

By: Senator(s) Woodfield, Gollott

To: Elections

## SENATE BILL NO. 2358

1 AN ACT TO ABOLISH PARTISAN PRIMARIES; TO PROVIDE THE TIME FOR  
2 HOLDING GENERAL AND PREFERENTIAL ELECTIONS; TO PROVIDE THAT WHEN  
3 ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR AN OFFICE, THAT  
4 SUCH 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 PRIOR TO THE GENERAL ELECTION AND THE CANDIDATE  
8 WHO RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL  
9 HAVE HIS NAME AND HIS NAME ONLY PLACED ON THE GENERAL ELECTION  
10 BALLOT; TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A MAJORITY OF  
11 THE VOTES CAST IN THE PREFERENTIAL ELECTION FOR AN OFFICE, THAT  
12 THE TWO 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 SUCH 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 SECTIONS 21-7-7, 21-8-7,  
18 21-15-1, 23-15-21, 23-15-31, 23-15-129, 23-15-153, 23-15-159,  
19 23-15-173, 23-15-197, 23-15-313, 23-15-367, 23-15-375, 23-15-403,  
20 23-15-411, 23-15-463, 23-15-465, 23-15-507, 23-15-511, 23-15-559,  
21 23-15-561, 23-15-573, 23-15-593, 23-15-595, 23-15-601, 23-15-605,  
22 23-15-673, 23-15-713, 23-15-755, 23-15-771, 23-15-801, 23-15-807,  
23 23-15-811, 23-15-833, 23-15-859, 23-15-873, 23-15-881, 23-15-885,  
24 23-15-891, 23-15-899, 23-15-911, 23-15-973, 23-15-1065, 23-15-1085  
25 AND 23-15-1087, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO;  
26 TO REPEAL SECTION 23-15-127, MISSISSIPPI CODE OF 1972, WHICH  
27 PROVIDES FOR THE PREPARATION, USE AND REVISION OF PRIMARY ELECTION  
28 POLLBOOKS; TO REPEAL SECTION 23-15-171, MISSISSIPPI CODE OF 1972,  
29 WHICH PROVIDES FOR THE DATES OF MUNICIPAL PRIMARY ELECTIONS; TO  
30 REPEAL SECTION 23-15-191, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
31 FOR THE DATE OF STATE, DISTRICT AND COUNTY PRIMARY ELECTIONS; TO  
32 REPEAL SECTIONS 23-15-263, 23-15-265, 23-15-267, 23-15-291 THROUGH  
33 23-15-311, 23-15-317, 23-15-319, 23-15-331, 23-15-333 AND  
34 23-15-335, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE DUTIES  
35 OF THE STATE EXECUTIVE COMMITTEE AND COUNTY EXECUTIVE COMMITTEES  
36 IN PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES  
37 FOR PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT OF PARTY  
38 PRIMARY ELECTIONS; TO REPEAL SECTIONS 23-15-359, 23-15-361 AND  
39 23-15-363, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE

40 CONTENTS OF GENERAL ELECTION BALLOTS; TO REPEAL SECTIONS 23-15-597  
41 AND 23-15-599, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE  
42 CANVASS OF RETURNS AND ANNOUNCEMENT OF VOTE BY THE COUNTY  
43 EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS AND REQUIRE THE STATE  
44 EXECUTIVE COMMITTEE TO TRANSMIT TO THE SECRETARY OF STATE A  
45 TABULATED STATEMENT OF THE PARTY VOTE FOR CERTAIN OFFICES; TO  
46 REPEAL SECTION 23-15-841, MISSISSIPPI CODE OF 1972, WHICH PROVIDES  
47 FOR PRIMARY ELECTIONS FOR NOMINATION OF CANDIDATES TO FILL  
48 VACANCIES IN COUNTY AND COUNTY DISTRICT OFFICES; TO REPEAL  
49 SECTIONS 23-15-921 THROUGH 23-15-941, MISSISSIPPI CODE OF 1972,  
50 WHICH PROVIDE PROCEDURES FOR CONTESTS OF PRIMARY ELECTIONS; TO  
51 REPEAL SECTION 23-15-1031, MISSISSIPPI CODE OF 1972, WHICH  
52 PROVIDES FOR THE DATE OF PRIMARY ELECTIONS FOR CONGRESSMEN AND  
53 UNITED STATES SENATORS; TO REPEAL SECTION 23-15-1063, MISSISSIPPI  
54 CODE OF 1972, WHICH PROHIBITS UNREGISTERED POLITICAL PARTIES FROM  
55 CONDUCTING PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1083,  
56 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT CERTAIN  
57 CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE  
58 PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

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

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

63 (a) "Preferential election" shall mean an election held  
64 for the purpose of determining those candidates whose names will  
65 be placed on the general or regular election ballot. Any person  
66 who meets the qualifications to hold the office he seeks may be a  
67 candidate in the preferential election without regard to party  
68 affiliation or lack of party affiliation.

69 (b) "General election" or "regular election" shall mean  
70 an election held for the purpose of determining which candidate  
71 shall be elected to office.

72 (c) "Political party" shall mean a party defined as a  
73 political party by the provisions of Sections 23-15-1059 and  
74 23-15-1061, Mississippi Code of 1972.

75 (2) All qualified electors of the State of Mississippi may  
76 participate, without regard to party affiliation or lack of party

77 affiliation, in any appropriate preferential, general or regular  
78 election.

79 SECTION 2. The general election in 1999 and every general  
80 election thereafter shall be held on the first Tuesday after the  
81 first Monday of November of the appropriate year. When more than  
82 one (1) person has qualified or been certified as a candidate for  
83 any office, a preferential election for such office shall be held  
84 three (3) weeks prior to such general or regular election.

85 SECTION 3. Any person who has qualified in the manner  
86 provided by law as a candidate for election under Sections 1  
87 through 11 of this act shall have the right to withdraw his name  
88 as a candidate by giving notice of his withdrawal in writing to  
89 the secretary of the appropriate election commission at any time  
90 prior to the printing of the official ballots, and in the event of  
91 his withdrawal the name of such candidate shall not be printed on  
92 the ballot.

93 SECTION 4. When only one (1) person shall have qualified or  
94 been certified as a candidate for any office, such person's name  
95 shall be placed only on the general or regular election ballot and  
96 shall not be placed on the ballot for a preferential election.

97 SECTION 5. When more than one (1) person has qualified or  
98 been certified as a candidate for any office, a preferential  
99 election for such office shall be held three (3) weeks prior to  
100 such general or regular election, and any candidate who receives a  
101 majority of the votes cast in such preferential election shall  
102 have his name, and his name only, placed on the ballot in the  
103 general or regular election. Except as provided in Section 6 of  
104 this act, if no person shall receive a majority of the votes cast

105 at such preferential election, then the two (2) persons receiving  
106 the highest number of votes in the preferential election shall  
107 have their names placed on the ballot in the general or regular  
108 election as candidates for such office.

109 SECTION 6. (1) When there is a tie in the preferential  
110 election between the candidates receiving the highest vote, then  
111 only those candidates shall be placed on the ballot as candidates  
112 in the general election.

113 (2) When there is a tie in the preferential election between  
114 the candidates receiving the next highest vote and there is not a  
115 tie for the highest vote, candidates receiving the next highest  
116 vote and the one receiving the highest vote, no one having  
117 received a majority, shall have their names placed on the ballot  
118 as candidates in the general or regular election.

119 (3) In the event that (a) there are more than two (2)  
120 candidates in the preferential election, and (b) no candidate in  
121 such election receives a majority of the votes cast at such  
122 preferential election, and (c) there is not a tie in such  
123 preferential election that would require the procedure prescribed  
124 in subsection (2) of this section to be followed, and (d) one (1)  
125 of the two (2) candidates who receives the highest number of votes  
126 in such preferential election withdraws or is otherwise unable to  
127 participate in the general or regular election, then the remaining  
128 candidate of the two (2) who receives the highest vote in the  
129 preferential election and the candidate who receives the third  
130 highest vote in such election shall be placed on the ballot as  
131 candidates in the general or regular election.

132 SECTION 7. All candidates receiving the highest number of

133 votes for any office in the general or regular election shall  
134 thereby be declared elected to such office, subject to the  
135 requirements of Sections 140, 141 and 143, Mississippi  
136 Constitution of 1890.

137       SECTION 8. (1) All candidates upon entering the race for  
138 election to any office, except municipal officers, shall, not  
139 later than 5:00 p.m. sixty (60) days prior to any general or  
140 regular election, file their intent to be a candidate and pay to  
141 the secretary of the proper executive committee of their political  
142 party or the appropriate election commission for each election the  
143 following amounts:

144               (a) Candidates for Governor and United States Senator,  
145 the sum of Three Hundred Dollars (\$300.00);

146               (b) Candidates for United States Representatives,  
147 Lieutenant Governor, Attorney General, Secretary of State, State  
148 Treasurer, Auditor of Public Accounts, Commissioner of Insurance,  
149 Commissioner of Agriculture and Commerce, State Highway  
150 Commissioner and State Public Service Commissioner, the sum of Two  
151 Hundred Dollars (\$200.00);

152               (c) Candidates for district attorney, the sum of One  
153 Hundred Dollars (\$100.00);

154               (d) Candidates for State Senator and State  
155 Representative whose district is composed of more than one (1)  
156 county, or parts of more than one (1) county, the sum of Fifteen  
157 Dollars (\$15.00);

158               (e) Candidates for State Senator or State  
159 Representative whose district is composed of one (1) county or  
160 less, and candidates for sheriff, chancery clerk, circuit clerk,

161 tax assessor, tax collector, county attorney, county  
162 superintendent of education and board of supervisors, the sum of  
163 Fifteen Dollars (\$15.00);

164 (f) Candidates for county surveyor, county coroner,  
165 justice court judge and constable, the sum of Ten Dollars  
166 (\$10.00).

167 (2) No person shall be denied a place upon the ballot for  
168 any office for which he desires to be a candidate because of his  
169 inability to pay the assessment above set out.

170 SECTION 9. (1) Candidates for offices set out in Section 8  
171 of this act under paragraphs (a), (b), (c) and (d) shall file  
172 their intent to be a candidate with the secretary of the state  
173 executive committee of the political party with which the  
174 candidate is affiliated or with the secretary of the state  
175 election commission if not affiliated with a political party.

