

By: Senator(s) Nunnelee

To: Elections

SENATE BILL NO. 2112

1 AN ACT TO ABOLISH PARTISAN MUNICIPAL PRIMARIES; TO PROVIDE
2 THE TIME FOR HOLDING MUNICIPAL GENERAL AND PREFERENTIAL ELECTIONS;
3 TO PROVIDE THAT WHEN ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE
4 FOR A MUNICIPAL OFFICE, THAT SUCH PERSON'S NAME SHALL BE PLACED ON
5 THE MUNICIPAL GENERAL ELECTION BALLOT; TO PROVIDE THAT WHEN MORE
6 THAN ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR A MUNICIPAL
7 OFFICE, THAT A PREFERENTIAL ELECTION SHALL BE HELD THREE WEEKS
8 PRIOR TO THE MUNICIPAL GENERAL ELECTION AND THE CANDIDATE WHO
9 RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL HAVE
10 HIS NAME AND HIS NAME ONLY PLACED ON THE MUNICIPAL GENERAL
11 ELECTION BALLOT; TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A
12 MAJORITY OF THE VOTES CAST IN THE MUNICIPAL PREFERENTIAL ELECTION
13 FOR A MUNICIPAL OFFICE, THAT THE TWO CANDIDATES WHO RECEIVE THE
14 HIGHEST NUMBER OF VOTES IN THE PREFERENTIAL ELECTION SHALL HAVE
15 THEIR NAMES PLACED ON THE MUNICIPAL GENERAL ELECTION BALLOT AS
16 CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE PROCEDURE TO FOLLOW IN
17 CASE OF TIES; TO PROVIDE THE MANNER FOR QUALIFYING AS A CANDIDATE
18 FOR MUNICIPAL PUBLIC OFFICE; TO PROVIDE FOR THE PRINTING OF
19 NECESSARY BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7, 21-15-1,
20 23-15-21, 23-15-31, 23-15-173, 23-15-313, 23-15-367, 23-15-411,
21 23-15-559, 23-15-601, 23-15-713, 23-15-801 AND 23-15-859,
22 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL
23 SECTIONS 23-15-309, 23-15-311, 23-15-313 AND 23-15-319,
24 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR CERTAIN DUTIES OF
25 MUNICIPAL EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS, PROVIDE FOR
26 THE QUALIFICATION OF CANDIDATES FOR MUNICIPAL PARTY PRIMARY
27 ELECTIONS, AND PROVIDE FOR THE CONDUCT OF PARTY PRIMARY ELECTIONS;
28 TO REPEAL SECTION 23-15-361, MISSISSIPPI CODE OF 1972, WHICH
29 PROVIDES FOR THE CONTENTS OF MUNICIPAL GENERAL ELECTION BALLOTS;
30 AND FOR RELATED PURPOSES.

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

32 SECTION 1. (1) For purposes of this act, the following
33 words shall have the meaning ascribed herein unless the context
34 shall otherwise require:

35 (a) "Preferential election" shall mean a municipal
36 election held for the purpose of determining those candidates
37 whose names will be placed on the municipal general or regular
38 election ballot. Any person who meets the qualifications to hold
39 the municipal office he seeks may be a candidate in the
40 preferential election without regard to party affiliation or lack

41 of party affiliation.

42 (b) "General election" or "regular election" shall mean
43 a municipal election held for the purpose of determining which
44 candidate shall be elected to office.

45 (c) "Political party" shall mean a party defined as a
46 political party by the provisions of Sections 23-15-1059 and
47 23-15-1061, Mississippi Code of 1972.

48 (2) All qualified electors of the municipality may
49 participate, without regard to party affiliation or lack of party
50 affiliation, in municipal preferential, general or regular
51 election.

52 SECTION 2. A municipal general election shall be held on the
53 date provided for by law. When more than one (1) person has
54 qualified or been certified as a candidate for any municipal
55 office, a preferential election for such office shall be held
56 three (3) weeks prior to such general or regular election.

57 SECTION 3. Any person who has qualified in the manner
58 provided by law as a candidate for municipal election under
59 Sections 1 through 9 of this act shall have the right to withdraw
60 his name as a candidate by giving notice of his withdrawal in
61 writing to the secretary of the municipal election commission at
62 any time prior to the printing of the official ballots, and in the
63 event of his withdrawal the name of such candidate shall not be
64 printed on the ballot.

