

By: Representative Reynolds

To: Apportionment and Elections

COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NO. 1220

1 AN ACT TO REQUIRE THE STATE EXECUTIVE COMMITTEE OF ANY  
2 POLITICAL PARTY AUTHORIZED TO CONDUCT POLITICAL PARTY PRIMARIES TO  
3 FORM AN ELECTION INTEGRITY ASSURANCE COMMITTEE FOR EACH  
4 CONGRESSIONAL DISTRICT; TO PROVIDE FOR THE MEMBERSHIP OF SUCH  
5 COMMITTEES; TO PROVIDE THAT IF CERTAIN DUTIES WITH REGARD TO THE  
6 CONDUCT OF PRIMARIES ARE NOT PERFORMED IN A TIMELY MANNER THE  
7 CIRCUIT CLERK MAY NOTIFY THE CONGRESSIONAL DISTRICT ELECTION  
8 INTEGRITY ASSURANCE COMMITTEE OR THE CHAIRMAN OF THE STATE  
9 EXECUTIVE COMMITTEE OF SUCH FAILURE AND CALL UPON THEM TO TAKE  
10 IMMEDIATE AND APPROPRIATE ACTION TO INSURE THAT SUCH DUTIES ARE  
11 PERFORMED IN ORDER TO INSURE THE ORDERLY CONDUCT OF THE PRIMARY;  
12 TO AMEND SECTIONS 23-15-239, 23-15-265, 23-15-267, 23-15-333,  
13 23-15-335 AND 23-15-597, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
14 COUNTY EXECUTIVE COMMITTEES TO ENTER INTO AGREEMENTS WITH CIRCUIT  
15 CLERKS OR COUNTY ELECTION COMMISSIONS AUTHORIZING SUCH CLERKS OR  
16 COMMISSIONS TO PERFORM CERTAIN DUTIES IN REGARD TO PRIMARIES THAT  
17 WOULD OTHERWISE BE PERFORMED BY THE COUNTY EXECUTIVE COMMITTEE;  
18 AND FOR RELATED PURPOSES.

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

20 SECTION 1. (1) Each registered political party authorized  
21 to conduct a political party primary election shall appoint from  
22 its state party executive committee three (3) members from each of  
23 the state's congressional districts who shall constitute the  
24 party's election integrity assurance committee within that  
25 congressional district. A chairman and a secretary shall be named  
26 for each congressional district election integrity assurance  
27 committee. If, with regard to the duties specified in House Bill  
28 No. 1220, 2001 Regular Session, and Sections 23-15-239, 23-15-265,  
29 23-15-267, 23-15-333, 23-15-355 and 23-15-397, the county  
30 executive committee fails to perform in a timely manner as  
31 required by law and there is no written agreement in place between  
32 the county executive committee and the county election commission  
33 and/or the circuit clerk, or there is such an agreement in place  
34 but its terms are not being complied with, then the circuit clerk  
35 shall notify in writing the chairman and secretary of the



36 congressional district election integrity assurance committee of  
37 this fact and request that it perform its duties. It shall then  
38 be the duty of each congressional district election integrity  
39 assurance committee to ensure that party primaries within each  
40 county and voting precinct constituting that congressional  
41 district are conducted in accordance with state law. If any  
42 county executive committee shall fail to perform any of the duties  
43 and responsibilities required of it by House Bill No. 1220, 2001  
44 Regular Session, the congressional district election integrity  
45 assurance committee shall oversee and direct the county executive  
46 committee to perform such duties and, where necessary, the  
47 congressional district election integrity assurance committee  
48 shall itself perform such duties and responsibilities, or direct  
49 suitable members of the party to perform these functions.

50 (2) Such notification by the circuit clerk shall be in  
51 writing, except notification with regard to failure to timely  
52 distribute the ballot boxes pursuant to Section 23-15-267,  
53 notification of which may be oral and followed by written  
54 confirmation. Such notification shall be directed to the chairman  
55 and secretary of the appropriate congressional district election  
56 integrity assurance committee. Such notification by the circuit  
57 clerk shall occur on the last day by which the duties specified in  
58 House Bill No. 1220, 2001 Regular Session, are required to be  
59 performed by the county executive committee or by the date  
60 required for performance under an agreement between the county  
61 executive committee and the county election commission and/or the  
62 circuit clerk if they have not been performed, or otherwise, at  
63 such time as the circuit clerk believes such notification is  
64 necessary for the orderly administration of the primary election.

