

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.