176 (2) Candidates for offices set out in Section 8 of this act  
177 under paragraphs (e) and (f) shall file their intent to be a  
178 candidate with the secretary of the county executive committee of  
179 the political party with which the candidate is affiliated, or  
180 with the county election commission if not affiliated with a  
181 political party.

182 Not later than fifty-five (55) days prior to the general  
183 election, the respective executive committee shall certify to the  
184 appropriate election commission all candidates who have filed,  
185 within the time prescribed herein, with such committee their  
186 intent to be a candidate.

187 SECTION 10. (1) Necessary ballots for use in elections  
188 shall be printed as provided for in Section 23-15-351, Mississippi

189 Code of 1972. The ballots shall contain the names of all  
190 candidates who have filed their intention to be a candidate in the  
191 manner and within the time prescribed herein. Such names shall be  
192 listed alphabetically on the ballot without regard to party  
193 affiliation, if any, with indication of the political party, if  
194 any, with which such candidate qualified placed in parentheses  
195 following the name of the candidate.

196 (2) The county election commissioners may also have printed  
197 upon the ballot any local issue election matter that is authorized  
198 to be held on the same date as the general election pursuant to  
199 Section 23-15-375, Mississippi Code of 1972; provided, however,  
200 that the ballot form of such local issue must be filed with the  
201 election commissioners by the appropriate governing authority not  
202 less than sixty (60) days previous to the election.

203 SECTION 11. (1) All candidates upon entering the race for  
204 election to any municipal office shall, not later than 5:00 p.m.  
205 sixty (60) days prior to any municipal general or regular  
206 election, file their intent to be a candidate and pay to the  
207 secretary of the municipal executive committee of their political  
208 party or to the municipal election commission for each election  
209 the amount of Ten Dollars (\$10.00).

210 (2) Candidates for municipal office shall file their intent  
211 to be a candidate with the secretary of the municipal executive  
212 committee of the political party with which the candidate is  
213 affiliated, or with the secretary of the municipal election  
214 commission if not affiliated with a political party.

215 (3) Such election shall be held on the date provided for in  
216 Section 23-15-173, Mississippi Code of 1972; and in the event a

217 preferential election shall be necessary, such preferential  
218 election shall be held three (3) weeks prior thereto. At such  
219 election, or elections, the municipal election commissioners shall  
220 perform the same duties as are specified by law and performed by  
221 the county election commissioners with regard to state and county  
222 general and preferential elections. Except as otherwise provided  
223 by law, all municipal elections shall be held and conducted as is  
224 provided by law for state and county elections.

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

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

233 (6) Not later than fifty-five (55) days prior to the general  
234 election, the respective municipal executive committees shall  
235 certify to the municipal election commission all candidates who  
236 have filed, within the time prescribed herein, with such executive  
237 committees their intent to be a candidate.

238 SECTION 12. Sections 1 through 11 of this act shall apply to  
239 all elections to public office except elections for judicial  
240 office as defined in Section 23-15-975, Mississippi Code of 1972,  
241 and special elections.

242 SECTION 13. Nothing in Sections 1 through 11 of this act  
243 shall prohibit special elections to fill vacancies in either house  
244 of the Legislature from being held as provided in Section



245 23-5-201, Mississippi Code of 1972. In all elections conducted  
246 under the provisions of Section 23-15-851, Mississippi Code of  
247 1972, the commissioners shall have printed on the ballot the name  
248 of any candidate who shall have been requested to be a candidate  
249 for the office by a petition filed with said commissioners not  
250 less than ten (10) working days prior to the election and signed  
251 by not less than fifty (50) qualified electors.

252 SECTION 14. The state executive committee of any political  
253 party is hereby authorized to make and promulgate reasonable rules  
254 and regulations for the affairs of said political party and may  
255 authorize the county executive committee of said party to have a  
256 new registration of the members of that party, if the county  
257 executive committee thinks it is for the best welfare of the party  
258 to do so.

259 SECTION 15. It shall be the duty of the state executive  
260 committee of each political party to furnish to the election  
261 commissioners of each county the names of all state and state  
262 district candidates who have qualified as provided in Sections 8  
263 and 9 of this act.

264 SECTION 16. The chairmen of the state and county election  
265 commissioners, respectively, shall transmit to the Secretary of  
266 State a tabulated statement of the vote cast in each county in  
267 each state and district election, which statement shall be filed  
268 by the Secretary of State and preserved among the records of his  
269 office.

270 SECTION 17. Candidates for the office of Public Service  
271 Commissioner and for State Highway Commissioner and for other  
272 officers to be elected from each Supreme Court district, and

273 representatives in Congress and for district attorneys and for  
274 other officers to be elected by districts, shall be voted for by  
275 all the counties within their respective districts, and all said  
276 district candidates except senatorial candidates in districts  
277 composed of one (1) county shall be under the supervision and  
278 control of the state election commissioners, which commissioners  
279 shall discharge, in respect to such state district elections, all  
280 the powers and duties imposed upon them in connection with  
281 elections of candidates for other state offices.

282 SECTION 18. Section 21-7-7, Mississippi Code of 1972, is  
283 amended as follows:

284 21-7-7. The governing body of any such municipality shall be  
285 a council, known and designated as such, consisting of seven (7)  
286 members. One (1) of the members shall be the mayor, having the  
287 qualifications as prescribed by Section 21-3-9, who shall have  
288 full rights, powers and privileges of other councilmen. The mayor  
289 shall be nominated and elected at large; the remaining councilmen  
290 shall be nominated and elected one (1) from each ward into which  
291 the city shall be divided. However, if the city be divided into  
292 less than six (6) wards, the remaining councilmen shall be  
293 nominated and elected at large. The councilmen, including the  
294 mayor, shall be elected for a term of four (4) years to serve  
295 until their successors are elected and qualified in accordance  
296 with the provisions of Section 11, Senate Bill No. 2358, 1999  
297 Regular Session, said term commencing on the first Monday of  
298 January after the municipal election first following the adoption  
299 of the form of government as provided by this chapter.

300 The compensation for the members of the council shall, for

301 the first four (4) years of operation, under this chapter, be  
302 fixed by the board of mayor and aldermen holding office prior to  
303 the change in form of government. Thereafter the amount of  
304 compensation for each such member may be increased or decreased by  
305 the council, by council action taken prior to the election of  
306 members thereof for the ensuing term, such action to become  
307 effective with the ensuing terms.

308 SECTION 19. Section 21-8-7, Mississippi Code of 1972, is  
309 amended as follows:

310 21-8-7. (1) Each municipality operating under the  
311 mayor-council form of government shall be governed by an elected  
312 council and an elected mayor. Other officers and employees shall  
313 be duly appointed pursuant to this chapter, general law or  
314 ordinance.

315 (2) Except as otherwise provided in subsection (4) of this  
316 section, the mayor and councilmen shall be elected by the voters  
317 of the municipality at a general or regular municipal election  
318 held on the first Tuesday after the first Monday in June as  
319 provided in Section 11, Senate Bill No. 2358, 1999 Regular  
320 Session, and shall serve for a term of four (4) years beginning on  
321 the first Monday of July next following his election.

322 (3) The terms of the initial mayor and councilmen shall  
323 commence at the expiration of the terms of office of the elected  
324 officials of the municipality serving at the time of adoption of  
325 the mayor-council form.

326 (4) (a) The council shall consist of five (5), seven (7) or  
327 nine (9) members. In the event there are five (5) councilmen, the  
328 municipality shall be divided into either five (5) or four (4)

329 wards. In the event there are seven (7) councilmen, the  
330 municipality shall be divided into either seven (7), six (6) or  
331 five (5) wards. In the event there are nine (9) councilmen, the  
332 municipality shall be divided into seven (7) or nine (9) wards.  
333 If the municipality is divided into fewer wards than it has  
334 councilmen, the other councilman or councilmen shall be elected  
335 from the municipality at large. The total number of councilmen  
336 and the number of councilmen elected from wards shall be  
337 established by the petition or petitions presented pursuant to  
338 Section 21-8-3. One (1) councilman shall be elected from each  
339 ward by the voters of that ward. Councilmen elected to represent  
340 wards must be residents of their wards at the time of  
341 qualification for election, and any councilman who removes his  
342 residence from the municipality or from the ward from which he was  
343 elected shall vacate his office. However, any candidate for  
344 councilman who is properly qualified as a candidate under  
345 applicable law shall be deemed to be qualified as a candidate in  
346 whatever ward he resides if his ward has changed after the council  
347 has redistricted the municipality as provided in subparagraphs  
348 (c)(ii) and (iii) of this subsection (4), and if the wards have  
349 been so changed, any person may qualify as a candidate for  
350 councilman, using his existing residence or by changing his  
351 residence, not less than fifteen (15) days prior to the  
352 preferential election or special election, as the case may be,  
353 notwithstanding any other residency or qualification requirements  
354 to the contrary.

355 (b) The council or board existing at the time of the  
356 adoption of the mayor-council form of government shall designate

357 the geographical boundaries of the wards within one hundred twenty  
358 (120) days after the election in which the mayor-council form of  
359 government is selected. In designating the geographical  
360 boundaries of the wards, each ward shall contain, as nearly as  
361 possible, the population factor obtained by dividing the  
362 municipality's population as shown by the most recent decennial  
363 census by the number of wards into which the municipality is to be  
364 divided.

365 (c) (i) It shall be the mandatory duty of the council  
366 to redistrict the municipality by ordinance, which ordinance may  
367 not be vetoed by the mayor, within six (6) months after the  
368 official publication by the United States of the population of the  
369 municipality as enumerated in each decennial census, and within  
370 six (6) months after the effective date of any expansion of  
371 municipal boundaries; however, if the publication of the most  
372 recent decennial census or effective date of an expansion of the  
373 municipal boundaries occurs six (6) months or more prior to the  
374 preferential election in a municipality, then the council shall  
375 redistrict the municipality by ordinance not less than sixty (60)  
376 days prior to such preferential election.

377 (ii) If the publication of the most recent  
378 decennial census occurs less than six (6) months prior to the  
379 preferential election in a municipality, then the council shall  
380 redistrict the municipality by ordinance not later than twenty  
381 (20) days prior to the preferential election.

