

By: Senator(s) Bryan

To: Elections

SENATE BILL NO. 2523
(As Passed the Senate)

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 OR MUNICIPAL CLERK MAY NOTIFY THE CONGRESSIONAL DISTRICT
8 ELECTION INTEGRITY ASSURANCE COMMITTEE OR THE CHAIRMAN OF THE
9 STATE EXECUTIVE COMMITTEE OF SUCH FAILURE AND CALL UPON THEM TO
10 TAKE IMMEDIATE AND APPROPRIATE ACTION TO INSURE THAT SUCH DUTIES
11 ARE PERFORMED IN ORDER TO INSURE THE ORDERLY CONDUCT OF THE
12 PRIMARY; TO AMEND SECTIONS 23-15-239, 23-15-265, 23-15-267,
13 23-15-333, 23-15-335 AND 23-15-597, MISSISSIPPI CODE OF 1972, TO
14 AUTHORIZE COUNTY AND MUNICIPAL EXECUTIVE COMMITTEES TO ENTER INTO
15 AGREEMENTS WITH CIRCUIT OR MUNICIPAL CLERKS OR COUNTY OR MUNICIPAL
16 ELECTION COMMISSIONS AUTHORIZING SUCH CLERKS OR COMMISSIONS TO
17 PERFORM CERTAIN DUTIES IN REGARD TO PRIMARIES THAT WOULD OTHERWISE
18 BE PERFORMED BY THE EXECUTIVE COMMITTEE; 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 and municipal clerk a list
31 of the members of the congressional district integrity assurance
32 committee for the congressional district in which the county or
33 municipality of such clerk is located.

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

51 (3) Nothing in this section shall be construed to authorize
52 the state executive committee or a congressional district election
53 assurance committee to conduct primaries.

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

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

67 appointment of an alternate manager to fill a vacancy in case of
68 an emergency. The county executive committee or the commissioners
69 of election, as appropriate, shall train a sufficient number of
70 alternates to serve in the event a manager is unable to serve for
71 any reason.

72 (2) (a) The county executive committee may enter into a
73 written agreement with the circuit clerk or the county election
74 commission authorizing the circuit clerk or the county election
75 commission to perform any of the duties required of the county
76 executive committee pursuant to this section. Any agreement
77 entered into pursuant to this subsection shall be signed by the
78 chairman of the county executive committee and the circuit clerk
79 or the chairman of the county election commission, as appropriate.
80 The county executive committee shall notify the State Executive
81 Committee and the Secretary of State of the existence of such
82 agreement.

83 (b) The municipal executive committee may enter into a
84 written agreement with the municipal clerk or the municipal
85 election commission authorizing the municipal clerk or the
86 municipal election commission to perform any of the duties
87 required of the municipal executive committee pursuant to this
88 section. Any agreement entered into pursuant to this subsection
89 shall be signed by the chairman of the municipal executive
90 committee and the municipal clerk or the chairman of the municipal
91 election commission, as appropriate. The municipal executive
92 committee shall notify the State Executive Committee and the
93 Secretary of State of the existence of such agreement.

94 (3) The board of supervisors, in their discretion, may
95 compensate managers who attend such training sessions. The
96 compensation shall be at a rate of not less than the federal
97 hourly minimum wage nor more than Ten Dollars (\$10.00) per hour.
98 Managers shall not be compensated for more than two (2) hours of

99 attendance at the training sessions regardless of the actual
100 amount of time that they attended the training sessions.

101 (4) The time and location of the training sessions required
102 pursuant to this section shall be announced to the general public
103 by posting a notice thereof at the courthouse and by delivering a
104 copy of the notice to the office of a newspaper having general
105 circulation in the county five (5) days before the date upon which
106 the training session is to be conducted. Persons who will serve
107 as poll watchers for candidates and political parties, as well as
108 members of the general public, shall be allowed to attend the
109 sessions.