65 SECTION 4. When only one (1) person shall have qualified or
66 been certified as a candidate for any municipal office, such
67 person's name shall be placed only on the municipal general or
68 regular election ballot and shall not be placed on the ballot for
69 a preferential election.

70 SECTION 5. When more than one (1) person has qualified or
71 been certified as a candidate for any municipal office, a
72 preferential election for such office shall be held three (3)
73 weeks prior to such municipal general or regular election, and any
74 candidate who receives a majority of the votes cast in such
75 preferential election shall have his name, and his name only,
76 placed on the ballot in the municipal general or regular election.
77 Except as provided in Section 6 of this act, if no person shall

78 receive a majority of the votes cast at such preferential
79 election, then the two (2) persons receiving the highest number of
80 votes in the preferential election shall have their names placed
81 on the ballot in the municipal general or regular election as
82 candidates for such office.

83 SECTION 6. (1) When there is a tie in the preferential
84 election between the candidates receiving the highest vote, then
85 only those candidates shall be placed on the ballot as candidates
86 in the municipal general election.

87 (2) When there is a tie in the preferential election between
88 the candidates receiving the next highest vote and there is not a
89 tie for the highest vote, candidates receiving the next highest
90 vote and the one receiving the highest vote, no one having
91 received a majority, shall have their names placed on the ballot
92 as candidates in the municipal general or regular election.

93 (3) In the event that (a) there are more than two (2)
94 candidates in the preferential election, and (b) no candidate in
95 such election receives a majority of the votes cast at such
96 preferential election, and (c) there is not a tie in such
97 preferential election that would require the procedure prescribed
98 in subsection (2) of this section to be followed, and (d) one (1)
99 of the two (2) candidates who receives the highest number of votes
100 in such preferential election withdraws or is otherwise unable to
101 participate in the municipal general or regular election, then the
102 remaining candidate of the two (2) who receives the highest vote
103 in the preferential election and the candidate who receives the
104 third highest vote in such election shall be placed on the ballot
105 as candidates in the municipal general or regular election.

106 SECTION 7. All candidates receiving the highest number of
107 votes for any office in the municipal general or regular election
108 shall thereby be declared elected to such office.

109 SECTION 8. (1) All candidates upon entering the race for
110 election to any municipal office shall, not later than 5:00 p.m.

111 sixty (60) days prior to any municipal general or regular
112 election, file their intent to be a candidate and pay to the
113 secretary of the municipal executive committee of their political
114 party or to the municipal election commission for each election
115 the amount of Ten Dollars (\$10.00).

116 (2) Candidates for municipal office shall file their intent
117 to be a candidate with the secretary of the municipal executive
118 committee of the political party with which the candidate is
119 affiliated, or with the secretary of the municipal election
120 commission if not affiliated with a political party.

121 (3) Such election shall be held on the date provided for in
122 Section 23-15-173, Mississippi Code of 1972; and in the event a
123 preferential election shall be necessary, such preferential
124 election shall be held three (3) weeks prior thereto. At such
125 election, or elections, the municipal election commissioners shall
126 perform the same duties in preferential and general elections as
127 are specified by law and performed by the county election
128 commissioners with regard to state and county general elections.
129 Except as otherwise provided by law, all municipal elections shall
130 be held and conducted as is provided by law for state and county
131 elections.

132 (4) Provided, however, that in municipalities operating
133 under a special or private charter which fixes a time for holding
134 elections other than the time fixed herein, the preferential
135 election shall be three (3) weeks prior to the general election as
136 fixed by the charter.

137 (5) No person shall be denied a place upon the ballot for
138 any office for which he desires to be a candidate because of his
139 inability to pay the assessment above set out.

140 (6) Not later than fifty-five (55) days prior to the general
141 election, the respective municipal executive committees shall
142 certify to the municipal election commission all candidates who
143 have filed, within the time prescribed herein, with such executive

144 committees their intent to be a candidate.

145 SECTION 9. Necessary ballots for use in municipal elections
146 shall be printed as provided for in Section 23-15-351, Mississippi
147 Code of 1972. The ballots shall contain the names of all
148 candidates who have filed their intention to be a candidate in the
149 manner and within the time prescribed in Section 9. Such names
150 shall be listed alphabetically on the ballot without regard to
151 party affiliation, if any, with indication of the political party,
152 if any, with which such candidate qualified placed in parentheses
153 following the name of the candidate.

