

By: Senator(s) Burton

To: Elections

SENATE BILL NO. 2783

1 AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTION COMMISSIONERS
 2 TO POSTPONE ELECTIONS TO A SPECIFIC DATE, SPECIFY ALTERNATE
 3 POLLING PLACES AND SPECIFY ALTERNATE VOTING SYSTEMS IN THE EVENT A
 4 STATE OF EMERGENCY IS DECLARED BY THE GOVERNOR AND THE REASONS FOR
 5 WHICH THE STATE OF EMERGENCY IS DECLARED INTERFERE WITH THE
 6 ELECTORAL PROCESS; TO PROVIDE THAT IF EMERGENCY CIRCUMSTANCES
 7 EXIST AND A STATE OF EMERGENCY HAS NOT BEEN DECLARED BY THE
 8 GOVERNOR, THE STATE BOARD OF ELECTION COMMISSIONERS, UPON THE
 9 REQUEST OF THE BOARD OF SUPERVISORS IN THE COUNTY IN WHICH THE
 10 EMERGENCY CIRCUMSTANCES EXIST OR THE GOVERNING AUTHORITIES OF THE
 11 MUNICIPALITY IN WHICH THE EMERGENCY CIRCUMSTANCES EXIST, MAY
 12 PETITION THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS
 13 COUNTY TO TAKE ANY ACTION NECESSARY TO PROVIDE A REMEDY THAT IS IN
 14 THE BEST INTEREST OF, AND PROTECTS THE INTEGRITY OF, THE ELECTORAL
 15 PROCESS; TO AMEND SECTIONS 23-15-171, 23-15-173, 23-15-191,
 16 23-15-193 AND 23-15-197, MISSISSIPPI CODE OF 1972, IN CONFORMITY
 17 THERETO; AND FOR RELATED PURPOSES.

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

19 **SECTION 1.** (1) In the event a state of emergency is
 20 declared by the Governor pursuant to Section 33-15-11, and the
 21 reasons for which the state of emergency is declared interfere
 22 with the electoral process, the State Board of Election
 23 Commissioners may issue an emergency proclamation:

24 (a) Mandating and directing the postponement of an
 25 election until a specific date in all or a part of the state;
 26 however, the date must be the same for the entire district in
 27 which the election is being held.

28 (b) Specifying alternate polling places.

29 (c) Specifying the use of alternate voting systems.

30 (2) If emergency circumstances exist and a state of
 31 emergency has not been declared by the Governor, the State Board
 32 of Election Commissioners, upon the request of the board of
 33 supervisors in the county in which the emergency circumstances
 34 exist or the governing authorities of the municipality in which

35 the emergency circumstances exist, may petition the Circuit Court
36 of the First Judicial District of Hinds County to take any action
37 necessary to provide a remedy that is in the best interest of, and
38 protects the integrity of, the electoral process.

39 **SECTION 2.** Section 23-15-171, Mississippi Code of 1972, is
40 amended as follows:

41 23-15-171. (1) Municipal primary elections shall be held on
42 the first Tuesday in May preceding the general municipal election
43 and, in the event a second primary shall be necessary, such second
44 primary shall be held on the third Tuesday in May preceding such
45 general municipal election. At such primary election the
46 municipal executive committee shall perform the same duties as are
47 specified by law and performed by members of the county executive
48 committee with regard to state and county primary elections. Each
49 municipal executive committee shall have as many members as there
50 are elective officers of the municipality, and such members of the
51 municipal executive committee of each political party shall be
52 elected in the primary elections held for the nomination of
53 candidates for municipal offices. The provisions of this section
54 shall govern all municipal primary elections as far as applicable,
55 but the officers to prepare the ballots and the managers and other
56 officials of the primary election shall be appointed by the
57 municipal executive committee of the party holding such primary,
58 and the returns of such election shall be made to such municipal
59 executive committee. Vacancies in the executive committee shall
60 be filled by it.

61 (2) Provided, however, that in municipalities operating
62 under a special or private charter which fixes a time for holding
63 elections, other than the time fixed by Chapter 491, Laws of 1950,
64 the first primary election shall be held exactly four (4) weeks
65 before the time for holding the general election, as fixed by the
66 charter, and the second primary election, where necessary, shall
67 be held two (2) weeks after the first primary election, unless the

68 charter of any such municipality provides otherwise, in which
69 event the provisions of the special or private charter shall
70 prevail as to the time of holding such primary elections.

