

## SUMMARY OF ELECTION OPINIONS

ECAM 2014

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1. While personal service of intent to examine ballot boxes is the best and preferred method of service of notice specified in Section 23-15-911, alternate means of service, *i.e.*, service by email and by posting at opposing candidate's residence satisfies requirements when personal service is impossible or overly burdensome. (Myers, 6-17-13) (#63-B)
2. It is the exclusive duty and responsibility of the circuit clerk or his or her designee to enter data into the computerized voter registration records. Circuit clerks **may** designate at least one election commissioner to input data into SEMS. (Glaskox, 3-8-13) (#64)
3. County party executive committee has no authority or control over a municipal party executive committee but may act as the temporary municipal executive committee if no municipal executive committee exists. County election commissioner who did not resign prior to January 1 of the year of municipal election may not be a candidate for city office. If ballots have already been printed with the commissioners name thereon, any votes cast for her should not be considered in determining the results of the election. (Barton, 4-5-13; Armstrong 4-5-13) (#64); (Head, 4-26-13) (#70)

**Note: Section 23-15-217 was amended by Chapter 474, Laws of 2013 to provide that election commissioners may run for another office provided he or she resigns before he or she qualifies as a candidate for the other office.**

4. Election of trustees of county boards of education are determine by plurality vote. There are no runoffs for county boards of education. The election of candidates for membership on boards of trustees of municipal separate school districts with added territory are to be conducted by the appropriate county election commission. Runoffs for membership on municipal school districts with added territory are required if no candidate receives a majority of the votes, but such runoffs are now to be conducted three (3) weeks after the election instead of two (2) week as previously provided. (Hadskey, 10-28-13; Turner, 10-30-13) (#67)
5. A voting precinct may include portions of three supervisors districts. Pursuant to Section 23-15-281, the precinct may have only one polling place. When drawing the precinct, the county must take into considerations the limitation set forth in Section 23-15-285 regarding the number of qualified electors permitted per precinct. Precinct

boundary lines must conform to visible natural or artificial boundaries. (Berry, 8-23-13) (#67)

6. Trustee election for municipal separate school districts with added territory will take place on the first Monday in November of each year. Trustees currently holding office will continue to serve until the terms for newly elected trustees begin on the first day of January following their election. Pursuant to SB 2074, the election is conducted by the county election commission; therefore, no action is necessary by the School District Board of Trustees. (Rodolfich, 3-1-13) (#67)

7. Section 23-15-219 authorizes a municipal election commission, with the approval of the municipal governing authorities, to employ technical advisors to assist the commissioners in the discharge of their duties. (Brock, 5-31-13) (#69)

8. Qualifying petitions of independent candidates filed with municipal clerks are public records and may be obtained by anyone pursuant to the provisions of the Mississippi Public Records Act of 1983. (Edwards, 5-3-13) (#69)

9. A county executive committee may serve as the temporary municipal executive committee if no municipal executive committee exists. If there is only one qualified candidate for an office after the qualifying deadline, the proper executive committee shall declare the candidate the nominee. If all municipal general election races are unopposed, the election commission shall dispense with the election and declare each candidate elected without opposition as long as the candidates are otherwise qualified under the law. (Barton, 4-4-13) (#69)

10. It is the responsibility of each political party to determine if it wishes to conduct a municipal primary election in advance of the qualifying deadline. If a party decides to conduct such primary, it is the party's obligation to inform the municipal clerk of that decision in writing in order for potential candidates to know what options are available to them in seeking municipal elective office. (Ashford, 4-22-13) (#69)

11. If the appropriate municipal executive committee in a primary election or the municipal election commission in the general election makes a finding that a candidate was convicted of a felony in another state which is also a felony in Mississippi on or after December 8, 1992, his name should not be placed on the primary or general election ballot unless all of the individual's convictions were expunged, the charges were non-adjudicated or he received a pardon. (Bassi, 4-22-13) (#69)

12. A county superintendent of education is required to be a resident and qualified elector of the county from which he or she is elected. Additionally, a person who holds the office must meet the qualifications set forth in Section 37-9-13. No person is eligible to hold the office if a prior conviction renders him ineligible under Section 44 of the Mississippi Constitution. An interim superintendent appointed pursuant to Section 37-5-75 is required to meet the same qualifications as an elected superintendent. (Mord, 10-4-13) (#71)

13. Section 37-7-104 requires the consolidation of all the school districts in Sunflower County. It specifies that "no previous board member shall be eligible to serve on the newly elected board." Based on the plain and unambiguous language of the statute no previous board member is eligible to serve on the new board. Any candidate whose qualifications are in question must be allowed an opportunity to be heard prior to a final determination as to whether the name of that candidate will be placed on the ballot. (McWilliams, 9-20-13) (#71)

14. If a particular municipal ward has a population of 1,000 or more, a candidate's petition must be personally signed by not less than 50 qualified electors of the ward. If the population of the ward is less than 1,000 the petition must be signed by not less than 15 qualified electors of the ward. (DeCoux, 5-3-13)

15. The special election to fill the vacancy on the Hinds County Board of Supervisors must be held on the next regular special election day in November, 2013. Any person appointed in the interim or elected to fill the unexpired term must be a resident of the district he or she serves and a qualified elector. No person is eligible to serve as county supervisor if a prior conviction render him ineligible under Section 44 of the Mississippi Constitution. (Gaylor, 1-11-13) (#72)

16. When a statute requires that notice be given to the public that a referendum will be held within a municipality on a certain date but does not specify the manner in which the notice is to be given, such notice is to be given in the usual and ordinary manner, which is by publication in a newspaper having a general circulation within the municipality in accordance with the publication requirements and procedures set forth in Section 13-3-31. The provisions of Section 23-15-859 are not applicable to referenda. (Baker, 5-24-13) (#72-A)

17. In order to remove a voter's name from the voter rolls based on a change in residence the NVRA requires confirmation in writing from the voter that the voter has changed his residence to a location outside the jurisdiction or if the voter fails to return a "confirmation card" confirming such change in residence and does not vote in two subsequent federal general elections. The name of a voter may not be removed from the voter rolls based solely on the Crosscheck Program conducted by the Mississippi Secretary of State's office. (Glascox, 10-11-13) (#74)