382 (iii) If the publication of the most recent  
383 decennial census is not received by the council in time to  
384 redistrict the municipality at least twenty (20) days prior to the

385 preferential election, then the council shall redistrict the  
386 municipality by ordinance not later than twenty (20) days prior to  
387 a special preferential election provided for hereafter in this  
388 subparagraph. If the census is not received in time to redistrict  
389 the municipality, as provided above, the mayor and councilmen  
390 shall be elected by the voters of the municipality at a special  
391 general or regular municipal election held on the fourth Tuesday  
392 after the first Monday in June, and a special preferential  
393 election shall be held on the second Tuesday after the first  
394 Monday in June, notwithstanding other provisions of law to the  
395 contrary.

396 (d) If annexation of additional territory into the  
397 municipal corporate limits of the municipality shall occur less  
398 than six (6) months prior to the preferential election in a  
399 municipality the council shall, by ordinance adopted within three  
400 (3) days of the effective date of such annexation, assign such  
401 annexed territory to an adjacent ward or wards so as to maintain  
402 as nearly as possible substantial equality of population between  
403 wards; any subsequent redistricting of the municipality by  
404 ordinance as required by this chapter shall not serve as the basis  
405 for representation until the next regularly scheduled election for  
406 municipal councilmen.

407 (e) If the council shall have failed to redistrict the  
408 municipality as herein required, the members of the council shall  
409 not receive any further salaries until the council shall have  
410 adopted such ordinance and the checks for such salaries for said  
411 periods shall not be issued.

412 (5) Vacancies occurring in the council shall be filled as

413 provided in Section 23-15-857.

414 (6) The mayor shall maintain an office at the city hall.  
415 The councilmen shall not maintain individual offices at the city  
416 hall; provided, however, that in municipalities with populations  
417 of one hundred ninety thousand (190,000) and above, councilmen may  
418 have individual offices in the city hall. Clerical work of  
419 councilmen in the performance of the duties of their office shall  
420 be performed by municipal employees or at municipal expense, and  
421 councilmen shall be reimbursed for the reasonable expenses  
422 incurred in the performance of the duties of their office.

423 SECTION 20. Section 21-15-1, Mississippi Code of 1972, is  
424 amended as follows:

425 21-15-1. All officers elected at the general or regular  
426 municipal election provided for in Section 11, Senate Bill No.  
427 2358, 1999 Regular Session, shall qualify and enter upon the  
428 discharge of their duties on the first Monday of July after such  
429 general election, and shall hold their offices for a term of four  
430 (4) years and until their successors are duly elected and  
431 qualified.

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

434 23-15-21. It shall be unlawful for any person who is not a  
435 citizen of the United States or the State of Mississippi to  
436 register or to vote in any \* \* \* special, preferential or general  
437 election in the state.

438 SECTION 22. Section 23-15-31, Mississippi Code of 1972, is  
439 amended as follows:

440 23-15-31. All of the provisions of this subarticle shall be

441 applicable, insofar as possible, to municipal, preferential,  
442 general and special elections; and wherever therein any duty is  
443 imposed or any power or authority is conferred upon the county  
444 registrar or county election commissioners \* \* \* with reference to  
445 a state and county election, such duty shall likewise be imposed  
446 and such power and authority shall likewise be conferred upon the  
447 municipal registrar or municipal election commission \* \* \* with  
448 reference to any municipal election.

449 SECTION 23. Section 23-15-129, Mississippi Code of 1972, is  
450 amended as follows:

451 23-15-129. The commissioners of election and the registrars  
452 of the respective counties are hereby directed to make an  
453 administrative division of the pollbook for each county  
454 immediately following any reapportionment of the Mississippi  
455 Legislature or any realignment of supervisors districts, if  
456 necessary. Such an administrative division shall form  
457 subprecincts whenever necessary within each voting precinct so  
458 that all persons within a subprecinct shall vote on the same  
459 candidates for each public office. Separate pollbooks for each  
460 subprecinct shall be made. The polling place for all subprecincts  
461 within any given voting precinct shall be the same as the polling  
462 place for the voting precinct. Additional managers may be  
463 appointed for subprecincts in the discretion of the commissioners  
464 of election \* \* \*.

465 SECTION 24. Section 23-15-153, Mississippi Code of 1972, is  
466 amended as follows:

467 23-15-153. (1) At the following times the commissioners of  
468 election shall meet at the office of the registrar and carefully



469 revise the registration books and the pollbooks of the several  
470 voting precincts, and shall erase from those books the names of  
471 all persons erroneously on the books, or who have died, removed or  
472 become disqualified as electors from any cause; and shall register  
473 the names of all persons who have duly applied to be registered  
474 and have been illegally denied registration:

475           (a) On the Tuesday after the second Monday in January  
476 1987 and every following year;

477           (b) On the first Tuesday in the month immediately  
478 preceding the preferential election for congressmen in the years  
479 when congressmen are elected;

480           (c) On the first Monday in the month immediately  
481 preceding the preferential election for state, state district,  
482 legislative, county and county district offices in the years in  
483 which those offices are elected; and

484           (d) On the second Monday of September preceding  
485 the \* \* \* regular special election day in years in which a general  
486 election is not conducted.

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

492           (2) Except as provided in subsection (3) of this section,  
493 and subject to the following annual limitations, the commissioners  
494 of election shall be entitled to receive a per diem in the amount  
495 of Seventy Dollars (\$70.00), to be paid from the county general  
496 fund, for every day or period of no less than five (5) hours

497 accumulated over two (2) or more days actually employed in the  
498 performance of their duties for the necessary time spent in the  
499 revision of the registration books and pollbooks as required in  
500 subsection (1) of this section:

501 (a) In counties having less than ten thousand (10,000)  
502 qualified electors, not more than thirty-five (35) days per year;

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

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

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

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

515 (f) In counties having one hundred thousand (100,000)  
516 qualified electors but less than one hundred twenty-five thousand  
517 (125,000) qualified electors, not more than one hundred ten (110)  
518 days per year;

519 (g) In counties having one hundred twenty-five thousand  
520 (125,000) qualified electors but less than one hundred fifty  
521 thousand (150,000) qualified electors, not more than one hundred  
522 twenty-five (125) days per year;

523 (h) In counties having one hundred fifty thousand  
524 (150,000) qualified electors but less than one hundred

525 seventy-five thousand (175,000) qualified electors, not more than  
526 one hundred forty (140) days per year;

527 (i) In counties having one hundred seventy-five  
528 thousand (175,000) qualified electors but less than two hundred  
529 thousand (200,000) qualified electors, not more than one hundred  
530 fifty-five (155) days per year;

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

534 (3) The commissioners of election shall be entitled to  
535 receive a per diem in the amount of Seventy Dollars (\$70.00), to  
536 be paid from the county general fund, not to exceed ten (10) days  
537 for every day or period of no less than five (5) hours accumulated  
538 over two (2) or more days actually employed in the performance of  
539 their duties for the necessary time spent in the revision of the  
540 registration books and pollbooks prior to any special election.  
541 For purposes of this subsection, the regular special election day  
542 shall not be considered a special election. The annual  
543 limitations set forth in subsection (2) of this section shall not  
544 apply to this subsection.

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

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

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

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

559           (d) In counties having fifty thousand (50,000)  
560 qualified electors but less than seventy-five thousand (75,000)  
561 qualified electors, not more than forty-five (45) days per  
562 election;

563           (e) In counties having seventy-five thousand (75,000)  
564 qualified electors but less than one hundred thousand (100,000)  
565 qualified electors, not more than fifty-five (55) days per  
566 election;

567           (f) In counties having one hundred thousand (100,000)  
568 qualified electors but less than one hundred fifty thousand  
569 (150,000) qualified electors, not more than sixty-five (65) days  
570 per election;

571           (g) In counties having one hundred fifty thousand  
572 (150,000) qualified electors but less than two hundred thousand  
573 (200,000) qualified electors, not more than seventy-five (75) days  
574 per election; and

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

578           It is the intention of the Legislature that the conduct of an  
579 election as required by law and as compensated in this subsection  
580 is a separate and distinct function from the purging and revision

581 of the registration and pollbooks as required by subsection (1) of  
582 this section and the compensation for those revisions provided by  
583 subsection (2) of this section.

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

588 (6) The county commissioners of election may provide copies  
589 of the registration books revised pursuant to this section to the  
590 municipal registrar of each municipality located within the  
591 county.

592 SECTION 25. Section 23-15-159, Mississippi Code of 1972, is  
593 amended as follows:

594 23-15-159. (1) When the commissioners of election meet for  
595 the purpose of revising the registration and pollbooks of the  
596 several voting precincts, they may erase therefrom the names of  
597 all persons who have not voted in at least one (1) election,  
598 whether it be a general, preferential or special election, or  
599 primary election, whether on a county, state or federal level, in  
600 the last four (4) successive years.

601 (2) In erasing or removing the names of persons due to  
602 failure to vote in at least one (1) election for four (4)  
603 successive years, the notice procedure hereinafter provided shall  
604 have been completed prior to such erasure or removal.

605 (a) Ninety (90) days before such erasure or removal,  
606 the commissioners of election shall examine the registration books  
607 and pollbooks of the several voting precincts and shall suspend  
608 the registration of all electors who have not voted in at least

609 one (1) general, preferential or special election, or primary  
610 election, whether on the county, state or federal level, during  
611 the last four (4) successive years.

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

628 (c) The commissioners shall cancel the registration of  
629 all electors thus notified who have not applied for continuance  
630 within the prescribed time period, and the names of all such  
631 electors shall be removed from the list of qualified electors on  
632 the date designated for erasure. Provided, however, the names of  
633 electors who have been removed from the list of qualified electors  
634 shall be compiled and be made a part of a list entitled "Names of  
635 those purged from the registration books," said list to be  
636 attached to the registration books. A copy of said list shall be

637 furnished to the appropriate municipal election commissioners  
638 within the county, and the persons whose names are contained  
639 thereon shall be removed from the registration books.

640 (d) Any elector whose registration has been thus  
641 canceled may, at any election, cast a vote by affidavit ballot in  
642 the same manner as set forth in Section 23-15-573. Such affidavit  
643 ballot shall be counted at the election in which it is cast, if  
644 not otherwise disqualified, and the name of such person shall be  
645 reentered on the registration books if such person is not  
646 otherwise disqualified. As an alternative to casting such a  
647 ballot, any elector whose registration has been canceled pursuant  
648 to this subsection may re-register in the manner provided for  
649 original registration.

