

By: Senator(s) Bryan

To: Elections

SENATE BILL NO. 2523
(As Sent to Governor)

1 AN ACT TO AUTHORIZE COUNTY OR MUNICIPAL EXECUTIVE COMMITTEES
2 TO ENTER INTO CERTAIN AGREEMENTS REGARDING THE CONDUCT OF
3 ELECTIONS IF THE POLITICAL PARTY WITH WHICH SUCH EXECUTIVE
4 COMMITTEES ARE AFFILIATED MEET CERTAIN CRITERIA; TO AMEND SECTIONS
5 23-15-239, 23-15-265, 23-15-267, 23-15-333, 23-15-335 AND
6 23-15-597, MISSISSIPPI CODE OF 1972, TO AUTHORIZE COUNTY AND
7 MUNICIPAL EXECUTIVE COMMITTEES TO ENTER INTO AGREEMENTS WITH
8 CIRCUIT OR MUNICIPAL CLERKS OR COUNTY OR MUNICIPAL ELECTION
9 COMMISSIONS AUTHORIZING SUCH CLERKS OR COMMISSIONS TO PERFORM
10 CERTAIN DUTIES IN REGARD TO PRIMARIES THAT WOULD OTHERWISE BE
11 PERFORMED BY THE EXECUTIVE COMMITTEE; AND FOR RELATED PURPOSES.

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

13 SECTION 1. A county or municipal executive committee shall
14 be eligible to enter into written agreements with a circuit or
15 municipal clerk or a county or municipal election commission as
16 provided for in Sections 23-15-239(2), 23-15-265(2), 23-15-267(4),
17 23-15-333(4), 23-15-335(2) or 23-15-597(2), only if the political
18 party with which such county or municipal executive committee is
19 affiliated:

20 (a) Has cast for its candidate for Governor in the last
21 two (2) gubernatorial elections ten percent (10%) of the total
22 vote cast for governor; or

23 (b) Has cast for its candidate for Governor in three
24 (3) of the last five (5) gubernatorial elections twenty-five
25 percent (25%) of the total vote cast for Governor.

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

28 23-15-239. (1) The executive committee of each county, in
29 the case of a primary election, or the commissioners of election
30 of each county, in the case of all other elections, in conjunction

31 with the circuit clerk, shall sponsor and conduct, not less than
32 five (5) days prior to each election, training sessions to
33 instruct managers as to their duties in the proper administration
34 of the election and the operation of the polling place. No
35 manager shall serve in any election unless he has received such
36 instructions once during the twelve (12) months immediately
37 preceding the date upon which such election is held; provided,
38 however, that nothing in this section shall prevent the
39 appointment of an alternate manager to fill a vacancy in case of
40 an emergency. The county executive committee or the commissioners
41 of election, as appropriate, shall train a sufficient number of
42 alternates to serve in the event a manager is unable to serve for
43 any reason.

44 (2) (a) If it is eligible under Section 1 of Senate Bill
45 No. 2523, 2001 Regular Session, the county executive committee may
46 enter into a written agreement with the circuit clerk or the
47 county election commission authorizing the circuit clerk or the
48 county election commission to perform any of the duties required
49 of the county executive committee pursuant to this section. Any
50 agreement entered into pursuant to this subsection shall be signed
51 by the chairman of the county executive committee and the circuit
52 clerk or the chairman of the county election commission, as
53 appropriate. The county executive committee shall notify the
54 State Executive Committee and the Secretary of State of the
55 existence of such agreement.

56 (b) If it is eligible under Section 1 of Senate Bill
57 No. 2523, 2001 Regular Session, the municipal executive committee
58 may enter into a written agreement with the municipal clerk or the
59 municipal election commission authorizing the municipal clerk or
60 the municipal election commission to perform any of the duties
61 required of the municipal executive committee pursuant to this
62 section. Any agreement entered into pursuant to this subsection
63 shall be signed by the chairman of the municipal executive

64 committee and the municipal clerk or the chairman of the municipal
65 election commission, as appropriate. The municipal executive
66 committee shall notify the State Executive Committee and the
67 Secretary of State of the existence of such agreement.

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

75 (4) The time and location of the training sessions required
76 pursuant to this section shall be announced to the general public
77 by posting a notice thereof at the courthouse and by delivering a
78 copy of the notice to the office of a newspaper having general
79 circulation in the county five (5) days before the date upon which
80 the training session is to be conducted. Persons who will serve
81 as poll watchers for candidates and political parties, as well as
82 members of the general public, shall be allowed to attend the
83 sessions.

