

By: Representative Rosebud

To: Apportionment and
Elections

HOUSE BILL NO. 1399

1 AN ACT TO AMEND SECTIONS 23-15-557, 23-15-281 AND 23-15-285,
 2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF A POLLING PLACE IS
 3 LOCATED AT ANY TYPE OF FACILITY THAT SELLS ANY TYPE OF ALCOHOLIC
 4 BEVERAGE, THAT FACILITY SHALL STOP SELLING ANY ALCOHOLIC BEVERAGE
 5 FOR THE THIRTY DAYS IMMEDIATELY PRECEDING THE ELECTION; TO PROVIDE
 6 THE DEFINITIONS FOR "FACILITY" AND "ALCOHOLIC BEVERAGE"; TO BRING
 7 FORWARD SECTIONS 23-15-283 AND 23-15-259, MISSISSIPPI CODE OF
 8 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
 9 PURPOSES.

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

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

13 23-15-557. The governing authorities of any municipality
 14 within the State of Mississippi are hereby authorized and
 15 empowered, in their discretion, to divide the municipality into a
 16 sufficient number of voting precincts of such size and location as
 17 is necessary, and there shall be the same number of polling
 18 places. The authority conducting an election shall not be
 19 required, however, to establish a polling place in each of said
 20 precincts, but such election authorities, whether in a primary or
 21 in a general election, may locate and establish such polling



22 places, without regard to precinct lines, in such manner as in the
23 discretion of such authority will better accommodate the
24 electorate and better facilitate the holding of the election. If
25 a polling place is located at any type of facility that sells any
26 type of alcoholic beverage, that facility shall stop selling any
27 alcoholic beverage for the thirty (30) days immediately preceding
28 the election. For purposes of this section, "facility" means a
29 location that has a license to sell beer, liquor or wine, and
30 "alcoholic beverage" means beer, wine and liquor.

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

33 23-15-281. (1) Each county shall be divided into
34 supervisors districts, which shall be the same as those for the
35 election of members of the board of supervisors, and may be
36 subdivided thereafter into voting precincts; and there shall be
37 only one (1) voting place in each voting precinct. Provided,
38 however, that such boundaries, if altered, shall conform to
39 visible natural or artificial boundaries such as streets,
40 highways, railroads, rivers, lakes, bayous or other obvious lines
41 of demarcation except county lines and municipal corporate limits.
42 The board of supervisors shall notify the Office of the Secretary
43 of State of the boundary of each supervisors district and voting
44 precinct as then fixed and shall provide the office a legal
45 description and a map of each supervisors district and voting
46 precinct and shall indicate the voting place in each such



47 district. The board of supervisors shall also ensure the legal
48 description and map of each supervisors district is available in
49 the circuit clerk's office for public inspection.

50 (2) The board of supervisors is authorized, by order spread
51 upon the minutes of the board setting forth the cost and source of
52 funds therefor, to purchase improved or unimproved property and to
53 construct, reconstruct, repair, renovate and maintain polling
54 places, or to pay to private property owners reasonable rental
55 fees when the property is used as a polling place for a period not
56 to exceed the day immediately preceding the election, the day of
57 the election, and the day immediately following the election. On
58 or before May 1, 2019, the county board of supervisors shall
59 ensure each polling place is accessible to all voters,
60 structurally sound, capable of providing air conditioning and
61 heating and compliant with the Americans with Disabilities Act.
62 If a polling place is located at any type of facility that sells
63 any type of alcoholic beverage, that facility shall stop selling
64 any alcoholic beverage for the thirty (30) days immediately
65 preceding the election. For purposes of this section, "facility"
66 means a location that has a license to sell beer, liquor or wine,
67 and "alcoholic beverage" means beer, wine and liquor.

68 (3) All facilities owned or leased by the state, county,
69 municipality, or school district may be made available at no cost
70 to the board of supervisors for use as polling places to such



71 extent as may be agreed to by the authority having control or
72 custody of these facilities.

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

75 23-15-285. The board of supervisors shall cause an entry to
76 be made on the minutes of the board at some meeting, as early as
77 convenient, defining the boundaries of the several supervisors
78 districts, sub-precincts and voting precincts in the county, and
79 designating the voting place in each voting precinct; and as soon
80 as practicable after any change is made in any supervisors
81 district, sub-precincts, voting precinct or any voting place, the
82 board of supervisors shall cause the change to be entered on the
83 minutes of the board in such manner as to be easily understood.
84 If a polling place is located at any type of facility that sells
85 any type of alcoholic beverage, that facility shall stop selling
86 any alcoholic beverage for the thirty (30) days immediately
87 preceding the election. For purposes of this section, "facility"
88 means a location that has a license to sell beer, liquor or wine,
89 and "alcoholic beverage" means beer, wine and liquor. Precinct
90 boundaries may be changed only during the times provided in
91 Section 23-15-283.

