

By: Senator(s) Bryan

To: Elections

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 2523

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 OR MUNICIPAL CLERK MAY NOTIFY THE CONGRESSIONAL DISTRICT  
8 ELECTION INTEGRITY ASSURANCE COMMITTEE OR THE CHAIRMAN OF THE  
9 STATE EXECUTIVE COMMITTEE OF SUCH FAILURE AND CALL UPON THEM TO  
10 TAKE IMMEDIATE AND APPROPRIATE ACTION TO INSURE THAT SUCH DUTIES  
11 ARE PERFORMED IN ORDER TO INSURE THE ORDERLY CONDUCT OF THE  
12 PRIMARY; TO AMEND SECTIONS 23-15-239, 23-15-265, 23-15-267,  
13 23-15-333, 23-15-335 AND 23-15-597, MISSISSIPPI CODE OF 1972, TO  
14 AUTHORIZE COUNTY AND MUNICIPAL EXECUTIVE COMMITTEES TO ENTER INTO  
15 AGREEMENTS WITH CIRCUIT OR MUNICIPAL CLERKS OR COUNTY OR MUNICIPAL  
16 ELECTION COMMISSIONS AUTHORIZING SUCH CLERKS OR COMMISSIONS TO  
17 PERFORM CERTAIN DUTIES IN REGARD TO PRIMARIES THAT WOULD OTHERWISE  
18 BE PERFORMED BY THE EXECUTIVE COMMITTEE; AND FOR RELATED PURPOSES.

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

20 SECTION 1. (1) The State Executive Committee of any  
21 political party authorized to conduct political party primaries  
22 shall form an election integrity assurance committee for each  
23 congressional district. The State Executive Committee shall  
24 appoint three (3) of its members to each congressional district  
25 election integrity assurance committee. The members so appointed  
26 shall be residents of the congressional district for which the  
27 election integrity assurance committee is formed. The state  
28 executive committee shall name a chairman and a secretary from  
29 among the members of each committee. The state executive  
30 committee shall provide to each circuit and municipal clerk a list  
31 of the members of the congressional district integrity assurance  
32 committee for the congressional district in which the county or  
33 municipality of such clerk is located.

34 (2) If a county executive committee or a municipal executive  
35 committee fails to perform in a timely manner any of the duties



36 specified in Sections 23-15-239, 23-15-265, 23-15-267, 23-15-333,  
37 23-15-335 and 23-15-597 and there is no written agreement in place  
38 between the county or municipal executive committee and the county  
39 or municipal election commission or the circuit or municipal clerk  
40 pursuant to such sections, or there is such an agreement in place  
41 and it is not being executed, the circuit or municipal clerk may  
42 notify the chairman and secretary of the congressional district  
43 election integrity assurance committee or the Chairman of the  
44 State Executive Committee of such failure and call upon them to  
45 take immediate and appropriate action to insure that such duties  
46 are performed in order to secure the orderly conduct of the  
47 primary. Such notification may occur on the last day by which the  
48 duties are required to be performed or at such time as the circuit  
49 or municipal clerk believes such notification is necessary for the  
50 orderly administration of the primary.

51 (3) Nothing in this section shall be construed to authorize  
52 the state executive committee or a congressional district election  
53 assurance committee to conduct primaries.

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

56 23-15-239. (1) The executive committee of each county, in  
57 the case of a primary election, or the commissioners of election  
58 of each county, in the case of all other elections, in conjunction  
59 with the circuit clerk, shall sponsor and conduct, not less than  
60 five (5) days prior to each election, training sessions to  
61 instruct managers as to their duties in the proper administration  
62 of the election and the operation of the polling place. No  
63 manager shall serve in any election unless he has received such  
64 instructions once during the twelve (12) months immediately  
65 preceding the date upon which such election is held; provided,  
66 however, that nothing in this section shall prevent the  
67 appointment of an alternate manager to fill a vacancy in case of  
68 an emergency. The county executive committee or the commissioners



69 of election, as appropriate, shall train a sufficient number of  
70 alternates to serve in the event a manager is unable to serve for  
71 any reason.

72 (2) (a) The county executive committee may enter into a  
73 written agreement with the circuit clerk or the county election  
74 commission authorizing the circuit clerk or the county election  
75 commission to perform any of the duties required of the county  
76 executive committee pursuant to this section. Any agreement  
77 entered into pursuant to this subsection shall be signed by the  
78 chairman of the county executive committee and the circuit clerk  
79 or the chairman of the county election commission, as appropriate.

80 (b) The municipal executive committee may enter into a  
81 written agreement with the municipal clerk or the municipal  
82 election commission authorizing the municipal clerk or the  
83 municipal election commission to perform any of the duties  
84 required of the municipal executive committee pursuant to this  
85 section. Any agreement entered into pursuant to this subsection  
86 shall be signed by the chairman of the municipal executive  
87 committee and the municipal clerk or the chairman of the municipal  
88 election commission, as appropriate.

