

By: Frierson

To: Apportionment and  
Elections

## HOUSE BILL NO. 1079

1 AN ACT TO PROVIDE THAT AT ANY PRIMARY ELECTION, EXCEPT  
2 PRESIDENTIAL, MUNICIPAL, JUDICIAL AND CONGRESSIONAL ELECTIONS, ALL  
3 QUALIFIED ELECTORS SHALL BE ENTITLED TO VOTE FOR THE CANDIDATE OF  
4 THEIR CHOICE FOR EACH OFFICE REGARDLESS OF THE PARTY AFFILIATION  
5 OF THE CANDIDATE; TO PROVIDE THE METHOD OF ELECTING CANDIDATES AT  
6 SUCH PRIMARY ELECTIONS; TO PROVIDE THAT QUALIFIED ELECTORS MAY  
7 VOTE FOR ONLY ONE CANDIDATE FOR EACH OFFICE AT A PRIMARY ELECTION;  
8 TO AMEND SECTIONS 23-15-265, 23-15-267, 23-15-303, 23-15-333,  
9 23-15-335 AND 23-15-597, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
10 THE COUNTY COMMISSIONERS OF ELECTION SHALL APPOINT MANAGERS AND  
11 CLERKS FOR PRIMARY ELECTIONS UPON THE RECOMMENDATION OF THE COUNTY  
12 EXECUTIVE COMMITTEE; TO PROVIDE THAT THE COMMISSIONERS OF ELECTION  
13 SHALL APPOINT AN EQUAL NUMBER OF POLL WORKERS FROM EACH POLITICAL  
14 PARTY THAT PARTICIPATES IN THE PRIMARY ELECTION; TO PROVIDE THAT  
15 THE COUNTY COMMISSIONERS OF ELECTION SHALL DISTRIBUTE THE BALLOT  
16 BOXES FOR PRIMARY ELECTIONS; TO PROVIDE THAT WHEN TWO OR MORE  
17 POLITICAL PARTIES ARE HOLDING PRIMARY ELECTIONS, THE ELECTIONS  
18 SHALL BE CONDUCTED TOGETHER; TO PROVIDE THAT THE COUNTY  
19 COMMISSIONERS OF ELECTION SHALL PRINT ALL NECESSARY BALLOTS FOR  
20 PRIMARY ELECTIONS; TO PROVIDE THAT THE PRIMARY ELECTION BALLOT  
21 SHALL CONTAIN THE NAMES OF ALL THE CANDIDATES OF ALL THE POLITICAL  
22 PARTIES PARTICIPATING IN THE PRIMARY ELECTION; TO PROVIDE THAT THE  
23 TITLE OF EACH OFFICE SHALL BE LISTED ON THE PRIMARY ELECTION  
24 BALLOT BY PARTY AND THE CANDIDATES LISTED UNDER THE APPROPRIATE  
25 PARTY DESIGNATION; TO PROVIDE THAT THE COUNTY COMMISSIONERS OF  
26 ELECTION SHALL DESIGNATE THE PERSON WHOSE DUTY IT IS TO DISTRIBUTE  
27 THE BALLOTS NECESSARY FOR USE IN PRIMARY ELECTIONS; TO PROVIDE  
28 THAT THE STATE BOARD OF ELECTION COMMISSIONERS AND THE COUNTY  
29 COMMISSIONERS OF ELECTION SHALL CANVASS THE RETURNS OF PRIMARY  
30 ELECTIONS AND CERTIFY THE RESULT TO THE APPROPRIATE EXECUTIVE  
31 COMMITTEE; TO AMEND SECTIONS 23-15-129, 23-15-263, 23-15-295,  
32 23-15-331, 23-15-403, 23-15-465 AND 23-15-507, MISSISSIPPI CODE OF  
33 1972, IN CONFORMITY THERETO; TO AMEND SECTIONS 23-15-191,  
34 23-15-305 AND 23-15-307, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
35 THERETO; TO AMEND SECTION 23-15-193, MISSISSIPPI CODE OF 1972, TO  
36 DELETE JUSTICE COURT JUDGE AS ONE OF THE OFFICES TO BE ELECTED AT  
37 THE GENERAL STATE ELECTION; TO AMEND SECTION 23-15-297,  
38 MISSISSIPPI CODE OF 1972, TO DELETE JUSTICE COURT JUDGE CANDIDATES  
39 FROM THE LIST OF CANDIDATES REQUIRED TO PAY A FEE UPON ENTERING AN  
40 ELECTION FOR PARTY NOMINATION; TO AMEND SECTION 23-15-359,  
41 MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THIS SECTION, WHICH  
42 REQUIRES THE NAMES OF ALL CANDIDATES NOMINATED FOR OFFICE TO BE  
43 PRINTED ON THE BALLOT, SHALL NOT APPLY TO JUSTICE COURT JUDGES; TO  
44 AMEND SECTION 23-15-973, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT  
45 JUSTICE COURT JUDGES SHALL HAVE THE RIGHT TO ADDRESS THE PEOPLE  
46 DURING COURT TERMS; TO AMEND SECTIONS 23-15-975 AND 23-15-977,  
47 MISSISSIPPI CODE OF 1972, TO INCLUDE JUSTICE COURT JUDGES UNDER  
48 THE NONPARTISAN JUDICIAL ELECTION ACT; TO AMEND SECTION  
49 23-15-1015, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT JUSTICE  
50 COURT JUDGES SHALL BE ELECTED AT THE SAME TIME AS CHANCERY AND