650 (3) Notwithstanding the provisions of this section, no  
651 person who has been registered by any federal registrar shall be  
652 removed except in conformity with any federal law, rules or  
653 regulations providing for the removal of names from the  
654 registration books.

655 (4) No years in which a person has not voted prior to  
656 January 1, 1984, shall be used in calculating the four-year period  
657 provided for in this section.

658 SECTION 26. Section 23-15-173, Mississippi Code of 1972, is  
659 amended as follows:

660 23-15-173. \* \* \* A general municipal election shall be held  
661 in each city, town or village on the first Tuesday after the first  
662 Monday of June, 1985, and every four (4) years thereafter, for the  
663 election of all municipal officers elected by the people.

664 \* \* \*

665 SECTION 27. Section 23-15-197, Mississippi Code of 1972, is  
666 amended as follows:

667 23-15-197. (1) Times for holding \* \* \* general elections  
668 for congressional offices shall be as prescribed in Sections \* \* \*  
669 23-15-1033 and 23-15-1041.

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

673 (3) Times for holding elections for the office of circuit  
674 court judge and the office of chancery court judge shall be as  
675 prescribed in Sections 23-15-974 through 23-15-985 and Section  
676 23-15-1015.

677 (4) Times for holding elections for the office of county  
678 election commissioners shall be as prescribed in Section  
679 23-15-213.

680 SECTION 28. Section 23-15-313, Mississippi Code of 1972, is  
681 amended as follows:

682 23-15-313. If there be any political party, or parties, in  
683 any municipality which shall not have a party executive committee  
684 for such municipality, such political party, or parties, shall  
685 select temporary executive committees to serve until executive  
686 committees shall be regularly elected, said selection to be in the  
687 following manner, to wit: The chairman of the county executive  
688 committee of the party desiring to select a municipal executive  
689 committee shall, upon petition of five (5) or more members of that  
690 political faith, call a mass meeting of the electors of their  
691 political faith, residing in the municipality, to meet at some  
692 convenient place within said municipality, at a time to be



693 designated in the call, and at such mass convention the members of  
694 that political faith shall select an executive committee which  
695 shall serve until the next \* \* \* election. The public shall be  
696 given notice of such mass meeting as provided in the next  
697 succeeding section.

698 SECTION 29. Section 23-15-367, Mississippi Code of 1972, is  
699 amended as follows:

700 23-15-367. \* \* \* The size, print and quality of paper of the  
701 official ballot is left to the discretion of the officer charged  
702 with printing the official ballot \* \* \*. It is the duty of the  
703 Secretary of State, with the approval of the Governor, to furnish  
704 the election commission of each county a sample of the official  
705 ballot, not less than fifty (50) days prior to the election, the  
706 general form of which shall be followed as nearly as  
707 practicable \* \* \*.

708 SECTION 30. Section 23-15-375, Mississippi Code of 1972, is  
709 amended as follows:

710 23-15-375. Local issue elections may be held on the same  
711 date as any regular or general election. A local issue election  
712 held on the same date as the regular or general election shall be  
713 conducted in the same manner as the regular or general election  
714 using the same poll workers and the same equipment. A local issue  
715 may be placed on the regular or general election ballot pursuant  
716 to the provisions of Section 10 of Senate Bill No. 2358, 1999  
717 Regular Session. The provisions of this section and Section 10 of  
718 Senate Bill No. 2358, 1999 Regular Session, with regard to local  
719 issue elections shall not be construed to affect any statutory  
720 requirements specifying the notice procedure and the necessary

721 percentage of qualified electors voting in such an election which  
722 is needed for adoption of the local issue. Whether or not a local  
723 issue is adopted or defeated at a local issue election held on the  
724 same day as a regular or general election shall be determined in  
725 accordance with relevant statutory requirements regarding the  
726 necessary percentage of qualified electors who voted in such local  
727 issue election, and only those persons voting for or against such  
728 issue shall be counted in making that determination. As used in  
729 this section "local issue elections" include elections regarding  
730 the issuance of bonds, local option elections, elections regarding  
731 the levy of additional ad valorem taxes and other similar  
732 elections authorized by law that are called to consider issues  
733 that affect a single local governmental entity. As used in this  
734 section "local issue" means any issue that may be voted on in a  
735 local issue election.

736 SECTION 31. Section 23-15-403, Mississippi Code of 1972, is  
737 amended as follows:

738 23-15-403. The board of supervisors of any county in the  
739 State of Mississippi and the governing authorities of any  
740 municipality in the State of Mississippi are hereby authorized and  
741 empowered, in their discretion, to purchase or rent any voting  
742 machine or machines which shall be so constructed as to fulfill  
743 the following requirements: It shall secure to the voter secrecy  
744 in the act of voting; it shall provide facilities for voting for  
745 all candidates of as many political parties or organizations as  
746 may make nominations, and for or against as many questions as  
747 submitted; it shall \* \* \* permit the voter to vote for \* \* \* as  
748 many persons for an office as he is lawfully entitled to vote for,

749 but not more; it shall prevent the voter from voting for the same  
750 person more than once for the same office; it shall permit the  
751 voter to vote for or against any question he may have the right to  
752 vote on, but no other; \* \* \* it shall correctly register or record  
753 and accurately count all votes cast for any and all persons and  
754 for or against any and all questions; it shall be provided with a  
755 "protective counter" or "protective device" whereby any operation  
756 of the machine before or after the election will be detected; it  
757 shall be provided with a counter which shall show at all times  
758 during an election how many persons have voted; it shall be  
759 provided with a mechanical model, illustrating the manner of  
760 voting on the machine, suitable for the instruction of voters; it  
761 may also be provided with one (1) device for each party for voting  
762 for all the presidential electors of that party by one (1)  
763 operation, and a ballot therefor containing only the words  
764 "Presidential Electors For" preceded by the name of that party and  
765 followed by the names of the candidates thereof for the offices of  
766 President and Vice-President, and a registering device therefor  
767 which shall register the vote cast for said electors when thus  
768 voted collectively; provided, however, that means shall be  
769 furnished whereby the voter can cast a vote for individual  
770 electors when permitted to do so by law.

771 SECTION 32. Section 23-15-411, Mississippi Code of 1972, is  
772 amended as follows:

773 23-15-411. The officer who furnishes the official ballots  
774 for any polling place where a voting machine is to be used shall  
775 also provide two (2) sample ballots or instruction ballots, which  
776 sample or instruction ballots shall be arranged in the form of a

777 diagram showing such portion of the front of the voting machine as  
778 it will appear after the official ballots are arranged thereon or  
779 therein for voting on election day. Such sample ballots shall be  
780 open to the inspection of all voters on election day in all  
781 preferential and general or regular elections where voting  
782 machines are used.

783 SECTION 33. Section 23-15-463, Mississippi Code of 1972, is  
784 amended as follows:

785 23-15-463. The board of supervisors of any county in the  
786 State of Mississippi and the governing authorities of any  
787 municipality in the State of Mississippi are hereby authorized and  
788 empowered, in their discretion, to purchase or rent voting devices  
789 and automatic tabulating equipment used in an electronic voting  
790 system which meets the requirements of Section 23-15-465, and may  
791 use such system in all or a part of the precincts within its  
792 boundaries or in combination with paper ballots in any  
793 election \* \* \*. It may enlarge, consolidate or alter the  
794 boundaries of precincts where an electronic voting system is used.

795 The provisions of Sections 23-15-461 through 23-15-485 shall be  
796 controlling with respect to elections where an electronic voting  
797 system is used, and shall be liberally construed so as to carry  
798 out the purpose of this chapter. The provisions of the election  
799 law relating to the conduct of elections with paper ballots,  
800 insofar as they are applicable and not inconsistent with the  
801 efficient conduct of elections with electronic voting systems,  
802 shall apply. Absentee ballots shall be voted as now provided by  
803 law.

804 SECTION 34. Section 23-15-465, Mississippi Code of 1972, is

805 amended as follows:

806           23-15-465. No electronic voting system consisting of a  
807 marking or voting device in combination with automatic tabulating  
808 equipment shall be acquired or used in accordance with Sections  
809 23-15-461 through 23-15-485 unless it shall:

810           (a) Provide for voting in secrecy when used with voting  
811 booths;

812           (b) Permit each voter to vote at any election for all  
813 persons and offices for whom and for which he is lawfully entitled  
814 to vote; to vote for as many persons for an office as he is  
815 entitled to vote for; to vote for or against any question upon  
816 which he is entitled to vote; and the automatic tabulating  
817 equipment shall reject choices recorded on his ballot card or  
818 paper ballot if the number of choices exceeds the number which he  
819 is entitled to vote for the office or on the measure;

820           (c) Permit each voter at presidential elections by one  
821 (1) mark or punch to vote for the candidates of that party for  
822 President, Vice-President and their presidential electors, or to  
823 vote individually for the electors of his choice when permitted by  
824 law;

825           (d) Permit each voter \* \* \* to vote for the candidates  
826 of one or more parties and for independent candidates;

827 \* \* \*

828           (e) Permit each voter to vote for persons whose names  
829 are not on the printed ballot or ballot labels;

830           (f) Prevent the voter from voting for the same person  
831 more than once for the same office;

832           (g) Be suitably designed for the purpose used, of

833 durable construction, and may be used safely, efficiently and  
834 accurately in the conduct of elections and counting ballots;

835       (h) Be provided with means for sealing the voting or  
836 marking device against any further voting after the close of the  
837 polls and the last voter has voted;

838       (i) When properly operated, record correctly and count  
839 accurately every vote cast;

840       (j) Be provided with a mechanical model for instructing  
841 voters, and be so constructed that a voter may readily learn the  
842 method of operating it;

843       (k) Be safely transportable, and include a light to  
844 enable voters to read the ballot labels and instructions.

