

By: Reynolds

To: Apportionment and  
ElectionsCOMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1306

1 AN ACT TO PROVIDE FOR CONGRESSIONAL DISTRICT ELECTION  
2 INTEGRITY ASSURANCE COMMITTEES FOR EACH POLITICAL PARTY AND  
3 PRESCRIBE THEIR DUTIES REGARDING THE PERFORMANCE OF DUTIES THAT  
4 CERTAIN OFFICIALS FAIL TO PERFORM REGARDING ELECTIONS; TO AMEND  
5 SECTION 23-15-129, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO  
6 AMEND SECTION 23-15-211, MISSISSIPPI CODE OF 1972, TO REQUIRE  
7 TRAINING FOR PARTY REPRESENTATIVES AND MUNICIPAL ELECTION  
8 COMMISSIONERS; TO AMEND SECTION 23-15-239, MISSISSIPPI CODE OF  
9 1972, TO PROVIDE FOR ELECTION INSTRUCTIONS IF MANAGERS AND CLERKS  
10 HAVE NOT RECEIVED SUCH INSTRUCTIONS; TO AMEND SECTION 23-15-265,  
11 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF  
12 MANAGERS AND CLERKS; TO AMEND SECTION 23-15-267, MISSISSIPPI CODE  
13 OF 1972, TO PROVIDE FOR THE DISTRIBUTION OF BALLOT BOXES; TO AMEND  
14 SECTION 23-15-295, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO  
15 AMEND SECTIONS 23-15-331, 23-15-333 AND 23-15-335, MISSISSIPPI  
16 CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 23-15-597,  
17 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ANNOUNCING OF RETURNS  
18 AND CERTIFICATION OF ELECTIONS; TO PROVIDE THAT PERSONS WHO FAIL  
19 TO PERFORM DUTIES SHALL NOT BE PAID; TO PROVIDE A CIVIL PENALTY  
20 FOR FAILURE OF AN EXECUTIVE COMMITTEE TO PERFORM ELECTION DUTIES;  
21 TO REQUIRE COUNTY EXECUTIVE COMMITTEES TO PROVIDE A LIST OF  
22 MANAGERS TO CIRCUIT CLERKS; TO REQUIRE THE SECRETARY OF STATE TO  
23 PUBLISH A BOOKLET ON THE CONDUCT OF ELECTIONS; TO CLARIFY THE  
24 RESPONSIBILITIES AND LIABILITY OF CIRCUIT CLERKS; AND FOR RELATED  
25 PURPOSES.

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

27 SECTION 1. Each registered political party authorized to  
28 conduct a political party primary election shall appoint from its  
29 state party executive committee three (3) members from each of the  
30 state's congressional districts who shall constitute the party's  
31 election integrity assurance committee within that congressional  
32 district. A chairman and a secretary shall be named for each  
33 congressional district election integrity assurance committee.  
34 The responsibility of each congressional district election  
35 integrity assurance committee shall be to ensure that party  
36 primaries within each county and voting precinct constituting that  
37 congressional district are conducted in accordance with state law.

38 If any county executive committee shall fail to perform any of  
39 the duties and responsibilities required of it by House Bill No.  
40 1306, 2000 Regular Session, the congressional district election  
41 integrity assurance committee shall oversee and direct the county  
42 executive committee to perform such duties, and where necessary,  
43 the congressional district election integrity assurance committee  
44 shall itself perform such duties and responsibilities, or direct  
45 suitable members of the party to perform those functions. The  
46 state political party executive committees shall provide on an  
47 annual basis to the circuit clerks of the respective counties and  
48 portions of counties constituting each respective congressional  
49 district the names, addresses and home and work telephone numbers  
50 of the congressional district election integrity assurance  
51 committee members. In any situation where House Bill No. 1306,  
52 2000 Regular Session, shall require the circuit clerk to contact,  
53 notify or advise a member of a congressional district election  
54 integrity assurance committee, it shall be sufficient that the  
55 clerk contract, notify or advise either a member of the committee  
56 or to contact the state party headquarters who shall be required  
57 to contact the committee members and advise them of their  
58 responsibilities under this act.