51 CIRCUIT JUDGES; TO AMEND SECTION 23-15-197, MISSISSIPPI CODE OF  
52 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR RELATED  
53 PURPOSES.

54

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

56 SECTION 1. At any primary election, except presidential,  
57 municipal, judicial and congressional elections, all qualified  
58 electors shall be entitled to vote for the candidate of their  
59 choice for each office regardless of the party affiliation of the  
60 candidate. Qualified electors may vote for only one (1) candidate  
61 for each office at a primary election. If a qualified elector  
62 votes for more than one (1) candidate for any one (1) office, the  
63 elector's vote for that office shall not be counted.

64 SECTION 2. At any primary election except municipal,  
65 judicial and congressional elections, the ballot shall contain the  
66 names of all candidates who qualify with political parties and all  
67 candidates who qualify as provided in subsection (1)(a), (b), (d),  
68 (e), (f) and (g) of Section 23-15-359. If a candidate receives a  
69 majority of the vote (a majority being fifty percent (50%) plus  
70 one (1)) such candidate shall be elected to the office. If no  
71 candidate receives such majority of the vote, the candidate from  
72 each political party receiving the highest number of votes and all  
73 candidates who qualify as provided in subsection (1)(a), (b), (d),  
74 (e), (f) and (g) shall be placed on the ballot in the general  
75 election. The general election shall be decided by a vote as  
76 required in Section 140 of the Constitution.

77 SECTION 3. Section 23-15-265, Mississippi Code of 1972, is  
78 amended as follows:[JU1]

79 23-15-265. The commissioners of election of each county  
80 shall meet not less than two (2) weeks before the date of any  
81 primary election and appoint the managers and clerks for  
82 same \* \* \*. The number of managers and clerks appointed by the  
83 commissioners of election shall be the same number as  
84 commissioners of election are allowed to appoint pursuant to

85 Sections 23-15-231 and 23-15-235. The commissioners of election  
86 shall appoint managers and clerks pursuant to this section upon  
87 the recommendation of the county executive committee. The  
88 commissioners of election shall appoint an equal number of  
89 managers and clerks from each political party that participates in  
90 the primary election to serve at each precinct. If the county  
91 commissioners of election fail to meet on the date named, supra,  
92 further notice shall be given of the time and place of meeting.