65 (3) The state political party executive committees shall  
66 provide on an annual basis to the circuit clerks of the respective  
67 counties and portions of counties constituting each respective  
68 congressional district the names, addresses and home and work



69 telephone numbers of the congressional district election integrity  
70 assurance committee members.

71 SECTION 2. Section 23-15-239, Mississippi Code of 1972, is  
72 amended as follows:

73 23-15-239. (1) The executive committee of each county, in  
74 the case of a primary election, or the commissioners of election  
75 of each county, in the case of all other elections, in conjunction  
76 with the circuit clerk, shall sponsor and conduct, not less than  
77 five (5) days prior to each election, training sessions to  
78 instruct managers as to their duties in the proper administration  
79 of the election and the operation of the polling place. No  
80 manager shall serve in any election unless he has received such  
81 instructions once during the twelve (12) months immediately  
82 preceding the date upon which such election is held; provided,  
83 however, that nothing in this section shall prevent the  
84 appointment of an alternate manager to fill a vacancy in case of  
85 an emergency. The county executive committee or the commissioners  
86 of election, as appropriate, shall train a sufficient number of  
87 alternates to serve in the event a manager is unable to serve for  
88 any reason.

89 (2) The county executive committee may enter into a written  
90 agreement with the circuit clerk or the county election commission  
91 authorizing the circuit clerk or the county election commission to  
92 perform any of the duties required of the county executive  
93 committee pursuant to this section. Any agreement entered into  
94 pursuant to this subsection shall be signed by the chairman of the  
95 county executive committee and the circuit clerk or the chairman  
96 of the county election commission, as appropriate.

97 (3) The board of supervisors, in their discretion, may  
98 compensate managers who attend such training sessions. The  
99 compensation shall be at a rate of not less than the federal  
100 hourly minimum wage nor more than Ten Dollars (\$10.00) per hour.  
101 Managers shall not be compensated for more than two (2) hours of



102 attendance at the training sessions regardless of the actual  
103 amount of time that they attended the training sessions.

104 (4) The time and location of the training sessions required  
105 pursuant to this section shall be announced to the general public  
106 by posting a notice thereof at the courthouse and by delivering a  
107 copy of the notice to the office of a newspaper having general  
108 circulation in the county five (5) days before the date upon which  
109 the training session is to be conducted. Persons who will serve  
110 as poll watchers for candidates and political parties, as well as  
111 members of the general public, shall be allowed to attend the  
112 sessions.

113 SECTION 3. Section 23-15-265, Mississippi Code of 1972, is  
114 amended as follows:

115 23-15-265. (1) The county executive committee of each  
116 county shall meet not less than two (2) weeks before the date of  
117 any primary election and appoint the managers and clerks for same,  
118 all of whom may be members of the same political party. The  
119 number of managers and clerks appointed by the county executive  
120 committee shall be the same number as commissioners of election  
121 are allowed to appoint pursuant to Sections 23-15-231 and  
122 23-15-235. If the county executive committee fails to meet on the  
123 date named, supra, further notice shall be given of the time and  
124 place of meeting.

125 (2) The county executive committee may enter into a written  
126 agreement with the circuit clerk or the county election commission  
127 authorizing the circuit clerk or the county election commission to  
128 perform any of the duties required of the county executive  
129 committee pursuant to this section. Any agreement entered into  
130 pursuant to this subsection shall be signed by the chairman of the  
131 county executive committee and the circuit clerk or the chairman  
132 of the county election commission, as appropriate.

133 SECTION 4. Section 23-15-267, Mississippi Code of 1972, is  
134 amended as follows:



135           23-15-267. (1) The ballot boxes provided by the regular  
136 commissioners of election in each county shall be used in primary  
137 elections, and the county executive committees shall distribute  
138 them to the voting precincts of the county before the time for  
139 opening the polls, in the same manner, as near as may be, as that  
140 provided for in general elections.

