



DELBERT HOSEMANN
Secretary of State

2015 Election Code Update Study Group Minutes

September 24, 2015

The fourth meeting of the Election Code Update Study Group was called to order on Thursday, September 24, 2015, at 11:00 a.m. at the Secretary of State's Office, 125 S. Congress Street, Jackson, Mississippi. A list of attendees is included as Exhibit A.

Welcome and Introduction

Delbert Hosemann, Secretary of State, welcomed everyone to the fourth meeting of the Election Code Study Group. Secretary Hosemann noted there were various important issues to discuss and asked if any in attendance had questions regarding the minutes of the third study group. No questions were asked, and the study group subsequently adopted the minutes of the third meeting. After his introduction, Secretary Hosemann introduced the first speaker, Preston Goff, Assistant Secretary of State, Policy and Research Division, as well as Kim Turner, Assistant Secretary of State, Elections Division.

Article 35. Political Parties

Mr. Goff again welcomed everyone and began by stating most of the edits to Article 35 were minor changes intended to clarify the language in the statutes and provide easier to read text. Goff turned the group's attention to Section 23-15-1054, regarding the selection of temporary county executive committees. Goff made note of the current law which requires a temporary county executive committee be established at least thirty (30) days prior to an election if there is no permanent county executive committee. At this time, Goff asked the group if thirty (30) days was a sufficient amount of time for establishment of a temporary committee.

Secretary Hosemann asked what would happen if a temporary committee was not established, and Goff responded that the State Executive Committee would take over and run the election. Additionally, the State Executive Committee has the authority to contract with a clerk or an election commissioner for either of those officials to run the election. A group member wanted to ensure this code section protects the candidates and furthermore stated candidates shouldn't be penalized if their party has failed to create a temporary executive committee. Another member noted if a member of an executive committee declares they will run for office then they are automatically removed from the executive committee. Secretary Hosemann proposed language should be added to Section 23-15-263 to ensure that a member of a county executive committee will be automatically disqualified to serve on the county executive committee, and will be considered to have resigned therefrom, upon his qualification as a

candidate for any elective office *whether or not the candidate is opposed*. Secretary Hosemann also proposed language should be added to ensure if the member of the county executive committee fails to resign upon qualifying as a candidate, then he or she shall be removed from the ballot.

A group member asked if there should be a requirement for minor political parties to show they have earned access to the ballot. The member noted many political parties may not try to place a candidate on the ballot for years and argued there should be a continuing requirement to show the party is still active within the State. The member suggested a re-registration requirement, potentially every four years. Hawley Robertson further noted the parties could be required to file a campaign finance report every year. Secretary Hosemann stated the Secretary of State's Office will draft language to further this idea and present it to the group in the final proposal.

Article 37. Mississippi Presidential Preference Primary and Delegate Selection

Mr. Goff then discussed Article 37. The proposed substantive change in Section 23-15-1055 would move the presidential preference primary from the second Tuesday in March to the first Tuesday in March to align with other proposed changes to Article 37. The study group expressed no concerns with these changes.

One member suggested the goal is to make sure Mississippi has a loud voice in the election process. He further stated if the preference primary is moved to a day where there are more states voting, the State's voice may not be as loud. Secretary Hosemann referenced a Mississippi State University study indicating Mississippi's voice may be loudest earlier in the voting season because candidates are more likely to drop out after the primaries held during the first week of March. Mississippi voters may not have as many candidates to choose from with a later primary date. A member asked if moving the date to March 1st could be navigated through the legislative process in time for the 2016 election cycle.

Goff then moved to the topic of levee boards and noted the procedure for the election of levee board members was not codified by state law but rather it was in the Mississippi Constitution and General Laws dating back to 1928. Goff suggested the procedure of the election of levee commissioners be codified in the Election Code. The study group had no concerns with this proposed change.

Election Crimes

Next, Goff moved to discuss election crimes. Two (2) group members with experience in criminal prosecutions led a discussion in an effort to ensure the penalties for those convicted of election crimes were appropriate. The group discussed and agreed that the majority of election crimes described in Section 97-13-1 et seq. should include language delineating the punishment for a violation upon conviction as, "be imprisoned in the state penitentiary not more than two years, or be fined not more than three thousand dollars, or both; or in a county jail not more than one year, and be fined not more than one thousand dollars, or both."

Chapter 17. Amendments to Constitution by Voter Initiative

Ms. Turner noted the Secretary of State's Office did not make any proposed changes to Chapter 17, but asked the group if they thought the Attorney General's Office was the appropriate party to draft the ballot title language for initiatives, or if the State Board of Election Commissioners or the Secretary of State's Office should be tasked with this duty. One member suggested such a change would likely require its own constitutional initiative. Turner then stated that the Secretary of State's office would like to propose a change to require the publication requirement, which applies to an initiative ballot title, also apply to a legislative alternative. Turner noted the Secretary of State's Office would allow for the appeals process to also apply to legislative alternatives, a change which would give the Mississippi Supreme Court original jurisdiction over such an issue.

Another proposed change suggested by Turner would require a circuit clerk to process all signatures on initiative petitions through the Statewide Election Management System (SEMS) system and to do so by congressional districts. Turner also suggested increasing the filing fee due to the cost of publication. Pamela Weaver proposed decreasing costs by not publishing the initiative pros and cons and instead, only publishing the text and amendatory language of the initiative. The group agreed with this idea.

Turner then moved the group's attention to early voting. Turner noted at the last meeting the group agreed to start early voting thirty (30) days before the election and end at 12:00 P.M. on the Saturday before the election. The group then engaged in a discussion of who is truly responsible for early voting: election commissioners or clerks. Secretary Hosemann stated election commissioners will now be in control and can work with circuit clerks to determine if they are able to conduct early voting themselves. The group then agreed to shorten the early voting period from thirty (30) days to twenty-one (21) days and to end early voting at 12:00 P.M. on the Saturday before the election. Turner proposed that the location for early voting should be anywhere in the circuit clerk's office and the location must be manned at all times. The group agreed. Lastly, Turner asked how many voting machines should be available for early voting. The group agreed there should be a minimum of two (2) and the counties may decide if more should be added.

Conclusion

At the conclusion of the meeting, Secretary Hosemann thanked everyone for their attendance and participation. Secretary Hosemann expressed his appreciation for everyone's input and congratulated everyone for their efforts.

With no further business, the meeting was adjourned at 1:45 p.m.

Exhibit A

**Minutes of the Election Code Update Study Group,
Meeting #4**

September 24, 2015

Members in Attendance

1. Rep. Toby Barker
2. Sam Begley
3. Trudy Berger
4. Sen. David Blount
5. Bryan Buckley
6. Patricia Burchell
7. Connie Cochran
8. Mandy Davis
9. Rep. Bill Denny
10. Steve Gray
11. Reggie Hanberry
12. Terre Harris
13. Martin Hegwood
14. Michael Jinks
15. Van Lowry
16. Kristie Metcalfe
17. James Reed
18. Haley Salazar
19. Hubby Saunders
20. Drew Snyder
21. Erin King
22. Mike Wallace

Secretary of State's Staff

1. Delbert Hosemann
2. Doug Davis
3. Nathan Upchurch
4. Pamela Weaver
5. Kim Turner
6. Hawley Robertson
7. Preston Goff
8. Leann Thompson
9. Curtis Anders
10. Matt Walton
11. Miles Forks

Members in Attendance via WebEx

1. Dustin Bairfield