93 SECTION 4. Section 23-15-267, Mississippi Code of 1972, is  
94 amended as follows:[JU2]

95 23-15-267. The ballot boxes provided by the \* \* \*  
96 commissioners of election in each county shall be used in primary  
97 elections, and the county commissioners of election shall  
98 distribute them to the voting precincts of the county before the  
99 time for opening the polls, in the same manner, as near as may be,  
100 as that provided for in general elections. If an adjournment  
101 shall take place after the polls are open and before all votes are  
102 counted, the ballot box shall be securely locked so as to prevent  
103 the admission into it or the taking of anything from it during the  
104 time of adjournment; and the box shall be kept by one of the  
105 managers, and the key by another of the managers, and the manager  
106 having the box shall carefully keep it, and neither undertake to  
107 open it himself or permit it to be done, or to permit any person  
108 to have access to it during the time of adjournment. The box  
109 shall not be removed from the polling building or place after the  
110 polls are open until the count is completed if as many as three  
111 (3) electors qualified to vote at the election object. After each  
112 election, the ballot boxes of those provided by the \* \* \*  
113 commissioners of election shall be delivered, with the keys  
114 thereof immediately and as soon thereafter as possible, and  
115 without delay to the clerk of the circuit court of the county.  
116 The person, or persons, whose duty it is to comply with the  
117 provisions of this section and who shall fail, or neglect, for any

118 cause, to deliver said boxes or any of them as \* \* \* provided for  
119 in this section shall, upon conviction, be fined not less than Two  
120 Hundred Dollars (\$200.00) and be imprisoned in the county jail of  
121 the residence of the person, or persons, who violates any of the  
122 provisions of this section, for a period of not less than thirty  
123 (30) days or more than six (6) months, and fined not more than  
124 Five Hundred Dollars (\$500.00).

125 SECTION 5. Section 23-15-303, Mississippi Code of 1972, is  
126 amended as follows:[JU3]

127 23-15-303. When two (2) or more political parties or  
128 political organizations are holding primary elections, each shall  
129 be conducted together and at the same time.

130 The board of supervisors or the supervisor of the district in  
131 which the voting precinct is located shall have authority, and it  
132 is made its and his duty when requested, to specifically designate  
133 the respective places where the precinct primary election \* \* \*  
134 shall be held where there may be a dispute as to the room or exact  
135 place for holding such precinct elections.

136 SECTION 6. Section 23-15-333, Mississippi Code of 1972, is  
137 amended as follows:[JU4]

138 23-15-333. The commissioners of election of each county  
139 shall have printed all necessary ballots, for use in primary  
140 elections. The ballots shall contain the names of all the  
141 candidates of all the political parties participating in the  
142 primary election to be voted for at such election. The title of  
143 each office shall be listed by party and the candidates listed  
144 under the appropriate party designation. \* \* \* There shall be  
145 left on each ballot one (1) blank space under the title of each  
146 office for which a nominee is to be elected; and in the event of  
147 the death of any candidate whose name shall have been printed on  
148 the ballot, the name of the candidate duly substituted in the  
149 place of the deceased candidate may be written in such blank space  
150 by the voter. The order in which the titles to the various

151 offices shall be printed, and the size, print and quality of the  
152 paper of the ballot is left to the discretion of the commissioners  
153 of election. Provided, however, that in all cases the arrangement  
154 of the names of the candidates for each office shall be  
155 alphabetical. No ballot shall be used except those so printed.

156 The commissioners of election shall also prepare full  
157 instructions for the guidance of electors at elections as to  
158 obtaining ballots, the manner of marking them, and the mode of  
159 obtaining new ballots in the place of those spoiled by accident.  
160 The instructions shall be printed in large, clear type on "Cards  
161 of Instruction," and the commissioners of election shall furnish  
162 the same in sufficient numbers for the use of electors. The cards  
163 shall be preserved by the officers of election and returned by  
164 them to the commissioners of election and they may be used, if  
165 applicable, in subsequent elections.

166 SECTION 7. Section 23-15-335, Mississippi Code of 1972, is  
167 amended as follows:[JU5]

168 23-15-335. The commissioners of election of each county  
169 shall designate a person whose duty it shall be to distribute all  
170 necessary ballots for use in a primary election, and shall  
171 designate one (1) among the managers at each polling place to  
172 receive and receipt for the blank ballots to be used at that  
173 place. When the blank ballots are delivered to a local manager,  
174 the distributor shall take from the local manager a receipt  
175 therefor signed in duplicate by both the distributor and the  
176 manager, one of which receipts the distributor shall deliver to  
177 the circuit clerk and the other shall be retained by the local  
178 manager and said last mentioned duplicate receipt shall be  
179 enclosed in the ballot box with the voted ballots when the polls  
180 have been closed and the votes have been counted. The printer of  
181 the ballots shall take a receipt from the distributor of the  
182 ballots for the total number of the blank ballots delivered to the  
183 distributor. The printer shall secure all ballots printed by him

