

By: Representatives Gunn, Ellington,
Fillingane, Staples

To: Apportionment and
Elections

HOUSE BILL NO. 1485

1 AN ACT TO AMEND SECTION 23-15-593, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE COUNTY EXECUTIVE COMMITTEE, THE STATE EXECUTIVE
3 COMMITTEE OR THE COUNTY ELECTION COMMISSION TO MAKE ANY
4 DETERMINATION THAT IS LAWFULLY JUST WHEN IRREGULARITIES EXIST WITH
5 THE BALLOT BOX; AND FOR RELATED PURPOSES.

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

7 **SECTION 1.** Section 23-15-593, Mississippi Code of 1972, is
8 amended as follows:

9 23-15-593. When the ballot box is opened and examined by the
10 county executive committee in the case of a primary election, or
11 county election commissioners in the case of other elections, and
12 it is found that there have been failures in material
13 particulars * * * to such an extent that it is impossible to
14 arrive at the will of the voters at the precinct, the entire box
15 may be thrown out unless it be made to appear with reasonable
16 certainty that the irregularities were * * * deliberately
17 permitted or engaged in by the managers at that box, or by one (1)
18 of them responsible for the wrong or wrongs, for the purpose of
19 electing or defeating a certain candidate or candidates by
20 manipulating the election or the returns thereof at that box in
21 such manner as to have it thrown out; in which latter case, the
22 county executive committee, the state executive committee or the
23 county election commission, as appropriate, shall conduct such
24 hearing and make such determination in respect to said box, as may
25 appear lawfully just, subject to a judicial review of said matter
26 as elsewhere provided by this chapter. When such failures in
27 material particulars are found, the county executive committee,
28 the state executive committee, or the election commission, or the

29 court upon review, may order another election to be held at that
30 box appointing new managers to hold the same.

31 **SECTION 2.** The Attorney General of the State of Mississippi
32 shall submit this act, immediately upon approval by the Governor,
33 or upon approval by the Legislature subsequent to a veto, to the
34 Attorney General of the United States or to the United States
35 District Court for the District of Columbia in accordance with the
36 provisions of the Voting Rights Act of 1965, as amended and
37 extended.

38 **SECTION 3.** This act shall take effect and be in force from
39 and after the date it is effectuated under Section 5 of the Voting
40 Rights Act of 1965, as amended and extended.