

By: Representative Reynolds

To: Apportionment and
Elections; Fees and Salaries
of Public Officers

HOUSE BILL NO. 541

1 AN ACT TO AMEND SECTIONS 9-1-43, 23-15-129, 23-15-171,
2 23-15-225, 23-15-239, 23-15-263, 23-15-265, 23-15-267, 23-15-295,
3 23-15-331, 23-15-333, 23-15-335 AND 23-15-597, MISSISSIPPI CODE OF
4 1972, TO PROVIDE THAT WHEN IF A COUNTY EXECUTIVE COMMITTEE FAILS
5 TO PERFORM A DUTY THE COUNTY ELECTION COMMISSION SHALL PERFORM THE
6 DUTY; TO PROVIDE THAT WHEN A MUNICIPAL EXECUTIVE COMMITTEE FAILS
7 TO PERFORM A DUTY THE MUNICIPAL ELECTION COMMISSION SHALL PERFORM
8 THE DUTY; TO PROVIDE THAT A CIRCUIT CLERK MAY PERFORM DUTIES OF A
9 COUNTY POLITICAL PARTY EXECUTIVE COMMITTEE AND TO PROVIDE
10 COMPENSATION THEREFOR; TO AUTHORIZE THE COUNTY REGISTRAR TO
11 PROVIDE INSTRUCTIONS ON ELECTIONS ADMINISTRATION AND OPERATION TO
12 MANAGERS AND CLERKS; TO AUTHORIZE THE COUNTY VOTER REGISTRAR TO
13 DISTRIBUTE BALLOT BOXES WHEN THE EXECUTIVE COMMITTEE FAILS TO
14 DISTRIBUTE BALLOT BOXES; TO AUTHORIZE COUNTY ELECTION COMMISSIONS
15 TO MAKE CERTAIN APPOINTMENTS WHEN THE EXECUTIVE COMMITTEE FAILS TO
16 DO SO; TO CONFORM CERTAIN PROVISIONS OF LAW; TO PROVIDE FOR
17 PRINTING OF BALLOTS BY THE COUNTY ELECTION COMMISSION WHEN THE
18 COUNTY EXECUTIVE COMMISSION FAILS TO DO SO; TO PROVIDE FOR THE
19 ANNOUNCING OF ELECTION RESULTS WHEN AN EXECUTIVE COMMITTEE FAILS
20 TO DO SO; AND FOR RELATED PURPOSES.

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

22 SECTION 1. Section 9-1-43, Mississippi Code of 1972, is
23 amended as follows:

24 9-1-43. (1) After making deductions for employee salaries
25 and related salary expenses, and expenses allowed as deductions by
26 Schedule C of the Internal Revenue Code, no office of the chancery
27 clerk or circuit clerk of any county in the state shall receive
28 fees as compensation for the chancery clerk's or circuit clerk's
29 services in excess of Seventy-five Thousand Six Hundred Dollars
30 (\$75,600.00) annually, and from and after January 1, 2000, in
31 excess of Eighty-three Thousand One Hundred Sixty Dollars
32 (\$83,160.00) annually. All such fees received by the office of
33 chancery or circuit clerks that are in excess of the salary
34 limitation shall be deposited by such clerk into the county
35 general fund on or before April 15 for the preceding calendar
36 year. If the chancery clerk or circuit clerk serves less than one



37 (1) year, then he shall not receive as compensation any fees in
38 excess of that portion of the salary limitation that can be
39 attributed to his time in office on a pro rata basis. Upon
40 leaving office, income earned by any clerk in his last full year
41 of office but not received until after his last full year of
42 office shall not be included in determining the salary limitation
43 of the successor clerk. There shall be exempted from the
44 provisions of this subsection any monies or commissions from
45 private or governmental sources which: (a) are to be held by the
46 chancery or circuit clerk in a trust or custodial capacity as
47 prescribed in subsections (4) and (5); * * * (b) are received as
48 compensation for services performed upon order of a court or board
49 of supervisors which are not required of the chancery clerk or
50 circuit clerk by statute; or (c) are received as compensation for
51 services performed as provided in Section 23-15-225(8).

52 (2) It shall be unlawful for any chancery clerk or circuit
53 clerk to use fees in excess of Seventy-five Thousand Six Hundred
54 Dollars (\$75,600.00) annually, and from and after January 1, 2000,
55 in excess of Eighty-three Thousand One Hundred Sixty Dollars
56 (\$83,160.00) annually, to pay the salaries or actual or necessary
57 expenses of employees who are related to such clerk by blood or
58 marriage within the first degree of kinship according to the civil
59 law method of computing kinship as provided in Sections 1-3-71 and
60 1-3-73. However, the prohibition of this subsection shall not
61 apply to any individual who was an employee of the clerk's office
62 prior to the date his or her relative was elected as chancery or
63 circuit clerk. The spouse and/or any children of the chancery
64 clerk or circuit clerk employed in the office of the chancery
65 clerk may be paid a salary; however, the combined annual salaries
66 of the clerk, spouse and any child of the clerk may not exceed an
67 amount equal to the salary limitation.

68 (3) The chancery clerk and the circuit clerk shall be liable
69 on their official bond for the proper deposit and accounting of



70 all monies received by his office. The State Auditor shall
71 promulgate uniform accounting methods for the accounting of all
72 sources of income by the offices of the chancery and circuit
73 clerk.

