

By: Senator(s) Bryan

To: Elections

SENATE BILL NO. 2523

1 AN ACT TO REQUIRE THE STATE EXECUTIVE COMMITTEE OF ANY
2 POLITICAL PARTY AUTHORIZED TO CONDUCT POLITICAL PARTY PRIMARIES TO
3 FORM AN ELECTION INTEGRITY ASSURANCE COMMITTEE FOR EACH
4 CONGRESSIONAL DISTRICT; TO PROVIDE FOR THE MEMBERSHIP OF SUCH
5 COMMITTEES; TO PROVIDE THAT IF CERTAIN DUTIES WITH REGARD TO THE
6 CONDUCT OF PRIMARIES ARE NOT PERFORMED IN A TIMELY MANNER THE
7 CIRCUIT CLERK MAY NOTIFY THE CONGRESSIONAL DISTRICT ELECTION
8 INTEGRITY ASSURANCE COMMITTEE OR THE CHAIRMAN OF THE STATE
9 EXECUTIVE COMMITTEE OF SUCH FAILURE AND CALL UPON THEM TO TAKE
10 IMMEDIATE AND APPROPRIATE ACTION TO INSURE THAT SUCH DUTIES ARE
11 PERFORMED IN ORDER TO INSURE THE ORDERLY CONDUCT OF THE PRIMARY;
12 TO AMEND SECTIONS 23-15-239, 23-15-265, 23-15-267, 23-15-333,
13 23-15-335 AND 23-15-597, MISSISSIPPI CODE OF 1972, TO AUTHORIZE
14 COUNTY EXECUTIVE COMMITTEES TO ENTER INTO AGREEMENTS WITH CIRCUIT
15 CLERKS OR COUNTY ELECTION COMMISSIONS AUTHORIZING SUCH CLERKS OR
16 COMMISSIONS TO PERFORM CERTAIN DUTIES IN REGARD TO PRIMARIES THAT
17 WOULD OTHERWISE BE PERFORMED BY THE COUNTY EXECUTIVE COMMITTEE;
18 AND FOR RELATED PURPOSES.

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

20 SECTION 1. (1) The State Executive Committee of any
21 political party authorized to conduct political party primaries
22 shall form an election integrity assurance committee for each
23 congressional district. The State Executive Committee shall
24 appoint three (3) of its members to each congressional district
25 election integrity assurance committee. The members so appointed
26 shall be residents of the congressional district for which the
27 election integrity assurance committee is formed. The state
28 executive committee shall name a chairman and a secretary from
29 among the members of each committee. The state executive
30 committee shall provide to each circuit clerk a list of the
31 members of the congressional district integrity assurance
32 committee for the congressional district in which the county of
33 such clerk is located.

34 (2) If the county executive committee fails to perform in a
35 timely manner any of the duties specified in Sections 23-15-239,
36 23-15-265, 23-15-267, 23-15-333, 23-15-335 and 23-15-597 and there
37 is no written agreement in place between the county executive
38 committee and the county election commission or the circuit clerk
39 pursuant to such sections, or there is such an agreement in place
40 and it is not being executed, the circuit clerk may notify the
41 chairman and secretary of the congressional district election
42 integrity assurance committee or the Chairman of the State
43 Executive Committee of such failure and call upon them to take
44 immediate and appropriate action to insure that such duties are
45 performed in order to secure the orderly conduct of the primary.
46 Such notification may occur on the last day by which the duties
47 are required to be performed or at such time as the circuit clerk
48 believes such notification is necessary for the orderly
49 administration of the primary.