59 SECTION 2. Section 23-15-129, Mississippi Code of 1972, is  
60 amended as follows:[LH1]

61 23-15-129. The commissioners of election and the registrars  
62 of the respective counties are hereby directed to make an  
63 administrative division of the pollbook for each county  
64 immediately following any reapportionment of the Mississippi  
65 Legislature or any realignment of supervisors districts, if  
66 necessary. Such an administrative division shall form  
67 subprecincts whenever necessary within each voting precinct so  
68 that all persons within a subprecinct shall vote on the same  
69 candidates for each public office. Separate pollbooks for each  
70 subprecinct shall be made. The polling place for all subprecincts  
71 within any given voting precinct shall be the same as the polling  
72 place for the voting precinct. Additional managers may be  
73 appointed for subprecincts in the discretion of the commissioners  
74 of election or \* \* \* the proper executive committee, as

75 appropriate.

76 SECTION 3. Section 23-15-211, Mississippi Code of 1972, is  
77 amended as follows:[LH2]

78 23-15-211. (1) There shall be a State Board of Election  
79 Commissioners to consist of the Governor, the Secretary of State  
80 and the Attorney General, any two (2) of whom may perform the  
81 duties required of the board; a board of election commissioners in  
82 each county to consist of five (5) persons who are electors in the  
83 county in which they are to act; and a registrar in each county  
84 who shall be the clerk of the circuit court, unless he shall be  
85 shown to be an improper person to register the names of the  
86 electors therein.

87 (2) The board of supervisors of each county shall pay  
88 members of the county election commissioners for attending  
89 training events a per diem in the amount provided in Section  
90 23-15-153; however, such per diem shall not be paid to an election  
91 commissioner for more than six (6) days of training per year and  
92 shall only be paid to election commissioners who actually attend  
93 and complete a training event and obtain a training certificate.

94 (3) Included in this six (6) days shall be an elections  
95 seminar, conducted and sponsored by the Secretary of State.  
96 Election commissioners and at least one representative of each  
97 political party executive committee from each county board of  
98 supervisors district shall be required to attend.

99 (4) Each participant shall receive a certificate from the  
100 Secretary of State indicating that the named participant has  
101 received the elections training seminar instruction and that each  
102 participant is fully qualified to conduct an election.

103 (5) Municipal election commissioners shall be required to  
104 obtain training on the conduct of elections from the Secretary of  
105 State. The commissioners must present a certificate of completion  
106 of such training at least thirty (30) days before an election to  
107 the city clerk who shall inform the governing authorities of any

108 commissioners who have not been certified.

109 SECTION 4. Section 23-15-239, Mississippi Code of 1972, is  
110 amended as follows:[LH3]

111 23-15-239. (1) The proper executive committee in the case  
112 of a primary election, or proper election commission in the case  
113 of all other elections, of each county, in conjunction with the  
114 circuit clerk, shall sponsor and conduct, not less than five (5)  
115 days prior to each election, training sessions to instruct  
116 managers as to their duties in the proper administration of the  
117 election and the operation of the polling place. No manager shall  
118 serve in any election unless he has received such instructions  
119 once during the twelve (12) months immediately preceding the date  
120 upon which such election is held; provided, however, that nothing  
121 in this section shall prevent the appointment of an alternate  
122 manager to fill a vacancy in case of an emergency. The  
123 appropriate executive committee or election commission shall train  
124 a sufficient number of alternates to serve in the event a manager  
125 is unable to serve for any reason.

126 (2) If by four (4) days prior to any primary election the  
127 managers and clerks have not received the instruction on elections  
128 administration and operation of the polling place, the county  
129 voter registrar shall advise the congressional district election  
130 integrity assurance committee, who shall provide such instruction.

131 SECTION 5. Section 23-15-265, Mississippi Code of 1972, is  
132 amended as follows:[LH4]

133 23-15-265. The county executive committee of each county  
134 shall meet not less than two (2) weeks before the date of any  
135 primary election and appoint the managers and clerks for same, all  
136 of whom may be members of the same political party. The number of  
137 managers and clerks appointed by the county executive committee  
138 shall be the same number as commissioners of election are allowed  
139 to appoint pursuant to Sections 23-15-231 and 23-15-235. If the  
140 county executive committee fails to meet on the date named, supra,

141 further notice shall be given of the time and place of meeting.  
142 If the county executive committee shall fail to meet and to  
143 appoint the managers and clerks of the election by two (2) weeks  
144 prior to the date of the primary election, the county voter  
145 registrar shall advise the chairman of the congressional district  
146 election integrity assurance committee to call a meeting of the  
147 county executive committee for the purpose of making such  
148 appointments. If the county executive committee shall fail to  
149 submit a list of its appointments of managers and clerks of the  
150 election to the county voter registrar by one (1) week prior to  
151 the date of the primary election, the congressional district  
152 election integrity assurance committee shall make such  
153 appointments.

154 SECTION 6. Section 23-15-267, Mississippi Code of 1972, is  
155 amended as follows:

156 23-15-267. The ballot boxes provided by the regular  
157 commissioners of election in each county shall be used in primary  
158 elections, and the county executive committees shall distribute  
159 them to the voting precincts of the county before the time for  
160 opening the polls, in the same manner, as near as may be, as that  
161 provided for in general elections. If the executive committee  
162 shall fail to distribute the ballot boxes to the precincts by 5:00  
163 p.m. on the day prior to a primary election, then the county voter  
164 registrar shall advise the circuit clerk, and the circuit clerk  
165 shall be responsible for distributing the ballot boxes. If an  
166 adjournment shall take place after the polls are open and before  
167 all votes are counted, the ballot box shall be securely locked so  
168 as to prevent the admission into it or the taking of anything from  
169 it during the time of adjournment; and the box shall be kept by  
170 one of the managers, and the key by another of the managers, and  
171 the manager having the box shall carefully keep it, and neither  
172 undertake to open it himself or permit it to be done, or to permit  
173 any person to have access to it during the time of adjournment.

174 The box shall not be removed from the polling building or place  
175 after the polls are open until the count is completed if as many  
176 as three (3) electors qualified to vote at the election object.  
177 After each election, the ballot boxes of those provided by the  
178 regular commissioner of election shall be delivered, with the keys  
179 thereof immediately and as soon thereafter as possible, and  
180 without delay to the clerk of the circuit court of the county.  
181 The person, or persons, whose duty it is to comply with the  
182 provisions of this section and who shall fail, or neglect, from  
183 any cause, to deliver said boxes or any of them as herein provided  
184 shall, upon conviction, be fined not less than Two Hundred Dollars  
185 (\$200.00) and be imprisoned in the county jail of the residence of  
186 the person, or persons, who violates any of the provisions of this  
187 section, for a period of not less than thirty (30) days or more  
188 than six (6) months, and fined not more than Five Hundred Dollars  
189 (\$500.00).

190 SECTION 7. Section 23-15-295, Mississippi Code of 1972, is  
191 amended as follows:[LH5]

192 23-15-295. When any person has qualified in the manner  
193 provided by law as a candidate for party nomination in any primary  
194 election, such person shall have the right to withdraw his name as  
195 a candidate by giving notice of his withdrawal in writing to the  
196 secretary of the proper executive committee at any time prior to  
197 the printing of the official ballots, and in the event of such  
198 withdrawal the name of such candidate shall not be printed on the  
199 ballot. When a candidate for party nomination for a state or  
200 district office who has qualified with the state executive  
201 committee withdraws as a candidate as provided for in this section  
202 after the sample of the official ballot has been approved and  
203 certified by the State Executive Committee, the Secretary or  
204 Chairman of the State Executive Committee shall forthwith notify  
205 the county executive committee or congressional district election  
206 integrity assurance committee of each county affected or involved

207 of the fact of such withdrawal and such notification shall  
208 authorize said county executive committees or congressional  
209 district election integrity assurance committee to omit the name  
210 of the withdrawn candidate from the ballot if such notification is  
211 received prior to the printing of the ballot. In the case of the  
212 withdrawal of any candidate, the fee paid by such candidate shall  
213 be retained by the state or county executive committee, as the  
214 case may be.

215 SECTION 8. Section 23-15-331, Mississippi Code of 1972, is  
216 amended as follows:[LH6]

217 23-15-331. It shall be the duty of the state executive  
218 committee of each political party to furnish to each county  
219 executive committee or the congressional district election  
220 integrity assurance committee, as appropriate, not less than fifty  
221 (50) days prior to the election, the names of all state and state  
222 district candidates and all candidates for legislative districts  
223 composed of more than one county or parts of more than one county  
224 who have qualified as provided by law, and in accordance with the  
225 requirements of Section 23-15-333 a sample of the official ballot  
226 to be used in the primary, the general form of which shall be  
227 followed as nearly as practicable.

228 SECTION 9. Section 23-15-333, Mississippi Code of 1972, is  
229 amended as follows:[LH7]

230 23-15-333. (1) The county executive committee shall have  
231 printed all necessary ballots, for use in primary elections. The  
232 ballots shall contain the names of all the candidates to be voted  
233 for at such election, and there shall be left on each ballot one  
234 (1) blank space under the title of each office for which a nominee  
235 is to be elected; and in the event of the death of any candidate  
236 whose name shall have been printed on the ballot, the name of the  
237 candidate duly substituted in the place of the deceased candidate  
238 may be written in such blank space by the voter. The order in  
239 which the titles to the various offices shall be printed, and the

240 size, print and quality of the paper of the ballot is left to the  
241 discretion of the county executive committee. Provided, however,  
242 that in all cases the arrangement of the names of the candidates  
243 for each office shall be alphabetical. No ballot shall be used  
244 except those so printed.