74 (4) There is created in the county depository of each county
75 a clearing account to be designated as the "chancery court clerk
76 clearing account," into which shall be deposited: (a) all such
77 monies as the clerk of the chancery court shall receive from any
78 person complying with any writ of garnishment, attachment,
79 execution or other like process authorized by law for the
80 enforcement of child support, spousal support or any other
81 judgment; (b) any portion of any fees required by law to be
82 collected in civil cases which are to pay for the service of
83 process or writs in another county; and (c) any other money as
84 shall be deposited with the court which by its nature is not, at
85 the time of its deposit, public monies, but which is to be held by
86 the court in a trust or custodial capacity in a case or proceeding
87 before the court. The clerk of the chancery court shall account
88 for all monies deposited in and disbursed from such account and
89 shall be authorized and empowered to draw and issue checks on such
90 account at such times, in such amounts and to such persons as
91 shall be proper and in accordance with law.

92 The following monies paid to the chancery clerk shall be
93 subject to the salary limitation prescribed under subsection (1):
94 (a) all fees required by law to be collected for the filing,
95 recording or abstracting of any bill, petition, pleading or decree
96 in any civil case in chancery; (b) all fees collected for land
97 recordings, charters, notary bonds, certification of decrees and
98 copies of any documents; (c) all land redemption and mineral
99 documentary stamp commissions; and (d) any other monies or
100 commissions from private or governmental sources for statutory
101 functions which are not to be held by the court in a trust
102 capacity. Such fees as shall exceed the salary limitations shall



103 be maintained in a bank account in the county depository and
104 accounted for separately from those monies paid into the chancery
105 court clerk clearing account.

106 (5) There is created in the county depository in each county
107 a clearing account to be designated as the "circuit court clerk
108 civil clearing account," into which shall be deposited: (a) all
109 such monies and fees as the clerk of the circuit court shall
110 receive from any person complying with any writ of garnishment,
111 attachment, execution or any other like process authorized by law
112 for the enforcement of a judgment; (b) any portion of any fees
113 required by law or court order to be collected in civil cases;
114 (c) all fees collected for the issuance of marriage licenses; and
115 (d) any other money as shall be deposited with the court which by
116 its nature is not, at the time of its deposit, public monies but
117 which is to be held by the court in a trust or custodial capacity
118 in a case or proceeding before the court.

119 There is created in the county depository in each county a
120 clearing account to be designated as the "circuit court clerk
121 criminal clearing account," into which shall be deposited: (a)
122 all such monies as are received in criminal cases in the circuit
123 court pursuant to any order requiring payment as restitution to
124 the victims of criminal offenses; (b) any portion of any fees and
125 fines required by law or court order to be collected in criminal
126 cases; and (c) all cash bonds as shall be deposited with the
127 court. The clerk of the circuit court shall account for all
128 monies deposited in and disbursed from such account and shall be
129 authorized and empowered to draw and issue checks on such account,
130 at such times, in such amounts and to such persons as shall be
131 proper and in accordance with law; however, such monies as are
132 forfeited in criminal cases shall be paid by the clerk of the
133 circuit court to the clerk of the board of supervisors for deposit
134 in the general fund of the county.



135 The following monies paid to the circuit clerk shall be
136 subject to the salary limitation prescribed under subsection (1):
137 (a) all fees required by law to be collected for the filing,
138 recording or abstracting of any bill, petition, pleading or decree
139 in any civil action in circuit court; (b) copies of any documents;
140 and (c) any other monies or commissions from private or
141 governmental sources for statutory functions which are not to be
142 held by the court in a trust capacity.

143 (6) The chancery clerk and the circuit clerk shall establish
144 and maintain a cash journal for recording cash receipts from
145 private or government sources for furnishing copies of any papers
146 of record or on file, or for rendering services as a notary
147 public, or other fees wherein the total fee for the transaction is
148 Ten Dollars (\$10.00) or less. The cash journal entry shall
149 include the date, amount and type of transaction, and the clerk
150 shall not be required to issue a receipt to the person receiving
151 such services. The State Auditor shall not take exception to the
152 furnishing of copies or the rendering of services as a notary by
153 any clerk free of charge.

154 In any county having two (2) judicial districts, whenever the
155 chancery clerk serves as deputy to the circuit clerk in one (1)
156 judicial district and the circuit clerk serves as deputy to the
157 chancery clerk in the other judicial district, the chancery clerk
158 may maintain a cash journal, separate from the cash journal
159 maintained for chancery clerk receipts, for recording the cash
160 receipts paid to him as deputy circuit clerk, and the circuit
161 clerk may maintain a cash journal, separate from the cash journal
162 maintained for circuit clerk receipts, for recording the cash
163 receipts paid to him as deputy chancery clerk. The cash receipts
164 collected by the chancery clerk in his capacity as deputy circuit
165 clerk and the cash receipts collected by the circuit clerk in his
166 capacity as deputy chancery clerk shall be subject to the salary
167 limitation prescribed under subsection (1).



168 (7) Any clerk who knowingly shall fail to deposit funds or
169 otherwise violate the provisions of this section shall be guilty
170 of a misdemeanor in office and, upon conviction thereof, shall be
171 fined in an amount not to exceed double the amount that he failed
172 to deposit, or imprisoned for not to exceed six (6) months in the
173 county jail, or be punished by both such fine and imprisonment.

