

## Shelton Vance

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**From:** Pat Truesdale  
**Sent:** Thursday, August 27, 2020 1:57 PM  
**To:** Shelton Vance  
**Cc:** Helen Carney; Julia Hodges; Leroy Lacy; Pat Truesdale; Spence Flatgard  
**Subject:** Request for EC Item for Consent Agenda  
**Attachments:** 001.tif

Shelton,

Please include a request from the Election Commission to authorize additional pay for election commissioners and poll managers (all poll workers) for the General Election and/or Runoff if needed of \$50.00 to regular pay. For Election Commissioners that would be \$200.00 each and for Poll Managers it would be \$175.00 each.

Attached is a copy of MS HB 842 detailing the increases approved."

Thanks,

Pat Truesdale  
601-613-7203

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By: Representative Beckett

To: Apportionment and Elections

HOUSE BILL NO. 824  
(As Sent to Governor)

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,  
2 TO AUTHORIZE A PER DIEM IN THE AMOUNT OF \$150.00 TO ELECTION  
3 COMMISSIONERS FOR THE PERFORMANCE OF THEIR DUTIES ON THE DAY OF  
4 ANY PRIMARY OR RUNOFF ELECTION IN ADDITION TO ANY GENERAL OR  
5 SPECIAL ELECTION AND TO AUTHORIZE AN ADDITIONAL PER DIEM FOR  
6 ELECTION COMMISSIONERS FOR ANY ELECTION OCCURRING FROM JULY 1,  
7 2020, THROUGH DECEMBER 31, 2020, WHICH SHALL BE ADDITIONAL  
8 PANDEMIC PAY; TO AMEND SECTIONS 23-15-227 AND 23-15-229,  
9 MISSISSIPPI CODE OF 1972, TO AUTHORIZE AN ADDITIONAL PER DIEM FOR  
10 COUNTY AND MUNICIPAL POLL MANAGERS FOR ANY ELECTION OCCURRING FROM  
11 JULY 1, 2020, THROUGH DECEMBER 31, 2020, WHICH SHALL BE ADDITIONAL  
12 PANDEMIC PAY AND TO AUTHORIZE THE SECRETARY OF STATE TO PROMULGATE  
13 NECESSARY REGULATIONS TO ENSURE THE SAFETY OF POLL WORKERS AND  
14 ELECTORS DURING A COVID-19 EMERGENCY; AND FOR RELATED PURPOSES.

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

16 SECTION 1. Section 23-15-153, Mississippi Code of 1972, is  
17 amended as follows:

18 23-15-153. (1) At least during the following times, the  
19 election commissioners shall meet at the office of the registrar  
20 or the office of the election commissioners to carefully revise  
21 the county voter roll as electronically maintained by the  
22 Statewide Elections Management System and remove from the roll the  
23 names of all voters who have requested to be purged from the voter  
24 roll, died, received an adjudication of non compos mentis, been



25 convicted of a disenfranchising crime, or otherwise become  
26 disqualified as electors for any cause, and shall register the  
27 names of all persons who have duly applied to be registered but  
28 have been illegally denied registration:

29 (a) On the Tuesday after the second Monday in January  
30 1987 and every following year;

31 (b) On the first Tuesday in the month immediately  
32 preceding the first primary election for members of Congress in  
33 the years when members of Congress are elected;

34 (c) On the first Monday in the month immediately  
35 preceding the first primary election for state, state district  
36 legislative, county and county district offices in the years in  
37 which those offices are elected; and

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

41 Except for the names of those voters who are duly qualified  
42 to vote in the election, no name shall be permitted to remain in  
43 the Statewide Elections Management System; however, no name shall  
44 be purged from the Statewide Elections Management System based on  
45 a change in the residence of an elector except in accordance with  
46 procedures provided for by the National Voter Registration Act of  
47 1993. Except as otherwise provided by Section 23-15-573, no  
48 person shall vote at any election whose name is not in the county



49 voter roll electronically maintained by the Statewide Elections  
50 Management System.

