

By: Senator(s) Harden (By Request)

To: Elections

## SENATE BILL NO. 2582

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION  
2 23-15-393, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF  
3 STATE TO ESTABLISH A LIST OF VOTING DEVICES THAT MAY BE UTILIZED  
4 IN ELECTIONS CONDUCTED IN THIS STATE; TO REQUIRE ALL VOTING  
5 DEVICES UTILIZED TO CONDUCT ELECTIONS TO BE CONTAINED ON SUCH  
6 LIST; TO ALLOW VOTING DEVICES THAT ARE NOT ON THE LIST THAT ARE  
7 CURRENTLY UTILIZED TO CONDUCT ELECTIONS TO BE UTILIZED UNTIL SUCH  
8 TIME AS SUCH VOTING DEVICES ARE REPLACED; TO AMEND SECTIONS  
9 23-15-39, 23-15-213, 23-15-299, 23-15-309, 23-15-359, 23-15-361,  
10 23-15-391, 23-15-627, 23-15-631, 23-15-839, 23-15-853, 23-15-857,  
11 23-15-977, 37-5-9, 37-5-75, 37-7-211 AND 37-7-225, MISSISSIPPI  
12 CODE OF 1972, TO CLARIFY THE APPLICATION FOR REGISTRATION AS A  
13 VOTER; TO PROVIDE THAT THE QUALIFYING DEADLINE FOR ALL ELECTIVE  
14 OFFICES SHALL BE AT 5:00 P.M. ON THE LAST DAY UPON WHICH A  
15 CANDIDATE MAY QUALIFY FOR ELECTIVE OFFICE; TO CLARIFY THE MANNER  
16 IN WHICH THE QUALIFICATIONS OF CANDIDATES FOR ELECTIVE OFFICE ARE  
17 EXAMINED; TO REQUIRE THAT COPIES OF THE STATEMENTS REQUIRED TO BE  
18 FILED WITH THE STATE EXECUTIVE COMMITTEE BY CANDIDATES FOR PARTY  
19 NOMINATION BE TRANSMITTED TO AND RECEIVED BY THE OFFICE OF THE  
20 SECRETARY OF STATE BY NOT LATER THAN 6:00 P.M. ON THE DATE OF THE  
21 QUALIFYING DEADLINE; TO PROHIBIT PERSONS FROM QUALIFYING FOR  
22 OFFICE PRIOR TO JANUARY 1 OF THE YEAR IN WHICH THE ELECTION IS TO  
23 OCCUR; TO PROVIDE THAT IN CASES IN WHICH ONLY ONE CANDIDATE HAS  
24 QUALIFIED FOR AN ELECTIVE OFFICE THAT SUCH CANDIDATE SHALL BE  
25 DECLARED ELECTED; TO REQUIRE VOTING MACHINES, ELECTRONIC VOTING  
26 SYSTEMS AND OPTICAL MARK READING EQUIPMENT UTILIZED BY A COUNTY TO  
27 BE DISTRIBUTED FAIRLY TO EACH PRECINCT; TO CLARIFY THAT ABSENTEE  
28 BALLOTS OF ELECTORS WHO ARE AUTHORIZED TO VOTE BY MAIL MUST BE  
29 MAILED TO SUCH ELECTOR; TO PROVIDE FOR A CERTIFICATE ON THE  
30 ABSENTEE BALLOT ENVELOPE THAT MUST BE COMPLETED BY PERSONS WHO  
31 WITNESS THE SIGNATURE OF A VOTER WHO IS TEMPORARILY OR PERMANENTLY  
32 DISABLED; AND FOR RELATED PURPOSES.

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

34 SECTION 1. The following provision shall be codified as  
35 Section 23-15-393, Mississippi Code of 1972:

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

43 SECTION 2. Section 23-15-39, Mississippi Code of 1972, is  
44 amended as follows:

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

50 "APPLICATION FOR REGISTRATION

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

55 1. What is your full name, including maiden name, if you  
56 have one? \_\_\_\_\_

