

By: Representative Summers

To: Apportionment and
Elections

HOUSE BILL NO. 1419

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, 21-9-59 AND 23-15-283, MISSISSIPPI
3 CODE OF 1972, TO PROVIDE THAT THE LOCATION OF A POLLING PLACE
4 SHALL NOT BE ALTERED WITHIN SIXTY DAYS OF ANY PRIMARY, GENERAL,
5 RUNOFF OR SPECIAL ELECTION UNLESS EXIGENT CIRCUMSTANCES EXIST; AND
6 FOR 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. The
22 location of a polling place shall not be altered within sixty (60)
23 days of any primary, general, runoff or special election unless
24 exigent circumstances exist. If the governing authorities find
25 that exigent circumstances exist where a polling place needs to be
26 altered 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 the location of a polling place is
29 altered within sixty (60) days of an election, public notice of
30 the change shall be posted at city hall, the courthouse, the
31 registrar's office, the previous polling place location if it is a
32 public building, and for three (3) consecutive weeks, or each week
33 before the election if the alteration happens within three (3)
34 weeks of the election in a newspaper that is circulated in the
35 area.

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



description and a map of each supervisors district, sub-precinct and voting precinct and shall indicate the voting place in each such district. The board of supervisors shall also ensure the legal description and map of each supervisors district is available in the circuit clerk's office for public inspection.

(2) The board of supervisors is authorized, by order spread upon the minutes of the board setting forth the cost and source of funds therefor, to purchase improved or unimproved property and to construct, reconstruct, repair, renovate and maintain polling places, or to pay to private property owners reasonable rental fees when the property is used as a polling place for a period not to exceed the day immediately preceding the election, the day of the election, and the day immediately following the election. The location of a polling place shall not be altered within sixty (60) days of any primary, general, runoff or special election unless exigent circumstances exist. If the board of supervisors finds that exigent circumstances exist where a polling place needs to be altered within sixty (60) days of an election, then their reasons for making that decision shall be spread upon the minutes at their next scheduled meeting. When the location of a polling place is altered within sixty (60) days of an election, public notice of the change shall be posted at city hall, the courthouse, the registrar's office, the previous polling place location if it is a public building, and for three (3) consecutive weeks, or each week before the election if the alteration happens within three (3)



71 weeks of the election, in a newspaper that is circulated in the
72 area. On or before May 1, 2019, the county board of supervisors
73 shall ensure each polling place is accessible to all voters,
74 structurally sound, capable of providing air conditioning and
75 heating and compliant with the Americans with Disabilities Act.

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

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

83 23-15-285. The board of supervisors shall cause an entry to
84 be made on the minutes of the board at some meeting, as early as
85 convenient, defining the boundaries of the several supervisors
86 districts, sub-precincts and voting precincts in the county, and
87 designating the voting place in each voting precinct; and as soon
88 as practicable after any change is made in any supervisors
89 district, sub-precincts, voting precinct or any voting place, the
90 board of supervisors shall cause the change to be entered on the
91 minutes of the board in such manner as to be easily understood.
92 Precinct boundaries may be changed only during the times provided
93 in Section 23-15-283.

94 No voting precinct shall have more than five hundred (500)
95 qualified electors residing in its boundaries. Subject to the



96 provisions of this section, each board of supervisors of the
97 various counties of this state shall as soon as practical after
98 January 1, 1987, alter or change the boundaries of the various
99 voting precincts to comply herewith and shall from time to time
100 make such changes in the boundaries of voting precincts so that
101 there shall never be more than five hundred (500) qualified
102 electors within the boundaries of the various voting precincts of
103 this state; provided further, this limitation shall not apply to
104 voting precincts that are so divided, alphabetically or otherwise,
105 so as to have less than five hundred (500) qualified electors in
106 any one (1) box within a voting precinct. However, the limitation
107 of five hundred (500) qualified electors to the voting precinct
108 shall not apply to voting precincts in which voting machines are
109 used at all elections held in that voting precinct. No change in
110 any supervisors district, sub-precinct or voting precinct shall
111 take effect less than thirty (30) days before the qualifying
112 deadline for the office of county supervisor. The location of a
113 polling place shall not be altered within sixty (60) days of any
114 primary, general, runoff or special election unless exigent
115 circumstances exist. If the board of supervisors finds that
116 exigent circumstances exist where a polling place needs to be
117 altered within sixty (60) days of an election, then their reasons
118 for making that decision shall be spread upon the minutes at their
119 next scheduled meeting. When the location of a polling place is
120 altered within sixty (60) days of an election, public notice of



the change shall be posted at city hall, the courthouse, the registrar's office, the previous polling place location if it is a public building, and for three (3) consecutive weeks, or each week before the election if the alteration happens within three (3) weeks of the election, in a newspaper that is circulated in the area.

