

By: Representatives Denny, Blackmon

To: Apportionment and
Elections

HOUSE BILL NO. 936

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
2 23-15-393, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF
3 STATE TO ESTABLISH A LIST OF VOTING DEVICES THAT MAY BE UTILIZED
4 IN ELECTIONS CONDUCTED IN THIS STATE; TO REQUIRE ALL VOTING
5 DEVICES UTILIZED TO CONDUCT ELECTIONS TO BE CONTAINED ON SUCH
6 LIST; TO ALLOW VOTING DEVICES THAT ARE NOT ON THE LIST THAT ARE
7 CURRENTLY UTILIZED TO CONDUCT ELECTIONS TO BE UTILIZED UNTIL SUCH
8 TIME AS SUCH VOTING DEVICES ARE REPLACED; TO AMEND SECTIONS
9 23-15-39, 23-15-213, 23-15-299, 23-15-309, 23-15-359, 23-15-361,
10 23-15-627, 23-15-631, 23-15-839, 23-15-853, 23-15-857, 23-15-977,
11 37-5-9, 37-5-75, 37-7-211 AND 37-7-225, MISSISSIPPI CODE OF 1972,
12 TO CLARIFY THE APPLICATION FOR REGISTRATION AS A VOTER; TO PROVIDE
13 THAT THE QUALIFYING DEADLINE FOR ALL ELECTIVE OFFICES SHALL BE AT
14 5:00 P.M. ON THE LAST DAY UPON WHICH A CANDIDATE MAY QUALIFY FOR
15 ELECTIVE OFFICE; TO CLARIFY THE MANNER IN WHICH THE QUALIFICATIONS
16 OF CANDIDATES FOR ELECTIVE OFFICE ARE EXAMINED; TO REQUIRE THAT
17 COPIES OF THE STATEMENTS REQUIRED TO BE FILED WITH THE STATE
18 EXECUTIVE COMMITTEE BY CANDIDATES FOR PARTY NOMINATION BE
19 TRANSMITTED TO AND RECEIVED BY THE OFFICE OF THE SECRETARY OF
20 STATE BY NOT LATER THAN 6:00 P.M. ON THE DATE OF THE QUALIFYING
21 DEADLINE; TO PROHIBIT PERSONS FROM QUALIFYING FOR OFFICE BEFORE
22 JANUARY 1 OF THE YEAR IN WHICH THE ELECTION IS TO OCCUR; TO
23 PROVIDE THAT IN CASES IN WHICH ONLY ONE CANDIDATE HAS QUALIFIED
24 FOR AN ELECTIVE OFFICE THAT SUCH CANDIDATE SHALL BE DECLARED
25 ELECTED; TO CLARIFY THAT ABSENTEE BALLOTS OF ELECTORS WHO ARE
26 AUTHORIZED TO VOTE BY MAIL MUST BE MAILED TO THE ELECTOR; TO
27 PROVIDE FOR A CERTIFICATE ON THE ABSENTEE BALLOT ENVELOPE THAT
28 MUST BE COMPLETED BY PERSONS WHO WITNESS THE SIGNATURE OF A VOTER
29 WHO IS TEMPORARILY OR PERMANENTLY DISABLED; AND FOR RELATED
30 PURPOSES.

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

32 SECTION 1. The following provision shall be codified as

33 Section 23-15-393, Mississippi Code of 1972:

34 23-15-393. The Secretary of State shall establish a list of
35 voting devices that may be utilized in elections conducted in this
36 state. All voting devices utilized to conduct elections in this
37 state must be contained in such list; provided, however, that all
38 voting devices that are not on such list and that are currently
39 utilized to conduct elections may continue to be utilized until
40 such time as such voting devices are replaced.

41 SECTION 2. Section 23-15-39, Mississippi Code of 1972, is

42 amended as follows:

43 23-15-39. (1) Applications for registration as electors of
44 this state, which are sworn to and subscribed before the registrar
45 or deputy registrar authorized by law and which are not made by
46 mail, shall be made upon a triplicate form in the following words
47 and figures:

48 "APPLICATION FOR REGISTRATION

49 (You may receive assistance in filling out this form from any
50 person of your choosing. It is not necessary that this form be
51 filled out in the presence of the registrar, however, the oath
52 must be executed in the presence of the registrar or his deputy.)

53 1. What is your full name, including maiden name, if you
54 have one? _____

55 2. Please give your Social Security number. _____

56 3. What is your date of birth * * *? _____

57 4. Are you a citizen of the United States? _____

58 5. What is your present residence address and each place you
59 have resided during the past year, stating when you lived at each
60 place, and specifying the municipality or community, the street
61 name and number and/or any other designation which accurately
62 describes the geographic location of your present residence
63 address?

64 (a) Present address: _____

65 From _____ (month) to date.

66 (b) Previous address: _____

67 From _____ (month) to _____ (month).

68 (c) Previous address: _____

69 From _____ (month) to _____ (month).

70 (If you need additional space, use the back side of this
71 form.)

72 6. What is your present mailing address? _____

73 7. Are you now a resident of this state and county? _____

74 8. Do you now reside within the city limits of a city or
75 town located within this county? _____

76 9. Have you ever registered to vote before in any other
77 county or state? If so, give the last place or last two (2)
78 places if registered more than once. _____

79 10. Have you ever been convicted of the crime of murder,
80 rape, bribery, theft, arson, obtaining money or goods under false
81 pretenses, perjury, forgery, embezzlement or bigamy? _____

82 11. The following questions may be answered by you at your
83 option and are solely for the purpose of aiding in registering you
84 in the proper precinct:

85 (a) Are there any registered voters living at your
86 present residence? _____ If so, give the name of each such
87 person. _____

88 (b) Do you have a telephone at your present residence?
89 _____ If so, give the telephone number of such telephone.

90 _____ Please give your work telephone number. _____

91 * * *

92 After you have answered 1 through 11 above, sign or make your
93 mark on the following oath in the presence of the registrar or
94 deputy registrar.

95 STATE OF MISSISSIPPI

96 COUNTY OF _____

97 I do solemnly swear (or affirm) that I am at least eighteen
98 (18) years old (or I will be before the next general election in
99 this county), and that I am now in good faith a resident of this
100 state and of _____ Election Precinct in this county, and that I
101 am not disqualified from voting by reason of having been convicted
102 of any crime listed in Question 10 of the application; that I have
103 truly answered all questions propounded to me in the foregoing
104 application for registration, and that I will faithfully support
105 the Constitutions of the United States and of the State of
106 Mississippi, and will bear true faith and allegiance to the same.
107 So help me God.

108 Applicant sign here: _____

109 SWORN TO AND SUBSCRIBED before me, this the ____ day of

110 _____ 19__.

