

**\*\*\*Adopted\*\*\*  
AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2523**

**By Representative(s) Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

9 SECTION 1. Section 23-15-239, Mississippi Code of 1972, is  
10 amended as follows:  
11 23-15-239. (1) The executive committee of each county, in  
12 the case of a primary election, or the commissioners of election  
13 of each county, in the case of all other elections, in conjunction  
14 with the circuit clerk, shall sponsor and conduct, not less than  
15 five (5) days prior to each election, training sessions to  
16 instruct managers as to their duties in the proper administration  
17 of the election and the operation of the polling place. No  
18 manager shall serve in any election unless he has received such  
19 instructions once during the twelve (12) months immediately  
20 preceding the date upon which such election is held; provided,  
21 however, that nothing in this section shall prevent the  
22 appointment of an alternate manager to fill a vacancy in case of  
23 an emergency. The county executive committee or the commissioners  
24 of election, as appropriate, shall train a sufficient number of  
25 alternates to serve in the event a manager is unable to serve for

26 any reason.

27       (2) (a) The county executive committee may enter into a  
28 written agreement with the circuit clerk or the county election  
29 commission authorizing the circuit clerk or the county election  
30 commission to perform any of the duties required of the county  
31 executive committee pursuant to this section. Any agreement  
32 entered into pursuant to this subsection shall be signed by the  
33 chairman of the county executive committee and the circuit clerk  
34 or the chairman of the county election commission, as appropriate.  
35 The county executive committee shall notify the State Executive  
36 Committee and the Secretary of State of the existence of such  
37 agreement.

38       (b) The municipal executive committee may enter into a  
39 written agreement with the municipal clerk or the municipal  
40 election commission authorizing the municipal clerk or the  
41 municipal election commission to perform any of the duties  
42 required of the municipal executive committee pursuant to this  
43 section. Any agreement entered into pursuant to this subsection  
44 shall be signed by the chairman of the municipal executive  
45 committee and the municipal clerk or the chairman of the municipal  
46 election commission, as appropriate. The municipal executive  
47 committee shall notify the State Executive Committee and the  
48 Secretary of State of the existence of such agreement.

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

56       (4) The time and location of the training sessions required  
57 pursuant to this section shall be announced to the general public  
58 by posting a notice thereof at the courthouse and by delivering a  
59 copy of the notice to the office of a newspaper having general  
60 circulation in the county five (5) days before the date upon which  
61 the training session is to be conducted. Persons who will serve  
62 as poll watchers for candidates and political parties, as well as  
63 members of the general public, shall be allowed to attend the  
64 sessions.

65       SECTION 2. Section 23-15-265, Mississippi Code of 1972, is  
66 amended as follows:

67       23-15-265. (1) The county executive committee of each  
68 county shall meet not less than two (2) weeks before the date of  
69 any primary election and appoint the managers and clerks for same,  
70 all of whom may be members of the same political party. The  
71 number of managers and clerks appointed by the county executive  
72 committee shall be the same number as commissioners of election  
73 are allowed to appoint pursuant to Sections 23-15-231 and  
74 23-15-235. If the county executive committee fails to meet on the  
75 date named, supra, further notice shall be given of the time and  
76 place of meeting.

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

86 Committee and the Secretary of State of the existence of such  
87 agreement.

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

99 SECTION 3. Section 23-15-267, Mississippi Code of 1972, is  
100 amended as follows:

101 23-15-267. (1) The ballot boxes provided by the regular  
102 commissioners of election in each county shall be used in primary  
103 elections, and the county executive committees shall distribute  
104 them to the voting precincts of the county before the time for  
105 opening the polls, in the same manner, as near as may be, as that  
106 provided for in general elections.

107 (2) If an adjournment shall take place after the polls are  
108 open and before all votes are counted, the ballot box shall be  
109 securely locked so as to prevent the admission into it or the  
110 taking of anything from it during the time of adjournment; and the  
111 box shall be kept by one of the managers, and the key by another  
112 of the managers, and the manager having the box shall carefully  
113 keep it, and neither undertake to open it himself or permit it to  
114 be done, or to permit any person to have access to it during the  
115 time of adjournment. The box shall not be removed from the

116 polling building or place after the polls are open until the count  
117 is completed if as many as three (3) electors qualified to vote at  
118 the election object.