845       SECTION 35. Section 23-15-507, Mississippi Code of 1972, is  
846 amended as follows:

847       23-15-507. No optical mark reading system shall be acquired  
848 or used in accordance with this chapter unless it shall:

849       (a) Permit each voter to vote at any election for all  
850 persons and no others for whom and for which they are lawfully  
851 entitled to vote; to vote for as many persons for an office as  
852 they are entitled to vote for; to vote for or against any  
853 questions upon which they are entitled to vote;

854       (b) The OMR tabulating equipment shall be capable of  
855 rejecting choices recorded on the ballot if the number of choices  
856 exceeds the number which the voter is entitled to vote for the  
857 office or on the measure;

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

861 individually for the electors of their choice when permitted by  
862 law;

863 (d) Permit each voter \* \* \* to vote for the candidates  
864 of one or more parties and for independent candidates;

865 \* \* \*

866 (e) Permit each voter to vote for persons whose names  
867 are not on the printed ballot;

868 (f) Be suitably designed for the purpose used, of  
869 durable construction, and may be used safely, efficiently and  
870 accurately in the conduct of elections and the counting of  
871 ballots;

872 (g) Be provided with means for sealing the ballots  
873 after the close of the polls and the last voter has voted;

874 (h) When properly operated, record correctly and count  
875 accurately all votes cast; and

876 (i) Provide the voter with a set of instructions that  
877 will be so displayed that a voter may readily learn the method of  
878 voting.

879 SECTION 36. Section 23-15-511, Mississippi Code of 1972, is  
880 amended as follows:

881 23-15-511. The ballots shall, as far as practicable, be in  
882 the same order of arrangement as provided for paper ballots that  
883 are to be counted manually, except that such information may be  
884 printed in vertical or horizontal rows. Nothing in this chapter  
885 shall be construed as prohibiting the information being presented  
886 to the voters from being printed on both sides of a single ballot.  
887 In those years when a special election shall occur on the same day  
888 as the general election, the names of candidates in any special

889 election and the general election shall be placed on the same  
890 ballot by the commissioners of elections or officials in charge of  
891 the election, but the general election candidates shall be clearly  
892 distinguished from the special election candidates \* \* \*.

893 Ballots shall be printed in plain clear type in black ink and  
894 upon clear white materials of such size and arrangement as to be  
895 compatible with the OMR tabulating equipment. Absentee ballots  
896 shall be prepared and printed in the same form and shall be on the  
897 same size and texture as the regular official ballots, except that  
898 they shall be printed on tinted paper; or the ink used to print  
899 the ballots shall be of a color different from that of the ink  
900 used to print the regular official ballots. Arrows may be printed  
901 on the ballot to indicate the place to mark the ballot, which may  
902 be to the right or left of the names of candidates and  
903 propositions. The titles of offices may be arranged in vertical  
904 columns on the ballot and shall be printed above or at the side of  
905 the names of candidates so as to indicate clearly the candidates  
906 for each office and the number to be elected. In case there are  
907 more candidates for an office than can be printed in one (1)  
908 column, the ballot shall be clearly marked that the list of  
909 candidates is continued on the following column. The names of  
910 candidates for each office shall be printed in vertical columns,  
911 grouped by the offices which they seek. \* \* \* The party  
912 designation, if any, of each candidate \* \* \* shall be printed  
913 following his name, as provided for in Section 10, Senate Bill No.  
914 2358, 1999 Regular Session.

915 Two (2) sample ballots, which shall be facsimile ballots of  
916 the official ballot and instructions to the voters, shall be



917 provided for each precinct and shall be posted in each polling  
918 place on election day.

919 A separate ballot security envelope or suitable equivalent in  
920 which the voter can place his ballot after voting shall be  
921 provided to conceal the choices the voter has made. Absentee  
922 voters will receive a similar ballot security envelope provided by  
923 the county in which the absentee voter will insert their voted  
924 ballot, which then can be inserted into a return envelope to be  
925 mailed back to the election official. Absentee ballots will not  
926 be required to be folded when a ballot security envelope is  
927 provided.

928 SECTION 37. Section 23-15-559, Mississippi Code of 1972, is  
929 amended as follows:

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

938 The provisions of Section 23-15-859 shall be applicable to  
939 all municipalities of this state, whether operating under a code  
940 charter, special charter or the commission form of government,  
941 except in cases of conflicts between the provisions of such  
942 section and the provisions of the special charter of a  
943 municipality or the law governing the commission form of  
944 government, in which cases of conflict the provisions of the

945 special charter or the statutes relative to the commission form of  
946 government shall apply.

947 SECTION 38. Section 23-15-561, Mississippi Code of 1972, is  
948 amended as follows:

949 23-15-561. (1) It shall be unlawful during any \* \* \*  
950 election for any candidate for any elective office or any  
951 representative of such candidate or any other person to publicly  
952 or privately put up or in any way offer any prize, cash award or  
953 other item of value to be raffled, drawn for, played for or  
954 contested for in order to encourage persons to vote or to refrain  
955 from voting in any election.

956 (2) Any person who shall violate the provisions of  
957 subsection (1) of this section shall, upon conviction thereof, be  
958 punished by a fine in an amount not to exceed Five Thousand  
959 Dollars (\$5,000.00).

960 (3) Any candidate who shall violate the provisions of  
961 subsection (1) of this section shall, upon conviction thereof, in  
962 addition to the fine prescribed above, be punished by:

963 (a) Disqualification as a candidate in the race for the  
964 elective office; or

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

967 SECTION 39. Section 23-15-573, Mississippi Code of 1972, is  
968 amended as follows:

969 23-15-573. No person whose name does not appear upon the  
970 pollbooks shall be permitted to vote in an election; but if any  
971 person offering to vote in any election whose name does not appear  
972 upon the pollbook shall make affidavit before one (1) of the

973 managers of election in writing that he is entitled to vote, or  
974 that he has been illegally denied registration, his vote may be  
975 prepared by him and handed to the proper election officer who  
976 shall enclose the same in an envelope with the written affidavit  
977 of the voter and seal it and mark plainly upon it the name of the  
978 person offering to vote. In canvassing the returns of the  
979 election, \* \* \* the election commissioners shall examine the  
980 records and allow the ballot to be counted, or not, as shall  
981 appear to be legal.

982 SECTION 40. Section 23-15-593, Mississippi Code of 1972, is  
983 amended as follows:

984 23-15-593. When the ballot box is opened and examined by  
985 the \* \* \* county election commissioners \* \* \* and it is found that  
986 there have been failures in material particulars to comply with  
987 the requirements of Sections 23-15-591 and 23-15-895 to such an  
988 extent that it is impossible to arrive at the will of the voters  
989 at such precinct, the entire box may be thrown out unless it be  
990 made to appear with reasonable certainty that the irregularities  
991 were not deliberately permitted or engaged in by the managers at  
992 that box, or by one (1) of them responsible for the wrong or  
993 wrongs, for the purpose of electing or defeating a certain  
994 candidate or candidates by manipulating the election or the  
995 returns thereof at that box in such manner as to have it thrown  
996 out; in which latter case \* \* \* the county election  
997 commission \* \* \* shall conduct such hearing and make such  
998 determination in respect to said box as may appear lawfully just,  
999 subject to a judicial review of said matter as elsewhere provided  
1000 by this chapter. Or the \* \* \* election commission, or the court

1001 upon review, may order another election to be held at that box  
1002 appointing new managers to hold the same.

1003 SECTION 41. Section 23-15-595, Mississippi Code of 1972, is  
1004 amended as follows:

1005 23-15-595. The box containing the ballots and other records  
1006 required by this chapter shall, as soon as practical after the  
1007 ballots have been counted, be delivered by one (1) of the precinct  
1008 managers to the clerk of the circuit court of the county and said  
1009 clerk shall, in the presence of the manager making delivery of the  
1010 box, place upon the lock of such box a metal seal similar to the  
1011 seal commonly used in sealing the doors of railroad freight cars.  
1012 Such seals shall be numbered consecutively to the number of ballot  
1013 boxes used in the election in the county, and the clerk shall keep  
1014 in a place separate from such boxes a record of the number of the  
1015 seal of each separate box in the county. The board of supervisors  
1016 of the county shall pay the cost of providing such seals. Upon  
1017 demand of a county election commissioner the boxes and their  
1018 contents shall be delivered to the county election commission, and  
1019 after such commission has finished the work of tabulating returns  
1020 and counting ballots as required by law the said commission shall  
1021 return all papers and ballots to the box of the precinct where  
1022 such election was held, and it shall make redelivery of such boxes  
1023 and their contents to the circuit clerk who shall reseal said  
1024 boxes. Upon every occasion said boxes shall be reopened and each  
1025 resealing shall be done as provided in this chapter.

1026 SECTION 42. Section 23-15-601, Mississippi Code of 1972, is  
1027 amended as follows:

1028 23-15-601. When the result of the election shall have been

1029 ascertained by the managers they, or one (1) of their number, or  
1030 some fit person designated by them, shall, by noon of the \* \* \*  
1031 day following the election, deliver to the commissioners of  
1032 election, at the courthouse, a statement of the whole number of  
1033 votes given for each person and for what office; and the  
1034 commissioners of election shall, on the first or second day after  
1035 the preferential election and after the general election, canvass  
1036 the returns, ascertain and declare the result, and announce the  
1037 names of the candidates who have received a majority of the votes  
1038 cast for representative in the Legislature of districts composed  
1039 of one (1) county or less, or other county office, board of  
1040 supervisors, justice court judge and constable, and shall also  
1041 announce the names of those candidates for the above mentioned  
1042 offices that are to be submitted to the general election.

1043 The vote for state and state district offices shall be  
1044 tabulated by precincts and certified to and returned to the state  
1045 election commissioners, such returns to be mailed by registered  
1046 letter or any safe mode of transportation within thirty-six (36)  
1047 hours after the returns are canvassed and the results ascertained.  
1048 The state election commissioners shall meet a week from the day  
1049 following the preferential election held for state and district  
1050 offices, and shall proceed to canvass the returns and to declare  
1051 the results and announce the names of the candidates for the  
1052 different offices who have received a majority of the votes cast  
1053 and the names of those candidates whose names are to be submitted  
1054 to the general election. The state election commissioners shall  
1055 also meet a week from the day on which the general election is  
1056 held and receive and canvass the returns for state and district

1057 offices voted on in such general election. An exact and full  
1058 duplicate of all tabulations by precincts, as certified under this  
1059 section, shall be filed with the circuit clerk of the county who  
1060 shall safely preserve the same in his office.