174 SECTION 2. Section 23-15-129, Mississippi Code of 1972, is
175 amended as follows:

176 23-15-129. The commissioners of election and the registrars
177 of the respective counties are hereby directed to make an
178 administrative division of the pollbook for each county
179 immediately following any reapportionment of the Mississippi
180 Legislature or any realignment of supervisors districts, if
181 necessary. Such an administrative division shall form
182 subprecincts whenever necessary within each voting precinct so
183 that all persons within a subprecinct shall vote on the same
184 candidates for each public office. Separate pollbooks for each
185 subprecinct shall be made. The polling place for all subprecincts
186 within any given voting precinct shall be the same as the polling
187 place for the voting precinct. Additional managers may be
188 appointed for subprecincts in the discretion of the commissioners
189 of election or * * * the proper executive committee, as
190 appropriate.

191 SECTION 3. Section 23-15-171, Mississippi Code of 1972, is
192 amended as follows:

193 23-15-171. (1) Municipal primary elections shall be held on
194 the first Tuesday in May preceding the general municipal election
195 and, in the event a second primary shall be necessary, such second
196 primary shall be held on the third Tuesday in May preceding such
197 general municipal election.

198 (2) At municipal primary elections the municipal executive
199 committee shall perform the same duties as are specified by law
200 and performed by members of the county executive committee with



201 regard to state and county primary elections. Each municipal
202 executive committee shall have as many members as there are
203 elective officers of the municipality, and such members of the
204 municipal executive committee of each political party shall be
205 elected in the primary elections held for the nomination of
206 candidates for municipal offices.

207 (3) Where House Bill No. , 2001 Regular Session, shall
208 require that upon the failure of a county executive committee to
209 perform a duty the county election commission shall instead
210 perform the duty, then if the same duty shall fail to be performed
211 by a municipal executive committee in a municipal primary, then
212 the municipal election commission shall perform such duty.

213 (4) The provisions of this section shall govern all
214 municipal primary elections as far as applicable, but * * * the
215 returns of such election shall be made to such municipal executive
216 committee. Vacancies in the executive committee shall be filled by
217 it.

218 (5) Provided, however, that in municipalities operating
219 under a special or private charter which fixes a time for holding
220 elections, other than the time fixed by Chapter 491, Laws of 1950,
221 the first primary election shall be held exactly four (4) weeks
222 before the time for holding the general election, as fixed by the
223 charter, and the second primary election, where necessary, shall
224 be held two (2) weeks after the first primary election, unless the
225 charter of any such municipality provides otherwise, in which
226 event the provisions of the special or private charter shall
227 prevail as to the time of holding such primary elections.

228 (6) All primary elections in municipalities shall be held
229 and conducted in the same manner as is provided by law for state
230 and county primary elections.

231 SECTION 4. Section 23-15-225, Mississippi Code of 1972, is
232 amended as follows:



233 23-15-225. (1) The registrar shall be entitled to such
234 compensation, payable monthly out of the county treasury, which
235 the board of supervisors of the county shall allow on an annual
236 basis in the following amounts:

237 (a) For counties with a total population of more than
238 two hundred thousand (200,000), an amount not to exceed
239 Twenty-nine Thousand Nine Hundred Dollars (\$29,900.00), but not
240 less than Nine Thousand Two Hundred Dollars (\$9,200.00).

241 (b) For counties with a total population of more than
242 one hundred thousand (100,000) and not more than two hundred
243 thousand (200,000), an amount not to exceed Twenty-five Thousand
244 Three Hundred Dollars (\$25,300.00), but not less than Nine
245 Thousand Two Hundred Dollars (\$9,200.00).

246 (c) For counties with a total population of more than
247 fifty thousand (50,000) and not more than one hundred thousand
248 (100,000), an amount not to exceed Twenty-three Thousand Dollars
249 (\$23,000.00), but not less than Nine Thousand Two Hundred Dollars
250 (\$9,200.00).

251 (d) For counties with a total population of more than
252 thirty-five thousand (35,000) and not more than fifty thousand
253 (50,000), an amount not to exceed Twenty Thousand Seven Hundred
254 Dollars (\$20,700.00), but not less than Nine Thousand Two Hundred
255 Dollars (\$9,200.00).

256 (e) For counties with a total population of more than
257 twenty-five thousand (25,000) and not more than thirty-five
258 thousand (35,000), an amount not to exceed Eighteen Thousand Four
259 Hundred Dollars (\$18,400.00), but not less than Nine Thousand Two
260 Hundred Dollars (\$9,200.00).

261 (f) For counties with a total population of more than
262 fifteen thousand (15,000) and not more than twenty-five thousand
263 (25,000), an amount not to exceed Sixteen Thousand One Hundred
264 Dollars (\$16,100.00), but not less than Nine Thousand Two Hundred
265 Dollars (\$9,200.00).



266 (g) For counties with a total population of more than
267 ten thousand (10,000) and not more than fifteen thousand (15,000),
268 an amount not to exceed Thirteen Thousand Eight Hundred Dollars
269 (\$13,800.00), but not less than Eight Thousand Fifty Dollars
270 (\$8,050.00).