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

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

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

145 (5) The person, or persons, whose duty it is to comply with

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

154 SECTION 4. Section 23-15-333, Mississippi Code of 1972, is  
155 amended as follows:

156 23-15-333. (1) The county executive committee shall have  
157 printed all necessary ballots, for use in primary elections. The  
158 county executive committee shall have printed all necessary  
159 absentee ballots forty-five (45) days prior to the election as  
160 required by law. The ballots shall contain the names of all the  
161 candidates to be voted for at such election, and there shall be  
162 left on each ballot one (1) blank space under the title of each  
163 office for which a nominee is to be elected; and in the event of  
164 the death of any candidate whose name shall have been printed on  
165 the ballot, the name of the candidate duly substituted in the  
166 place of the deceased candidate may be written in such blank space  
167 by the voter. Except as otherwise provided in subsection (2) of  
168 this section, the order in which the titles to the various offices  
169 shall be printed, and the size, print and quality of the paper of  
170 the ballot is left to the discretion of the county executive  
171 committee. Provided, however, that in all cases the arrangement  
172 of the names of the candidates for each office shall be  
173 alphabetical. No ballot shall be used except those so printed.

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

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

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

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

195 (4) (a) The county executive committee may enter into a  
196 written agreement with the circuit clerk or the county election  
197 commission authorizing the circuit clerk or the county election  
198 commission to perform any of the duties required of the county  
199 executive committee pursuant to this section. Any agreement  
200 entered into pursuant to this subsection shall be signed by the  
201 chairman of the county executive committee and the circuit clerk  
202 or the chairman of the county election commission, as appropriate.  
203 The county executive committee shall notify the State Executive  
204 Committee and the Secretary of State of the existence of such  
205 agreement.

206           (b) The municipal executive committee may enter into a  
207 written agreement with the municipal clerk or the municipal  
208 election commission authorizing the municipal clerk or the  
209 municipal election commission to perform any of the duties  
210 required of the municipal executive committee pursuant to this  
211 section. Any agreement entered into pursuant to this subsection  
212 shall be signed by the chairman of the municipal executive  
213 committee and the municipal clerk or the chairman of the municipal  
214 election commission, as appropriate. The municipal executive  
215 committee shall notify the State Executive Committee and the  
216 Secretary of State of the existence of such agreement.

217           SECTION 5. Section 23-15-335, Mississippi Code of 1972, is  
218 amended as follows:

219           23-15-335. (1) The county executive committee shall  
220 designate a person whose duty it shall be to distribute all  
221 necessary ballots for use in a primary election, and shall  
222 designate one (1) among the managers at each polling place to  
223 receive and receipt for the blank ballots to be used at that  
224 place. When the blank ballots are delivered to a local manager,  
225 the distributor shall take from the local manager a receipt  
226 therefor signed in duplicate by both the distributor and the  
227 manager, one of which receipts the distributor shall deliver to  
228 the circuit clerk and the other shall be retained by the local  
229 manager and said last mentioned duplicate receipt shall be  
230 enclosed in the ballot box with the voted ballots when the polls  
231 have been closed and the votes have been counted. The printer of  
232 the ballots shall take a receipt from the distributor of the  
233 ballots for the total number of the blank ballots delivered to the  
234 distributor. The printer shall secure all ballots printed by him  
235 in such a safe manner that no person can procure them or any of



236 them, and he shall deliver no blank ballot or ballots to any  
237 person except the distributor above mentioned, and then only upon  
238 his receipt therefor as above specified. The distributor of the  
239 blank ballots shall so securely hold the same that no person can  
240 obtain any of them, and he shall not deliver any of them to any  
241 person other than to the authorized local managers and upon their  
242 respective receipts therefor. The executive committee shall see  
243 to it that the total blank ballots delivered to the distributor,  
244 shall correspond with the total of the receipts executed by the  
245 local managers.

246 (2) (a) The county executive committee may enter into a  
247 written agreement with the circuit clerk or the county election  
248 commission authorizing the circuit clerk or the county election  
249 commission to perform any of the duties required of the county  
250 executive committee pursuant to this section. Any agreement  
251 entered into pursuant to this subsection shall be signed by the  
252 chairman of the county executive committee and the circuit clerk  
253 or the chairman of the county election commission, as appropriate.  
254 The county executive committee shall notify the State Executive  
255 Committee and the Secretary of State of the existence of such  
256 agreement.

