

## REPORT OF CONFERENCE COMMITTEE

**MADAM PRESIDENT AND MR. SPEAKER:**

We, the undersigned conferees, have had under consideration the amendments to the following entitled BILL:

S. B. No. 2523: Elections; State Executive Committees must appoint election integrity assurance committee; county/municipal committees may delegate duties.

We, therefore, respectfully submit the following report and recommendation:

1. That the House recede from its Amendment No. 1.
  
2. That the Senate and House adopt the following amendment:

Amend by striking all after the enacting clause and inserting in lieu thereof the following:

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  
278 by the chairman of the county executive committee and the circuit  
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  
282 existence of such agreement.

283 (b) If it is eligible under Section 1 of Senate Bill  
284 No. 2523, 2001 Regular Session, the municipal executive committee  
285 may enter into a written agreement with the municipal clerk or the  
286 municipal election commission authorizing the municipal clerk or  
287 the municipal election commission to perform any of the duties  
288 required of the municipal executive committee pursuant to this  
289 section. Any agreement entered into pursuant to this subsection  
290 shall be signed by the chairman of the municipal executive  
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

338 by the chairman of the county executive committee and the circuit  
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.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

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

CONFEREES FOR THE SENATE

CONFEREES FOR THE HOUSE

**X** \_\_\_\_\_  
Hob Bryan

**X** \_\_\_\_\_  
Thomas U. Reynolds

**X** \_\_\_\_\_  
Scottie R. Cuevas

**X** \_\_\_\_\_  
Dirk D. Dedeaux

**X** \_\_\_\_\_  
Ron Farris

**X** \_\_\_\_\_  
Ferr Smith