271 (h) For counties with a total population of more than
272 six thousand (6,000) and not more than ten thousand (10,000), an
273 amount not to exceed Eleven Thousand Five Hundred Dollars
274 (\$11,500.00), but not less than Eight Thousand Fifty Dollars
275 (\$8,050.00).

276 (i) For counties with a total population of not more
277 than six thousand (6,000), an amount not to exceed Nine Thousand
278 Two Hundred Dollars (\$9,200.00) but not less than Six Thousand
279 Three Hundred Twenty-five Dollars (\$6,325.00).

280 (j) For counties having two (2) judicial districts, the
281 board of supervisors of the county may allow, in addition to the
282 sums prescribed herein, in its discretion, an amount not to exceed
283 Eleven Thousand Five Hundred Dollars (\$11,500.00).

284 (2) In the event of a reregistration within such county, or
285 a redistricting which necessitates the hiring of additional deputy
286 registrars, the board of supervisors may by contract compensate
287 the county registrar amounts in addition to the sums prescribed
288 herein, in its discretion.

289 (3) As compensation for their services in assisting the
290 county election commissioners in performance of their duties in
291 the revision of the registration books and the pollbooks of the
292 several voting precincts of the several counties and in assisting
293 the election commissioners, executive committees or boards of
294 supervisors in connection with any election, the registrar shall
295 receive the same daily per diem and limitation on meeting days as
296 provided for the board of election commissioners as set out in
297 Sections 23-15-153 and 23-15-227 to be paid from the general fund
298 of the county.



299 (4) In any case where an amount has been allowed by the
300 board of supervisors pursuant to this section, such amount shall
301 not be reduced or terminated during the term for which the
302 registrar was elected.

303 (5) The circuit clerk shall, in addition to any other
304 compensation provided for by law, be entitled to receive as
305 compensation from the board of supervisors the amount of Two
306 Thousand Dollars (\$2,000.00) per year. This payment shall be for
307 the performance of his duties in regard to the conduct of
308 elections and the performance of his other duties.

309 (6) The municipal clerk shall, in addition to any other
310 compensation for performance of duties, be eligible to receive as
311 compensation from the municipality's governing authorities a
312 reasonable amount of additional compensation for reimbursement of
313 costs and for additional duties associated with mail-in
314 registration of voters.

315 (7) The board of supervisors shall not allow any additional
316 compensation authorized under this section for services as county
317 registrar to any circuit clerk who is receiving fees as
318 compensation for his services equal to the limitation on
319 compensation prescribed in Section 9-1-43.

320 (8) In any case where the circuit clerk must perform the
321 duties of a county political party executive committee in
322 accordance with House Bill No. , 2001 Regular Session, the
323 circuit clerk shall be entitled to receive for such work the per
324 diem rate provided in Section 23-15-153, the payment of such per
325 diem not to be subject to the limitation on compensation
326 prescribed in Section 9-1-43.

327 SECTION 5. Section 23-15-239, Mississippi Code of 1972, is
328 amended as follows:

329 23-15-239. (1) The proper executive committee in the case
330 of a primary election, or proper election commission in the case
331 of all other elections, of each county, in conjunction with the



332 circuit clerk, shall sponsor and conduct, not less than five (5)
333 days prior to each election, training sessions to instruct
334 managers as to their duties in the proper administration of the
335 election and the operation of the polling place. No manager shall
336 serve in any election unless he has received such instructions
337 once during the twelve (12) months immediately preceding the date
338 upon which such election is held; provided, however, that nothing
339 in this section shall prevent the appointment of an alternate
340 manager to fill a vacancy in case of an emergency. The
341 appropriate executive committee or election commission shall train
342 a sufficient number of alternates to serve in the event a manager
343 is unable to serve for any reason.

344 (2) If by four (4) days prior to any election the managers
345 and clerks have not received the instructions on elections
346 administration and operation of the polling place, the county
347 voter registrar shall provide such instruction.

348 (3) The board of supervisors, in their discretion, may
349 compensate managers who attend such training sessions. The
350 compensation shall be at a rate of not less than the federal
351 hourly minimum wage nor more than Ten Dollars (\$10.00) per hour.
352 Managers shall not be compensated for more than two (2) hours of
353 attendance at the training sessions regardless of the actual
354 amount of time that they attended the training sessions.

355 (4) The time and location of the training sessions required
356 pursuant to this section shall be announced to the general public
357 by posting a notice thereof at the courthouse and by delivering a
358 copy of the notice to the office of a newspaper having general
359 circulation in the county five (5) days before the date upon which
360 the training session is to be conducted. Persons who will serve
361 as poll watchers for candidates and political parties, as well as
362 members of the general public, shall be allowed to attend the
363 sessions.



364 SECTION 6. Section 23-15-263, Mississippi Code of 1972, is
365 amended as follows:

366 23-15-263. (1) Unless otherwise provided in this chapter,
367 the county executive committee at primary elections shall perform
368 all duties that relate to the qualification of candidates for
369 primary elections, print ballots for primary elections, appoint
370 the primary election officers, resolve contests in regard to
371 primary elections, and perform all other duties required by law to
372 be performed by the county executive committee; however, each
373 house of the Legislature shall rule on the qualifications of the
374 membership of its respective body in contests involving the
375 qualifications of such members. The executive committee shall be
376 subject to all the penalties to which county election
377 commissioners are subject, except that Section 23-15-217 shall not
378 apply to members of the county executive committee who seek
379 elective office.

