

By: Reynolds

To: Apportionment and
ElectionsHOUSE BILL NO. 1306
(As Passed the House)

1 AN ACT TO PROVIDE FOR CONGRESSIONAL DISTRICT ELECTION
2 INTEGRITY ASSURANCE COMMITTEES FOR EACH POLITICAL PARTY AND
3 PRESCRIBE THEIR DUTIES REGARDING THE PERFORMANCE OF DUTIES THAT
4 CERTAIN OFFICIALS FAIL TO PERFORM REGARDING ELECTIONS; TO AMEND
5 SECTION 23-15-129, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO
6 AMEND SECTION 23-15-211, MISSISSIPPI CODE OF 1972, TO REQUIRE
7 TRAINING FOR PARTY REPRESENTATIVES AND MUNICIPAL ELECTION
8 COMMISSIONERS; TO AMEND SECTION 23-15-239, MISSISSIPPI CODE OF
9 1972, TO PROVIDE FOR ELECTION INSTRUCTIONS IF MANAGERS AND CLERKS
10 HAVE NOT RECEIVED SUCH INSTRUCTIONS; TO AMEND SECTION 23-15-265,
11 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE APPOINTMENT OF
12 MANAGERS AND CLERKS; TO AMEND SECTION 23-15-267, MISSISSIPPI CODE
13 OF 1972, TO PROVIDE FOR THE DISTRIBUTION OF BALLOT BOXES; TO AMEND
14 SECTION 23-15-295, MISSISSIPPI CODE OF 1972, IN CONFORMITY; TO
15 AMEND SECTIONS 23-15-331, 23-15-333 AND 23-15-335, MISSISSIPPI
16 CODE OF 1972, IN CONFORMITY; TO AMEND SECTION 23-15-597,
17 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ANNOUNCING OF RETURNS
18 AND CERTIFICATION OF ELECTIONS; TO PROVIDE THAT PERSONS WHO FAIL
19 TO PERFORM DUTIES SHALL NOT BE PAID; TO PROVIDE A CIVIL PENALTY
20 FOR FAILURE OF AN EXECUTIVE COMMITTEE TO PERFORM ELECTION DUTIES;
21 TO REQUIRE COUNTY EXECUTIVE COMMITTEES TO PROVIDE A LIST OF
22 MANAGERS TO CIRCUIT CLERKS; TO REQUIRE THE SECRETARY OF STATE TO
23 PUBLISH A BOOKLET ON THE CONDUCT OF ELECTIONS; TO CLARIFY THE
24 RESPONSIBILITIES AND LIABILITY OF CIRCUIT CLERKS; AND FOR RELATED
25 PURPOSES.

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

27 SECTION 1. Each registered political party authorized to
28 conduct a political party primary election shall appoint from its
29 state party executive committee three (3) members from each of the
30 state's congressional districts who shall constitute the party's
31 election integrity assurance committee within that congressional
32 district. A chairman and a secretary shall be named for each
33 congressional district election integrity assurance committee.
34 The responsibility of each congressional district election
35 integrity assurance committee shall be to ensure that party
36 primaries within each county and voting precinct constituting that
37 congressional district are conducted in accordance with state law.

38 If any county executive committee shall fail to perform any of
39 the duties and responsibilities required of it by House Bill No.
40 1306, 2000 Regular Session, the congressional district election
41 integrity assurance committee shall oversee and direct the county
42 executive committee to perform such duties, and where necessary,
43 the congressional district election integrity assurance committee
44 shall itself perform such duties and responsibilities, or direct
45 suitable members of the party to perform those functions. The
46 state political party executive committees shall provide on an
47 annual basis to the circuit clerks of the respective counties and
48 portions of counties constituting each respective congressional
49 district the names, addresses and home and work telephone numbers
50 of the congressional district election integrity assurance
51 committee members. In any situation where House Bill No. 1306,
52 2000 Regular Session, shall require the circuit clerk to contact,
53 notify or advise a member of a congressional district election
54 integrity assurance committee, it shall be sufficient that the
55 clerk contract, notify or advise either a member of the committee
56 or to contact the state party headquarters who shall be required
57 to contact the committee members and advise them of their
58 responsibilities under this act.