71 (3) All primary elections in municipalities shall be held
72 and conducted in the same manner as is provided by law for state
73 and county primary elections.

74 (4) The date of a municipal primary election may be
75 postponed to a specific date as provided in Section 1, of Senate
76 Bill No. _____, 2006 Regular Session.

77 **SECTION 3.** Section 23-15-173, Mississippi Code of 1972, is
78 amended as follows:

79 23-15-173. (1) Except as otherwise provided in Section 1,
80 of Senate Bill No. _____, 2006 Regular Session, a general municipal
81 election shall be held in each city, town or village on the first
82 Tuesday after the first Monday of June 1985, and every four (4)
83 years thereafter, for the election of all municipal officers
84 elected by the people.

85 (2) All municipal general elections shall be held and
86 conducted in the same manner as is provided by law for state and
87 county general elections.

88 **SECTION 4.** Section 23-15-191, Mississippi Code of 1972, is
89 amended as follows:

90 23-15-191. Except as otherwise provided in Section 1, of
91 Senate Bill No. _____, 2006 Regular Session, the first primary
92 shall be held on the first Tuesday after the first Monday of
93 August preceding any regular or general election; and the second
94 primary shall be held three (3) weeks thereafter. Any candidate
95 who receives the highest popular vote cast for the office which he
96 seeks in the first primary shall thereby become the nominee of the
97 party for such office; provided also it be a majority of all the
98 votes cast for that office. If no candidate receive such majority
99 of popular votes in the first primary, then the two (2) candidates
100 who receive the highest popular vote for such office shall have

101 their names submitted as such candidates to a second primary, and
102 the candidate who leads in such second primary shall be nominated
103 to the office. When there is a tie in the first primary of those
104 receiving next highest vote, these two (2) and the one (1)
105 receiving the highest vote, none having received a majority, shall
106 go into the second primary, and whoever leads in such second
107 primary shall be entitled to the nomination.

108 **SECTION 5.** Section 23-15-193, Mississippi Code of 1972, is
109 amended as follows:

110 23-15-193. Except as otherwise provided in Section 1, of
111 Senate Bill No. _____, 2006 Regular Session, at the election in
112 1995, and every four (4) years thereafter, there shall be elected
113 a Governor, Lieutenant Governor, Secretary of State, Auditor of
114 Public Accounts, State Treasurer, Attorney General, three (3)
115 public service commissioners, three (3) Mississippi Transportation
116 Commissioners, Commissioner of Insurance, Commissioner of
117 Agriculture and Commerce, Senators and members of the House of
118 Representatives in the Legislature, district attorneys for the
119 several districts, clerks of the circuit and chancery courts of
120 the several counties, as well as sheriffs, coroners, assessors,
121 surveyors and members of the boards of supervisors, justice court
122 judges and constables, and all other officers to be elected by the
123 people at the general state election. All such officers shall
124 hold their offices for a term of four (4) years, and until their
125 successors are elected and qualified. The state officers shall be
126 elected in the manner prescribed in Section 140 of the
127 Constitution.

128 **SECTION 6.** Section 23-15-197, Mississippi Code of 1972, is
129 amended as follows:

130 23-15-197. (1) Times for holding primary and general
131 elections for congressional offices shall be as prescribed in
132 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

133 (2) Times for holding elections for the Office of Judge of
134 the Supreme Court shall be as prescribed in Section 23-15-991 and
135 Sections 23-15-974 through 23-15-985.

136 (3) Times for holding elections for the office of circuit
137 court judge and the office of chancery court judge shall be as
138 prescribed in Sections 23-15-974 through 23-15-985, and Section
139 23-15-1015.

140 (4) Times for holding elections for the office of county
141 election commissioners shall be as prescribed in Section
142 23-15-213.

143 (5) The times for holding elections for the offices listed
144 in this section may be postponed to a specific date as provided in
145 Section 1, of Senate Bill No. _____, 2006 Regular Session.

146 **SECTION 7.** The Attorney General of the State of Mississippi
147 shall submit this act, immediately upon approval by the Governor,
148 or upon approval by the Legislature subsequent to a veto, to the
149 Attorney General of the United States or to the United States
150 District Court for the District of Columbia in accordance with the
151 provisions of the Voting Rights Act of 1965, as amended and
152 extended.

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