

SUMMARY OF ELECTION OPINIONS

ECAM 2013

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1. A poll worker who, in his official capacity, shows partiality in the conduct of an election is guilty of a crime and, upon conviction, shall be imprisoned in the penitentiary for a term not exceeding two years. (McDaniel, 3-12-12) (#63-B)

Note: This also applies to election commissioners.

2. Any compensation for an election commissioner for a calendar year is contingent upon the filing of the required certificate of training by April 30 each year. (Holleman, 1-28-11) (#64)

3. An election commissioner recently appointed to fill a vacancy may be compensated for services performed without having received the required certificate of training from the office of Secretary of State. (Powell, 3-23-12) (#64)

4. A candidate who qualified in a particular district in which, because of effectuation of a new redistricting plan, he no longer resides, an administrative change may be made to reflect the change and place him in the district of his residence. Such candidate may be required to file a supplemental petition if the result of redistricting is to place some of the signees of his petition in a district different from that of the candidate. (Keith, 10-17-12) (#71)

5. Board of Supervisors must refuse to place an election commissioner candidate's name on the ballot if he fails to file his petition with the chancery clerk prior to the deadline. Board cannot establish a new deadline for qualifying for election commissioner. Filing petition with the circuit clerk prior to deadline does not constitute substantial compliance with statutory filing requirements. Board must rule on candidate qualifications in sufficient time for the timely printing of the ballots. Anyone aggrieved by a decision of a board of supervisors may file an appeal in circuit court within ten (10) days from the date of adjournment of the session at which the decision was made. (Cochran, 7-27-12) (#71)

6. The registrar's certificate of the number of signatures on an election commissioner candidate's petition submitted to the Board of Supervisors after the qualifying deadline does not affect the timeliness of the filing of a petition that was filed with the chancery clerk prior to the deadline. (Chiles, 8-10-12) (#71)

7. Private charter municipality may not enforce two-year residency requirement to be a candidate for municipal office. (Flaggs, 9-28-12) (#71)

8. County board of supervisors is required to formally vote on the sufficiency of the petitions for potential candidates for election commissioner. The deadline for filing the required petition with the chancery clerk requires strict compliance. (Martin, 7-13-12) (#71)

9. Special election to fill vacancy on board of supervisors must be conducted within boundary lines of the supervisor district last approved by the U.S. Department of Justice (the new lines). (Reynolds, 1-27-12) (#75)