

By: Senator(s) Clarke, Burton, Carmichael,  
Brown, Harden, Jackson (11th)

To: Appropriations

SENATE BILL NO. 3007  
(As Sent to Governor)

1 AN ACT MAKING AN APPROPRIATION OF SPECIAL FUNDS TO DEFRAY THE  
2 EXPENSES OF THE OFFICE OF THE SECRETARY OF STATE FOR FISCAL YEAR  
3 2013.

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

5 **SECTION 1.** The following sum, or so much thereof as may be  
6 necessary, is hereby appropriated out of any money in the State  
7 Treasury to the credit of the Office of the Secretary of State,  
8 for the purpose of defraying the expenses incurred by said office  
9 for the fiscal year beginning July 1, 2012, and ending  
10 June 30, 2013.....\$ 12,171,320.00.

11 **SECTION 2.** Of the funds appropriated under the provisions of  
12 Section 1, the following positions are authorized:

13 AUTHORIZED POSITIONS:

14	Permanent:	Full Time.....	99
15		Part Time.....	0
16	Time-Limited:	Full Time.....	0
17		Part Time.....	0

18 With the funds herein appropriated, it is the intention of  
19 the Legislature that it shall be the agency's responsibility to  
20 make certain that funds required to be appropriated for "Personal  
21 Services" for Fiscal Year 2014 do not exceed Fiscal Year 2013  
22 funds appropriated for that purpose, unless programs or positions  
23 are added to the agency's Fiscal Year 2013 budget by the  
24 Mississippi Legislature. Based on data provided by the  
25 Legislative Budget Office, the State Personnel Board shall  
26 determine and publish the projected annual cost to fully fund all  
27 appropriated positions in compliance with the provisions of this



28 act. It shall be the responsibility of the agency head to ensure  
29 that no single personnel action increases this projected annual  
30 cost and/or the Fiscal Year 2013 appropriations for "Personal  
31 Services" when annualized, with the exception of escalated funds.  
32 If, at the time the agency takes any action to change "Personal  
33 Services," the State Personnel Board determines that the agency  
34 has taken an action which would cause the agency to exceed this  
35 projected annual cost or the Fiscal Year 2013 "Personal Services"  
36 appropriated level, when annualized, then only those actions which  
37 reduce the projected annual cost and/or the appropriation  
38 requirement will be processed by the State Personnel Board until  
39 such time as the requirements of this provision are met.

40 Any transfers or escalations shall be made in accordance with  
41 the terms, conditions and procedures established by law or  
42 allowable under the terms set forth within this act. The State  
43 Personnel Board shall not escalate positions without written  
44 approval from the Department of Finance and Administration. The  
45 Department of Finance and Administration shall not provide written  
46 approval to escalate any funds for salaries and/or positions  
47 without proof of availability of new or additional funds above the  
48 appropriated level.

49 No general funds authorized to be expended herein shall be  
50 used to replace federal funds and/or other special funds which are  
51 being used for salaries authorized under the provisions of this  
52 act and which are withdrawn and no longer available.

53 **SECTION 3.** None of the funds appropriated by this act shall  
54 be expended for any purpose that is not actually required or  
55 necessary for performing any of the powers or duties of the Office  
56 of the Secretary of State that are authorized by the Mississippi  
57 Constitution of 1890, state or federal law, or rules or  
58 regulations that implement state or federal law.

59 **SECTION 4.** No part of the funds appropriated herein shall be  
60 used either directly or indirectly, for the purpose of paying any



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

73       **SECTION 5.** It is the intention of the Legislature that the  
74 Secretary of State shall have the authority to accept proceeds and  
75 revenues from fines, awards, or settlements produced by  
76 administrative or court actions involving the enforcement of the  
77 Mississippi Securities Act and the Regulation of Charitable  
78 Solicitations Act. Such funds are to be escalated in accordance  
79 with procedures for federal fund escalations as established in  
80 Section 27-104-21, Mississippi Code of 1972, and expended for the  
81 purposes of enforcement of the Mississippi Securities Act and the  
82 regulation of the Charitable Solicitations Act in accordance with  
83 applicable rules and regulations of the State Fiscal Officer. It  
84 is the intention of the Legislature that the funds deposited to  
85 the Securities Enforcement Act and Regulation of Charitable  
86 Solicitations Act Fund be maintained separate and apart from other  
87 special funds derived from fees charged by the Secretary of State  
88 and shall remain in that fund to be used by the Secretary of State  
89 as authorized herein.

90       **SECTION 6.** It is the intention of the Legislature that the  
91 Secretary of State shall have the authority to accept proceeds and  
92 revenues from the sale of tax-forfeited properties in accordance  
93 with Section 29-1-95. These funds shall be deposited into a



94 Special Fund in the State Treasury called the Land Records  
95 Maintenance Fund. Such funds are to be escalated in accordance  
96 with procedures for federal fund escalations as established in  
97 Section 27-104-21, Mississippi Code of 1972, and expended for the  
98 purposes of preserving state land records and disposition of tax  
99 forfeited properties in accordance with applicable rules and  
100 regulations of the State Fiscal Officer. It is the intention of  
101 the Legislature that the funds deposited to the Land Records  
102 Maintenance Fund be maintained separate and apart from other  
103 Special Funds derived from fees charged by the Secretary of State  
104 and shall remain in that fund to be used by the Secretary of State  
105 as authorized herein.

