MISSISSIPPI LEGISLATURE

By: Representative Reynolds

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

HOUSE BILL NO. 541


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

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

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

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

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

(3) The chancery clerk and the circuit clerk shall be liable on their official bond for the proper deposit and accounting of...
all monies received by his office. The State Auditor shall
promulgate uniform accounting methods for the accounting of all
sources of income by the offices of the chancery and circuit
clerk.

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

The following monies paid to the chancery clerk shall be
subject to the salary limitation prescribed under subsection (1):
(a) all fees required by law to be collected for the filing,
recording or abstracting of any bill, petition, pleading or decree
in any civil case in chancery; (b) all fees collected for land
recordings, charters, notary bonds, certification of decrees and
copies of any documents; (c) all land redemption and mineral
documentary stamp commissions; and (d) any other monies or
commissions from private or governmental sources for statutory
functions which are not to be held by the court in a trust
capacity. Such fees as shall exceed the salary limitations shall
be maintained in a bank account in the county depository and
accounted for separately from those monies paid into the chancery
court clerk clearing account.

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

There is created in the county depository in each county a
clearing account to be designated as the "circuit court clerk
criminal clearing account," into which shall be deposited: (a)
all such monies as are received in criminal cases in the circuit
court pursuant to any order requiring payment as restitution to
the victims of criminal offenses; (b) any portion of any fees and
fines required by law or court order to be collected in criminal
cases; and (c) all cash bonds as shall be deposited with the
court. The clerk of the circuit court shall account for all
monies deposited in and disbursed from such account and shall be
authorized and empowered to draw and issue checks on such account,
at such times, in such amounts and to such persons as shall be
proper and in accordance with law; however, such monies as are
forfeited in criminal cases shall be paid by the clerk of the
circuit court to the clerk of the board of supervisors for deposit
in the general fund of the county.
The following monies paid to the circuit clerk shall be subject to the salary limitation prescribed under subsection (1):

(a) all fees required by law to be collected for the filing, recording or abstracting of any bill, petition, pleading or decree in any civil action in circuit court; (b) copies of any documents; and (c) any other monies or commissions from private or governmental sources for statutory functions which are not to be held by the court in a trust capacity.

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

In any county having two (2) judicial districts, whenever the chancery clerk serves as deputy to the circuit clerk in one (1) judicial district and the circuit clerk serves as deputy to the chancery clerk in the other judicial district, the chancery clerk may maintain a cash journal, separate from the cash journal maintained for chancery clerk receipts, for recording the cash receipts paid to him as deputy circuit clerk, and the circuit clerk may maintain a cash journal, separate from the cash journal maintained for circuit clerk receipts, for recording the cash receipts paid to him as deputy chancery clerk. The cash receipts collected by the chancery clerk in his capacity as deputy circuit clerk and the cash receipts collected by the circuit clerk in his capacity as deputy chancery clerk shall be subject to the salary limitation prescribed under subsection (1).
Any clerk who knowingly shall fail to deposit funds or otherwise violate the provisions of this section shall be guilty of a misdemeanor in office and, upon conviction thereof, shall be fined in an amount not to exceed double the amount that he failed to deposit, or imprisoned for not to exceed six (6) months in the county jail, or be punished by both such fine and imprisonment.

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

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

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

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

(2) At municipal primary elections the municipal executive committee shall perform the same duties as are specified by law and performed by members of the county executive committee with
regard to state and county primary elections. Each municipal
executive committee shall have as many members as there are
elective officers of the municipality, and such members of the
municipal executive committee of each political party shall be
elected in the primary elections held for the nomination of
candidates for municipal offices.

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

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

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

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

SECTION 4. Section 23-15-225, Mississippi Code of 1972, is
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 ($23,000.00), but not less than Nine Thousand Two Hundred Dollars
249 ($9,200.00).
250 (d) For counties with a total population of more than
251 thirty-five thousand (35,000) and not more than fifty thousand
252 ($20,700.00), but not less than Nine Thousand Two Hundred
253 Dollars ($9,200.00).
254 (e) For counties with a total population of more than
255 twenty-five thousand (25,000) and not more than thirty-five
256 thousand (35,000), an amount not to exceed Eighteen Thousand Four
257 Hundred Dollars ($18,400.00), but not less than Nine Thousand Two
258 Dollars ($9,200.00).
259 (f) For counties with a total population of more than
260 fifteen thousand (15,000) and not more than twenty-five thousand
261 (25,000), an amount not to exceed Sixteen Thousand One Hundred
262 Dollars ($16,100.00), but not less than Nine Thousand Two
263 Dollars ($9,200.00).
(g) For counties with a total population of more than ten thousand (10,000) and not more than fifteen thousand (15,000), an amount not to exceed Thirteen Thousand Eight Hundred Dollars ($13,800.00), but not less than Eight Thousand Fifty Dollars ($8,050.00).