154 SECTION 10. Sections 1 through 9 of this act shall apply to
155 all elections to municipal public office.

156 SECTION 11. The chairmen of the municipal election
157 commission shall transmit to the Secretary of State a tabulated
158 statement of the vote cast in each municipality, which statement
159 shall be filed by the Secretary of State and preserved among the
160 records of his office.

161 SECTION 12. Section 21-7-7, Mississippi Code of 1972, is
162 amended as follows:

163 21-7-7. The governing body of any such municipality shall be
164 a council, known and designated as such, consisting of seven (7)
165 members. One (1) of the members shall be the mayor, having the
166 qualifications as prescribed by Section 21-3-9, who shall have
167 full rights, powers and privileges of other councilmen. The mayor
168 shall be nominated and elected at large; the remaining councilmen
169 shall be nominated and elected one (1) from each ward into which
170 the city shall be divided. However, if the city be divided into
171 less than six (6) wards, the remaining councilmen shall be
172 nominated and elected at large. The councilmen, including the
173 mayor, shall be elected for a term of four (4) years to serve
174 until their successors are elected and qualified in accordance
175 with the provisions of Sections 1 through 11 of Senate Bill No.
176 2112, 1999 Regular Session, said term commencing on the first

177 Monday of January after the municipal election first following the
178 adoption of the form of government as provided by this chapter.

179 The compensation for the members of the council shall, for
180 the first four (4) years of operation, under this chapter, be
181 fixed by the board of mayor and aldermen holding office prior to
182 the change in form of government. Thereafter the amount of
183 compensation for each such member may be increased or decreased by
184 the council, by council action taken prior to the election of
185 members thereof for the ensuing term, such action to become
186 effective with the ensuing terms.

187 SECTION 13. Section 21-8-7, Mississippi Code of 1972, is
188 amended as follows:

189 21-8-7. (1) Each municipality operating under the
190 mayor-council form of government shall be governed by an elected
191 council and an elected mayor. Other officers and employees shall
192 be duly appointed pursuant to this chapter, general law or
193 ordinance.

194 (2) Except as otherwise provided in subsection (4) of this
195 section, the mayor and councilmen shall be elected by the voters
196 of the municipality at a general or regular municipal election
197 held on the first Tuesday after the first Monday in June as
198 provided in Sections 1 through 11 of Senate Bill No. 2112, 1999
199 Regular Session, and shall serve for a term of four (4) years
200 beginning on the first Monday of July next following his election.

201 (3) The terms of the initial mayor and councilmen shall
202 commence at the expiration of the terms of office of the elected
203 officials of the municipality serving at the time of adoption of
204 the mayor-council form.

205 (4) (a) The council shall consist of five (5), seven (7) or
206 nine (9) members. In the event there are five (5) councilmen, the
207 municipality shall be divided into either five (5) or four (4)
208 wards. In the event there are seven (7) councilmen, the
209 municipality shall be divided into either seven (7), six (6) or

210 five (5) wards. In the event there are nine (9) councilmen, the
211 municipality shall be divided into seven (7) or nine (9) wards.
212 If the municipality is divided into fewer wards than it has
213 councilmen, the other councilman or councilmen shall be elected
214 from the municipality at large. The total number of councilmen
215 and the number of councilmen elected from wards shall be
216 established by the petition or petitions presented pursuant to
217 Section 21-8-3. One (1) councilman shall be elected from each
218 ward by the voters of that ward. Councilmen elected to represent
219 wards must be residents of their wards at the time of
220 qualification for election, and any councilman who removes his
221 residence from the municipality or from the ward from which he was
222 elected shall vacate his office. However, any candidate for
223 councilman who is properly qualified as a candidate under
224 applicable law shall be deemed to be qualified as a candidate in
225 whatever ward he resides if his ward has changed after the council
226 has redistricted the municipality as provided in subparagraphs
227 (c)(ii) and (iii) of this subsection (4), and if the wards have
228 been so changed, any person may qualify as a candidate for
229 councilman, using his existing residence or by changing his
230 residence, not less than fifteen (15) days prior to the
231 preferential election or special election, as the case may be,
232 notwithstanding any other residency or qualification requirements
233 to the contrary.