111 _____ (Registrar)

112 By _____ (Deputy Registrar)"

113 (2) The boards of supervisors shall make proper allowances
114 for office supplies reasonably necessitated by the registration of
115 county electors.

116 (3) If the reply to Question 8 above is affirmative, the
117 county registrar shall forward notice of registration, a copy of
118 the application for registration, and any changes to such
119 registration when they occur, either by certified mail to the
120 clerk of the municipality indicated in the present residence
121 address stated in answer to Question 5(a) above or by personal
122 delivery to such clerk provided that a numbered receipt is signed
123 by such clerk in return for the described documents. Upon receipt
124 of the copy of the application for registration or changes to such
125 registration, and if a review of same indicates that the applicant
126 meets all the criteria necessary to qualify as a municipal
127 elector, then the clerk of said municipality shall make a
128 determination of the municipal voting precinct in which the person
129 making the application shall be required to vote. The clerk shall
130 send this municipal voting precinct information by United States
131 first-class mail, postage prepaid, to such person at the address
132 provided on the application. Any and all mailing costs incurred
133 by the county registrar or the clerk of the municipality in
134 effectuating this subsection shall be paid by the governing
135 authority of such municipality. If a review of the copy of the
136 application for registration or changes to such registration
137 indicates that the applicant is not qualified to vote in said
138 municipality, the clerk of said municipality shall challenge such
139 application. The municipal election commissioners responsible for
140 said municipality shall review any such challenge or
141 disqualification after having notified the applicant by certified
142 mail of such challenge or disqualification.

143 (4) If the reply to Question 9 above is affirmative, the

144 registrar or clerk shall on a monthly basis send notice of this
145 new registration to the registrar or clerk of the county stated in
146 Question 9 as the voter's previous place of registration. The
147 election commission of the voter's previous place of registration
148 shall be responsible for having such voter's name erased from the
149 appropriate registration book and pollbook.

150 (5) The registrar shall issue to the person making the
151 application a copy of such application upon which has been written
152 the county voting precinct in which said person shall vote. The
153 registrar shall assign a voter registration number to such person,
154 which shall be that person's Social Security number if such a
155 number is provided, and said voter registration number shall be
156 clearly shown on the application.

157 (6) Any person desiring an application for registration may
158 secure the same from the registrar of the county of which he is a
159 resident and may take said form with him and secure assistance in
160 completing said form from any person of the applicant's choice.
161 It shall be the duty of all registrars to furnish forms for
162 registering to all persons requesting the same, and it shall
163 likewise be his duty to furnish aid and assistance in the
164 completing of said forms when requested by an applicant. The
165 application for registration shall be sworn to and subscribed
166 before the registrar or deputy registrar at the municipal clerk's
167 office, the county registrar's office or any other location where
168 the applicant is allowed to register to vote. No fee or cost
169 shall be charged the applicant by the registrar for accepting the
170 application or administering the oath or for any other duty
171 imposed by law regarding the registration of electors.

172 (7) The receipt of a copy of the application for
173 registration sent pursuant to Section 23-15-35(2), shall be
174 sufficient to allow the applicant to be registered as an elector
175 of this state, provided that such application is not challenged as
176 provided for therein.

177 (8) In any case in which a municipality expands its

178 corporate boundaries by annexation, the municipal clerk shall,
179 within ten (10) days after the effective date of such annexation,
180 forward to the county registrar a map which accurately depicts the
181 annexed area. The county registrar shall, within ten (10) days
182 after the receipt of such map, forward to the municipal clerk a
183 copy of the most recent county precinct or subprecinct pollbook
184 for the county precincts in which such annexed area is included,
185 or equivalent computer data or information as will permit the
186 identification of county electors who reside in the annexed area.
187 The municipal clerk shall add those county electors who have
188 resided in the annexed area for at least thirty (30) days after
189 annexation to the municipal registration books as registered
190 voters of the municipality and shall forward to such persons
191 written notification of such addition and of the municipal
192 precinct or ward in which such persons reside.

193 SECTION 3. Section 23-15-213, Mississippi Code of 1972, is
194 amended as follows:

195 23-15-213. At the general election in 1984 and every four
196 (4) years thereafter there shall be elected five (5) commissioners
197 of election for each county whose terms of office shall commence
198 on the first Monday of January following their election and who
199 shall serve for a term of four (4) years. Each of the
200 commissioners, before acting, shall take and subscribe the oath of
201 office prescribed by the Constitution and file the same in the
202 office of the clerk of the chancery court, there to remain. While
203 engaged in their duties, the commissioners shall be conservators
204 of the peace in the county, with all the duties and powers of
205 such.

206 The qualified electors of each supervisors district shall
207 elect, at the general election in 1984 and every four (4) years
208 thereafter, in their district one (1) commissioner of election.
209 No more than one (1) commissioner shall be a resident of and
210 reside in each supervisors district of the county; it being the
211 purpose of this section that the county board of election

212 commissioners shall consist of one (1) person from each
213 supervisors district of the county and that each such commissioner
214 be elected from the supervisors district in which he resides.

215 Candidates for county election commissioner shall qualify by
216 filing with the clerk of the board of supervisors of their
217 respective counties a petition personally signed by not less than
218 fifty (50) qualified electors of the supervisors district in which
219 they reside, requesting that they be a candidate, by 5:00 p.m. not
220 less than sixty (60) days before the election and unless such
221 petition is filed within said time, their names shall not be
222 placed upon the ballot. All candidates shall declare in writing
223 their party affiliation, if any, to the board of supervisors, and
224 such party affiliation shall be shown on the official ballot.

225 The petition shall have attached thereto a certificate of the
226 registrar showing the number of qualified electors on each
227 petition, which shall be furnished by the registrar on request.
228 The board shall determine the sufficiency of the petition, and if
229 the same shall contain the required number of signatures and be
230 filed within the time required, the president of the board shall
231 verify that such candidate is a resident of the supervisors
232 district in which he seeks election and that such candidate is
233 otherwise qualified as provided by law, and shall certify the same
234 to the chairman or secretary of the county election commission and
235 the names of the candidates shall be placed upon the ballot for
236 the ensuing election. No county election commissioner shall serve
237 or be considered as elected unless and until he has received a
238 majority of the votes cast for the position or post for which he
239 is a candidate. If such majority vote is not received in the
240 first election, then the two (2) candidates receiving the most
241 votes for each position or post shall be placed upon the ballot
242 for a second election to be held two (2) weeks later in accordance
243 with appropriate procedures followed in other elections involving
244 runoff candidates.

245 Upon taking office, the county board of election

246 commissioners shall organize by electing a chairman and a
247 secretary.

248 It shall be the duty of the chairman to have the official
249 ballot printed and distributed at each general or special
250 election.