50 SECTION 2. Section 23-15-239, Mississippi Code of 1972, is
51 amended as follows:

52 23-15-239. (1) The executive committee of each county, in
53 the case of a primary election, or the commissioners of election
54 of each county, in the case of all other elections, in conjunction
55 with the circuit clerk, shall sponsor and conduct, not less than
56 five (5) days prior to each election, training sessions to
57 instruct managers as to their duties in the proper administration
58 of the election and the operation of the polling place. No
59 manager shall serve in any election unless he has received such
60 instructions once during the twelve (12) months immediately
61 preceding the date upon which such election is held; provided,
62 however, that nothing in this section shall prevent the
63 appointment of an alternate manager to fill a vacancy in case of
64 an emergency. The county executive committee or the commissioners
65 of election, as appropriate, shall train a sufficient number of

66 alternates to serve in the event a manager is unable to serve for
67 any reason.

68 (2) The county executive committee may enter into a written
69 agreement with the circuit clerk or the county election commission
70 authorizing the circuit clerk or the county election commission to
71 perform any of the duties required of the county executive
72 committee pursuant to this section. Any agreement entered into
73 pursuant to this subsection shall be signed by the chairman of the
74 county executive committee and the circuit clerk or the chairman
75 of the county election commission, as appropriate.

76 (3) The board of supervisors, in their discretion, may
77 compensate managers who attend such training sessions. The
78 compensation shall be at a rate of not less than the federal
79 hourly minimum wage nor more than Ten Dollars (\$10.00) per hour.
80 Managers shall not be compensated for more than two (2) hours of
81 attendance at the training sessions regardless of the actual
82 amount of time that they attended the training sessions.

83 (4) The time and location of the training sessions required
84 pursuant to this section shall be announced to the general public
85 by posting a notice thereof at the courthouse and by delivering a
86 copy of the notice to the office of a newspaper having general
87 circulation in the county five (5) days before the date upon which
88 the training session is to be conducted. Persons who will serve
89 as poll watchers for candidates and political parties, as well as
90 members of the general public, shall be allowed to attend the
91 sessions.

92 SECTION 3. Section 23-15-265, Mississippi Code of 1972, is
93 amended as follows:

94 23-15-265. (1) The county executive committee of each
95 county shall meet not less than two (2) weeks before the date of
96 any primary election and appoint the managers and clerks for same,
97 all of whom may be members of the same political party. The
98 number of managers and clerks appointed by the county executive

99 committee shall be the same number as commissioners of election
100 are allowed to appoint pursuant to Sections 23-15-231 and
101 23-15-235. If the county executive committee fails to meet on the
102 date named, supra, further notice shall be given of the time and
103 place of meeting.

104 (2) The county executive committee may enter into a written
105 agreement with the circuit clerk or the county election commission
106 authorizing the circuit clerk or the county election commission to
107 perform any of the duties required of the county executive
108 committee pursuant to this section. Any agreement entered into
109 pursuant to this subsection shall be signed by the chairman of the
110 county executive committee and the circuit clerk or the chairman
111 of the county election commission, as appropriate.

112 SECTION 4. Section 23-15-267, Mississippi Code of 1972, is
113 amended as follows:

114 23-15-267. (1) The ballot boxes provided by the regular
115 commissioners of election in each county shall be used in primary
116 elections, and the county executive committees shall distribute
117 them to the voting precincts of the county before the time for
118 opening the polls, in the same manner, as near as may be, as that
119 provided for in general elections.

120 (2) If an adjournment shall take place after the polls are
121 open and before all votes are counted, the ballot box shall be
122 securely locked so as to prevent the admission into it or the
123 taking of anything from it during the time of adjournment; and the
124 box shall be kept by one of the managers, and the key by another
125 of the managers, and the manager having the box shall carefully
126 keep it, and neither undertake to open it himself or permit it to
127 be done, or to permit any person to have access to it during the
128 time of adjournment. The box shall not be removed from the
129 polling building or place after the polls are open until the count
130 is completed if as many as three (3) electors qualified to vote at
131 the election object.

132 (3) After each election, the ballot boxes of those provided
133 by the regular commissioner of election shall be delivered, with
134 the keys thereof immediately and as soon thereafter as possible,
135 and without delay to the clerk of the circuit court of the county.