59 SECTION 2. Section 23-15-129, Mississippi Code of 1972, is
60 amended as follows:[LH1]

61 23-15-129. The commissioners of election and the registrars
62 of the respective counties are hereby directed to make an
63 administrative division of the pollbook for each county
64 immediately following any reapportionment of the Mississippi
65 Legislature or any realignment of supervisors districts, if
66 necessary. Such an administrative division shall form
67 subprecincts whenever necessary within each voting precinct so
68 that all persons within a subprecinct shall vote on the same
69 candidates for each public office. Separate pollbooks for each
70 subprecinct shall be made. The polling place for all subprecincts
71 within any given voting precinct shall be the same as the polling
72 place for the voting precinct. Additional managers may be
73 appointed for subprecincts in the discretion of the commissioners
74 of election or * * * the proper executive committee, as

75 appropriate.

76 SECTION 3. Section 23-15-211, Mississippi Code of 1972, is
77 amended as follows:[LH2]

78 23-15-211. (1) There shall be a State Board of Election
79 Commissioners to consist of the Governor, the Secretary of State
80 and the Attorney General, any two (2) of whom may perform the
81 duties required of the board; a board of election commissioners in
82 each county to consist of five (5) persons who are electors in the
83 county in which they are to act; and a registrar in each county
84 who shall be the clerk of the circuit court, unless he shall be
85 shown to be an improper person to register the names of the
86 electors therein.

87 (2) The board of supervisors of each county shall pay
88 members of the county election commissioners for attending
89 training events a per diem in the amount provided in Section
90 23-15-153; however, such per diem shall not be paid to an election
91 commissioner for more than six (6) days of training per year and
92 shall only be paid to election commissioners who actually attend
93 and complete a training event and obtain a training certificate.

94 (3) Included in this six (6) days shall be an elections
95 seminar, conducted and sponsored by the Secretary of State.
96 Election commissioners and at least one representative of each
97 political party executive committee from each county board of
98 supervisors district shall be required to attend.

99 (4) Each participant shall receive a certificate from the
100 Secretary of State indicating that the named participant has
101 received the elections training seminar instruction and that each
102 participant is fully qualified to conduct an election.

103 (5) Municipal election commissioners shall be required to
104 obtain training on the conduct of elections from the Secretary of
105 State. The commissioners must present a certificate of completion
106 of such training at least thirty (30) days before an election to
107 the city clerk who shall inform the governing authorities of any

108 commissioners who have not been certified.

109 SECTION 4. Section 23-15-239, Mississippi Code of 1972, is
110 amended as follows:[LH3]

111 23-15-239. (1) The proper executive committee in the case
112 of a primary election, or proper election commission in the case
113 of all other elections, of each county, in conjunction with the
114 circuit clerk, shall sponsor and conduct, not less than five (5)
115 days prior to each election, training sessions to instruct
116 managers as to their duties in the proper administration of the
117 election and the operation of the polling place. No manager shall
118 serve in any election unless he has received such instructions
119 once during the twelve (12) months immediately preceding the date
120 upon which such election is held; provided, however, that nothing
121 in this section shall prevent the appointment of an alternate
122 manager to fill a vacancy in case of an emergency. The
123 appropriate executive committee or election commission shall train
124 a sufficient number of alternates to serve in the event a manager
125 is unable to serve for any reason.

126 (2) If by four (4) days prior to any primary election the
127 managers and clerks have not received the instruction on elections
128 administration and operation of the polling place, the county
129 voter registrar shall advise the congressional district election
130 integrity assurance committee, who shall provide such instruction.

131 SECTION 5. Section 23-15-265, Mississippi Code of 1972, is
132 amended as follows:[LH4]

133 23-15-265. The county executive committee of each county
134 shall meet not less than two (2) weeks before the date of any
135 primary election and appoint the managers and clerks for same, all
136 of whom may be members of the same political party. The number of
137 managers and clerks appointed by the county executive committee
138 shall be the same number as commissioners of election are allowed
139 to appoint pursuant to Sections 23-15-231 and 23-15-235. If the
140 county executive committee fails to meet on the date named, supra,

141 further notice shall be given of the time and place of meeting.
142 If the county executive committee shall fail to meet and to
143 appoint the managers and clerks of the election by two (2) weeks
144 prior to the date of the primary election, the county voter
145 registrar shall advise the chairman of the congressional district
146 election integrity assurance committee to call a meeting of the
147 county executive committee for the purpose of making such
148 appointments. If the county executive committee shall fail to
149 submit a list of its appointments of managers and clerks of the
150 election to the county voter registrar by one (1) week prior to
151 the date of the primary election, the congressional district
152 election integrity assurance committee shall make such
153 appointments.