57 2. Please give your Social Security number. \_\_\_\_\_

58 3. What is your date of birth \* \* \*? \_\_\_\_\_

59 4. Are you a citizen of the United States? \_\_\_\_\_

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

66 (a) Present address: \_\_\_\_\_

67 From \_\_\_\_\_ (month) to date.

68 (b) Previous address: \_\_\_\_\_

69 From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).

70 (c) Previous address: \_\_\_\_\_

71 From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).

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

74 6. What is your present mailing address? \_\_\_\_\_

75 7. Are you now a resident of this state and county? \_\_\_\_\_

76 8. Do you now reside within the city limits of a city or

77 town located within this county? \_\_\_\_\_

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

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

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

87 (a) Are there any registered voters living at your  
88 present residence? \_\_\_\_\_ If so, give the name of each such  
89 person. \_\_\_\_\_

90 (b) Do you have a telephone at your present residence?  
91 \_\_\_\_\_ If so, give the telephone number of such telephone.  
92 \_\_\_\_\_ Please give your work telephone number. \_\_\_\_\_

93 \* \* \*

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

97 STATE OF MISSISSIPPI

98 COUNTY OF \_\_\_\_\_

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

110 Applicant sign here: \_\_\_\_\_

111 SWORN TO AND SUBSCRIBED before me, this the \_\_\_\_ day of  
112 \_\_\_\_\_ 19\_\_.

113 \_\_\_\_\_ (Registrar)

114 By \_\_\_\_\_ (Deputy Registrar)"

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

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

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

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

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

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

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

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

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

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

213 purpose of this section that the county board of election  
214 commissioners shall consist of one (1) person from each  
215 supervisors district of the county and that each such commissioner  
216 be elected from the supervisors district in which he resides.

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

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

247 runoff candidates.

248         Upon taking office, the county board of election  
249 commissioners shall organize by electing a chairman and a  
250 secretary.

251         It shall be the duty of the chairman to have the official  
252 ballot printed and distributed at each general or special  
253 election.

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

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

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

279         (3) Assessments made pursuant to paragraphs (f) and (g) of  
280 Section 23-15-297 must be paid by each candidate to the Secretary



281 of the State Executive Committee with which the candidate is  
282 affiliated by 5:00 p.m. \* \* \* sixty (60) days before the  
283 presidential preference primary in \* \* \* years in which a  
284 presidential preference primary is held. Assessments made  
285 pursuant to paragraphs (f) and (g) of Section 23-15-297, in years  
286 when a presidential preference primary is not being held, shall be  
287 paid by each candidate to the Secretary of the State Executive  
288 Committee with which the candidate is affiliated by 5:00 p.m. on  
289 March 1 of the year in which the primary election for the office  
290 is held.

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

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

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

313 (6) The secretaries of the proper executive committee shall  
314 hold said funds to be finally disposed of by order of their

315 respective executive committees. Such funds may be used or  
316 disbursed by the executive committee receiving same to pay all  
317 necessary traveling or other necessary expenses of the members of  
318 the executive committee incurred in discharging their duties as  
319 committeemen, and of their secretary and may pay the secretary  
320 such salary as may be reasonable.

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

348 Where there is but one (1) candidate, the proper executive

349 committee when the time has expired within which the names of  
350 candidates shall be furnished shall declare such candidate the  
351 nominee.

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

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

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

365 (3) The clerk shall promptly receipt the payment, stating  
366 the office for which the person making the payment is running and  
367 the political party with which such person is affiliated. The  
368 clerk shall keep an itemized account in detail showing the time  
369 and date of the receipt of such payment received by him, from whom  
370 such payment was received, the party with which such person is  
371 affiliated, and for what office the person paying the fee is a  
372 candidate. The clerk shall promptly supply all necessary  
373 information and pay over all fees so received to the secretary of  
374 the proper municipal executive committee. Such funds may be used  
375 and disbursed in the same manner as is allowed in Section  
376 23-15-299 in regard to other executive committees.

377 (4) Upon receipt of the above information, the proper  
378 municipal executive committee shall then determine whether \* \* \*  
379 each candidate is a qualified elector of the municipality, and of  
380 the ward if the office sought is a ward office, shall determine  
381 whether each candidate meets all other qualifications to hold the  
382 office he is seeking or presents absolute proof that he will,

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

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

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

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

417 number of qualified electors:

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

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

423           (c) For an office elected by the qualified electors of  
424 a congressional district, not less than two hundred (200)  
425 qualified electors.

