

By: Representative Cockerham

To: Apportionment and
Elections; Appropriations A

HOUSE BILL NO. 1227

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,
2 TO INCREASE THE PAY OF ELECTION COMMISSIONERS FOR THE PERFORMANCE
3 OF THEIR DUTIES ON THE DAY OF ANY PRIMARY, RUNOFF, GENERAL OR
4 SPECIAL ELECTION FROM ONE HUNDRED SIXTY-FIVE DOLLARS TO TWO
5 HUNDRED DOLLARS; TO PROVIDE THAT THE BOARD OF SUPERVISORS MAY PAY
6 THE ELECTION COMMISSIONERS AN ADDITIONAL AMOUNT NOT TO EXCEED
7 FIFTY DOLLARS PER ELECTION FOR THE PERFORMANCE OF THOSE SAME
8 DUTIES; AND FOR RELATED PURPOSES.

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

10 **SECTION 1.** Section 23-15-153, Mississippi Code of 1972, is
11 amended as follows:

12 23-15-153. (1) At least during the following times, the
13 election commissioners shall meet at the office of the registrar
14 or the office of the election commissioners to carefully revise
15 the county voter roll as electronically maintained by the
16 Statewide Elections Management System and remove from the roll the
17 names of all voters who have requested to be purged from the voter
18 roll, died, received an adjudication of non compos mentis, been
19 convicted of a disenfranchising crime, failed to comply with the
20 provisions of Section 23-15-152, or otherwise become disqualified
21 as electors for any cause, and shall register the names of all



22 persons who have duly applied to be registered but have been
23 illegally denied registration:

24 (a) On the Tuesday after the second Monday in January
25 1987 and every following year;

26 (b) On the first Tuesday in the month immediately
27 preceding the first primary election for members of Congress in
28 the years when members of Congress are elected;

29 (c) On the first Monday in the month immediately
30 preceding the first primary election for state, state district
31 legislative, county and county district offices in the years in
32 which those offices are elected; and

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

36 Except for the names of those voters who are duly qualified
37 to vote in the election, no name shall be permitted to remain in
38 the Statewide Elections Management System; however, no name shall
39 be purged from the Statewide Elections Management System based on
40 a change in the residence of an elector except in accordance with
41 procedures provided for by the National Voter Registration Act of
42 1993 and as provided in Section 23-15-152. Except as otherwise
43 provided by Section 23-15-573, no person shall vote at any
44 election whose name is not in the county voter roll electronically
45 maintained by the Statewide Elections Management System.



46 (2) Except as provided in this section, and subject to the
47 following annual limitations, the election commissioners shall be
48 entitled to receive a per diem in the amount of One Hundred Ten
49 Dollars (\$110.00), to be paid from the county general fund, for
50 every day or period of no less than five (5) hours accumulated
51 over two (2) or more days actually employed in the performance of
52 their duties in the conduct of an election or actually employed in
53 the performance of their duties for the necessary time spent in
54 the revision of the county voter roll as electronically maintained
55 by the Statewide Elections Management System as required in
56 subsection (1) of this section:

57 (a) In counties having less than fifteen thousand
58 (15,000) residents according to the latest federal decennial
59 census, not more than fifty (50) days per year, with no more than
60 fifteen (15) additional days allowed for the conduct of each
61 election in excess of one (1) occurring in any calendar year;

62 (b) In counties having fifteen thousand (15,000)
63 residents according to the latest federal decennial census but
64 less than thirty thousand (30,000) residents according to the
65 latest federal decennial census, not more than seventy-five (75)
66 days per year, with no more than twenty-five (25) additional days
67 allowed for the conduct of each election in excess of one (1)
68 occurring in any calendar year;

69 (c) In counties having thirty thousand (30,000)
70 residents according to the latest federal decennial census but



71 less than seventy thousand (70,000) residents according to the
72 latest federal decennial census, not more than one hundred (100)
73 days per year, with no more than thirty-five (35) additional days
74 allowed for the conduct of each election in excess of one (1)
75 occurring in any calendar year;

76 (d) In counties having seventy thousand (70,000)
77 residents according to the latest federal decennial census but
78 less than ninety thousand (90,000) residents according to the
79 latest federal decennial census, not more than one hundred
80 twenty-five (125) days per year, with no more than forty-five (45)
81 additional days allowed for the conduct of each election in excess
82 of one (1) occurring in any calendar year;