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

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

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

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

(3) As compensation for their services in assisting the county election commissioners in performance of their duties in the revision of the registration books and the pollbooks of the several voting precincts of the several counties and in assisting the election commissioners, executive committees or boards of supervisors in connection with any election, the registrar shall receive the same daily per diem and limitation on meeting days as provided for the board of election commissioners as set out in Sections 23-15-153 and 23-15-227 to be paid from the general fund of the county.
(4) In any case where an amount has been allowed by the board of supervisors pursuant to this section, such amount shall not be reduced or terminated during the term for which the registrar was elected.

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

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

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

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

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

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

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

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

(4) The time and location of the training sessions required pursuant to this section shall be announced to the general public by posting a notice thereof at the courthouse and by delivering a copy of the notice to the office of a newspaper having general circulation in the county five (5) days before the date upon which the training session is to be conducted. Persons who will serve as poll watchers for candidates and political parties, as well as members of the general public, shall be allowed to attend the sessions.
SECTION 6. Section 23-15-263, Mississippi Code of 1972, is amended as follows:

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

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

(3) The primary election officers appointed by the executive committee of the party shall have the powers and perform the duties, where not otherwise provided, required of such officers in a general election, and any and every act or omission which by law is an offense when committed in or about or in respect to such general elections, shall be an offense if committed in or about or in respect to a primary election; and the same shall be indictable and punishable in the same way as if the election was a general election for the election of state and county officers, except as specially modified or otherwise provided in this chapter.
(4) If the municipal executive committee shall fail to meet and to appoint the managers and clerks of the election by one week prior to the date of the primary election, the municipal clerk shall advise the chairman of the municipal executive committee to call a meeting of the municipal executive committee for the purpose of making such appointments. If the municipal executive committee shall fail to submit a list of its appointments of managers and clerks of the election to the county voter registrar by five (5) days prior to the date of the primary election, the municipal election commission shall make such appointments.

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

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

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

23-15-265. The county executive committee of each county shall meet not less than two (2) weeks before the date of any
primary election and appoint the managers and clerks for same, all of whom may be members of the same political party. The number of managers and clerks appointed by the county executive committee shall be the same number as commissioners of election are allowed to appoint pursuant to Sections 23-15-231 and 23-15-235. If the county executive committee fails to meet on the date named, supra, further notice shall be given of the time and place of meeting. If the county executive committee shall fail to meet and to appoint the managers and clerks of the election by two (2) weeks prior to the date of the primary election, the county voter registrar shall advise the chairman of the county executive committee to call a meeting of the county executive committee for the purpose of making such appointments. If the county executive committee shall fail to submit a list of its appointments of managers and clerks of the election to the county voter registrar by one (1) week prior to the date of the primary election, the county election commission shall make such appointments.

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

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

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

amended as follows:

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

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

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

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

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

23-15-333. (1) The county executive committee shall have printed all necessary ballots, for use in primary elections. The ballots shall contain the names of all the candidates to be voted for at such election, and there shall be left on each ballot one (1) blank space under the title of each office for which a nominee is to be elected; and in the event of the death of any candidate whose name shall have been printed on the ballot, the name of the
candidate duly substituted in the place of the deceased candidate may be written in such blank space by the voter. Except as otherwise provided in subsection (2) of this section, the order in which the titles to the various offices shall be printed, and the size, print and quality of the paper of the ballot is left to the discretion of the county executive committee. Provided, however, that in all cases the arrangement of the names of the candidates for each office shall be alphabetical. No ballot shall be used except those so printed.

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

(a) Candidates for national office;
(b) Candidates for statewide office;
(c) Candidates for state district office;
(d) Candidates for legislative office;
(e) Candidates for countywide office;
(f) Candidates for county district office.

