

By: Reynolds

To: Apportionment and
ElectionsHOUSE BILL NO. 772
(As Passed the House)

1 AN ACT TO AMEND SECTIONS 23-15-39, 23-15-213, 23-15-299,
2 23-15-309, 23-15-359, 23-15-361, 23-15-627, 23-15-631, 23-15-839,
3 23-15-853, 23-15-857, 23-15-977, 37-5-9, 37-5-75, 37-7-211 AND
4 37-7-225, MISSISSIPPI CODE OF 1972, TO CLARIFY THE APPLICATION FOR
5 REGISTRATION AS A VOTER; TO PROVIDE THAT THE QUALIFYING DEADLINE
6 FOR ALL ELECTIVE OFFICES SHALL BE AT 5:00 P.M. ON THE LAST DAY
7 UPON WHICH A CANDIDATE MAY QUALIFY FOR ELECTIVE OFFICE; TO CLARIFY
8 THE MANNER IN WHICH THE QUALIFICATIONS OF CANDIDATES FOR ELECTIVE
9 OFFICE ARE EXAMINED; TO REQUIRE THAT COPIES OF THE STATEMENTS
10 REQUIRED TO BE FILED WITH THE STATE EXECUTIVE COMMITTEE BY
11 CANDIDATES FOR PARTY NOMINATION BE TRANSMITTED TO AND RECEIVED BY
12 THE OFFICE OF THE SECRETARY OF STATE BY NOT LATER THAN 6:00 P.M.
13 ON THE DATE OF THE QUALIFYING DEADLINE; TO PROHIBIT PERSONS FROM
14 QUALIFYING FOR OFFICE BEFORE JANUARY 1 OF THE YEAR IN WHICH THE
15 ELECTION IS TO OCCUR; TO PROVIDE THAT IN CASES IN WHICH ONLY ONE
16 CANDIDATE HAS QUALIFIED FOR AN ELECTIVE OFFICE THAT SUCH CANDIDATE
17 SHALL BE DECLARED ELECTED; TO CLARIFY THAT ABSENTEE BALLOTS OF
18 ELECTORS WHO ARE AUTHORIZED TO VOTE BY MAIL MUST BE MAILED TO THE
19 ELECTOR; TO PROVIDE FOR A CERTIFICATE ON THE ABSENTEE BALLOT
20 ENVELOPE THAT MUST BE COMPLETED BY PERSONS WHO WITNESS THE
21 SIGNATURE OF A VOTER WHO IS TEMPORARILY OR PERMANENTLY DISABLED;
22 TO PROHIBIT CANDIDATES FROM QUALIFYING FOR OFFICE USING THE
23 INTERNET; TO AMEND SECTION 23-15-681, MISSISSIPPI CODE OF 1972, TO
24 CHANGE THE COLOR OF INK USED FOR ABSENTEE BALLOT ENVELOPES; TO
25 PROVIDE THAT THIS ACT SHALL NOT SUPERCEDE SECTION 38, MISSISSIPPI
26 CONSTITUTION OF 1890; AND FOR RELATED PURPOSES.

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

28 SECTION 1. Section 23-15-39, Mississippi Code of 1972, is
29 amended as follows:

30 23-15-39. (1) Applications for registration as electors of
31 this state, which are sworn to and subscribed before the registrar
32 or deputy registrar authorized by law and which are not made by
33 mail, shall be made upon a triplicate form in the following words
34 and figures:

35 "APPLICATION FOR REGISTRATION

36 (You may receive assistance in filling out this form from any
37 person of your choosing. It is not necessary that this form be
38 filled out in the presence of the registrar, however, the oath

39 must be executed in the presence of the registrar or his deputy.)

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

42 2. Please give your Social Security number. _____

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

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

45 5. What is your present residence address and each place you
46 have resided during the past year, stating when you lived at each
47 place, and specifying the municipality or community, the street
48 name and number and/or any other designation which accurately
49 describes the geographic location of your present residence
50 address?

51 (a) Present address: _____

52 From _____ (month) to date.

53 (b) Previous address: _____

54 From _____ (month) to _____ (month).

55 (c) Previous address: _____

56 From _____ (month) to _____ (month).

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

59 6. What is your present mailing address? _____

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

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

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

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

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

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

75 (b) Do you have a telephone at your present residence?

76 _____ If so, give the telephone number of such telephone.

77 _____ Please give your work telephone number.

78 * * *

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

82 STATE OF MISSISSIPPI

83 COUNTY OF _____

84 I do solemnly swear (or affirm) that I am at least eighteen
85 (18) years old (or I will be before the next general election in
86 this county), and that I am now in good faith a resident of this
87 state and of _____ Election Precinct in this county, and that I
88 am not disqualified from voting by reason of having been convicted
89 of any crime listed in Question 10 of the application; that I have
90 truly answered all questions propounded to me in the foregoing
91 application for registration, and that I will faithfully support
92 the Constitutions of the United States and of the State of
93 Mississippi, and will bear true faith and allegiance to the same.
94 So help me God.