380 (2) A member of a county executive committee shall be
381 automatically disqualified to serve on the county executive
382 committee, and shall be considered to have resigned therefrom,
383 upon his qualification as a candidate for any elective office.
384 The provisions of this subsection shall not apply to a member of a
385 county executive committee who qualifies as a candidate for a
386 municipal elective office.

387 (3) The primary election officers appointed by the executive
388 committee of the party shall have the powers and perform the
389 duties, where not otherwise provided, required of such officers in
390 a general election, and any and every act or omission which by law
391 is an offense when committed in or about or in respect to such
392 general elections, shall be an offense if committed in or about or
393 in respect to a primary election; and the same shall be indictable
394 and punishable in the same way as if the election was a general
395 election for the election of state and county officers, except as
396 specially modified or otherwise provided in this chapter.



397 (4) If the municipal executive committee shall fail to meet
398 and to appoint the managers and clerks of the election by one week
399 prior to the date of the primary election, the municipal clerk
400 shall advise the chairman of the municipal executive committee to
401 call a meeting of the municipal executive committee for the
402 purpose of making such appointments. If the municipal executive
403 committee shall fail to submit a list of its appointments of
404 managers and clerks of the election to the county voter registrar
405 by five (5) days prior to the date of the primary election, the
406 municipal election commission shall make such appointments.

407 (5) If the municipal executive committee shall fail to meet
408 and to have printed absentee ballots by twenty-five (25) days
409 prior to the date of the primary election, the municipal clerk
410 shall advise the chairman of the municipal executive committee to
411 call a meeting of the municipal executive committee for the
412 purpose of having absentee ballots printed. If the municipal
413 executive committee shall fail to have absentee ballots printed by
414 twenty (20) days prior to the date of the primary election, the
415 municipal election commission shall have the absentee ballots
416 printed.

417 (6) If the municipal executive committee shall fail to meet
418 and to have printed election day ballots three weeks prior to the
419 primary election, the municipal clerk shall advise the chairman of
420 the municipal executive committee to call a meeting of the
421 municipal executive committee for the purpose of having election
422 day ballots printed. If the municipal executive committee shall
423 fail to have absentee ballots printed by two (2) weeks prior to
424 the date of the primary election, the municipal election
425 commission shall have the election day ballots printed.

426 SECTION 7. Section 23-15-265, Mississippi Code of 1972, is
427 amended as follows:

428 23-15-265. The county executive committee of each county
429 shall meet not less than two (2) weeks before the date of any



430 primary election and appoint the managers and clerks for same, all
431 of whom may be members of the same political party. The number of
432 managers and clerks appointed by the county executive committee
433 shall be the same number as commissioners of election are allowed
434 to appoint pursuant to Sections 23-15-231 and 23-15-235. If the
435 county executive committee fails to meet on the date named, supra,
436 further notice shall be given of the time and place of meeting.
437 If the county executive committee shall fail to meet and to
438 appoint the managers and clerks of the election by two (2) weeks
439 prior to the date of the primary election, the county voter
440 registrar shall advise the chairman of the county executive
441 committee to call a meeting of the county executive committee for
442 the purpose of making such appointments. If the county executive
443 committee shall fail to submit a list of its appointments of
444 managers and clerks of the election to the county voter registrar
445 by one (1) week prior to the date of the primary election, the
446 county election commission shall make such appointments.

447 SECTION 8. Section 23-15-267, Mississippi Code of 1972, is
448 amended as follows:

449 23-15-267. The ballot boxes provided by the regular
450 commissioners of election in each county shall be used in primary
451 elections, and the county executive committees shall distribute
452 them to the voting precincts of the county before the time for
453 opening the polls, in the same manner, as near as may be, as that
454 provided for in general elections. If the executive committee
455 shall fail to distribute the ballot boxes to the precincts by 6:00
456 a.m. on the morning of a primary election, then the county voter
457 registrar shall distribute the ballot boxes. If an adjournment
458 shall take place after the polls are open and before all votes are
459 counted, the ballot box shall be securely locked so as to prevent
460 the admission into it or the taking of anything from it during the
461 time of adjournment; and the box shall be kept by one of the
462 managers, and the key by another of the managers, and the manager



463 having the box shall carefully keep it, and neither undertake to
464 open it himself or permit it to be done, or to permit any person
465 to have access to it during the time of adjournment. The box
466 shall not be removed from the polling building or place after the
467 polls are open until the count is completed if as many as three
468 (3) electors qualified to vote at the election object. After each
469 election, the ballot boxes of those provided by the regular
470 commissioner of election shall be delivered, with the keys thereof
471 immediately and as soon thereafter as possible, and without delay
472 to the clerk of the circuit court of the county. The person, or
473 persons, whose duty it is to comply with the provisions of this
474 section and who shall fail, or neglect, from any cause, to deliver
475 said boxes or any of them as herein provided shall, upon
476 conviction, be fined not less than Two Hundred Dollars (\$200.00)
477 and be imprisoned in the county jail of the residence of the
478 person, or persons, who violates any of the provisions of this
479 section, for a period of not less than thirty (30) days or more
480 than six (6) months, and fined not more than Five Hundred Dollars
481 (\$500.00).