234 (b) The council or board existing at the time of the
235 adoption of the mayor-council form of government shall designate
236 the geographical boundaries of the wards within one hundred twenty
237 (120) days after the election in which the mayor-council form of
238 government is selected. In designating the geographical
239 boundaries of the wards, each ward shall contain, as nearly as
240 possible, the population factor obtained by dividing the
241 municipality's population as shown by the most recent decennial
242 census by the number of wards into which the municipality is to be

243 divided.

244 (c) (i) It shall be the mandatory duty of the council
245 to redistrict the municipality by ordinance, which ordinance may
246 not be vetoed by the mayor, within six (6) months after the
247 official publication by the United States of the population of the
248 municipality as enumerated in each decennial census, and within
249 six (6) months after the effective date of any expansion of
250 municipal boundaries; however, if the publication of the most
251 recent decennial census or effective date of an expansion of the
252 municipal boundaries occurs six (6) months or more prior to the
253 preferential election in a municipality, then the council shall
254 redistrict the municipality by ordinance not less than sixty (60)
255 days prior to such preferential election.

256 (ii) If the publication of the most recent
257 decennial census occurs less than six (6) months prior to the
258 preferential election in a municipality, then the council shall
259 redistrict the municipality by ordinance not later than twenty
260 (20) days prior to the preferential election.

261 (iii) If the publication of the most recent
262 decennial census is not received by the council in time to
263 redistrict the municipality at least twenty (20) days prior to the
264 preferential election, then the council shall redistrict the
265 municipality by ordinance not later than twenty (20) days prior to
266 a special preferential election provided for hereafter in this
267 subparagraph. If the census is not received in time to redistrict
268 the municipality, as provided above, the mayor and councilmen
269 shall be elected by the voters of the municipality at a special
270 general or regular municipal election held on the fourth Tuesday
271 after the first Monday in June, and a special preferential
272 election shall be held on the second Tuesday after the first
273 Monday in June, notwithstanding other provisions of law to the
274 contrary.

275 (d) If annexation of additional territory into the

276 municipal corporate limits of the municipality shall occur less
277 than six (6) months prior to the preferential election in a
278 municipality the council shall, by ordinance adopted within three
279 (3) days of the effective date of such annexation, assign such
280 annexed territory to an adjacent ward or wards so as to maintain
281 as nearly as possible substantial equality of population between
282 wards; any subsequent redistricting of the municipality by
283 ordinance as required by this chapter shall not serve as the basis
284 for representation until the next regularly scheduled election for
285 municipal councilmen.

286 (e) If the council shall have failed to redistrict the
287 municipality as herein required, the members of the council shall
288 not receive any further salaries until the council shall have
289 adopted such ordinance and the checks for such salaries for said
290 periods shall not be issued.

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

293 (6) The mayor shall maintain an office at the city hall.
294 The councilmen shall not maintain individual offices at the city
295 hall; provided, however, that in municipalities with populations
296 of one hundred ninety thousand (190,000) and above, councilmen may
297 have individual offices in the city hall. Clerical work of
298 councilmen in the performance of the duties of their office shall
299 be performed by municipal employees or at municipal expense, and
300 councilmen shall be reimbursed for the reasonable expenses
301 incurred in the performance of the duties of their office.

302 SECTION 14. Section 21-15-1, Mississippi Code of 1972, is
303 amended as follows:

304 21-15-1. All officers elected at the general or regular
305 municipal election provided for in Sections 1 through 11 of Senate
306 Bill No. 2112, 1999 Regular Session, shall qualify and enter upon
307 the discharge of their duties on the first Monday of July after
308 such general election, and shall hold their offices for a term of

309 four (4) years and until their successors are duly elected and
310 qualified.

311 SECTION 15. Section 23-15-21, Mississippi Code of 1972, is
312 amended as follows:

313 23-15-21. It shall be unlawful for any person who is not a
314 citizen of the United States or the State of Mississippi to
315 register or to vote in any preferential, primary, special or
316 general election in the state.

317 SECTION 16. Section 23-15-31, Mississippi Code of 1972, is
318 amended as follows:

319 23-15-31. All of the provisions of this subarticle shall be
320 applicable, insofar as possible, to municipal, preferential,
321 primary, general and special elections; and wherever therein any
322 duty is imposed or any power or authority is conferred upon the
323 county registrar or county election commissioners or county
324 executive committee with reference to a state and county election,
325 such duty shall * * * be imposed and such power and authority
326 shall likewise be conferred upon the municipal registrar or
327 municipal election commission, as appropriate, * * * with
328 reference to any municipal election.

