

By: Representatives Summers, Nelson, Hulum,
Anthony

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1156

1 AN ACT TO AMEND SECTIONS 23-15-557, 23-15-281, 23-15-285,
2 23-15-35, 23-15-115, 19-3-1, 21-5-5, 21-9-59 AND 23-15-283,
3 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO POLLING PLACE SHALL
4 BE CLOSED WITHIN SIXTY DAYS OF ANY PRIMARY, GENERAL, RUNOFF OR
5 SPECIAL ELECTION UNLESS EXIGENT CIRCUMSTANCES EXIST; AND FOR
6 RELATED PURPOSES.

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

8 **SECTION 1.** Section 23-15-557, Mississippi Code of 1972, is
9 amended as follows:

10 23-15-557. The governing authorities of any municipality
11 within the State of Mississippi are hereby authorized and
12 empowered, in their discretion, to divide the municipality into a
13 sufficient number of voting precincts of such size and location as
14 is necessary, and there shall be the same number of polling
15 places. The authority conducting an election shall not be
16 required, however, to establish a polling place in each of said
17 precincts, but such election authorities, whether in a primary or
18 in a general election, may locate and establish such polling
19 places, without regard to precinct lines, in such manner as in the
20 discretion of such authority will better accommodate the



21 electorate and better facilitate the holding of the election. No
22 polling place shall be closed within sixty (60) days of any
23 primary, general, runoff or special election unless exigent
24 circumstances exist. If the governing authorities find that
25 exigent circumstances exist where a polling place needs to be
26 closed within sixty (60) days of an election, then their reasons
27 for making that decision shall be spread upon the minutes at their
28 next scheduled meeting. When a polling place closes within sixty
29 (60) days of an election, public notice of the closing shall be
30 posted at city hall, the courthouse, the registrar's office, the
31 polling place location that closed, and for three (3) consecutive
32 weeks in a newspaper that is circulated in the area; however, if
33 the closing happens within three (3) weeks of the election, then
34 public notice shall be published in that newspaper each week until
35 the election.

36 **SECTION 2.** Section 23-15-281, Mississippi Code of 1972, is
37 amended as follows:

38 23-15-281. (1) Each county shall be divided into
39 supervisors districts, which shall be the same as those for the
40 election of members of the board of supervisors, and may be
41 subdivided thereafter into voting precincts; and there shall be
42 only one (1) voting place in each voting precinct. The board of
43 supervisors shall notify the Office of the Secretary of State of
44 the boundary of each supervisors district, sub-precinct and voting
45 precinct as then fixed and shall provide the office a legal



46 description and a map of each supervisors district, sub-precinct
47 and voting precinct and shall indicate the voting place in each
48 such district. The board of supervisors shall also ensure the
49 legal description and map of each supervisors district is
50 available in the circuit clerk's office for public inspection.

51 (2) The board of supervisors is authorized, by order spread
52 upon the minutes of the board setting forth the cost and source of
53 funds therefor, to purchase improved or unimproved property and to
54 construct, reconstruct, repair, renovate and maintain polling
55 places, or to pay to private property owners reasonable rental
56 fees when the property is used as a polling place for a period not
57 to exceed the day immediately preceding the election, the day of
58 the election, and the day immediately following the election. No
59 polling place shall be closed within sixty (60) days of any
60 primary, general, runoff or special election unless exigent
61 circumstances exist. If the board of supervisors finds that
62 exigent circumstances exist where a polling place needs to be
63 closed within sixty (60) days of an election, then their reasons
64 for making that decision shall be spread upon the minutes at their
65 next scheduled meeting. When a polling place closes within sixty
66 (60) days of an election, public notice of the closing shall be
67 posted at city hall, the courthouse, the registrar's office, the
68 polling place location that closed, and for three (3) consecutive
69 weeks in a newspaper that is circulated in the area; however, if
70 the closing happens within three (3) weeks of the election, then



71 public notice shall be published in that newspaper each week until
72 the election. On or before May 1, 2019, the county board of
73 supervisors shall ensure each polling place is accessible to all
74 voters, structurally sound, capable of providing air conditioning
75 and heating and compliant with the Americans with Disabilities
76 Act.

77 (3) All facilities owned or leased by the state, county,
78 municipality, or school district may be made available at no cost
79 to the board of supervisors for use as polling places to such
80 extent as may be agreed to by the authority having control or
81 custody of these facilities.

82 **SECTION 3.** Section 23-15-285, Mississippi Code of 1972, is
83 amended as follows:

84 23-15-285. The board of supervisors shall cause an entry to
85 be made on the minutes of the board at some meeting, as early as
86 convenient, defining the boundaries of the several supervisors
87 districts, sub-precincts and voting precincts in the county, and
88 designating the voting place in each voting precinct; and as soon
89 as practicable after any change is made in any supervisors
90 district, sub-precincts, voting precinct or any voting place, the
91 board of supervisors shall cause the change to be entered on the
92 minutes of the board in such manner as to be easily understood.
93 Precinct boundaries may be changed only during the times provided
94 in Section 23-15-283.