482 SECTION 9. Section 23-15-295, Mississippi Code of 1972, is
483 amended as follows:

484 23-15-295. When any person has qualified in the manner
485 provided by law as a candidate for party nomination in any primary
486 election, such person shall have the right to withdraw his name as
487 a candidate by giving notice of his withdrawal in writing to the
488 secretary of the proper executive committee at any time prior to
489 the printing of the official ballots, and in the event of such
490 withdrawal the name of such candidate shall not be printed on the
491 ballot. When a candidate for party nomination for a state or
492 district office who has qualified with the state executive
493 committee withdraws as a candidate as provided in this section
494 after the sample of the official ballot has been approved and
495 certified by the State Executive Committee, the Secretary or



496 Chairman of the State Executive Committee shall forthwith notify
497 the county executive committee or commissioners of election of
498 each county, as appropriate, of each county affected or involved
499 of the fact of such withdrawal and such notification shall
500 authorize said county executive committees or commissioners of
501 election of each county, as appropriate, to omit the name of the
502 withdrawn candidate from the ballot if such notification is
503 received prior to the printing of the ballot. In the case of the
504 withdrawal of any candidate, the fee paid by such candidate shall
505 be retained by the state or county executive committee, as the
506 case may be.

507 SECTION 10. Section 23-15-331, Mississippi Code of 1972, is
508 amended as follows:

509 23-15-331. It shall be the duty of the state executive
510 committee of each political party to furnish to each county
511 executive committee or the commissioners of election of each
512 county, as appropriate, not less than fifty (50) days prior to the
513 election, the names of all state and state district candidates and
514 all candidates for legislative districts composed of more than one
515 county or parts of more than one county who have qualified as
516 provided by law, and in accordance with the requirements of
517 Section 23-15-333 a sample of the official ballot to be used in
518 the primary, the general form of which shall be followed as nearly
519 as practicable.

520 SECTION 11. Section 23-15-333, Mississippi Code of 1972, is
521 amended as follows:

522 23-15-333. (1) The county executive committee shall have
523 printed all necessary ballots, for use in primary elections. The
524 ballots shall contain the names of all the candidates to be voted
525 for at such election, and there shall be left on each ballot one
526 (1) blank space under the title of each office for which a nominee
527 is to be elected; and in the event of the death of any candidate
528 whose name shall have been printed on the ballot, the name of the



529 candidate duly substituted in the place of the deceased candidate
530 may be written in such blank space by the voter. Except as
531 otherwise provided in subsection (2) of this section, the order in
532 which the titles to the various offices shall be printed, and the
533 size, print and quality of the paper of the ballot is left to the
534 discretion of the county executive committee. Provided, however,
535 that in all cases the arrangement of the names of the candidates
536 for each office shall be alphabetical. No ballot shall be used
537 except those so printed.

538 (2) The titles for the various offices shall be listed in
539 the following order:

- 540 (a) Candidates for national office;
- 541 (b) Candidates for statewide office;
- 542 (c) Candidates for state district office;
- 543 (d) Candidates for legislative office;
- 544 (e) Candidates for countywide office;
- 545 (f) Candidates for county district office.

546 The order in which the titles for the various offices are
547 listed within each of the categories listed in this subsection is
548 left to the discretion of the county executive committee.

549 (3) If the county executive committee shall fail to meet and
550 to have printed absentee ballots by forty-five (45) days prior to
551 the date of the primary election, the county voter registrar shall
552 advise the chairman of the county executive committee to call a
553 meeting of the county executive committee for the purpose of
554 having absentee ballots printed. If the county executive
555 committee shall fail to have absentee ballots printed by forty
556 (40) days prior to the date of the primary election, the county
557 election commission shall have the absentee ballots printed.

558 (4) If the county executive committee shall fail to meet and
559 to have printed election day ballots four (4) weeks prior to the
560 primary election, the county voter registrar shall advise the
561 chairman of the county executive committee to call a meeting of



562 the county executive committee for the purpose of having election
563 day ballots printed. If the county executive committee shall fail
564 to have absentee ballots printed by three (3) weeks prior to the
565 date of the primary election, the county election commission shall
566 have the election day ballots printed.

567 (5) The county executive committee shall also prepare full
568 instructions for the guidance of electors at elections as to
569 obtaining ballots, the manner of marking them, and the mode of
570 obtaining new ballots in the place of those spoiled by accident.
571 The instructions shall be printed in large, clear type on "Cards
572 of Instruction," and the county executive committee shall furnish
573 the same in sufficient numbers for the use of electors. The cards
574 shall be preserved by the officers of election and returned by
575 them to the county executive committee and they may be used, if
576 applicable, in subsequent elections.