251 SECTION 4. Section 23-15-299, Mississippi Code of 1972, is
252 amended as follows:

253 23-15-299. (1) Assessments made pursuant to paragraphs (a),
254 (b) and (c) of Section 23-15-297, and assessments made pursuant to
255 paragraph (d) of Section 23-15-297 for legislative offices for
256 districts composed of more than one (1) county or parts of more
257 than one (1) county, shall be paid by each candidate to the
258 Secretary of the State Executive Committee with which the
259 candidate is affiliated by 5:00 p.m. on March 1 of the year in
260 which the primary election for the office is held or on the date
261 of the qualifying deadline provided by statute for the office,
262 whichever is earlier.

263 (2) Assessments made pursuant to paragraphs (d) and (e) of
264 Section 23-15-297, other than assessments made for legislative
265 offices for districts containing more than one (1) county or parts
266 of more than one (1) county, shall be paid by each candidate to
267 the circuit clerk of such candidate's county of residence by 5:00
268 p.m. on March 1 of the year in which the primary election for the
269 office is held or on the date of the qualifying deadline provided
270 by statute for the office, whichever is earlier; provided,
271 however, that no such assessments may be paid before January 1 of
272 the year in which the election for the office is held. The
273 circuit clerk shall forward the fee and all necessary information
274 to the secretary of the proper county executive committee within
275 two (2) business days.

276 (3) Assessments made pursuant to paragraphs (f) and (g) of
277 Section 23-15-297 must be paid by each candidate to the Secretary
278 of the State Executive Committee with which the candidate is
279 affiliated by 5:00 p.m. * * * sixty (60) days before the

280 presidential preference primary in * * * years in which a
281 presidential preference primary is held. Assessments made
282 pursuant to paragraphs (f) and (g) of Section 23-15-297, in years
283 when a presidential preference primary is not being held, shall be
284 paid by each candidate to the Secretary of the State Executive
285 Committee with which the candidate is affiliated by 5:00 p.m. on
286 March 1 of the year in which the primary election for the office
287 is held.

288 (4) (a) The fees paid pursuant to subsections (1), (2) and
289 (3) of this section shall be accompanied by a written statement
290 containing the name and address of the candidate, the party with
291 which he or she is affiliated and the office for which he or she
292 is a candidate.

293 (b) The state executive committee shall transmit to the
294 Secretary of State a copy of the written statements accompanying
295 the fees paid pursuant to subsections (1) and (2) of this section.
296 All copies must be received by the Office of the Secretary of
297 State by not later than 6:00 p.m. on the date of the qualifying
298 deadline. The name of any person who pays the fee and files a
299 statement after 5:00 p.m. on the date of the qualifying deadline
300 shall not be placed on the primary election ballot.

301 (5) The secretary or circuit clerk to whom such payments are
302 made shall promptly receipt for same stating the office for which
303 such candidate making payment is running and the political party
304 with which he or she is affiliated, and he or she shall keep an
305 itemized account in detail showing the exact time and date of the
306 receipt of each payment received by him or her and, where
307 applicable, the date of the postmark on the envelope containing
308 the fee and from whom, and for what office the party paying same
309 is a candidate.

310 (6) The secretaries of the proper executive committee shall
311 hold said funds to be finally disposed of by order of their
312 respective executive committees. Such funds may be used or
313 disbursed by the executive committee receiving same to pay all

314 necessary traveling or other necessary expenses of the members of
315 the executive committee incurred in discharging their duties as
316 committeemen, and of their secretary and may pay the secretary
317 such salary as may be reasonable.

318 (7) Upon receipt of the proper fee and all necessary
319 information, the proper executive committee shall then determine
320 whether * * * each candidate is a qualified elector of the state,
321 state district, county or county district which they seek to
322 serve, and whether each candidate meets all other qualifications
323 to hold the office he is seeking or presents absolute proof that
324 he will, subject to no contingencies, meet all qualifications on
325 or before the date of the general or special election at which he
326 could be elected to office. The committee also shall determine
327 whether any candidate has been convicted of any felony in a court
328 of this state, or has been convicted on or after December 8, 1992,
329 of any offense in another state which is a felony under the laws
330 of this state, or has been convicted of any felony in a federal
331 court on or after December 8, 1992. Excepted from the above are
332 convictions of manslaughter and violations of the United States
333 Internal Revenue Code or any violations of the tax laws of this
334 state unless the offense also involved misuse or abuse of his
335 office or money coming into his hands by virtue of his office. If
336 the proper executive committee finds that a candidate is not a
337 qualified elector, * * * does not meet all qualifications to hold
338 the office he seeks or fails to provide absolute proof, subject to
339 no contingencies, that he will meet the qualifications on or
340 before the date of the general or special election at which he
341 could be elected, or that he has been convicted of a felony as
342 described in this subsection, and not pardoned * * *, then the
343 name of such candidate shall not be placed upon the ballot.

344 Where there is but one (1) candidate, the proper executive
345 committee when the time has expired within which the names of
346 candidates shall be furnished shall declare such candidate the
347 nominee.

348 SECTION 5. Section 23-15-309, Mississippi Code of 1972, is
349 amended as follows:

350 23-15-309. (1) Nominations for all municipal officers which
351 are elective shall be made at a primary election, or elections, to
352 be held in the manner prescribed by law. All persons desiring to
353 be candidates for the nomination in the primary elections shall
354 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
355 at least thirty (30) days prior to the first primary election, no
356 later than 5:00 p.m. on such deadline day.

357 (2) The fee paid pursuant to subsection (1) of this section
358 shall be accompanied by a written statement containing the name
359 and address of the candidate, the party with which he is
360 affiliated, and the office for which he is a candidate.

361 (3) The clerk shall promptly receipt the payment, stating
362 the office for which the person making the payment is running and
363 the political party with which such person is affiliated. The
364 clerk shall keep an itemized account in detail showing the time
365 and date of the receipt of such payment received by him, from whom
366 such payment was received, the party with which such person is
367 affiliated and for what office the person paying the fee is a
368 candidate. The clerk shall promptly supply all necessary
369 information and pay over all fees so received to the secretary of
370 the proper municipal executive committee. Such funds may be used
371 and disbursed in the same manner as is allowed in Section
372 23-15-299 in regard to other executive committees.

373 (4) Upon receipt of the above information, the proper
374 municipal executive committee shall then determine whether * * *
375 each candidate is a qualified elector of the municipality, and of
376 the ward if the office sought is a ward office, shall determine
377 whether each candidate meets all other qualifications to hold the
378 office he is seeking or presents absolute proof that he will,
379 subject to no contingencies, meet all qualifications on or before
380 the date of the general or special election at which he could be
381 elected to office. The committee also shall determine whether any

382 candidate has been convicted of any felony in a court of this
383 state, or has been convicted on or after December 8, 1992, of any
384 offense in another state which is a felony under the laws of this
385 state, or has been convicted of any felony in a federal court on
386 or after December 8, 1992. Excepted from the above are
387 convictions of manslaughter and violations of the United States
388 Internal Revenue Code or any violations of the tax laws of this
389 state unless such offense also involved misuse or abuse of his
390 office or money coming into his hands by virtue of his office. If
391 the proper municipal executive committee finds that a candidate
392 does not meet all qualifications to hold the office he seeks or
393 fails to provide absolute proof, subject to no contingencies, that
394 he will meet the qualifications on or before the date of the
395 general or special election at which he could be elected, or that
396 he has been convicted of a felony as described in this subsection
397 and not pardoned * * *, then the name of such candidate shall not
398 be placed upon the ballot.

399 (5) Where there is but one (1) candidate, the proper
400 municipal executive committee when the time has expired within
401 which the names of candidates shall be furnished shall declare
402 such candidate the nominee.

403 SECTION 6. Section 23-15-359, Mississippi Code of 1972, is
404 amended as follows:

405 23-15-359. (1) The ballot shall contain the names of all
406 party nominees certified by the appropriate executive committee,
407 and independent and special election candidates who have timely
408 filed petitions containing the required signatures. A petition
409 requesting that an independent or special election candidate's
410 name be placed on the ballot for any office shall be filed as
411 provided for in subsection (3) or (4) of this section, as
412 appropriate, and shall be signed by not less than the following
413 number of qualified electors:

414 (a) For an office elected by the state at large, not
415 less than one thousand (1,000) qualified electors.

416 (b) For an office elected by the qualified electors of
417 a Supreme Court district, not less than three hundred (300)
418 qualified electors.

419 (c) For an office elected by the qualified electors of
420 a congressional district, not less than two hundred (200)
421 qualified electors.

422 (d) For an office elected by the qualified electors of
423 a circuit or chancery court district, not less than one hundred
424 (100) qualified electors.

425 (e) For an office elected by the qualified electors of
426 a senatorial or representative district, not less than fifty (50)
427 qualified electors.

428 (f) For an office elected by the qualified electors of
429 a county, not less than fifty (50) qualified electors.

430 (g) For an office elected by the qualified electors of
431 a supervisors district or justice court district, not less than
432 fifteen (15) qualified electors.

433 (2) Unless the petition required above shall be filed as
434 provided for in subsection (3) or (4) of this section, as
435 appropriate, the name of the person requested to be a candidate,
436 unless nominated by a political party, shall not be placed upon
437 the ballot. The ballot shall contain the names of each candidate
438 for each office, and such names shall be listed under the name of
439 the political party such candidate represents as provided by law
440 and as certified to the circuit clerk by the State Executive
441 Committee of such political party. In the event such candidate
442 qualifies as an independent as herein provided, he shall be listed
443 on the ballot as an independent candidate.

444 (3) Petitions for offices described in paragraphs (a), (b),
445 (c) and (d) of subsection (1) of this section, and petitions for
446 offices described in paragraph (e) of subsection (1) of this
447 section for districts composed of more than one (1) county or
448 parts of more than one (1) county, shall be filed with the State
449 Board of Election Commissioners by no later than 5:00 p.m. on the

450 same date by which candidates for nominations in the political
451 party primary elections are required to pay the fee provided for
452 in Section 23-15-297, Mississippi Code of 1972.

453 (4) Petitions for offices described in paragraphs (f) and
454 (g) of subsection (1) of this section, and petitions for offices
455 described in paragraph (e) of subsection (1) of this section for
456 districts composed of one (1) county or less, shall be filed with
457 the proper circuit clerk by no later than 5:00 p.m. on the same
458 date by which candidates for nominations in the political party
459 elections are required to pay the fee provided for in Section
460 23-15-297; provided, however, that no petition may be filed before
461 January 1 of the year in which the election for the office is

462 held. The circuit clerk shall notify the county commissioners of
463 election of all persons who have filed petitions with such clerk.

464 Such notification shall occur within two (2) business days and
465 shall contain all necessary information.

466 (5) The commissioners may also have printed upon the ballot
467 any local issue election matter that is authorized to be held on
468 the same date as the regular or general election pursuant to
469 Section 23-15-375; provided, however, that the ballot form of such
470 local issue must be filed with the commissioners of election by
471 the appropriate governing authority not less than sixty (60) days
472 previous to the date of the election.

473 (6) The provisions of this section shall not apply to
474 municipal elections or to the election of the offices of justice
475 of the Supreme Court, judge of the Court of Appeals, circuit
476 judge, chancellor, county court judge and family court judge.

477 (7) Nothing in this section shall prohibit special elections
478 to fill vacancies in either house of the Legislature from being
479 held as provided in Section 23-15-851. In all elections conducted
480 under the provisions of Section 23-15-851 the commissioner shall
481 have printed on the ballot the name of any candidate who, not
482 having been nominated by a political party, shall have been
483 requested to be a candidate for any office by a petition filed

484 with said commissioner by 5:00 p.m. not less than ten (10) working
485 days prior to the election, and signed by not less than fifty (50)
486 qualified electors.

487 (8) The appropriate election commission shall determine
488 whether each candidate is a qualified elector of the state, state
489 district, county or county district they seek to serve, and
490 whether each candidate meets all other qualifications to hold the
491 office he is seeking or presents absolute proof that he will,
492 subject to no contingencies, meet all qualifications on or before
493 the date of the general or special election at which he could be
494 elected to office. The election commission also shall determine
495 whether any candidate has been convicted of any felony in a court
496 of this state, or has been convicted on or after December 8, 1992,
497 of any offense in another state which is a felony under the laws
498 of this state, or has been convicted of any felony in a federal
499 court on or after December 8, 1992. Excepted from the above are
500 convictions of manslaughter and violations of the United States
501 Internal Revenue Code or any violations of the tax laws of this
502 state, unless the offense also involved misuse or abuse of his
503 office or money coming into his hands by virtue of his office. If
504 the appropriate election commission finds that a candidate is not
505 a qualified elector, or that the candidate does not meet all
506 qualifications to hold the office he seeks or fails to provide
507 absolute proof, subject to no contingencies, that he will meet the
508 qualifications on or before the date of the general or special
509 election at which he could be elected, or that he has been
510 convicted of a felony as described in this subsection, and not
511 pardoned, then the name of such candidate shall not be placed upon
512 the ballot.

513 (9) If after the deadline to qualify as a candidate for an
514 office or after the time for holding any party primary for an
515 office, there shall be only one (1) person who has duly qualified
516 to be a candidate for the office in the general election, the
517 election for the office shall be dispensed with and the

518 appropriate election commission shall declare the candidate
519 elected without opposition if the candidate meets all the
520 qualifications to hold the office as determined pursuant to a
521 review by the commission in accordance with the provisions of
522 subsection (8) of this section and if the candidate has filed all
523 required campaign finance disclosure reports as required by
524 Section 23-15-807.

525 SECTION 7. Section 23-15-361, Mississippi Code of 1972, is
526 amended as follows:

527 23-15-361. (1) The municipal general election ballot shall
528 contain the names of all candidates who have been put in
529 nomination by the municipal primary election of any political
530 party. There shall be printed on the ballots the names of all
531 persons so nominated, whether the nomination be otherwise known or
532 not, upon the written request of one or more of the candidates so
533 nominated, or of any qualified elector who will make oath that he
534 was a participant in the primary election, and that the person
535 whose name is presented by him was nominated by such primary
536 election. The municipal election commissioner designated to have
537 the ballots printed shall also have printed on the ballot in any
538 municipal general election the name of any candidate who, not
539 having been nominated by a political party, shall have been
540 requested to be a candidate for any office by a petition filed
541 with the clerk of the municipality no later than 5:00 p.m. on the
542 same date by which candidates for nomination in the municipal
543 primary elections are required to pay the fee provided for in
544 Section 23-15-309, and signed by not less than the following
545 number of qualified electors:

546 (a) For an office elected by the qualified electors of
547 a municipality having a population of one thousand (1,000) or
548 more, not less than fifty (50) qualified electors.

549 (b) For an office elected by the qualified electors of
550 a municipality having a population of less than one thousand
551 (1,000), not less than fifteen (15) qualified electors.

552 (2) Unless the petition required above shall be filed no
553 later than 5:00 p.m. on the same date by which candidates for
554 nomination in the municipal primary election are required to pay
555 the fee provided for in Section 23-15-309, the name of the person
556 requested to be a candidate, unless nominated by a political
557 party, shall not be placed upon the ballot. The ballot shall
558 contain the names of each candidate for each municipal office, and
559 such names shall be listed under the name of the political party
560 such candidate represents as provided by law and as certified to
561 the municipal clerk by the municipal executive committee of such
562 political party. Provided further, however, that nothing in this
563 section shall prohibit a person from qualifying as a nominee of a
564 political party, or from requesting to be a candidate for the
565 office by filing a petition, in the event of the death of a
566 candidate for the office which makes it impossible to have an
567 election contest. In the event such candidate qualifies as an
568 independent as herein provided, he shall be listed on the ballot
569 as an independent candidate.

570 (3) The clerk of the municipality shall notify the municipal
571 commissioners of election of all persons who have filed petitions
572 pursuant to subsection (1) of this section within two (2) business
573 days of the date of filing.

574 (4) The ballot in elections to fill vacancies in municipal
575 elective office shall contain the names of all persons who have
576 qualified as required by Section 23-15-857.

577 (5) The municipal commission shall determine whether each
578 party candidate in the municipal general election is a qualified
579 elector of the municipality, and of the ward if the office sought
580 is a ward office and shall determine whether each candidate meets
581 all other qualifications to hold the office he is seeking or
582 presents absolute proof that he will, subject to no contingencies,
583 meet all qualifications on or before the date of the general or
584 special election at which he could be elected to office. The
585 municipal election commission also shall determine whether any

586 candidate has been convicted of any felony in a court of this
587 state, or has been convicted on or after December 8, 1992, of any
588 offense in another state which is a felony under the laws of this
589 state, or has been convicted of any felony in a federal court on
590 or after December 8, 1992. Excepted from the above are
591 convictions of manslaughter and violations of the United States
592 Internal Revenue Code or any violations of the tax laws of this
593 state unless such offense also involved misuse or abuse of his
594 office or money coming into his hands by virtue of his office. If
595 the municipal election commission finds that a candidate is not a
596 qualified elector, or that the candidate does not meet all
597 qualifications to hold the office he seeks or fails to provide
598 absolute proof, subject to no contingencies, that he will meet the
599 qualifications on or before the date of the general or special
600 election at which he could be elected, or that he has been
601 convicted of a felony as described above and not pardoned, then
602 the name of the candidate shall not be placed upon the ballot.

603 (6) If after the deadline to qualify as a candidate for an
604 office or after the time for holding any party primary election
605 for an office, there shall be only one (1) person who has duly
606 qualified to be a candidate for the office in the general
607 election; the election for the office shall be dispensed with and
608 the municipal election commission shall declare the candidate
609 elected without opposition if the candidate meets all the
610 qualifications to hold the office as determined pursuant to a
611 review by the commission in accordance with the provisions of
612 subsection (5) of this section and if the candidate has filed all
613 required campaign finance disclosure reports as required by
614 Section 23-15-807.

615 SECTION 8. Section 23-15-627, Mississippi Code of 1972, is
616 amended as follows:

617 23-15-627. The registrar shall be responsible for furnishing
618 an absentee ballot application form to any elector authorized to
619 receive a ballot. Such application shall be substantially in the

620 following form:

621 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT * * *

622 I, _____, duly qualified and registered in the ____ Precinct
623 of the County of _____, and State of Mississippi, coming within
624 the purview of the definition 'ABSENT ELECTOR' will be absent from
625 the county of my residence on election day, or unable to vote in
626 person because (check appropriate reason):

627 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a
628 resident of Mississippi or have moved therefrom within thirty (30)
629 days of the coming presidential election.

630 () I am an enlisted or commissioned member, male or female,
631 of any component of the United States Armed Forces and am a
632 citizen of Mississippi, or spouse or dependent of such member.

633 () I am a member of the Merchant Marine or the American Red
634 Cross and am a citizen of Mississippi or spouse or dependent of
635 such member.

636 () I am a disabled war veteran who is a patient in any
637 hospital and am a citizen of Mississippi or spouse or dependent of
638 such veteran.

639 () I am a civilian attached to and serving outside of the
640 United States with any branch of the Armed Forces or with the
641 Merchant Marine or American Red Cross, and am a citizen of
642 Mississippi or spouse or dependent of such civilian.

643 () I am a citizen of Mississippi temporarily residing
644 outside the territorial limits of the United States and the
645 District of Columbia.

646 () I am a student, teacher or administrator at a college,
647 university, junior or community college, high, junior high,
648 elementary or grade school, whose studies or employment at such
649 institution necessitates my absence from the county of my voting
650 residence or spouse or dependent of such student, teacher or
651 administrator who maintains a common domicile outside the county
652 of my voting residence with such student, teacher or
653 administrator.

654 () I will be outside the county on election day.
655 () I have a temporary or permanent physical disability.
656 () I am sixty-five (65) years of age or older.
657 () I am the parent, spouse or dependent of a person with a
658 temporary or permanent physical disability who is hospitalized
659 outside his county of residence or more than fifty (50) miles away
660 from his residence, and I will be with such person on election
661 day.

662 () I am a member of the congressional delegation, or spouse
663 or dependent of a member of the congressional delegation.

664 () I am required to be at work on election day during the
665 times which the polls will be open.

666 I hereby make application for an official ballot, or ballots,
667 to be voted by me at the election to be held in _____, on _____.
668 Mail 'Absent Elector's Ballot' to me * * * at the following
669 address _____ * * * (if eligible to vote by mail).

670 I realize that I can be fined up to Five Thousand Dollars
671 (\$5,000.00) and sentenced up to five (5) years in the penitentiary
672 for making a false statement in this application and for selling
673 my vote and violating the Mississippi Absentee Voter Law. (This
674 sentence is to be in bold print.)

675 If you are temporarily or permanently disabled, you are not
676 required to have this application notarized or signed by an
677 official authorized to administer oaths for absentee balloting.
678 You are required to sign this application in the proper place and
679 have a person eighteen (18) years of age or older witness your
680 signature and sign this application in the proper place.

681 DO NOT SIGN WITHOUT READING. (This sentence is to be in bold
682 print.)

683 IN WITNESS WHEREOF I have hereunto set my hand and seal this
684 the ____ day of _____, 19__.

685 _____
686 (Signature of absent elector)

687 * * *

688 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
689 19__.

690 _____

691 (Official authorized to administer oaths for absentee
692 balloting * * *.)

693 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
694 DISABLED:

695 I HEREBY CERTIFY that this application for an absent
696 elector's ballot was signed by the above-named disabled elector in
697 my presence and that I am at least eighteen (18) years of age,
698 this the _____ day of _____, 19__.

699 _____

700 (Signature of witness)"

701 SECTION 9. Section 23-15-631, Mississippi Code of 1972, is
702 amended as follows:

703 23-15-631. (1) The registrar shall enclose with each ballot
704 sent to an absent elector separate printed instructions furnished
705 by him containing the following:

706 (a) All absentee voters, excepting those with temporary
707 or permanent physical disabilities or those who are sixty-five
708 (65) years of age or older, who mark their ballots in the county
709 of the residence shall use the registrar of that county as the
710 witness. Said absentee voter shall come to the office of the
711 registrar and neither the registrar nor his deputy shall be
712 required to go out of the registrar's office to serve as an
713 attesting witness.

714 (b) Upon receipt of the enclosed ballot, you will not
715 mark same except in view or sight of the attesting witness. In
716 the sight or view of the attesting witness, mark the ballot
717 according to instructions.

718 (c) After marking the ballot, fill out and sign the
719 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
720 signature shall be across the flap of the envelope so as to insure
721 the integrity of the ballot. All absent electors shall have the

722 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
723 the flap on back of the envelope. Place necessary postage on the
724 envelope and deposit it in the post office or some government
725 receptacle provided for deposit of mail so that the absent
726 elector's ballot, excepting presidential absentee ballots, will
727 reach the registrar in which your precinct is located not later
728 than 5:00 p.m. on the day preceding the date of the election, or
729 by personally delivering such ballot to the registrar's office not
730 later than 12:00 noon on the Saturday immediately preceding
731 elections held on Tuesday, the Thursday immediately preceding
732 elections held on Saturday, and the second day immediately
733 preceding elections held on other days.

734 Any notary public, United States postmaster, assistant United
735 States postmaster, United States postal supervisor, clerk in
736 charge of a contract postal station, or any officer having
737 authority to administer an oath or take an acknowledgment may be
738 an attesting witness; provided, however, that in the case of an
739 absent elector who is temporarily or permanently physically
740 disabled, the attesting witness may be any person eighteen (18)
741 years of age or older and such person is not required to have the
742 authority to administer an oath. If a postmaster, assistant
743 postmaster, postal supervisor, or clerk in charge of a contract
744 postal station acts as an attesting witness, his signature on the
745 elector's certificate must be authenticated by the cancellation
746 stamp of their respective post offices. If one or the other
747 officers herein named acts as attesting witness, his signature on
748 the elector's certificate, together with his title and address,
749 but no seal, shall be required. Any affidavits made by an absent
750 elector who is in the Armed Forces may be executed before a
751 commissioned officer, warrant officer, or noncommissioned officer
752 not lower in grade than sergeant rating or any person authorized
753 to administer oaths.

754 (d) When the application accompanies the ballot it
755 shall not be returned in the same envelope as the ballot but shall

756 be returned in a separate preaddressed envelope provided by the
757 registrar.

758 (2) The foregoing instructions required to be mailed by the
759 registrar to the elector shall also constitute the substantive law
760 pertaining to the handling of absentee ballots by the elector and
761 registrar.

762 SECTION 10. Section 23-15-839, Mississippi Code of 1972, is
763 amended as follows:

764 23-15-839. (1) When a vacancy shall occur in any county or
765 county district office, the same shall be filled by appointment by
766 the board of supervisors of the county, by order entered upon its
767 minutes, where the vacancy occurs, or by appointment of the
768 president of the board of supervisors, by and with the consent of
769 the majority of the board of supervisors, if such vacancy occurs
770 when said board is not in session, and the clerk of the board
771 shall certify to the Secretary of State the fact of the
772 appointment, and the person so appointed shall be commissioned by
773 the Governor; and if the unexpired term be longer than six (6)
774 months, such appointee shall serve until a successor is elected as
775 hereinafter provided, unless the regular special election day on
776 which the vacancy should be filled occurs in a year in which an
777 election would normally be held for that office as provided by
778 law, in which case the person so appointed shall serve the
779 unexpired portion of the term. Such vacancies shall be filled for
780 the unexpired term by the qualified electors at the next regular
781 special election day occurring more than ninety (90) days after
782 the occurrence of the vacancy. The board of supervisors of the
783 county shall, within ten (10) days after the happening of the
784 vacancy, make an order, in writing, directed to the commissioners
785 of election, commanding an election to be held on the next regular
786 special election day to fill the vacancy. The election
787 commissioners shall require each candidate to qualify at least
788 sixty (60) days before the date of the election, and shall give a
789 certificate of election to the person elected, and shall return to

790 the Secretary of State a copy of the order of holding the
791 election, showing the results thereof, certified by the clerk of
792 the board of supervisors. The person elected shall be
793 commissioned by the Governor.

794 * * *

795 (2) In any election ordered pursuant to this section where
796 only one (1) person shall have qualified with the commissioners of
797 election to be a candidate within the time provided by law, the
798 commissioners of election shall certify to the board of
799 supervisors that there is but one (1) candidate. Thereupon, the
800 board of supervisors shall dispense with the election and shall
801 appoint the candidate so certified to fill the unexpired term.
802 The clerk of the board shall certify to the Secretary of State the
803 candidate so appointed to serve in said office and that candidate
804 shall be commissioned by the Governor. In the event that no
805 person shall have qualified by 5:00 p.m. sixty (60) days prior to
806 the date of the election, the commissioners of election shall
807 certify that fact to the board of supervisors which shall dispense
808 with the election and fill the vacancy by appointment. The clerk
809 of the board of supervisors shall certify to the Secretary of
810 State the fact of the appointment, and the person so appointed
811 shall be commissioned by the Governor.

812 SECTION 11. Section 23-15-853, Mississippi Code of 1972, is
813 amended as follows:

814 23-15-853. (1) If a vacancy happens in the representation
815 in Congress, the vacancy shall be filled for the unexpired term by
816 a special election, to be ordered by the Governor, within sixty
817 (60) days after such vacancy occurs, and to be held at a time
818 fixed by his order, and which time shall be not less than forty
819 (40) days after the issuance of the order of the Governor, which
820 shall be directed to the commissioners of election of the several
821 counties of the district, who shall, immediately on the receipt of
822 the order, give notice of the election by publishing the same in
823 some newspaper having a general circulation in the county and by

824 posting notice thereof at the front door of the courthouse. The
825 order shall also be directed to the State Board of Election
826 Commissioners. The election shall be prepared for and conducted,
827 and returns shall be made, in all respects as provided for a
828 special election to fill vacancies.

829 (2) Candidates for the office in such an election must
830 qualify with the Secretary of State by 5:00 p.m. not less than
831 twenty (20) days previous to the date of the election. The
832 commissioners of election shall have printed on the ballot in such
833 special election the name of any candidate who shall have been
834 requested to be a candidate for the office by a petition filed
835 with the Secretary of State and personally signed by not less than
836 one thousand (1,000) qualified electors of the district. The
837 petition shall be filed by 5:00 p.m. not less than twenty (20)
838 days previous to the date of the election.

839 There shall be attached to each petition above provided for,
840 upon the time of filing with said Secretary of State, a
841 certificate from the appropriate registrar or registrars showing
842 the number of qualified electors appearing upon each such petition
843 which the registrar shall furnish to the petitioner upon request.

844 SECTION 12. Section 23-15-857, Mississippi Code of 1972, is
845 amended as follows:

846 23-15-857. (1) When it shall happen that there is any
847 vacancy in a city, town or village office which is elective the
848 unexpired term of which shall not exceed six (6) months, the same
849 shall be filled by appointment by the governing authority or
850 remainder of the governing authority of said city, town or
851 village. The municipal clerk shall certify to the Secretary of
852 State the fact of such appointment, and the person or persons so
853 appointed shall be commissioned by the Governor.

854 (2) When it shall happen that there is any vacancy in an
855 elective office in a city, town or village the unexpired term of
856 which shall exceed six (6) months, the governing authority or
857 remainder of the governing authority of said city, town or village

858 shall make and enter on the minutes an order for an election to be
859 held in such city, town or village to fill the vacancy and fix a
860 date upon which such election shall be held. Such order shall be
861 made and entered upon the minutes at the next regular meeting of
862 the governing authority after such vacancy shall have occurred, or
863 at a special meeting to be held not later than ten (10) days after
864 such vacancy shall have occurred, Saturdays, Sundays and legal
865 holidays excluded, whichever shall occur first. Such election
866 shall be held on a date not less than thirty (30) days nor more
867 than forty-five (45) days after the date upon which the order is
868 adopted.

869 Notice of such election shall be given by the municipal clerk
870 by notice published in a newspaper published in the municipality.

871 Such notice shall be published once each week for three (3)
872 successive weeks preceding the date of such election. The first
873 notice to be published at least thirty (30) days before the date
874 of such election. Notice shall also be given by posting a copy of
875 such notice at three (3) public places in such municipality not
876 less than twenty-one (21) days prior to the date of such election.

877 One (1) of such notices shall be posted at the city, town or
878 village hall. In the event that there is no newspaper published
879 in the municipality, then such notice shall be published as
880 provided for above in a newspaper which has a general circulation
881 within the municipality and by posting as provided for above. In
882 addition, the governing authority may publish such notice in such
883 newspaper for such additional times as may be deemed necessary by
884 the governing authority.

885 Each candidate shall qualify by petition filed with the
886 municipal clerk by 5:00 p.m. at least ten (10) days before the
887 date of the election and such petition shall be signed by not less
888 than the following number of qualified electors:

889 (a) For an office of a city, town or village having a
890 population of one thousand (1,000) or more, not less than fifty
891 (50) qualified electors.

892 (b) For an office of a city, town or village having a
893 population of less than one thousand (1,000), not less than
894 fifteen (15) qualified electors.

895 No qualifying fee shall be required of any candidate, and the
896 election provided for herein shall be held as far as practicable
897 in the same manner as municipal general elections.

898 The candidate receiving a majority of the votes cast in a
899 said election shall be elected. If no candidate shall receive a
900 majority vote at the election, the two (2) candidates receiving
901 the highest number of votes shall have their names placed on the
902 ballot for the election to be held one (1) week thereafter. The
903 candidate receiving a majority of the votes cast in said election
904 shall be elected. However, if no candidate shall receive a
905 majority and there is a tie in the election of those receiving the
906 next highest vote, those receiving the next highest vote and the
907 candidate receiving the highest vote shall have their names placed
908 on the ballot for the election to be held one (1) week thereafter,
909 and whoever receives the most votes cast in such election shall be
910 elected.

911 Should the election to be held one (1) week thereafter result
912 in a tie vote, the candidate to prevail shall be decided by lot,
913 fairly and publicly drawn under the supervision by the election
914 commission with the aid of two (2) or more qualified electors of
915 the municipality.

916 The clerk of the election commission shall then give a
917 certificate of election to the person elected, and shall return to
918 the Secretary of State a copy of the order of holding the election
919 and runoff election showing the results thereof, certified by the
920 clerk of the governing authority. The person elected shall be
921 commissioned by the Governor.

922 However, if nine (9) days prior to the date of the election
923 only one (1) person shall have qualified as a candidate, the
924 governing authority, or remainder of the governing authority,
925 shall dispense with the election and appoint that one (1)

926 candidate in lieu of an election. In the event no person shall
927 have qualified by 5:00 p.m. at least ten (10) days prior to the
928 date of the election, the governing authority or remainder of the
929 governing authority shall dispense with the election and fill the
930 vacancy by appointment. The clerk of the governing authority
931 shall certify to the Secretary of State the fact of the
932 appointment, and the person so appointed shall be commissioned by
933 the Governor.

934 SECTION 13. Section 23-15-977, Mississippi Code of 1972, is
935 amended as follows:

936 23-15-977. (1) All candidates for judicial office as
937 defined in Section 23-15-975 of this subarticle shall file their
938 intent to be a candidate with the proper officials not later than
939 5:00 p.m. on the first Friday after the first Monday in May prior
940 to the general election for judicial office and shall pay to the
941 proper officials the following amounts:

942 (a) Candidates for Supreme Court judge and Court of
943 Appeals, the sum of Two Hundred Dollars (\$200.00).

944 (b) Candidates for circuit judge and chancellor, the
945 sum of One Hundred Dollars (\$100.00).

946 (c) Candidates for county judge and family court judge,
947 the sum of Fifteen Dollars (\$15.00).

948 (2) Candidates for judicial offices listed in paragraphs (a)
949 and (b) of subsection (1) of this section shall file their intent
950 to be a candidate with, and pay the proper assessment made
951 pursuant to subsection (1) of this section to, the State Board of
952 Election Commissioners.

953 (3) Candidates for judicial offices listed in paragraph (c)
954 of subsection (1) of this section shall file their intent to be a
955 candidate with, and pay the proper assessment made pursuant to
956 subsection (1) of this section to, the circuit clerk of the proper
957 county. The circuit clerk shall notify the county commissioners
958 of election of all persons who have filed their intent to be a
959 candidate filed with, and paid the proper assessment to, such

960 clerk. Such notification shall occur within two (2) business days
961 and shall contain all necessary information.

962 SECTION 14. Section 37-5-9, Mississippi Code of 1972, is
963 amended as follows:

964 37-5-9. The name of any qualified elector who is a candidate
965 for the county board of education shall be placed on the ballot
966 used in the general elections by the county election
967 commissioners, provided that the candidate files with the county
968 election commissioners, not more than ninety (90) days and by 5:00
969 p.m. not less than sixty (60) days prior to the date of such
970 general election, a petition of nomination signed by not less than
971 fifty (50) qualified electors of the county residing within each
972 supervisors district. Where there are less than one hundred (100)
973 qualified electors in said supervisors district, it shall only be
974 required that said petition of nomination be signed by at least
975 twenty percent (20%) of the qualified electors of such supervisors
976 district. The candidate in each supervisors district who receives
977 the highest number of votes cast in the district shall be declared
978 elected.

979 When any member of the county board of education is to be
980 elected from the county at large under the provisions of this
981 chapter, then the petition required by the preceding paragraph
982 hereof shall be signed by the required number of qualified
983 electors residing in any part of the county outside of the
984 territory embraced within a municipal separate school district or
985 special municipal separate school district. The candidate who
986 receives the highest number of votes cast in the election shall be
987 declared elected.

988 In no case shall any qualified elector residing within a
989 municipal separate school district or special municipal separate
990 school district be eligible to sign a petition of nomination for
991 any candidate for the county board of education under any of the
992 provisions of this section.

993 If after the time for candidates to file the petition of

994 nomination provided for in this section there should be only one
995 (1) person to qualify for the office of county board of education,
996 the election shall be dispensed with and such person shall be
997 declared elected without opposition provided he meets all
998 qualifications as determined by a review conducted by the election
999 commission in accordance with the provisions of Section
1000 23-15-299(7).

1001 SECTION 15. Section 37-5-75, Mississippi Code of 1972, is
1002 amended as follows:

1003 37-5-75. If a vacancy shall occur in the office of county
1004 superintendent of education, such vacancy shall be filled by
1005 appointment by the county board of education. If the unexpired
1006 term shall exceed six (6) months, it shall be the duty of the
1007 board of supervisors of the county to call a special election to
1008 fill such vacancy for such unexpired term, which said election
1009 shall be called and held in the manner provided by Section
1010 23-15-839. In such case the person so appointed by the county
1011 board of education shall hold office only until such election is
1012 held and the person elected thereat shall qualify and enter upon
1013 the discharge of his duties.

1014 SECTION 16. Section 37-7-211, Mississippi Code of 1972, is
1015 amended as follows:

1016 37-7-211. Any person otherwise eligible under the provisions
1017 of subsection (1) of Section 37-7-203 who shall desire to be a
1018 candidate for the office of trustee must qualify in the following
1019 manner in order to be allowed to be considered for election. By
1020 5:00 p.m. at least forty (40) days before the election he shall
1021 file with the office of the superintendent of the municipal
1022 separate school district, or the special municipal separate school
1023 district, as the case may be, a petition signed by not less than
1024 twenty-five (25) qualified electors of the area represented by the
1025 office which he seeks, either for a full term or an unexpired
1026 term, as the case may be, and an affidavit by the candidate
1027 offering for election stating his qualifications under the terms

1028 of said sections. The petition shall contain an affidavit
1029 certifying that all signatures are the personal signatures of each
1030 person whose name appears on the petition and that each person is
1031 a qualified elector.

1032 Unless the petition and affidavit required above shall be
1033 filed by 5:00 p.m. not less than forty (40) days prior to the
1034 election, the name of the candidate shall not be considered in the
1035 election, and votes cast for any person who has failed to qualify
1036 shall not be counted in the election.

1037 If after the time for candidates to file the petition and
1038 affidavit provided for herein there should be only one (1) person
1039 to qualify for the office of trustee, then no election or notice
1040 of election shall be necessary and such person shall, if otherwise
1041 qualified, be declared elected without opposition.

1042 SECTION 17. Section 37-7-225, Mississippi Code of 1972, is
1043 amended as follows:

1044 37-7-225. The county election commissioners shall place the
1045 name of any person eligible to hold the office of trustee on the
1046 ballot used in the election, provided that such candidate shall
1047 have filed with the county registrar, not more than ninety (90)
1048 days and by 5:00 p.m. not less than sixty (60) days prior to the
1049 date of such election, a petition of nomination signed by not less
1050 than fifty (50) qualified electors of the school district. Where
1051 there are less than one hundred (100) qualified electors in said
1052 district, it shall only be required that said petition of
1053 nomination be signed by at least twenty percent (20%) of the
1054 qualified electors of such school district. If such person be a
1055 candidate for an unexpired term, he shall indicate the term for
1056 which he is a candidate in such petition; otherwise he shall be
1057 deemed to be a candidate for a full term.

1058 If after the time for candidates to file the petition of
1059 nomination provided for herein there should be only one (1) person
1060 to qualify for the office of trustee, then no election or notice
1061 of election shall be necessary and such person shall, if otherwise

1062 qualified, be declared elected without opposition.

1063 SECTION 18. The Attorney General of the State of Mississippi
1064 is hereby directed to submit this act, immediately upon approval
1065 by the Governor, or upon approval by the Legislature subsequent to
1066 a veto, to the Attorney General of the United States or to the
1067 United States District Court for the District of Columbia in
1068 accordance with the provisions of the Voting Rights Act of 1965,
1069 as amended and extended.

1070 SECTION 19. This act shall take effect and be in force from
1071 and after the date it is effectuated under Section 5 of the Voting
1072 Rights Act of 1965, as amended and extended.