1061 SECTION 43. Section 23-15-605, Mississippi Code of 1972, is  
1062 amended as follows:

1063 23-15-605. The Secretary of State, immediately after  
1064 receiving the returns of a general election, not longer than  
1065 thirty (30) days after the election, shall sum up the whole number  
1066 of votes given for each candidate other than for state offices,  
1067 ascertain the person or persons having the largest number of votes  
1068 for each office, and declare such person or persons to be duly  
1069 elected; and thereupon all persons chosen to any office at the  
1070 election shall be commissioned by the Governor; but if it appears  
1071 that two (2) or more candidates for any district office where the  
1072 district is composed of two (2) or more counties, standing highest  
1073 on the list and not elected, have an equal number of votes, the  
1074 election shall be forthwith decided between the candidates having  
1075 an equal number of votes by lot, fairly and publicly drawn, under  
1076 the direction of the Governor and Secretary of State.

1077 SECTION 44. Section 23-15-673, Mississippi Code of 1972, is  
1078 amended as follows:

1079 23-15-673. (1) For the purposes of this subarticle, the  
1080 term "absent voter" shall mean and include the following:

1081 (a) Any enlisted or commissioned members, male or  
1082 female, of the United States Army, or any of its respective  
1083 components or various divisions thereof; any enlisted or  
1084 commissioned members, male or female, of the United States Navy,

1085 or any of its respective components or various divisions thereof;  
1086 any enlisted or commissioned members, male or female, of the  
1087 United States Air Force, or any of its respective components or  
1088 various divisions thereof; any enlisted or commissioned members,  
1089 male or female, of the United States Marines, or any of its  
1090 respective components or various divisions thereof; or any persons  
1091 in any division of the armed services of the United States, who  
1092 are citizens of Mississippi;

1093 (b) Any member of the Merchant Marine and the American  
1094 Red Cross who is a citizen of Mississippi;

1095 (c) Any disabled war veteran who is a patient in any  
1096 hospital and who is a citizen of Mississippi;

1097 (d) Any civilian attached to and serving outside of the  
1098 United States with any branch of the armed forces or with the  
1099 Merchant Marine or American Red Cross, and who is a citizen of  
1100 Mississippi;

1101 (e) Any citizen of Mississippi temporarily residing  
1102 outside the territorial limits of the United States and the  
1103 District of Columbia.

1104 (2) The spouse and dependents of any absent voter as set out  
1105 in paragraphs (a), (b), (c) and (d) of subsection (1) of this  
1106 section shall also be included in the meaning of absent voter and  
1107 may vote an absentee ballot as provided in this subarticle if also  
1108 absent from the county of their residence on the date of the  
1109 election and otherwise qualified to vote in Mississippi.

1110 (3) For the purpose of this subarticle, the term "election"  
1111 shall mean and include the following sets of elections: special  
1112 and runoff special elections, preferential and general

1113 elections, \* \* \* or general elections without preferential  
1114 elections, whichever \* \* \* is applicable.

1115 SECTION 45. Section 23-15-713, Mississippi Code of 1972, is  
1116 amended as follows:

1117 23-15-713. For the purpose of this subarticle, any duly  
1118 qualified elector may vote as provided in this subarticle if  
1119 he \* \* \* falls within the following categories:

1120 (a) Any qualified elector who is a bona fide student,  
1121 teacher or administrator at any college, university, junior  
1122 college, high, junior high, or elementary grade school whose  
1123 studies or employment at such institution necessitates his absence  
1124 from the county of his voting residence on the date of any \* \* \*  
1125 election, or the spouse and dependents of said student, teacher or  
1126 administrator if such spouse or dependent(s) maintain a common  
1127 domicile, outside of the county of his voting residence, with such  
1128 student, teacher or administrator.

1129 (b) Any qualified elector who is required to be away  
1130 from his place of residence on any election day due to his  
1131 employment as an employee of a member of the Mississippi  
1132 congressional delegation and the spouse and dependents of such  
1133 person if he or she shall be residing with such absentee voter  
1134 away from the county of the spouse's voting residence.

1135 (c) Any qualified elector who is away from his county  
1136 of residence on election day for any reason.

1137 (d) Any person who has a temporary or permanent  
1138 physical disability and who, because of such disability, is unable  
1139 to vote in person without substantial hardship to himself or  
1140 others, or whose attendance at the voting place could reasonably



1141 cause danger to himself or others.

1142 (e) The parent, spouse or dependent of a person with a  
1143 temporary or permanent physical disability who is hospitalized  
1144 outside of his county of residence or more than fifty (50) miles  
1145 distant from his residence, if the parent, spouse or dependent  
1146 will be with such person on election day.

1147 (f) Any person who is sixty-five (65) years of age or  
1148 older.

1149 (g) Any member of the Mississippi congressional  
1150 delegation absent from Mississippi on election day, and the spouse  
1151 and dependents of such member of the congressional delegation.

1152 (h) Any qualified elector who will be unable to vote in  
1153 person because he is required to be at work on election day during  
1154 the times at which the polls will be open.

1155 SECTION 46. Section 23-15-755, Mississippi Code of 1972, is  
1156 amended as follows:

1157 23-15-755. All of the provisions of Sections 23-15-621  
1158 through 23-15-735 shall be applicable, insofar as possible, to  
1159 municipal, \* \* \* preferential, general and special elections, and  
1160 wherever herein any duty is imposed or any power or authority is  
1161 conferred upon the county registrar or county election  
1162 commissioners, \* \* \* with reference to a state and county  
1163 election, such duty shall likewise be imposed and such power and  
1164 authority shall likewise be conferred upon the municipal registrar  
1165 or municipal election commission \* \* \* with reference to any  
1166 municipal election. \* \* \*

1167 SECTION 47. Section 23-15-771, Mississippi Code of 1972, is  
1168 amended as follows:

1169           23-15-771. At the state convention, a slate of electors  
1170 composed of the number of electors allotted to this state, which  
1171 said electors announce a clearly expressed design and purpose to  
1172 support the candidates for President and Vice-President of the  
1173 national political party with which the said party of this state  
1174 has had an affiliation and identity of purpose heretofore, shall  
1175 be designated and selected for a place upon the \* \* \* election  
1176 ballot to be held as herein provided.

1177           SECTION 48. Section 23-15-801, Mississippi Code of 1972, is  
1178 amended as follows:

1179           23-15-801. (a) "Election" shall mean a preferential,  
1180 general or special \* \* \* election.

1181           (b) "Candidate" shall mean an individual who seeks \* \* \*  
1182 election to any elective office other than a federal elective  
1183 office. \* \* \* For purposes of this article, an individual shall  
1184 be deemed to seek \* \* \* election:

1185           (i) If such individual has received contributions  
1186 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
1187 expenditures aggregating in excess of Two Hundred Dollars  
1188 (\$200.00); or

1189           (ii) If such individual has given his or her consent to  
1190 another person to receive contributions or make expenditures on  
1191 behalf of such individual and if such person has received such  
1192 contributions aggregating in excess of Two Hundred Dollars  
1193 (\$200.00) during a calendar year, or has made such expenditures  
1194 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
1195 calendar year.

1196           (c) "Political committee" shall mean any committee, party,

1197 club, association, political action committee, campaign committee  
1198 or other groups of persons or affiliated organizations which  
1199 receives contributions aggregating in excess of Two Hundred  
1200 Dollars (\$200.00) during a calendar year or which makes  
1201 expenditures aggregating in excess of Two Hundred Dollars  
1202 (\$200.00) during a calendar year for the purpose of influencing or  
1203 attempting to influence the action of voters for or against  
1204 the \* \* \* election of one or more candidates, or balloted  
1205 measures.

1206 (d) "Affiliated organization" shall mean any organization  
1207 which is not a political committee, but which directly or  
1208 indirectly establishes, administers or financially supports a  
1209 political committee.

1210 (e) (i) "Contribution" shall include any gift,  
1211 subscription, loan, advance or deposit of money or anything of  
1212 value made by any person or political committee for the purpose of  
1213 influencing any election for elective office or balloted measure;

1214 (ii) "Contribution" shall not include the value of  
1215 services provided without compensation by any individual who  
1216 volunteers on behalf of a candidate or political committee, or the  
1217 cost of any food or beverage for use in any candidate's campaign  
1218 or for use by or on behalf of any political committee of a  
1219 political party.

1220 (f) (i) "Expenditure" shall include any purchase, payment,  
1221 distribution, loan, advance, deposit, gift of money or anything of  
1222 value made by any person or political committee for the purpose of  
1223 influencing any balloted measure or election for elective office;  
1224 and a written contract, promise or agreement to make an

1225 expenditure;

1226           (ii) "Expenditure" shall not include any news story,  
1227 commentary or editorial distributed through the facilities of any  
1228 broadcasting station, newspaper, magazine or other periodical  
1229 publication unless such facilities are owned or controlled by any  
1230 political party, political committee or candidate; or nonpartisan  
1231 activity designed to encourage individuals to vote or to register  
1232 to vote.

1233           (g) The term "identification" shall mean:

1234           (i) In the case of any individual, the name, the  
1235 mailing address and the occupation of such individual, as well as  
1236 the name of his or her employer; and

1237           (ii) In the case of any other person, the full name and  
1238 address of such person.

1239           (h) The term "political party" shall mean an association,  
1240 committee or organization which nominates a candidate for election  
1241 to any elective office whose name appears on the election ballot  
1242 as the candidate of such association, committee or organization.

1243           (i) The term "person" shall mean any individual, family,  
1244 firm, corporation, partnership, association or other legal entity.

1245           (j) The term "independent expenditure" shall mean an  
1246 expenditure by a person expressly advocating the election or  
1247 defeat of a clearly identified candidate which is made without  
1248 cooperation or consultation with any candidate or any authorized  
1249 committee or agent of such candidate and which is not made in  
1250 concert with or at the request or suggestion of any candidate or  
1251 any authorized committee or agent of such candidate.

1252           (k) The term "clearly identified" shall mean that:

1253           (i) The name of the candidate involved appears; or  
1254           (ii) A photograph or drawing of the candidate appears;  
1255 or  
1256           (iii) The identity of the candidate is apparent by  
1257 unambiguous reference.

