

By: Senator(s) England

To: Elections

SENATE BILL NO. 2657

1 AN ACT TO AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972,  
2 TO ALLOW THE BOARD OF SUPERVISORS, IN THEIR DISCRETION, TO PAY  
3 ELECTION COMMISSIONERS AN ADDITIONAL \$35.00 FOR THEIR WORK ON  
4 ELECTION DAY; AND FOR RELATED PURPOSES.

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

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

8 23-15-153. (1) At least during the following times, the  
9 election commissioners shall meet at the office of the registrar  
10 or the office of the election commissioners to carefully revise  
11 the county voter roll as electronically maintained by the  
12 Statewide Elections Management System and remove from the roll the  
13 names of all voters who have requested to be purged from the voter  
14 roll, died, received an adjudication of non compos mentis, been  
15 convicted of a disenfranchising crime, failed to comply with the  
16 provisions of Section 23-15-152, or otherwise become disqualified  
17 as electors for any cause, and shall register the names of all  
18 persons who have duly applied to be registered but have been  
19 illegally denied registration:



20 (a) On the Tuesday after the second Monday in January  
21 1987 and every following year;

22 (b) On the first Tuesday in the month immediately  
23 preceding the first primary election for members of Congress in  
24 the years when members of Congress are elected;

25 (c) On the first Monday in the month immediately  
26 preceding the first primary election for state, state district  
27 legislative, county and county district offices in the years in  
28 which those offices are elected; and

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

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

42 (2) Except as provided in this section, and subject to the  
43 following annual limitations, the election commissioners shall be  
44 entitled to receive a per diem in the amount of One Hundred Ten



Dollars (\$110.00), to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System as required in subsection (1) of this section:

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

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

(c) In counties having thirty thousand (30,000) residents according to the latest federal decennial census but less than seventy thousand (70,000) residents according to the latest federal decennial census, not more than one hundred (100) days per year, with no more than thirty-five (35) additional days



70 allowed for the conduct of each election in excess of one (1)  
71 occurring in any calendar year;

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

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

86 (f) In counties having one hundred seventy thousand  
87 (170,000) residents according to the latest federal decennial  
88 census but less than two hundred thousand (200,000) residents  
89 according to the latest federal decennial census, not more than  
90 one hundred seventy-five (175) days per year, with no more than  
91 sixty-five (65) additional days allowed for the conduct of each  
92 election in excess of one (1) occurring in any calendar year;

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



less than two hundred twenty-five thousand (225,000) residents according to the latest federal decennial census, not more than one hundred ninety (190) days per year, with no more than seventy-five (75) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

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

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



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

(4) (a) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Ten Dollars (\$110.00), to be paid from the county general fund, not to exceed ten (10) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System before any special election. For purposes of this paragraph, the regular special election day shall not be considered a special election. The annual limitations set forth in subsection (2) of this section shall not apply to this paragraph.



(b) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Sixty-five Dollars (\$165.00), to be paid from the county general fund, for the performance of their duties on the day of any primary, runoff, general or special election; however, the board of supervisors may, in its discretion, pay the election commissioners an additional amount not to exceed Thirty-five Dollars (\$35.00) per election. The annual limitations set forth in subsection (2) of this section shall apply to this paragraph.

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

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

(7) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Ten Dollars (\$110.00), to be paid from the county general fund, not to exceed five (5) days



for every day or period of no less than five (5) hours accumulated over two (2) or more days for those days when the election commissioners shall be required to conduct an audit of an election as provided in Section 23-15-615.

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

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

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



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

202           The certification form shall be as follows:

203                               **COUNTY ELECTION COMMISSIONER**

204                               **PER DIEM CLAIM FORM**

205 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

206 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

207 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

211 \_\_\_\_\_

212 \_\_\_\_\_

213 \_\_\_\_\_

214 TOTAL NUMBER OF PER DIEM DAYS EARNED

215           EXCLUDING ELECTION DAYS \_\_\_\_\_

216 PER DIEM RATE PER DAY EARNED                               X \$110.00

217 TOTAL NUMBER PER DIEM DAYS EARNED

218           FOR ELECTION DAYS \_\_\_\_\_

219 PER DIEM RATE PER DAY EARNED                               X \$165.00

220 BOARD OF SUPERVISORS ELECTION DAY

221 DISCRETIONARY ADDITION(S)

222 TO PER DIEM RATE PER DAY EARNED X \$35.00

223 TOTAL AMOUNT OF PER DIEM CLAIMED \$\_\_\_\_\_

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

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

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

230 \_\_\_\_\_

231 Commissioner's Signature

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

237 Any person may contest the accuracy of the certification in  
238 any respect by notifying the chair of the commission, any member  
239 of the board of supervisors or the clerk of the board of  
240 supervisors of the contest at any time before or after payment is  
241 made. If the contest is made before payment is made, no payment  
242 shall be made as to the contested certificate until the contest is  
243 finally disposed of. The person filing the contest shall be  
244 entitled to a full hearing, and the clerk of the board of



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

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

262 (12) Any election commissioner who has not received a  
263 certificate issued by the Secretary of State pursuant to Section  
264 23-15-211 indicating that the election commissioner has received  
265 the required elections seminar instruction and that the election  
266 commissioner is fully qualified to conduct an election, shall not  
267 receive any compensation authorized by this section or Section  
268 23-15-239.



269           **SECTION 2.** This act shall take effect and be in force from  
270 and after July 1, 2025.