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

112 23-15-265. (1) The county executive committee of each
113 county shall meet not less than two (2) weeks before the date of
114 any primary election and appoint the managers and clerks for same,
115 all of whom may be members of the same political party. The
116 number of managers and clerks appointed by the county executive
117 committee shall be the same number as commissioners of election
118 are allowed to appoint pursuant to Sections 23-15-231 and
119 23-15-235. If the county executive committee fails to meet on the
120 date named, supra, further notice shall be given of the time and
121 place of meeting.

122 (2) (a) The county executive committee may enter into a
123 written agreement with the circuit clerk or the county election
124 commission authorizing the circuit clerk or the county election
125 commission to perform any of the duties required of the county
126 executive committee pursuant to this section. Any agreement
127 entered into pursuant to this subsection shall be signed by the
128 chairman of the county executive committee and the circuit clerk
129 or the chairman of the county election commission, as appropriate.
130 The county executive committee shall notify the State Executive

131 Committee and the Secretary of State of the existence of such
132 agreement.

133 (b) The municipal executive committee may enter into a
134 written agreement with the municipal clerk or the municipal
135 election commission authorizing the municipal clerk or the
136 municipal election commission to perform any of the duties
137 required of the municipal executive committee pursuant to this
138 section. Any agreement entered into pursuant to this subsection
139 shall be signed by the chairman of the municipal executive
140 committee and the municipal clerk or the chairman of the municipal
141 election commission, as appropriate. The municipal executive
142 committee shall notify the State Executive Committee and the
143 Secretary of State of the existence of such agreement.

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

146 23-15-267. (1) The ballot boxes provided by the regular
147 commissioners of election in each county shall be used in primary
148 elections, and the county executive committees shall distribute
149 them to the voting precincts of the county before the time for
150 opening the polls, in the same manner, as near as may be, as that
151 provided for in general elections.

152 (2) If an adjournment shall take place after the polls are
153 open and before all votes are counted, the ballot box shall be
154 securely locked so as to prevent the admission into it or the
155 taking of anything from it during the time of adjournment; and the
156 box shall be kept by one of the managers, and the key by another
157 of the managers, and the manager having the box shall carefully
158 keep it, and neither undertake to open it himself or permit it to
159 be done, or to permit any person to have access to it during the
160 time of adjournment. The box shall not be removed from the
161 polling building or place after the polls are open until the count
162 is completed if as many as three (3) electors qualified to vote at
163 the election object.

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

168 (4) (a) The county executive committee may enter into a
169 written agreement with the circuit clerk or the county election
170 commission authorizing the circuit clerk or the county election
171 commission to perform any of the duties required of the county
172 executive committee pursuant to this section. Any agreement
173 entered into pursuant to this subsection shall be signed by the
174 chairman of the county executive committee and the circuit clerk
175 or the chairman of the county election commission, as appropriate.
176 The county executive committee shall notify the State Executive
177 Committee and the Secretary of State of the existence of such
178 agreement.

179 (b) The municipal executive committee may enter into a
180 written agreement with the municipal clerk or the municipal
181 election commission authorizing the municipal clerk or the
182 municipal election commission to perform any of the duties
183 required of the municipal executive committee pursuant to this
184 section. Any agreement entered into pursuant to this subsection
185 shall be signed by the chairman of the municipal executive
186 committee and the municipal clerk or the chairman of the municipal
187 election commission, as appropriate. The municipal executive
188 committee shall notify the State Executive Committee and the
189 Secretary of State of the existence of such agreement.

190 (5) The person, or persons, whose duty it is to comply with
191 the provisions of this section and who shall fail, or neglect,
192 from any cause, to deliver said boxes or any of them as herein
193 provided shall, upon conviction, be fined not less than Two
194 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
195 the residence of the person, or persons, who violates any of the
196 provisions of this section, for a period of not less than thirty

197 (30) days or more than six (6) months, and fined not more than
198 Five Hundred Dollars (\$500.00).

