

By: Representative Reynolds

To: Apportionment and  
Elections

## 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. \_\_\_\_\_, 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. \_\_\_\_\_, 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 may be oral or  
51 written or both and shall be directed to the chairman and  
52 secretary of the appropriate congressional district election  
53 integrity assurance committee. Such notification by the circuit  
54 clerk shall occur on the last day by which the duties specified in  
55 House Bill No. \_\_\_\_\_, 2001 Regular Session, are required to be  
56 performed by the county executive committee or by the date  
57 required for performance under an agreement between the county  
58 executive committee and the county election commission and/or the  
59 circuit clerk if they have not been performed, or otherwise, at  
60 such time as the circuit clerk believes such notification is  
61 necessary for the orderly administration of the primary election.

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

66 telephone numbers of the congressional district election integrity  
67 assurance committee members.

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

70 23-15-239. (1) The executive committee of each county, in  
71 the case of a primary election, or the commissioners of election  
72 of each county, in the case of all other elections, in conjunction  
73 with the circuit clerk, shall sponsor and conduct, not less than  
74 five (5) days prior to each election, training sessions to  
75 instruct managers as to their duties in the proper administration  
76 of the election and the operation of the polling place. No  
77 manager shall serve in any election unless he has received such  
78 instructions once during the twelve (12) months immediately  
79 preceding the date upon which such election is held; provided,  
80 however, that nothing in this section shall prevent the  
81 appointment of an alternate manager to fill a vacancy in case of  
82 an emergency. The county executive committee or the commissioners  
83 of election, as appropriate, shall train a sufficient number of  
84 alternates to serve in the event a manager is unable to serve for  
85 any reason.

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

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

99 attendance at the training sessions regardless of the actual  
100 amount of time that they attended the training sessions.

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

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

112       23-15-265. (1) The county executive committee of each  
113 county shall meet not less than two (2) weeks before the date of  
114 any primary election and appoint the managers and clerks for same,  
115 all of whom may be members of the same political party. The  
116 number of managers and clerks appointed by the county executive  
117 committee shall be the same number as commissioners of election  
118 are allowed to appoint pursuant to Sections 23-15-231 and  
119 23-15-235. If the county executive committee fails to meet on the  
120 date named, supra, further notice shall be given of the time and  
121 place of meeting.

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

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

132           23-15-267. (1) The ballot boxes provided by the regular  
133 commissioners of election in each county shall be used in primary  
134 elections, and the county executive committees shall distribute  
135 them to the voting precincts of the county before the time for  
136 opening the polls, in the same manner, as near as may be, as that  
137 provided for in general elections.

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

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

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

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

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

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

173 23-15-333. (1) The county executive committee shall have  
174 printed all necessary ballots, for use in primary elections. The  
175 county executive committee shall have printed all necessary  
176 absentee ballots forty-five (45) days prior to the election as  
177 required by law. The ballots shall contain the names of all the  
178 candidates to be voted for at such election, and there shall be  
179 left on each ballot one (1) blank space under the title of each  
180 office for which a nominee is to be elected; and in the event of  
181 the death of any candidate whose name shall have been printed on  
182 the ballot, the name of the candidate duly substituted in the  
183 place of the deceased candidate may be written in such blank space  
184 by the voter. Except as otherwise provided in subsection (2) of  
185 this section, the order in which the titles to the various offices  
186 shall be printed, and the size, print and quality of the paper of  
187 the ballot is left to the discretion of the county executive  
188 committee. Provided, however, that in all cases the arrangement  
189 of the names of the candidates for each office shall be  
190 alphabetical. No ballot shall be used except those so printed.

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

- 193 (a) Candidates for national office;  
194 (b) Candidates for statewide office;  
195 (c) Candidates for state district office;  
196 (d) Candidates for legislative office;  
197 (e) Candidates for countywide office;

198 (f) Candidates for county district office.

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

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

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

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

222 23-15-335. (1) The county executive committee shall  
223 designate a person whose duty it shall be to distribute all  
224 necessary ballots for use in a primary election, and shall  
225 designate one (1) among the managers at each polling place to  
226 receive and receipt for the blank ballots to be used at that  
227 place. When the blank ballots are delivered to a local manager,  
228 the distributor shall take from the local manager a receipt  
229 therefor signed in duplicate by both the distributor and the  
230 manager, one of which receipts the distributor shall deliver to

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

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

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

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

262 23-15-597. (1) The county executive committee shall meet on  
263 the first or second day after each primary election, shall receive



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

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

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

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

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