329 SECTION 17. Section 23-15-173, Mississippi Code of 1972, is
330 amended as follows:

331 23-15-173. * * * A general municipal election shall be held
332 in each city, town or village on the first Tuesday after the first
333 Monday of June 1985, and every four (4) years thereafter, for the
334 election of all municipal officers elected by the people.

335 * * *

336 SECTION 18. Section 23-15-313, Mississippi Code of 1972, is
337 amended as follows:

338 23-15-313. If there be any political party, or parties, in
339 any municipality which shall not have a party executive committee
340 for such municipality, such political party, or parties, shall
341 select temporary executive committees to serve until executive

342 committees shall be regularly elected, said selection to be in the
343 following manner, to wit: The chairman of the county executive
344 committee of the party desiring to select a municipal executive
345 committee shall, upon petition of five (5) or more members of that
346 political faith, call a mass meeting of the electors of their
347 political faith, residing in the municipality, to meet at some
348 convenient place within said municipality, at a time to be
349 designated in the call, and at such mass convention the members of
350 that political faith shall select an executive committee which
351 shall serve until the next * * * election. The public shall be
352 given notice of such mass meeting as provided in the next
353 succeeding section.

354 SECTION 19. Section 23-15-367, Mississippi Code of 1972, is
355 amended as follows:

356 23-15-367. Except as otherwise provided by Sections
357 23-15-974 through 23-15-985, and Sections 1 through 11 of Senate
358 Bill No. 2112, 1999 Regular Session, the arrangement of the names
359 of the candidates and the order in which the titles of the various
360 offices shall be printed, and the size, print and quality of paper
361 of the official ballot is left to the discretion of the officer
362 charged with printing the official ballot; but the arrangement
363 need not be uniform. It is the duty of the Secretary of State,
364 with the approval of the Governor, to furnish the designated
365 commissioner of each county a sample of the official ballot, not
366 less than fifty-five (55) days prior to the election, the general
367 form of which shall be followed as nearly as practicable; provided
368 that in all primary elections the names of the candidates for each
369 separate office shall be arranged alphabetically.

370 SECTION 20. Section 23-15-411, Mississippi Code of 1972, is
371 amended as follows:

372 23-15-411. The officer who furnishes the official ballots
373 for any polling place where a voting machine is to be used shall
374 also provide two (2) sample ballots or instruction ballots, which

375 sample or instruction ballots shall be arranged in the form of a
376 diagram showing such portion of the front of the voting machine as
377 it will appear after the official ballots are arranged thereon or
378 therein for voting on election day. Such sample ballots shall be
379 open to the inspection of all voters on election day, in all
380 primaries and preferential and general elections where voting
381 machines are used.

382 SECTION 21. Section 23-15-559, Mississippi Code of 1972, is
383 amended as follows:

384 23-15-559. The provisions of Section * * * 23-15-173 fixing
385 the time for the holding of * * * general elections shall not
386 apply to any municipality operating under a special or private
387 charter where the governing board or authority thereof, on or
388 before June 25, 1952, shall have adopted and spread upon its
389 minutes a resolution or ordinance declining to accept such
390 provisions, in which event * * * general elections shall be held
391 at the time fixed by the charter of such municipality.

392 The provisions of Section 23-15-859 shall be applicable to
393 all municipalities of this state, whether operating under a code
394 charter, special charter or the commission form of government,
395 except in cases of conflicts between the provisions of such
396 section and the provisions of the special charter of a
397 municipality or the law governing the commission form of
398 government, in which cases of conflict the provisions of the
399 special charter or the statutes relative to the commission form of
400 government shall apply.