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

201 23-15-333. (1) The county executive committee shall have
202 printed all necessary ballots, for use in primary elections. The
203 county executive committee shall have printed all necessary
204 absentee ballots forty-five (45) days prior to the election as
205 required by law. The ballots shall contain the names of all the
206 candidates to be voted for at such election, and there shall be
207 left on each ballot one (1) blank space under the title of each
208 office for which a nominee is to be elected; and in the event of
209 the death of any candidate whose name shall have been printed on
210 the ballot, the name of the candidate duly substituted in the
211 place of the deceased candidate may be written in such blank space
212 by the voter. Except as otherwise provided in subsection (2) of
213 this section, the order in which the titles to the various offices
214 shall be printed, and the size, print and quality of the paper of
215 the ballot is left to the discretion of the county executive
216 committee. Provided, however, that in all cases the arrangement
217 of the names of the candidates for each office shall be
218 alphabetical. No ballot shall be used except those so printed.

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

- 221 (a) Candidates for national office;
- 222 (b) Candidates for statewide office;
- 223 (c) Candidates for state district office;
- 224 (d) Candidates for legislative office;
- 225 (e) Candidates for countywide office;
- 226 (f) Candidates for county district office.

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

230 (3) The county executive committee shall also prepare full
231 instructions for the guidance of electors at elections as to
232 obtaining ballots, the manner of marking them, and the mode of
233 obtaining new ballots in the place of those spoiled by accident.
234 The instructions shall be printed in large, clear type on "Cards
235 of Instruction," and the county executive committee shall furnish
236 the same in sufficient numbers for the use of electors. The cards
237 shall be preserved by the officers of election and returned by
238 them to the county executive committee and they may be used, if
239 applicable, in subsequent elections.

240 (4) (a) The county executive committee may enter into a
241 written agreement with the circuit clerk or the county election
242 commission authorizing the circuit clerk or the county election
243 commission to perform any of the duties required of the county
244 executive committee pursuant to this section. Any agreement
245 entered into pursuant to this subsection shall be signed by the
246 chairman of the county executive committee and the circuit clerk
247 or the chairman of the county election commission, as appropriate.
248 The county executive committee shall notify the State Executive
249 Committee and the Secretary of State of the existence of such
250 agreement.

251 (b) The municipal executive committee may enter into a
252 written agreement with the municipal clerk or the municipal
253 election commission authorizing the municipal clerk or the
254 municipal election commission to perform any of the duties
255 required of the municipal executive committee pursuant to this
256 section. Any agreement entered into pursuant to this subsection
257 shall be signed by the chairman of the municipal executive
258 committee and the municipal clerk or the chairman of the municipal
259 election commission, as appropriate. The municipal executive
260 committee shall notify the State Executive Committee and the
261 Secretary of State of the existence of such agreement.

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

264 23-15-335. (1) The county executive committee shall
265 designate a person whose duty it shall be to distribute all
266 necessary ballots for use in a primary election, and shall
267 designate one (1) among the managers at each polling place to
268 receive and receipt for the blank ballots to be used at that
269 place. When the blank ballots are delivered to a local manager,
270 the distributor shall take from the local manager a receipt
271 therefor signed in duplicate by both the distributor and the
272 manager, one of which receipts the distributor shall deliver to
273 the circuit clerk and the other shall be retained by the local
274 manager and said last mentioned duplicate receipt shall be
275 enclosed in the ballot box with the voted ballots when the polls
276 have been closed and the votes have been counted. The printer of
277 the ballots shall take a receipt from the distributor of the
278 ballots for the total number of the blank ballots delivered to the
279 distributor. The printer shall secure all ballots printed by him
280 in such a safe manner that no person can procure them or any of
281 them, and he shall deliver no blank ballot or ballots to any
282 person except the distributor above mentioned, and then only upon
283 his receipt therefor as above specified. The distributor of the
284 blank ballots shall so securely hold the same that no person can
285 obtain any of them, and he shall not deliver any of them to any
286 person other than to the authorized local managers and upon their
287 respective receipts therefor. The executive committee shall see
288 to it that the total blank ballots delivered to the distributor,
289 shall correspond with the total of the receipts executed by the
290 local managers.