184 in such a safe manner that no person can procure them or any of  
185 them, and he shall deliver no blank ballot or ballots to any  
186 person except the distributor above mentioned, and then only upon  
187 his receipt therefor as above specified. The distributor of the  
188 blank ballots shall so securely hold the same that no person can  
189 obtain any of them, and he shall not deliver any of them to any  
190 person other than to the authorized local managers and upon their  
191 respective receipts therefor. The commissioners of election shall  
192 see to it that the total blank ballots delivered to the  
193 distributor, shall correspond with the total of the receipts  
194 executed by the local managers. Any person charged with any of  
195 the duties prescribed in this section who shall willfully or with  
196 culpable carelessness violate the same shall be guilty of a  
197 misdemeanor.

198 SECTION 8. Section 23-15-597, Mississippi Code of 1972, is  
199 amended as follows:[JU6]

200 23-15-597. The commissioners of election of each county  
201 shall meet on the first or second day after each primary election,  
202 shall receive and canvass the returns which must be made within  
203 the time fixed by law for returns of general elections and certify  
204 the result to the county executive committee. The county  
205 executive committee shall \* \* \* announce the name of the nominees  
206 for county and county district offices and legislative offices for  
207 districts containing one (1) county or less, and the names of  
208 those candidates to be submitted to the second primary. The vote  
209 for state and state district offices and legislative offices for  
210 districts containing more than one (1) county or parts of more  
211 than one (1) county shall be tabulated by precincts and certified  
212 to and returned to the State Board of Election Commissioners, such  
213 returns to be mailed by registered letter or any safe mode of  
214 transmission within thirty-six (36) hours after the returns are  
215 canvassed and the result ascertained. The State Board of Election  
216 Commissioners shall meet a week from the day following the first

217 primary election held for state and state district offices and  
218 legislative offices for districts containing more than one (1)  
219 county or parts of more than one (1) county, and shall proceed to  
220 canvass the returns and to certify the result to the State  
221 Executive Committee. The State Executive Committee shall \* \* \*  
222 announce the names of those nominated for the different offices in  
223 the first primary and the names of those candidates whose names  
224 are to be submitted to the second primary election. The State  
225 Board of Election Commissioners shall also meet a week from the  
226 day on which the second primary election was held and receive and  
227 canvass the returns for state and district offices, if any, and  
228 legislative offices for districts containing more than one (1)  
229 county or parts of more than one (1) county, if any, voted on in  
230 such second primary and certify the result to the State Executive  
231 Committee. An exact and full duplicate of all tabulations by  
232 precincts as certified under this section shall be filed with the  
233 circuit clerk of the county who shall safely preserve the same in  
234 his office.

235 SECTION 9. Section 23-15-129, Mississippi Code of 1972, is  
236 amended as follows:[JU7]

237 23-15-129. The commissioners of election and the registrars  
238 of the respective counties are hereby directed to make an  
239 administrative division of the pollbook for each county  
240 immediately following any reapportionment of the Mississippi  
241 Legislature or any realignment of supervisors districts, if  
242 necessary. Such an administrative division shall form  
243 subprecincts whenever necessary within each voting precinct so  
244 that all persons within a subprecinct shall vote on the same  
245 candidates for each public office. Separate pollbooks for each  
246 subprecinct shall be made. The polling place for all subprecincts  
247 within any given voting precinct shall be the same as the polling  
248 place for the voting precinct. Additional managers may be  
249 appointed for subprecincts in the discretion of the commissioners

250 of election \* \* \*.

251 SECTION 10. Section 23-15-263, Mississippi Code of 1972, is  
252 amended as follows:[JU8]

253 23-15-263. (1) The county commissioners of election shall  
254 perform all the duties specified by law to be performed by the  
255 county commissioners of election with regard to state and county  
256 primary elections.

257 (2) Unless otherwise provided in this chapter, the county  
258 executive committee at primary elections shall perform all duties  
259 that relate to the qualification of candidates for primary  
260 elections, \* \* \* resolve contests in regard to primary elections,  
261 and perform all other duties required by law to be performed by  
262 the county executive committee; however, each house of the  
263 Legislature shall rule on the qualifications of the membership of  
264 its respective body in contests involving the qualifications of  
265 such members. The executive committee shall be subject to all the  
266 penalties to which county election commissioners are subject,  
267 except that Section 23-15-217 shall not apply to members of the  
268 county executive committee who seek elective office.