51 (2) Except as provided in this section, and subject to the  
52 following annual limitations, the election commissioners shall be  
53 entitled to receive a per diem in the amount of One Hundred  
54 Dollars (\$100.00), to be paid from the county general fund, for  
55 every day or period of no less than five (5) hours accumulated  
56 over two (2) or more days actually employed in the performance of  
57 their duties in the conduct of an election or actually employed in  
58 the performance of their duties for the necessary time spent in  
59 the revision of the county voter roll as electronically maintained  
60 by the Statewide Elections Management System as required in  
61 subsection (1) of this section:

62 (a) In counties having less than fifteen thousand  
63 (15,000) residents according to the latest federal decennial  
64 census, not more than fifty (50) days per year, with no more than  
65 fifteen (15) additional days allowed for the conduct of each  
66 election in excess of one (1) occurring in any calendar year;

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



74 (c) In counties having thirty thousand (30,000)  
75 residents according to the latest federal decennial census but  
76 less than seventy thousand (70,000) residents according to the  
77 latest federal decennial census, not more than one hundred (100)  
78 days per year, with no more than thirty-five (35) additional days  
79 allowed for the conduct of each election in excess of one (1)  
80 occurring in any calendar year;

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

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

95 (f) In counties having one hundred seventy thousand  
96 (170,000) residents according to the latest federal decennial  
97 census but less than two hundred thousand (200,000) residents  
98 according to the latest federal decennial census, not more than



99 one hundred seventy-five (175) days per year, with no more than  
100 sixty-five (65) additional days allowed for the conduct of each  
101 election in excess of one (1) occurring in any calendar year;

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

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

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



123           (j) In counties having two hundred seventy-five  
124 thousand (275,000) residents according to the latest federal  
125 decennial census or more, not more than two hundred forty (240)  
126 days per year, with no more than one hundred five (105) additional  
127 days allowed for the conduct of each election in excess of one (1)  
128 occurring in any calendar year.

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

142           (4) (a) The election commissioners shall be entitled to  
143 receive a per diem in the amount of One Hundred Dollars (\$100.00),  
144 to be paid from the county general fund, not to exceed ten (10)  
145 days for every day or period of no less than five (5) hours  
146 accumulated over two (2) or more days actually employed in the  
147 performance of their duties for the necessary time spent in the



148 revision of the county voter roll as electronically maintained by  
149 the Statewide Elections Management System before any special  
150 election. For purposes of this paragraph, the regular special  
151 election day shall not be considered a special election. The  
152 annual limitations set forth in subsection (2) of this section  
153 shall not apply to this paragraph.

154 (b) The election commissioners shall be entitled to  
155 receive a per diem in the amount of One Hundred Fifty Dollars  
156 (\$150.00), to be paid from the county general fund, for the  
157 performance of their duties on the day of any primary, runoff,  
158 general or special election. The annual limitations set forth in  
159 subsection (2) of this section shall apply to this paragraph.

160 (c) The board of supervisors may, in its discretion,  
161 pay the election commissioners an additional amount not to exceed  
162 Fifty Dollars (\$50.00) for the performance of their duties at any  
163 election occurring from July 1, 2020, through December 31, 2020,  
164 which shall be considered additional pandemic pay. Such  
165 compensation shall be payable out of the county general fund, and  
166 may be payable from federal funds available for such purpose, or a  
167 combination of both funding sources.

168 (5) The election commissioners shall be entitled to receive  
169 a per diem in the amount of One Hundred Dollars (\$100.00), to be  
170 paid from the county general fund, not to exceed fourteen (14)  
171 days for every day or period of no less than five (5) hours  
172 accumulated over two (2) or more days actually employed in the





173 performance of their duties for the necessary time spent in the  
174 revision of the county voter roll as electronically maintained by  
175 the Statewide Elections Management System and in the conduct of a  
176 runoff election following either a general or special election.

177 (6) The election commissioners shall be entitled to receive  
178 only one (1) per diem payment for those days when the election  
179 commissioners discharge more than one (1) duty or responsibility  
180 on the same day.

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

190 (8) County election commissioners who perform the duties of  
191 an executive committee with regard to the conduct of a primary  
192 election under a written agreement authorized by law to be entered  
193 into with an executive committee shall receive per diem as  
194 provided for in subsection (2) of this section. The days that  
195 county election commissioners are employed in the conduct of a  
196 primary election shall be treated the same as days county election  
197 commissioners are employed in the conduct of other elections.



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

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

209 The certification form shall be as follows:

210 **COUNTY ELECTION COMMISSIONER**

211 **PER DIEM CLAIM FORM**

212 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

213 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

214 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

		PURPOSE	APPLICABLE	ACTUAL	PER DIEM	
DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

218 \_\_\_\_\_

219 \_\_\_\_\_

220 \_\_\_\_\_

221 TOTAL NUMBER OF PER DIEM DAYS EARNED

222 EXCLUDING ELECTION DAYS \_\_\_\_\_



223 PER DIEM RATE PER DAY EARNED X \$100.00  
224 TOTAL NUMBER PER DIEM DAYS EARNED  
225 FOR ELECTION DAYS \_\_\_\_\_  
226 PER DIEM RATE PER DAY EARNED X \$150.00  
227 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

