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MISSISSIPPI LEGISLATURE

2020 Regular Session

To: Rules

By: Representative Beckett

House Bill 1789

(As Sent to Governor)

AN ACT MAKING AN APPROPRIATION TO THE SECRETARY OF STATE FROM THE BUDGET CONTINGENCY FUND FOR THE PERIOD BEGINNING ON JULY 1, 2020, AND ENDING DECEMBER 30, 2020; TO PROVIDE THAT THE APPROPRIATION SHALL BE USED TO HIRE ADDITIONAL POLL MANAGERS FOR EACH PRECINCT FOR ELECTION DAY AND FOR OTHER ELECTION-RELATED EXPENSES IN ACCORDANCE WITH THE FEDERAL CARES ACT AND ITS IMPLEMENTING GUIDELINES, RULES AND REGULATIONS; TO PROVIDE THAT RECIPIENTS WILL RECEIVE THOSE FUNDS FROM THE SECRETARY OF STATE UPON APPLICATION; AND FOR RELATED PURPOSES.

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

SECTION 1. The following sum, or so much of it as may be necessary, is appropriated out of any money in the Budget Contingency Fund not otherwise appropriated, to the Secretary of State for the purposes described in Section 2 of this act for the period beginning on July 1, 2020, and ending December 30, 2020 .... $ 1,000,000.00.

SECTION 2. (1) The money appropriated to the Secretary of State in Section 1 of this act shall be distributed as follows:

(a) To the boards of supervisors of each county to hire two thousand thirty-nine (2,039) additional poll managers for each precinct based on the pro rata share of precincts in the county for election day for One Hundred Twenty-five Dollars ($125.00) for the day to help with disinfecting the polling place throughout the day, promoting social distancing within the polling place, facilitating a potential increase in curbside voting, potentially distributing personal protective equipment (PPE) to voters and any other issue that might arise on election day due to the COVID-19 public health emergency .... $ 254,875.00.

(b) To the boards of supervisors of each county based on population for election-related expenses in accordance with the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by the United States Department of the Treasury .... $ 745,125.00.

(2) The money authorized to be distributed under paragraphs (a) and (b) of subsection (1) of this section shall be paid to receiving entities upon application to the Secretary of State for those anticipated expenses.

(3) If on December 1, 2020, there are unexpended monies in the fund, those monies shall be transferred to the Unemployment Compensation Fund.

SECTION 3. None of the funds appropriated under this act shall be expended or otherwise used for any purpose by the Secretary of State or by any recipient of those funds if the Secretary of State or recipient has received reimbursement for that expenditure or other use from another source of funds.

SECTION 4. The Secretary of State shall not disburse any funds appropriated under this act to any recipient without first: (a) making an individualized determination that the request for funds sought is, in the Secretary of State's independent judgment, for necessary expenditures expected due to the public health emergency with respect to COVID-19 as provided under Section 601(d) of the federal Social Security Act as added by Section 5001 of the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act and its implementing guidelines, guidance, rules, regulations and/or other criteria, as may be amended or supplemented from time to time, by

the United States Department of the Treasury; and (b) determining that the applicant has not received and will not receive reimbursement for the anticipated expenses in question from any source of funds, including insurance proceeds, other than those funds provided under Section 601 of the federal Social Security Act as added by Section 5001 of the CARES Act. In addition, the Secretary of State shall ensure that all funds appropriated under this act are disbursed in compliance with the Single Audit Act (31 USC Sections 7501-7507) and the related provisions of the Uniform Guidance, 2 CFR Section 200.303 regarding internal controls, Sections 200.330 through 200.332 regarding subrecipient monitoring and management, and subpart F regarding audit requirements.

SECTION 5. (1) As a condition of receiving and expending the funds appropriated to the Secretary of State under this act, the Secretary of State shall certify to the Department of Finance and Administration that each expenditure of the funds appropriated to the Secretary of State under this act is in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act.

(2) If the Office of Inspector General of the United States Department of the Treasury, or the Office of Inspector General of any other federal agency having oversight over the use of monies from the Coronavirus Relief Fund established by the CARES Act (a) determines that the Secretary of State has expended or otherwise used any of the funds appropriated to the Secretary of State under this act for any purpose that is not in compliance with the guidelines, guidance, rules, regulations and/or other criteria, as may be amended from time to time, of the United States Department of the Treasury regarding the use of monies from the Coronavirus Relief Fund established by the CARES Act, and (b) the State of Mississippi is required to repay the federal government for any of those funds that the Office of the Inspector General determined were expended or otherwise used improperly by the Secretary of State, then the Secretary of State that expended or otherwise used those funds improperly shall be required to pay the amount of those funds to the State of Mississippi for repayment to the federal government.

SECTION 6. The money appropriated by this act shall be paid by the State Treasurer out of any money in the Budget Contingency Fund not otherwise appropriated, upon warrants issued by the State Fiscal Officer; and the State Fiscal Officer shall issue his warrants upon requisitions signed by the proper person, officer or officers in the manner provided by law.

SECTION 7. This act shall take effect and be in force from and after July 1, 2020.

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