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

96 (4) The time and location of the training sessions required  
97 pursuant to this section shall be announced to the general public  
98 by posting a notice thereof at the courthouse and by delivering a  
99 copy of the notice to the office of a newspaper having general  
100 circulation in the county five (5) days before the date upon which  
101 the training session is to be conducted. Persons who will serve



102 as poll watchers for candidates and political parties, as well as  
103 members of the general public, shall be allowed to attend the  
104 sessions.

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

107 23-15-265. (1) The county executive committee of each  
108 county shall meet not less than two (2) weeks before the date of  
109 any primary election and appoint the managers and clerks for same,  
110 all of whom may be members of the same political party. The  
111 number of managers and clerks appointed by the county executive  
112 committee shall be the same number as commissioners of election  
113 are allowed to appoint pursuant to Sections 23-15-231 and  
114 23-15-235. If the county executive committee fails to meet on the  
115 date named, supra, further notice shall be given of the time and  
116 place of meeting.

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

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



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

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

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

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

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



166           (b) The municipal executive committee may enter into a  
167 written agreement with the municipal clerk or the municipal  
168 election commission authorizing the municipal clerk or the  
169 municipal election commission to perform any of the duties  
170 required of the municipal executive committee pursuant to this  
171 section. Any agreement entered into pursuant to this subsection  
172 shall be signed by the chairman of the municipal executive  
173 committee and the municipal clerk or the chairman of the municipal  
174 election commission, as appropriate.

175           (5) The person, or persons, whose duty it is to comply with  
176 the provisions of this section and who shall fail, or neglect,  
177 from any cause, to deliver said boxes or any of them as herein  
178 provided shall, upon conviction, be fined not less than Two  
179 Hundred Dollars (\$200.00) and be imprisoned in the county jail of  
180 the residence of the person, or persons, who violates any of the  
181 provisions of this section, for a period of not less than thirty  
182 (30) days or more than six (6) months, and fined not more than  
183 Five Hundred Dollars (\$500.00).

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

186           23-15-333. (1) The county executive committee shall have  
187 printed all necessary ballots, for use in primary elections. The  
188 county executive committee shall have printed all necessary  
189 absentee ballots forty-five (45) days prior to the election as  
190 required by law. The ballots shall contain the names of all the  
191 candidates to be voted for at such election, and there shall be  
192 left on each ballot one (1) blank space under the title of each  
193 office for which a nominee is to be elected; and in the event of  
194 the death of any candidate whose name shall have been printed on  
195 the ballot, the name of the candidate duly substituted in the  
196 place of the deceased candidate may be written in such blank space  
197 by the voter. Except as otherwise provided in subsection (2) of  
198 this section, the order in which the titles to the various offices



199 shall be printed, and the size, print and quality of the paper of  
200 the ballot is left to the discretion of the county executive  
201 committee. Provided, however, that in all cases the arrangement  
202 of the names of the candidates for each office shall be  
203 alphabetical. No ballot shall be used except those so printed.

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

- 206 (a) Candidates for national office;
- 207 (b) Candidates for statewide office;
- 208 (c) Candidates for state district office;
- 209 (d) Candidates for legislative office;
- 210 (e) Candidates for countywide office;
- 211 (f) Candidates for county district office.

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

215 (3) The county executive committee shall also prepare full  
216 instructions for the guidance of electors at elections as to  
217 obtaining ballots, the manner of marking them, and the mode of  
218 obtaining new ballots in the place of those spoiled by accident.  
219 The instructions shall be printed in large, clear type on "Cards  
220 of Instruction," and the county executive committee shall furnish  
221 the same in sufficient numbers for the use of electors. The cards  
222 shall be preserved by the officers of election and returned by  
223 them to the county executive committee and they may be used, if  
224 applicable, in subsequent elections.

225 (4) (a) The county executive committee may enter into a  
226 written agreement with the circuit clerk or the county election  
227 commission authorizing the circuit clerk or the county election  
228 commission to perform any of the duties required of the county  
229 executive committee pursuant to this section. Any agreement  
230 entered into pursuant to this subsection shall be signed by the



231 chairman of the county executive committee and the circuit clerk  
232 or the chairman of the county election commission, as appropriate.

233 (b) The municipal executive committee may enter into a  
234 written agreement with the municipal clerk or the municipal  
235 election commission authorizing the municipal clerk or the  
236 municipal election commission to perform any of the duties  
237 required of the municipal executive committee pursuant to this  
238 section. Any agreement entered into pursuant to this subsection  
239 shall be signed by the chairman of the municipal executive  
240 committee and the municipal clerk or the chairman of the municipal  
241 election commission, as appropriate.