154 SECTION 6. Section 23-15-267, Mississippi Code of 1972, is
155 amended as follows:

156 23-15-267. The ballot boxes provided by the regular
157 commissioners of election in each county shall be used in primary
158 elections, and the county executive committees shall distribute
159 them to the voting precincts of the county before the time for
160 opening the polls, in the same manner, as near as may be, as that
161 provided for in general elections. If the executive committee
162 shall fail to distribute the ballot boxes to the precincts by 5:00
163 p.m. on the day prior to a primary election, then the county voter
164 registrar shall be responsible for distributing the ballot boxes.

165 If an adjournment shall take place after the polls are open and
166 before all votes are counted, the ballot box shall be securely
167 locked so as to prevent the admission into it or the taking of
168 anything from it during the time of adjournment; and the box shall
169 be kept by one of the managers, and the key by another of the
170 managers, and the manager having the box shall carefully keep it,
171 and neither undertake to open it himself or permit it to be done,
172 or to permit any person to have access to it during the time of
173 adjournment. The box shall not be removed from the polling

174 building or place after the polls are open until the count is
175 completed if as many as three (3) electors qualified to vote at
176 the election object. After each election, the ballot boxes of
177 those provided by the regular commissioner of election shall be
178 delivered, with the keys thereof immediately and as soon
179 thereafter as possible, and without delay to the clerk of the
180 circuit court of the county. The person, or persons, whose duty
181 it is to comply with the provisions of this section and who shall
182 fail, or neglect, from any cause, to deliver said boxes or any of
183 them as herein provided shall, upon conviction, be fined not less
184 than Two Hundred Dollars (\$200.00) and be imprisoned in the county
185 jail of the residence of the person, or persons, who violates any
186 of the provisions of this section, for a period of not less than
187 thirty (30) days or more than six (6) months, and fined not more
188 than Five Hundred Dollars (\$500.00).

189 SECTION 7. Section 23-15-295, Mississippi Code of 1972, is
190 amended as follows:[LH5]

191 23-15-295. When any person has qualified in the manner
192 provided by law as a candidate for party nomination in any primary
193 election, such person shall have the right to withdraw his name as
194 a candidate by giving notice of his withdrawal in writing to the
195 secretary of the proper executive committee at any time prior to
196 the printing of the official ballots, and in the event of such
197 withdrawal the name of such candidate shall not be printed on the
198 ballot. When a candidate for party nomination for a state or
199 district office who has qualified with the state executive
200 committee withdraws as a candidate as provided for in this section
201 after the sample of the official ballot has been approved and
202 certified by the State Executive Committee, the Secretary or
203 Chairman of the State Executive Committee shall forthwith notify
204 the county executive committee or congressional district election
205 integrity assurance committee of each county affected or involved
206 of the fact of such withdrawal and such notification shall

207 authorize said county executive committees or congressional
208 district election integrity assurance committee to omit the name
209 of the withdrawn candidate from the ballot if such notification is
210 received prior to the printing of the ballot. In the case of the
211 withdrawal of any candidate, the fee paid by such candidate shall
212 be retained by the state or county executive committee, as the
213 case may be.

214 SECTION 8. Section 23-15-331, Mississippi Code of 1972, is
215 amended as follows:[LH6]

216 23-15-331. It shall be the duty of the state executive
217 committee of each political party to furnish to each county
218 executive committee or the congressional district election
219 integrity assurance committee, as appropriate, not less than fifty
220 (50) days prior to the election, the names of all state and state
221 district candidates and all candidates for legislative districts
222 composed of more than one county or parts of more than one county
223 who have qualified as provided by law, and in accordance with the
224 requirements of Section 23-15-333 a sample of the official ballot
225 to be used in the primary, the general form of which shall be
226 followed as nearly as practicable.

227 SECTION 9. Section 23-15-333, Mississippi Code of 1972, is
228 amended as follows:[LH7]

229 23-15-333. (1) The county executive committee shall have
230 printed all necessary ballots, for use in primary elections. The
231 ballots shall contain the names of all the candidates to be voted
232 for at such election, and there shall be left on each ballot one
233 (1) blank space under the title of each office for which a nominee
234 is to be elected; and in the event of the death of any candidate
235 whose name shall have been printed on the ballot, the name of the
236 candidate duly substituted in the place of the deceased candidate
237 may be written in such blank space by the voter. The order in
238 which the titles to the various offices shall be printed, and the
239 size, print and quality of the paper of the ballot is left to the

240 discretion of the county executive committee. Provided, however,
241 that in all cases the arrangement of the names of the candidates
242 for each office shall be alphabetical. No ballot shall be used
243 except those so printed.