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

86 23-15-265. (1) The county executive committee of each
87 county shall meet not less than two (2) weeks before the date of
88 any primary election and appoint the managers and clerks for same,
89 all of whom may be members of the same political party. The
90 number of managers and clerks appointed by the county executive
91 committee shall be the same number as commissioners of election
92 are allowed to appoint pursuant to Sections 23-15-231 and
93 23-15-235. If the county executive committee fails to meet on the
94 date named, supra, further notice shall be given of the time and
95 place of meeting.

96 (2) (a) If it is eligible under Section 1 of Senate Bill
97 No. 2523, 2001 Regular Session, the county executive committee may
98 enter into a written agreement with the circuit clerk or the
99 county election commission authorizing the circuit clerk or the
100 county election commission to perform any of the duties required
101 of the county executive committee pursuant to this section. Any
102 agreement entered into pursuant to this subsection shall be signed
103 by the chairman of the county executive committee and the circuit
104 clerk or the chairman of the county election commission, as
105 appropriate. The county executive committee shall notify the
106 State Executive Committee and the Secretary of State of the
107 existence of such agreement.

108 (b) If it is eligible under Section 1 of Senate Bill
109 No. 2523, 2001 Regular Session, the municipal executive committee
110 may enter into a written agreement with the municipal clerk or the
111 municipal election commission authorizing the municipal clerk or
112 the municipal election commission to perform any of the duties
113 required of the municipal executive committee pursuant to this
114 section. Any agreement entered into pursuant to this subsection
115 shall be signed by the chairman of the municipal executive
116 committee and the municipal clerk or the chairman of the municipal
117 election commission, as appropriate. The municipal executive
118 committee shall notify the State Executive Committee and the
119 Secretary of State of the existence of such agreement.

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

122 23-15-267. (1) The ballot boxes provided by the regular
123 commissioners of election in each county shall be used in primary
124 elections, and the county executive committees shall distribute
125 them to the voting precincts of the county before the time for
126 opening the polls, in the same manner, as near as may be, as that
127 provided for in general elections.

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

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

144 (4) (a) If it is eligible under Section 1 of Senate Bill
145 No. 2523, 2001 Regular Session, the county executive committee may
146 enter into a written agreement with the circuit clerk or the
147 county election commission authorizing the circuit clerk or the
148 county election commission to perform any of the duties required
149 of the county executive committee pursuant to this section. Any
150 agreement entered into pursuant to this subsection shall be signed
151 by the chairman of the county executive committee and the circuit
152 clerk or the chairman of the county election commission, as
153 appropriate. The county executive committee shall notify the
154 State Executive Committee and the Secretary of State of the
155 existence of such agreement.

156 (b) If it is eligible under Section 1 of Senate Bill
157 No. 2523, 2001 Regular Session, the municipal executive committee
158 may enter into a written agreement with the municipal clerk or the
159 municipal election commission authorizing the municipal clerk or
160 the municipal election commission to perform any of the duties

161 required of the municipal executive committee pursuant to this
162 section. Any agreement entered into pursuant to this subsection
163 shall be signed by the chairman of the municipal executive
164 committee and the municipal clerk or the chairman of the municipal
165 election commission, as appropriate. The municipal executive
166 committee shall notify the State Executive Committee and the
167 Secretary of State of the existence of such agreement.

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

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

179 23-15-333. (1) The county executive committee shall have
180 printed all necessary ballots, for use in primary elections. The
181 county executive committee shall have printed all necessary
182 absentee ballots forty-five (45) days prior to the election as
183 required by law. The ballots shall contain the names of all the
184 candidates to be voted for at such election, and there shall be
185 left on each ballot one (1) blank space under the title of each
186 office for which a nominee is to be elected; and in the event of
187 the death of any candidate whose name shall have been printed on
188 the ballot, the name of the candidate duly substituted in the
189 place of the deceased candidate may be written in such blank space
190 by the voter. Except as otherwise provided in subsection (2) of
191 this section, the order in which the titles to the various offices
192 shall be printed, and the size, print and quality of the paper of
193 the ballot is left to the discretion of the county executive

194 committee. Provided, however, that in all cases the arrangement
195 of the names of the candidates for each office shall be
196 alphabetical. No ballot shall be used except those so printed.

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

- 199 (a) Candidates for national office;
- 200 (b) Candidates for statewide office;
- 201 (c) Candidates for state district office;
- 202 (d) Candidates for legislative office;
- 203 (e) Candidates for countywide office;
- 204 (f) Candidates for county district office.

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

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

218 (4) (a) If it is eligible under Section 1 of Senate Bill
219 No. 2523, 2001 Regular Session, the county executive committee may
220 enter into a written agreement with the circuit clerk or the
221 county election commission authorizing the circuit clerk or the
222 county election commission to perform any of the duties required
223 of the county executive committee pursuant to this section. Any
224 agreement entered into pursuant to this subsection shall be signed
225 by the chairman of the county executive committee and the circuit
226 clerk or the chairman of the county election commission, as

227 appropriate. The county executive committee shall notify the
228 State Executive Committee and the Secretary of State of the
229 existence of such agreement.