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

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

233 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

234

\_\_\_\_\_  
Commissioner's Signature

235

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

241 Any person may contest the accuracy of the certification in  
242 any respect by notifying the chair of the commission, any member  
243 of the board of supervisors or the clerk of the board of  
244 supervisors of the contest at any time before or after payment is  
245 made. If the contest is made before payment is made, no payment  
246 shall be made as to the contested certificate until the contest is  
247 finally disposed of. The person filing the contest shall be



248 entitled to a full hearing, and the clerk of the board of  
249 supervisors shall issue subpoenas upon request of the contestor  
250 compelling the attendance of witnesses and production of documents  
251 and things. The contestor shall have the right to appeal de novo  
252 to the circuit court of the involved county, which appeal must be  
253 perfected within thirty (30) days from a final decision of the  
254 commission, the clerk of the board of supervisors or the board of  
255 supervisors, as the case may be.

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

266 (11) Any election commissioner who has not received a  
267 certificate issued by the Secretary of State pursuant to Section  
268 23-15-211 indicating that the election commissioner has received  
269 the required elections seminar instruction and that the election  
270 commissioner is fully qualified to conduct an election, shall not  
271 receive any compensation authorized by this section or Section  
272 23-15-239.



273           **SECTION 2.** Section 23-15-227, Mississippi Code of 1972, is  
274 amended as follows:

275           23-15-227. (1) The poll managers shall be each entitled to  
276 Seventy-five Dollars (\$75.00) for each election; however, the  
277 board of supervisors may, in its discretion, pay the poll managers  
278 an additional amount not to exceed Fifty Dollars (\$50.00) per  
279 election.

280           (2) The board of supervisors may, in its discretion, pay the  
281 poll managers an additional amount not to exceed Fifty Dollars  
282 (\$50.00) per any election occurring from July 1, 2020, through  
283 December 31, 2020, which shall be considered additional pandemic  
284 pay.

285           ( \* \* \*3) The poll manager who shall carry to the place of  
286 voting, away from the courthouse, the official ballots, ballot  
287 boxes, pollbooks and other necessities, shall be allowed Ten  
288 Dollars (\$10.00) for each voting precinct for so doing. The poll  
289 manager who acts as returning officer shall be allowed Ten Dollars  
290 (\$10.00) for each voting precinct for that service. If a person  
291 who performs the duties described in this subsection uses a  
292 privately owned motor vehicle to perform them, he or she shall  
293 receive for each mile actually and necessarily traveled in excess  
294 of ten (10) miles, the mileage reimbursement rate allowable to  
295 federal employees for the use of a privately owned vehicle while  
296 on official travel.



297 ( \* \* \*4) The compensation authorized in this section shall  
298 be allowed by the board of supervisors, and shall be payable out  
299 of the county treasury; provided, however, that any compensation  
300 for additional pandemic pay due to a public health emergency may  
301 be payable from federal funds available for such purpose, or a  
302 combination of both county and federal funding sources.

303 ( \* \* \*5) The compensation provided in this section shall  
304 constitute payment in full for the services rendered by the  
305 persons named for any election, whether there be one (1) election  
306 or issue voted upon, or more than one (1) election or issue voted  
307 upon at the same time.

308 (6) The Secretary of State shall promulgate rules and  
309 regulations as are necessary to ensure the safety of poll  
310 managers, election commissioners, electors and their families at  
311 the voting precincts during a COVID-19 public health risk or other  
312 public health risk declared by the Governor where the appearance  
313 of such persons may result in exposure to such risk or the  
314 exposure of other persons to such risk.

315 **SECTION 3.** Section 23-15-229, Mississippi Code of 1972, is  
316 amended as follows:

317 23-15-229. The compensation for poll managers and other  
318 workers in the polling places of a municipality shall be the same  
319 as the compensation paid by the county for those services;  
320 provided, however, that the governing authorities of a  
321 municipality shall not be required to pay any additional



322 compensation authorized by the board of supervisors. The  
323 governing authorities of a municipality may, in their discretion,  
324 pay clerks and poll managers in the polling places of the  
325 municipality an additional amount of compensation not to exceed  
326 Fifty Dollars (\$50.00) per election and may pay clerks and poll  
327 managers in the polling places of the municipality an additional  
328 amount of compensation not to exceed Fifty Dollars (\$50.00) per  
329 any election which occurs from July 1, 2020, through December 31,  
330 2020, which shall be considered additional pandemic pay. Such  
331 compensation shall be payable out of the county general fund, and  
332 may be payable from federal funds available for such purpose, or a  
333 combination of both funding sources.

334       **SECTION 4.** This act shall take effect and be in force from  
335 and after July 1, 2020.

