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Anthony

To: Apportionment and
Elections

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; AND FOR RELATED PURPOSES.

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

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

9 23-15-557. The governing authorities of any municipality
10 within the State of Mississippi are hereby authorized and
11 empowered, in their discretion, to divide the municipality into a
12 sufficient number of voting precincts of such size and location as
13 is necessary, and there shall be the same number of polling
14 places. The authority conducting an election shall not be
15 required, however, to establish a polling place in each of said
16 precincts, but such election authorities, whether in a primary or
17 in a general election, may locate and establish such polling
18 places, without regard to precinct lines, in such manner as in the
19 discretion of such authority will better accommodate the



20 electorate and better facilitate the holding of the election. No
21 polling place shall be closed within sixty (60) days of any
22 primary, general, runoff or special election.

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

25 23-15-281. (1) Each county shall be divided into
26 supervisors districts, which shall be the same as those for the
27 election of members of the board of supervisors, and may be
28 subdivided thereafter into voting precincts; and there shall be
29 only one (1) voting place in each voting precinct. The board of
30 supervisors shall notify the Office of the Secretary of State of
31 the boundary of each supervisors district, sub-precinct and voting
32 precinct as then fixed and shall provide the office a legal
33 description and a map of each supervisors district, sub-precinct
34 and voting precinct and shall indicate the voting place in each
35 such district. The board of supervisors shall also ensure the
36 legal description and map of each supervisors district is
37 available in the circuit clerk's office for public inspection.

38 (2) The board of supervisors is authorized, by order spread
39 upon the minutes of the board setting forth the cost and source of
40 funds therefor, to purchase improved or unimproved property and to
41 construct, reconstruct, repair, renovate and maintain polling
42 places, or to pay to private property owners reasonable rental
43 fees when the property is used as a polling place for a period not
44 to exceed the day immediately preceding the election, the day of



45 the election, and the day immediately following the election. No
46 polling place shall be closed within sixty (60) days of any
47 primary, general, runoff or special election. On or before May 1,
48 2019, the county board of supervisors shall ensure each polling
49 place is accessible to all voters, structurally sound, capable of
50 providing air conditioning and heating and compliant with the
51 Americans with Disabilities Act.

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

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

59 23-15-285. The board of supervisors shall cause an entry to
60 be made on the minutes of the board at some meeting, as early as
61 convenient, defining the boundaries of the several supervisors
62 districts, sub-precincts and voting precincts in the county, and
63 designating the voting place in each voting precinct; and as soon
64 as practicable after any change is made in any supervisors
65 district, sub-precincts, voting precinct or any voting place, the
66 board of supervisors shall cause the change to be entered on the
67 minutes of the board in such manner as to be easily understood.
68 Precinct boundaries may be changed only during the times provided
69 in Section 23-15-283.



70 No voting precinct shall have more than five hundred (500)
71 qualified electors residing in its boundaries. Subject to the
72 provisions of this section, each board of supervisors of the
73 various counties of this state shall as soon as practical after
74 January 1, 1987, alter or change the boundaries of the various
75 voting precincts to comply herewith and shall from time to time
76 make such changes in the boundaries of voting precincts so that
77 there shall never be more than five hundred (500) qualified
78 electors within the boundaries of the various voting precincts of
79 this state; provided further, this limitation shall not apply to
80 voting precincts that are so divided, alphabetically or otherwise,
81 so as to have less than five hundred (500) qualified electors in
82 any one (1) box within a voting precinct. However, the limitation
83 of five hundred (500) qualified electors to the voting precinct
84 shall not apply to voting precincts in which voting machines are
85 used at all elections held in that voting precinct. No change in
86 any supervisors district, sub-precinct or voting precinct shall
87 take effect less than thirty (30) days before the qualifying
88 deadline for the office of county supervisor. No polling place
89 shall be closed within sixty (60) days of any primary, general,
90 runoff or special election.

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

93 23-15-35. (1) The clerk of the municipality shall be the
94 registrar of voters of the municipality, and shall take the oath



95 of office prescribed by Section 268 of the Constitution. The
96 municipal registration shall conform to the county registration
97 which shall be a part of the official record of registered voters
98 as contained in the Statewide Elections Management System. The
99 municipal clerk shall comply with all the provisions of law
100 regarding the registration of voters, including the use of the
101 voter registration applications used by county registrars and
102 prescribed by the Secretary of State under Sections 23-15-39 and
103 23-15-47.

104 (2) The municipal clerk shall be authorized to register
105 applicants as county electors. The municipal clerk shall forward
106 notice of registration, a copy of the application for
107 registration, and any changes to the registration when they occur,
108 either by certified mail to the county registrar or by personal
109 delivery to the county registrar provided that a numbered receipt
110 is signed by the county registrar in return for the described
111 documents. Upon receipt of the copy of the application for
112 registration or changes to the registration, and if a review of
113 the application indicates that the applicant meets all the
114 criteria necessary to qualify as a county elector, then the county
115 registrar shall make a determination of the county voting precinct
116 in which the person making the application shall be required to
117 vote. The county registrar shall send this county voting precinct
118 information by United States first-class mail, postage prepaid, to
119 the person at the address provided on the application. Any



120 mailing costs incurred by the municipal clerk or the county
121 registrar in effectuating this subsection (2) shall be paid by the
122 county board of supervisors. If a review of the copy of the
123 application for registration or changes to the registration
124 indicates that the applicant is not qualified to vote in the
125 county, the county registrar shall challenge the application. The
126 county election commissioners shall review any challenge or
127 disqualification, after having notified the applicant by certified
128 mail of the challenge or disqualification.