269 (3) A member of a county executive committee shall be  
270 automatically disqualified to serve on the county executive  
271 committee, and shall be considered to have resigned therefrom,  
272 upon his qualification as a candidate for any elective office.  
273 The provisions of this subsection shall not apply to a member of a  
274 county executive committee who qualifies as a candidate for a  
275 municipal elective office.

276 (4) The primary election officers appointed by the  
277 commissioners of election shall have the powers and perform the  
278 duties, where not otherwise provided, required of such officers in  
279 a general election, and any and every act or omission which by law  
280 is an offense when committed in or about or in respect to such  
281 general elections, shall be an offense if committed in or about or  
282 in respect to a primary election; and the same shall be indictable



283 and punishable in the same way as if the election was a general  
284 election for the election of state and county officers, except as  
285 specially modified or otherwise provided in this chapter.

286 SECTION 11. Section 23-15-295, Mississippi Code of 1972, is  
287 amended as follows:[JU9]

288 23-15-295. When any person has qualified in the manner  
289 provided by law as a candidate for party nomination in any primary  
290 election, such person shall have the right to withdraw his name as  
291 a candidate by giving notice of his withdrawal in writing to the  
292 secretary of the proper executive committee at any time prior to  
293 the printing of the official ballots, and in the event of such  
294 withdrawal the name of such candidate shall not be printed on the  
295 ballot. When a candidate for party nomination for a state or  
296 district office who has qualified with the State Executive  
297 Committee withdraws as a candidate as provided for in this section  
298 after the sample of the official ballot has been approved and  
299 certified by the State Executive Committee, the Secretary or  
300 Chairman of the State Executive Committee shall forthwith notify  
301 the commissioners of election of each county affected or involved  
302 of the fact of such withdrawal and such notification shall  
303 authorize the commissioners of election to omit the name of the  
304 withdrawn candidate from the ballot if such notification is  
305 received prior to the printing of the ballot. In the case of the  
306 withdrawal of any candidate, the fee paid by such candidate shall  
307 be retained by the state or county executive committee, as the  
308 case may be.

309 SECTION 12. Section 23-15-331, Mississippi Code of 1972, is  
310 amended as follows:[JU10]

311 23-15-331. It shall be the duty of the State Executive  
312 Committee of each political party to furnish to the commissioners  
313 of election of each county, not less than fifty (50) days prior to  
314 the primary election, the names of all state and state district  
315 candidates and all candidates for legislative districts composed

316 of more than one county or parts of more than one county who have  
317 qualified as provided by law, and in accordance with the  
318 requirements of Section 23-15-333 a sample of the official ballot  
319 to be used in the primary, the general form of which shall be  
320 followed as nearly as practicable.

321 SECTION 13. Section 23-15-403, Mississippi Code of 1972, is  
322 amended as follows:[JU11]

323 23-15-403. The board of supervisors of any county in the  
324 State of Mississippi and the governing authorities of any  
325 municipality in the State of Mississippi are hereby authorized and  
326 empowered, in their discretion, to purchase or rent any voting  
327 machine or machines which shall be so constructed as to fulfill  
328 the following requirements:

329 (a) It shall secure to the voter secrecy in the act of  
330 voting;

331 (b) It shall provide facilities for voting for all  
332 candidates of as many political parties or organizations as may  
333 make nominations, and for or against as many questions as  
334 submitted;

335 (c) It shall \* \* \* permit the voter to vote for all the  
336 candidates of one party or in \* \* \* part for the candidates of one  
337 or more other parties;

338 (d) It shall permit the voter to vote for as many  
339 persons for an office as he is lawfully entitled to vote for, but  
340 not more;

341 (e) It shall prevent the voter from voting for the same  
342 person more than once for the same office;

343 (f) It shall permit the voter to vote for or against  
344 any question he may have the right to vote on, but no other; \* \* \*

345 (g) It shall correctly register or record and  
346 accurately count all votes cast for any and all persons and for or  
347 against any and all questions;