244 (2) If the county executive committee shall fail to meet and
245 to have printed absentee ballots for forty-five (45) days prior to
246 the date of the primary election, the county voter registrar shall
247 advise the chairman of the congressional district election
248 integrity assurance committee to call a meeting of the county
249 executive committee for the purpose of having absentee ballots
250 printed. If the county executive committee shall fail to have
251 absentee ballots printed by forty (40) days prior to the date of
252 the primary election, the congressional district election
253 integrity assurance committee shall have the absentee ballots
254 printed.

255 (3) If the county executive committee shall fail to meet and
256 to have printed election day ballots four (4) weeks prior to the
257 primary election the county voter registrar shall advise the
258 chairman of the congressional district election integrity
259 assurance committee to call a meeting of the county executive
260 committee for the purpose of having election day ballots printed.
261 If the county executive committee shall fail to have absentee
262 ballots printed by three (3) weeks prior to the date of the
263 primary election, the congressional district election integrity
264 assurance committee shall have the election day ballots printed.

265 (4) The county executive committee shall also prepare full
266 instructions for the guidance of electors at elections as to
267 obtaining ballots, the manner of marking them, and the mode of
268 obtaining new ballots in the place of those spoiled by accident.
269 The instructions shall be printed in large, clear type on "Cards
270 of Instruction," and the county executive committee shall furnish
271 the same in sufficient numbers for the use of electors. The cards
272 shall be preserved by the officers of election and returned by

273 them to the county executive committee and they may be used, if
274 applicable, in subsequent elections.

275 SECTION 10. Section 23-15-335, Mississippi Code of 1972, is
276 amended as follows:[LH8]

277 23-15-335. The county executive committee shall designate a
278 person whose duty it shall be to distribute all necessary ballots
279 for use in a primary election, and shall designate one (1) among
280 the managers at each polling place to receive and receipt for the
281 blank ballots to be used at that place. When the blank ballots
282 are delivered to a local manager, the distributor shall take from
283 the local manager a receipt therefor signed in duplicate by both
284 the distributor and the manager, one of which receipts the
285 distributor shall deliver to the circuit clerk and the other shall
286 be retained by the local manager and said last mentioned duplicate
287 receipt shall be inclosed in the ballot box with the voted ballots
288 when the polls have been closed and the votes have been counted.
289 The printer of the ballots shall take a receipt from the
290 distributor of the ballots for the total number of the blank
291 ballots delivered to the distributor. The printer shall secure
292 all ballots printed by him in such a safe manner that no person
293 can procure them or any of them, and he shall deliver no blank
294 ballot or ballots to any person except the distributor above
295 mentioned, and then only upon his receipt therefor as above
296 specified. The distributor of the blank ballots shall so securely
297 hold the same that no person can obtain any of them, and he shall
298 not deliver any of them to any person other than to the authorized
299 local managers and upon their respective receipts therefor. The
300 executive committee shall see to it that the total blank ballots
301 delivered to the distributor, shall correspond with the total of
302 the receipts executed by the local managers. Any person charged
303 with any of the duties prescribed in this section who shall
304 willfully or with culpable carelessness violate the same shall be
305 guilty of a misdemeanor. If the county executive committee shall

306 fail to perform any duty required by this section, then the
307 circuit clerk shall perform the duty.

308 SECTION 11. Section 23-15-597, Mississippi Code of 1972, is
309 amended as follows:[LH9]

310 23-15-597. (1) The county executive committee shall meet on
311 the first or second day after each primary election, shall receive
312 and canvass the returns which must be made within the time fixed
313 by law for returns of general elections and declare the result,
314 and announce the name of the nominees for county and county
315 district offices and legislative offices for districts containing
316 one (1) county or less, and the names of those candidates to be
317 submitted to the second primary. If the county executive
318 committee shall fail to meet and announce the results of the
319 election by three (3) days after the date of the primary election,
320 the county voter registrar shall advise the chairman of the
321 congressional district election integrity assurance committee to
322 call a meeting of the county executive committee for the purpose
323 of declaring the results and announcing the names of nominees. If
324 the county executive committee shall fail to declare the results
325 and announce the names of nominees by the seventh day after the
326 date of the primary election, the congressional district election
327 integrity assurance committee shall declare the results and
328 announce the names of nominees.