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

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

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

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

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

448           (3) Petitions for offices described in paragraphs (a), (b),  
449 (c) and (d) of subsection (1) of this section, and petitions for  
450 offices described in paragraph (e) of subsection (1) of this

451 section for districts composed of more than one (1) county or  
452 parts of more than one (1) county, shall be filed with the State  
453 Board of Election Commissioners by no later than 5:00 p.m. on the  
454 same date by which candidates for nominations in the political  
455 party primary elections are required to pay the fee provided for  
456 in Section 23-15-297, Mississippi Code of 1972.

457 (4) Petitions for offices described in paragraphs (f) and  
458 (g) of subsection (1) of this section, and petitions for offices  
459 described in paragraph (e) of subsection (1) of this section for  
460 districts composed of one (1) county or less, shall be filed with  
461 the proper circuit clerk by no later than 5:00 p.m. on the same  
462 date by which candidates for nominations in the political party  
463 elections are required to pay the fee provided for in Section  
464 23-15-297; provided, however, that no such petition may be filed  
465 prior to January 1 of the year in which the election for the  
466 office is held. The circuit clerk shall notify the county  
467 commissioners of election of all persons who have filed petitions  
468 with such clerk. Such notification shall occur within two (2)  
469 business days and shall contain all necessary information.

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

477 (6) The provisions of this section shall not apply to  
478 municipal elections or to the election of the offices of justice  
479 of the Supreme Court, judge of the Court of Appeals, circuit  
480 judge, chancellor, county court judge and family court judge.

481 (7) Nothing in this section shall prohibit special elections  
482 to fill vacancies in either house of the Legislature from being  
483 held as provided in Section 23-15-851. In all elections conducted  
484 under the provisions of Section 23-15-851 the commissioner shall

485 have printed on the ballot the name of any candidate who, not  
486 having been nominated by a political party, shall have been  
487 requested to be a candidate for any office by a petition filed  
488 with said commissioner by 5:00 p.m. not less than ten (10) working  
489 days prior to the election, and signed by not less than fifty (50)  
490 qualified electors.

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

517 (9) If after the deadline to qualify as a candidate for an  
518 office or after the time for holding any party primary for an

519 office, there shall be only one (1) person who has duly qualified  
520 to be a candidate for such office in the general election, the  
521 election for such office shall be dispensed with and the  
522 appropriate election commission shall declare the candidate  
523 elected without opposition if the candidate meets all the  
524 qualifications to hold the office as determined pursuant to a  
525 review by the commission in accordance with the provisions of  
526 subsection (8) of this section and if the candidate has filed all  
527 required campaign finance disclosure reports as required by  
528 Section 23-15-807.

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

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

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



553 (b) For an office elected by the qualified electors of  
554 a municipality having a population of less than one thousand  
555 (1,000), not less than fifteen (15) qualified electors.

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

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

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

581 (5) The municipal election commission shall determine  
582 whether each party candidate in the municipal general election is  
583 a qualified elector of the municipality, and of the ward if the  
584 office sought is a ward office and shall determine whether each  
585 candidate meets all other qualifications to hold the office he is  
586 seeking or presents absolute proof that he will, subject to no

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

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

619 SECTION 8. Section 23-15-391, Mississippi Code of 1972, is  
620 amended as follows:

621 23-15-391. (1) The board of supervisors of each county in  
622 the State of Mississippi shall, by January 1, 1989, utilize voting  
623 machines, electronic voting systems, or optical mark reading  
624 equipment which shall comply with the specifications provided by  
625 law. Thereafter, the election commissioners may designate an  
626 election to be administered by paper ballot where the election  
627 commissioners clearly determine that administration of an election  
628 by paper ballot will be less expensive than administration of the  
629 same election by voting machines, electronic voting systems, or  
630 optical mark reading equipment.

631 (2) Voting machines, electronic voting systems and optical  
632 mark reading equipment utilized by a county to conduct an election  
633 shall be distributed fairly to each precinct in the county.

634 SECTION 9. Section 23-15-627, Mississippi Code of 1972, is  
635 amended as follows:

636 23-15-627. The registrar shall be responsible for furnishing  
637 an absentee ballot application form to any elector authorized to  
638 receive a ballot. Such application shall be substantially in the  
639 following form:

640 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

641 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
642 of the County of \_\_\_\_\_, and State of Mississippi, coming within  
643 the purview of the definition 'ABSENT ELECTOR' will be absent from  
644 the county of my residence on election day, or unable to vote in  
645 person because (check appropriate reason):

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

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

652 ( ) I am a member of the Merchant Marine or the American Red  
653 Cross and am a citizen of Mississippi or spouse or dependent of  
654 such member.