95 No voting precinct shall have more than five hundred (500)
96 qualified electors residing in its boundaries. Subject to the
97 provisions of this section, each board of supervisors of the
98 various counties of this state shall as soon as practical after
99 January 1, 1987, alter or change the boundaries of the various
100 voting precincts to comply herewith and shall from time to time
101 make such changes in the boundaries of voting precincts so that
102 there shall never be more than five hundred (500) qualified
103 electors within the boundaries of the various voting precincts of
104 this state; provided further, this limitation shall not apply to
105 voting precincts that are so divided, alphabetically or otherwise,
106 so as to have less than five hundred (500) qualified electors in
107 any one (1) box within a voting precinct. However, the limitation
108 of five hundred (500) qualified electors to the voting precinct
109 shall not apply to voting precincts in which voting machines are
110 used at all elections held in that voting precinct. No change in
111 any supervisors district, sub-precinct or voting precinct shall
112 take effect less than thirty (30) days before the qualifying
113 deadline for the office of county supervisor. No polling place
114 shall be closed within sixty (60) days of any primary, general,
115 runoff or special election unless exigent circumstances exist. If
116 the board of supervisors finds that exigent circumstances exist
117 where a polling place needs to be closed within sixty (60) days of
118 an election, then their reasons for making that decision shall be
119 spread upon the minutes at their next scheduled meeting. When a



120 polling place closes within sixty (60) days of an election, public
121 notice of the closing shall be posted at city hall, the
122 courthouse, the registrar's office, the polling place location
123 that closed, and for three (3) consecutive weeks in a newspaper
124 that is circulated in the area; however, if the closing happens
125 within three (3) weeks of the election, then public notice shall
126 be published in that newspaper each week until the election.

127 **SECTION 4.** Section 23-15-35, Mississippi Code of 1972, is
128 amended as follows:

129 23-15-35. (1) The clerk of the municipality shall be the
130 registrar of voters of the municipality, and shall take the oath
131 of office prescribed by Section 268 of the Constitution. The
132 municipal registration shall conform to the county registration
133 which shall be a part of the official record of registered voters
134 as contained in the Statewide Elections Management System. The
135 municipal clerk shall comply with all the provisions of law
136 regarding the registration of voters, including the use of the
137 voter registration applications used by county registrars and
138 prescribed by the Secretary of State under Sections 23-15-39 and
139 23-15-47.

140 (2) The municipal clerk shall be authorized to register
141 applicants as county electors. The municipal clerk shall forward
142 notice of registration, a copy of the application for
143 registration, and any changes to the registration when they occur,
144 either by certified mail to the county registrar or by personal



145 delivery to the county registrar provided that a numbered receipt
146 is signed by the county registrar in return for the described
147 documents. Upon receipt of the copy of the application for
148 registration or changes to the registration, and if a review of
149 the application indicates that the applicant meets all the
150 criteria necessary to qualify as a county elector, then the county
151 registrar shall make a determination of the county voting precinct
152 in which the person making the application shall be required to
153 vote. The county registrar shall send this county voting precinct
154 information by United States first-class mail, postage prepaid, to
155 the person at the address provided on the application. Any
156 mailing costs incurred by the municipal clerk or the county
157 registrar in effectuating this subsection (2) shall be paid by the
158 county board of supervisors. If a review of the copy of the
159 application for registration or changes to the registration
160 indicates that the applicant is not qualified to vote in the
161 county, the county registrar shall challenge the application. The
162 county election commissioners shall review any challenge or
163 disqualification, after having notified the applicant by certified
164 mail of the challenge or disqualification.

165 (3) The municipal clerk shall issue to the person making the
166 application a copy of the application and the county registrar
167 shall process the application in accordance with the law regarding
168 the handling of voter registration applications.



169 (4) The receipt of a copy of the application for
170 registration sent pursuant to Section 23-15-39(3) shall be
171 sufficient to allow the applicant to be registered as an elector
172 in the municipality, provided that such application is not
173 challenged as provided for therein.