129 (3) The municipal clerk shall issue to the person making the
130 application a copy of the application and the county registrar
131 shall process the application in accordance with the law regarding
132 the handling of voter registration applications.

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

138 (5) The municipal clerk of each municipality shall provide
139 the county registrar in which the municipality is located the
140 information necessary to conform the municipal registration to the
141 county registration which shall be a part of the official record
142 of registered voters as contained in the Statewide Elections
143 Management System. If any changes to the information occur as a
144 result of redistricting, annexation or other reason, it shall be



145 the responsibility of the municipal clerk to timely provide the
146 changes to the county registrar. No polling place shall be closed
147 within sixty (60) days of any primary, general, runoff or special
148 election.

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

151 23-15-115. When a transfer of a voter registration is
152 necessitated by any change in the boundaries of legislative
153 districts, supervisors districts, voting precincts, or other
154 similar boundaries, such information necessary to bring about such
155 transfer may be secured by mail or otherwise. No polling place
156 shall be closed within sixty (60) days of any primary, general,
157 runoff or special election. Necessary forms for the purposes of
158 securing necessary information shall be prepared by the registrar.

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

161 19-3-1. Each county shall be divided into five (5)
162 districts, with due regard to equality of population and
163 convenience of situation for the election of members of the boards
164 of supervisors, but the districts as now existing shall continue
165 until changed. The qualified electors of each district shall
166 elect, at the next general election, and every four (4) years
167 thereafter, in their districts one (1) member of the board of
168 supervisors. Subject to the provisions of Sections 23-15-283 and
169 23-15-285, the board, by a three-fifths (3/5) vote of all members



170 elected, may change the districts, the boundaries to be entered at
171 large in the minutes of the proceedings of the board. No polling
172 place shall be closed within sixty (60) days of any primary,
173 general, runoff or special election.

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

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

180 21-5-5. The mayor and councilmen (or commissioners) of all
181 cities operated under the commission form of government shall be
182 elected from the city at large, but the municipal authorities may
183 establish as many wards and as many voting precincts in each ward
184 as may be necessary or desirable. No polling place shall be
185 closed within sixty (60) days of any primary, general, runoff or
186 special election. No person shall be eligible to the office of
187 mayor or councilman unless he is a qualified elector of such city
188 and shall have been a bona fide resident thereof for a period of
189 at least one (1) year next preceding the date of the commencement
190 of his term of office.

191 In the event the council should ordain that the councilmen
192 posts shall be separated, as provided in Section 21-5-11, such
193 post shall be so separated for election purposes and persons
194 seeking the office of councilman shall qualify and seek election



195 for a specific post, as designated by ordinance, and each post
196 shall be voted on separately by the qualified electors of the
197 municipality voting in said election.

198 In the event there should be but one (1) candidate for one of
199 such election posts, or only one (1) candidate for each of such
200 posts, then such candidate or candidates shall be declared to be
201 elected.

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

204 21-9-59. The council is authorized to provide by ordinance
205 for the division of the wards, or if there be no wards, for the
206 division of the municipality, into such number of voting precincts
207 as may be necessary, each as nearly as possible containing the
208 same number of qualified electors. No polling place shall be
209 closed within sixty (60) days of any primary, general, runoff or
210 special election.

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

213 23-15-283. (1) The board of supervisors shall have power to
214 alter the boundaries of the supervisors districts, voting
215 precincts, sub-precincts and the voting place therein. If the
216 board of supervisors orders a change in the boundaries, they shall
217 notify the election commissioners, who shall at once cause the
218 voter rolls as electronically maintained by the Statewide
219 Elections Management System of voting precincts affected by the



220 order to be changed to conform to the change so as to contain only
221 the names of the qualified electors in the voting precincts as
222 made by the change of boundaries. Upon the order of change in the
223 boundaries of any voting precinct or the voting place therein, the
224 board of supervisors shall notify the Office of the Secretary of
225 State and provide the Office of the Secretary of State a legal
226 description and a map of any boundary change. No change shall be
227 implemented or enforced until the requirements of this section
228 have been met. No polling place shall be closed within sixty (60)
229 days of any primary, general, runoff or special election.

230 (2) Only officials certified by the Secretary of State shall
231 be authorized to implement boundary line changes in the Statewide
232 Elections Management System. The training and certification
233 required under this subsection (2) shall be available to the
234 circuit clerk, county election commissioners or any other
235 individual designated by the board of supervisors to be
236 responsible for implementing boundary line changes into the
237 Statewide Elections Management System.

238 (3) Any governmental entity authorized to adopt, amend or
239 change boundary lines shall immediately forward all changed
240 boundary lines to the appropriate circuit clerk, who shall, if
241 authorized under subsection (2), implement the boundary line
242 changes in the Statewide Elections Management System. If the
243 circuit clerk is not the appropriate person to implement the
244 boundary line changes, the clerk shall immediately forward a copy



245 of all materials to the appropriate person. Copies of any
246 boundary line changes within the county shall be maintained in the
247 office of the circuit clerk and made available for public
248 inspection. No change shall be implemented or enforced until the
249 requirements of this section have been met.

250 (4) Precinct boundary changes affected by the authority of
251 this section or of any other provision of law shall not be
252 implemented during any decade after the last day of September of
253 the year ending in eight (8). Precinct boundaries in force and
254 effect at such time shall remain in effect and unalterable until
255 the last day of December in the next year ending in zero. This
256 prohibition shall not bar the creation or modification of
257 sub-precinct boundaries.

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