655           ( ) I am a disabled war veteran who is a patient in any  
656 hospital and am a citizen of Mississippi or spouse or dependent of  
657 such veteran.

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

662           ( ) I am a citizen of Mississippi temporarily residing  
663 outside the territorial limits of the United States and the  
664 District of Columbia.

665           ( ) I am a student, teacher or administrator at a college,  
666 university, junior or community college, high, junior high,  
667 elementary or grade school, whose studies or employment at such  
668 institution necessitates my absence from the county of my voting  
669 residence or spouse or dependent of such student, teacher or  
670 administrator who maintains a common domicile outside the county  
671 of my voting residence with such student, teacher or  
672 administrator.

673           ( ) I will be outside the county on election day.

674           ( ) I have a temporary or permanent physical disability.

675           ( ) I am sixty-five (65) years of age or older.

676           ( ) I am the parent, spouse or dependent of a person with a  
677 temporary or permanent physical disability who is hospitalized  
678 outside his county of residence or more than fifty (50) miles away  
679 from his residence, and I will be with such person on election  
680 day.

681           ( ) I am a member of the congressional delegation, or spouse  
682 or dependent of a member of the congressional delegation.

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

685           I hereby make application for an official ballot, or ballots,  
686 to be voted by me at the election to be held in \_\_\_\_\_, on \_\_\_\_\_.

687 Mail 'Absent Elector's Ballot' to me \* \* \* at the following

688 address \_\_\_\_\_ \* \* \* (if eligible to vote by mail).

689 I realize that I can be fined up to Five Thousand Dollars  
690 (\$5,000.00) and sentenced up to five (5) years in the penitentiary  
691 for making a false statement in this application and for selling  
692 my vote and violating the Mississippi Absentee Voter Law. (This  
693 sentence is to be in bold print.)

694 If you are temporarily or permanently disabled, you are not  
695 required to have this application notarized or signed by an  
696 official authorized to administer oaths for absentee balloting.  
697 You are required to sign this application in the proper place and  
698 have a person eighteen (18) years of age or older witness your  
699 signature and sign this application in the proper place.

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

702 IN WITNESS WHEREOF I have hereunto set my hand and seal this  
703 the \_\_\_\_ day of \_\_\_\_\_, 19\_\_.

704 \_\_\_\_\_  
705 (Signature of absent elector)

706 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
707 19\_\_.

708 \_\_\_\_\_  
709 (Official authorized to administer oaths for absentee  
710 balloting \* \* \*.)

711 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
712 DISABLED:

713 I HEREBY CERTIFY that this application for an absent  
714 elector's ballot was signed by the above-named disabled elector in  
715 my presence and that I am at least eighteen (18) years of age,  
716 this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.

717 \_\_\_\_\_  
718 (Signature of witness)"

719 SECTION 10. Section 23-15-631, Mississippi Code of 1972, is  
720 amended as follows:

721 23-15-631. (1) The registrar shall enclose with each ballot  
722 sent to an absent elector separate printed instructions furnished

723 by him containing the following:

724 (a) All absentee voters, excepting those with temporary  
725 or permanent physical disabilities or those who are sixty-five  
726 (65) years of age or older, who mark their ballots in the county  
727 of the residence shall use the registrar of that county as the  
728 witness. Said absentee voter shall come to the office of the  
729 registrar and neither the registrar nor his deputy shall be  
730 required to go out of the registrar's office to serve as an  
731 attesting witness.

732 (b) Upon receipt of the enclosed ballot, you will not  
733 mark same except in view or sight of the attesting witness. In  
734 the sight or view of the attesting witness, mark the ballot  
735 according to instructions.

736 (c) After marking the ballot, fill out and sign the  
737 "ELECTOR'S CERTIFICATE" on back of the envelope so that the  
738 signature shall be across the flap of the envelope so as to insure  
739 the integrity of the ballot. All absent electors shall have the  
740 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across  
741 the flap on back of the envelope. Place necessary postage on the  
742 envelope and deposit it in the post office or some government  
743 receptacle provided for deposit of mail so that the absent  
744 elector's ballot, excepting presidential absentee ballots, will  
745 reach the registrar in which your precinct is located not later  
746 than 5:00 p.m. on the day preceding the date of the election, or  
747 by personally delivering such ballot to the registrar's office not  
748 later than 12:00 noon on the Saturday immediately preceding  
749 elections held on Tuesday, the Thursday immediately preceding  
750 elections held on Saturday, and the second day immediately  
751 preceding elections held on other days.