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

244 23-15-335. (1) The county executive committee shall  
245 designate a person whose duty it shall be to distribute all  
246 necessary ballots for use in a primary election, and shall  
247 designate one (1) among the managers at each polling place to  
248 receive and receipt for the blank ballots to be used at that  
249 place. When the blank ballots are delivered to a local manager,  
250 the distributor shall take from the local manager a receipt  
251 therefor signed in duplicate by both the distributor and the  
252 manager, one of which receipts the distributor shall deliver to  
253 the circuit clerk and the other shall be retained by the local  
254 manager and said last mentioned duplicate receipt shall be  
255 enclosed in the ballot box with the voted ballots when the polls  
256 have been closed and the votes have been counted. The printer of  
257 the ballots shall take a receipt from the distributor of the  
258 ballots for the total number of the blank ballots delivered to the  
259 distributor. The printer shall secure all ballots printed by him  
260 in such a safe manner that no person can procure them or any of  
261 them, and he shall deliver no blank ballot or ballots to any  
262 person except the distributor above mentioned, and then only upon  
263 his receipt therefor as above specified. The distributor of the





264 blank ballots shall so securely hold the same that no person can  
265 obtain any of them, and he shall not deliver any of them to any  
266 person other than to the authorized local managers and upon their  
267 respective receipts therefor. The executive committee shall see  
268 to it that the total blank ballots delivered to the distributor,  
269 shall correspond with the total of the receipts executed by the  
270 local managers.

271 (2) (a) The county executive committee may enter into a  
272 written agreement with the circuit clerk or the county election  
273 commission authorizing the circuit clerk or the county election  
274 commission to perform any of the duties required of the county  
275 executive committee pursuant to this section. Any agreement  
276 entered into pursuant to this subsection shall be signed by the  
277 chairman of the county executive committee and the circuit clerk  
278 or the chairman of the county election commission, as appropriate.

279 (b) The municipal executive committee may enter into a  
280 written agreement with the municipal clerk or the municipal  
281 election commission authorizing the municipal clerk or the  
282 municipal election commission to perform any of the duties  
283 required of the municipal executive committee pursuant to this  
284 section. Any agreement entered into pursuant to this subsection  
285 shall be signed by the chairman of the municipal executive  
286 committee and the municipal clerk or the chairman of the municipal  
287 election commission, as appropriate.

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

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

293 23-15-597. (1) The county executive committee shall meet on  
294 the first or second day after each primary election, shall receive  
295 and canvass the returns which must be made within the time fixed  
296 by law for returns of general elections and declare the result,



297 and announce the name of the nominees for county and county  
298 district offices and legislative offices for districts containing  
299 one (1) county or less, and the names of those candidates to be  
300 submitted to the second primary. The vote for state and state  
301 district offices and legislative offices for districts containing  
302 more than one (1) county or parts of more than one (1) county  
303 shall be tabulated by precincts and certified to and returned to  
304 the State Executive Committee, such returns to be mailed by  
305 registered letter or any safe mode of transmission within  
306 thirty-six (36) hours after the returns are canvassed and the  
307 result ascertained. The State Executive Committee shall meet a  
308 week from the day following the first primary election held for  
309 state and state district offices and legislative offices for  
310 districts containing more than one (1) county or parts of more  
311 than one (1) county, and shall proceed to canvass the returns and  
312 to declare the result, and announce the names of those nominated  
313 for the different offices in the first primary and the names of  
314 those candidates whose names are to be submitted to the second  
315 primary election. The State Executive Committee shall also meet a  
316 week from the day on which the second primary election was held  
317 and receive and canvass the returns for state and district  
318 offices, if any, and legislative offices for districts containing  
319 more than one (1) county or parts of more than one (1) county, if  
320 any, voted on in such second primary. An exact and full duplicate  
321 of all tabulations by precincts as certified under this section  
322 shall be filed with the circuit clerk of the county who shall  
323 safely preserve the same in his office.

324 (2) (a) The county executive committee may enter into a  
325 written agreement with the circuit clerk or the county election  
326 commission authorizing the circuit clerk or the county election  
327 commission to perform any of the duties required of the county  
328 executive committee pursuant to this section. Any agreement  
329 entered into pursuant to this subsection shall be signed by the



330 chairman of the county executive committee and the circuit clerk  
331 or the chairman of the county election commission, as appropriate.

332 (b) The municipal executive committee may enter into a  
333 written agreement with the municipal clerk or the municipal  
334 election commission authorizing the municipal clerk or the  
335 municipal election commission to perform any of the duties  
336 required of the municipal executive committee pursuant to this  
337 section. Any agreement entered into pursuant to this subsection  
338 shall be signed by the chairman of the municipal executive  
339 committee and the municipal clerk or the chairman of the municipal  
340 election commission, as appropriate.

341 SECTION 8. The Attorney General of the State of Mississippi  
342 shall submit this act, immediately upon approval by the Governor,  
343 or upon approval by the Legislature subsequent to a veto, to the  
344 Attorney General of the United States or to the United States  
345 District Court for the District of Columbia in accordance with the  
346 provisions of the Voting Rights Act of 1965, as amended and  
347 extended.

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