136 (4) The county executive committee may enter into a written
137 agreement with the circuit clerk or the county election commission
138 authorizing the circuit clerk or the county election commission to
139 perform any of the duties required of the county executive
140 committee pursuant to this section. Any agreement entered into
141 pursuant to this subsection shall be signed by the chairman of the
142 county executive committee and the circuit clerk or the chairman
143 of the county election commission, as appropriate.

144 (5) The person, or persons, whose duty it is to comply with
145 the provisions of this section and who shall fail, or neglect,
146 from any cause, to deliver said boxes or any of them as herein
147 provided shall, upon conviction, be fined not less than Two
148 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
149 the residence of the person, or persons, who violates any of the
150 provisions of this section, for a period of not less than thirty
151 (30) days or more than six (6) months, and fined not more than
152 Five Hundred Dollars (\$500.00).

153 SECTION 5. Section 23-15-333, Mississippi Code of 1972, is
154 amended as follows:

155 23-15-333. (1) The county executive committee shall have
156 printed all necessary ballots, for use in primary elections. The
157 county executive committee shall have printed all necessary
158 absentee ballots forty-five (45) days prior to the election as
159 required by law. The ballots shall contain the names of all the
160 candidates to be voted for at such election, and there shall be
161 left on each ballot one (1) blank space under the title of each
162 office for which a nominee is to be elected; and in the event of
163 the death of any candidate whose name shall have been printed on
164 the ballot, the name of the candidate duly substituted in the

165 place of the deceased candidate may be written in such blank space
166 by the voter. Except as otherwise provided in subsection (2) of
167 this section, the order in which the titles to the various offices
168 shall be printed, and the size, print and quality of the paper of
169 the ballot is left to the discretion of the county executive
170 committee. Provided, however, that in all cases the arrangement
171 of the names of the candidates for each office shall be
172 alphabetical. No ballot shall be used except those so printed.

173 (2) The titles for the various offices shall be listed in
174 the following order:

- 175 (a) Candidates for national office;
- 176 (b) Candidates for statewide office;
- 177 (c) Candidates for state district office;
- 178 (d) Candidates for legislative office;
- 179 (e) Candidates for countywide office;
- 180 (f) Candidates for county district office.

181 The order in which the titles for the various offices are
182 listed within each of the categories listed in this subsection is
183 left to the discretion of the county executive committee.

184 (3) The county executive committee shall also prepare full
185 instructions for the guidance of electors at elections as to
186 obtaining ballots, the manner of marking them, and the mode of
187 obtaining new ballots in the place of those spoiled by accident.
188 The instructions shall be printed in large, clear type on "Cards
189 of Instruction," and the county executive committee shall furnish
190 the same in sufficient numbers for the use of electors. The cards
191 shall be preserved by the officers of election and returned by
192 them to the county executive committee and they may be used, if
193 applicable, in subsequent elections.

194 (4) The county executive committee may enter into a written
195 agreement with the circuit clerk or the county election commission
196 authorizing the circuit clerk or the county election commission to
197 perform any of the duties required of the county executive

198 committee pursuant to this section. Any agreement entered into
199 pursuant to this subsection shall be signed by the chairman of the
200 county executive committee and the circuit clerk or the chairman
201 of the county election commission, as appropriate.