174 (5) The municipal clerk of each municipality shall provide
175 the county registrar in which the municipality is located the
176 information necessary to conform the municipal registration to the
177 county registration which shall be a part of the official record
178 of registered voters as contained in the Statewide Elections
179 Management System. If any changes to the information occur as a
180 result of redistricting, annexation or other reason, it shall be
181 the responsibility of the municipal clerk to timely provide the
182 changes to the county registrar. No polling place shall be closed
183 within sixty (60) days of any primary, general, runoff or special
184 election unless exigent circumstances exist. If the governing
185 authorities find that exigent circumstances exist where a polling
186 place needs to be closed within sixty (60) days of an election,
187 then their reasons for making that decision shall be spread upon
188 the minutes at their next scheduled meeting. When a polling place
189 closes within sixty (60) days of an election, public notice of the
190 closing shall be posted at city hall, the courthouse, the
191 registrar's office, the polling place location that closed, and
192 for three (3) consecutive weeks in a newspaper that is circulated
193 in the area; however, if the closing happens within three (3)



194 weeks of the election, then public notice shall be published in
195 that newspaper each week until the election.

196 **SECTION 5.** Section 23-15-115, Mississippi Code of 1972, is
197 amended as follows:

198 23-15-115. When a transfer of a voter registration is
199 necessitated by any change in the boundaries of legislative
200 districts, supervisors districts, voting precincts, or other
201 similar boundaries, such information necessary to bring about such
202 transfer may be secured by mail or otherwise. No polling place
203 shall be closed within sixty (60) days of any primary, general,
204 runoff or special election unless exigent circumstances exist. If
205 the board of supervisors of a county or governing authority of a
206 municipality, as applicable, find that exigent circumstances exist
207 where a polling place needs to be closed within sixty (60) days of
208 an election, then their reasons for making that decision shall be
209 spread upon the minutes at their next scheduled meeting. When a
210 polling place closes within sixty (60) days of an election, public
211 notice of the closing shall be posted at city hall, the
212 courthouse, the registrar's office, the polling place location
213 that closed, and for three (3) consecutive weeks in a newspaper
214 that is circulated in the area; however, if the closing happens
215 within three (3) weeks of the election, then public notice shall
216 be published in that newspaper each week until the election.
217 Necessary forms for the purposes of securing necessary information
218 shall be prepared by the registrar.



219 **SECTION 6.** Section 19-3-1, Mississippi Code of 1972, is
220 amended as follows:

221 19-3-1. Each county shall be divided into five (5)
222 districts, with due regard to equality of population and
223 convenience of situation for the election of members of the boards
224 of supervisors, but the districts as now existing shall continue
225 until changed. The qualified electors of each district shall
226 elect, at the next general election, and every four (4) years
227 thereafter, in their districts one (1) member of the board of
228 supervisors. Subject to the provisions of Sections 23-15-283 and
229 23-15-285, the board, by a three-fifths (3/5) vote of all members
230 elected, may change the districts, the boundaries to be entered at
231 large in the minutes of the proceedings of the board. No polling
232 place shall be closed within sixty (60) days of any primary,
233 general, runoff or special election unless exigent circumstances
234 exist. If the board of supervisors finds that exigent
235 circumstances exist where a polling place needs to be closed
236 within sixty (60) days of an election, then their reasons for
237 making that decision shall be spread upon the minutes at their
238 next scheduled meeting. When a polling place closes within sixty
239 (60) days of an election, public notice of the closing shall be
240 posted at city hall, the courthouse, the registrar's office, the
241 polling place location that closed, and for three (3) consecutive
242 weeks in a newspaper that is circulated in the area; however, if
243 the closing happens within three (3) weeks of the election, then



244 public notice shall be published in that newspaper each week until
245 the election.

246 If the boundaries of the districts are changed by order of
247 the board of supervisors as provided in this section, the order
248 shall be published in a newspaper having general circulation in
249 the county once each week for three (3) consecutive weeks.

250 **SECTION 7.** Section 21-5-5, Mississippi Code of 1972, is
251 amended as follows:

252 21-5-5. The mayor and councilmen (or commissioners) of all
253 cities operated under the commission form of government shall be
254 elected from the city at large, but the municipal authorities may
255 establish as many wards and as many voting precincts in each ward
256 as may be necessary or desirable. No polling place shall be
257 closed within sixty (60) days of any primary, general, runoff or
258 special election unless exigent circumstances exist. If the
259 governing authorities find that exigent circumstances exist where
260 a polling place needs to be closed within sixty (60) days of an
261 election, then their reasons for making that decision shall be
262 spread upon the minutes at their next scheduled meeting. When a
263 polling place closes within sixty (60) days of an election, public
264 notice of the closing shall be posted at city hall, the
265 courthouse, the registrar's office, the polling place location
266 that closed, and for three (3) consecutive weeks in a newspaper
267 that is circulated in the area; however, if the closing happens
268 within three (3) weeks of the election, then public notice shall



269 be published in that newspaper each week until the election. No
270 person shall be eligible to the office of mayor or councilman
271 unless he is a qualified elector of such city and shall have been
272 a bona fide resident thereof for a period of at least one (1) year
273 next preceding the date of the commencement of his term of office.