95 Applicant sign here: _____

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

98 _____ (Registrar)

99 By _____ (Deputy Registrar)"

100 (2) The boards of supervisors shall make proper allowances
101 for office supplies reasonably necessitated by the registration of
102 county electors.

103 (3) If the reply to Question 8 above is affirmative, the
104 county registrar shall forward notice of registration, a copy of
105 the application for registration, and any changes to such
106 registration when they occur, either by certified mail to the
107 clerk of the municipality indicated in the present residence
108 address stated in answer to Question 5(a) above or by personal

109 delivery to such clerk provided that a numbered receipt is signed
110 by such clerk in return for the described documents. Upon receipt
111 of the copy of the application for registration or changes to such
112 registration, and if a review of same indicates that the applicant
113 meets all the criteria necessary to qualify as a municipal
114 elector, then the clerk of said municipality shall make a
115 determination of the municipal voting precinct in which the person
116 making the application shall be required to vote. The clerk shall
117 send this municipal voting precinct information by United States
118 first-class mail, postage prepaid, to such person at the address
119 provided on the application. Any and all mailing costs incurred
120 by the county registrar or the clerk of the municipality in
121 effectuating this subsection shall be paid by the governing
122 authority of such municipality. If a review of the copy of the
123 application for registration or changes to such registration
124 indicates that the applicant is not qualified to vote in said
125 municipality, the clerk of said municipality shall challenge such
126 application. The municipal election commissioners responsible for
127 said municipality shall review any such challenge or
128 disqualification after having notified the applicant by certified
129 mail of such challenge or disqualification.

130 (4) If the reply to Question 9 above is affirmative, the
131 registrar or clerk shall on a monthly basis send notice of this
132 new registration to the registrar or clerk of the county stated in
133 Question 9 as the voter's previous place of registration. The
134 election commission of the voter's previous place of registration
135 shall be responsible for having such voter's name erased from the
136 appropriate registration book and pollbook.

137 (5) The registrar shall issue to the person making the
138 application a copy of such application upon which has been written
139 the county voting precinct in which said person shall vote. The
140 registrar shall assign a voter registration number to such person,
141 which shall be that person's Social Security number if such a

142 number is provided, and said voter registration number shall be
143 clearly shown on the application.

144 (6) Any person desiring an application for registration may
145 secure the same from the registrar of the county of which he is a
146 resident and may take said form with him and secure assistance in
147 completing said form from any person of the applicant's choice.
148 It shall be the duty of all registrars to furnish forms for
149 registering to all persons requesting the same, and it shall
150 likewise be his duty to furnish aid and assistance in the
151 completing of said forms when requested by an applicant. The
152 application for registration shall be sworn to and subscribed
153 before the registrar or deputy registrar at the municipal clerk's
154 office, the county registrar's office or any other location where
155 the applicant is allowed to register to vote. No fee or cost
156 shall be charged the applicant by the registrar for accepting the
157 application or administering the oath or for any other duty
158 imposed by law regarding the registration of electors.

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

164 (8) In any case in which a municipality expands its
165 corporate boundaries by annexation, the municipal clerk shall,
166 within ten (10) days after the effective date of such annexation,
167 forward to the county registrar a map which accurately depicts the
168 annexed area. The county registrar shall, within ten (10) days
169 after the receipt of such map, forward to the municipal clerk a
170 copy of the most recent county precinct or subprecinct pollbook
171 for the county precincts in which such annexed area is included,
172 or equivalent computer data or information as will permit the
173 identification of county electors who reside in the annexed area.
174 The municipal clerk shall add those county electors who have

175 resided in the annexed area for at least thirty (30) days after
176 annexation to the municipal registration books as registered
177 voters of the municipality and shall forward to such persons
178 written notification of such addition and of the municipal
179 precinct or ward in which such persons reside.

180 SECTION 2. Section 23-15-213, Mississippi Code of 1972, is
181 amended as follows:

182 23-15-213. At the general election in 1984 and every four
183 (4) years thereafter there shall be elected five (5) commissioners
184 of election for each county whose terms of office shall commence
185 on the first Monday of January following their election and who
186 shall serve for a term of four (4) years. Each of the
187 commissioners, before acting, shall take and subscribe the oath of
188 office prescribed by the Constitution and file the same in the
189 office of the clerk of the chancery court, there to remain. While
190 engaged in their duties, the commissioners shall be conservators
191 of the peace in the county, with all the duties and powers of
192 such.