577 SECTION 12. Section 23-15-335, Mississippi Code of 1972, is
578 amended as follows:

579 23-15-335. The county executive committee shall designate a
580 person whose duty it shall be to distribute all necessary ballots
581 for use in a primary election, and shall designate one (1) among
582 the managers at each polling place to receive and receipt for the
583 blank ballots to be used at that place. When the blank ballots
584 are delivered to a local manager, the distributor shall take from
585 the local manager a receipt therefor signed in duplicate by both
586 the distributor and the manager, one of which receipts the
587 distributor shall deliver to the circuit clerk and the other shall
588 be retained by the local manager and said last mentioned duplicate
589 receipt shall be enclosed in the ballot box with the voted ballots
590 when the polls have been closed and the votes have been counted.
591 The printer of the ballots shall take a receipt from the
592 distributor of the ballots for the total number of the blank
593 ballots delivered to the distributor. The printer shall secure
594 all ballots printed by him in such a safe manner that no person



595 can procure them or any of them, and he shall deliver no blank
596 ballot or ballots to any person except the distributor above
597 mentioned, and then only upon his receipt therefor as above
598 specified. The distributor of the blank ballots shall so securely
599 hold the same that no person can obtain any of them, and he shall
600 not deliver any of them to any person other than to the authorized
601 local managers and upon their respective receipts therefor. The
602 executive committee shall see to it that the total blank ballots
603 delivered to the distributor, shall correspond with the total of
604 the receipts executed by the local managers. Any person charged
605 with any of the duties prescribed in this section who shall
606 willfully or with culpable carelessness violate the same shall be
607 guilty of a misdemeanor. If the county executive committee shall
608 fail to perform any duties required by this section, then after
609 providing notice to the executive committee, the county election
610 commission shall perform the duty, except where it is required by
611 law that the county voter registrar shall perform those duties.

612 SECTION 13. Section 23-15-597, Mississippi Code of 1972, is
613 amended as follows:

614 23-15-597. (1) The county executive committee shall meet on
615 the first or second day after each primary election, shall receive
616 and canvass the returns which must be made within the time fixed
617 by law for returns of general elections and declare the result,
618 and announce the name of the nominees for county and county
619 district offices and legislative offices for districts containing
620 one (1) county or less, and the names of those candidates to be
621 submitted to the second primary. If the county executive
622 committee shall fail to meet and announce the result of the
623 election by three (3) days after the date of the primary election,
624 the county voter registrar shall advise the chairman of the county
625 executive committee to call a meeting of the county executive
626 committee for the purpose of declaring the result and announcing
627 the names of nominees. If the county executive committee shall



628 fail to declare the result and announce the names of nominees by
629 the seventh day after the date of the primary election, the county
630 election commission shall declare the result and announce the
631 names of nominees.

632 (2) The vote for state and state district offices and
633 legislative offices for districts containing more than one (1)
634 county or parts of more than one (1) county shall be tabulated by
635 precincts and certified to and returned to the State Executive
636 Committee, such returns to be mailed by registered letter or any
637 safe mode of transmission within thirty-six (36) hours after the
638 returns are canvassed and the result ascertained. If the county
639 executive committee shall fail to tabulate and certify the returns
640 and transmit to the State Executive Committee the results of the
641 election for such offices by three (3) days after the date of the
642 primary election, the county voter registrar shall then advise the
643 chairman of the county executive committee to call a meeting of
644 the county executive committee for the purpose of tabulating,
645 certifying and transmitting the results of the election to the
646 State Executive Committee. If the county executive committee
647 shall fail to tabulate, certify and transmit the returns to the
648 State Executive Committee by five (5) days after the date of the
649 primary election, the county election commission shall tabulate
650 the results and transmit them to the State Executive Committee.

651 (3) The State Executive Committee shall meet a week from the
652 day following the first primary election held for state and state
653 district offices and legislative offices for districts containing
654 more than one (1) county or parts of more than one (1) county, and
655 shall proceed to canvass the returns and to declare the result,
656 and announce the names of those nominated for the different
657 offices in the first primary and the names of those candidates
658 whose names are to be submitted to the second primary election.
659 The State Executive Committee shall also meet a week from the day
660 on which the second primary election was held and receive and



661 canvass the returns for state and district offices, if any, and
662 legislative offices for districts containing more than one (1)
663 county or parts of more than one (1) county, if any, voted on in
664 such second primary. An exact and full duplicate of all
665 tabulations by precincts as certified under this section shall be
666 filed with the circuit clerk of the county who shall safely
667 preserve the same in his office.

668 SECTION 14. Section 23-15-153, Mississippi Code of 1972, is
669 brought forward as follows:

670 23-15-153. (1) At the following times the commissioners of
671 election shall meet at the office of the registrar and carefully
672 revise the registration books and the pollbooks of the several
673 voting precincts, and shall erase from those books the names of
674 all persons erroneously on the books, or who have died, removed or
675 become disqualified as electors from any cause; and shall register
676 the names of all persons who have duly applied to be registered
677 and have been illegally denied registration:

678 (a) On the Tuesday after the second Monday in January
679 1987 and every following year;

680 (b) On the first Tuesday in the month immediately
681 preceding the first primary election for congressmen in the years
682 when congressmen are elected;

683 (c) On the first Monday in the month immediately
684 preceding the first primary election for state, state district,
685 legislative, county and county district offices in the years in
686 which those offices are elected; and

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

690 Except for the names of those persons who are duly qualified
691 to vote in the election, no name shall be permitted to remain on
692 the registration and pollbooks; provided, however, that no name
693 shall be erased from the registration books or pollbooks based on



694 a change in the residence of an elector except in accordance with
695 procedures provided for by the National Voter Registration Act of
696 1993 that are in effect at the time of such erasure. Except as
697 otherwise provided by Section 23-15-573, no person shall vote at
698 any election whose name is not on the pollbook.