1258           SECTION 49. Section 23-15-807, Mississippi Code of 1972, is  
1259 amended as follows:

1260           23-15-807. (a) Each candidate or political committee shall  
1261 file reports of contributions and disbursements in accordance with  
1262 the provisions of this section. All candidates or political  
1263 committees required to report may terminate its obligation to  
1264 report only upon submitting a final report that it will no longer  
1265 receive any contributions or make any disbursement and that such  
1266 candidate or committee has no outstanding debts or obligations.  
1267 The candidate, treasurer or chief executive officer shall sign  
1268 each such report.

1269           (b) Candidates who are seeking election, \* \* \* and political  
1270 committees that make expenditures for the purpose of influencing  
1271 or attempting to influence the action of voters for or against  
1272 the \* \* \* election of one or more candidates or balloted measures  
1273 at such election, shall file the following reports:

1274           (i) In any calendar year during which there is a  
1275 regularly scheduled election, a preelection report which shall be  
1276 filed no later than the seventh day before any election in which  
1277 such candidate or political committee has accepted contributions  
1278 or made expenditures and which shall be complete as of the tenth  
1279 day before such election;

1280           (ii) In 1987 and every fourth year thereafter, periodic

1281 reports which shall be filed no later than the tenth day after May  
1282 31, June 30, September 30 and December 31, and which shall be  
1283 complete as of the last day of each period; and

1284 (iii) In any calendar years except 1987 and except  
1285 every fourth year thereafter, a report covering the calendar year  
1286 which shall be filed no later than January 31 of the following  
1287 calendar year.

1288 (c) Contents of reports. Each report under this article  
1289 shall disclose:

1290 (i) For the reporting period and the calendar year, the  
1291 total amount of all contributions and the total amount of all  
1292 expenditures of the candidate or reporting committee required to  
1293 be identified pursuant to item (ii) of this paragraph. Such  
1294 reports shall be cumulative during the calendar year to which they  
1295 relate;

1296 (ii) The identification of:

1297 1. Each person or political committee who makes a  
1298 contribution to the reporting candidate or political committee  
1299 during the reporting period, whose contribution or contributions  
1300 within the calendar year have an aggregate amount or value in  
1301 excess of Two Hundred Dollars (\$200.00) when made to a political  
1302 committee or to a candidate for an office other than statewide  
1303 office or office elected by Supreme Court district, or in excess  
1304 of Five Hundred Dollars (\$500.00) when made to a candidate for  
1305 statewide office or office elected by Supreme Court district,  
1306 together with the date and amount of any such contribution;

1307 2. Each person or organization who receives an  
1308 expenditure or expenditures from the reporting candidate or

1309 political committee during the reporting period when the  
1310 expenditure or expenditures to such person or organization within  
1311 the calendar year have an aggregate value or amount in excess of  
1312 Two Hundred Dollars (\$200.00) when received from a political  
1313 committee or candidate for an office other than statewide office  
1314 or office elected by Supreme Court district, or in excess of Five  
1315 Hundred Dollars (\$500.00) when received from a candidate for  
1316 statewide office or office elected by Supreme Court district,  
1317 together with the date and amount of such expenditure.

1318 (d) Notwithstanding any provision of this section to the  
1319 contrary, a political committee that receives more than fifty  
1320 percent (50%) of its contributions from persons or political  
1321 committees domiciled outside of the State of Mississippi shall not  
1322 be required to identify contributors who are domiciled outside of  
1323 the State of Mississippi.

1324 SECTION 50. Section 23-15-811, Mississippi Code of 1972, is  
1325 amended as follows:

1326 23-15-811. (a) Any candidate or any other person who shall  
1327 willfully and deliberately violate the provisions and prohibitions  
1328 of this article shall be guilty of a misdemeanor and upon  
1329 conviction thereof shall be punished by a fine in a sum not to  
1330 exceed Three Thousand Dollars (\$3,000.00).

1331 (b) In addition to the penalties provided in paragraph (a)  
1332 of this section, any candidate or political committee which is  
1333 required to file a statement or report which fails to file such  
1334 statement or report on the date in which it is due may be  
1335 compelled to file such statement or report by an action in the  
1336 nature of a mandamus.

1337 (c) No candidate shall be certified \* \* \* as elected to  
1338 office unless and until he files all reports required by this  
1339 article due as of the date of certification.

1340 (d) No candidate who is elected to office shall receive any  
1341 salary or other remuneration for the office unless and until he  
1342 files all reports required by this article due as of the date such  
1343 salary or remuneration is payable.

1344 (e) In the event that a candidate fails to timely file any  
1345 report required pursuant to this article but subsequently files a  
1346 report or reports containing all of the information required to be  
1347 reported by him as of the date on which the sanctions of  
1348 paragraphs (c) and (d) of this section would be applied to him,  
1349 such candidate shall not be subject to the sanctions of said  
1350 paragraphs (c) and (d).

1351 SECTION 51. Section 23-15-833, Mississippi Code of 1972, is  
1352 amended as follows:

1353 23-15-833. Except as otherwise provided by law, the first  
1354 Tuesday after the first Monday in November of each year shall be  
1355 designated the regular special election day, and on that day an  
1356 election shall be held to fill any vacancy in county, county  
1357 district and district attorney elective offices.

1358 All special elections, or elections to fill vacancies, shall  
1359 in all respects be held, conducted and returned in the same manner  
1360 as general elections, except that where no candidate receives a  
1361 majority of the votes cast in such election, then a runoff  
1362 election shall be held two (2) weeks after such election and the  
1363 two (2) candidates who receive the highest popular votes for such  
1364 office shall have their names submitted as such candidates to the



1365 said runoff and the candidate who leads in such runoff election  
1366 shall be elected to the office. When there is a tie in the first  
1367 election of those receiving the next highest vote, these two (2)  
1368 and the one receiving the highest vote, none having received a  
1369 majority, shall go into the runoff election and whoever leads in  
1370 such runoff election shall be entitled to the office.

1371 In those years when the regular special election day shall  
1372 occur on the same day as the general election, the names of  
1373 candidates in any special election and the general election shall  
1374 be placed on the same ballot, but shall be clearly distinguished  
1375 as general election candidates or special election candidates.

1376 \* \* \*

1377 SECTION 52. Section 23-15-859, Mississippi Code of 1972, is  
1378 amended as follows:

1379 23-15-859. Whenever under any statute a special election is  
1380 required or authorized to be held in any municipality, and the  
1381 statute authorizing or requiring such election does not specify  
1382 the time within which such election shall be called, or the notice  
1383 which shall be given thereof, the governing authorities of the  
1384 municipality shall, by resolution, fix a date upon which such  
1385 election shall be held. Such date shall not be less than  
1386 twenty-one (21) nor more than thirty (30) days after the date upon  
1387 which such resolution is adopted, and not less than three (3)  
1388 weeks' notice of such election shall be given by the clerk by a  
1389 notice published in a newspaper published in the municipality once  
1390 each week for three (3) weeks next preceding the date of such  
1391 election and by posting a copy of such notice at three (3) public  
1392 places in such municipality. Nothing herein, however, shall be

1393 applicable to elections on the question of the issuance of the  
1394 bonds of a municipality or to preferential or general \* \* \*  
1395 elections for the election of municipal officers.

1396 SECTION 53. Section 23-15-873, Mississippi Code of 1972, is  
1397 amended as follows:

1398 23-15-873. No person, whether an officer or not, shall, in  
1399 order to promote his own candidacy, or that of any other person,  
1400 to be a candidate for public office in this state, directly or  
1401 indirectly, himself or through another person, promise to appoint,  
1402 or promise to secure or assist in securing the appointment \* \* \*  
1403 or election of another person to any public position or  
1404 employment, or to secure or assist in securing any public contract  
1405 or the employment of any person under any public contractor, or to  
1406 secure or assist in securing the expenditure of any public funds  
1407 in the personal behalf of any particular person or group of  
1408 persons, except that the candidate may publicly announce what is  
1409 his choice or purpose in relation to an election in which he may  
1410 be called on to take part if elected. It shall be unlawful for  
1411 any person to directly or indirectly solicit or receive any  
1412 promise by this section prohibited. But this does not apply to a  
1413 sheriff, chancery clerk, circuit clerk or any other person of the  
1414 state or county when it comes to their office force.

1415 SECTION 54. Section 23-15-881, Mississippi Code of 1972, is  
1416 amended as follows:

1417 23-15-881. It shall be unlawful for the Mississippi  
1418 Transportation Commission or any member of the Mississippi  
1419 Transportation Commission, or the board of supervisors of any  
1420 county or any member of the board of supervisors of such county,

1421 to employ, during the months of \* \* \* August, September, October  
1422 and November of any year in which a general \* \* \* election is held  
1423 for the \* \* \* election of members of the Mississippi  
1424 Transportation Commission and members of the boards of  
1425 supervisors, a greater number of persons to work and maintain the  
1426 state highways in any highway district, or the public roads in any  
1427 supervisors district of the county, as the case may be, than the  
1428 average number of persons employed for similar purposes in such  
1429 highway district or supervisors district, as the case may be,  
1430 during the months of \* \* \* August, September, October and November  
1431 of the three (3) years immediately preceding the year in which  
1432 such general \* \* \* election is held. It shall be unlawful for the  
1433 Mississippi Transportation Commission, or the board of supervisors  
1434 of any county, to expend out of the state highway funds, or the  
1435 road funds of the county or any supervisors district thereof, as  
1436 the case may be, in the payment of wages or other compensation for  
1437 labor performed in working and maintaining the highways of any  
1438 highway district, or the public roads of any supervisors district  
1439 of the county, as the case may be, during the months of \* \* \*  
1440 August, September, October and November of such election year, a  
1441 total amount in excess of the average total amount expended for  
1442 such labor, in such highway district or supervisors district, as  
1443 the case may be, during the corresponding four-month period of the  
1444 three (3) years immediately preceding.

1445 It shall be the duty of the Mississippi Transportation  
1446 Commission and the board of supervisors of each county,  
1447 respectively, to keep sufficient records of the numbers of  
1448 employees and expenditures made for labor on the state highways of

1449 each highway district, and the public roads of each supervisors  
1450 district, for the months of \* \* \* August, September, October and  
1451 November of each year to show the number of persons employed for  
1452 such work in each highway district and each supervisors district,  
1453 as the case may be, during said four-month period, and the total  
1454 amount expended in the payment of salaries and other compensation  
1455 to such employees, so that it may be ascertained, from an  
1456 examination of such records, whether or not the provisions of this  
1457 chapter have been violated.