230 (b) If it is eligible under Section 1 of Senate Bill
231 No. 2523, 2001 Regular Session, the municipal executive committee
232 may enter into a written agreement with the municipal clerk or the
233 municipal election commission authorizing the municipal clerk or
234 the municipal election commission to perform any of the duties
235 required of the municipal executive committee pursuant to this
236 section. Any agreement entered into pursuant to this subsection
237 shall be signed by the chairman of the municipal executive
238 committee and the municipal clerk or the chairman of the municipal
239 election commission, as appropriate. The municipal executive
240 committee shall notify the State Executive Committee and the
241 Secretary of State of the existence of such agreement.

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) If it is eligible under Section 1 of Senate Bill
272 No. 2523, 2001 Regular Session, the county executive committee may
273 enter into a written agreement with the circuit clerk or the
274 county election commission authorizing the circuit clerk or the
275 county election commission to perform any of the duties required
276 of the county executive committee pursuant to this section. Any
277 agreement entered into pursuant to this subsection shall be signed
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279 clerk or the chairman of the county election commission, as
280 appropriate. The county executive committee shall notify the
281 State Executive Committee and the Secretary of State of the
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287 the municipal election commission to perform any of the duties
288 required of the municipal executive committee pursuant to this
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291 committee and the municipal clerk or the chairman of the municipal
292 election commission, as appropriate. The municipal executive

293 committee shall notify the State Executive Committee and the
294 Secretary of State of the existence of such agreement.

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

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

300 23-15-597. (1) The county executive committee shall meet on
301 the first or second day after each primary election, shall receive
302 and canvass the returns which must be made within the time fixed
303 by law for returns of general elections and declare the result,
304 and announce the name of the nominees for county and county
305 district offices and legislative offices for districts containing
306 one (1) county or less, and the names of those candidates to be
307 submitted to the second primary. The vote for state and state
308 district offices and legislative offices for districts containing
309 more than one (1) county or parts of more than one (1) county
310 shall be tabulated by precincts and certified to and returned to
311 the State Executive Committee, such returns to be mailed by
312 registered letter or any safe mode of transmission within
313 thirty-six (36) hours after the returns are canvassed and the
314 result ascertained. The State Executive Committee shall meet a
315 week from the day following the first primary election held for
316 state and state district offices and legislative offices for
317 districts containing more than one (1) county or parts of more
318 than one (1) county, and shall proceed to canvass the returns and
319 to declare the result, and announce the names of those nominated
320 for the different offices in the first primary and the names of
321 those candidates whose names are to be submitted to the second
322 primary election. The State Executive Committee shall also meet a
323 week from the day on which the second primary election was held
324 and receive and canvass the returns for state and district
325 offices, if any, and legislative offices for districts containing

326 more than one (1) county or parts of more than one (1) county, if
327 any, voted on in such second primary. An exact and full duplicate
328 of all tabulations by precincts as certified under this section
329 shall be filed with the circuit clerk of the county who shall
330 safely preserve the same in his office.

331 (2) (a) If it is eligible under Section 1 of Senate Bill
332 No. 2523, 2001 Regular Session, the county executive committee may
333 enter into a written agreement with the circuit clerk or the
334 county election commission authorizing the circuit clerk or the
335 county election commission to perform any of the duties required
336 of the county executive committee pursuant to this section. Any
337 agreement entered into pursuant to this subsection shall be signed
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339 clerk or the chairman of the county election commission, as
340 appropriate. The county executive committee shall notify the
341 State Executive Committee and the Secretary of State of the
342 existence of such agreement.

343 (b) If it is eligible under Section 1 of Senate Bill
344 No. 2523, 2001 Regular Session, the municipal executive committee
345 may enter into a written agreement with the municipal clerk or the
346 municipal election commission authorizing the municipal clerk or
347 the municipal election commission to perform any of the duties
348 required of the municipal executive committee pursuant to this
349 section. Any agreement entered into pursuant to this subsection
350 shall be signed by the chairman of the municipal executive
351 committee and the municipal clerk or the chairman of the municipal
352 election commission, as appropriate. The municipal executive
353 committee shall notify the State Executive Committee and the
354 Secretary of State of the existence of such agreement.

355 SECTION 8. The Attorney General of the State of Mississippi
356 shall submit this act, immediately upon approval by the Governor,
357 or upon approval by the Legislature subsequent to a veto, to the
358 Attorney General of the United States or to the United States

359 District Court for the District of Columbia in accordance with the
360 provisions of the Voting Rights Act of 1965, as amended and
361 extended.

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