291 (2) (a) The county executive committee may enter into a
292 written agreement with the circuit clerk or the county election
293 commission authorizing the circuit clerk or the county election
294 commission to perform any of the duties required of the county

295 executive committee pursuant to this section. Any agreement
296 entered into pursuant to this subsection shall be signed by the
297 chairman of the county executive committee and the circuit clerk
298 or the chairman of the county election commission, as appropriate.
299 The county executive committee shall notify the State Executive
300 Committee and the Secretary of State of the existence of such
301 agreement.

302 (b) The municipal executive committee may enter into a
303 written agreement with the municipal clerk or the municipal
304 election commission authorizing the municipal clerk or the
305 municipal election commission to perform any of the duties
306 required of the municipal executive committee pursuant to this
307 section. Any agreement entered into pursuant to this subsection
308 shall be signed by the chairman of the municipal executive
309 committee and the municipal clerk or the chairman of the municipal
310 election commission, as appropriate. The municipal executive
311 committee shall notify the State Executive Committee and the
312 Secretary of State of the existence of such agreement.

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

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

318 23-15-597. (1) The county executive committee shall meet on
319 the first or second day after each primary election, shall receive
320 and canvass the returns which must be made within the time fixed
321 by law for returns of general elections and declare the result,
322 and announce the name of the nominees for county and county
323 district offices and legislative offices for districts containing
324 one (1) county or less, and the names of those candidates to be
325 submitted to the second primary. The vote for state and state
326 district offices and legislative offices for districts containing
327 more than one (1) county or parts of more than one (1) county

328 shall be tabulated by precincts and certified to and returned to
329 the State Executive Committee, such returns to be mailed by
330 registered letter or any safe mode of transmission within
331 thirty-six (36) hours after the returns are canvassed and the
332 result ascertained. The State Executive Committee shall meet a
333 week from the day following the first primary election held for
334 state and state district offices and legislative offices for
335 districts containing more than one (1) county or parts of more
336 than one (1) county, and shall proceed to canvass the returns and
337 to declare the result, and announce the names of those nominated
338 for the different offices in the first primary and the names of
339 those candidates whose names are to be submitted to the second
340 primary election. The State Executive Committee shall also meet a
341 week from the day on which the second primary election was held
342 and receive and canvass the returns for state and district
343 offices, if any, and legislative offices for districts containing
344 more than one (1) county or parts of more than one (1) county, if
345 any, voted on in such second primary. An exact and full duplicate
346 of all tabulations by precincts as certified under this section
347 shall be filed with the circuit clerk of the county who shall
348 safely preserve the same in his office.

349 (2) (a) The county executive committee may enter into a
350 written agreement with the circuit clerk or the county election
351 commission authorizing the circuit clerk or the county election
352 commission to perform any of the duties required of the county
353 executive committee pursuant to this section. Any agreement
354 entered into pursuant to this subsection shall be signed by the
355 chairman of the county executive committee and the circuit clerk
356 or the chairman of the county election commission, as appropriate.
357 The county executive committee shall notify the State Executive
358 Committee and the Secretary of State of the existence of such
359 agreement.

360 (b) The municipal executive committee may enter into a
361 written agreement with the municipal clerk or the municipal
362 election commission authorizing the municipal clerk or the
363 municipal election commission to perform any of the duties
364 required of the municipal executive committee pursuant to this
365 section. Any agreement entered into pursuant to this subsection
366 shall be signed by the chairman of the municipal executive
367 committee and the municipal clerk or the chairman of the municipal
368 election commission, as appropriate. The municipal executive
369 committee shall notify the State Executive Committee and the
370 Secretary of State of the existence of such agreement.

371 SECTION 8. The Attorney General of the State of Mississippi
372 shall submit this act, immediately upon approval by the Governor,
373 or upon approval by the Legislature subsequent to a veto, to the
374 Attorney General of the United States or to the United States
375 District Court for the District of Columbia in accordance with the
376 provisions of the Voting Rights Act of 1965, as amended and
377 extended.

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