257 (b) The municipal executive committee may enter into a  
258 written agreement with the municipal clerk or the municipal  
259 election commission authorizing the municipal clerk or the  
260 municipal election commission to perform any of the duties  
261 required of the municipal executive committee pursuant to this  
262 section. Any agreement entered into pursuant to this subsection  
263 shall be signed by the chairman of the municipal executive  
264 committee and the municipal clerk or the chairman of the municipal  
265 election commission, as appropriate. The municipal executive

266 committee shall notify the State Executive Committee and the  
267 Secretary of State of the existence of such agreement.

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

271 SECTION 6. Section 23-15-597, Mississippi Code of 1972, is  
272 amended as follows:

273 23-15-597. (1) The county executive committee shall meet on  
274 the first or second day after each primary election, shall receive  
275 and canvass the returns which must be made within the time fixed  
276 by law for returns of general elections and declare the result,  
277 and announce the name of the nominees for county and county  
278 district offices and legislative offices for districts containing  
279 one (1) county or less, and the names of those candidates to be  
280 submitted to the second primary. The vote for state and state  
281 district offices and legislative offices for districts containing  
282 more than one (1) county or parts of more than one (1) county  
283 shall be tabulated by precincts and certified to and returned to  
284 the State Executive Committee, such returns to be mailed by  
285 registered letter or any safe mode of transmission within  
286 thirty-six (36) hours after the returns are canvassed and the  
287 result ascertained. The State Executive Committee shall meet a  
288 week from the day following the first primary election held for  
289 state and state district offices and legislative offices for  
290 districts containing more than one (1) county or parts of more  
291 than one (1) county, and shall proceed to canvass the returns and  
292 to declare the result, and announce the names of those nominated  
293 for the different offices in the first primary and the names of  
294 those candidates whose names are to be submitted to the second  
295 primary election. The State Executive Committee shall also meet a

296 week from the day on which the second primary election was held  
297 and receive and canvass the returns for state and district  
298 offices, if any, and legislative offices for districts containing  
299 more than one (1) county or parts of more than one (1) county, if  
300 any, voted on in such second primary. An exact and full duplicate  
301 of all tabulations by precincts as certified under this section  
302 shall be filed with the circuit clerk of the county who shall  
303 safely preserve the same in his office.

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

315 (b) The municipal executive committee may enter into a  
316 written agreement with the municipal clerk or the municipal  
317 election commission authorizing the municipal clerk or the  
318 municipal election commission to perform any of the duties  
319 required of the municipal executive committee pursuant to this  
320 section. Any agreement entered into pursuant to this subsection  
321 shall be signed by the chairman of the municipal executive  
322 committee and the municipal clerk or the chairman of the municipal  
323 election commission, as appropriate. The municipal executive  
324 committee shall notify the State Executive Committee and the  
325 Secretary of State of the existence of such agreement.

326 SECTION 7. The Attorney General of the State of Mississippi  
327 shall submit this act, immediately upon approval by the Governor,  
328 or upon approval by the Legislature subsequent to a veto, to the  
329 Attorney General of the United States or to the United States  
330 District Court for the District of Columbia in accordance with the  
331 provisions of the Voting Rights Act of 1965, as amended and  
332 extended.

333 SECTION 8. This act shall take effect and be in force from  
334 and after the date it is effectuated under Section 5 of the Voting  
335 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AMEND SECTIONS 23-15-239, 23-15-265, 23-15-267,  
2 23-15-333, 23-15-335 AND 23-15-597, MISSISSIPPI CODE OF 1972, TO  
3 AUTHORIZE COUNTY AND MUNICIPAL EXECUTIVE COMMITTEES TO ENTER INTO  
4 AGREEMENTS WITH CIRCUIT OR MUNICIPAL CLERKS OR COUNTY OR MUNICIPAL  
5 ELECTION COMMISSIONS AUTHORIZING SUCH CLERKS OR COMMISSIONS TO  
6 PERFORM CERTAIN DUTIES IN REGARD TO PRIMARIES THAT WOULD OTHERWISE  
7 BE PERFORMED BY THE EXECUTIVE COMMITTEE; AND FOR RELATED PURPOSES.