401 SECTION 22. Section 23-15-601, Mississippi Code of 1972, is
402 amended as follows:

403 23-15-601. When the result of the general election shall
404 have been ascertained by the managers they, or one (1) of their
405 number, or some fit person designated by them, shall, by noon of
406 the second day after the election, deliver to the commissioners of
407 election, at the courthouse, a statement of the whole number of

408 votes given for each person and for what office; and the
409 commissioners of election shall canvass the returns, ascertain and
410 declare the result, and within ten (10) days after the day of the
411 election, shall deliver a certificate of his election to the
412 person having the greatest number of votes for representative in
413 the Legislature of districts composed of one (1) county or less,
414 or other county office, board of supervisors, justice court judge
415 and constable. If it appears that two (2) or more candidates for
416 Representative of the county, or part of the county, or for any
417 county office, board of supervisors, justice court judge or
418 constable standing highest on the list, and not elected, have an
419 equal number of votes, the election shall be decided by lot fairly
420 and publicly drawn by the commissioners, with the aid of two (2)
421 or more respectable electors of the county, and a certificate of
422 election shall be given accordingly. The foregoing provisions
423 shall apply to Senators, if the county be a senatorial district.

424 In municipal preferential elections, when the result of the
425 election shall have been ascertained by the managers they, or one
426 (1) of their number, or some fit person designated by them, shall,
427 by noon of the day following the election, deliver to the
428 municipal commissioners of election a statement of the whole
429 number of votes for each person and for what office; and the
430 municipal commissioners of election shall, on the first or second
431 day after the preferential election and after the general
432 election, canvass the returns, ascertain and declare the result of
433 the preferential election, and announce the names of the
434 candidates who have received a majority of the votes cast for each
435 municipal office and shall also announce the names of those
436 candidates that are to be submitted to the general election.

437 SECTION 23. Section 23-15-713, Mississippi Code of 1972, is
438 amended as follows:

439 23-15-713. For the purpose of this subarticle, any duly
440 qualified elector may vote as provided in this subarticle if

441 he * * * falls within the following categories:

442 (a) Any qualified elector who is a bona fide student,
443 teacher or administrator at any college, university, junior
444 college, high, junior high, or elementary grade school whose
445 studies or employment at such institution necessitates his absence
446 from the county of his voting residence on the date of any * * *
447 election, or the spouse and dependents of said student, teacher or
448 administrator if such spouse or dependent(s) maintain a common
449 domicile, outside of the county of his voting residence, with such
450 student, teacher or administrator.

451 (b) Any qualified elector who is required to be away
452 from his place of residence on any election day due to his
453 employment as an employee of a member of the Mississippi
454 congressional delegation and the spouse and dependents of such
455 person if he or she shall be residing with such absentee voter
456 away from the county of the spouse's voting residence.

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

459 (d) Any person who has a temporary or permanent
460 physical disability and who, because of such disability, is unable
461 to vote in person without substantial hardship to himself or
462 others, or whose attendance at the voting place could reasonably
463 cause danger to himself or others.

464 (e) The parent, spouse or dependent of a person with a
465 temporary or permanent physical disability who is hospitalized
466 outside of his county of residence or more than fifty (50) miles
467 distant from his residence, if the parent, spouse or dependent
468 will be with such person on election day.

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

471 (g) Any member of the Mississippi congressional
472 delegation absent from Mississippi on election day, and the spouse
473 and dependents of such member of the congressional delegation.

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

477 SECTION 24. Section 23-15-801, Mississippi Code of 1972, is
478 amended as follows:

479 23-15-801. (a) "Election" shall mean a general,
480 preferential, special, primary or runoff election.

481 (b) "Candidate" shall mean an individual who seeks
482 nomination for election, or election, to any elective office other
483 than a federal elective office and for purposes of this article,
484 an individual shall be deemed to seek nomination for election, or
485 election:

486 (i) If such individual has received contributions
487 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
488 expenditures aggregating in excess of Two Hundred Dollars
489 (\$200.00); or

490 (ii) If such individual has given his or her consent to
491 another person to receive contributions or make expenditures on
492 behalf of such individual and if such person has received such
493 contributions aggregating in excess of Two Hundred Dollars
494 (\$200.00) during a calendar year, or has made such expenditures
495 aggregating in excess of Two Hundred Dollars (\$200.00) during a
496 calendar year.

497 (c) "Political committee" shall mean any committee, party,
498 club, association, political action committee, campaign committee
499 or other groups of persons or affiliated organizations which
500 receives contributions aggregating in excess of Two Hundred
501 Dollars (\$200.00) during a calendar year or which makes
502 expenditures aggregating in excess of Two Hundred Dollars
503 (\$200.00) during a calendar year for the purpose of influencing or
504 attempting to influence the action of voters for or against the
505 nomination for election, or election, of one or more candidates,
506 or balloted measures.

