

By: Representative Rosebud

To: Apportionment and
Elections

HOUSE BILL NO. 1401

1 AN ACT TO AMEND SECTIONS 23-15-557, 23-15-281 AND 23-15-285,
2 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT NO POLLING PLACE MAY BE
3 LOCATED AT ANY TYPE OF FACILITY THAT SELLS ANY TYPE OF ALCOHOLIC
4 BEVERAGE; TO DEFINE "FACILITY" AND "ALCOHOLIC BEVERAGE"; TO BRING
5 FORWARD SECTIONS 23-15-283 AND 23-15-259, MISSISSIPPI CODE OF
6 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT; AND FOR RELATED
7 PURPOSES.

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

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

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



21 discretion of such authority will better accommodate the
22 electorate and better facilitate the holding of the election. No
23 polling place may be located at any type of facility that sells
24 any type of alcoholic beverage. For purposes of this section,
25 "facility" means a location that has a license to sell beer,
26 liquor or wine, and "alcoholic beverage" means beer, wine and
27 liquor.

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

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

43 (2) The board of supervisors is authorized, by order spread
44 upon the minutes of the board setting forth the cost and source of
45 funds therefor, to purchase improved or unimproved property and to



46 construct, reconstruct, repair, renovate and maintain polling
47 places, or to pay to private property owners reasonable rental
48 fees when the property is used as a polling place for a period not
49 to exceed the day immediately preceding the election, the day of
50 the election, and the day immediately following the election. On
51 or before May 1, 2019, the county board of supervisors shall
52 ensure each polling place is accessible to all voters,
53 structurally sound, capable of providing air conditioning and
54 heating and compliant with the Americans with Disabilities Act.
55 No polling place may be located at any type of facility that sells
56 any type of alcoholic beverage. For purposes of this section,
57 "facility" means a location that has a license to sell beer,
58 liquor or wine, and "alcoholic beverage" means beer, wine and
59 liquor.

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

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

67 23-15-285. The board of supervisors shall cause an entry to
68 be made on the minutes of the board at some meeting, as early as
69 convenient, defining the boundaries of the several supervisors
70 districts, sub-precincts and voting precincts in the county, and



71 designating the voting place in each voting precinct; and as soon
72 as practicable after any change is made in any supervisors
73 district, sub-precincts, voting precinct or any voting place, the
74 board of supervisors shall cause the change to be entered on the
75 minutes of the board in such manner as to be easily understood.
76 No polling place may be located at any type of facility that sells
77 any type of alcoholic beverage. For purposes of this section,
78 "facility" means a location that has a license to sell beer,
79 liquor or wine, and "alcoholic beverage" means beer, wine and
80 liquor. Precinct boundaries may be changed only during the times
81 provided in Section 23-15-283.

82 No voting precinct shall have more than five hundred (500)
83 qualified electors residing in its boundaries. Subject to the
84 provisions of this section, each board of supervisors of the
85 various counties of this state shall as soon as practical after
86 January 1, 1987, alter or change the boundaries of the various
87 voting precincts to comply herewith and shall from time to time
88 make such changes in the boundaries of voting precincts so that
89 there shall never be more than five hundred (500) qualified
90 electors within the boundaries of the various voting precincts of
91 this state; provided further, this limitation shall not apply to
92 voting precincts that are so divided, alphabetically or otherwise,
93 so as to have less than five hundred (500) qualified electors in
94 any one (1) box within a voting precinct. However, the limitation
95 of five hundred (500) qualified electors to the voting precinct



96 shall not apply to voting precincts in which voting machines are
97 used at all elections held in that voting precinct. No change in
98 any supervisors district, sub-precinct or voting precinct shall
99 take effect less than thirty (30) days before the qualifying
100 deadline for the office of county supervisor.

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

103 23-15-283. (1) The board of supervisors shall have power to
104 alter the boundaries of the supervisors districts, voting
105 precincts, sub-precincts and the voting place therein. If the
106 board of supervisors orders a change in the boundaries, they shall
107 notify the election commissioners, who shall at once cause the
108 voter rolls as electronically maintained by the Statewide
109 Elections Management System of voting precincts affected by the
110 order to be changed to conform to the change so as to contain only
111 the names of the qualified electors in the voting precincts as
112 made by the change of boundaries. Upon the order of change in the
113 boundaries of any voting precinct or the voting place therein, the
114 board of supervisors shall notify the Office of the Secretary of
115 State and provide the Office of the Secretary of State a legal
116 description and a map of any boundary change. No change shall be
117 implemented or enforced until the requirements of this section
118 have been met.

119 (2) Only officials certified by the Secretary of State shall
120 be authorized to implement boundary line changes in the Statewide



121 Elections Management System. The training and certification
122 required under this subsection (2) shall be available to the
123 circuit clerk, county election commissioners or any other
124 individual designated by the board of supervisors to be
125 responsible for implementing boundary line changes into the
126 Statewide Elections Management System.

127 (3) Any governmental entity authorized to adopt, amend or
128 change boundary lines shall immediately forward all changed
129 boundary lines to the appropriate circuit clerk, who shall, if
130 authorized under subsection (2), implement the boundary line
131 changes in the Statewide Elections Management System. If the
132 circuit clerk is not the appropriate person to implement the
133 boundary line changes, the clerk shall immediately forward a copy
134 of all materials to the appropriate person. Copies of any
135 boundary line changes within the county shall be maintained in the
136 office of the circuit clerk and made available for public
137 inspection. No change shall be implemented or enforced until the
138 requirements of this section have been met.

139 (4) Precinct boundary changes affected by the authority of
140 this section or of any other provision of law shall not be
141 implemented during any decade after the last day of September of
142 the year ending in eight (8). Precinct boundaries in force and
143 effect at such time shall remain in effect and unalterable until
144 the last day of December in the next year ending in zero. This



145 prohibition shall not bar the creation or modification of
146 sub-precinct boundaries.

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

149 23-15-259. The boards of supervisors of the several counties
150 are authorized to allow compensation of the officers rendering
151 services in matters of registration and elections, to provide
152 ballot boxes, voter rolls as electronically maintained by the
153 Statewide Elections Management System, and all other things
154 required by law in registration and elections. The boards are
155 also authorized, by order spread upon the minutes of the board
156 setting forth the cost and source of funds therefor, to allow such
157 reasonable sum as may be expended in supplying voting
158 compartments, tables or shelves for use at elections.

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

