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

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

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

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

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

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

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

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

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

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

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

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

23-15-265. (1) The county executive committee of each
county shall meet not less than two (2) weeks before the date of
any primary election and appoint the managers and clerks for same,
al of whom may be members of the same political party. The
number of managers and clerks appointed by the county executive
committee shall be the same number as commissioners of election
are allowed to appoint pursuant to Sections 23-15-231 and
23-15-235. If the county executive committee fails to meet on the
date named, supra, further notice shall be given of the time and
place of meeting.
(2) (a) If it is eligible under Section 1 of Senate Bill No. 2523, 2001 Regular Session, the county executive committee may enter into a written agreement with the circuit clerk or the county election commission authorizing the circuit clerk or the county election commission to perform any of the duties required of the county executive committee pursuant to this section. Any agreement entered into pursuant to this subsection shall be signed by the chairman of the county executive committee and the circuit clerk or the chairman of the county election commission, as appropriate. The county executive committee shall notify the State Executive Committee and the Secretary of State of the existence of such agreement.

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

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

23-15-267. (1) The ballot boxes provided by the regular commissioners of election in each county shall be used in primary elections, and the county executive committees shall distribute them to the voting precincts of the county before the time for opening the polls, in the same manner, as near as may be, as that provided for in general elections.
(2) If an adjournment shall take place after the polls are open and before all votes are counted, the ballot box shall be securely locked so as to prevent the admission into it or the taking of anything from it during the time of adjournment; and the box shall be kept by one of the managers, and the key by another of the managers, and the manager having the box shall carefully keep it, and neither undertake to open it himself or permit it to be done, or to permit any person to have access to it during the time of adjournment. The box shall not be removed from the polling building or place after the polls are open until the count is completed if as many as three (3) electors qualified to vote at the election object.

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

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

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

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

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

23-15-333. (1) The county executive committee shall have printed all necessary ballots, for use in primary elections. The county executive committee shall have printed all necessary absentee ballots forty-five (45) days prior to the election as required by law. The ballots shall contain the names of all the candidates to be voted for at such election, and there shall be left on each ballot one (1) blank space under the title of each office for which a nominee is to be elected; and in the event of the death of any candidate whose name shall have been printed on the ballot, the name of the candidate duly substituted in the place of the deceased candidate may be written in such blank space by the voter. Except as otherwise provided in subsection (2) of this section, the order in which the titles to the various offices shall be printed, and the size, print and quality of the paper of the ballot is left to the discretion of the county executive
committee. Provided, however, that in all cases the arrangement
of the names of the candidates for each office shall be
alphabetical. No ballot shall be used except those so printed.
(2) The titles for the various offices shall be listed in
the following order:
(a) Candidates for national office;
(b) Candidates for statewide office;
(c) Candidates for state district office;
(d) Candidates for legislative office;
(e) Candidates for countywide office;
(f) Candidates for county district office.
The order in which the titles for the various offices are
listed within each of the categories listed in this subsection is
left to the discretion of the county executive committee.
(3) The county executive committee shall also prepare full
instructions for the guidance of electors at elections as to
obtaining ballots, the manner of marking them, and the mode of
obtaining new ballots in the place of those spoiled by accident.
The instructions shall be printed in large, clear type on "Cards
of Instruction," and the county executive committee shall furnish
the same in sufficient numbers for the use of electors. The cards
shall be preserved by the officers of election and returned by
them to the county executive committee and they may be used, if
applicable, in subsequent elections.
(4) (a) If it is eligible under Section 1 of Senate Bill
No. 2523, 2001 Regular Session, the county executive committee may
enter into a written agreement with the circuit clerk or the
county election commission authorizing the circuit clerk or the
county election commission to perform any of the duties required
of the county executive committee pursuant to this section. Any
agreement entered into pursuant to this subsection shall be signed
by the chairman of the county executive committee and the circuit
clerk or the chairman of the county election commission, as
appropriate. The county executive committee shall notify the State Executive Committee and the Secretary of State of the existence of such agreement.

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

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

23-15-335. (1) The county executive committee shall designate a person whose duty it shall be to distribute all necessary ballots for use in a primary election, and shall designate one (1) among the managers at each polling place to receive and receipt for the blank ballots to be used at that place. When the blank ballots are delivered to a local manager, the distributor shall take from the local manager a receipt therefor signed in duplicate by both the distributor and the manager, one of which receipts the distributor shall deliver to the circuit clerk and the other shall be retained by the local manager and said last mentioned duplicate receipt shall be enclosed in the ballot box with the voted ballots when the polls have been closed and the votes have been counted. The printer of the ballots shall take a receipt from the distributor of the ballots for the total number of the blank ballots delivered to the distributor. The printer shall secure all ballots printed by him
in such a safe manner that no person can procure them or any of them, and he shall deliver no blank ballot or ballots to any person except the distributor above mentioned, and then only upon his receipt therefor as above specified. The distributor of the blank ballots shall so securely hold the same that no person can obtain any of them, and he shall not deliver any of them to any person other than to the authorized local managers and upon their respective receipts therefor. The executive committee shall see to it that the total blank ballots delivered to the distributor, shall correspond with the total of the receipts executed by the local managers.

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

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

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

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

23-15-597. (1) The county executive committee shall meet on the first or second day after each primary election, shall receive and canvass the returns which must be made within the time fixed by law for returns of general elections and declare the result, and announce the name of the nominees for county and county district offices and legislative offices for districts containing one (1) county or less, and the names of those candidates to be submitted to the second primary. The vote for state and state district offices and legislative offices for districts containing more than one (1) county or parts of more than one (1) county shall be tabulated by precincts and certified to and returned to the State Executive Committee, such returns to be mailed by registered letter or any safe mode of transmission within thirty-six (36) hours after the returns are canvassed and the result ascertained. The State Executive Committee shall meet a week from the day following the first primary election held for state and state district offices and legislative offices for districts containing more than one (1) county or parts of more than one (1) county, and shall proceed to canvass the returns and to declare the result, and announce the names of those nominated for the different offices in the first primary and the names of those candidates whose names are to be submitted to the second primary election. The State Executive Committee shall also meet a week from the day on which the second primary election was held and receive and canvass the returns for state and district offices, if any, and legislative offices for districts containing
more than one (1) county or parts of more than one (1) county, if
any, voted on in such second primary. An exact and full duplicate
of all tabulations by precincts as certified under this section
shall be filed with the circuit clerk of the county who shall
safely preserve the same in his office.

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

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

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

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