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

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

(4) If the county executive committee shall fail to meet and to have printed election day ballots four (4) weeks prior to the primary election, the county voter registrar shall advise the chairman of the county executive committee to call a meeting of
562 the county executive committee for the purpose of having election
day ballots printed. If the county executive committee shall fail
563 to have absentee ballots printed by three (3) weeks prior to the
date of the primary election, the county election commission shall
564 have the election day ballots printed.
565
566 (5) The county executive committee shall also prepare full
567 instructions for the guidance of electors at elections as to
568 obtaining ballots, the manner of marking them, and the mode of
569 obtaining new ballots in the place of those spoiled by accident.
The instructions shall be printed in large, clear type on "Cards
570 of Instruction," and the county executive committee shall furnish
571 the same in sufficient numbers for the use of electors. The cards
shall be preserved by the officers of election and returned by
572 them to the county executive committee and they may be used, if
573 applicable, in subsequent elections.
574
575 SECTION 12. Section 23-15-335, Mississippi Code of 1972, is
576 amended as follows:
23-15-335. The county executive committee shall designate a
577 person whose duty it shall be to distribute all necessary ballots
578 for use in a primary election, and shall designate one (1) among
579 the managers at each polling place to receive and receipt for the
580 blank ballots to be used at that place. When the blank ballots
581 are delivered to a local manager, the distributor shall take from
582 the local manager a receipt therefor signed in duplicate by both
the distributor and the manager, one of which receipts the
583 distributor shall deliver to the circuit clerk and the other shall
be retained by the local manager and said last mentioned duplicate
584 receipt shall be enclosed in the ballot box with the voted ballots
585 when the polls have been closed and the votes have been counted.
The printer of the ballots shall take a receipt from the
586 distributor of the ballots for the total number of the blank
587 ballots delivered to the distributor. The printer shall secure
588 all ballots printed by him in such a safe manner that no person
can procure them or any of them, and he shall deliver no blank ballot or ballots to any person except the distributor above mentioned, and then only upon his receipt therefor as above specified. The distributor of the blank ballots shall so securely hold the same that no person can obtain any of them, and he shall not deliver any of them to any person other than to the authorized local managers and upon their respective receipts therefor. The executive committee shall see to it that the total blank ballots delivered to the distributor, shall correspond with the total of the receipts executed by the local managers. Any person charged with any of the duties prescribed in this section who shall willfully or with culpable carelessness violate the same shall be guilty of a misdemeanor. If the county executive committee shall fail to perform any duties required by this section, then after providing notice to the executive committee, the county election commission shall perform the duty, except where it is required by law that the county voter registrar shall perform those duties.

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

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

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

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

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

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

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

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

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

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

Except for the names of those persons who are duly qualified to vote in the election, no name shall be permitted to remain on the registration and pollbooks; provided, however, that no name shall be erased from the registration books or pollbooks based on
a change in the residence of an elector except in accordance with
procedures provided for by the National Voter Registration Act of
1993 that are in effect at the time of such erasure. Except as
otherwise provided by Section 23-15-573, no person shall vote at
any election whose name is not on the pollbook.

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

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

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

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

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

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

(f) In counties having one hundred thousand (100,000)
qualified electors but less than one hundred twenty-five thousand
(125,000) qualified electors, not more than one hundred ten (110)
days per year;
(g) In counties having one hundred twenty-five thousand (125,000) qualified electors but less than one hundred fifty thousand (150,000) qualified electors, not more than one hundred twenty-five (125) days per year;

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

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

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

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

(4) Subject to the following limitations, the commissioners of election shall be entitled to receive a per diem in the amount of Seventy Dollars ($70.00), to be paid from the county general fund, for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties in the conduct of an election:
(a) In counties having less than ten thousand (10,000) qualified electors, not more than fifteen (15) days per election;

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

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

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

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

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

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

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

It is the intention of the Legislature that the conduct of an election as required by law and as compensated in this subsection is a separate and distinct function from the purging and revision of the registration and pollbooks as required by subsection (1) of this section and the compensation for those revisions provided by subsection (2) of this section.
(5) The commissioners of election shall be entitled to receive only one (1) per diem payment for those days when the commissioners of election discharge more than one (1) duty or responsibility on the same day.

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

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

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