83 (e) In counties having ninety thousand (90,000)
84 residents according to the latest federal decennial census but
85 less than one hundred seventy thousand (170,000) residents
86 according to the latest federal decennial census, not more than
87 one hundred fifty (150) days per year, with no more than
88 fifty-five (55) additional days allowed for the conduct of each
89 election in excess of one (1) occurring in any calendar year;

90 (f) In counties having one hundred seventy thousand
91 (170,000) residents according to the latest federal decennial
92 census but less than two hundred thousand (200,000) residents
93 according to the latest federal decennial census, not more than
94 one hundred seventy-five (175) days per year, with no more than



95 sixty-five (65) additional days allowed for the conduct of each
96 election in excess of one (1) occurring in any calendar year;

97 (g) In counties having two hundred thousand (200,000)
98 residents according to the latest federal decennial census but
99 less than two hundred twenty-five thousand (225,000) residents
100 according to the latest federal decennial census, not more than
101 one hundred ninety (190) days per year, with no more than
102 seventy-five (75) additional days allowed for the conduct of each
103 election in excess of one (1) occurring in any calendar year;

104 (h) In counties having two hundred twenty-five thousand
105 (225,000) residents according to the latest federal decennial
106 census but less than two hundred fifty thousand (250,000)
107 residents according to the latest federal decennial census, not
108 more than two hundred fifteen (215) days per year, with no more
109 than eighty-five (85) additional days allowed for the conduct of
110 each election in excess of one (1) occurring in any calendar year;

111 (i) In counties having two hundred fifty thousand
112 (250,000) residents according to the latest federal decennial
113 census but less than two hundred seventy-five thousand (275,000)
114 residents according to the latest federal decennial census, not
115 more than two hundred thirty (230) days per year, with no more
116 than ninety-five (95) additional days allowed for the conduct of
117 each election in excess of one (1) occurring in any calendar year;

118 (j) In counties having two hundred seventy-five
119 thousand (275,000) residents according to the latest federal



120 decennial census or more, not more than two hundred forty (240)
121 days per year, with no more than one hundred five (105) additional
122 days allowed for the conduct of each election in excess of one (1)
123 occurring in any calendar year.

124 (3) In addition to the number of days authorized in
125 subsection (2) of this section, the board of supervisors of a
126 county may authorize, in its discretion, the election
127 commissioners to receive a per diem in the amount provided for in
128 subsection (2) of this section, to be paid from the county general
129 fund, for every day or period of no less than five (5) hours
130 accumulated over two (2) or more days actually employed in the
131 performance of their duties in the conduct of an election or
132 actually employed in the performance of their duties for the
133 necessary time spent in the revision of the county voter roll as
134 electronically maintained by the Statewide Elections Management
135 System as required in subsection (1) of this section, not to
136 exceed five (5) days.

137 (4) (a) The election commissioners shall be entitled to
138 receive a per diem in the amount of One Hundred Ten Dollars
139 (\$110.00), to be paid from the county general fund, not to exceed
140 ten (10) days for every day or period of no less than five (5)
141 hours accumulated over two (2) or more days actually employed in
142 the performance of their duties for the necessary time spent in
143 the revision of the county voter roll as electronically maintained
144 by the Statewide Elections Management System before any special



145 election. For purposes of this paragraph, the regular special
146 election day shall not be considered a special election. The
147 annual limitations set forth in subsection (2) of this section
148 shall not apply to this paragraph.

149 (b) The election commissioners shall be entitled to
150 receive a per diem in the amount of * * * Two Hundred Dollars
151 (\$200.00), to be paid from the county general fund, for the
152 performance of their duties on the day of any primary, runoff,
153 general or special election; however, the board of supervisors may
154 pay the election commissioners an additional amount not to exceed
155 Fifty Dollars (\$50.00) per election. The annual limitations set
156 forth in subsection (2) of this section shall apply to this
157 paragraph.

158 (5) The election commissioners shall be entitled to receive
159 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
160 be paid from the county general fund, not to exceed fourteen (14)
161 days for every day or period of no less than five (5) hours
162 accumulated over two (2) or more days actually employed in the
163 performance of their duties for the necessary time spent in the
164 revision of the county voter roll as electronically maintained by
165 the Statewide Elections Management System and in the conduct of a
166 runoff election following either a general or special election.

167 (6) The election commissioners shall be entitled to receive
168 only one (1) per diem payment for those days when the election



169 commissioners discharge more than one (1) duty or responsibility
170 on the same day.

171 (7) The election commissioners shall be entitled to receive
172 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
173 be paid from the county general fund, not to exceed five (5) days
174 for every day or period of no less than five (5) hours accumulated
175 over two (2) or more days for those days when the election
176 commissioners shall be required to conduct an audit of an election
177 as provided in Section 23-15-615.

178 (8) In preparation for a municipal primary, runoff, general
179 or special election, the county registrar shall generate and
180 distribute the master voter roll and pollbooks from the Statewide
181 Elections Management System for the municipality located within
182 the county. The municipality shall pay the county registrar for
183 the actual cost of preparing and printing the municipal master
184 voter roll pollbooks. A municipality may secure "read only"
185 access to the Statewide Elections Management System and print its
186 own pollbooks using this information.

187 (9) County election commissioners who perform the duties of
188 an executive committee with regard to the conduct of a primary
189 election under a written agreement authorized by law to be entered
190 into with an executive committee shall receive per diem as
191 provided for in subsection (2) of this section. The days that
192 county election commissioners are employed in the conduct of a



193 primary election shall be treated the same as days county election
194 commissioners are employed in the conduct of other elections.

195 (10) In addition to any per diem authorized by this section,
196 any election commissioner shall be entitled to the mileage
197 reimbursement rate allowable to federal employees for the use of a
198 privately owned vehicle while on official travel on election day.

199 (11) Every election commissioner shall sign personally a
200 certification setting forth the number of hours actually worked in
201 the performance of the commissioner's official duties and for
202 which the commissioner seeks compensation. The certification must
203 be on a form as prescribed in this subsection. The commissioner's
204 signature is, as a matter of law, made under the commissioner's
205 oath of office and under penalties of perjury.

206 The certification form shall be as follows:

207 **COUNTY ELECTION COMMISSIONER**

208 **PER DIEM CLAIM FORM**

209 NAME: _____ COUNTY: _____

210 ADDRESS: _____ DISTRICT: _____

211 CITY: _____ ZIP: _____

212 PURPOSE APPLICABLE ACTUAL PER DIEM

213 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

214 WORKED TIME TIME WORK SECTION WORKED EARNED

215 _____

216 _____

217 _____



218 TOTAL NUMBER OF PER DIEM DAYS EARNED
 219 EXCLUDING ELECTION DAYS _____
 220 PER DIEM RATE PER DAY EARNED X \$110.00
 221 TOTAL NUMBER PER DIEM DAYS EARNED
 222 FOR ELECTION DAYS _____
 223 PER DIEM RATE PER DAY EARNED X \$ * * * 200.00
 224 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

230 Signed this the _____ day of _____, ____.
 231 _____
 232 Commissioner's Signature

233 When properly completed and signed, the certification must be
 234 filed with the clerk of the county board of supervisors before any
 235 payment may be made. The certification will be a public record
 236 available for inspection and reproduction immediately upon the
 237 oral or written request of any person.

238 Any person may contest the accuracy of the certification in
 239 any respect by notifying the chair of the commission, any member
 240 of the board of supervisors or the clerk of the board of
 241 supervisors of the contest at any time before or after payment is
 242 made. If the contest is made before payment is made, no payment



243 shall be made as to the contested certificate until the contest is
244 finally disposed of. The person filing the contest shall be
245 entitled to a full hearing, and the clerk of the board of
246 supervisors shall issue subpoenas upon request of the contestor
247 compelling the attendance of witnesses and production of documents
248 and things. The contestor shall have the right to appeal de novo
249 to the circuit court of the involved county, which appeal must be
250 perfected within thirty (30) days from a final decision of the
251 commission, the clerk of the board of supervisors or the board of
252 supervisors, as the case may be.

253 Any contestor who successfully contests any certification
254 will be awarded all expenses incident to his or her contest,
255 together with reasonable attorney's fees, which will be awarded
256 upon petition to the chancery court of the involved county upon
257 final disposition of the contest before the election commission,
258 board of supervisors, clerk of the board of supervisors, or, in
259 case of an appeal, final disposition by the court. The
260 commissioner against whom the contest is decided shall be liable
261 for the payment of the expenses and attorney's fees, and the
262 county shall be jointly and severally liable for same.

263 (12) Any election commissioner who has not received a
264 certificate issued by the Secretary of State pursuant to Section
265 23-15-211 indicating that the election commissioner has received
266 the required elections seminar instruction and that the election
267 commissioner is fully qualified to conduct an election, shall not



268 receive any compensation authorized by this section or Section
269 23-15-239.

270 **SECTION 2.** This act shall take effect and be in force from
271 and after July 1, 2024.