92 No voting precinct shall have more than five hundred (500)
93 qualified electors residing in its boundaries. Subject to the
94 provisions of this section, each board of supervisors of the
95 various counties of this state shall as soon as practical after



96 January 1, 1987, alter or change the boundaries of the various
97 voting precincts to comply herewith and shall from time to time
98 make such changes in the boundaries of voting precincts so that
99 there shall never be more than five hundred (500) qualified
100 electors within the boundaries of the various voting precincts of
101 this state; provided further, this limitation shall not apply to
102 voting precincts that are so divided, alphabetically or otherwise,
103 so as to have less than five hundred (500) qualified electors in
104 any one (1) box within a voting precinct. However, the limitation
105 of five hundred (500) qualified electors to the voting precinct
106 shall not apply to voting precincts in which voting machines are
107 used at all elections held in that voting precinct. No change in
108 any supervisors district, sub-precinct or voting precinct shall
109 take effect less than thirty (30) days before the qualifying
110 deadline for the office of county supervisor.

111 **SECTION 4.** Section 23-15-283, Mississippi Code of 1972, is
112 brought forward as follows:

113 23-15-283. (1) The board of supervisors shall have power to
114 alter the boundaries of the supervisors districts, voting
115 precincts, sub-precincts and the voting place therein. If the
116 board of supervisors orders a change in the boundaries, they shall
117 notify the election commissioners, who shall at once cause the
118 voter rolls as electronically maintained by the Statewide
119 Elections Management System of voting precincts affected by the
120 order to be changed to conform to the change so as to contain only



121 the names of the qualified electors in the voting precincts as
122 made by the change of boundaries. Upon the order of change in the
123 boundaries of any voting precinct or the voting place therein, the
124 board of supervisors shall notify the Office of the Secretary of
125 State and provide the Office of the Secretary of State a legal
126 description and a map of any boundary change. No change shall be
127 implemented or enforced until the requirements of this section
128 have been met.

129 (2) Only officials certified by the Secretary of State shall
130 be authorized to implement boundary line changes in the Statewide
131 Elections Management System. The training and certification
132 required under this subsection (2) shall be available to the
133 circuit clerk, county election commissioners or any other
134 individual designated by the board of supervisors to be
135 responsible for implementing boundary line changes into the
136 Statewide Elections Management System.

137 (3) Any governmental entity authorized to adopt, amend or
138 change boundary lines shall immediately forward all changed
139 boundary lines to the appropriate circuit clerk, who shall, if
140 authorized under subsection (2), implement the boundary line
141 changes in the Statewide Elections Management System. If the
142 circuit clerk is not the appropriate person to implement the
143 boundary line changes, the clerk shall immediately forward a copy
144 of all materials to the appropriate person. Copies of any
145 boundary line changes within the county shall be maintained in the



146 office of the circuit clerk and made available for public
147 inspection. No change shall be implemented or enforced until the
148 requirements of this section have been met.

149 (4) Precinct boundary changes affected by the authority of
150 this section or of any other provision of law shall not be
151 implemented during any decade after the last day of September of
152 the year ending in eight (8). Precinct boundaries in force and
153 effect at such time shall remain in effect and unalterable until
154 the last day of December in the next year ending in zero. This
155 prohibition shall not bar the creation or modification of
156 sub-precinct boundaries.

157 **SECTION 5.** Section 23-15-259, Mississippi Code of 1972, is
158 brought forward as follows:

159 23-15-259. The boards of supervisors of the several counties
160 are authorized to allow compensation of the officers rendering
161 services in matters of registration and elections, to provide
162 ballot boxes, voter rolls as electronically maintained by the
163 Statewide Elections Management System, and all other things
164 required by law in registration and elections. The boards are
165 also authorized, by order spread upon the minutes of the board
166 setting forth the cost and source of funds therefor, to allow such
167 reasonable sum as may be expended in supplying voting
168 compartments, tables or shelves for use at elections.

169 **SECTION 6.** This act shall take effect and be in force from
170 and after July 1, 2024.

