MISSISSIPPI LEGISLATURE
REGULAR SESSION 2001

By: Senator(s) Johnson (19th) 

To: Elections

SENATE BILL NO. 2624


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

SECTION 1. Section 23-15-129, Mississippi Code of 1972, is amended as follows:

23-15-129. The commissioners of election and the registrars of the respective counties are hereby directed to make an administrative division of the pollbook for each county immediately following any reapportionment of the Mississippi Legislature or any realignment of supervisors districts, if necessary. Such an administrative division shall form subprecincts whenever necessary within each voting precinct so
that all persons within a subprecinct shall vote on the same
candidates for each public office. Separate pollbooks for each
subprecinct shall be made. The polling place for all subprecincts
within any given voting precinct shall be the same as the polling
place for the voting precinct. Additional managers may be
appointed for subprecincts in the discretion of the commissioners
of election * * *.

SECTION 2. Section 23-15-171, Mississippi Code of 1972, is
amended as follows:

23-15-171. (1) Municipal primary elections shall be held on
the first Tuesday in May preceding the general municipal election
and, in the event a second primary shall be necessary, such second
primary shall be held on the third Tuesday in May preceding such
general municipal election.

(2) At municipal primary elections the municipal executive
committee shall perform the same duties as are specified by law
and performed by members of the county executive committee with
regard to state and county primary elections. Each municipal
executive committee shall have as many members as there are
elective officers of the municipality, and such members of the
municipal executive committee of each political party shall be
elected in the primary elections held for the nomination of
candidates for municipal offices.

(3) The municipal commissioners of election shall supervise
the municipal primary elections and perform all other duties
specified by law to be performed by the county commissioners of
election with regard to state and county primary elections.

(4) The provisions of this section shall govern all
municipal primary elections as far as applicable, but * * * the
returns of such election shall be made to such municipal executive
committee. Vacancies in the executive committee shall be filled by
it.
(5) Provided, however, that in municipalities operating
under a special or private charter which fixes a time for holding
elections, other than the time fixed by Chapter 491, Laws of 1950,
the first primary election shall be held exactly four (4) weeks
before the time for holding the general election, as fixed by the
charter, and the second primary election, where necessary, shall
be held two (2) weeks after the first primary election, unless the
charter of any such municipality provides otherwise, in which
event the provisions of the special or private charter shall
prevail as to the time of holding such primary elections.

(6) All primary elections in municipalities shall be held
and conducted in the same manner as is provided by law for state
and county primary elections.

SECTION 3. Section 23-15-263, Mississippi Code of 1972, is
amended as follows:

23-15-263. (1) The county commissioners of election shall
supervise the primary elections and perform all other duties
specified by law to be performed by the county commissioners of
election with regard to state and county primary elections.

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

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

(4) The primary election officers appointed by the
county executive committee shall have the powers and perform the
duties, where not otherwise provided, required of such officers in
a general election, and any and every act or omission which by law
is an offense when committed in or about or in respect to such
general elections, shall be an offense if committed in or about or
in respect to a primary election; and the same shall be indictable
and punishable in the same way as if the election was a general
election for the election of state and county officers, except as
specially modified or otherwise provided in this chapter.

SECTION 4. Section 23-15-265, Mississippi Code of 1972, is
amended as follows:

23-15-265. The commissioners of election 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 **. The number of managers and clerks appointed by the
commissioners of election shall be the same number as
commissioners of election are allowed to appoint pursuant to
shall appoint managers and clerks upon the recommendation of the
county executive committee. The commissioners of election shall
appoint an equal number of managers and clerks from each political
party that participates in the primary election to serve at each
precinct. If the county commissioners of election fail to meet on
the date named, supra, further notice shall be given of the time
and place of meeting.

SECTION 5. Section 23-15-267, Mississippi Code of 1972, is
amended as follows:
23-15-267. The ballot boxes provided by the regular
commissioners of election in each county shall be used in primary
elections, and the commissioners of election 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. 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. 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. The person, or persons, whose duty
it is to comply with the provisions of this section and who shall
fail, or neglect, for any cause, to deliver said boxes or any of
them as * * * provided for in this section 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).

amended as follows:

23-15-295. When any person has qualified in the manner
provided by law as a candidate for party nomination in any primary
election, such person shall have the right to withdraw his name as a candidate by giving notice of his withdrawal in writing to the secretary of the proper executive committee at any time prior to the printing of the official ballots, and in the event of such withdrawal the name of such candidate shall not be printed on the ballot. When a candidate for party nomination for a state or district office who has qualified with the state executive committee withholds as a candidate as provided for in this section after the sample of the official ballot has been approved and certified by the State Executive Committee, the Secretary or Chairman of the State Executive Committee shall forthwith notify the commissioners of election of each county affected or involved of the fact of such withdrawal and such notification shall authorize the commissioners of election to omit the name of the withdrawn candidate from the ballot if such notification is received prior to the printing of the ballot. In the case of the withdrawal of any candidate, the fee paid by such candidate shall be retained by the state or county executive committee, as the case may be.