329 (2) The vote for state and state district offices and
330 legislative offices for districts containing more than one (1)
331 county or parts of more than one (1) county shall be tabulated by
332 precincts and certified to and returned to the State Executive
333 Committee, such returns to be mailed by registered letter or any
334 safe mode of transmission within thirty-six (36) hours after the
335 returns are canvassed and the result ascertained. If the county
336 executive committee shall fail to tabulate and certify the returns
337 and transmit to the State Executive Committee the results of the
338 election for such offices by three (3) days after the date of the

339 primary election, the county voter registrar shall then advise the
340 chairman of the congressional district election integrity
341 assurance committee to call a meeting of the county executive
342 committee for the purpose of tabulating, certifying and
343 transmitting the results of the election to the State Executive
344 Committee. If the county executive committee shall fail to
345 tabulate, certify and transmit the returns to the State Executive
346 Committee by five (5) days after the date of the primary election,
347 the congressional district election integrity assurance committee
348 shall tabulate the results and transmit them to the State
349 Executive Committee.

350 (3) The State Executive Committee shall meet a week from the
351 day following the first primary election held for state and state
352 district offices and legislative offices for districts containing
353 more than one (1) county or parts of more than one (1) county, and
354 shall proceed to canvass the returns and to declare the result,
355 and announce the names of those nominated for the different
356 offices in the first primary and the names of those candidates
357 whose names are to be submitted to the second primary election.
358 The State Executive Committee shall also meet a week from the day
359 on which the second primary election was held and receive and
360 canvass the returns for state and district offices, if any, and
361 legislative offices for districts containing more than one (1)
362 county or parts of more than one (1) county, if any, voted on in
363 such second primary. An exact and full duplicate of all
364 tabulations by precincts as certified under this section shall be
365 filed with the circuit clerk of the county who shall safely
366 preserve the same in his office.

367 SECTION 12. (1) Any person who has duties regarding the
368 conduct of elections and who fails to perform such duties shall
369 not be paid for the amount of time such person does not perform
370 such duties. Any reduction of pay shall be on a pro rata basis if
371 such person does not work for a full day or shall be for the whole

372 day if such person does not appear for an entire day.

373 (2) If any executive committee fails to perform any duties
374 in conducting an election, such executive committee may be
375 assessed a civil penalty of up to Two Hundred Fifty Dollars
376 (\$250.00) in the circuit court in the county where the violation
377 occurred. Each member of an executive committee shall sign a
378 certificate stating that they understand their duties regarding
379 conducting elections and that failure to perform such duties may
380 result in the assessment of a civil penalty of up to Two Hundred
381 Fifty Dollars (\$250.00).

382 SECTION 13. No later than ten (10) days prior to a primary
383 election, the county executive committees shall provide a list of
384 managers to the circuit clerks.

385 SECTION 14. The Secretary of State shall publish a booklet
386 which has a step-by-step outline of how to conduct a primary
387 election and shall make such booklet available to party executive
388 committees.

389 SECTION 15. All counties using lever machines for voting
390 shall have paper ballots and boxes for use in the event such lever
391 machines are not in proper working order.

392 SECTION 16. Any person, executive committee or election
393 commission with duties regarding conducting elections specified in
394 House Bill 1306, 2000 Regular Session, shall certify to the
395 circuit clerk that such duties have been successfully fulfilled
396 upon the completion of such duties. Such certification shall be
397 upon a certificate presented to the circuit clerk and the
398 presenting party shall retain a copy. If the circuit clerk does
399 not receive such certificate and is required to perform any
400 election task as the result of any party's failure to do so, then
401 the circuit clerk shall incur no liability for performing such
402 duties.

403 SECTION 17. The Attorney General of the State of Mississippi
404 shall submit this act, immediately upon approval by the Governor,

405 or upon approval by the Legislature subsequent to a veto, to the
406 Attorney General of the United States or to the United States
407 District Court for the District of Columbia in accordance with the
408 provisions of the Voting Rights Act of 1965, as amended and
409 extended.

410 SECTION 18. This act shall take effect and be in force from
411 and after the date it is effectuated under Section 5 of the Voting
412 Rights Act of 1965, as amended and extended.