193 The qualified electors of each supervisors district shall
194 elect, at the general election in 1984 and every four (4) years
195 thereafter, in their district one (1) commissioner of election.
196 No more than one (1) commissioner shall be a resident of and
197 reside in each supervisors district of the county; it being the
198 purpose of this section that the county board of election
199 commissioners shall consist of one (1) person from each
200 supervisors district of the county and that each such commissioner
201 be elected from the supervisors district in which he resides.

202 Candidates for county election commissioner shall qualify by
203 filing with the clerk of the board of supervisors of their
204 respective counties a petition personally signed by not less than
205 fifty (50) qualified electors of the supervisors district in which
206 they reside, requesting that they be a candidate, by 5:00 p.m. not
207 less than sixty (60) days before the election and unless such

208 petition is filed within said time, their names shall not be
209 placed upon the ballot. All candidates shall declare in writing
210 their party affiliation, if any, to the board of supervisors, and
211 such party affiliation shall be shown on the official ballot.

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

232 Upon taking office, the county board of election
233 commissioners shall organize by electing a chairman and a
234 secretary.

235 It shall be the duty of the chairman to have the official
236 ballot printed and distributed at each general or special
237 election.

238 SECTION 3. Section 23-15-299, Mississippi Code of 1972, is
239 amended as follows:

240 23-15-299. (1) Assessments made pursuant to paragraphs (a),

241 (b) and (c) of Section 23-15-297, and assessments made pursuant to
242 paragraph (d) of Section 23-15-297 for legislative offices for
243 districts composed of more than one (1) county or parts of more
244 than one (1) county, shall be paid by each candidate to the
245 Secretary of the State Executive Committee with which the
246 candidate is affiliated by 5:00 p.m. on March 1 of the year in
247 which the primary election for the office is held or on the date
248 of the qualifying deadline provided by statute for the office,
249 whichever is earlier.

250 (2) Assessments made pursuant to paragraphs (d) and (e) of
251 Section 23-15-297, other than assessments made for legislative
252 offices for districts containing more than one (1) county or parts
253 of more than one (1) county, shall be paid by each candidate to
254 the circuit clerk of such candidate's county of residence by 5:00
255 p.m. on March 1 of the year in which the primary election for the
256 office is held or on the date of the qualifying deadline provided
257 by statute for the office, whichever is earlier; provided,
258 however, that no such assessments may be paid before January 1 of
259 the year in which the election for the office is held. The
260 circuit clerk shall forward the fee and all necessary information
261 to the secretary of the proper county executive committee within
262 two (2) business days.

263 (3) Assessments made pursuant to paragraphs (f) and (g) of
264 Section 23-15-297 must be paid by each candidate to the Secretary
265 of the State Executive Committee with which the candidate is
266 affiliated by 5:00 p.m. * * * sixty (60) days before the
267 presidential preference primary in * * * years in which a
268 presidential preference primary is held. Assessments made
269 pursuant to paragraphs (f) and (g) of Section 23-15-297, in years
270 when a presidential preference primary is not being held, shall be
271 paid by each candidate to the Secretary of the State Executive
272 Committee with which the candidate is affiliated by 5:00 p.m. on
273 March 1 of the year in which the primary election for the office

274 is held.

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

280 (b) The state executive committee shall transmit to the
281 Secretary of State a copy of the written statements accompanying
282 the fees paid pursuant to subsections (1) and (2) of this section.
283 All copies must be received by the Office of the Secretary of
284 State by not later than 6:00 p.m. on the date of the qualifying
285 deadline. The name of any person who pays the fee and files a
286 statement after 5:00 p.m. on the date of the qualifying deadline
287 shall not be placed on the primary election ballot.

288 (5) The secretary or circuit clerk to whom such payments are
289 made shall promptly receipt for same stating the office for which
290 such candidate making payment is running and the political party
291 with which he or she is affiliated, and he or she shall keep an
292 itemized account in detail showing the exact time and date of the
293 receipt of each payment received by him or her and, where
294 applicable, the date of the postmark on the envelope containing
295 the fee and from whom, and for what office the party paying same
296 is a candidate.

297 (6) The secretaries of the proper executive committee shall
298 hold said funds to be finally disposed of by order of their
299 respective executive committees. Such funds may be used or
300 disbursed by the executive committee receiving same to pay all
301 necessary traveling or other necessary expenses of the members of
302 the executive committee incurred in discharging their duties as
303 committeemen, and of their secretary and may pay the secretary
304 such salary as may be reasonable.

305 (7) Upon receipt of the proper fee and all necessary
306 information, the proper executive committee shall then determine

307 whether * * * each candidate is a qualified elector of the state,
308 state district, county or county district which they seek to
309 serve, and whether each candidate meets all other qualifications
310 to hold the office he is seeking or presents absolute proof that
311 he will, subject to no contingencies, meet all qualifications on
312 or before the date of the general or special election at which he
313 could be elected to office. The committee also shall determine
314 whether any candidate has been convicted of any felony in a court
315 of this state, or has been convicted on or after December 8, 1992,
316 of any offense in another state which is a felony under the laws
317 of this state, or has been convicted of any felony in a federal
318 court on or after December 8, 1992. Excepted from the above are
319 convictions of manslaughter and violations of the United States
320 Internal Revenue Code or any violations of the tax laws of this
321 state unless the offense also involved misuse or abuse of his
322 office or money coming into his hands by virtue of his office. If
323 the proper executive committee finds that a candidate is not a
324 qualified elector, * * * does not meet all qualifications to hold
325 the office he seeks or fails to provide absolute proof, subject to
326 no contingencies, that he will meet the qualifications on or
327 before the date of the general or special election at which he
328 could be elected, or that he has been convicted of a felony as
329 described in this subsection, and not pardoned * * *, then the
330 name of such candidate shall not be placed upon the ballot.

331 Where there is but one (1) candidate, the proper executive
332 committee when the time has expired within which the names of
333 candidates shall be furnished shall declare such candidate the
334 nominee.

335 (8) No candidate may qualify by filing the information
336 required by this section by using the internet.

337 SECTION 4. Section 23-15-309, Mississippi Code of 1972, is
338 amended as follows:

339 23-15-309. (1) Nominations for all municipal officers which

340 are elective shall be made at a primary election, or elections, to
341 be held in the manner prescribed by law. All persons desiring to
342 be candidates for the nomination in the primary elections shall
343 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
344 at least thirty (30) days prior to the first primary election, no
345 later than 5:00 p.m. on such deadline day.

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

350 (3) The clerk shall promptly receipt the payment, stating
351 the office for which the person making the payment is running and
352 the political party with which such person is affiliated. The
353 clerk shall keep an itemized account in detail showing the time
354 and date of the receipt of such payment received by him, from whom
355 such payment was received, the party with which such person is
356 affiliated and for what office the person paying the fee is a
357 candidate. The clerk shall promptly supply all necessary
358 information and pay over all fees so received to the secretary of
359 the proper municipal executive committee. Such funds may be used
360 and disbursed in the same manner as is allowed in Section
361 23-15-299 in regard to other executive committees.

362 (4) Upon receipt of the above information, the proper
363 municipal executive committee shall then determine whether * * *
364 each candidate is a qualified elector of the municipality, and of
365 the ward if the office sought is a ward office, shall determine
366 whether each candidate meets all other qualifications to hold the
367 office he is seeking or presents absolute proof that he will,
368 subject to no contingencies, meet all qualifications on or before
369 the date of the general or special election at which he could be
370 elected to office. The committee also shall determine whether any
371 candidate has been convicted of any felony in a court of this
372 state, or has been convicted on or after December 8, 1992, of any

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

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

392 SECTION 5. Section 23-15-359, Mississippi Code of 1972, is
393 amended as follows:

394 23-15-359. (1) The ballot shall contain the names of all
395 party nominees certified by the appropriate executive committee,
396 and independent and special election candidates who have timely
397 filed petitions containing the required signatures. A petition
398 requesting that an independent or special election candidate's
399 name be placed on the ballot for any office shall be filed as
400 provided for in subsection (3) or (4) of this section, as
401 appropriate, and shall be signed by not less than the following
402 number of qualified electors:

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

405 (b) For an office elected by the qualified electors of

406 a Supreme Court district, not less than three hundred (300)
407 qualified electors.

408 (c) For an office elected by the qualified electors of
409 a congressional district, not less than two hundred (200)
410 qualified electors.

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

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

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

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

422 (2) Unless the petition required above shall be filed as
423 provided for in subsection (3) or (4) of this section, as
424 appropriate, the name of the person requested to be a candidate,
425 unless nominated by a political party, shall not be placed upon
426 the ballot. The ballot shall contain the names of each candidate
427 for each office, and such names shall be listed under the name of
428 the political party such candidate represents as provided by law
429 and as certified to the circuit clerk by the State Executive
430 Committee of such political party. In the event such candidate
431 qualifies as an independent as herein provided, he shall be listed
432 on the ballot as an independent candidate.

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

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

442 (4) Petitions for offices described in paragraphs (f) and
443 (g) of subsection (1) of this section, and petitions for offices
444 described in paragraph (e) of subsection (1) of this section for
445 districts composed of one (1) county or less, shall be filed with
446 the proper circuit clerk by no later than 5:00 p.m. on the same
447 date by which candidates for nominations in the political party
448 elections are required to pay the fee provided for in Section
449 23-15-297; provided, however, that no petition may be filed before
450 January 1 of the year in which the election for the office is

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

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

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

462 (6) The provisions of this section shall not apply to
463 municipal elections or to the election of the offices of justice
464 of the Supreme Court, judge of the Court of Appeals, circuit
465 judge, chancellor, county court judge and family court judge.

466 (7) Nothing in this section shall prohibit special elections
467 to fill vacancies in either house of the Legislature from being
468 held as provided in Section 23-15-851. In all elections conducted
469 under the provisions of Section 23-15-851 the commissioner shall
470 have printed on the ballot the name of any candidate who, not
471 having been nominated by a political party, shall have been

472 requested to be a candidate for any office by a petition filed
473 with said commissioner by 5:00 p.m. not less than ten (10) working
474 days prior to the election, and signed by not less than fifty (50)
475 qualified electors.

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

502 (9) If after the deadline to qualify as a candidate for an
503 office or after the time for holding any party primary for an
504 office, there shall be only one (1) person who has duly qualified

505 to be a candidate for the office in the general election, the
506 election for the office shall be dispensed with and the
507 appropriate election commission shall declare the candidate
508 elected without opposition if the candidate meets all the
509 qualifications to hold the office as determined pursuant to a
510 review by the commission in accordance with the provisions of
511 subsection (8) of this section and if the candidate has filed all
512 required campaign finance disclosure reports as required by
513 Section 23-15-807.

514 (10) No petition may be filed by using the internet.

515 SECTION 6. Section 23-15-361, Mississippi Code of 1972, is
516 amended as follows:

517 23-15-361. (1) The municipal general election ballot shall
518 contain the names of all candidates who have been put in
519 nomination by the municipal primary election of any political
520 party. There shall be printed on the ballots the names of all
521 persons so nominated, whether the nomination be otherwise known or
522 not, upon the written request of one or more of the candidates so
523 nominated, or of any qualified elector who will make oath that he
524 was a participant in the primary election, and that the person
525 whose name is presented by him was nominated by such primary
526 election. The municipal election commissioner designated to have
527 the ballots printed shall also have printed on the ballot in any
528 municipal general election the name of any candidate who, not
529 having been nominated by a political party, shall have been
530 requested to be a candidate for any office by a petition filed
531 with the clerk of the municipality no later than 5:00 p.m. on the
532 same date by which candidates for nomination in the municipal
533 primary elections are required to pay the fee provided for in
534 Section 23-15-309, and signed by not less than the following
535 number of qualified electors:

536 (a) For an office elected by the qualified electors of
537 a municipality having a population of one thousand (1,000) or

538 more, not less than fifty (50) qualified electors.

539 (b) For an office elected by the qualified electors of
540 a municipality having a population of less than one thousand
541 (1,000), not less than fifteen (15) qualified electors.

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

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

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

567 (5) The municipal commission shall determine whether each
568 party candidate in the municipal general election is a qualified
569 elector of the municipality, and of the ward if the office sought
570 is a ward office and shall determine whether each candidate meets

571 all other qualifications to hold the office he is seeking or
572 presents absolute proof that he will, subject to no contingencies,
573 meet all qualifications on or before the date of the general or
574 special election at which he could be elected to office. The
575 municipal election commission also shall determine whether any
576 candidate has been convicted of any felony in a court of this
577 state, or has been convicted on or after December 8, 1992, of any
578 offense in another state which is a felony under the laws of this
579 state, or has been convicted of any felony in a federal court on
580 or after December 8, 1992. Excepted from the above are
581 convictions of manslaughter and violations of the United States
582 Internal Revenue Code or any violations of the tax laws of this
583 state unless such offense also involved misuse or abuse of his
584 office or money coming into his hands by virtue of his office. If
585 the municipal election commission finds that a candidate is not a
586 qualified elector, or that the candidate does not meet all
587 qualifications to hold the office he seeks or fails to provide
588 absolute proof, subject to no contingencies, that he will meet the
589 qualifications on or before the date of the general or special
590 election at which he could be elected, or that he has been
591 convicted of a felony as described above and not pardoned, then
592 the name of the candidate shall not be placed upon the ballot.

593 (6) If after the deadline to qualify as a candidate for an
594 office or after the time for holding any party primary election
595 for an office, there shall be only one (1) person who has duly
596 qualified to be a candidate for the office in the general
597 election; the election for the office shall be dispensed with and
598 the municipal election commission shall declare the candidate
599 elected without opposition if the candidate meets all the
600 qualifications to hold the office as determined pursuant to a
601 review by the commission in accordance with the provisions of
602 subsection (5) of this section and if the candidate has filed all
603 required campaign finance disclosure reports as required by

604 Section 23-15-807.

605 SECTION 7. Section 23-15-627, Mississippi Code of 1972, is
606 amended as follows:

607 23-15-627. The registrar shall be responsible for furnishing
608 an absentee ballot application form to any elector authorized to
609 receive an absentee ballot. Absentee ballot applications shall be
610 furnished to a person only upon the oral or written request of the
611 elector who seeks to vote by absentee ballot; however, the parent,
612 child, spouse, sibling, legal guardian, those empowered with a
613 power of attorney for that elector's affairs or agent of the
614 elector may orally request an absentee ballot application on
615 behalf of the elector. An absentee ballot application must have
616 the seal of the circuit or municipal clerk affixed to it and be
617 initialed by the registrar or his deputy in order to be utilized
618 to obtain an absentee ballot. A reproduction of an absentee
619 ballot application shall not be valid unless it is a reproduction
620 provided by the office of the registrar of the jurisdiction in
621 which the election is being held and which contains the seal and
622 initials required by this section. Such application shall be
623 substantially in the following form:

624 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

636 () I am a member of the Merchant Marine or the American Red

637 Cross and am a citizen of Mississippi or spouse or dependent of
638 such member.

639 () I am a disabled war veteran who is a patient in any
640 hospital and am a citizen of Mississippi or spouse or dependent of
641 such veteran.

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

646 () I am a citizen of Mississippi temporarily residing
647 outside the territorial limits of the United States and the
648 District of Columbia.

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

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

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

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

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

665 () I am a member of the congressional delegation, or spouse
666 or dependent of a member of the congressional delegation.

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

669 I hereby make application for an official ballot, or ballots,

670 to be voted by me at the election to be held in _____, on _____.

671 Mail 'Absent Elector's Ballot' to me at the following address
672 _____ (if eligible to vote by mail).

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

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

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

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

688 _____
689 (Signature of absent elector)

690 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
691 19__.

692 _____
693 (Official authorized to administer oaths for absentee
694 balloting * * *.)

695 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
696 DISABLED:

697 I HEREBY CERTIFY that this application for an absent
698 elector's ballot was signed by the above-named disabled elector in
699 my presence and that I am at least eighteen (18) years of age,
700 this the _____ day of _____, 2__.

701 SECTION 8. Section 23-15-631, Mississippi Code of 1972, is
702 amended as follows:

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

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

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

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

734 Any notary public, United States postmaster, assistant United
735 States postmaster, United States postal supervisor, clerk in

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

754 (d) When the application accompanies the ballot it
755 shall not be returned in the same envelope as the ballot but shall
756 be returned in a separate preaddressed envelope provided by the
757 registrar.

758 (e) A person who is a candidate for public office may
759 not be an attesting witness for any absentee ballot upon which the
760 person's name appears.

761 (f) Any voter casting an absentee ballot who declares
762 that he requires assistance to vote by reason of blindness,
763 temporary or permanent physical disability or inability to read or
764 write, shall be entitled to receive assistance in the marking of
765 his absentee ballot and in completing the affidavit on the
766 absentee ballot envelope. The voter may be given assistance by
767 anyone of the voter's choice other than a candidate whose name
768 appears on the absentee ballot being marked, or the voter's

769 employer, or agent of that employer. In order to ensure the
770 integrity of the ballot, any person who provides assistance to an
771 absentee voter shall be required to sign and complete the
772 "Certificate of Person Providing Voter Assistance" on the absentee
773 ballot envelope.

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

778 SECTION 9. Section 23-15-839, Mississippi Code of 1972, is
779 amended as follows:

780 23-15-839. (1) When a vacancy shall occur in any county or
781 county district office, the same shall be filled by appointment by
782 the board of supervisors of the county, by order entered upon its
783 minutes, where the vacancy occurs, or by appointment of the
784 president of the board of supervisors, by and with the consent of
785 the majority of the board of supervisors, if such vacancy occurs
786 when said board is not in session, and the clerk of the board
787 shall certify to the Secretary of State the fact of the
788 appointment, and the person so appointed shall be commissioned by
789 the Governor; and if the unexpired term be longer than six (6)
790 months, such appointee shall serve until a successor is elected as
791 hereinafter provided, unless the regular special election day on
792 which the vacancy should be filled occurs in a year in which an
793 election would normally be held for that office as provided by
794 law, in which case the person so appointed shall serve the
795 unexpired portion of the term. Such vacancies shall be filled for
796 the unexpired term by the qualified electors at the next regular
797 special election day occurring more than ninety (90) days after
798 the occurrence of the vacancy. The board of supervisors of the
799 county shall, within ten (10) days after the happening of the
800 vacancy, make an order, in writing, directed to the commissioners
801 of election, commanding an election to be held on the next regular

802 special election day to fill the vacancy. The election
803 commissioners shall require each candidate to qualify at least
804 sixty (60) days before the date of the election, and shall give a
805 certificate of election to the person elected, and shall return to
806 the Secretary of State a copy of the order of holding the
807 election, showing the results thereof, certified by the clerk of
808 the board of supervisors. The person elected shall be
809 commissioned by the Governor.

810 * * *

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

828 SECTION 10. Section 23-15-853, Mississippi Code of 1972, is
829 amended as follows:

830 23-15-853. (1) If a vacancy happens in the representation
831 in Congress, the vacancy shall be filled for the unexpired term by
832 a special election, to be ordered by the Governor, within sixty
833 (60) days after such vacancy occurs, and to be held at a time
834 fixed by his order, and which time shall be not less than forty

835 (40) days after the issuance of the order of the Governor, which
836 shall be directed to the commissioners of election of the several
837 counties of the district, who shall, immediately on the receipt of
838 the order, give notice of the election by publishing the same in
839 some newspaper having a general circulation in the county and by
840 posting notice thereof at the front door of the courthouse. The
841 order shall also be directed to the State Board of Election
842 Commissioners. The election shall be prepared for and conducted,
843 and returns shall be made, in all respects as provided for a
844 special election to fill vacancies.

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

855 There shall be attached to each petition above provided for,
856 upon the time of filing with said Secretary of State, a
857 certificate from the appropriate registrar or registrars showing
858 the number of qualified electors appearing upon each such petition
859 which the registrar shall furnish to the petitioner upon request.

860 SECTION 11. Section 23-15-857, Mississippi Code of 1972, is
861 amended as follows:

862 23-15-857. (1) When it shall happen that there is any
863 vacancy in a city, town or village office which is elective the
864 unexpired term of which shall not exceed six (6) months, the same
865 shall be filled by appointment by the governing authority or
866 remainder of the governing authority of said city, town or
867 village. The municipal clerk shall certify to the Secretary of

868 State the fact of such appointment, and the person or persons so
869 appointed shall be commissioned by the Governor.

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

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

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

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

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

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

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

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

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

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

932 The clerk of the election commission shall then give a
933 certificate of election to the person elected, and shall return to

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

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

950 SECTION 12. Section 23-15-977, Mississippi Code of 1972, is
951 amended as follows:

952 23-15-977. (1) All candidates for judicial office as
953 defined in Section 23-15-975 of this subarticle shall file their
954 intent to be a candidate with the proper officials not later than
955 5:00 p.m. on the first Friday after the first Monday in May prior
956 to the general election for judicial office and shall pay to the
957 proper officials the following amounts:

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

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

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

964 (2) Candidates for judicial offices listed in paragraphs (a)
965 and (b) of subsection (1) of this section shall file their intent
966 to be a candidate with, and pay the proper assessment made

967 pursuant to subsection (1) of this section to, the State Board of
968 Election Commissioners.

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

978 SECTION 13. Section 37-5-9, Mississippi Code of 1972, is
979 amended as follows:

980 37-5-9. The name of any qualified elector who is a candidate
981 for the county board of education shall be placed on the ballot
982 used in the general elections by the county election
983 commissioners, provided that the candidate files with the county
984 election commissioners, not more than ninety (90) days and by 5:00
985 p.m. not less than sixty (60) days prior to the date of such
986 general election, a petition of nomination signed by not less than
987 fifty (50) qualified electors of the county residing within each
988 supervisors district. Where there are less than one hundred (100)
989 qualified electors in said supervisors district, it shall only be
990 required that said petition of nomination be signed by at least
991 twenty percent (20%) of the qualified electors of such supervisors
992 district. The candidate in each supervisors district who receives
993 the highest number of votes cast in the district shall be declared
994 elected.

995 When any member of the county board of education is to be
996 elected from the county at large under the provisions of this
997 chapter, then the petition required by the preceding paragraph
998 hereof shall be signed by the required number of qualified
999 electors residing in any part of the county outside of the

1000 territory embraced within a municipal separate school district or
1001 special municipal separate school district. The candidate who
1002 receives the highest number of votes cast in the election shall be
1003 declared elected.

1004 In no case shall any qualified elector residing within a
1005 municipal separate school district or special municipal separate
1006 school district be eligible to sign a petition of nomination for
1007 any candidate for the county board of education under any of the
1008 provisions of this section.

1009 If after the time for candidates to file the petition of
1010 nomination provided for in this section there should be only one
1011 (1) person to qualify for the office of county board of education,
1012 the election shall be dispensed with and such person shall be
1013 declared elected without opposition provided he meets all
1014 qualifications as determined by a review conducted by the election
1015 commission in accordance with the provisions of Section
1016 23-15-299(7).

1017 SECTION 14. Section 37-5-75, Mississippi Code of 1972, is
1018 amended as follows:

1019 37-5-75. If a vacancy shall occur in the office of county
1020 superintendent of education, such vacancy shall be filled by
1021 appointment by the county board of education. If the unexpired
1022 term shall exceed six (6) months, it shall be the duty of the
1023 board of supervisors of the county to call a special election to
1024 fill such vacancy for such unexpired term, which said election
1025 shall be called and held in the manner provided by Section
1026 23-15-839. In such case the person so appointed by the county
1027 board of education shall hold office only until such election is
1028 held and the person elected thereat shall qualify and enter upon
1029 the discharge of his duties.

1030 SECTION 15. Section 37-7-211, Mississippi Code of 1972, is
1031 amended as follows:

1032 37-7-211. Any person otherwise eligible under the provisions

1033 of subsection (1) of Section 37-7-203 who shall desire to be a
1034 candidate for the office of trustee must qualify in the following
1035 manner in order to be allowed to be considered for election. By
1036 5:00 p.m. at least forty (40) days before the election he shall
1037 file with the office of the superintendent of the municipal
1038 separate school district, or the special municipal separate school
1039 district, as the case may be, a petition signed by not less than
1040 twenty-five (25) qualified electors of the area represented by the
1041 office which he seeks, either for a full term or an unexpired
1042 term, as the case may be, and an affidavit by the candidate
1043 offering for election stating his qualifications under the terms
1044 of said sections. The petition shall contain an affidavit
1045 certifying that all signatures are the personal signatures of each
1046 person whose name appears on the petition and that each person is
1047 a qualified elector.

1048 Unless the petition and affidavit required above shall be
1049 filed by 5:00 p.m. not less than forty (40) days prior to the
1050 election, the name of the candidate shall not be considered in the
1051 election, and votes cast for any person who has failed to qualify
1052 shall not be counted in the election.

1053 If after the time for candidates to file the petition and
1054 affidavit provided for herein there should be only one (1) person
1055 to qualify for the office of trustee, then no election or notice
1056 of election shall be necessary and such person shall, if otherwise
1057 qualified, be declared elected without opposition.

1058 SECTION 16. Section 37-7-225, Mississippi Code of 1972, is
1059 amended as follows:

1060 37-7-225. The county election commissioners shall place the
1061 name of any person eligible to hold the office of trustee on the
1062 ballot used in the election, provided that such candidate shall
1063 have filed with the county registrar, not more than ninety (90)
1064 days and by 5:00 p.m. not less than sixty (60) days prior to the
1065 date of such election, a petition of nomination signed by not less

1066 than fifty (50) qualified electors of the school district. Where
1067 there are less than one hundred (100) qualified electors in said
1068 district, it shall only be required that said petition of
1069 nomination be signed by at least twenty percent (20%) of the
1070 qualified electors of such school district. If such person be a
1071 candidate for an unexpired term, he shall indicate the term for
1072 which he is a candidate in such petition; otherwise he shall be
1073 deemed to be a candidate for a full term.

1074 If after the time for candidates to file the petition of
1075 nomination provided for herein there should be only one (1) person
1076 to qualify for the office of trustee, then no election or notice
1077 of election shall be necessary and such person shall, if otherwise
1078 qualified, be declared elected without opposition.

1079 SECTION 17. Section 23-15-681, Mississippi Code of 1972, is
1080 amended as follows:

1081 23-15-681. All official absentee ballots shall be sent out
1082 and returned in envelopes on which there is printed across the
1083 face two (2) parallel horizontal * * * bars, each one-fourth (1/4)
1084 of an inch wide, extending from one side of the envelope to the
1085 other side, with an intervening space of one-fourth (1/4) of an
1086 inch, the top bar to be one and one-fourth (1-1/4) inches from the
1087 top of the envelope, and with the words "OFFICIAL ELECTION
1088 BALLOTING MATERIAL-VIA AIR MAIL" between the bars. In the upper
1089 right corner of each such envelope there shall be printed in a box
1090 the words "FREE OF U.S. POSTAGE, INCLUDING AIR MAIL." All
1091 printing on the face of such envelopes shall be in black, and
1092 there shall be printed in black in the upper left corner of all
1093 such ballot envelopes an appropriate inscription for the return
1094 address of the sender.

1095 SECTION 18. Nothing in this act shall be construed to
1096 supercede, interfere or impede the provisions of Section 38,
1097 Mississippi Constitution of 1890, which provides that each house
1098 of the Legislature shall judge the qualifications, return and

1099 election of its own members.

1100 SECTION 19. The Attorney General of the State of Mississippi
1101 is hereby directed to submit this act, immediately upon approval
1102 by the Governor, or upon approval by the Legislature subsequent to
1103 a veto, to the Attorney General of the United States or to the
1104 United States District Court for the District of Columbia in
1105 accordance with the provisions of the Voting Rights Act of 1965,
1106 as amended and extended.

1107 SECTION 20. This act shall take effect and be in force from
1108 and after the date it is effectuated under Section 5 of the Voting
1109 Rights Act of 1965, as amended and extended.