

By: Representative Reynolds

To: Apportionment and
ElectionsCOMMITTEE 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.