699 (2) Except as provided in subsection (3) of this section,
700 and subject to the following annual limitations, the commissioners
701 of election shall be entitled to receive a per diem in the amount
702 of Seventy Dollars (\$70.00), to be paid from the county general
703 fund, for every day or period of no less than five (5) hours
704 accumulated over two (2) or more days actually employed in the
705 performance of their duties for the necessary time spent in the
706 revision of the registration books and pollbooks as required in
707 subsection (1) of this section:

708 (a) In counties having less than ten thousand (10,000)
709 qualified electors, not more than thirty-five (35) days per year;

710 (b) In counties having ten thousand (10,000) qualified
711 electors but less than twenty thousand (20,000) qualified
712 electors, not more than fifty (50) days per year;

713 (c) In counties having twenty thousand (20,000)
714 qualified electors but less than fifty thousand (50,000)
715 qualified electors, not more than sixty-five (65) days per year;

716 (d) In counties having fifty thousand (50,000)
717 qualified electors but less than seventy-five thousand (75,000)
718 qualified electors, not more than eighty (80) days per year;

719 (e) In counties having seventy-five thousand (75,000)
720 qualified electors but less than one hundred thousand (100,000)
721 qualified electors, not more than ninety-five (95) days per year;

722 (f) In counties having one hundred thousand (100,000)
723 qualified electors but less than one hundred twenty-five thousand
724 (125,000) qualified electors, not more than one hundred ten (110)
725 days per year;



726 (g) In counties having one hundred twenty-five thousand
727 (125,000) qualified electors but less than one hundred fifty
728 thousand (150,000) qualified electors, not more than one hundred
729 twenty-five (125) days per year;

730 (h) In counties having one hundred fifty thousand
731 (150,000) qualified electors but less than one hundred
732 seventy-five thousand (175,000) qualified electors, not more than
733 one hundred forty (140) days per year;

734 (i) In counties having one hundred seventy-five
735 thousand (175,000) qualified electors but less than two hundred
736 thousand (200,000) qualified electors, not more than one hundred
737 fifty-five (155) days per year;

738 (j) In counties having two hundred thousand (200,000)
739 qualified electors or more, not more than one hundred seventy
740 (170) days per year.

741 (3) The commissioners of election shall be entitled to
742 receive a per diem in the amount of Seventy Dollars (\$70.00), to
743 be paid from the county general fund, not to exceed ten (10) days
744 for every day or period of no less than five (5) hours accumulated
745 over two (2) or more days actually employed in the performance of
746 their duties for the necessary time spent in the revision of the
747 registration books and pollbooks prior to any special election.
748 For purposes of this subsection, the regular special election day
749 shall not be considered a special election. The annual
750 limitations set forth in subsection (2) of this section shall not
751 apply to this subsection.

752 (4) Subject to the following limitations, the commissioners
753 of election shall be entitled to receive a per diem in the amount
754 of Seventy Dollars (\$70.00), to be paid from the county general
755 fund, for every day or period of no less than five (5) hours
756 accumulated over two (2) or more days actually employed in the
757 performance of their duties in the conduct of an election:



758 (a) In counties having less than ten thousand (10,000)
759 qualified electors, not more than fifteen (15) days per election;

760 (b) In counties having ten thousand (10,000) qualified
761 electors but less than twenty-five thousand (25,000) qualified
762 electors, not more than twenty-five (25) days per election;

763 (c) In counties having twenty-five thousand (25,000)
764 qualified electors but less than fifty thousand (50,000) qualified
765 electors, not more than thirty-five (35) days per election;

766 (d) In counties having fifty thousand (50,000)
767 qualified electors but less than seventy-five thousand (75,000)
768 qualified electors, not more than forty-five (45) days per
769 election;

770 (e) In counties having seventy-five thousand (75,000)
771 qualified electors but less than one hundred thousand (100,000)
772 qualified electors, not more than fifty-five (55) days per
773 election;

774 (f) In counties having one hundred thousand (100,000)
775 qualified electors but less than one hundred fifty thousand
776 (150,000) qualified electors, not more than sixty-five (65) days
777 per election;

778 (g) In counties having one hundred fifty thousand
779 (150,000) qualified electors but less than two hundred thousand
780 (200,000) qualified electors, not more than seventy-five (75) days
781 per election; and

782 (h) In counties having two hundred thousand (200,000)
783 qualified electors or more, not more than eighty-five (85) days
784 per election.

785 It is the intention of the Legislature that the conduct of an
786 election as required by law and as compensated in this subsection
787 is a separate and distinct function from the purging and revision
788 of the registration and pollbooks as required by subsection (1) of
789 this section and the compensation for those revisions provided by
790 subsection (2) of this section.



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

795 (6) The county commissioners of election may provide copies
796 of the registration books revised pursuant to this section to the
797 municipal registrar of each municipality located within the
798 county.

799 SECTION 15. The Attorney General of the State of Mississippi
800 shall submit this act, immediately upon approval by the Governor,
801 or upon approval by the Legislature subsequent to a veto, to the
802 Attorney General of the United States or to the United States
803 District Court for the District of Columbia in accordance with the
804 provisions of the Voting Rights Act of 1965, as amended and
805 extended.

806 SECTION 16. This act shall take effect and be in force from
807 and after the date it is effectuated under Section 5 of the Voting
808 Rights Act of 1965, as amended and extended.

