

By: Senator(s) Johnson (19th)

To: Elections

SENATE BILL NO. 2613

1 AN ACT TO AMEND SECTION 23-15-265, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT THE COMMISSIONERS OF ELECTION OF EACH COUNTY SHALL
 3 APPOINT THE PRECINCT MANAGERS FOR PRIMARY ELECTIONS; TO AMEND
 4 SECTION 23-15-335, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
 5 COMMISSIONERS OF ELECTION SHALL DESIGNATE ONE MANAGER TO RECEIVE
 6 AND RECEIPT FOR THE BLANK BALLOTS TO BE USED AT A PRECINCT IN A
 7 PRIMARY ELECTION; TO AMEND SECTIONS 23-15-129 AND 23-15-263,
 8 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
 9 PURPOSES.

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

11 SECTION 1. Section 23-15-265, Mississippi Code of 1972, is
 12 amended as follows:

13 23-15-265. The commissioners of election of each county
 14 shall meet not less than two (2) weeks before the date of any
 15 primary election and appoint the managers and clerks for
 16 same * * *. The number of managers and clerks appointed by the
 17 commissioners of election shall be the same number as
 18 commissioners of election are allowed to appoint pursuant to
 19 Sections 23-15-231 and 23-15-235. If the commissioners of
 20 election fail to meet on the date named, supra, further notice
 21 shall be given of the time and place of meeting.

22 SECTION 2. Section 23-15-335, Mississippi Code of 1972, is
 23 amended as follows:

24 23-15-335. (1) The commissioners of election shall
 25 designate a person whose duty it shall be to distribute all
 26 necessary ballots for use in a primary election * * *. The
 27 commissioners of election shall designate one (1) among the
 28 managers at each polling place to receive and receipt for the
 29 blank ballots to be used at that place. When the blank ballots

30 are delivered to a local manager, the distributor shall take from
31 the local manager a receipt therefor signed in duplicate by both
32 the distributor and the manager, one of which receipts the
33 distributor shall deliver to the circuit clerk and the other shall
34 be retained by the local manager and said last mentioned duplicate
35 receipt shall be enclosed in the ballot box with the voted ballots
36 when the polls have been closed and the votes have been counted.
37 The printer of the ballots shall take a receipt from the
38 distributor of the ballots for the total number of the blank
39 ballots delivered to the distributor. The printer shall secure
40 all ballots printed by him in such a safe manner that no person
41 can procure them or any of them, and he shall deliver no blank
42 ballot or ballots to any person except the distributor above
43 mentioned, and then only upon his receipt therefor as above
44 specified. The distributor of the blank ballots shall so securely
45 hold the same that no person can obtain any of them, and he shall
46 not deliver any of them to any person other than to the authorized
47 local managers and upon their respective receipts therefor. The
48 executive committee shall see to it that the total blank ballots
49 delivered to the distributor, shall correspond with the total of
50 the receipts executed by the local managers. Any person charged
51 with any of the duties prescribed in this section who shall
52 willfully or with culpable carelessness violate the same shall be
53 guilty of a misdemeanor.

54 SECTION 3. Section 23-15-129, Mississippi Code of 1972, is
55 amended as follows:

56 23-15-129. The commissioners of election and the registrars
57 of the respective counties are hereby directed to make an
58 administrative division of the pollbook for each county
59 immediately following any reapportionment of the Mississippi
60 Legislature or any realignment of supervisors districts, if
61 necessary. Such an administrative division shall form
62 subprecincts whenever necessary within each voting precinct so

63 that all persons within a subprecinct shall vote on the same
64 candidates for each public office. Separate pollbooks for each
65 subprecinct shall be made. The polling place for all subprecincts
66 within any given voting precinct shall be the same as the polling
67 place for the voting precinct. Additional managers may be
68 appointed for subprecincts in the discretion of the commissioners
69 of election * * *.

70 SECTION 4. Section 23-15-263, Mississippi Code of 1972, is
71 amended as follows:

72 23-15-263. (1) Unless otherwise provided in this chapter,
73 the county executive committee at primary elections shall perform
74 all duties that relate to the qualification of candidates for
75 primary elections, print ballots for primary elections, * * *
76 resolve contests in regard to primary elections, and perform all
77 other duties required by law to be performed by the county
78 executive committee; however, each house of the Legislature shall
79 rule on the qualifications of the membership of its respective
80 body in contests involving the qualifications of such members.
81 The executive committee shall be subject to all the penalties to
82 which county election commissioners are subject, except that
83 Section 23-15-217 shall not apply to members of the county
84 executive committee who seek elective office.

85 (2) A member of a county executive committee shall be
86 automatically disqualified to serve on the county executive
87 committee, and shall be considered to have resigned therefrom,
88 upon his qualification as a candidate for any elective office.
89 The provisions of this subsection shall not apply to a member of a
90 county executive committee who qualifies as a candidate for a
91 municipal elective office.

92 (3) The primary election officers appointed by the
93 commissioners of election shall have the powers and perform the
94 duties, where not otherwise provided, required of such officers in
95 a general election, and any and every act or omission which by law

96 is an offense when committed in or about or in respect to such
97 general elections, shall be an offense if committed in or about or
98 in respect to a primary election; and the same shall be indictable
99 and punishable in the same way as if the election was a general
100 election for the election of state and county officers, except as
101 specially modified or otherwise provided in this chapter.

102 SECTION 5. The Attorney General of the State of Mississippi
103 shall submit this act, immediately upon approval by the Governor,
104 or upon approval by the Legislature subsequent to a veto, to the
105 Attorney General of the United States or to the United States
106 District Court for the District of Columbia in accordance with the
107 provisions of the Voting Rights Act of 1965, as amended and
108 extended.

109 SECTION 6. This act shall take effect and be in force from
110 and after the date it is effectuated under Section 5 of the Voting
111 Rights Act of 1965, as amended and extended.