106       **SECTION 7.** It is the intention of the Legislature that the  
107 Secretary of State shall have the authority to accept proceeds and  
108 revenues from the lease rentals of tidelands and submerged lands  
109 in accordance with Section 29-1-107, Mississippi Code of 1972.  
110 These funds shall be deposited into a special fund in the State  
111 Treasury called the Public Trust Tidelands Fund. Such funds are  
112 to be escalated in accordance with procedures for federal fund  
113 escalations as established in Section 27-104-21, Mississippi Code  
114 of 1972, and expended for the purposes of managing the state  
115 tidelands and submerged lands in accordance with applicable rules  
116 and regulations of the State Fiscal Officer. It is the intention  
117 of the Legislature that the funds deposited to the Public Trust  
118 Tidelands Fund be maintained separate and apart from other special  
119 funds derived from fees charged by the Secretary of State and  
120 shall be used by the Secretary of State as authorized herein.

121       **SECTION 8.** It is the intention of the Legislature that the  
122 Secretary of State shall have the authority to accept proceeds and  
123 revenues generated from fees for producing information and data  
124 from the statewide voter registration database. These funds shall  
125 be deposited into the special fund in the State Treasury known as  
126 the Help Mississippi Vote Fund. The Secretary of State shall have



127 the authority to escalate and expend such funds in an amount not  
128 to exceed Five Hundred Thousand Dollars (\$500,000.00) in  
129 accordance with procedures for federal fund escalations. These  
130 funds shall be expended for the purposes of supporting the state's  
131 maintenance of efforts as required by the federal mandates of the  
132 Help America Vote Act of 2002. It is the intention of the  
133 Legislature that the funds deposited into the Help America Vote  
134 Fund be maintained separate and apart from the other special funds  
135 derived from fees charged by the Secretary of State and shall be  
136 used by the Secretary of State as authorized herein.

137 **SECTION 9.** It is the intention of the Legislature that the  
138 Secretary of State shall have the authority to accept monies  
139 derived from annual report fees imposed upon limited liability  
140 companies under Section 79-29-1203, Mississippi Code of 1972.  
141 These funds shall be deposited into a special fund in the State  
142 Treasury called the Elections Support Fund under the direction of  
143 the Secretary of State. Such funds are to be escalated in an  
144 amount not to exceed Three Million Dollars (\$3,000,000.00) in  
145 accordance with procedures for federal fund escalations as  
146 established in Section 27-104-21, Mississippi Code of 1972, and in  
147 accordance with applicable rules and regulations of the State  
148 Fiscal Officer and expended for the following purposes:

149 (1) Fifty percent (50%) of the monies shall be distributed  
150 annually to counties for the purpose of acquiring, upgrading,  
151 maintaining or repairing voting equipment, systems and supplies,  
152 hiring temporary technical support, conducting elections using  
153 such voting equipment or systems and training election officials.

154 (2) The remaining fifty percent (50%) of the monies in the  
155 special fund shall be allocated annually to the Secretary of State  
156 and expended for the purpose of maintaining, upgrading or  
157 equipping the Statewide Elections Management System.

158 **SECTION 10.** It is the intention of the Legislature that the  
159 funds deposited to the Elections Support Fund be maintained



160 separate and apart from other special funds derived from fees  
161 charged by the Secretary of State and shall be used by the  
162 Secretary of State as authorized herein.

163       **SECTION 11.** Of the funds provided in Section 1, Three  
164 Hundred Ninety-five Thousand Dollars (\$395,000.00) shall be  
165 provided for litigation of voter identification.

166       **SECTION 12.** It is the intention of the Legislature that the  
167 Secretary of State shall have the authority to escalate and expend  
168 funds in an amount not to exceed One Hundred Thousand Dollars  
169 (\$100,000.00) from the Secretary of State's Special Fund 3111 for  
170 the purposes of defraying the expenses associated with the  
171 litigation of voter identification. Such funds are to be  
172 escalated in accordance with procedures for federal escalations as  
173 established in Section 27-104-21, Mississippi Code of 1972, in  
174 accordance with applicable rules and regulations of the State  
175 Fiscal Officer.

176       **SECTION 13.** It is the intention of the Legislature that  
177 whenever two (2) or more bids are received by this agency for the  
178 purchase of commodities or equipment, and whenever all things  
179 stated in such received bids are equal with respect to price,  
180 quality and service, the Mississippi Industries for the Blind  
181 shall be given preference. A similar preference shall be given to  
182 the Mississippi Industries for the Blind whenever purchases are  
183 made without competitive bids.

184       **SECTION 14.** The money herein appropriated shall be paid by  
185 the State Treasurer out of any money in the State Treasury to the  
186 credit of the proper fund or funds as set forth in this act, upon  
187 warrants issued by the State Fiscal Officer; and the State Fiscal  
188 Officer shall issue his warrants upon requisitions signed by the  
189 proper person, officer or officers in the manner provided by law.

190       **SECTION 15.** This act shall take effect and be in force from  
191 and after July 1, 2012.