245 (2) If the county executive committee shall fail to meet and  
246 to have printed absentee ballots for forty-five (45) days prior to  
247 the date of the primary election, the county voter registrar shall  
248 advise the chairman of the congressional district election  
249 integrity assurance committee to call a meeting of the county  
250 executive committee for the purpose of having absentee ballots  
251 printed. If the county executive committee shall fail to have  
252 absentee ballots printed by forty (40) days prior to the date of  
253 the primary election, the congressional district election  
254 integrity assurance committee shall have the absentee ballots  
255 printed.

256 (3) If the county executive committee shall fail to meet and  
257 to have printed election day ballots four (4) weeks prior to the  
258 primary election the county voter registrar shall advise the  
259 chairman of the congressional district election integrity  
260 assurance committee to call a meeting of the county executive  
261 committee for the purpose of having election day ballots printed.  
262 If the county executive committee shall fail to have absentee  
263 ballots printed by three (3) weeks prior to the date of the  
264 primary election, the congressional district election integrity  
265 assurance committee shall have the election day ballots printed.

266 (4) The county executive committee shall also prepare full  
267 instructions for the guidance of electors at elections as to  
268 obtaining ballots, the manner of marking them, and the mode of  
269 obtaining new ballots in the place of those spoiled by accident.  
270 The instructions shall be printed in large, clear type on "Cards  
271 of Instruction," and the county executive committee shall furnish  
272 the same in sufficient numbers for the use of electors. The cards



273 shall be preserved by the officers of election and returned by  
274 them to the county executive committee and they may be used, if  
275 applicable, in subsequent elections.

276 SECTION 10. Section 23-15-335, Mississippi Code of 1972, is  
277 amended as follows:[LH8]

278 23-15-335. The county executive committee shall designate a  
279 person whose duty it shall be to distribute all necessary ballots  
280 for use in a primary election, and shall designate one (1) among  
281 the managers at each polling place to receive and receipt for the  
282 blank ballots to be used at that place. When the blank ballots  
283 are delivered to a local manager, the distributor shall take from  
284 the local manager a receipt therefor signed in duplicate by both  
285 the distributor and the manager, one of which receipts the  
286 distributor shall deliver to the circuit clerk and the other shall  
287 be retained by the local manager and said last mentioned duplicate  
288 receipt shall be inclosed in the ballot box with the voted ballots  
289 when the polls have been closed and the votes have been counted.  
290 The printer of the ballots shall take a receipt from the  
291 distributor of the ballots for the total number of the blank  
292 ballots delivered to the distributor. The printer shall secure  
293 all ballots printed by him in such a safe manner that no person  
294 can procure them or any of them, and he shall deliver no blank  
295 ballot or ballots to any person except the distributor above  
296 mentioned, and then only upon his receipt therefor as above  
297 specified. The distributor of the blank ballots shall so securely  
298 hold the same that no person can obtain any of them, and he shall  
299 not deliver any of them to any person other than to the authorized  
300 local managers and upon their respective receipts therefor. The  
301 executive committee shall see to it that the total blank ballots  
302 delivered to the distributor, shall correspond with the total of  
303 the receipts executed by the local managers. Any person charged  
304 with any of the duties prescribed in this section who shall  
305 willfully or with culpable carelessness violate the same shall be

306 guilty of a misdemeanor. If the county executive committee shall  
307 fail to perform any duty required by this section, then the  
308 circuit clerk shall perform the duty.

309 SECTION 11. Section 23-15-597, Mississippi Code of 1972, is  
310 amended as follows:[LH9]

311 23-15-597. (1) The county executive committee shall meet on  
312 the first or second day after each primary election, shall receive  
313 and canvass the returns which must be made within the time fixed  
314 by law for returns of general elections and declare the result,  
315 and announce the name of the nominees for county and county  
316 district offices and legislative offices for districts containing  
317 one (1) county or less, and the names of those candidates to be  
318 submitted to the second primary. If the county executive  
319 committee shall fail to meet and announce the results of the  
320 election by three (3) days after the date of the primary election,  
321 the county voter registrar shall advise the chairman of the  
322 congressional district election integrity assurance committee to  
323 call a meeting of the county executive committee for the purpose  
324 of declaring the results and announcing the names of nominees. If  
325 the county executive committee shall fail to declare the results  
326 and announce the names of nominees by the seventh day after the  
327 date of the primary election, the congressional district election  
328 integrity assurance committee shall declare the results and  
329 announce the names of nominees.

