

STATE OF MISSISSIPPI



JIM HOOD
ATTORNEY GENERAL

OPINIONS
DIVISION

May 17, 2019

Sara Carlson Dionne, Chairman
Warren County Election Commission
Post Office Box 351
Vicksburg, Mississippi 39181-0351

Re: Changing Precinct Lines

Dear Ms. Dionne:

Attorney General Jim Hood has received your opinion request and has assigned it to me for research and reply.

Issues Presented

In your request, you state that you have recently received a resolution dated February 4, 2019, from the Warren County Board of Supervisors that changes precinct lines and designates new polling places within one supervisor's district. You then ask whether the changes can be implemented before the August 6, 2019 Primary Election, the November 5, 2019 General Election, or the March 10, 2020 Presidential Primary.

Applicable Law and Response

As an initial matter, we note that this office does not by official opinion approve nor disapprove local resolutions. Additionally, opinions of this office can neither validate nor invalidate past actions. This opinion is provided for prospective purposes only.

The board of supervisors has the authority to alter the boundaries of supervisors districts, voting precincts and the voting place pursuant to Sections 23-15-281 through 23-15-285. The year 2019 is the regular year for the election of all state, state district, and county and county district offices, including boards of supervisors. See Miss. Code Ann. Section 19-3-1. Section 23-15-285 provides, in relevant part: "No change in any supervisors district or voting precinct shall take effect less than thirty (30) days before the qualifying deadline for the office of county supervisor." The qualifying deadline for party primary and independent candidates was March 1. See Miss. Code Ann. Sections 23-15-299(3) and 23-15-359. Thus, to be in effect for the 2019 elections, alterations to precinct boundaries must have

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been properly adopted thirty (30) days prior to March 1, 2019.

Further, any changes made on or after July 1, 2019, must also comply with House Bill 914 of the 2019 Regular Session ("H.B. 914"), which amends the deadlines for altering precinct boundaries by adding the following language to Section 23-15-283(4):

Precinct boundary changes affected by the authority of this section or of any other provision of law shall not be implemented during any decade after the last day of September of the year ending in eight (8). Precinct boundaries in force and effect at such time shall remain in effect and unalterable until the last day of December in the next year ending in zero. This prohibition shall not bar the creation or modification of sub-precinct boundaries.¹

For the foregoing reasons, it is the opinion of this office that any changes to the precinct boundaries made less than thirty (30) days prior to the qualifying 2019 deadline but before the effective date of H.B. 914 on July 1, 2019, could not be implemented for the 2019 elections but could be implemented for the elections held in 2020, including the March 10, 2020 Presidential Primary.

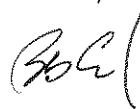
If we may be of further service, please let us know.

OFFICIAL OPINION

Very truly yours,

JIM HOOD, ATTORNEY GENERAL

By:



Beebe Garrard
Special Assistant Attorney General

Attachment

¹Our office has received questions regarding the effects of H.B. 914 from and after its effective date of July 1, 2019. We interpret H.B. 914 to amend Section 23-15-283(4) to prohibit any alteration of precinct boundaries until the end of the decade following a year ending in eight (8). As an example, the decade following 2028 ends on the last day of December 2030. Therefore, alterations of precinct boundaries cannot be lawfully effectuated until on or after January 1, 2031. We believe this is consistent with the position of the Standing Joint Legislative Committee on Reapportionment set forth in its letter of April 5, 2019, addressed to our county circuit clerks (copy attached).

The Mississippi Legislature

Standing Joint Legislative Committee on Reapportionment

CONTACT:
(601) 359-1226
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Legislative Reapportionment



OFFICES:
Woolfolk Building, Suite 301-A
501 North West Street
Jackson, Mississippi 39201

Post Office Box 1204
Jackson, Mississippi 39215-1204
James F. Booth, Staff Counsel
Ben Collins, GIS Director

April 5th, 2019

Dear

In our attempts to ensure the most accurate data and maps in the upcoming round of redistricting activities by the Mississippi Legislature, the Standing Joint Legislative Committee on Reapportionment again requests your assistance in identifying and verifying the geographic boundaries of the voting precincts in your county. As you know, after the 2020 Census the Legislature will be required to redistrict the Mississippi House of Representatives and Senate, as well as our state's four congressional districts. To perform this function accurately, we will need your office to provide updates to our data with regard to your current voting precincts.

We requested this information last year, and thank you to all who participated in providing our office with this information. If your precincts have not changed since the data was collected and submitted to this office in the Spring of 2018, a simple notification to Ben Collins via email is all that is required.

We would also call your attention to H.B. 914, Regular Session, 2019, which places some restrictions on local governments' power to alter precinct boundaries in the years immediately prior to the delivery of census redistricting information to the state. We suggest that you review this legislation with your board attorney.

If your county has a Geographic Information System (GIS) staff that keeps this information or utilizes a contractor, such as your local Planning and Development District, to prepare maps of your precincts, we request that you direct this request to them to provide us with this information.

In the event that your county does not utilize such services, we will need from your office a copy of a paper map showing the boundaries of all current voting precincts, with a letter to us stating that the map is true and accurate.

We appreciate your assistance in this matter. We will need a response from your office or your GIS contractor by May 15th. Please direct your responses to Ben Collins, GIS Director. Should you have questions regarding this matter, please contact Mr. Collins or me at 601-359-1226 or by email at Ben.Collins@peer.ms.gov.

Sincerely,

James F. "Ted" Booth
Staff Counsel

Cc:

