

By: Representatives Weathersby, Guice

To: Apportionment and
Elections

HOUSE BILL NO. 1089

1 AN ACT TO ABOLISH PARTISAN PRIMARIES; TO PRESCRIBE THE TIME
2 FOR HOLDING GENERAL AND PREFERENTIAL ELECTIONS; TO PROVIDE THAT
3 WHEN ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR AN OFFICE,
4 THAT PERSON'S NAME SHALL BE PLACED ON THE GENERAL ELECTION BALLOT;
5 TO PROVIDE THAT WHEN MORE THAN ONE PERSON HAS QUALIFIED AS A
6 CANDIDATE FOR AN OFFICE, THAT A PREFERENTIAL ELECTION SHALL BE
7 HELD THREE WEEKS BEFORE THE GENERAL ELECTION AND THE CANDIDATE WHO
8 RECEIVES A MAJORITY OF THE VOTES CAST FOR THE OFFICE SHALL HAVE
9 HIS NAME AND HIS NAME ONLY PLACED ON THE GENERAL ELECTION BALLOT;
10 TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES
11 CAST IN THE PREFERENTIAL ELECTION FOR AN OFFICE, THAT THE TWO
12 CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES IN THE
13 PREFERENTIAL ELECTION SHALL HAVE THEIR NAMES PLACED ON THE GENERAL
14 ELECTION BALLOT AS CANDIDATES FOR THE OFFICE; TO PROVIDE THE
15 PROCEDURE TO FOLLOW IN CASE OF TIES; TO PROVIDE THE MANNER FOR
16 QUALIFYING AS A CANDIDATE FOR PUBLIC OFFICE; TO PROVIDE FOR THE
17 PRINTING OF NECESSARY BALLOTS; TO AMEND SECTION 23-15-159,
18 MISSISSIPPI CODE OF 1972, TO REQUIRE THE SUSPENSION OF THE
19 REGISTRATION OF ALL ELECTORS WHO HAVE NOT VOTED IN AN ELECTION FOR
20 A FEDERAL OFFICE WITHIN A CERTAIN PERIOD OF TIME; TO AMEND
21 SECTIONS 23-15-367 AND 23-15-511, MISSISSIPPI CODE OF 1972, TO
22 PROVIDE THAT THE NAMES OF THE CANDIDATES SHALL BE LISTED
23 ALPHABETICALLY ON THE BALLOT WITHOUT REGARD TO PARTY AFFILIATION;
24 TO AMEND SECTIONS 21-7-7, 21-8-7, 21-15-1, 23-15-21, 23-15-31,
25 23-15-129, 23-15-153, 23-15-173, 23-15-197, 23-15-313, 23-15-375,
26 23-15-403, 23-15-411, 23-15-463, 23-15-465, 23-15-507, 23-15-559,
27 23-15-561, 23-15-573, 23-15-593, 23-15-595, 23-15-601, 23-15-605,
28 23-15-607, 23-15-673, 23-15-713, 23-15-755, 23-15-771, 23-15-801,
29 23-15-807, 23-15-811, 23-15-833, 23-15-859, 23-15-873, 23-15-881,
30 23-15-885, 23-15-891, 23-15-899, 23-15-911, 23-15-973, 23-15-993,
31 23-15-1065, 23-15-1085 AND 23-15-1087, MISSISSIPPI CODE OF 1972,
32 IN CONFORMITY THERETO; TO REPEAL SECTION 23-15-127, MISSISSIPPI
33 CODE OF 1972, WHICH PROVIDES FOR THE PREPARATION, USE AND REVISION
34 OF PRIMARY ELECTION POLLBOOKS; TO REPEAL SECTION 23-15-171,
35 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DATES OF
36 MUNICIPAL PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-191,
37 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DATE OF STATE,
38 DISTRICT AND COUNTY PRIMARY ELECTIONS; TO REPEAL SECTIONS
39 23-15-263, 23-15-265, 23-15-267, 23-15-291 THROUGH 23-15-311,
40 23-15-317, 23-15-319, 23-15-331, 23-15-333 AND 23-15-335,
41 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE DUTIES OF THE
42 STATE EXECUTIVE COMMITTEE AND COUNTY EXECUTIVE COMMITTEES IN
43 PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES FOR
44 PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT OF PARTY
45 PRIMARY ELECTIONS; TO REPEAL SECTIONS 23-15-359, 23-15-361 AND
46 23-15-363, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
47 CONTENTS OF GENERAL ELECTION BALLOTS; TO REPEAL SECTION 23-15-575,
48 MISSISSIPPI CODE OF 1972, WHICH PROVIDES THAT A PERSON SHALL NOT
49 BE ELIGIBLE TO PARTICIPATE IN PARTY NOMINATIONS MADE BY HIS PARTY;
50 TO REPEAL SECTIONS 23-15-597 AND 23-15-599, MISSISSIPPI CODE OF

51 1972, WHICH PROVIDE FOR THE CANVAS OF RETURNS AND ANNOUNCEMENT OF
52 VOTE BY THE COUNTY EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS AND
53 REQUIRE THE STATE EXECUTIVE COMMITTEE TO TRANSMIT TO THE SECRETARY
54 OF STATE A TABULATED STATEMENT OF THE PARTY VOTE FOR CERTAIN
55 OFFICES; TO REPEAL SECTION 23-15-841, MISSISSIPPI CODE OF 1972,
56 WHICH PROVIDES FOR PRIMARY ELECTIONS FOR NOMINATION OF CANDIDATES
57 TO FILL VACANCIES IN CERTAIN OFFICES; TO REPEAL SECTIONS 23-15-921
58 THROUGH 23-15-941, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
59 PROCEDURES FOR CONTESTS OF PRIMARY ELECTIONS; TO REPEAL SECTION
60 23-15-971, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
61 SUPERVISION OF PRIMARY ELECTIONS FOR JUDICIAL OFFICES BY THE STATE
62 EXECUTIVE COMMITTEE AND PROVIDE FOR THE DATE OF PRIMARY ELECTIONS
63 FOR JUDICIAL OFFICES; TO REPEAL SECTION 23-15-1031, MISSISSIPPI
64 CODE OF 1972, WHICH PROVIDES FOR THE DATE OF PRIMARY ELECTIONS FOR
65 CONGRESSMEN AND UNITED STATES SENATORS; TO REPEAL SECTION
66 23-15-1063, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS UNREGISTERED
67 POLITICAL PARTIES FROM CONDUCTING PRIMARY ELECTIONS; TO REPEAL
68 SECTION 23-15-1083, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT
69 CERTAIN CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE
70 PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

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

72 SECTION 1. (1) The provisions of House Bill No. _____, 1999
73 Regular Session, shall not apply to any judicial office governed
74 by the provisions of the Nonpartisan Judicial Election Act.

75 (2) For purposes of Sections 1 through 16 of this act, the
76 following words shall have the meaning ascribed in this section
77 unless the context otherwise requires:

78 (a) "Preferential election" means an election held for
79 the purpose of determining those candidates whose names will be
80 placed on the general or regular election ballot. Any person who
81 meets the qualifications to hold the office he seeks may be a
82 candidate in the preferential election without regard to party
83 affiliation or lack of party affiliation.

84 (b) "General election" or "regular election" means an
85 election held for the purpose of determining which candidate shall
86 be elected to office.

87 (c) "Political party" means a party defined as a
88 political party by the provisions of Section 23-15-801.

89 (3) All qualified electors of the State of Mississippi may
90 participate, without regard to party affiliation or lack of party
91 affiliation, in any appropriate preferential or general election.

92 SECTION 2. Except as otherwise provided for municipal

93 elections in Section 11 of House Bill No. _____, 1999 Regular
94 Session, the general election shall be held on the first Tuesday
95 after the first Monday of November. Whenever more than one (1)
96 person has qualified or been certified as a candidate for any
97 office, a preferential election for the office shall be held
98 ninety (90) days before the general election.

99 SECTION 3. Any person who has qualified in the manner
100 provided by law as a candidate for election under Sections 1
101 through 11 of this act shall have the right to withdraw his name
102 as a candidate by giving notice of his withdrawal in writing to
103 the secretary of the appropriate election commission at any time
104 before the printing of the official ballots, and in the event of
105 his withdrawal the name of the candidate shall not be printed on
106 the ballot.

107 SECTION 4. Whenever only one (1) person has qualified or has
108 been certified as a candidate for any office, the person's name
109 shall be placed only on the general election ballot and shall not
110 be placed on the ballot for a preferential election.

111 SECTION 5. Whenever more than one (1) person has qualified
112 or been certified as a candidate for any office, a preferential
113 election for the office shall be held ninety (90) days before the
114 general election, and any candidate who receives a majority of the
115 votes cast in the preferential election shall have his name, and
116 his name only, placed on the ballot in the general election.
117 Except as provided in Section 6 of this act, if no person receives
118 a majority of the votes cast at the preferential election, the two
119 (2) persons receiving the highest number of votes in the
120 preferential election shall have their names placed on the ballot
121 in the general election as candidates for the office.

122 SECTION 6. (1) Whenever there is a tie in the preferential
123 election between the candidates receiving the highest number of
124 votes, only those candidates shall be placed on the ballot as
125 candidates in the general election.

126 (2) Whenever there is a tie in the preferential election
127 between the candidates receiving the second highest number of
128 votes and there is not a tie for the highest number of votes, the
129 candidates receiving the second highest number of votes and the
130 one receiving the highest number of votes, no one having received
131 a majority, shall have their names placed on the ballot as
132 candidates in the general election.

133 (3) Whenever (a) there are more than two (2) candidates in
134 the preferential election, and (b) no candidate in the election
135 receives a majority of the votes cast at the preferential
136 election, and (c) there is not a tie in the preferential election
137 that would require the procedure prescribed in subsection (2) of
138 this section to be followed, and (d) one (1) of the two (2)
139 candidates who received the highest number of votes in the
140 preferential election withdraws or is otherwise unable to
141 participate in the general election, the remaining candidate of
142 the two (2) who received the highest number of votes in the
143 preferential election and the candidate who received the third
144 highest number of votes in the election shall be placed on the
145 ballot as candidates in the general election.

146 SECTION 7. The candidate receiving the highest number of
147 votes for an office in the general election shall thereby be
148 declared elected to the office, subject to the requirements of
149 Sections 140, 141 and 143, Mississippi Constitution of 1890.

150 SECTION 8. (1) A candidate entering the race for election
151 to any office, except municipal office, must file his or her
152 intent to be a candidate, and pay to the appropriate election
153 commission for each election, not later than 5:00 p.m. on March 1
154 of the year in which any general election is held, the following
155 amount:

156 (a) A candidate for Governor or United States Senator,
157 the sum of Three Hundred Dollars (\$300.00);

158 (b) A candidate for United States Representative,

159 Lieutenant Governor, Attorney General, Secretary of State, State
160 Treasurer, Auditor of Public Accounts, Commissioner of Insurance,
161 Commissioner of Agriculture and Commerce, Transportation
162 Commissioner or State Public Service Commissioner, the sum of Two
163 Hundred Dollars (\$200.00);

164 (c) A candidate for district attorney, the sum of One
165 Hundred Dollars (\$100.00);

166 (d) A candidate for State Senator and State
167 Representative whose district is composed of more than one county,
168 or parts of more than one county, the sum of Fifteen Dollars
169 (\$15.00);

170 (e) A candidate for State Senator or State
171 Representative whose district is composed of one (1) county or
172 less, or a candidate for sheriff, chancery clerk, circuit clerk,
173 tax assessor, tax collector, county attorney, county
174 superintendent of education or board of supervisors, the sum of
175 Fifteen Dollars (\$15.00);

176 (f) A candidate for county surveyor, county coroner,
177 justice court judge or constable, the sum of Ten Dollars (\$10.00).

178 (2) A person shall not be denied a place upon the ballot for
179 any office for which he desires to be a candidate because of his
180 inability to pay the assessment provided for in this section.

181 SECTION 9. (1) A candidate for an office provided for in
182 Section 8 of this act under paragraph (a), (b), (c) or (d) shall
183 file his or her intent to be a candidate with the secretary of the
184 state election commission.

185 (2) A candidate for an office provided for in Section 8 of
186 this act under paragraph (e) or (f) shall file his or her intent
187 to be a candidate with the county election commission.

188 SECTION 10. (1) Necessary ballots for use in elections
189 shall be printed as provided for in Section 23-15-351. The
190 ballots shall contain the names of all candidates who have filed
191 their intention to be a candidate in the manner and within the

192 time prescribed in this act. The names shall be listed
193 alphabetically on the ballot without regard to party affiliation.
194 The name of the political party, if the candidate is affiliated
195 with a party, shall be placed in parentheses beside the name of
196 the candidate.

197 (2) The county election commissioners may have printed upon
198 the ballot any local issue election matter that is authorized to
199 be held on the same date as the general election pursuant to
200 Section 23-15-375. The ballot form of the local issue must be
201 filed with the election commissioners by the appropriate governing
202 authority not less than sixty (60) days before the election.

203 SECTION 11. (1) A candidate entering the race for election
204 to any municipal office, not later than 5:00 p.m. one hundred
205 twenty (120) days before any municipal general election, must file
206 his or her intent to be a candidate and must pay to the municipal
207 election commission for each election the amount of Ten Dollars
208 (\$10.00).

209 (2) A candidate for a municipal office must file his or her
210 intent to be a candidate with the secretary of the municipal
211 election commission.

212 (3) The election shall be held on the date provided for in
213 Section 23-15-173. If a preferential election is necessary, the
214 preferential election shall be held ninety (90) days before any
215 municipal general election. At the election, or elections, the
216 municipal election commissioners shall perform the same duties
217 that are specified by law and performed by the county election
218 commissioners with regard to state and county general and
219 preferential elections. Except as otherwise provided by law, all
220 municipal elections shall be held and conducted as provided by law
221 for state and county elections.

222 (4) In municipalities operating under a special or private
223 charter which fixes a time for holding elections other than the
224 time fixed in this act, the preferential election shall be three

225 (3) weeks before the general election as fixed by the charter.

226 (5) No person shall be denied a place upon the ballot for
227 any office for which he desires to be a candidate because of his
228 inability to pay the assessment provided in this section.

229 SECTION 12. Sections 1 through 11 of this act shall apply to
230 all elections to public office except special elections.

231 SECTION 13. Nothing in Sections 1 through 11 of this act
232 shall prohibit special elections to fill vacancies in either house
233 of the Legislature from being held as provided in Section
234 23-15-851. In all elections conducted under the provisions of
235 Section 23-15-851, the commissioners shall have printed on the
236 ballot the name of any candidate who has been requested to be a
237 candidate for the office by a petition filed with the
238 commissioners not less than ten (10) working days before the
239 election and signed by not less than fifty (50) qualified
240 electors.

241 SECTION 14. The state executive committee of any political
242 party may make and promulgate reasonable rules and regulations for
243 the affairs of the political party and may authorize the county
244 executive committee of the party to have a new registration of the
245 members of that party, if the county executive committee thinks it
246 is for the best welfare of the party to do so.

247 SECTION 15. The chairmen of the state and county election
248 commissioners, respectively, shall transmit to the Secretary of
249 State a tabulated statement of the votes cast in each county,
250 state and district election. The statement shall be filed by the
251 Secretary of State and preserved among the records of his office.

252 SECTION 16. A candidate for the office of Public Service
253 Commissioner, for the office of Mississippi Transportation
254 Commissioner or for any other office to be elected from a Supreme
255 Court district, a candidate for representative in Congress, for
256 district attorney or for any other office to be elected by
257 district, shall be voted for by all the counties within their

258 respective districts, and all district candidates, except
259 senatorial candidates in districts composed of one (1) county,
260 shall be under the supervision and control of the state election
261 commissioners. The commissioners shall discharge, in respect to
262 the state district elections, all the powers and duties imposed
263 upon them in connection with elections of candidates for other
264 state offices.

265 SECTION 17. Section 21-7-7, Mississippi Code of 1972, is
266 amended as follows:

267 21-7-7. The governing body of any * * * municipality shall
268 be a council, known and designated as such, consisting of seven
269 (7) members. One (1) of the members shall be the mayor, having
270 the qualifications as prescribed by Section 21-3-9, who shall have
271 full rights, powers and privileges of other councilmen. The mayor
272 shall be nominated and elected at large; the remaining councilmen
273 shall be nominated and elected one (1) from each ward into which
274 the city shall be divided. However, if the city be divided into
275 less than six (6) wards, the remaining councilmen shall be
276 nominated and elected at large. The councilmen, including the
277 mayor, shall be elected for a term of four (4) years, serving
278 until their successors are elected and qualified in accordance
279 with the provisions of Section 11, House Bill No. _____, 1999
280 Regular Session. Their terms shall commence on the first Monday
281 of January after the first municipal election following the
282 adoption of the form of government that is provided by this
283 chapter.

284 The compensation for the members of the council, * * * for
285 the first four (4) years of operation, under this chapter, shall
286 be fixed by the board of mayor and aldermen holding office before
287 the change in form of government. Thereafter the amount of
288 compensation for each * * * member may be increased or decreased
289 by the council, by council action taken before the election of
290 members thereof for the ensuing term, the action to become

291 effective with the ensuing terms.

292 SECTION 18. Section 21-8-7, Mississippi Code of 1972, is
293 amended as follows:

294 21-8-7. (1) Each municipality operating under the
295 mayor-council form of government shall be governed by an elected
296 council and an elected mayor. Other officers and employees shall
297 be duly appointed pursuant to this chapter, general law or
298 ordinance.

299 (2) Except as otherwise provided in subsection (4) of this
300 section, the mayor and councilmen shall be elected by the voters
301 of the municipality at a general or regular municipal election
302 held on the first Tuesday after the first Monday in June as
303 provided in Section 11, House Bill No. _____, 1999 Regular Session,
304 and shall serve for a term of four (4) years beginning on the
305 first Monday of July next following his election.

306 (3) The terms of the initial mayor and councilmen shall
307 commence at the expiration of the terms of office of the elected
308 officials of the municipality serving at the time of adoption of
309 the mayor-council form.

310 (4) (a) The council shall consist of five (5), seven (7) or
311 nine (9) members. In the event there are five (5) councilmen, the
312 municipality shall be divided into either five (5) or four (4)
313 wards. In the event there are seven (7) councilmen, the
314 municipality shall be divided into either seven (7), six (6) or
315 five (5) wards. In the event there are nine (9) councilmen, the
316 municipality shall be divided into seven (7) or nine (9) wards.
317 If the municipality is divided into fewer wards than it has
318 councilmen, the other councilman or councilmen shall be elected
319 from the municipality at large. The total number of councilmen
320 and the number of councilmen elected from wards shall be
321 established by the petition or petitions presented pursuant to
322 Section 21-8-3. One (1) councilman shall be elected from each
323 ward by the voters of that ward. Councilmen elected to represent

324 wards must be residents of their wards at the time of
325 qualification for election, and any councilman who removes his
326 residence from the municipality or from the ward from which he was
327 elected shall vacate his office. However, any candidate for
328 councilman who is properly qualified as a candidate under
329 applicable law shall be deemed to be qualified as a candidate in
330 whatever ward he resides if his ward has changed after the council
331 has redistricted the municipality as provided in subparagraphs
332 (c)(ii) and (iii) of this subsection (4), and if the wards have
333 been so changed, any person may qualify as a candidate for
334 councilman, using his existing residence or by changing his
335 residence, not less than fifteen (15) days before the preferential
336 election or special election, as the case may be, notwithstanding
337 any other residency or qualification requirements to the contrary.

338 (b) The council or board existing at the time of the
339 adoption of the mayor-council form of government shall designate
340 the geographical boundaries of the wards within one hundred twenty
341 (120) days after the election in which the mayor-council form of
342 government is selected. In designating the geographical
343 boundaries of the wards, each ward shall contain, as nearly as
344 possible, the population factor obtained by dividing the
345 municipality's population as shown by the most recent decennial
346 census by the number of wards into which the municipality is to be
347 divided.

348 (c) (i) It shall be the mandatory duty of the council
349 to redistrict the municipality by ordinance, which ordinance may
350 not be vetoed by the mayor, within six (6) months after the
351 official publication by the United States of the population of the
352 municipality as enumerated in each decennial census, and within
353 six (6) months after the effective date of any expansion of
354 municipal boundaries; however, if the publication of the most
355 recent decennial census or effective date of an expansion of the
356 municipal boundaries occurs six (6) months or more before the

357 preferential election in a municipality, then the council shall
358 redistrict the municipality by ordinance not less than sixty (60)
359 days before the preferential election.

360 (ii) If the publication of the most recent
361 decennial census occurs less than six (6) months before the
362 preferential election in a municipality, then the council shall
363 redistrict the municipality by ordinance not later than twenty
364 (20) days before the preferential election.

365 (iii) If the publication of the most recent
366 decennial census is not received by the council in time to
367 redistrict the municipality at least twenty (20) days before the
368 preferential election in a municipality, then the council shall
369 redistrict the municipality by ordinance not later than twenty
370 (20) days before a special preferential election provided for
371 hereafter in this subparagraph. If the census is not received in
372 time to redistrict the municipality, as provided above, the mayor
373 and councilmen shall be elected by the voters of the municipality
374 at a special general municipal election held on the fourth Tuesday
375 after the first Monday in June, and a special preferential
376 election shall be held on the second Tuesday after the first
377 Monday in June, notwithstanding any other provision of law to the
378 contrary.

379 (d) If annexation of additional territory into the
380 municipal corporate limits of the municipality shall occur less
381 than six (6) months before the preferential election in a
382 municipality, the council shall assign, by ordinance adopted
383 within three (3) days of the effective date of the
384 annexation, * * * annexed territory to an adjacent ward or wards
385 so as to maintain as nearly as possible substantial equality of
386 population between wards; any subsequent redistricting of the
387 municipality by ordinance as required by this chapter shall not
388 serve as the basis for representation until the next regularly
389 scheduled election for municipal councilmen.

390 (e) If the council shall have failed to redistrict the
391 municipality as herein required, the members of the council shall
392 not receive any further salaries until the council has adopted the
393 ordinance and the checks for such salaries for said periods shall
394 not be issued.

395 (5) Vacancies occurring in the council shall be filled as
396 provided in Section 23-15-857.

397 (6) The mayor shall maintain an office at the city hall. The
398 councilmen shall not maintain individual offices at the city hall;
399 provided, however, that in municipalities with populations of one
400 hundred ninety thousand (190,000) and above, councilmen may have
401 individual offices in the city hall. Clerical work of councilmen
402 in the performance of the duties of their office shall be
403 performed by municipal employees or at municipal expense, and
404 councilmen shall be reimbursed for the reasonable expenses
405 incurred in the performance of the duties of their office.

406 SECTION 19. Section 21-15-1, Mississippi Code of 1972, is
407 amended as follows:

408 21-15-1. All officers elected at the general municipal
409 election provided for in Section 11, House Bill No. _____, 1999
410 Regular Session, shall qualify and enter upon the discharge of
411 their duties on the first Monday of July after the general
412 election, and shall hold their offices for a term of four (4)
413 years and until their successors are duly elected and qualified.

414 SECTION 20. Section 23-15-21, Mississippi Code of 1972, is
415 amended as follows:

416 23-15-21. (1) It shall be unlawful for any person who is
417 not a citizen of the United States or the State of Mississippi to
418 register or to vote in any * * * special, preferential or general
419 election in the state.

420 (2) All qualified voters of this state may vote for
421 candidates for public office in special, preferential and general
422 elections without regard to the voter's party affiliation or lack

423 of party affiliation, and all candidates for public office who
424 qualify for an election may be voted on without regard to the
425 candidate's party affiliation or lack of party affiliation.

426 SECTION 21. Section 23-15-31, Mississippi Code of 1972, is
427 amended as follows:

428 23-15-31. All of the provisions of this subarticle shall be
429 applicable, insofar as possible, to municipal, preferential,
430 general and special elections; and wherever therein any duty is
431 imposed or any power or authority is conferred upon the county
432 registrar or county election commissioners * * * with reference to
433 a state and county election, the duty shall likewise be imposed
434 and the power and authority shall likewise be conferred upon the
435 municipal registrar or municipal election commission * * * with
436 reference to any municipal election.

437 SECTION 22. Section 23-15-129, Mississippi Code of 1972, is
438 amended as follows:

439 23-15-129. The commissioners of election and the registrars
440 of the respective counties shall make an administrative division
441 of the pollbook for each county immediately following any
442 reapportionment of the Mississippi Legislature or any realignment
443 of supervisors districts, if necessary. * * * An administrative
444 division shall form subprecincts whenever necessary within each
445 voting precinct so that all persons within a subprecinct shall
446 vote on the same candidates for each public office. Separate
447 pollbooks for each subprecinct shall be made. The polling place
448 for all subprecincts within any given voting precinct shall be the
449 same as the polling place for the voting precinct. Additional
450 managers may be appointed for subprecincts in the discretion of
451 the commissioners of election. * * *

452 SECTION 23. Section 23-15-153, Mississippi Code of 1972, is
453 amended as follows:

454 23-15-153. (1) At the following times the commissioners of
455 election shall meet at the office of the registrar and carefully

456 revise the registration books and the pollbooks of the several
457 voting precincts, and shall erase from those books the names of
458 all persons erroneously on the books, or who have died, removed or
459 become disqualified as electors from any cause; and shall register
460 the names of all persons who have duly applied to be registered
461 and have been illegally denied registration:

462 (a) On the Tuesday after the second Monday in January
463 1987 and every following year;

464 (b) On the first Tuesday in the month immediately
465 preceding the preferential election for congressmen in the years
466 when congressmen are elected;

467 (c) On the first Monday in the month immediately
468 preceding the preferential election for state, state district,
469 legislative, county and county district offices in the years in
470 which those offices are elected; and

471 (d) On the second Monday of September preceding the
472 general election or regular special election day in years in which
473 a general election is not conducted.

474 Except for the names of those persons who are duly qualified
475 to vote in the election, no name shall be permitted to remain on
476 the registration and pollbooks. Except as otherwise provided by
477 Section 23-15-573, no person shall vote at any election whose name
478 is not on the pollbook.

479 (2) Except as provided in subsection (3) of this section,
480 and subject to the following annual limitations, the commissioners
481 of election shall be entitled to receive a per diem in the amount
482 of Seventy Dollars (\$70.00), to be paid from the county general
483 fund, for every day or period of no less than five (5) hours
484 accumulated over two (2) or more days actually employed in the
485 performance of their duties for the necessary time spent in the
486 revision of the registration books and pollbooks as required in
487 subsection (1) of this section:

488 (a) In counties having less than ten thousand (10,000)

489 qualified electors, not more than thirty-five (35) days per year;

490 (b) In counties having ten thousand (10,000) qualified
491 electors but less than twenty thousand (20,000) qualified
492 electors, not more than fifty (50) days per year;

493 (c) In counties having twenty thousand (20,000)
494 qualified electors but less than fifty thousand (50,000) qualified
495 electors, not more than sixty-five (65) days per year;

496 (d) In counties having fifty thousand (50,000)
497 qualified electors but less than seventy-five thousand (75,000)
498 qualified electors, not more than eighty (80) days per year;

499 (e) In counties having seventy-five thousand (75,000)
500 qualified electors but less than one hundred thousand (100,000)
501 qualified electors, not more than ninety-five (95) days per year;

502 (f) In counties having one hundred thousand (100,000)
503 qualified electors but less than one hundred twenty-five thousand
504 (125,000) qualified electors, not more than one hundred ten (110)
505 days per year;

506 (g) In counties having one hundred twenty-five thousand
507 (125,000) qualified electors but less than one hundred fifty
508 thousand (150,000) qualified electors, not more than one hundred
509 twenty-five (125) days per year;

510 (h) In counties having one hundred fifty thousand
511 (150,000) qualified electors but less than one hundred
512 seventy-five thousand (175,000) qualified electors, not more than
513 one hundred forty (140) days per year;

514 (i) In counties having one hundred seventy-five
515 thousand (175,000) qualified electors but less than two hundred
516 thousand (200,000) qualified electors, not more than one hundred
517 fifty-five (155) days per year;

518 (j) In counties having two hundred thousand (200,000)
519 qualified electors or more, not more than one hundred seventy
520 (170) days per year.

521 (3) The commissioners of election shall be entitled to

522 receive a per diem in the amount of Seventy Dollars (\$70.00), to
523 be paid from the county general fund, not to exceed ten (10) days
524 for every day or period of no less than five (5) hours accumulated
525 over two (2) or more days actually employed in the performance of
526 their duties for the necessary time spent in the revision of the
527 registration books and pollbooks before any special election. For
528 purposes of this subsection, the regular special election day
529 shall not be considered a special election. The annual
530 limitations set forth in subsection (2) of this section shall not
531 apply to this subsection.

532 (4) Subject to the following limitations, the commissioners
533 of election shall be entitled to receive a per diem in the amount
534 of Seventy Dollars (\$70.00), to be paid from the county general
535 fund, for every day or period of no less than five (5) hours
536 accumulated over two (2) or more days actually employed in the
537 performance of their duties in the conduct of an election:

538 (a) In counties having less than ten thousand (10,000)
539 qualified electors, not more than fifteen (15) days per election;

540 (b) In counties having ten thousand (10,000) qualified
541 electors but less than twenty-five thousand (25,000) qualified
542 electors, not more than twenty-five (25) days per election;

543 (c) In counties having twenty-five thousand (25,000)
544 qualified electors but less than fifty thousand (50,000) qualified
545 electors, not more than thirty-five (35) days per election;

546 (d) In counties having fifty thousand (50,000)
547 qualified electors but less than seventy-five thousand (75,000)
548 qualified electors, not more than forty-five (45) days per
549 election;

550 (e) In counties having seventy-five thousand (75,000)
551 qualified electors but less than one hundred thousand (100,000)
552 qualified electors, not more than fifty-five (55) days per
553 election;

554 (f) In counties having one hundred thousand (100,000)

555 qualified electors but less than one hundred fifty thousand
556 (150,000) qualified electors, not more than sixty-five (65) days
557 per election;

558 (g) In counties having one hundred fifty thousand
559 (150,000) qualified electors but less than two hundred thousand
560 (200,000) qualified electors, not more than seventy-five (75) days
561 per election; and

562 (h) In counties having two hundred thousand (200,000)
563 qualified electors or more, not more than eighty-five (85) days
564 per election.

565 It is the intention of the Legislature that the conduct of an
566 election as required by law and as compensated in this subsection
567 is a separate and distinct function from the purging and revision
568 of the registration and pollbooks as required by subsection (1) of
569 this section and the compensation for those revisions provided by
570 subsection (2) of this section.

571 (5) The commissioners of election shall be entitled to
572 receive only one (1) per diem payment for those days when the
573 commissioners of election discharge more than one (1) duty or
574 responsibility on the same day.

575 (6) The county commissioners of election may provide copies
576 of the registration books revised pursuant to this section to the
577 municipal registrar of each municipality located within the
578 county.

579 SECTION 24. Section 23-15-159, Mississippi Code of 1972, is
580 amended as follows:

581 23-15-159. (1) When the commissioners of election meet for
582 the purpose of revising the registration and pollbooks of the
583 several voting precincts, they may erase therefrom the names of
584 all persons who have not voted in at least one (1) election,
585 whether it be a general, preferential or special election, * * *
586 whether on a county, state or federal level, in the last four (4)
587 successive years.

588 (2) In erasing or removing the names of persons due to
589 failure to vote in at least one (1) election for four (4)
590 successive years, the notice procedure * * * provided by this
591 section shall have been completed before the erasure or removal.

592 (a) Ninety (90) days before the erasure or removal, the
593 commissioners of election shall examine the registration books and
594 pollbooks of the several voting precincts and shall suspend the
595 registration of all electors who have not voted in at least one
596 (1) general, preferential or special election, * * * whether on
597 the county, or state * * * level, during the last four (4)
598 successive years, and shall suspend the registration of all
599 electors who have not voted or appeared to vote in an election for
600 federal office during the period beginning the date of the notice
601 of cancellation of registration to vote and ending on the day
602 after the date of the second general election for federal office
603 that occurs after the date of the notice.

604 (b) Within sixty (60) days after the suspension, the
605 commissioners of election shall mail notice by first class mail to
606 each elector whose registration is suspended, at his last-known
607 address, stating substantially as follows: "You are hereby
608 notified that, according to state law, your registration as a
609 qualified elector will be canceled for having failed to vote
610 within the past four (4) successive years, unless within thirty
611 (30) days of the date this notice is postmarked you continue your
612 registration by applying in writing to the commissioners of
613 election." The commissioners shall furnish each elector so
614 notified with the name and address of the commissioners of
615 elections printed on the face thereof which may be used by the
616 elector in notifying the commissioners of elections of the
617 elector's desire to continue the elector's registration. The
618 commissioners shall affix sufficient postage to the return card so
619 as to insure proper delivery to the commissioners.

620 (c) The commissioners shall cancel the registration of

621 all electors thus notified who have not applied for continuance
622 within the prescribed time period, and the names of all such
623 electors shall be removed from the list of qualified electors on
624 the date designated for erasure. * * * However, the names of
625 electors who have been removed from the list of qualified electors
626 shall be compiled and be made a part of a list entitled "Names of
627 those purged from the registration books," the list to be attached
628 to the registration books. A copy of the list shall be furnished
629 to the appropriate municipal election commissioners within the
630 county, and the persons whose names are contained thereon shall be
631 removed from the registration books.

632 (d) Any elector whose registration has been thus
633 canceled may cast, at any election, * * * a vote by affidavit
634 ballot in the same manner as set forth in Section 23-15-573. The
635 affidavit ballot shall be counted at the election in which it is
636 cast, if not otherwise disqualified, and the name of the person
637 shall be reentered on the registration books if the person is not
638 otherwise disqualified. As an alternative to casting an affidavit
639 ballot, any elector whose registration has been canceled pursuant
640 to this subsection may reregister in the manner provided for
641 original registration.

642 (3) Notwithstanding the provisions of this section, no
643 person who has been registered by any federal registrar shall be
644 removed except in conformity with any federal law, rules or
645 regulations providing for the removal of names from the
646 registration books.

647 (4) No years in which a person has not voted before January
648 1, 1984, shall be used in calculating the four-year period
649 provided for in this section.

650 SECTION 25. Section 23-15-173, Mississippi Code of 1972, is
651 amended as follows:

652 23-15-173. * * * A general municipal election shall be held
653 in each city, town or village on the first Tuesday after the first

654 Monday of June, 1985, and every four (4) years thereafter, for the
655 election of all municipal officers elected by the people.

656 * * *

657 SECTION 26. Section 23-15-197, Mississippi Code of 1972, is
658 amended as follows:

659 23-15-197. (1) Times for holding preferential and general
660 elections for congressional offices shall be as prescribed in

661 * * * Sections 23-15-1033 and 23-15-1041.

662 (2) Times for holding elections for the office of judge of
663 the Supreme Court shall be as prescribed in Sections 23-15-991 and
664 Sections 23-15-974 through 23-15-985.

665 (3) Times for holding elections for the office of circuit
666 court judge and the office of chancery court judge shall be as
667 prescribed in * * * Section 23-15-1015.

668 (4) Times for holding elections for the office of county
669 election commissioners shall be as prescribed in Section
670 23-15-213.

671 SECTION 27. Section 23-15-313, Mississippi Code of 1972, is
672 amended as follows:

673 23-15-313. If there be any political party, or parties, in
674 any municipality which do not have a party executive committee for
675 the municipality, the political party, or parties, shall select
676 temporary executive committees to serve until executive committees
677 shall be regularly elected, the selection to be in the following
678 manner, to wit: The chairman of the county executive committee of
679 the party desiring to select a municipal executive committee
680 shall, upon petition of five (5) or more members of that political
681 faith, call a mass meeting of the electors of their political
682 faith, residing in the municipality, to meet at some convenient
683 place within the municipality, at a time to be designated in the
684 call, and at the mass convention the members of that political
685 faith shall select an executive committee which shall serve until
686 the next * * * election. The public shall be given notice of the

687 mass meeting as provided in the next succeeding section.

688 SECTION 28. Section 23-15-367, Mississippi Code of 1972, is
689 amended as follows:

690 23-15-367. * * * The size, print and quality of paper of the
691 official ballot is left to the discretion of the officer charged
692 with printing the official ballot; however, the names of the
693 candidates shall be listed alphabetically on the ballot without
694 regard to party affiliation and the name of the political party,
695 if the candidate is affiliated with a party, shall be placed in
696 parentheses following the name of the candidate. It is the duty
697 of the Secretary of State, with the approval of the Governor, to
698 furnish the election commission of each county a sample of the
699 official ballot, not less than fifty (50) days before the
700 election, the general form of which shall be followed as nearly as
701 practicable * * *.

702 SECTION 29. Section 23-15-375, Mississippi Code of 1972, is
703 amended as follows:

704 23-15-375. Local issue elections may be held on the same
705 date as any regular or general election. A local issue election
706 held on the same date as the regular or general election shall be
707 conducted in the same manner as the regular or general election
708 using the same poll workers and the same equipment. A local issue
709 may be placed on the regular or general election ballot pursuant
710 to the provisions of Section 10 of House Bill No. _____, 1999
711 Regular Session. The provisions of this section and Section 10 of
712 House Bill No. _____, 1999 Regular Session, with regard to local
713 issue elections, shall not be construed to affect any statutory
714 requirements specifying the notice procedure and the necessary
715 percentage of qualified electors voting in * * * an election which
716 is needed for adoption of the local issue. Whether or not a local
717 issue is adopted or defeated at a local issue election held on the
718 same day as a regular or general election shall be determined in
719 accordance with relevant statutory requirements regarding the

720 necessary percentage of qualified electors who voted in the local
721 issue election, and only those persons voting for or against the
722 issue shall be counted in making that determination. As used in
723 this section "local issue elections" include elections regarding
724 the issuance of bonds, local option elections, elections regarding
725 the levy of additional ad valorem taxes and other similar
726 elections authorized by law that are called to consider issues
727 that affect a single local governmental entity. As used in this
728 section "local issue" means any issue that may be voted on in a
729 local issue election. A local election issue shall be conducted
730 by the appropriate election commission.

731 SECTION 30. Section 23-15-403, Mississippi Code of 1972, is
732 amended as follows:

733 23-15-403. The board of supervisors of any county in the
734 State of Mississippi and the governing authorities of any
735 municipality in the State of Mississippi * * *, in their
736 discretion, may purchase or rent any voting machine or machines
737 which shall be so constructed as to fulfill the following
738 requirements: It shall secure to the voter secrecy in the act of
739 voting; it shall provide facilities for voting for all
740 candidates * * * and for or against as many questions as
741 submitted; * * * it shall permit the voter to vote for as many
742 persons for an office as he is lawfully entitled to vote for, but
743 not more; it shall prevent the voter from voting for the same
744 person more than once for the same office; it shall permit the
745 voter to vote for or against any question he may have the right to
746 vote on, but no other; * * * it shall correctly register or record
747 and accurately count all votes cast for any and all persons and
748 for or against any and all questions; it shall be provided with a
749 "protective counter" or "protective device" whereby any operation
750 of the machine before or after the election will be detected; it
751 shall be provided with a counter which shall show at all times
752 during an election how many persons have voted; it shall be

753 provided with a mechanical model, illustrating the manner of
754 voting on the machine, suitable for the instruction of voters; it
755 may * * * be provided with one (1) device for each party for
756 voting for all the presidential electors of that party by one (1)
757 operation, and a ballot therefor containing only the words
758 "Presidential Electors For" preceded by the name of that party and
759 followed by the names of the candidates thereof for the offices of
760 President and Vice President, and a registering device therefor
761 which shall register the vote cast for the electors when thus
762 voted collectively; provided, however, that means shall be
763 furnished whereby the voter can cast a vote for individual
764 electors when permitted to do so by law.

765 SECTION 31. Section 23-15-411, Mississippi Code of 1972, is
766 amended as follows:

767 23-15-411. The officer who furnishes the official ballots
768 for any polling place where a voting machine is to be used
769 shall * * * provide two (2) sample ballots or instruction ballots,
770 which sample or instruction ballots shall be arranged in the form
771 of a diagram showing that portion of the front of the voting
772 machine as it will appear after the official ballots are arranged
773 thereon or therein for voting on election day. The sample ballots
774 shall be open to the inspection of all voters on election day in
775 all preferential and general elections where voting machines are
776 used.

777 SECTION 32. Section 23-15-463, Mississippi Code of 1972, is
778 amended as follows:

779 23-15-463. The board of supervisors of any county in the
780 State of Mississippi and the governing authorities of any
781 municipality in the State of Mississippi, * * * in their
782 discretion, may purchase or rent voting devices and automatic
783 tabulating equipment used in an electronic voting system which
784 meets the requirements of Section 23-15-465, and may use the
785 system in all or a part of the precincts within its boundaries or

786 in combination with paper ballots in any election. * * * It may
787 enlarge, consolidate or alter the boundaries of precincts where an
788 electronic voting system is used. The provisions of Sections
789 23-15-461 through 23-15-485 shall be controlling with respect to
790 elections where an electronic voting system is used, and shall be
791 liberally construed so as to carry out the purpose of this
792 chapter. The provisions of the election law relating to the
793 conduct of elections with paper ballots, insofar as they are
794 applicable and not inconsistent with the efficient conduct of
795 elections with electronic voting systems, shall apply. Absentee
796 ballots shall be voted as now provided by law.

797 SECTION 33. Section 23-15-465, Mississippi Code of 1972, is
798 amended as follows:

799 23-15-465. No electronic voting system consisting of a
800 marking or voting device in combination with automatic tabulating
801 equipment shall be acquired or used in accordance with Sections
802 23-15-461 through 23-15-485 unless it shall:

803 (a) Provide for voting in secrecy when used with voting
804 booths;

805 (b) Permit each voter to vote at any election for all
806 persons and offices for whom and for which he is lawfully entitled
807 to vote; to vote for as many persons for an office as he is
808 entitled to vote for; to vote for or against any question upon
809 which he is entitled to vote; and the automatic tabulating
810 equipment shall reject choices recorded on his ballot card or
811 paper ballot if the number of choices exceeds the number which he
812 is entitled to vote for the office or on the measure;

813 (c) Permit each voter at presidential elections by one
814 (1) mark or punch to vote for the candidates of that party for
815 President, Vice President and their presidential electors, or to
816 vote individually for the electors of his choice when permitted by
817 law;

818 * * *

819 (d) Permit each voter to vote for persons whose names
820 are not on the printed ballot or ballot labels;

821 (e) Prevent the voter from voting for the same person
822 more than once for the same office;

823 (f) Be suitably designed for the purpose used, of
824 durable construction, and may be used safely, efficiently and
825 accurately in the conduct of elections and counting ballots;

826 (g) Be provided with means for sealing the voting or
827 marking device against any further voting after the close of the
828 polls and the last voter has voted;

829 (h) When properly operated, record correctly and count
830 accurately every vote cast;

831 (i) Be provided with a mechanical model for instructing
832 voters, and be so constructed that a voter may readily learn the
833 method of operating it;

834 (j) Be safely transportable, and include a light to
835 enable voters to read the ballot labels and instructions.

836 SECTION 34. Section 23-15-507, Mississippi Code of 1972, is
837 amended as follows:

838 23-15-507. No optical mark reading system shall be acquired
839 or used in accordance with this chapter unless it shall:

840 (a) Permit each voter to vote at any election for all
841 persons and no others for whom and for which they are lawfully
842 entitled to vote; to vote for as many persons for an office as
843 they are entitled to vote for; to vote for or against any
844 questions upon which they are entitled to vote;

845 (b) The OMR tabulating equipment shall be capable of
846 rejecting choices recorded on the ballot if the number of choices
847 exceeds the number which the voter is entitled to vote for the
848 office or on the measure;

849 (c) Permit each voter at presidential elections by one
850 (1) mark to vote for the candidates of that party for President,
851 Vice President and their presidential electors, or to vote

852 individually for the electors of their choice when permitted by
853 law;

854 * * *

855 (d) Permit each voter to vote for persons whose names
856 are not on the printed ballot;

857 (e) Be suitably designed for the purpose used, of
858 durable construction, and may be used safely, efficiently and
859 accurately in the conduct of elections and the counting of
860 ballots;

861 (f) Be provided with means for sealing the ballots
862 after the close of the polls and the last voter has voted;

863 (g) When properly operated, record correctly and count
864 accurately all votes cast; and

865 (h) Provide the voter with a set of instructions that
866 will be so displayed that a voter may readily learn the method of
867 voting.

868 SECTION 35. Section 23-15-511, Mississippi Code of 1972, is
869 amended as follows:

870 23-15-511. The ballots shall be, as far as
871 practicable, * * * in the same order of arrangement as provided
872 for paper ballots that are to be counted manually, except that the
873 information may be printed in vertical or horizontal rows.
874 Nothing in this chapter shall be construed as prohibiting the
875 information being presented to the voters from being printed on
876 both sides of a single ballot. In those years when a special
877 election shall occur on the same day as the general election, the
878 names of candidates in any special election and the general
879 election shall be placed on the same ballot by the commissioners
880 of elections or officials in charge of the election, but the
881 general election candidates shall be clearly distinguished from
882 the special election candidates. The names of the candidates
883 shall be listed alphabetically on the ballot without regard to
884 party affiliation. The name of the political party, if the

918 ballot, which then can be inserted into a return envelope to be
919 mailed back to the election official. Absentee ballots will not
920 be required to be folded when a ballot security envelope is
921 provided.

922 SECTION 36. Section 23-15-559, Mississippi Code of 1972, is
923 amended as follows:

924 23-15-559. The provisions of Section * * * 23-15-173 fixing
925 the time for the holding of * * * general elections shall not
926 apply to any municipality operating under a special or private
927 charter where the governing board or authority thereof, on or
928 before June 25, 1952, shall have adopted and spread upon its
929 minutes a resolution or ordinance declining to accept the
930 provisions, in which event * * * general elections shall be held
931 at the time fixed by the charter of such municipality.

932 The provisions of Section 23-15-859 shall be applicable to
933 all municipalities of this state, whether operating under a code
934 charter, special charter or the commission form of government,
935 except in cases of conflicts between the provisions of the section
936 and the provisions of the special charter of a municipality or the
937 law governing the commission form of government, in which cases of
938 conflict the provisions of the special charter or the statutes
939 relative to the commission form of government shall apply.

940 SECTION 37. Section 23-15-561, Mississippi Code of 1972, is
941 amended as follows:

942 23-15-561. (1) It shall be unlawful during any * * *
943 election for any candidate for any elective office or any
944 representative of a candidate or any other person to publicly or
945 privately put up or in any way offer any prize, cash award or
946 other item of value to be raffled, drawn for, played for or
947 contested for in order to encourage persons to vote or to refrain
948 from voting in any election.

949 (2) Any person who shall violate the provisions of
950 subsection (1) of this section shall, upon conviction thereof, be

951 punished by a fine in an amount not to exceed Five Thousand
952 Dollars (\$5,000.00).

953 (3) Any candidate who shall violate the provisions of
954 subsection (1) of this section * * *, upon conviction thereof and
955 in addition to the fine prescribed above, shall be punished by:

956 (a) Disqualification as a candidate in the race for the
957 elective office; or

958 (b) Removal from the elective office, if the offender
959 has been elected thereto.

960 SECTION 38. Section 23-15-573, Mississippi Code of 1972, is
961 amended as follows:

962 23-15-573. No person whose name does not appear upon the
963 pollbooks shall be permitted to vote in an election; but if any
964 person offering to vote in any election whose name does not appear
965 upon the pollbook shall make affidavit before one (1) of the
966 managers of election in writing that he is entitled to vote, or
967 that he has been illegally denied registration, his vote may be
968 prepared by him and handed to the proper election officer who
969 shall enclose the same in an envelope with the written affidavit
970 of the voter and seal it and mark plainly upon it the name of the
971 person offering to vote. In canvassing the returns of the
972 election, * * * the election commissioners shall examine the
973 records and allow the ballot to be counted, or not, as shall
974 appear to be legal.

975 SECTION 39. Section 23-15-593, Mississippi Code of 1972, is
976 amended as follows:

977 23-15-593. When the ballot box is opened and examined by
978 the * * * county election commissioners * * * and it is found that
979 there have been failures in material particulars to comply with
980 the requirements of Sections 23-15-591 and * * * 23-15-895 to such
981 an extent that it is impossible to arrive at the will of the
982 voters at the precinct, the entire box may be thrown out unless it
983 be made to appear with reasonable certainty that the

984 irregularities were not deliberately permitted or engaged in by
985 the managers at that box, or by one (1) of them responsible for
986 the wrong or wrongs, for the purpose of electing or defeating a
987 certain candidate or candidates by manipulating the election or
988 the returns thereof at that box in a manner as to have it thrown
989 out; in which latter case * * * the county election
990 commission * * * shall conduct the hearing and make the
991 determination in respect to the box as may appear lawfully just,
992 subject to a judicial review of the matter as elsewhere provided
993 by this chapter. * * * The * * * election commission, or the
994 court upon review, may order another election to be held at that
995 box appointing new managers to hold the same.

996 SECTION 40. Section 23-15-595, Mississippi Code of 1972, is
997 amended as follows:

998 23-15-595. The box containing the ballots and other records
999 required by this chapter, * * * as soon as practical after the
1000 ballots have been counted, shall be delivered by one (1) of the
1001 precinct managers to the clerk of the circuit court of the county
1002 and the clerk, * * * in the presence of the manager making
1003 delivery of the box, shall place upon the lock of the box a metal
1004 seal similar to the seal commonly used in sealing the doors of
1005 railroad freight cars. The seals shall be numbered consecutively
1006 to the number of ballot boxes used in the election in the county,
1007 and the clerk shall keep in a place separate from the boxes a
1008 record of the number of the seal of each separate box in the
1009 county. The board of supervisors of the county shall pay the cost
1010 of providing the seals. Upon demand of a county election
1011 commissioner the boxes and their contents shall be delivered to
1012 the county election commission, and after the commission has
1013 finished the work of tabulating returns and counting ballots as
1014 required by law the commission shall return all papers and ballots
1015 to the box of the precinct where the election was held, and it
1016 shall deliver the boxes and their contents to the circuit clerk

1017 who shall reseal the boxes. On every occasion the boxes shall be
1018 reopened and each resealing shall be done as provided in this
1019 chapter.

1020 SECTION 41. Section 23-15-601, Mississippi Code of 1972, is
1021 amended as follows:

1022 23-15-601. When the result of the election has been
1023 ascertained by the managers, the managers, one (1) of their number
1024 or some fit person designated by them, * * * by noon of the * * *
1025 day following the election, shall deliver to the commissioners of
1026 election, at the courthouse, a statement of the whole number of
1027 votes given for each person and for what office; and the
1028 commissioners of election, on the first or second day after the
1029 preferential election and after the general election, shall
1030 canvass the returns, ascertain and declare the result, and
1031 announce the names of the candidates who have received a majority
1032 of the votes cast for representative in the Legislature of
1033 districts composed of one (1) county or less, or other county
1034 office, board of supervisors, justice court judge and constable,
1035 and shall announce the names of those candidates for the
1036 above-mentioned offices that are to be submitted to the general
1037 election.

1038 The vote for state and state district offices shall be
1039 tabulated by precincts, and certified and returned to the state
1040 election commissioners. The returns shall be mailed by registered
1041 letter or any safe mode of transportation within thirty-six (36)
1042 hours after the returns are canvassed and the results ascertained.
1043 The state election commissioners shall meet a week from the day
1044 following the preferential election held for state and district
1045 offices, and shall proceed to canvass the returns, to declare the
1046 results, to announce the names of the candidates for the different
1047 offices who have received a majority of the votes cast and to
1048 announce the names of those candidates who will be candidates in
1049 the general election. The state election commissioners shall meet

1050 a week from the day on which the general election is held, and
1051 shall receive and canvass the returns for state and district
1052 offices voted on in the general election. An exact and full
1053 duplicate of all tabulations by precincts, as certified under this
1054 section, shall be filed with the circuit clerk of the county who
1055 shall safely preserve the same in his or her office.

1056 SECTION 42. Section 23-15-605, Mississippi Code of 1972, is
1057 amended as follows:

1058 23-15-605. The Secretary of State, immediately after
1059 receiving the returns of a general election, not longer than
1060 thirty (30) days after the election, shall sum up the whole number
1061 of votes given for each candidate other than for state offices,
1062 ascertain the person or persons having the largest number of votes
1063 for each office, and declare the person or persons to be duly
1064 elected; and thereupon all persons chosen to any office at the
1065 election shall be commissioned by the Governor; but if it appears
1066 that two (2) or more candidates for any district office where the
1067 district is composed of two (2) or more counties, standing highest
1068 on the list and not elected, have an equal number of votes, the
1069 election shall be forthwith decided between the candidates having
1070 an equal number of votes by lot, fairly and publicly drawn, under
1071 the direction of the Governor and Secretary of State.

1072 SECTION 43. Section 23-15-607, Mississippi Code of 1972, is
1073 amended as follows:

1074 23-15-607. The commissioners of election * * *, within ten
1075 (10) days after the general election for judges of the Supreme
1076 Court or Court of Appeals, shall transmit to the Secretary of
1077 State, to be filed in his office, a statement of the whole number
1078 of votes given in their county for each candidate for the office
1079 of judge of the Supreme Court or Court of Appeals, and the
1080 Secretary of State shall immediately notify each member of the
1081 State Board of Election Commissioners in writing to assemble at
1082 his office on a day to be fixed by him, to be within ten (10) days

1083 after the receipt by him of the statement, and when assembled
1084 pursuant to the notice the State Board of Election Commissioners
1085 shall sum up the whole number of votes given for each candidate
1086 for judge of the Supreme Court or Court of Appeals, ascertain the
1087 person or persons to be elected; and thereupon all persons chosen
1088 to the office at the election shall be commissioned by the
1089 Governor; but if it appears that two (2) or more candidates for
1090 judge of the Supreme Court or Court of Appeals standing highest on
1091 the list, and not elected, have an equal number of votes, the
1092 election shall be forthwith decided between the candidates having
1093 an equal number of votes by lots, fairly and publicly drawn under
1094 the direction of the State Board of Election Commissioners.

1095 SECTION 44. Section 23-15-673, Mississippi Code of 1972, is
1096 amended as follows:

1097 23-15-673. (1) For the purposes of this subarticle, the
1098 term "absent voter" * * * means and includes the following:

1099 (a) Any enlisted or commissioned members, male or
1100 female, of the United States Army, or any of its respective
1101 components or various divisions thereof; any enlisted or
1102 commissioned members, male or female, of the United States Navy,
1103 or any of its respective components or various divisions thereof;
1104 any enlisted or commissioned members, male or female, of the
1105 United States Air Force, or any of its respective components or
1106 various divisions thereof; any enlisted or commissioned members,
1107 male or female, of the United States Marines, or any of its
1108 respective components or various divisions thereof; or any persons
1109 in any division of the armed services of the United States, who
1110 are citizens of Mississippi;

1111 (b) Any member of the Merchant Marine and the American
1112 Red Cross who is a citizen of Mississippi;

1113 (c) Any disabled war veteran who is a patient in any
1114 hospital and who is a citizen of Mississippi;

1115 (d) Any civilian attached to and serving outside of the

1116 United States with any branch of the Armed Forces or with the
1117 Merchant Marine or American Red Cross, and who is a citizen of
1118 Mississippi;

1119 (e) Any citizen of Mississippi temporarily residing
1120 outside the territorial limits of the United States and the
1121 District of Columbia.

1122 (2) The spouse and dependents of any absent voter as set out
1123 in paragraphs (a), (b), (c) and (d) of subsection (1) of this
1124 section shall also be included in the meaning of absent voter and
1125 may vote an absentee ballot as provided in this subarticle if also
1126 absent from the county of their residence on the date of the
1127 election and otherwise qualified to vote in Mississippi.

1128 (3) For the purpose of this subarticle, the term "election"
1129 shall mean and include the following sets of elections: special
1130 and runoff special elections, preferential and general elections,
1131 * * * or general elections without preferential elections,
1132 whichever * * * is applicable.

1133 SECTION 45. Section 23-15-713, Mississippi Code of 1972, is
1134 amended as follows:

1135 23-15-713. For the purpose of this subarticle, any duly
1136 qualified elector may vote as provided in this subarticle if he is
1137 one who falls within the following categories:

1138 (a) Any qualified elector who is a bona fide student,
1139 teacher or administrator at any college, university, junior
1140 college, high, junior high, or elementary grade school whose
1141 studies or employment at the institution necessitates his absence
1142 from the county of his voting residence on the date of any * * *
1143 election, or the spouse and dependents of the student, teacher or
1144 administrator if the spouse or dependent(s) maintain a common
1145 domicile, outside of the county of his voting residence, with the
1146 student, teacher or administrator.

1147 (b) Any qualified elector who is required to be away
1148 from his place of residence on any election day due to his

1149 employment as an employee of a member of the Mississippi
1150 congressional delegation and the spouse and dependents of the
1151 person if he or she shall be residing with the absentee voter away
1152 from the county of the spouse's voting residence.

1153 (c) Any qualified elector who is away from his county
1154 of residence on election day for any reason.

1155 (d) Any person who has a temporary or permanent
1156 physical disability and who, because of the disability, is unable
1157 to vote in person without substantial hardship to himself or
1158 others, or whose attendance at the voting place could reasonably
1159 cause danger to himself or others.

1160 (e) The parent, spouse or dependent of a person with a
1161 temporary or permanent physical disability who is hospitalized
1162 outside of his county of residence or more than fifty (50) miles
1163 distant from his residence, if the parent, spouse or dependent
1164 will be with the person on election day.

1165 (f) Any person who is sixty-five (65) years of age or
1166 older.

1167 (g) Any member of the Mississippi congressional
1168 delegation absent from Mississippi on election day, and the spouse
1169 and dependents of the member of the congressional delegation.

1170 (h) Any qualified elector who will be unable to vote in
1171 person because he is required to be at work on election day during
1172 the times at which the polls will be open.

1173 SECTION 46. Section 23-15-755, Mississippi Code of 1972, is
1174 amended as follows:

1175 23-15-755. All of the provisions of Sections 23-15-621
1176 through 23-15-735 shall be applicable, insofar as possible, to
1177 municipal, * * * preferential, general and special elections, and
1178 wherever herein any duty is imposed or any power or authority is
1179 conferred upon the county registrar or county election
1180 commissioners, * * * with reference to a state and county
1181 election, the duty shall likewise be imposed and the power and

1182 authority shall likewise be conferred upon the municipal registrar
1183 or municipal election commission * * * with reference to any
1184 municipal election. * * *

1185 SECTION 47. Section 23-15-771, Mississippi Code of 1972, is
1186 amended as follows:

1187 23-15-771. At the state convention, a slate of electors
1188 composed of the number of electors allotted to this state, which
1189 said electors announce a clearly expressed design and purpose to
1190 support the candidates for President and Vice President of the
1191 national political party with which the * * * party of this state
1192 has had an affiliation and identity of purpose heretofore, shall
1193 be designated and selected for a place upon the * * * election
1194 ballot to be held as herein provided.

1195 SECTION 48. Section 23-15-801, Mississippi Code of 1972, is
1196 amended as follows:

1197 23-15-801. (a) "Election" shall mean a preferential,
1198 general or special * * * election.

1199 (b) "Candidate" * * * means an individual who
1200 seeks * * * election to any elective office other than a federal
1201 elective office. * * * For the purposes of this article, an
1202 individual shall be deemed to seek * * * election:

1203 (i) If the individual has received contributions
1204 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
1205 expenditures aggregating in excess of Two Hundred Dollars
1206 (\$200.00); or

1207 (ii) If the individual has given his or her
1208 consent to another person to receive contributions or make
1209 expenditures on behalf of such individual and if such person has
1210 received such contributions aggregating in excess of Two Hundred
1211 Dollars (\$200.00) during a calendar year, or has made such
1212 expenditures aggregating in excess of Two Hundred Dollars
1213 (\$200.00) during a calendar year.

1214 (c) "Political committee" * * * means any committee,

1215 party, club, association, political action committee, campaign
1216 committee or other groups of persons or affiliated organizations
1217 which receives contributions aggregating in excess of Two Hundred
1218 Dollars (\$200.00) during a calendar year or which makes
1219 expenditures aggregating in excess of Two Hundred Dollars
1220 (\$200.00) during a calendar year for the purpose of influencing or
1221 attempting to influence the action of voters for or against
1222 the * * * election of one or more candidates, or balloted
1223 measures.

1224 (d) "Affiliated organization" * * * means any
1225 organization which is not a political committee, but which
1226 directly or indirectly establishes, administers or financially
1227 supports a political committee.

1228 (e) (i) "Contribution" * * * includes any gift,
1229 subscription, loan, advance or deposit of money or anything of
1230 value made by any person or political committee for the purpose of
1231 influencing any election for elective office or balloted measure;

1232 (ii) "Contribution" shall not include the value of
1233 services provided without compensation by any individual who
1234 volunteers on behalf of a candidate or political committee, or the
1235 cost of any food or beverage for use in any candidate's campaign
1236 or for use by or on behalf of any political committee of a
1237 political party.

1238 (f) (i) "Expenditure" * * * includes any purchase,
1239 payment, distribution, loan, advance, deposit, gift of money or
1240 anything of value made by any person or political committee for
1241 the purpose of influencing any balloted measure or election for
1242 elective office; and a written contract, promise or agreement to
1243 make an expenditure;

1244 (ii) "Expenditure" shall not include any news
1245 story, commentary or editorial distributed through the facilities
1246 of any broadcasting station, newspaper, magazine or other
1247 periodical publication unless such facilities are owned or

1248 controlled by any political party, political committee or
1249 candidate; or nonpartisan activity designed to encourage
1250 individuals to vote or to register to vote.

1251 (g) The term "identification" * * * means:

1252 (i) In the case of any individual, the name, the
1253 mailing address and the occupation of such individual, as well as
1254 the name of his or her employer; and

1255 (ii) In the case of any other person, the full
1256 name and address of such person.

1257 (h) The term "political party" * * * means an
1258 association, committee or organization with which a candidate for
1259 public office indicates his or her affiliation at the time he or
1260 she qualifies for an election to public office.

1261 (i) The term "person" * * * means any individual,
1262 family, firm, corporation, partnership, association or other legal
1263 entity.

1264 (j) The term "independent expenditure" * * * means an
1265 expenditure by a person expressly advocating the election or
1266 defeat of a clearly identified candidate which is made without
1267 cooperation or consultation with any candidate or any authorized
1268 committee or agent of such candidate and which is not made in
1269 concert with or at the request or suggestion of any candidate or
1270 any authorized committee or agent of such candidate.

1271 (k) The term "clearly identified" * * * means that:

1272 (i) The name of the candidate involved appears; or

1273 (ii) A photograph or drawing of the candidate
1274 appears; or

1275 (iii) The identity of the candidate is apparent by
1276 unambiguous reference.

1277 SECTION 49. Section 23-15-807, Mississippi Code of 1972, is
1278 amended as follows:

1279 23-15-807. (a) Each candidate or political committee shall
1280 file reports of contributions and disbursements in accordance with

1281 the provisions of this section. All candidates or political
1282 committees required to report may terminate its obligation to
1283 report only upon submitting a final report that it will no longer
1284 receive any contributions or make any disbursement and that the
1285 candidate or committee has no outstanding debts or obligations.
1286 The candidate, treasurer or chief executive officer shall sign
1287 each such report.

1288 (b) Candidates who are seeking election, * * * and
1289 political committees that make expenditures for the purpose of
1290 influencing or attempting to influence the action of voters for or
1291 against the * * * election of one or more candidates or balloted
1292 measures at such election, shall file the following reports:

1293 (i) In any calendar year during which there is a
1294 regularly scheduled election, a preelection report which shall be
1295 filed no later than the seventh day before any election in which
1296 such candidate or political committee has accepted contributions
1297 or made expenditures and which shall be complete as of the tenth
1298 day before the election;

1299 (ii) In 1987 and every fourth year thereafter,
1300 periodic reports which shall be filed no later than the tenth day
1301 after May 31, June 30, September 30 and December 31, and which
1302 shall be complete as of the last day of each period; and

1303 (iii) In any calendar years except 1987 and except
1304 every fourth year thereafter, a report covering the calendar year
1305 which shall be filed no later than January 31 of the following
1306 calendar year.

1307 (c) Contents of reports. Each report under this
1308 article shall disclose:

1309 (i) For the reporting period and the calendar
1310 year, the total amount of all contributions and the total amount
1311 of all expenditures of the candidate or reporting committee
1312 required to be identified pursuant to item (ii) of this paragraph.
1313 The reports shall be cumulative during the calendar year to which

1314 they relate;

1315 (ii) The identification of:

1316 1. Each person or political committee who
1317 makes a contribution to the reporting candidate or political
1318 committee during the reporting period, whose contribution or
1319 contributions within the calendar year have an aggregate amount or
1320 value in excess of Two Hundred Dollars (\$200.00) when made to a
1321 political committee or to a candidate for an office other than
1322 statewide office or office elected by Supreme Court district, or
1323 in excess of Five Hundred Dollars (\$500.00) when made to a
1324 candidate for statewide office or office elected by Supreme Court
1325 district, together with the date and amount of any such
1326 contribution;

1327 2. Each person or organization who receives
1328 an expenditure or expenditures from the reporting candidate or
1329 political committee during the reporting period when the
1330 expenditure or expenditures to such person or organization within
1331 the calendar year have an aggregate value or amount in excess of
1332 Two Hundred Dollars (\$200.00) when received from a political
1333 committee or candidate for an office other than statewide office
1334 or office elected by Supreme Court district, or in excess of Five
1335 Hundred Dollars (\$500.00) when received from a candidate for
1336 statewide office or office elected by Supreme Court district,
1337 together with the date and amount of the expenditure.

1338 (d) Notwithstanding any provision of this section to
1339 the contrary, a political committee that receives more than fifty
1340 percent (50%) of its contributions from persons or political
1341 committees domiciled outside of the State of Mississippi shall not
1342 be required to identify contributors who are domiciled outside of
1343 the State of Mississippi.

1344 SECTION 50. Section 23-15-811, Mississippi Code of 1972, is
1345 amended as follows:

1346 23-15-811. (a) Any candidate or any other person who shall

1347 willfully and deliberately violate the provisions and prohibitions
1348 of this article shall be guilty of a misdemeanor and upon
1349 conviction thereof shall be punished by a fine in a sum not to
1350 exceed Three Thousand Dollars (\$3,000.00).

1351 (b) In addition to the penalties provided in paragraph
1352 (a) of this section, any candidate or political committee which is
1353 required to file a statement or report which fails to file the
1354 statement or report on the date in which it is due may be
1355 compelled to file the statement or report by an action in the
1356 nature of a mandamus.

1357 (c) No candidate shall be certified as * * * elected to
1358 office unless and until he files all reports required by this
1359 article due as of the date of certification.

1360 (d) No candidate who is elected to office shall receive
1361 any salary or other remuneration for the office unless and until
1362 he files all reports required by this article due as of the date
1363 the salary or remuneration is payable.

1364 (e) In the event that a candidate fails to timely file
1365 any report required pursuant to this article but subsequently
1366 files a report or reports containing all of the information
1367 required to be reported by him as of the date on which the
1368 sanctions of paragraphs (c) and (d) of this section would be
1369 applied to him, the candidate shall not be subject to the
1370 sanctions of said paragraphs (c) and (d).

1371 SECTION 51. Section 23-15-833, Mississippi Code of 1972, is
1372 amended as follows:

1373 23-15-833. Except as otherwise provided by law, the first
1374 Tuesday after the first Monday in November of each year shall be
1375 designated the regular special election day, and on that day an
1376 election shall be held to fill any vacancy in county, county
1377 district and district attorney elective offices.

1378 All special elections, or elections to fill vacancies, shall
1379 in all respects be held, conducted and returned in the same manner

1380 as general elections, except that where no candidate receives a
1381 majority of the votes cast in the election, then a runoff election
1382 shall be held two (2) weeks after the election and the two (2)
1383 candidates who receive the highest number of popular votes for the
1384 office shall have their names submitted as the candidates to
1385 the * * * runoff and the candidate who leads in the runoff
1386 election shall be elected to the office. When there is a tie in
1387 the first election of those receiving the second highest number of
1388 votes, these two (2) and the one receiving the highest number of
1389 votes, none having received a majority, shall go into the runoff
1390 election and whoever leads in the runoff election shall be
1391 entitled to the office.

1392 In those years when the regular special election day shall
1393 occur on the same day as the general election, the names of
1394 candidates in any special election and the general election shall
1395 be placed on the same ballot, but shall be clearly distinguished
1396 as general election candidates or special election candidates.

1397 * * *

1398 SECTION 52. Section 23-15-859, Mississippi Code of 1972, is
1399 amended as follows:

1400 23-15-859. Whenever under any statute a special election is
1401 required or authorized to be held in any municipality, and the
1402 statute authorizing or requiring the election does not specify the
1403 time within which the election shall be called, or the notice
1404 which shall be given thereof, the governing authorities of the
1405 municipality shall, by resolution, fix a date upon which the
1406 election shall be held. The date shall not be less than
1407 twenty-one (21) nor more than thirty (30) days after the date upon
1408 which the resolution is adopted, and not less than three (3)
1409 weeks' notice of the election shall be given by the clerk by a
1410 notice published in a newspaper published in the municipality once
1411 each week for three (3) weeks next preceding the date of the
1412 election and by posting a copy of the notice at three (3) public

1413 places in the municipality. Nothing herein, however, shall be
1414 applicable to elections on the question of the issuance of the
1415 bonds of a municipality or to preferential or general * * *
1416 elections for the election of municipal officers.

1417 SECTION 53. Section 23-15-873, Mississippi Code of 1972, is
1418 amended as follows:

1419 23-15-873. No person, whether an officer or not, shall, in
1420 order to promote his own candidacy, or that of any other person,
1421 to be a candidate for public office in this state, directly or
1422 indirectly, himself or through another person, promise to appoint,
1423 or promise to secure or assist in securing the appointment * * *
1424 or election of another person to any public position or
1425 employment, or to secure or assist in securing any public contract
1426 or the employment of any person under any public contractor, or to
1427 secure or assist in securing the expenditure of any public funds
1428 in the personal behalf of any particular person or group of
1429 persons, except that the candidate may publicly announce what is
1430 his choice or purpose in relation to an election in which he may
1431 be called on to take part if elected. It shall be unlawful for
1432 any person to directly or indirectly solicit or receive any
1433 promise by this section prohibited. But this does not apply to a
1434 sheriff, chancery clerk, circuit clerk or any other person of the
1435 state or county when it comes to their office force.

1436 SECTION 54. Section 23-15-881, Mississippi Code of 1972, is
1437 amended as follows:

1438 23-15-881. It shall be unlawful for the Mississippi
1439 Transportation Commission or any member of the Mississippi
1440 Transportation Commission, or the board of supervisors of any
1441 county or any member of the board of supervisors of the county, to
1442 employ, during the months of * * * August, September, October and
1443 November of any year in which a general * * * election is held for
1444 the * * * election of members of the Mississippi Transportation
1445 Commission and members of the boards of supervisors, a greater

1446 number of persons to work and maintain the state highways in any
1447 highway district, or the public roads in any supervisors district
1448 of the county, as the case may be, than the average number of
1449 persons employed for similar purposes in the highway district or
1450 supervisors district, as the case may be, during the months
1451 of * * * August, September, October and November of the three (3)
1452 years immediately preceding the year in which such general * * *
1453 election is held. It shall be unlawful for the Mississippi
1454 Transportation Commission, or the board of supervisors of any
1455 county, to expend out of the state highway funds, or the road
1456 funds of the county or any supervisors district thereof, as the
1457 case may be, in the payment of wages or other compensation for
1458 labor performed in working and maintaining the highways of any
1459 highway district, or the public roads of any supervisors district
1460 of the county, as the case may be, during the months of * * *
1461 August, September, October and November of such election year, a
1462 total amount in excess of the average total amount expended for
1463 such labor, in the highway district or supervisors district, as
1464 the case may be, during the corresponding four-month period of the
1465 three (3) years immediately preceding.

1466 It shall be the duty of the Mississippi Transportation
1467 Commission and the board of supervisors of each county,
1468 respectively, to keep sufficient records of the numbers of
1469 employees and expenditures made for labor on the state highways of
1470 each highway district, and the public roads of each supervisors
1471 district, for the months of * * * August, September, October and
1472 November of each year to show the number of persons employed for
1473 such work in each highway district and each supervisors district,
1474 as the case may be, during the four-month period, and the total
1475 amount expended in the payment of salaries and other compensation
1476 to the employees, so that it may be ascertained, from an
1477 examination of the records, whether or not the provisions of this
1478 chapter have been violated.

1479 It is provided, however, because of the abnormal conditions
1480 existing in certain counties of the state due to recent floods in
1481 which roads and bridges have been materially damaged or washed
1482 away and destroyed, if the board of supervisors in any county
1483 passes a resolution as provided in Section 19-9-11, Mississippi
1484 Code of 1972, for the emergency issuance of road and bridge bonds,
1485 the provisions of this section shall not be applicable to or in
1486 force concerning the board of supervisors during the calendar year
1487 1955.

1488 SECTION 55. Section 23-15-885, Mississippi Code of 1972, is
1489 amended as follows:

1490 23-15-885. The restrictions imposed in Sections 23-15-881
1491 and 23-15-883 shall likewise apply to the mayor and board of
1492 aldermen, or other governing authority, of each municipality, in
1493 the employment of labor for working and maintaining the streets of
1494 the municipality during the four-month period next preceding the
1495 date of holding the general election * * * in the municipality for
1496 the election of municipal officers.

1497 SECTION 56. Section 23-15-891, Mississippi Code of 1972, is
1498 amended as follows:

1499 23-15-891. No common carrier, telegraph company or telephone
1500 company shall give to any candidate, or to any member of any
1501 political committee, or to any person to be used to aid or promote
1502 the success or defeat of any candidate for election for any public
1503 office, free transportation or telegraph or telephone service, as
1504 the case may be, or any reduction thereof that is not made alike
1505 to all other persons. All persons required by the provisions of
1506 this chapter to make and file statements shall make oath that they
1507 have not received or made use of, directly or indirectly, in
1508 connection with any candidacy for election to any public office,
1509 free transportation or telegraph or telephone service.

1510 SECTION 57. Section 23-15-899, Mississippi Code of 1972, is
1511 amended as follows:

1512 23-15-899. Every placard, bill, poster, pamphlet or other
1513 printed matter having reference to any election, or to any
1514 candidate, that has not been submitted to and approved and
1515 subscribed by a candidate or his campaign manager or assistant
1516 manager pursuant to the provisions of Section 23-15-897, shall
1517 bear upon the face thereof the name and the address of the author
1518 and of the printer and publisher thereof, and failure to so
1519 provide shall be a misdemeanor, and it shall be a misdemeanor for
1520 any person to mutilate or remove, previously to the date of the
1521 election, any placard, poster or picture which has been lawfully
1522 placed or posted.

1523 SECTION 58. Section 23-15-911, Mississippi Code of 1972, is
1524 amended as follows:

1525 23-15-911. When the returns for a box and the contents of
1526 the ballot box and the conduct of the election thereat have been
1527 canvassed and reviewed by the county election commission, * * *
1528 all the contents of the box required to be placed and sealed in
1529 the ballot box by the managers shall be replaced therein by the
1530 election commission * * * and the box shall be * * * resealed
1531 immediately and delivered to the circuit clerk, who shall safely
1532 keep and secure the box against any tampering. * * * At any time
1533 within twelve (12) days after the canvass and examination of the
1534 box and its contents by the election commission, * * * any
1535 candidate or his representative authorized in writing by him shall
1536 have the right of full examination of the box and its contents
1537 upon three (3) days' notice of his application to examine the box
1538 being served upon the opposing candidate or candidates, or upon
1539 any member of their family over the age of eighteen (18) years,
1540 which examination shall be conducted in the presence of the
1541 circuit clerk or his deputy who shall be charged with the duty to
1542 see that none of the contents of the box are removed from the
1543 presence of the clerk or in any way tampered with. Upon the
1544 completion of the examination the box shall be resealed with all

1545 its contents as they were before the examination. And if any
1546 contest or complaint before the court shall arise over the box, it
1547 shall be kept intact and sealed until the court hearing and
1548 another ballot box, if necessary, shall be furnished for the
1549 precinct involved.

1550 SECTION 59. Section 23-15-973, Mississippi Code of 1972, is
1551 amended as follows:

1552 23-15-973. It shall be the duty of the judges of the circuit
1553 court to give a reasonable time and opportunity to the candidates
1554 for the office of judge of the Supreme Court, judges of the Court
1555 of Appeals, circuit judge and chancellor to address the people
1556 during court terms. In order to give further and every possible
1557 emphasis to the fact that the * * * judicial offices are not
1558 political but are to be held without favor and with absolute
1559 impartiality as to all persons, and because of the jurisdiction
1560 conferred upon the courts by this chapter, the judges thereof
1561 should be as far removed as possible from any political
1562 affiliations or obligations. It shall be unlawful for any
1563 candidate for any of the offices mentioned in this section to
1564 align himself with any candidate or candidates for any other
1565 office or with any political faction or any political party at any
1566 time during any * * * election campaign. Likewise it shall be
1567 unlawful for any candidate for any other office * * *, wherein any
1568 candidate for any of the judicial offices in this section
1569 mentioned, is or are to be elected, to align himself with any one
1570 or more of the candidates for said offices or to take any part
1571 whatever in any election for any one or more of said judicial
1572 offices, except to cast his individual vote. Any candidate for
1573 any office, whether elected with or without opposition, at any
1574 election wherein a candidate for any one of the judicial offices
1575 herein mentioned is to be elected who shall deliberately,
1576 knowingly and willfully violate the provisions of this section
1577 shall forfeit his election at any election. * * *

1578 SECTION 60. Section 23-15-993, Mississippi Code of 1972, is
1579 amended as follows:

1580 23-15-993. For the purpose of all elections, each of the
1581 nine (9) judgeships of the Supreme Court shall be considered a
1582 separate office. The three (3) offices in each of the three (3)
1583 Supreme Court districts shall be designated Position Number 1,
1584 Position Number 2 and Position Number 3, and in qualifying for
1585 office as a candidate for any office of judge of the Supreme Court
1586 each candidate shall state the position number of the office to
1587 which he aspires and the preferential and regular election ballots
1588 shall so indicate. In Supreme Court District Number 1: Position
1589 Number 1 shall be that office for which the term ends in January
1590 1966; Position Number 2 shall be that office for which the term
1591 ends in January 1965; and Position Number 3 shall be that office
1592 for which the term ends in January 1969. In District Number 2:
1593 Position Number 1 shall be that office for which the term ends in
1594 January 1972; Position Number 2 shall be that office for which the
1595 term ends in January 1969; and Position Number 3 shall be for that
1596 office for which the term ends in January 1973. In District
1597 Number 3: Position Number 1 shall be that office for which the
1598 term ends in January 1969; Position Number 2 shall be that office
1599 for which the term ends in January 1969; and Position Number 3
1600 shall be that office for which the term ends in January 1965.

1601 SECTION 61. Section 23-15-1065, Mississippi Code of 1972, is
1602 amended as follows:

1603 23-15-1065. No person shall claim or represent himself in
1604 any manner to be a member of any state, district or county
1605 executive committee of any political party in this state, or claim
1606 to be the national committeeman or national committeewoman or any
1607 other officer or representative of a political party without
1608 having been lawfully elected or chosen as such in the manner
1609 provided by the laws of this state, or by such political party in
1610 the manner provided by the laws of this state. Any election held

1611 to select any representative of a political party shall be a
1612 partisan election, and only members of the political party may
1613 vote in party elections.

1614 Any person who violates the provisions of this section, in
1615 addition to other measures or penalties provided by law, may be
1616 enjoined therefrom upon application to the courts by any person or
1617 persons, or any political party, official or representative of
1618 such political party aggrieved thereby.

1619 SECTION 62. Section 23-15-1085, Mississippi Code of 1972, is
1620 amended as follows:

1621 23-15-1085. The chairman of a party's state executive
1622 committee shall notify the Secretary of State if the party intends
1623 to hold a presidential preference primary. The Secretary of State
1624 shall be notified before December 1 of the year preceding the year
1625 in which a presidential preference primary may be held pursuant to
1626 Section 23-15-1081. * * * Any presidential preference primary
1627 shall be a partisan election, and only members of the political
1628 party may vote in the party's presidential preference primary.

1629 SECTION 63. Section 23-15-1087, Mississippi Code of 1972, is
1630 amended as follows:

1631 23-15-1087. Except as otherwise provided in this chapter,
1632 the laws regulating * * * elections, * * * insofar as practical,
1633 shall apply to and govern presidential preference primary
1634 elections.

1635 SECTION 64. Section 23-15-127, Mississippi Code of 1972,
1636 which provides for the preparation, use and revision of primary
1637 election pollbooks, is repealed.

1638 SECTION 65. Section 23-15-171, Mississippi Code of 1972,
1639 which provides for the dates of municipal primary elections, is
1640 repealed.

1641 SECTION 66. Section 23-15-191, Mississippi Code of 1972,
1642 which provides for the date of state, district and county primary
1643 elections, is repealed.

1644 SECTION 67. Sections 23-15-263, 23-15-265, 23-15-267,
1645 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,
1646 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,
1647 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of
1648 1972, which provide for the duties of the state executive
1649 committees and county executive committees in primary elections,
1650 provide for the qualification of candidates for party primary
1651 elections, and provide for the conducting of party primary
1652 elections, are repealed.

1653 SECTION 68. Sections 23-15-359, 23-15-361 and 23-15-363,
1654 Mississippi Code of 1972, which provide for the contents of
1655 general election ballots, are repealed.

1656 SECTION 69. Section 23-15-575, Mississippi Code of 1972,
1657 which provides that a person shall not be eligible to participate
1658 in party nominations unless he intends to support the nominations
1659 made by his party, is repealed.

1660 SECTION 70. Sections 23-15-597 and 23-15-599, Mississippi
1661 Code of 1972, which provide for the canvass of returns and
1662 announcement of the vote by the county executive committees in
1663 primary elections, and which require the state executive
1664 committees to transmit to the Secretary of State a tabulated
1665 statement of the party vote for certain offices, are repealed.

1666 SECTION 71. Section 23-15-841, Mississippi Code of 1972,
1667 which provides for primary elections for nominations of candidates
1668 to fill vacancies in certain offices, is repealed.

1669 SECTION 72. Sections 23-15-921, 23-15-923, 23-15-925,
1670 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
1671 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
1672 procedures for contests of primary elections, are repealed.

1673 SECTION 73. Section 23-15-971, Mississippi Code of 1972,
1674 which provides for supervision of primary elections for judicial
1675 offices by the state executive committee, and provides for the
1676 date of primary elections for judicial offices, is repealed.

1677 SECTION 74. Section 23-15-1031, Mississippi Code of 1972,
1678 which provides for the date of primary elections for Congressmen
1679 and United States Senators, is repealed.

1680 SECTION 75. Section 23-15-1063, Mississippi Code of 1972,
1681 which prohibits unregistered political parties from conducting
1682 primary elections, is repealed.

1683 SECTION 76. Section 23-15-1083, Mississippi Code of 1972,
1684 which requires certain congressional primaries be held on the same
1685 day as the presidential preference primary, is repealed.

1686 SECTION 77. The Attorney General of the State of Mississippi
1687 shall submit this act, immediately upon approval by the Governor,
1688 or upon approval by the Legislature subsequent to a veto, to the
1689 Attorney General of the United States or to the United States
1690 District Court for the District of Columbia in accordance with the
1691 provisions of the Voting Rights Act of 1965, as amended and
1692 extended.

1693 SECTION 78. This act shall take effect and be in force from
1694 and after the date it is effectuated under Section 5 of the Voting
1695 Rights Act of 1965, as amended and extended, or from and after
1696 January 1, 2000, whichever date is later.