

By: Representative Rosebud

To: Apportionment and
Elections

HOUSE BILL NO. 1401
(As Passed the House)

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
5 PROVIDE THAT THE DEFINITION OF "FACILITY" SHALL NOT INCLUDE ANY
6 GOVERNMENT-OWNED BUILDING OR ANY BUILDING OWNED BY A NONPROFIT
7 ORIGINATION; TO BRING FORWARD SECTIONS 23-15-283 AND 23-15-259,
8 MISSISSIPPI CODE OF 1972, FOR THE PURPOSE OF POSSIBLE AMENDMENT;
9 AND FOR RELATED 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. No
25 polling place may be located at any type of facility that sells
26 any type of alcoholic beverage. For purposes of this section,
27 "facility" means a location that has a license to sell beer,
28 liquor or wine, but does not include any government-owned building
29 or any building owned by a nonprofit organization and "alcoholic
30 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. The board of
38 supervisors shall notify the Office of the Secretary of State of
39 the boundary of each supervisors district, sub-precinct and voting
40 precinct as then fixed and shall provide the office a legal
41 description and a map of each supervisors district, sub-precinct
42 and voting precinct and shall indicate the voting place in each
43 such district. The board of supervisors shall also ensure the
44 legal description and map of each supervisors district is
45 available in the circuit clerk's office for public inspection.



46 (2) The board of supervisors is authorized, by order spread
47 upon the minutes of the board setting forth the cost and source of
48 funds therefor, to purchase improved or unimproved property and to
49 construct, reconstruct, repair, renovate and maintain polling
50 places, or to pay to private property owners reasonable rental
51 fees when the property is used as a polling place for a period not
52 to exceed the day immediately preceding the election, the day of
53 the election, and the day immediately following the election. On
54 or before May 1, 2019, the county board of supervisors shall
55 ensure each polling place is accessible to all voters,
56 structurally sound, capable of providing air conditioning and
57 heating and compliant with the Americans with Disabilities Act.
58 No polling place may be located at any type of facility that sells
59 any type of alcoholic beverage. For purposes of this section,
60 "facility" means a location that has a license to sell beer,
61 liquor or wine, but does not include any government-owned building
62 or any building owned by a nonprofit organization and "alcoholic
63 beverage" means beer, wine and liquor.

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

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



71 23-15-285. The board of supervisors shall cause an entry to
72 be made on the minutes of the board at some meeting, as early as
73 convenient, defining the boundaries of the several supervisors
74 districts, sub-precincts and voting precincts in the county, and
75 designating the voting place in each voting precinct; and as soon
76 as practicable after any change is made in any supervisors
77 district, sub-precincts, voting precinct or any voting place, the
78 board of supervisors shall cause the change to be entered on the
79 minutes of the board in such manner as to be easily understood.
80 No polling place may be located at any type of facility that sells
81 any type of alcoholic beverage. For purposes of this section,
82 "facility" means a location that has a license to sell beer,
83 liquor or wine, but does not include any government-owned building
84 or any building owned by a nonprofit organization and "alcoholic
85 beverage" means beer, wine and liquor. Precinct boundaries may be
86 changed only during the times provided in Section 23-15-283.

87 No voting precinct shall have more than five hundred (500)
88 qualified electors residing in its boundaries. Subject to the
89 provisions of this section, each board of supervisors of the
90 various counties of this state shall as soon as practical after
91 January 1, 1987, alter or change the boundaries of the various
92 voting precincts to comply herewith and shall from time to time
93 make such changes in the boundaries of voting precincts so that
94 there shall never be more than five hundred (500) qualified
95 electors within the boundaries of the various voting precincts of



96 this state; provided further, this limitation shall not apply to
97 voting precincts that are so divided, alphabetically or otherwise,
98 so as to have less than five hundred (500) qualified electors in
99 any one (1) box within a voting precinct. However, the limitation
100 of five hundred (500) qualified electors to the voting precinct
101 shall not apply to voting precincts in which voting machines are
102 used at all elections held in that voting precinct. No change in
103 any supervisors district, sub-precinct or voting precinct shall
104 take effect less than thirty (30) days before the qualifying
105 deadline for the office of county supervisor.

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

108 23-15-283. (1) The board of supervisors shall have power to
109 alter the boundaries of the supervisors districts, voting
110 precincts, sub-precincts and the voting place therein. If the
111 board of supervisors orders a change in the boundaries, they shall
112 notify the election commissioners, who shall at once cause the
113 voter rolls as electronically maintained by the Statewide
114 Elections Management System of voting precincts affected by the
115 order to be changed to conform to the change so as to contain only
116 the names of the qualified electors in the voting precincts as
117 made by the change of boundaries. Upon the order of change in the
118 boundaries of any voting precinct or the voting place therein, the
119 board of supervisors shall notify the Office of the Secretary of
120 State and provide the Office of the Secretary of State a legal



121 description and a map of any boundary change. No change shall be
122 implemented or enforced until the requirements of this section
123 have been met.

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

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

144 (4) Precinct boundary changes affected by the authority of
145 this section or of any other provision of law shall not be



146 implemented during any decade after the last day of September of
147 the year ending in eight (8). Precinct boundaries in force and
148 effect at such time shall remain in effect and unalterable until
149 the last day of December in the next year ending in zero. This
150 prohibition shall not bar the creation or modification of
151 sub-precinct boundaries.

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

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

164 **SECTION 6.** This act shall take effect and be in force from
165 and after July 1, 2024, and shall stand repealed on June 30, 2024.