752 Any notary public, United States postmaster, assistant United  
753 States postmaster, United States postal supervisor, clerk in  
754 charge of a contract postal station, or any officer having  
755 authority to administer an oath or take an acknowledgment may be  
756 an attesting witness; provided, however, that in the case of an

757 absent elector who is temporarily or permanently physically  
758 disabled, the attesting witness may be any person eighteen (18)  
759 years of age or older and such person is not required to have the  
760 authority to administer an oath. If a postmaster, assistant  
761 postmaster, postal supervisor, or clerk in charge of a contract  
762 postal station acts as an attesting witness, his signature on the  
763 elector's certificate must be authenticated by the cancellation  
764 stamp of their respective post offices. If one or the other  
765 officers herein named acts as attesting witness, his signature on  
766 the elector's certificate, together with his title and address,  
767 but no seal, shall be required. Any affidavits made by an absent  
768 elector who is in the armed forces may be executed before a  
769 commissioned officer, warrant officer, or noncommissioned officer  
770 not lower in grade than sergeant rating, or any person authorized  
771 to administer oaths.

772 (d) When the application accompanies the ballot it  
773 shall not be returned in the same envelope as the ballot but shall  
774 be returned in a separate pre-addressed envelope provided by the  
775 registrar.

776 (2) The foregoing instructions required to be mailed by the  
777 registrar to the elector shall also constitute the substantive law  
778 pertaining to the handling of absentee ballots by the elector and  
779 registrar.

780 SECTION 11. Section 23-15-839, Mississippi Code of 1972, is  
781 amended as follows:

782 23-15-839. (1) When a vacancy shall occur in any county or  
783 county district office, the same shall be filled by appointment by  
784 the board of supervisors of the county, by order entered upon its  
785 minutes, where the vacancy occurs, or by appointment of the  
786 president of the board of supervisors, by and with the consent of  
787 the majority of the board of supervisors, if such vacancy occurs  
788 when said board is not in session, and the clerk of the board  
789 shall certify to the Secretary of State the fact of the  
790 appointment, and the person so appointed shall be commissioned by

791 the Governor; and if the unexpired term be longer than six (6)  
792 months, such appointee shall serve until a successor is elected as  
793 hereinafter provided, unless the regular special election day on  
794 which the vacancy should be filled occurs in a year in which an  
795 election would normally be held for that office as provided by  
796 law, in which case the person so appointed shall serve the  
797 unexpired portion of the term. Such vacancies shall be filled for  
798 the unexpired term by the qualified electors at the next regular  
799 special election day occurring more than ninety (90) days after  
800 the occurrence of the vacancy. The board of supervisors of the  
801 county shall, within ten (10) days after the happening of the  
802 vacancy, make an order, in writing, directed to the commissioners  
803 of election, commanding an election to be held on the next regular  
804 special election day to fill the vacancy. The election  
805 commissioners shall require each candidate to qualify at least  
806 sixty (60) days before the date of the election, and shall give a  
807 certificate of election to the person elected, and shall return to  
808 the Secretary of State a copy of the order of holding the  
809 election, showing the results thereof, certified by the clerk of  
810 the board of supervisors. The person elected shall be  
811 commissioned by the Governor.

812 \* \* \*

813 (2) In any election ordered pursuant to this section where  
814 only one (1) person shall have qualified with the commissioners of  
815 election to be a candidate within the time provided by law, the  
816 commissioners of election shall certify to the board of  
817 supervisors that there is but one (1) candidate. Thereupon, the  
818 board of supervisors shall dispense with the election and shall  
819 appoint the candidate so certified to fill the unexpired term.  
820 The clerk of the board shall certify to the Secretary of State the  
821 candidate so appointed to serve in said office and that candidate  
822 shall be commissioned by the Governor. In the event that no  
823 person shall have qualified by 5:00 p.m. sixty (60) days prior to  
824 the date of the election, the commissioners of election shall



825 certify that fact to the board of supervisors which shall dispense  
826 with the election and fill the vacancy by appointment. The clerk  
827 of the board of supervisors shall certify to the Secretary of  
828 State the fact of the appointment, and the person so appointed  
829 shall be commissioned by the Governor.

