


**ORDER: APPROVE INCREASE IN PAY OF POLL WORKERS TO \$10.00 PER HOUR
EFFECTIVE JUNE 1, 2022 PER MISSISSIPPI CODE SECTION 23-15-227**

Motion was made by Chad McLarty, duly seconded by David Rikard, to approve increase in pay of Poll Workers to \$10.00 per hour effective June 1, 2022 per MS Code Section 23-15-227.

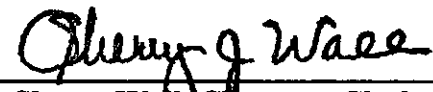
The vote on the motion was as follows:

Supervisor Brent Larson, voted yes
Supervisor Larry Gillespie, voted yes
Supervisor David Rikard, voted yes
Supervisor Chad McLarty, voted yes
Supervisor Mike Roberts, voted yes

After the vote, President Roberts, declared the motion carried, this the 20th day of June, 2022.



**Mike Roberts, President
Board of Supervisors**



Sherry Wall, Chancery Clerk



ELECTION COMMISSIONERS
LAFAYETTE COUNTY, MISSISSIPPI

TO: Lafayette County Board of Supervisors

FROM: Lafayette County Election Commissioners

RE: Poll Worker Pay

With the changes that have been made in the duties of our Poll Workers with the new equipment we have increased the pay of each Poll Worker by \$10.00. This is the maximum that Statute will allow us to pay, which we feel is no where near enough for the long hours they work, the workload they now have and dealing with situations that do arise on election day.

We are asking that you approve this change and that it be reflected in the minutes for the June 7, 2022 Primary Election and going forward.

Thank you,

A handwritten signature in black ink, which appears to read "Debbie Black", is written over a large, loopy circular flourish.

Debbie Black, Chairman

Lafayette County Election Commission

§ 23-15-227. Compensation of poll managers.

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

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

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

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

Sources: Derived from 1972 Code § 23-5-183 [Codes, 1892, § 3706; 1906, § 4213; Hemingway's 1917, § 6849; 1930, § 6257; 1942, § 3286; Laws, 1932, ch. 298; Laws, 1938, ch. 306; Laws, 1950, ch. 281; Laws, 1960, ch. 452, § 1; Laws, 1966 ch. 614, § 1; Laws, 1970, ch. 511, § 1; Laws, 1973, ch. 401 § 1; Laws, 1975, ch. 497, § 2; Laws, 1979, ch. 487, § 3; Laws, 1983, ch. 510; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 62; Laws, 1987, ch. 499, § 16; Laws, 1988 ch. 402, § 1; Laws, 1995, ch. 446, § 1; Laws, 2007, ch. 434, § 5; Laws, 2013, ch. 366, § 1; brought forward without change, Laws, 2016, ch. 326, § 5; Laws, 2017, ch. 441, § 45, eff from and after July 1, 2017.

Editor's note- The United States Attorney General, by letter dated August 4, 1995, interposed no objection, under Section 5 of the Voting Rights Act of 1965, to the amendment to this section by Laws of 1995, ch. 446, § 1.

On June 15, 2007, the United States Attorney General interposed no objection, under Section 5 of the Voting Rights Act of 1965, to the amendment to this section by Laws of 2007, ch. 434.

The effective date of Chapter 366, Laws of 2013, which amended this section, is "from and after the date it is effectuated under Section 5 of the Voting Rights Act of 1965, as amended and extended." However, after the bill was approved, the United States Supreme Court, in the case of *Shelby County v. Holder* (June 25, 2013), struck down the coverage formula that determined what jurisdictions are subject to Section 5 of the Voting Rights Act, so the coverage formula can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5.

Because of the *Shelby County* decision, the United States Attorney General is not making any determinations under Section 5 on voting or election changes made by states. The Supreme Court did not strike down Section 5, so it is still in effect. For that reason, the Mississippi Attorney General's Office submitted Chapter 366, Laws of 2013, to the United States Attorney General, in order to technically meet the requirements of Section 5 and fulfill the condition in the effective date of the bill, which will allow the bill to take effect.

By letter dated July 17, 2013, the United States Attorney General responded that he is not making determinations on the merits of any bill that is submitted under Section 5. The submission of Chapter 366 and the response from the United States Attorney General technically met the requirements of Section 5 and fulfilled the condition in the effective date of Chapter 366, so Chapter 366 became effective from and after July 17, 2013, the date of the United States Attorney General's response letter.

Amendments- The 2007 amendment substituted "Seventy-five Dollars (\$75.00)" for "Fifty Dollars (\$50.00)" and "Fifty Dollars (\$50.00)" for "Twenty-five Dollars (\$25.00)" in the first sentence of the first paragraph; and made minor stylistic changes.

The 2013 amendment inserted subsection designators and added the last sentence of (2).

The 2016 amendment brought the section forward without change.

The 2017 amendment substituted "poll managers" for "managers and clerks" twice in (1); and in (2), substituted "poll manager" for "manager or other person" twice and substituted "uses a privately owned" for "utilizes a privately owned."

Cross references- Provision that registrars shall receive the same per diem as is provided for board of election commissioners in this section and § 23-15-153, as compensation for assisting the county election commissioners in performance of their duties, see § 23-15-225.

Provision that officers of primary elections shall ordinarily receive only such compensation as is authorized by this section to be paid for similar services of managers, clerks, and returning officer, see § 23-15-301.

Provision that election commissioners shall be compensated for services rendered with respect to contests of primary elections in the manner provided for in this section, see § 23-15-939.

ATTORNEY GENERAL OPINIONS

There is no statutory prohibition against individual being independently appointed to serve as pollworker in two different primary elections being conducted simultaneously, although pollworkers are not entitled to additional compensation for working in more than one election on same day. Mosley, July 2, 1992, A.G. Op. #92-0465.

In regard to poll workers, Miss. Code Section 23-15-231 provides for appointment of "election managers" by Election Commission; such managers are entitled, under Miss. Code Section 23-15-227, to \$50 for each election; such election managers, or poll workers, are therefore employees for purposes of Workers' Compensation coverage. Trapp, Mar. 12, 1993, A.G. Op. #93-0133.

Miss. Code Section 23-15-227 provides for \$50 per election as compensation of election commissioners, managers, clerks and other persons. Edens, May 12, 1993, A.G. Op. #93-0263.

RESEARCH AND PRACTICES REFERENCES

Am Jur. 25 Am. Jur. 2d, Elections § 39.

CJS. 29 C.J.S., Elections §§ 106, 117.

§ 23-15-229. Compensation of municipal poll managers and other workers.

The compensation for poll managers and other workers in the polling places of a municipality shall be the same as the compensation paid by the county for those services; provided, however, that the governing authorities of a municipality shall not be required to pay any additional compensation authorized by the board of supervisors. The governing authorities of a municipality may, in their discretion, pay clerks and poll managers in the polling places of the municipality an additional amount of compensation not to exceed Fifty Dollars (\$50.00) per election.

Sources: Derived from 1972 Code § 23-5-184 [Laws, 1973, ch. 346, § 1; repealed by Laws, 1986, ch. 495, § 335]; en, Laws, 1986, ch. 495, § 63; Laws, 1995, ch. 446, § 2; Laws, 2016, ch.