



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

July 7, 2023

The Honorable Michael Watson
Mississippi Secretary of State
401 Mississippi Street
Jackson, Mississippi 39205

Re: Effective Dates in 2023 Mississippi Senate Bill No. 2353

Dear Secretary Watson:

The Office of the Attorney General has received your request for an official opinion.

Background

2023 Mississippi Senate Bill No. 2353 (“S.B. 2353”) includes two amendments to Mississippi Code Annotated Section 23-15-227(1). The first amendment has an effective date of July 1, 2023 to December 31, 2023. The second amendment has an effective date of January 1, 2024. The act itself took effect July 1, 2023.

Question Presented

Does the January 1, 2024 effective date in Section 1(1) of S.B. 2353 apply only to the second amendment to Section 1(1) or does it also apply to Sections 1(2), (3), (4), and (5)?

Brief Response

The January 1, 2024 effective date in the second amendment set forth in S.B. 2353 Section 1(1) applies only to that amendment. The rest of the act, including Sections 1(2), (3), (4), and (5), took effect July 1, 2023.

Applicable Law and Discussion

“For statutory interpretation, the initial inquiry is whether the statute at issue is ambiguous.” *Hall v. State*, 241 So. 3d 629, 631 (Miss. 2018) (internal citations omitted). “If the words of a statute are clear and unambiguous, the Court applies the plain meaning of the statute” *Id.* (internal citations omitted). S.B. 2353 provides, in pertinent part:

SECTION 1. Section 23-15-227, Mississippi Code of 1972, is amended as follows:

23-15-227. (1) **[Effective July 1, 2023 to December 31, 2023].** 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 * * * One Hundred Twenty-Five Dollars (\$125.00) per election.

* * * **[Effective from and after January 1, 2024].** The poll managers shall be each entitled to One Hundred Twenty-five Dollars (\$125.00) for each election; however, the board of supervisors may, in its discretion, pay the poll managers an additional amount not to exceed Seventy-five (\$75.00) 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 * * * up to Twenty-five Dollars (\$25.00) for each voting precinct for so doing. The poll manager who acts as returning officer shall be allowed * * * up to Twenty-five Dollars (\$25.00) 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.

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

. . .

SECTION 4. This act shall take effect and be in force from and after July 1, 2023.

The plain text of S.B. 2353 indicates that the January 1, 2024 effective date included in the second amendment of Section 1(1) applies only to that amendment and does not apply to any other portion

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of S.B. 2353. Accordingly, the rest of S.B. 2353, including Sections 1(2), (3), (4), and (5), took effect July 1, 2023 pursuant to Section 4.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: */s/ Abigail C. Overby*

Abigail C. Overby
Special Assistant Attorney General

OFFICIAL OPINION