830 SECTION 12. Section 23-15-853, Mississippi Code of 1972, is  
831 amended as follows:

832 23-15-853. (1) If a vacancy happens in the representation  
833 in Congress, the vacancy shall be filled for the unexpired term by  
834 a special election, to be ordered by the Governor, within sixty  
835 (60) days after such vacancy occurs, and to be held at a time  
836 fixed by his order, and which time shall be not less than forty  
837 (40) days after the issuance of the order of the Governor, which  
838 shall be directed to the commissioners of election of the several  
839 counties of the district, who shall, immediately on the receipt of  
840 the order, give notice of the election by publishing the same in  
841 some newspaper having a general circulation in the county and by  
842 posting notice thereof at the front door of the courthouse. The  
843 order shall also be directed to the State Board of Election  
844 Commissioners. The election shall be prepared for and conducted,  
845 and returns shall be made, in all respects as provided for a  
846 special election to fill vacancies.

847 (2) Candidates for the office in such an election must  
848 qualify with the Secretary of State by 5:00 p.m. not less than  
849 twenty (20) days previous to the date of the election. The  
850 commissioners of election shall have printed on the ballot in such  
851 special election the name of any candidate who shall have been  
852 requested to be a candidate for the office by a petition filed  
853 with the Secretary of State and personally signed by not less than  
854 one thousand (1,000) qualified electors of the district. The  
855 petition shall be filed by 5:00 p.m. not less than twenty (20)  
856 days previous to the date of the election.

857 There shall be attached to each petition above provided for,  
858 upon the time of filing with said Secretary of State, a

859 certificate from the appropriate registrar or registrars showing  
860 the number of qualified electors appearing upon each such petition  
861 which the registrar shall furnish to the petitioner upon request.

862 SECTION 13. Section 23-15-857, Mississippi Code of 1972, is  
863 amended as follows:

864 23-15-857. (1) When it shall happen that there is any  
865 vacancy in a city, town or village office which is elective the  
866 unexpired term of which shall not exceed six (6) months, the same  
867 shall be filled by appointment by the governing authority or  
868 remainder of the governing authority of said city, town or  
869 village. The municipal clerk shall certify to the Secretary of  
870 State the fact of such appointment, and the person or persons so  
871 appointed shall be commissioned by the Governor.

872 (2) When it shall happen that there is any vacancy in an  
873 elective office in a city, town or village the unexpired term of  
874 which shall exceed six (6) months, the governing authority or  
875 remainder of the governing authority of said city, town or village  
876 shall make and enter on the minutes an order for an election to be  
877 held in such city, town or village to fill the vacancy and fix a  
878 date upon which such election shall be held. Such order shall be  
879 made and entered upon the minutes at the next regular meeting of  
880 the governing authority after such vacancy shall have occurred, or  
881 at a special meeting to be held not later than ten (10) days after  
882 such vacancy shall have occurred, Saturdays, Sundays and legal  
883 holidays excluded, whichever shall occur first. Such election  
884 shall be held on a date not less than thirty (30) days nor more  
885 than forty-five (45) days after the date upon which the order is  
886 adopted.

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

889 Such notice shall be published once each week for three (3)  
890 successive weeks preceding the date of such election. The first  
891 notice to be published at least thirty (30) days before the date  
892 of such election. Notice shall also be given by posting a copy of

893 such notice at three (3) public places in such municipality not  
894 less than twenty-one (21) days prior to the date of such election.

895 One (1) of such notices shall be posted at the city, town or  
896 village hall. In the event that there is no newspaper published  
897 in the municipality, then such notice shall be published as  
898 provided for above in a newspaper which has a general circulation  
899 within the municipality and by posting as provided for above. In  
900 addition, the governing authority may publish such notice in such  
901 newspaper for such additional times as may be deemed necessary by  
902 the governing authority.