1458       It is provided, however, because of the abnormal conditions  
1459 existing in certain counties of the state due to recent floods in  
1460 which roads and bridges have been materially damaged or washed  
1461 away and destroyed, if the board of supervisors in any county  
1462 passes a resolution as provided in Section 19-9-11, Mississippi  
1463 Code of 1972, for the emergency issuance of road and bridge bonds,  
1464 the provisions of this section shall not be applicable to or in  
1465 force concerning the board of supervisors during the calendar year  
1466 1955.

1467       SECTION 55. Section 23-15-885, Mississippi Code of 1972, is  
1468 amended as follows:

1469       23-15-885. The restrictions imposed in Sections 23-15-881  
1470 and 23-15-883 shall likewise apply to the mayor and board of  
1471 aldermen, or other governing authority, of each municipality, in  
1472 the employment of labor for working and maintaining the streets of  
1473 the municipality during the four-month period next preceding the  
1474 date of holding the general \* \* \* election in such municipality  
1475 for the election of municipal officers.

1476       SECTION 56. Section 23-15-891, Mississippi Code of 1972, is

1477 amended as follows:

1478           23-15-891. No common carrier, telegraph company or telephone  
1479 company shall give to any candidate, or to any member of any  
1480 political committee, or to any person to be used to aid or promote  
1481 the success or defeat of any candidate for election for any public  
1482 office, free transportation or telegraph or telephone service, as  
1483 the case may be, or any reduction thereof that is not made alike  
1484 to all other persons. All persons required by the provisions of  
1485 this chapter to make and file statements shall make oath that they  
1486 have not received or made use of, directly or indirectly, in  
1487 connection with any candidacy for election to any public office,  
1488 free transportation or telegraph or telephone service.

1489           SECTION 57. Section 23-15-899, Mississippi Code of 1972, is  
1490 amended as follows:

1491           23-15-899. Every placard, bill, poster, pamphlet or other  
1492 printed matter having reference to any election, or to any  
1493 candidate, that has not been submitted to and approved and  
1494 subscribed by a candidate or his campaign manager or assistant  
1495 manager pursuant to the provisions of Section 23-15-897, shall  
1496 bear upon the face thereof the name and the address of the author  
1497 and of the printer and publisher thereof, and failure to so  
1498 provide shall be a misdemeanor, and it shall be a misdemeanor for  
1499 any person to mutilate or remove, previously to the date of the  
1500 election, any placard, poster or picture which has been lawfully  
1501 placed or posted.

1502           SECTION 58. Section 23-15-911, Mississippi Code of 1972, is  
1503 amended as follows:

1504           23-15-911. When the returns for a box and the contents of

1505 the ballot box and the conduct of the election thereat have been  
1506 canvassed and reviewed by the county election commission \* \* \*,  
1507 all the contents of the box required to be placed and sealed in  
1508 the ballot box by the managers shall be replaced therein by the  
1509 election commission \* \* \* and the box shall be forthwith resealed  
1510 and delivered to the circuit clerk, who shall safely keep and  
1511 secure the same against any tampering therewith. At any time  
1512 within twelve (12) days after the canvass and examination of the  
1513 box and its contents by the election commission \* \* \*, any  
1514 candidate or his representative authorized in writing by him shall  
1515 have the right of full examination of said box and its contents  
1516 upon three (3) days' notice of his application therefor served  
1517 upon the opposing candidate or candidates, or upon any member of  
1518 their family over the age of eighteen (18) years, which  
1519 examination shall be conducted in the presence of the circuit  
1520 clerk or his deputy who shall be charged with the duty to see that  
1521 none of the contents of the box are removed from the presence of  
1522 the clerk or in any way tampered with. Upon the completion of  
1523 said examination the box shall be resealed with all its contents  
1524 as theretofore. And if any contest or complaint before the court  
1525 shall arise over said box, it shall be kept intact and sealed  
1526 until the court hearing and another ballot box, if necessary,  
1527 shall be furnished for the precinct involved.

1528 SECTION 59. Section 23-15-973, Mississippi Code of 1972, is  
1529 amended as follows:

1530 23-15-973. It shall be the duty of the judges of the circuit  
1531 court to give a reasonable time and opportunity to the candidates  
1532 for the office of judge of the Supreme Court, judges of the Court

1533 of Appeals, circuit judge and chancellor to address the people  
1534 during court terms. In order to give further and every possible  
1535 emphasis to the fact that the said judicial offices are not  
1536 political but are to be held without favor and with absolute  
1537 impartiality as to all persons, and because of the jurisdiction  
1538 conferred upon the courts by this chapter, the judges thereof  
1539 should be as far removed as possible from any political  
1540 affiliations or obligations. It shall be unlawful for any  
1541 candidate for any of the offices mentioned in this section to  
1542 align himself with any candidate or candidates for any other  
1543 office or with any political faction or any political party at any  
1544 time during any \* \* \* election campaign. Likewise, it shall be  
1545 unlawful for any candidate for any other office \* \* \* wherein any  
1546 candidate for any of the judicial offices in this section  
1547 mentioned, is or are to be elected, to align himself with any one  
1548 or more of the candidates for said offices or to take any part  
1549 whatever in any election for any one or more of said judicial  
1550 offices, except to cast his individual vote. If any candidate for  
1551 any office, whether elected with or without opposition, at any  
1552 election wherein a candidate for any one of the judicial offices  
1553 herein mentioned is to be elected, shall deliberately, knowingly  
1554 and willfully violate the provisions of this section \* \* \*, his  
1555 election shall be void.

1556 SECTION 60. Section 23-15-1065, Mississippi Code of 1972, is  
1557 amended as follows:

1558 23-15-1065. No person shall claim or represent himself in  
1559 any manner to be a member of any state, district or county  
1560 executive committee of any political party in this state, or claim

1561 to be the national committeeman or national committeewoman or any  
1562 other officer or representative of such political party without  
1563 having been lawfully elected or chosen as such in the manner  
1564 provided by the laws of this state, or by such political party in  
1565 the manner provided by the laws of this state \* \* \*.

1566 Any person who violates the provisions of this section, in  
1567 addition to other measures or penalties provided by law, may be  
1568 enjoined therefrom upon application to the courts by any person or  
1569 persons, or any political party, official or representative of  
1570 such political party aggrieved thereby.

1571 SECTION 61. Section 23-15-1085, Mississippi Code of 1972, is  
1572 amended as follows:

1573 23-15-1085. The chairman of a party's state executive  
1574 committee shall notify the Secretary of State if the party intends  
1575 to hold a presidential preference primary. The Secretary of State  
1576 shall be notified prior to December 1 of the year preceding the  
1577 year in which a presidential preference primary may be held  
1578 pursuant to Section 23-15-1081. \* \* \*

1579 SECTION 62. Section 23-15-1087, Mississippi Code of 1972, is  
1580 amended as follows:

1581 23-15-1087. Except as otherwise provided in this chapter,  
1582 the laws regulating \* \* \* elections shall, insofar as practical,  
1583 apply to and govern presidential preference primary elections.

1584 SECTION 63. Section 23-15-127, Mississippi Code of 1972,  
1585 which provides for the preparation, use and revision of primary  
1586 election pollbooks, is hereby repealed.

1587 SECTION 64. Section 23-15-171, Mississippi Code of 1972,  
1588 which provides for the dates of municipal primary elections, is



1589 hereby repealed.

1590 SECTION 65. Section 23-15-191, Mississippi Code of 1972,  
1591 which provides for the date of state, district and county primary  
1592 elections, is hereby repealed.

1593 SECTION 66. Sections 23-15-263, 23-15-265, 23-15-267,  
1594 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,  
1595 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,  
1596 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of  
1597 1972, which provide for the duties of the state executive  
1598 committee and county executive committees in primary elections,  
1599 provide for the qualification of candidates for party primary  
1600 elections, and provide for the conduct of party primary elections,  
1601 are hereby repealed.

1602 SECTION 67. Sections 23-15-359, 23-15-361 and 23-15-363,  
1603 Mississippi Code of 1972, which provide for the contents of  
1604 general election ballots, are hereby repealed.

1605 SECTION 68. Sections 23-15-597 and 23-15-599, Mississippi  
1606 Code of 1972, which provide for the canvass of returns and  
1607 announcement of vote by the county executive committees in primary  
1608 elections, and require the state executive committee to transmit  
1609 to the Secretary of State a tabulated statement of the party vote  
1610 for certain offices, are hereby repealed.

1611 SECTION 69. Section 23-15-841, Mississippi Code of 1972,  
1612 which provides for primary elections for nominations of candidates  
1613 to fill vacancies in county and county district offices, is hereby  
1614 repealed.

1615 SECTION 70. Sections 23-15-921, 23-15-923, 23-15-925,  
1616 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,

1617 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide  
1618 procedures for contests of primary elections, are hereby repealed.

1619 SECTION 71. Section 23-15-1031, Mississippi Code of 1972,  
1620 which provides for the date of primary elections for Congressmen  
1621 and United States Senators, is hereby repealed.

1622 SECTION 72. Section 23-15-1063, Mississippi Code of 1972,  
1623 which prohibits unregistered political parties from conducting  
1624 primary elections, is hereby repealed.

1625 SECTION 73. Section 23-15-1083, Mississippi Code of 1972,  
1626 which requires that certain congressional primaries be held on the  
1627 same day as the presidential preference primary, is hereby  
1628 repealed.

1629 SECTION 74. The Attorney General of the State of Mississippi  
1630 is hereby directed to submit this act, immediately upon approval  
1631 by the Governor, or upon approval by the Legislature subsequent to  
1632 a veto, to the Attorney General of the United States or to the  
1633 United States District Court for the District of Columbia in  
1634 accordance with the provisions of the Voting Rights Act of 1965,  
1635 as amended and extended.

1636 SECTION 75. This act shall take effect and be in force from  
1637 and after January 1, 2000, if it is effectuated under Section 5 of  
1638 the Voting Rights Act of 1965, as amended and extended.