202 SECTION 6. Section 23-15-335, Mississippi Code of 1972, is
203 amended as follows:

204 23-15-335. (1) The county executive committee shall
205 designate a person whose duty it shall be to distribute all
206 necessary ballots for use in a primary election, and shall
207 designate one (1) among the managers at each polling place to
208 receive and receipt for the blank ballots to be used at that
209 place. When the blank ballots are delivered to a local manager,
210 the distributor shall take from the local manager a receipt
211 therefor signed in duplicate by both the distributor and the
212 manager, one of which receipts the distributor shall deliver to
213 the circuit clerk and the other shall be retained by the local
214 manager and said last mentioned duplicate receipt shall be
215 enclosed in the ballot box with the voted ballots when the polls
216 have been closed and the votes have been counted. The printer of
217 the ballots shall take a receipt from the distributor of the
218 ballots for the total number of the blank ballots delivered to the
219 distributor. The printer shall secure all ballots printed by him
220 in such a safe manner that no person can procure them or any of
221 them, and he shall deliver no blank ballot or ballots to any
222 person except the distributor above mentioned, and then only upon
223 his receipt therefor as above specified. The distributor of the
224 blank ballots shall so securely hold the same that no person can
225 obtain any of them, and he shall not deliver any of them to any
226 person other than to the authorized local managers and upon their
227 respective receipts therefor. The executive committee shall see
228 to it that the total blank ballots delivered to the distributor,
229 shall correspond with the total of the receipts executed by the
230 local managers.

231 (2) The county executive committee may enter into a written
232 agreement with the circuit clerk or the county election commission
233 authorizing the circuit clerk or the county election commission to
234 perform any of the duties required of the county executive
235 committee pursuant to this section. Any agreement entered into
236 pursuant to this subsection shall be signed by the chairman of the
237 county executive committee and the circuit clerk or the chairman
238 of the county election commission, as appropriate.

239 (3) Any person charged with any of the duties prescribed in
240 this section who shall willfully or with culpable carelessness
241 violate the same shall be guilty of a misdemeanor.

242 SECTION 7. Section 23-15-597, Mississippi Code of 1972, is
243 amended as follows:

244 23-15-597. (1) The county executive committee shall meet on
245 the first or second day after each primary election, shall receive
246 and canvass the returns which must be made within the time fixed
247 by law for returns of general elections and declare the result,
248 and announce the name of the nominees for county and county
249 district offices and legislative offices for districts containing
250 one (1) county or less, and the names of those candidates to be
251 submitted to the second primary. The vote for state and state
252 district offices and legislative offices for districts containing
253 more than one (1) county or parts of more than one (1) county
254 shall be tabulated by precincts and certified to and returned to
255 the State Executive Committee, such returns to be mailed by
256 registered letter or any safe mode of transmission within
257 thirty-six (36) hours after the returns are canvassed and the
258 result ascertained. The State Executive Committee shall meet a
259 week from the day following the first primary election held for
260 state and state district offices and legislative offices for
261 districts containing more than one (1) county or parts of more
262 than one (1) county, and shall proceed to canvass the returns and
263 to declare the result, and announce the names of those nominated

264 for the different offices in the first primary and the names of
265 those candidates whose names are to be submitted to the second
266 primary election. The State Executive Committee shall also meet a
267 week from the day on which the second primary election was held
268 and receive and canvass the returns for state and district
269 offices, if any, and legislative offices for districts containing
270 more than one (1) county or parts of more than one (1) county, if
271 any, voted on in such second primary. An exact and full duplicate
272 of all tabulations by precincts as certified under this section
273 shall be filed with the circuit clerk of the county who shall
274 safely preserve the same in his office.

275 (2) The county executive committee may enter into a written
276 agreement with the circuit clerk or the county election commission
277 authorizing the circuit clerk or the county election commission to
278 perform any of the duties required of the county executive
279 committee pursuant to this section. Any agreement entered into
280 pursuant to this subsection shall be signed by the chairman of the
281 county executive committee and the circuit clerk or the chairman
282 of the county election commission, as appropriate.

283 SECTION 8. The Attorney General of the State of Mississippi
284 shall submit this act, immediately upon approval by the Governor,
285 or upon approval by the Legislature subsequent to a veto, to the
286 Attorney General of the United States or to the United States
287 District Court for the District of Columbia in accordance with the
288 provisions of the Voting Rights Act of 1965, as amended and
289 extended.

290 SECTION 9. This act shall take effect and be in force from
291 and after the date it is effectuated under Section 5 of the Voting
292 Rights Act of 1965, as amended and extended.