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

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

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

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

916 The candidate receiving a majority of the votes cast in a  
917 said election shall be elected. If no candidate shall receive a  
918 majority vote at the election, the two (2) candidates receiving  
919 the highest number of votes shall have their names placed on the  
920 ballot for the election to be held one (1) week thereafter. The  
921 candidate receiving a majority of the votes cast in said election  
922 shall be elected. However, if no candidate shall receive a  
923 majority and there is a tie in the election of those receiving the  
924 next highest vote, those receiving the next highest vote and the  
925 candidate receiving the highest vote shall have their names placed  
926 on the ballot for the election to be held one (1) week thereafter,

927 and whoever receives the most votes cast in such election shall be  
928 elected.

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

934         The clerk of the election commission shall then give a  
935 certificate of election to the person elected, and shall return to  
936 the Secretary of State a copy of the order of holding the election  
937 and runoff election showing the results thereof, certified by the  
938 clerk of the governing authority. The person elected shall be  
939 commissioned by the Governor.

940         However, if nine (9) days prior to the date of the election  
941 only one (1) person shall have qualified as a candidate, the  
942 governing authority, or remainder of the governing authority,  
943 shall dispense with the election and appoint that one (1)  
944 candidate in lieu of an election. In the event no person shall  
945 have qualified by 5:00 p.m. at least ten (10) days prior to the  
946 date of the election, the governing authority or remainder of the  
947 governing authority shall dispense with the election and fill the  
948 vacancy by appointment. The clerk of the governing authority  
949 shall certify to the Secretary of State the fact of the  
950 appointment, and the person so appointed shall be commissioned by  
951 the Governor.

952         SECTION 14. Section 23-15-977, Mississippi Code of 1972, is  
953 amended as follows:

954         23-15-977. (1) All candidates for judicial office as  
955 defined in Section 23-15-975 of this subarticle shall file their  
956 intent to be a candidate with the proper officials not later than  
957 5:00 p.m. on the first Friday after the first Monday in May prior  
958 to the general election for judicial office and shall pay to the  
959 proper officials the following amounts:

960             (a) Candidates for Supreme Court judge and Court of

961 Appeals, the sum of Two Hundred Dollars (\$200.00).

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

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

966 (2) Candidates for judicial offices listed in paragraphs (a)  
967 and (b) of subsection (1) of this section shall file their intent  
968 to be a candidate with, and pay the proper assessment made  
969 pursuant to subsection (1) of this section to, the State Board of  
970 Election Commissioners.

971 (3) Candidates for judicial offices listed in paragraph (c)  
972 of subsection (1) of this section shall file their intent to be a  
973 candidate with, and pay the proper assessment made pursuant to  
974 subsection (1) of this section to, the circuit clerk of the proper  
975 county. The circuit clerk shall notify the county commissioners  
976 of election of all persons who have filed their intent to be a  
977 candidate filed with, and paid the proper assessment to, such  
978 clerk. Such notification shall occur within two (2) business days  
979 and shall contain all necessary information.

980 SECTION 15. Section 37-5-9, Mississippi Code of 1972, is  
981 amended as follows:

982 37-5-9. The name of any qualified elector who is a candidate  
983 for the county board of education shall be placed on the ballot  
984 used in the general elections by the county election  
985 commissioners, provided that the candidate files with the county  
986 election commissioners, not more than ninety (90) days and by 5:00  
987 p.m. not less than sixty (60) days prior to the date of such  
988 general election, a petition of nomination signed by not less than  
989 fifty (50) qualified electors of the county residing within each  
990 supervisors district. Where there are less than one hundred (100)  
991 qualified electors in said supervisors district, it shall only be  
992 required that said petition of nomination be signed by at least  
993 twenty percent (20%) of the qualified electors of such supervisors  
994 district. The candidate in each supervisors district who receives

995 the highest number of votes cast in the district shall be declared  
996 elected.

997 When any member of the county board of education is to be  
998 elected from the county at large under the provisions of this  
999 chapter, then the petition required by the preceding paragraph  
1000 hereof shall be signed by the required number of qualified  
1001 electors residing in any part of the county outside of the  
1002 territory embraced within a municipal separate school district or  
1003 special municipal separate school district. The candidate who  
1004 receives the highest number of votes cast in the election shall be  
1005 declared elected.

1006 In no case shall any qualified elector residing within a  
1007 municipal separate school district or special municipal separate  
1008 school district be eligible to sign a petition of nomination for  
1009 any candidate for the county board of education under any of the  
1010 provisions of this section.