141           (2) If an adjournment shall take place after the polls are  
142 open and before all votes are counted, the ballot box shall be  
143 securely locked so as to prevent the admission into it or the  
144 taking of anything from it during the time of adjournment; and the  
145 box shall be kept by one of the managers, and the key by another  
146 of the managers, and the manager having the box shall carefully  
147 keep it, and neither undertake to open it himself or permit it to  
148 be done, or to permit any person to have access to it during the  
149 time of adjournment. The box shall not be removed from the  
150 polling building or place after the polls are open until the count  
151 is completed if as many as three (3) electors qualified to vote at  
152 the election object.

153           (3) After each election, the ballot boxes of those provided  
154 by the regular commissioner of election shall be delivered, with  
155 the keys thereof immediately and as soon thereafter as possible,  
156 and without delay to the clerk of the circuit court of the county.

157           (4) The county executive committee may enter into a written  
158 agreement with the circuit clerk or the county election commission  
159 authorizing the circuit clerk or the county election commission to  
160 perform any of the duties required of the county executive  
161 committee pursuant to this section. Any agreement entered into  
162 pursuant to this subsection shall be signed by the chairman of the  
163 county executive committee and the circuit clerk or the chairman  
164 of the county election commission, as appropriate.

165           (5) The person, or persons, whose duty it is to comply with  
166 the provisions of this section and who shall fail, or neglect,  
167 from any cause, to deliver said boxes or any of them as herein



168 provided shall, upon conviction, be fined not less than Two  
169 Hundred Dollars (\$200.00) and be imprisoned in the county jail of  
170 the residence of the person, or persons, who violates any of the  
171 provisions of this section, for a period of not less than thirty  
172 (30) days or more than six (6) months, and fined not more than  
173 Five Hundred Dollars (\$500.00).

174 SECTION 5. Section 23-15-333, Mississippi Code of 1972, is  
175 amended as follows:

176 23-15-333. (1) The county executive committee shall have  
177 printed all necessary ballots, for use in primary elections. The  
178 county executive committee shall have printed all necessary  
179 absentee ballots forty-five (45) days prior to the election as  
180 required by law. The ballots shall contain the names of all the  
181 candidates to be voted for at such election, and there shall be  
182 left on each ballot one (1) blank space under the title of each  
183 office for which a nominee is to be elected; and in the event of  
184 the death of any candidate whose name shall have been printed on  
185 the ballot, the name of the candidate duly substituted in the  
186 place of the deceased candidate may be written in such blank space  
187 by the voter. Except as otherwise provided in subsection (2) of  
188 this section, the order in which the titles to the various offices  
189 shall be printed, and the size, print and quality of the paper of  
190 the ballot is left to the discretion of the county executive  
191 committee. Provided, however, that in all cases the arrangement  
192 of the names of the candidates for each office shall be  
193 alphabetical. No ballot shall be used except those so printed.

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

- 196 (a) Candidates for national office;  
197 (b) Candidates for statewide office;  
198 (c) Candidates for state district office;  
199 (d) Candidates for legislative office;  
200 (e) Candidates for countywide office;



201 (f) Candidates for county district office.

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

205 (3) The county executive committee shall also prepare full  
206 instructions for the guidance of electors at elections as to  
207 obtaining ballots, the manner of marking them, and the mode of  
208 obtaining new ballots in the place of those spoiled by accident.  
209 The instructions shall be printed in large, clear type on "Cards  
210 of Instruction," and the county executive committee shall furnish  
211 the same in sufficient numbers for the use of electors. The cards  
212 shall be preserved by the officers of election and returned by  
213 them to the county executive committee and they may be used, if  
214 applicable, in subsequent elections.

215 (4) The county executive committee may enter into a written  
216 agreement with the circuit clerk or the county election commission  
217 authorizing the circuit clerk or the county election commission to  
218 perform any of the duties required of the county executive  
219 committee pursuant to this section. Any agreement entered into  
220 pursuant to this subsection shall be signed by the chairman of the  
221 county executive committee and the circuit clerk or the chairman  
222 of the county election commission, as appropriate.