274 In the event the council should ordain that the councilmen
275 posts shall be separated, as provided in Section 21-5-11, such
276 post shall be so separated for election purposes and persons
277 seeking the office of councilman shall qualify and seek election
278 for a specific post, as designated by ordinance, and each post
279 shall be voted on separately by the qualified electors of the
280 municipality voting in said election.

281 In the event there should be but one (1) candidate for one of
282 such election posts, or only one (1) candidate for each of such
283 posts, then such candidate or candidates shall be declared to be
284 elected.

285 **SECTION 8.** Section 21-9-59, Mississippi Code of 1972, is
286 amended as follows:

287 21-9-59. The council is authorized to provide by ordinance
288 for the division of the wards, or if there be no wards, for the
289 division of the municipality, into such number of voting precincts
290 as may be necessary, each as nearly as possible containing the
291 same number of qualified electors. No polling place shall be
292 closed within sixty (60) days of any primary, general, runoff or
293 special election unless exigent circumstances exist. If the



294 governing authorities find that exigent circumstances exist where
295 a polling place needs to be closed within sixty (60) days of an
296 election, then their reasons for making that decision shall be
297 spread upon the minutes at their next scheduled meeting. When a
298 polling place closes within sixty (60) days of an election, public
299 notice of the closing shall be posted at city hall, the
300 courthouse, the registrar's office, the polling place location
301 that closed, and for three (3) consecutive weeks in a newspaper
302 that is circulated in the area; however, if the closing happens
303 within three (3) weeks of the election, then public notice shall
304 be published in that newspaper each week until the election.

305 **SECTION 9.** Section 23-15-283, Mississippi Code of 1972, is
306 amended as follows:

307 23-15-283. (1) The board of supervisors shall have power to
308 alter the boundaries of the supervisors districts, voting
309 precincts, sub-precincts and the voting place therein. If the
310 board of supervisors orders a change in the boundaries, they shall
311 notify the election commissioners, who shall at once cause the
312 voter rolls as electronically maintained by the Statewide
313 Elections Management System of voting precincts affected by the
314 order to be changed to conform to the change so as to contain only
315 the names of the qualified electors in the voting precincts as
316 made by the change of boundaries. Upon the order of change in the
317 boundaries of any voting precinct or the voting place therein, the
318 board of supervisors shall notify the Office of the Secretary of



319 State and provide the Office of the Secretary of State a legal
320 description and a map of any boundary change. No change shall be
321 implemented or enforced until the requirements of this section
322 have been met. No polling place shall be closed within sixty (60)
323 days of any primary, general, runoff or special election unless
324 exigent circumstances exist. If the board of supervisors finds
325 that exigent circumstances exist where a polling place needs to be
326 closed within sixty (60) days of an election, then their reasons
327 for making that decision shall be spread upon the minutes at their
328 next scheduled meeting. When a polling place closes within sixty
329 (60) days of an election, public notice of the closing shall be
330 posted at city hall, the courthouse, the registrar's office, the
331 polling place location that closed, and for three (3) consecutive
332 weeks in a newspaper that is circulated in the area; however, if
333 the closing happens within three (3) weeks of the election, then
334 public notice shall be published in that newspaper each week until
335 the election.

336 (2) Only officials certified by the Secretary of State shall
337 be authorized to implement boundary line changes in the Statewide
338 Elections Management System. The training and certification
339 required under this subsection (2) shall be available to the
340 circuit clerk, county election commissioners or any other
341 individual designated by the board of supervisors to be
342 responsible for implementing boundary line changes into the
343 Statewide Elections Management System.



344 (3) Any governmental entity authorized to adopt, amend or
345 change boundary lines shall immediately forward all changed
346 boundary lines to the appropriate circuit clerk, who shall, if
347 authorized under subsection (2), implement the boundary line
348 changes in the Statewide Elections Management System. If the
349 circuit clerk is not the appropriate person to implement the
350 boundary line changes, the clerk shall immediately forward a copy
351 of all materials to the appropriate person. Copies of any
352 boundary line changes within the county shall be maintained in the
353 office of the circuit clerk and made available for public
354 inspection. No change shall be implemented or enforced until the
355 requirements of this section have been met.

356 (4) Precinct boundary changes affected by the authority of
357 this section or of any other provision of law shall not be
358 implemented during any decade after the last day of September of
359 the year ending in eight (8). Precinct boundaries in force and
360 effect at such time shall remain in effect and unalterable until
361 the last day of December in the next year ending in zero. This
362 prohibition shall not bar the creation or modification of
363 sub-precinct boundaries.

364 **SECTION 10.** This act shall take effect and be in force from
365 and after July 1, 2024.

