

3/17 - 6:03pm

Chapter No. 400
10/SS26/R486SG
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SENATE BILL NO. 2801

Originated in Senate *Jenna Gumpas* Secretary

SENATE BILL NO. 2801

AN ACT TO AMEND SECTION 23-15-611, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT IF THE MUNICIPAL ELECTION COMMISSIONERS FAIL TO TRANSMIT TO THE SECRETARY OF STATE A STATEMENT CERTIFYING THE NAMES OF THE PERSONS ELECTED AT A MUNICIPAL ELECTION, THE SECRETARY OF STATE MAY ISSUE A SHOW CAUSE ORDER DIRECTING THE MUNICIPAL ELECTION COMMISSIONERS TO PROVIDE TO THE SECRETARY OF STATE A WRITTEN RESPONSE CONTAINING THE REASONS FOR SUCH FAILURE; TO AUTHORIZE THE SECRETARY OF STATE TO PETITION A COURT OF COMPETENT JURISDICTION TO COMPEL THE MUNICIPAL ELECTION COMMISSIONERS TO TRANSMIT THE STATEMENT; AND FOR RELATED PURPOSES.

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

SECTION 1. Section 23-15-611, Mississippi Code of 1972, is amended as follows:

23-15-611. (1) In municipal elections, managers of elections shall, immediately upon the closing of the polls, count the ballots and ascertain the number of votes cast in each voting precinct for each of the candidates or ballot measures and make a return thereof to the municipal election commissioners. On the day following the election, the election commissioners shall canvass the returns so received from all voting precincts and shall, within five (5) days after such election, deliver to each person receiving the highest number of votes a certificate of election. If it shall appear that any two (2) or more of the candidates receiving the highest number of votes shall have received an equal number of votes, the election shall be decided by lot, fairly and publicly drawn by the election commissioners with the aid of two (2) or more qualified electors of the municipality.

(2) (a) Within five (5) days after any election, the municipal election commissioners shall transmit a statement to the

Secretary of State certifying the name or names of the person or persons elected thereat, and such person or persons shall be issued commissions by the Governor. The statement shall also include vote totals for each candidate for each office and vote totals for and against ballot measures, if any, including the vote totals for each candidate a ballot measure in each precinct in the municipality.

(b) The statements required by this subsection shall contain a certification, signed and dated by a majority of the municipal election commissioners, which shall read as follows:

"We, the undersigned municipal election commissioners, do hereby certify that this statement contains the official vote for the election reflected therein."

(c) The statements required by this subsection shall be transmitted to the Secretary of State on such forms and by such methods as may be required by rules and regulations promulgated by the Secretary of State.

(d) If the statement certifying the names of the persons elected is not transmitted to the Secretary of State as required by this subsection, the Secretary of State may issue a show cause order directing the municipal election commissioners to provide to the Secretary of State written response containing the reasons for their failure to transmit the statement. The municipal election commissioners shall file their response to the show cause order with the Secretary of State within five (5) working days after the issuance of the show cause order. If the statement certifying the names of the persons elected is not transmitted to the Secretary of State within five (5) working days after the issuance of the show cause order, the Secretary of State may petition a court of competent jurisdiction to compel the municipal election commissioners to comply with this subsection. If the statement certifying the names of the persons elected is

received by the Secretary of State within five (5) days after the issuance of the show cause order, a response to the show cause order shall not be required.

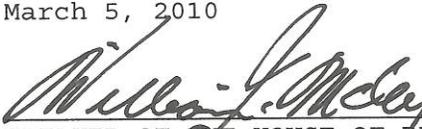
SECTION 2. The Attorney General of the State of Mississippi shall submit this act, immediately upon approval by the Governor, or upon approval by the Legislature subsequent to a veto, to the Attorney General of the United States or to the United States District Court for the District of Columbia in accordance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

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

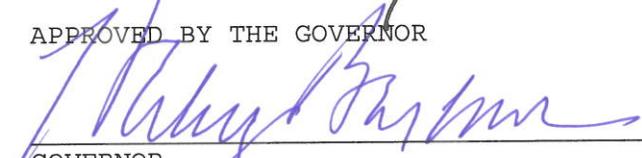
PASSED BY THE SENATE
February 10, 2010


PRESIDENT OF THE SENATE

PASSED BY THE HOUSE OF REPRESENTATIVES
March 5, 2010


SPEAKER OF THE HOUSE OF REPRESENTATIVES

APPROVED BY THE GOVERNOR


GOVERNOR

3/12/10 6:03p