223 SECTION 6. Section 23-15-335, Mississippi Code of 1972, is  
224 amended as follows:

225 23-15-335. (1) The county executive committee shall  
226 designate a person whose duty it shall be to distribute all  
227 necessary ballots for use in a primary election, and shall  
228 designate one (1) among the managers at each polling place to  
229 receive and receipt for the blank ballots to be used at that  
230 place. When the blank ballots are delivered to a local manager,  
231 the distributor shall take from the local manager a receipt  
232 therefor signed in duplicate by both the distributor and the  
233 manager, one of which receipts the distributor shall deliver to



234 the circuit clerk and the other shall be retained by the local  
235 manager and said last mentioned duplicate receipt shall be  
236 enclosed in the ballot box with the voted ballots when the polls  
237 have been closed and the votes have been counted. The printer of  
238 the ballots shall take a receipt from the distributor of the  
239 ballots for the total number of the blank ballots delivered to the  
240 distributor. The printer shall secure all ballots printed by him  
241 in such a safe manner that no person can procure them or any of  
242 them, and he shall deliver no blank ballot or ballots to any  
243 person except the distributor above mentioned, and then only upon  
244 his receipt therefor as above specified. The distributor of the  
245 blank ballots shall so securely hold the same that no person can  
246 obtain any of them, and he shall not deliver any of them to any  
247 person other than to the authorized local managers and upon their  
248 respective receipts therefor. The executive committee shall see  
249 to it that the total blank ballots delivered to the distributor,  
250 shall correspond with the total of the receipts executed by the  
251 local managers.

252 (2) The county executive committee may enter into a written  
253 agreement with the circuit clerk or the county election commission  
254 authorizing the circuit clerk or the county election commission to  
255 perform any of the duties required of the county executive  
256 committee pursuant to this section. Any agreement entered into  
257 pursuant to this subsection shall be signed by the chairman of the  
258 county executive committee and the circuit clerk or the chairman  
259 of the county election commission, as appropriate.

260 (3) Any person charged with any of the duties prescribed in  
261 this section who shall willfully or with culpable carelessness  
262 violate the same shall be guilty of a misdemeanor.

263 SECTION 7. Section 23-15-597, Mississippi Code of 1972, is  
264 amended as follows:

265 23-15-597. (1) The county executive committee shall meet on  
266 the first or second day after each primary election, shall receive





267 and canvass the returns which must be made within the time fixed  
268 by law for returns of general elections and declare the result,  
269 and announce the name of the nominees for county and county  
270 district offices and legislative offices for districts containing  
271 one (1) county or less, and the names of those candidates to be  
272 submitted to the second primary. The vote for state and state  
273 district offices and legislative offices for districts containing  
274 more than one (1) county or parts of more than one (1) county  
275 shall be tabulated by precincts and certified to and returned to  
276 the State Executive Committee, such returns to be mailed by  
277 registered letter or any safe mode of transmission within  
278 thirty-six (36) hours after the returns are canvassed and the  
279 result ascertained. The State Executive Committee shall meet a  
280 week from the day following the first primary election held for  
281 state and state district offices and legislative offices for  
282 districts containing more than one (1) county or parts of more  
283 than one (1) county, and shall proceed to canvass the returns and  
284 to declare the result, and announce the names of those nominated  
285 for the different offices in the first primary and the names of  
286 those candidates whose names are to be submitted to the second  
287 primary election. The State Executive Committee shall also meet a  
288 week from the day on which the second primary election was held  
289 and receive and canvass the returns for state and district  
290 offices, if any, and legislative offices for districts containing  
291 more than one (1) county or parts of more than one (1) county, if  
292 any, voted on in such second primary. An exact and full duplicate  
293 of all tabulations by precincts as certified under this section  
294 shall be filed with the circuit clerk of the county who shall  
295 safely preserve the same in his office.

296 (2) The county executive committee may enter into a written  
297 agreement with the circuit clerk or the county election commission  
298 authorizing the circuit clerk or the county election commission to  
299 perform any of the duties required of the county executive



300 committee pursuant to this section. Any agreement entered into  
301 pursuant to this subsection shall be signed by the chairman of the  
302 county executive committee and the circuit clerk or the chairman  
303 of the county election commission, as appropriate.

304 SECTION 8. The Attorney General of the State of Mississippi  
305 shall submit this act, immediately upon approval by the Governor,  
306 or upon approval by the Legislature subsequent to a veto, to the  
307 Attorney General of the United States or to the United States  
308 District Court for the District of Columbia in accordance with the  
309 provisions of the Voting Rights Act of 1965, as amended and  
310 extended.

311 SECTION 9. This act shall take effect and be in force from  
312 and after the date it is effectuated under Section 5 of the Voting  
313 Rights Act of 1965, as amended and extended.