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

23-15-35. (1) The clerk of the municipality shall be the registrar of voters of the municipality, and shall take the oath of office prescribed by Section 268 of the Constitution. The municipal registration shall conform to the county registration which shall be a part of the official record of registered voters as contained in the Statewide Elections Management System. The municipal clerk shall comply with all the provisions of law regarding the registration of voters, including the use of the voter registration applications used by county registrars and prescribed by the Secretary of State under Sections 23-15-39 and 23-15-47.

(2) The municipal clerk shall be authorized to register applicants as county electors. The municipal clerk shall forward notice of registration, a copy of the application for registration, and any changes to the registration when they occur, either by certified mail to the county registrar or by personal delivery to the county registrar provided that a numbered receipt



is signed by the county registrar in return for the described documents. Upon receipt of the copy of the application for registration or changes to the registration, and if a review of the application indicates that the applicant meets all the criteria necessary to qualify as a county elector, then the county registrar shall make a determination of the county voting precinct in which the person making the application shall be required to vote. The county registrar shall send this county voting precinct information by United States first-class mail, postage prepaid, to the person at the address provided on the application. Any mailing costs incurred by the municipal clerk or the county registrar in effectuating this subsection (2) shall be paid by the county board of supervisors. If a review of the copy of the application for registration or changes to the registration indicates that the applicant is not qualified to vote in the county, the county registrar shall challenge the application. The county election commissioners shall review any challenge or disqualification, after having notified the applicant by certified mail of the challenge or disqualification.

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

(4) The receipt of a copy of the application for registration sent pursuant to Section 23-15-39(3) shall be



sufficient to allow the applicant to be registered as an elector in the municipality, provided that such application is not challenged as provided for therein.

(5) The municipal clerk of each municipality shall provide the county registrar in which the municipality is located the information necessary to conform the municipal registration to the county registration which shall be a part of the official record of registered voters as contained in the Statewide Elections Management System. If any changes to the information occur as a result of redistricting, annexation or other reason, it shall be the responsibility of the municipal clerk to timely provide the changes to the county registrar. The location of a polling place shall not be altered within sixty (60) days of any primary, general, runoff or special election unless exigent circumstances exist. If the governing authorities find that exigent circumstances exist where a polling place needs to be altered within sixty (60) days of an election, then their reasons for making that decision shall be spread upon the minutes at their next scheduled meeting. When the location of a polling place is altered within sixty (60) days of an election, public notice of the change shall be posted at city hall, the courthouse, the registrar's office, the previous polling place location if it is a public building, and for three (3) consecutive weeks, or each week before the election if the alteration happens within three (3)



195 weeks of the election, in a newspaper that is circulated in the
196 area.

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

199 23-15-115. When a transfer of a voter registration is
200 necessitated by any change in the boundaries of legislative
201 districts, supervisors districts, voting precincts, or other
202 similar boundaries, such information necessary to bring about such
203 transfer may be secured by mail or otherwise. The location of a
204 polling place shall not be altered within sixty (60) days of any
205 primary, general, runoff or special election unless exigent
206 circumstances exist. If the board of supervisors of a county or
207 governing authority of a municipality, as applicable, find that
208 exigent circumstances exist where a polling place needs to be
209 altered within sixty (60) days of an election, then their reasons
210 for making that decision shall be spread upon the minutes at their
211 next scheduled meeting. When the location of a polling place is
212 altered within sixty (60) days of an election, public notice of
213 the change shall be posted at city hall, the courthouse, the
214 registrar's office, the previous polling place location if it is a
215 public building, and for three (3) consecutive weeks, or each week
216 before the election if the alteration happens within three (3)
217 weeks of the election, in a newspaper that is circulated in the
218 area. Necessary forms for the purposes of securing necessary
219 information shall be prepared by the registrar.