SECTION 7. Section 23-15-303, Mississippi Code of 1972, is amended as follows:

23-15-303. When two (2) or more political parties or political organizations are holding primary elections, each shall be conducted together and at the same time.

The board of supervisors or the supervisor of the district in which the voting precinct is located shall have authority, and it is made its and his duty when requested, to specifically designate the respective places where the precinct primary election shall be held where there may be a dispute as to the room or exact place for holding such precinct elections.

SECTION 8. Section 23-15-331, Mississippi Code of 1972, is amended as follows:
23-15-331. It shall be the duty of the state executive committee of each political party to furnish to the commissioners of election of each county, not less than fifty (50) days prior to the primary election, the names of all state and state district candidates and all candidates for legislative districts composed of more than one county or parts of more than one county who have qualified as provided by law, and in accordance with the requirements of Section 23-15-333 a sample of the official ballot to be used in the primary, the general form of which shall be followed as nearly as practicable.

SECTION 9. Section 23-15-333, Mississippi Code of 1972, is amended as follows:

23-15-333. (1) The commissioners of election shall have printed all necessary ballots, for use in primary elections. 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 commissioners of election. 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 commissioners of election.

(3) The commissioners of election 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 commissioners of election 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.

SECTION 10. Section 23-15-335, Mississippi Code of 1972, is amended as follows:

23-15-335. The commissioners of election of each county 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
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 commissioners of election 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. 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 11. Section 23-15-597, Mississippi Code of 1972, is amended as follows:

23-15-597. The commissioners of election 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 certify the result to the county executive committee. The county executive committee shall 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 Board of Election Commissioners, 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 Board of Election Commissioners

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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 secure the result to the State Executive Committee. The State Executive Committee shall 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 Board of Election Commissioners 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 and certify the result to the State Executive Committee.

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.

**SECTION 12.** Section 23-15-213, Mississippi Code of 1972, is amended as follows:

23-15-213. (1) At the general election in 1984 and every four (4) years thereafter there shall be elected five (5) commissioners of election for each county whose terms of office shall commence on the first Monday of January following their election and who shall serve for a term of four (4) years. Each of the commissioners, before acting, shall take and subscribe the oath of office prescribed by the Constitution and file the same in the office of the clerk of the chancery court, there to remain. While engaged in their duties, the commissioners shall be conservators of the peace in the county, with all the duties and powers of such.

(2) The qualified electors of each supervisors district shall elect, at the general election in 1984 and every four (4)
years thereafter, in their district one (1) commissioner of
election. No more than one (1) commissioner shall be a resident
of and reside in each supervisors district of the county; it being
the purpose of this section that the county board of election
commissioners shall consist of one (1) person from each
supervisors district of the county and that each such commissioner
be elected from the supervisors district in which he resides.

(3) Candidates for county election commissioner shall
qualify by filing with the clerk of the board of supervisors of
their respective counties a petition personally signed by not less
than fifty (50) qualified electors of the supervisors district in
which they reside, requesting that they be a candidate, by 5:00
p.m. not less than sixty (60) days before the election and unless
such petition is filed within said time, their names shall not be
placed upon the ballot. * * *

The petition shall have attached thereto a certificate of the
registrar showing the number of qualified electors on each
petition, which shall be furnished by the registrar on request.
The board shall determine the sufficiency of the petition, and if
the same shall contain the required number of signatures and be
filed within the time required, the president of the board shall
verify that such candidate is a resident of the supervisors
district in which he seeks election and that such candidate is
otherwise qualified as provided by law, and shall certify the same
to the chairman or secretary of the county election commission and
the names of the candidates shall be placed upon the ballot for
the ensuing election. No county election commissioner shall serve
or be considered as elected unless and until he has received a
majority of the votes cast for the position or post for which he
is a candidate. If such majority vote is not received in the
first election, then the two (2) candidates receiving the most
votes for each position or post shall be placed upon the ballot
for a second election to be held two (2) weeks later in accordance
with appropriate procedures followed in other elections involving
runoff candidates.

(4)  (a) The office of county election commissioner is a
nonpartisan office and a candidate for election thereto is
prohibited from campaigning or qualifying for such an office based
on party affiliation.

(b) In order to ensure that campaigns for county
election commissioner remain nonpartisan and without any
connection to a political party, political parties and any
committee or political committee affiliated with a political party
shall not:

(i) Engage in fund-raising on behalf of a
candidate for the office of county election commissioner;

(ii) Make any contribution to a candidate or
county election commissioner or the political committee of a
candidate for county election commissioner; and

(iii) Publicly endorse any candidate for county
election commissioner.

(c) No candidate or political committee for a candidate
for county election commissioner shall accept a contribution from
a political party or any committee or political committee
affiliated with a political party.

(5) Upon taking office, the county board of election
commissioners shall organize by electing a chairman and a
secretary.

(6) It shall be the duty of the chairman to have the
official ballot printed and distributed at each general or special
election.

SECTION 13. 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

SECTION 14. 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.