1011 If after the time for candidates to file the petition of  
1012 nomination provided for in this section there should be only one  
1013 (1) person to qualify for the office of county board of education,  
1014 the election shall be dispensed with and such person shall be  
1015 declared elected without opposition provided he meets all  
1016 qualifications as determined by a review conducted by the election  
1017 commission in accordance with the provisions of Section  
1018 23-15-299(7).

1019 SECTION 16. Section 37-5-75, Mississippi Code of 1972, is  
1020 amended as follows:

1021 37-5-75. If a vacancy shall occur in the office of county  
1022 superintendent of education, such vacancy shall be filled by  
1023 appointment by the county board of education. If the unexpired  
1024 term shall exceed six (6) months, it shall be the duty of the  
1025 board of supervisors of the county to call a special election to  
1026 fill such vacancy for such unexpired term, which said election  
1027 shall be called and held in the manner provided by Section  
1028 23-15-839. In such case the person so appointed by the county

1029 board of education shall hold office only until such election is  
1030 held and the person elected thereat shall qualify and enter upon  
1031 the discharge of his duties.

1032 SECTION 17. Section 37-7-211, Mississippi Code of 1972, is  
1033 amended as follows:

1034 37-7-211. Any person otherwise eligible under the provisions  
1035 of subsection (1) of Section 37-7-203 who shall desire to be a  
1036 candidate for the office of trustee must qualify in the following  
1037 manner in order to be allowed to be considered for election. By  
1038 5:00 p.m. at least forty (40) days before the election he shall  
1039 file with the office of the superintendent of the municipal  
1040 separate school district, or the special municipal separate school  
1041 district, as the case may be, a petition signed by not less than  
1042 twenty-five (25) qualified electors of the area represented by the  
1043 office which he seeks, either for a full term or an unexpired  
1044 term, as the case may be, and an affidavit by the candidate  
1045 offering for election stating his qualifications under the terms  
1046 of said sections. The petition shall contain an affidavit  
1047 certifying that all signatures are the personal signatures of each  
1048 person whose name appears on the petition and that each person is  
1049 a qualified elector.

1050 Unless the petition and affidavit required above shall be  
1051 filed by 5:00 p.m. not less than forty (40) days prior to the  
1052 election, the name of the candidate shall not be considered in the  
1053 election, and votes cast for any person who has failed to qualify  
1054 shall not be counted in the election.

1055 If after the time for candidates to file the petition and  
1056 affidavit provided for herein there should be only one (1) person  
1057 to qualify for the office of trustee, then no election or notice  
1058 of election shall be necessary and such person shall, if otherwise  
1059 qualified, be declared elected without opposition.

1060 SECTION 18. Section 37-7-225, Mississippi Code of 1972, is  
1061 amended as follows:

1062 37-7-225. The county election commissioners shall place the

1063 name of any person eligible to hold the office of trustee on the  
1064 ballot used in the election, provided that such candidate shall  
1065 have filed with the county registrar, not more than ninety (90)  
1066 days and by 5:00 p.m. not less than sixty (60) days prior to the  
1067 date of such election, a petition of nomination signed by not less  
1068 than fifty (50) qualified electors of the school district. Where  
1069 there are less than one hundred (100) qualified electors in said  
1070 district, it shall only be required that said petition of  
1071 nomination be signed by at least twenty percent (20%) of the  
1072 qualified electors of such school district. If such person be a  
1073 candidate for an unexpired term, he shall indicate the term for  
1074 which he is a candidate in such petition; otherwise he shall be  
1075 deemed to be a candidate for a full term.

1076 If after the time for candidates to file the petition of  
1077 nomination provided for herein there should be only one (1) person  
1078 to qualify for the office of trustee, then no election or notice  
1079 of election shall be necessary and such person shall, if otherwise  
1080 qualified, be declared elected without opposition.

1081 SECTION 19. The Attorney General of the State of Mississippi  
1082 is hereby directed to submit this act, immediately upon approval  
1083 by the Governor, or upon approval by the Legislature subsequent to  
1084 a veto, to the Attorney General of the United States or to the  
1085 United States District Court for the District of Columbia in  
1086 accordance with the provisions of the Voting Rights Act of 1965,  
1087 as amended and extended.

1088 SECTION 20. This act shall take effect and be in force from  
1089 and after the date it is effectuated under Section 5 of the Voting  
1090 Rights Act of 1965, as amended and extended.