

By: Johnson (19th)

To: Elections

SENATE BILL NO. 2453

1 AN ACT TO AMEND SECTION 23-15-265, MISSISSIPPI CODE OF 1972,
 2 TO PROVIDE THAT THE COMMISSIONERS OF ELECTION OF EACH COUNTY SHALL
 3 APPOINT THE PRECINCT MANAGERS FOR PRIMARY ELECTIONS; TO AMEND
 4 SECTION 23-15-335, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE
 5 COMMISSIONERS OF ELECTION SHALL DESIGNATE ONE MANAGER TO RECEIVE
 6 AND RECEIPT FOR THE BLANK BALLOTS TO BE USED AT A PRECINCT IN A
 7 PRIMARY ELECTION; TO AMEND SECTIONS 23-15-129 AND 23-15-263,
 8 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; AND FOR RELATED
 9 PURPOSES.

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

11 SECTION 1. Section 23-15-265, Mississippi Code of 1972, is
 12 amended as follows:

13 23-15-265. The commissioners of election of each county
 14 shall meet not less than two (2) weeks before the date of any
 15 primary election and appoint the managers and clerks for
 16 same * * *. The number of managers and clerks appointed by the
 17 commissioners of election shall be the same number as
 18 commissioners of election are allowed to appoint pursuant to
 19 Sections 23-15-231 and 23-15-235. If the commissioners of
 20 election fail to meet on the date named, supra, further notice
 21 shall be given of the time and place of meeting.

22 SECTION 2. Section 23-15-335, Mississippi Code of 1972, is
 23 amended as follows:

24 23-15-335. The county executive committee shall designate a

25 person whose duty it shall be to distribute all necessary ballots
26 for use in a primary election * * *. The commissioners of
27 election shall designate one (1) among the managers at each
28 polling place to receive and receipt for the blank ballots to be
29 used at that place. When the blank ballots are delivered to a
30 local manager, the distributor shall take from the local manager a
31 receipt therefor signed in duplicate by both the distributor and
32 the manager, one of which receipts the distributor shall deliver
33 to the circuit clerk and the other shall be retained by the local
34 manager and said last mentioned duplicate receipt shall be
35 enclosed in the ballot box with the voted ballots when the polls
36 have been closed and the votes have been counted. The printer of
37 the ballots shall take a receipt from the distributor of the
38 ballots for the total number of the blank ballots delivered to the
39 distributor. The printer shall secure all ballots printed by him
40 in such a safe manner that no person can procure them or any of
41 them, and he shall deliver no blank ballot or ballots to any
42 person except the distributor above mentioned, and then only upon
43 his receipt therefor as above specified. The distributor of the
44 blank ballots shall so securely hold the same that no person can
45 obtain any of them, and he shall not deliver any of them to any
46 person other than to the authorized local managers and upon their
47 respective receipts therefor. The executive committee shall see
48 to it that the total blank ballots delivered to the distributor,
49 shall correspond with the total of the receipts executed by the
50 local managers. Any person charged with any of the duties
51 prescribed in this section who shall willfully or with culpable
52 carelessness violate the same shall be guilty of a misdemeanor.

53 SECTION 3. Section 23-15-129, Mississippi Code of 1972, is
54 amended as follows:

55 23-15-129. The commissioners of election and the registrars

56 of the respective counties are hereby directed to make an
57 administrative division of the pollbook for each county
58 immediately following any reapportionment of the Mississippi
59 Legislature or any realignment of supervisors districts, if
60 necessary. Such an administrative division shall form
61 subprecincts whenever necessary within each voting precinct so
62 that all persons within a subprecinct shall vote on the same
63 candidates for each public office. Separate pollbooks for each
64 subprecinct shall be made. The polling place for all subprecincts
65 within any given voting precinct shall be the same as the polling
66 place for the voting precinct. Additional managers may be
67 appointed for subprecincts in the discretion of the commissioners
68 of election * * *.

69 SECTION 4. Section 23-15-263, Mississippi Code of 1972, is
70 amended as follows:

71 23-15-263. (1) Unless otherwise provided in this chapter,
72 the county executive committee at primary elections shall perform
73 all duties that relate to the qualification of candidates for
74 primary elections, print ballots for primary elections, * * *
75 resolve contests in regard to primary elections, and perform all
76 other duties required by law to be performed by the county
77 executive committee; however, each house of the Legislature shall
78 rule on the qualifications of the membership of its respective
79 body in contests involving the qualifications of such members.
80 The executive committee shall be subject to all the penalties to
81 which county election commissioners are subject, except that
82 Section 23-15-217 shall not apply to members of the county
83 executive committee who seek elective office.

84 (2) A member of a county executive committee shall be
85 automatically disqualified to serve on the county executive
86 committee, and shall be considered to have resigned therefrom,
87 upon his qualification as a candidate for any elective office.
88 The provisions of this subsection shall not apply to a member of a
89 county executive committee who qualifies as a candidate for a
90 municipal elective office.

91 (3) The primary election officers appointed by the
92 commissioners of election shall have the powers and perform the
93 duties, where not otherwise provided, required of such officers in
94 a general election, and any and every act or omission which by law
95 is an offense when committed in or about or in respect to such
96 general elections, shall be an offense if committed in or about or
97 in respect to a primary election; and the same shall be indictable
98 and punishable in the same way as if the election was a general
99 election for the election of state and county officers, except as
100 specially modified or otherwise provided in this chapter.

101 SECTION 5. The Attorney General of the State of Mississippi
102 is hereby directed to submit this act, immediately upon approval
103 by the Governor, or upon approval by the Legislature subsequent to
104 a veto, to the Attorney General of the United States or to the
105 United States District Court for the District of Columbia in
106 accordance with the provisions of the Voting Rights Act of 1965,
107 as amended and extended.

108 SECTION 6. This act shall take effect and be in force from
109 and after the date it is effectuated under Section 5 of the Voting
110 Rights Act of 1965, as amended and extended.