00) for each election; however, the board of supervisors



21 may, in its discretion, pay the poll managers an additional amount
22 not to exceed Seventy-five Dollars (\$75.00) per election.

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

35 (* * *3) The compensation authorized in this section shall
36 be allowed by the board of supervisors, and shall be payable out
37 of the county treasury * * *.

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

43 (* * *5) The Secretary of State shall promulgate rules and
44 regulations as are necessary to ensure the safety of poll
45 managers, election commissioners, electors and their families at



46 the voting precincts during a COVID-19 public health risk or other
47 public health risk declared by the Governor where the appearance
48 of such persons may result in exposure to such risk or the
49 exposure of other persons to such risk.

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

52 23-15-229. The compensation for poll managers and other
53 workers in the polling places of a municipality shall be the same
54 as the compensation paid by the county for those services;
55 provided, however, that the governing authorities of a
56 municipality shall not be required to pay any additional
57 compensation authorized by the board of supervisors. The
58 governing authorities of a municipality may, in their discretion,
59 pay clerks and poll managers in the polling places of the
60 municipality an additional amount of compensation not to
61 exceed * * * Seventy-five Dollars (\$75.00) per election * * *.
62 Such compensation shall be payable out of the * * * municipal
63 general fund * * *.

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

66 23-15-239. (1) The executive committee of each county, in
67 the case of a primary election, or the election commissioners of
68 each county, in the case of all other elections, in conjunction
69 with the circuit clerk, shall, in the years in which counties
70 conduct an election, sponsor and conduct, not less than five (5)



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

87 (2) (a) If it is eligible under Section 23-15-266, the
88 county executive committee may enter into a written agreement with
89 the circuit clerk or the county election commission authorizing
90 the circuit clerk or the county election commission to perform any
91 of the duties required of the county executive committee pursuant
92 to this section. Any agreement entered into pursuant to this
93 subsection shall be signed by the chair of the county executive
94 committee and the circuit clerk or the chair of the county
95 election commission, as appropriate. The county executive



96 committee shall notify the state executive committee and the
97 Secretary of State of the existence of the agreement.

98 (b) If it is eligible under Section 23-15-266, the
99 municipal executive committee may enter into a written agreement
100 with the municipal clerk or the municipal election commission
101 authorizing the municipal clerk or the municipal election
102 commission to perform any of the duties required of the municipal
103 executive committee pursuant to this section. Any agreement
104 entered into pursuant to this subsection shall be signed by the
105 chair of the municipal executive committee and the municipal clerk
106 or the chair of the municipal election commission, as appropriate.
107 The municipal executive committee shall notify the state executive
108 committee and the Secretary of State of the existence of the
109 agreement.

110 (3) The board of supervisors and the municipal governing
111 authority, in their discretion, may compensate poll managers who
112 attend these training sessions. The compensation shall be at a
113 rate of not less than the federal hourly minimum wage * * * and
114 not more than Twenty Dollars (\$20.00) per hour. Poll managers
115 shall not be compensated for more than sixteen (16) hours of
116 attendance at the training sessions regardless of the actual
117 amount of time that they attended the training sessions.

118 (4) The time and location of the training sessions required
119 pursuant to this section shall be announced to the general public
120 by posting a notice thereof at the courthouse and by delivering a



121 copy of the notice to the office of a newspaper having general
122 circulation in the county five (5) days before the date upon which
123 the training session is to be conducted. Persons who will serve
124 as poll watchers for candidates and political parties, as well as
125 members of the general public, shall be allowed to attend the
126 sessions.

127 (5) Subject to the following annual limitations, the
128 election commissioners shall be entitled to receive a per diem in
129 the amount of * * * One Hundred Ten Dollars (\$110.00), to be paid
130 from the county general fund, for every day or period of no less
131 than five (5) hours accumulated over two (2) or more days actually
132 employed in the performance of their duties for the necessary time
133 spent in conducting training sessions as required by this section:

134 (a) In counties having less than fifteen thousand
135 (15,000) residents according to the latest federal decennial
136 census, not more than five (5) days per year;

137 (b) In counties having fifteen thousand (15,000)
138 residents according to the latest federal decennial census but
139 less than thirty thousand (30,000) residents according to the
140 latest federal decennial census, not more than eight (8) days per
141 year;

142 (c) In counties having thirty thousand (30,000)
143 residents according to the latest federal decennial census but
144 less than seventy thousand (70,000) residents according to the



145 latest federal decennial census, not more than ten (10) days per
146 year;

147 (d) In counties having seventy thousand (70,000)
148 residents according to the latest federal decennial census but
149 less than ninety thousand (90,000) residents according to the
150 latest federal decennial census, not more than twelve (12) days
151 per year;

152 (e) In counties having ninety thousand (90,000)
153 residents according to the latest federal decennial census but
154 less than one hundred seventy thousand (170,000) residents
155 according to the latest federal decennial census, not more than
156 fifteen (15) days per year;

157 (f) In counties having one hundred seventy thousand
158 (170,000) residents according to the latest federal decennial
159 census but less than two hundred thousand (200,000) residents
160 according to the latest federal decennial census, not more than
161 eighteen (18) days per year;

162 (g) In counties having two hundred thousand (200,000)
163 residents according to the latest federal decennial census but
164 less than two hundred twenty-five thousand (225,000) residents
165 according to the latest federal decennial census, not more than
166 nineteen (19) days per year;

167 (h) In counties having two hundred twenty-five thousand
168 (225,000) residents or more according to the latest federal
169 decennial census, not more than twenty-two (22) days per year.



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

173 (7) (a) To provide poll manager training, the Secretary of
174 State has developed a single, comprehensive poll manager training
175 program to ensure uniform, secure elections throughout the state.
176 The program includes online training on all state and federal
177 election laws and procedures and voting machine opening and
178 closing procedures.

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

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

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