330 (2) The vote for state and state district offices and  
331 legislative offices for districts containing more than one (1)  
332 county or parts of more than one (1) county shall be tabulated by  
333 precincts and certified to and returned to the State Executive  
334 Committee, such returns to be mailed by registered letter or any  
335 safe mode of transmission within thirty-six (36) hours after the  
336 returns are canvassed and the result ascertained. If the county  
337 executive committee shall fail to tabulate and certify the returns  
338 and transmit to the State Executive Committee the results of the

339 election for such offices by three (3) days after the date of the  
340 primary election, the county voter registrar shall then advise the  
341 chairman of the congressional district election integrity  
342 assurance committee to call a meeting of the county executive  
343 committee for the purpose of tabulating, certifying and  
344 transmitting the results of the election to the State Executive  
345 Committee. If the county executive committee shall fail to  
346 tabulate, certify and transmit the returns to the State Executive  
347 Committee by five (5) days after the date of the primary election,  
348 the congressional district election integrity assurance committee  
349 shall tabulate the results and transmit them to the State  
350 Executive Committee.

351       (3) The State Executive Committee shall meet a week from the  
352 day following the first primary election held for state and state  
353 district offices and legislative offices for districts containing  
354 more than one (1) county or parts of more than one (1) county, and  
355 shall proceed to canvass the returns and to declare the result,  
356 and announce the names of those nominated for the different  
357 offices in the first primary and the names of those candidates  
358 whose names are to be submitted to the second primary election.  
359 The State Executive Committee shall also meet a week from the day  
360 on which the second primary election was held and receive and  
361 canvass the returns for state and district offices, if any, and  
362 legislative offices for districts containing more than one (1)  
363 county or parts of more than one (1) county, if any, voted on in  
364 such second primary. An exact and full duplicate of all  
365 tabulations by precincts as certified under this section shall be  
366 filed with the circuit clerk of the county who shall safely  
367 preserve the same in his office.

368       SECTION 12. (1) Any person who has duties regarding the  
369 conduct of elections and who fails to perform such duties shall  
370 not be paid for the amount of time such person does not perform  
371 such duties. Any reduction of pay shall be on a pro rata basis if

372 such person does not work for a full day or shall be for the whole  
373 day if such person does not appear for an entire day.

374 (2) If any executive committee fails to perform any duties  
375 in conducting an election, such executive committee may be  
376 assessed a civil penalty of up to Two Hundred Fifty Dollars  
377 (\$250.00) in the circuit court in the county where the violation  
378 occurred. Each member of an executive committee shall sign a  
379 certificate stating that they understand their duties regarding  
380 conducting elections and that failure to perform such duties may  
381 result in the assessment of a civil penalty of up to Two Hundred  
382 Fifty Dollars (\$250.00).

383 SECTION 13. Within ten (10) days of a primary election, the  
384 county executive committees shall provide a list of managers to  
385 the circuit clerks.

386 SECTION 14. The Secretary of State shall publish a booklet  
387 which has a step-by-step outline of how to conduct a primary  
388 election and shall make such booklet available to party executive  
389 committees.

390 SECTION 15. All counties using lever machines for voting  
391 shall have paper ballots and boxes for use in the event such lever  
392 machines are not in proper working order.

393 SECTION 16. Any person, executive committee or election  
394 commission with duties regarding conducting elections shall  
395 certify to the circuit clerk that such duties have been  
396 successfully fulfilled upon the completion of such duties. Such  
397 certification shall be upon a certificate presented to the circuit  
398 clerk and the presenting party shall retain a copy. If the  
399 circuit clerk does not receive such certificate and is required to  
400 perform any election task as the result of any party's failure to  
401 do so, then the circuit clerk shall incur no liability for  
402 performing such duties.

403 SECTION 17. The Attorney General of the State of Mississippi  
404 shall submit this act, immediately upon approval by the Governor,

405 or upon approval by the Legislature subsequent to a veto, to the  
406 Attorney General of the United States or to the United States  
407 District Court for the District of Columbia in accordance with the  
408 provisions of the Voting Rights Act of 1965, as amended and  
409 extended.

410 SECTION 18. This act shall take effect and be in force from  
411 and after the date it is effectuated under Section 5 of the Voting  
412 Rights Act of 1965, as amended and extended.