507 (d) "Affiliated organization" shall mean any organization
508 which is not a political committee, but which directly or
509 indirectly establishes, administers or financially supports a
510 political committee.

511 (e) (i) "Contribution" shall include any gift,
512 subscription, loan, advance or deposit of money or anything of
513 value made by any person or political committee for the purpose of
514 influencing any election for elective office or balloted measure;

515 (ii) "Contribution" shall not include the value of
516 services provided without compensation by any individual who
517 volunteers on behalf of a candidate or political committee, or the
518 cost of any food or beverage for use in any candidate's campaign
519 or for use by or on behalf of any political committee of a
520 political party.

521 (f) (i) "Expenditure" shall include any purchase, payment,
522 distribution, loan, advance, deposit, gift of money or anything of
523 value made by any person or political committee for the purpose of
524 influencing any balloted measure or election for elective office;
525 and a written contract, promise or agreement to make an
526 expenditure;

527 (ii) "Expenditure" shall not include any news story,
528 commentary or editorial distributed through the facilities of any
529 broadcasting station, newspaper, magazine or other periodical
530 publication unless such facilities are owned or controlled by any
531 political party, political committee or candidate; or nonpartisan
532 activity designed to encourage individuals to vote or to register
533 to vote.

534 (g) The term "identification" shall mean:

535 (i) In the case of any individual, the name, the
536 mailing address and the occupation of such individual, as well as
537 the name of his or her employer; and

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

540 (h) The term "political party" shall mean an association,
541 committee or organization which nominates a candidate for election
542 to any elective office whose name appears on the election ballot
543 as the candidate of such association, committee or organization.

544 (i) The term "person" shall mean any individual, family,
545 firm, corporation, partnership, association or other legal entity.

546 (j) The term "independent expenditure" shall mean an
547 expenditure by a person expressly advocating the election or
548 defeat of a clearly identified candidate which is made without
549 cooperation or consultation with any candidate or any authorized
550 committee or agent of such candidate and which is not made in
551 concert with or at the request or suggestion of any candidate or
552 any authorized committee or agent of such candidate.

553 (k) The term "clearly identified" shall mean that:

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

555 (ii) A photograph or drawing of the candidate appears;
556 or

557 (iii) The identity of the candidate is apparent by
558 unambiguous reference.

559 SECTION 25. Section 23-15-859, Mississippi Code of 1972, is
560 amended as follows:

561 23-15-859. Whenever under any statute a special election is
562 required or authorized to be held in any municipality, and the
563 statute authorizing or requiring such election does not specify
564 the time within which such election shall be called, or the notice
565 which shall be given thereof, the governing authorities of the
566 municipality shall, by resolution, fix a date upon which such
567 election shall be held. Such date shall not be less than
568 twenty-one (21) nor more than thirty (30) days after the date upon
569 which such resolution is adopted, and not less than three (3)
570 weeks' notice of such election shall be given by the clerk by a
571 notice published in a newspaper published in the municipality once
572 each week for three (3) weeks next preceding the date of such

573 election and by posting a copy of such notice at three (3) public
574 places in such municipality. Nothing herein, however, shall be
575 applicable to elections on the question of the issuance of the
576 bonds of a municipality or to preferential or general * * *
577 elections for the election of municipal officers.

578 SECTION 26. Sections 23-15-309, 23-15-311, 23-15-313 and
579 23-15-319, Mississippi Code of 1972, which provide for certain
580 duties of municipal executive committees in primary elections,
581 provide for the qualification of candidates for municipal party
582 primary elections, and provide for the conduct of party primary
583 elections, are hereby repealed.

584 SECTION 27. Section 23-15-361, Mississippi Code of 1972,
585 which provides for the contents of municipal general election
586 ballots, is hereby repealed.

587 SECTION 28. The Attorney General of the State of Mississippi
588 is hereby directed to submit this act, immediately upon approval
589 by the Governor, or upon approval by the Legislature subsequent to
590 a veto, to the Attorney General of the United States or to the
591 United States District Court for the District of Columbia in
592 accordance with the provisions of the Voting Rights Act of 1965,
593 as amended and extended.

594 SECTION 29. This act shall take effect and be in force from
595 and after January 1, 2001, if it is effectuated under Section 5 of
596 the Voting Rights Act of 1965, as amended and extended.