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

222 19-3-1. Each county shall be divided into five (5)
223 districts, with due regard to equality of population and
224 convenience of situation for the election of members of the boards
225 of supervisors, but the districts as now existing shall continue
226 until changed. The qualified electors of each district shall
227 elect, at the next general election, and every four (4) years
228 thereafter, in their districts one (1) member of the board of
229 supervisors. Subject to the provisions of Sections 23-15-283 and
230 23-15-285, the board, by a three-fifths (3/5) vote of all members
231 elected, may change the districts, the boundaries to be entered at
232 large in the minutes of the proceedings of the board. The
233 location of a polling place shall not be altered within sixty (60)
234 days of any primary, general, runoff or special election unless
235 exigent circumstances exist. If the board of supervisors finds
236 that exigent circumstances exist where a polling place needs to be
237 altered within sixty (60) days of an election, then their reasons
238 for making that decision shall be spread upon the minutes at their
239 next scheduled meeting. When the location of a polling place is
240 altered within sixty (60) days of an election, public notice of
241 the change shall be posted at city hall, the courthouse, the
242 registrar's office, the previous polling place location if it is a
243 public building, and for three (3) consecutive weeks, or each week
244 before the election if the alteration happens within three (3)



245 weeks of the election, in a newspaper that is circulated in the
246 area.

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

251 **SECTION 7.** Section 21-9-59, Mississippi Code of 1972, is
252 amended as follows:

253 21-9-59. The council is authorized to provide by ordinance
254 for the division of the wards, or if there be no wards, for the
255 division of the municipality, into such number of voting precincts
256 as may be necessary, each as nearly as possible containing the
257 same number of qualified electors. The location of a polling
258 place shall not be altered within sixty (60) days of any primary,
259 general, runoff or special election unless exigent circumstances
260 exist. If the governing authorities find that exigent
261 circumstances exist where a polling place needs to be altered
262 within sixty (60) days of an election, then their reasons for
263 making that decision shall be spread upon the minutes at their
264 next scheduled meeting. When the location of a polling place is
265 altered within sixty (60) days of an election, public notice of
266 the change shall be posted at city hall, the courthouse, the
267 registrar's office, the previous polling place location if it is a
268 public building, and for three (3) consecutive weeks, or each week
269 before the election if the alteration happens within three (3)



weeks of the election, in a newspaper that is circulated in the area.

SECTION 8. Section 23-15-283, Mississippi Code of 1972, is amended as follows:

23-15-283. (1) The board of supervisors shall have power to alter the boundaries of the supervisors districts, voting precincts, sub-precincts and the voting place therein. If the board of supervisors orders a change in the boundaries, they shall notify the election commissioners, who shall at once cause the voter rolls as electronically maintained by the Statewide Elections Management System of voting precincts affected by the order to be changed to conform to the change so as to contain only the names of the qualified electors in the voting precincts as made by the change of boundaries. Upon the order of change in the boundaries of any voting precinct or the voting place therein, the board of supervisors shall notify the Office of the Secretary of State and provide the Office of the Secretary of State a legal description and a map of any boundary change. No change shall be implemented or enforced until the requirements of this section have been met. The location of a polling place shall not be altered within sixty (60) days of any primary, general, runoff or special election unless exigent circumstances exist. If the board of supervisors finds that exigent circumstances exist where a polling place needs to be altered within sixty (60) days of an election, then their reasons for making that decision shall be



295 spread upon the minutes at their next scheduled meeting. When the
296 location of a polling place is altered within sixty (60) days of
297 an election, public notice of the change shall be posted at city
298 hall, the courthouse, the registrar's office, the previous polling
299 place location if it is a building, and for three (3) consecutive
300 weeks, or each week before the election if the alteration happens
301 within three (3) weeks of the election, in a newspaper that is
302 circulated in the area.

303 (2) Only officials certified by the Secretary of State shall
304 be authorized to implement boundary line changes in the Statewide
305 Elections Management System. The training and certification
306 required under this subsection (2) shall be available to the
307 circuit clerk, county election commissioners or any other
308 individual designated by the board of supervisors to be
309 responsible for implementing boundary line changes into the
310 Statewide Elections Management System.

311 (3) Any governmental entity authorized to adopt, amend or
312 change boundary lines shall immediately forward all changed
313 boundary lines to the appropriate circuit clerk, who shall, if
314 authorized under subsection (2), implement the boundary line
315 changes in the Statewide Elections Management System. If the
316 circuit clerk is not the appropriate person to implement the
317 boundary line changes, the clerk shall immediately forward a copy
318 of all materials to the appropriate person. Copies of any
319 boundary line changes within the county shall be maintained in the



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

323 (4) Precinct boundary changes affected by the authority of
324 this section or of any other provision of law shall not be
325 implemented during any decade after the last day of September of
326 the year ending in eight (8). Precinct boundaries in force and
327 effect at such time shall remain in effect and unalterable until
328 the last day of December in the next year ending in zero. This
329 prohibition shall not bar the creation or modification of
330 sub-precinct boundaries.

331 **SECTION 9.** This act shall take effect and be in force from
332 and after July 1, 2025.

