

April 21, 2006

TO THE HOUSE OF REPRESENTATIVES:

GOVERNOR'S VETO MESSAGE FOR HOUSE BILL 221

I am returning House Bill 221: "AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTION COMMISSIONERS OR THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY UPON PETITION BY THE BOARD OF SUPERVISORS OF A COUNTY OR GOVERNING AUTHORITIES OF A MUNICIPALITY TO POSTPONE ELECTIONS TO A SPECIFIC DATE, SPECIFY ALTERNATE POLLING PLACES AND SPECIFY ALTERNATE VOTING SYSTEMS IN THE EVENT A STATE OF EMERGENCY IS DECLARED BY THE GOVERNOR AND THE REASONS FOR WHICH THE STATE OF EMERGENCY IS DECLARED INTERFERE WITH THE ELECTORAL PROCESS; TO PROVIDE THAT IF EMERGENCY CIRCUMSTANCES EXIST AND A STATE OF EMERGENCY HAS NOT BEEN DECLARED BY THE GOVERNOR, THE STATE BOARD OF ELECTION COMMISSIONERS OR THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS COUNTY, UPON PETITION BY THE BOARD OF SUPERVISORS IN THE COUNTY IN WHICH THE EMERGENCY CIRCUMSTANCES EXIST OR THE GOVERNING AUTHORITIES OF THE MUNICIPALITY IN WHICH THE EMERGENCY CIRCUMSTANCES EXIST, MAY TAKE ANY ACTION NECESSARY TO PROVIDE A REMEDY THAT IS IN THE BEST INTEREST OF, AND PROTECTS THE INTEGRITY OF, THE ELECTORAL PROCESS; TO AMEND SECTIONS 23-15-171, 23-15-173, 23-15-191, 23-15-193 AND 23-15-197, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED PURPOSES" without my approval, and assign the following reasons for my veto.

After full consideration, I am vetoing House Bill 221, which would establish a new process for adjusting election procedures during a state of emergency. This legislation would require the board of supervisors in the county in which the emergency circumstances exist or the governing authorities of the municipality in which the emergency circumstances exist to petition the State Board of Elections Commissioners or the Circuit Court of the First Judicial District of Hinds County to postpone an election. There is already an established process for postponing elections in Mississippi during a state of emergency, and House Bill 221 would needlessly complicate this process.

After consulting with the local elected officials charged with conducting elections and with the authority granted the Governor under the Emergency Powers Act, I postponed two elections scheduled for the day after Hurricane Katrina made landfall. The flexibility and authority granted under current law provided immediate certainty and eliminated unnecessary distractions in the midst of a natural disaster. House Bill 221 would create a process which would involve multiple levels of government and two branches of government.

Furthermore, House Bill 221 would allow a board of supervisors or the governing authorities of a municipality to petition the Hinds County Circuit Court "to take any action necessary to provide a remedy that is in the best interest of, and protects the integrity of, the electoral process," even when a state of emergency has not been declared. This would grant new, unnecessarily broad authority to the Hinds County Circuit Court.

I urge the members to sustain the veto and reject House Bill 221.

Respectfully Submitted,

Haley Barbour
Governor