348 (h) It shall be provided with a "protective counter" or

349 "protective device" whereby any operation of the machine before or  
350 after the election will be detected;

351 (i) It shall be provided with a counter which shall  
352 show at all times during an election how many persons have voted;

353 (j) It shall be provided with a mechanical model,  
354 illustrating the manner of voting on the machine, suitable for the  
355 instruction of voters;

356 (k) It may also be provided with a device \* \* \* for  
357 voting for all the presidential electors of a party by one (1)  
358 operation, and a ballot therefor containing only the words  
359 "Presidential Electors For" preceded by the name of that party and  
360 followed by the names of the candidates thereof for the offices of  
361 President and Vice President, and a registering device therefor  
362 which shall register the vote cast for said electors when thus  
363 voted collectively; provided, however, that means shall be  
364 furnished whereby the voter can cast a vote for individual  
365 electors when permitted to do so by law.

366 SECTION 14. Section 23-15-465, Mississippi Code of 1972, is  
367 amended as follows:[JU12]

368 23-15-465. No electronic voting system, consisting of a  
369 marking or voting device in combination with automatic tabulating  
370 equipment, shall be acquired or used in accordance with Sections  
371 23-15-461 through 23-15-485 unless it shall:

372 (a) Provide for voting in secrecy when used with voting  
373 booths;

374 (b) Permit each voter to vote at any election for all  
375 persons and offices for whom and for which he is lawfully entitled  
376 to vote; to vote for as many persons for an office as he is  
377 entitled to vote for; to vote for or against any question upon  
378 which he is entitled to vote; and the automatic tabulating  
379 equipment shall reject choices recorded on his ballot card or  
380 paper ballot if the number of choices exceeds the number which he  
381 is entitled to vote for the office or on the measure;

382           (c) Permit each voter, at presidential elections, by  
383 one (1) mark or punch to vote for the candidates of that party for  
384 President, Vice President, and their presidential electors, or to  
385 vote individually for the electors of his choice when permitted by  
386 law;

387           (d) Permit each voter \* \* \* to vote for the nominees of  
388 one or more parties and for independent nominees;

389           (e) Permit each voter to vote for candidates only in  
390 the primary in which he is qualified to vote;

391           (f) Permit each voter to vote for persons whose names  
392 are not on the printed ballot or ballot labels;

393           (g) Prevent the voter from voting for the same person  
394 more than once for the same office;

395           (h) Be suitably designed for the purpose used, of  
396 durable construction, and may be used safely, efficiently and  
397 accurately in the conduct of elections and counting ballots;

398           (i) Be provided with means for sealing the voting or  
399 marking device against any further voting after the close of the  
400 polls and the last voter has voted;

401           (j) When properly operated, record correctly and count  
402 accurately every vote cast;

403           (k) Be provided with a mechanical model for instructing  
404 voters, and be so constructed that a voter may readily learn the  
405 method of operating it;

406           (l) Be safely transportable, and include a light to  
407 enable voters to read the ballot labels and instructions.

408           SECTION 15. Section 23-15-507, Mississippi Code of 1972, is  
409 amended as follows:[JU13]

410           23-15-507. No optical mark reading system shall be acquired  
411 or used in accordance with this chapter unless it shall:

412           (a) Permit each voter to vote at any election for all  
413 persons and no others for whom and for which they are lawfully  
414 entitled to vote; to vote for as many persons for an office as

415 they are entitled to vote for; to vote for or against any  
416 questions upon which they are entitled to vote;

417 (b) The OMR tabulating equipment shall be capable of  
418 rejecting choices recorded on the ballot if the number of choices  
419 exceeds the number which the voter is entitled to vote for the  
420 office or on the measure;

421 (c) Permit each voter, at presidential elections, by  
422 one (1) mark to vote for the candidates of that party for  
423 President, Vice President, and their presidential electors, or to  
424 vote individually for the electors of their choice when permitted  
425 by law;

426 (d) Permit each voter \* \* \* to vote for the nominees of  
427 one or more parties and for independent nominees;

428 (e) Permit each voter to vote for candidates only in  
429 the primary in which they are qualified to vote;

430 (f) Permit each voter to vote for persons whose names  
431 are not on the printed ballot;

432 (g) Be suitably designed for the purpose used, of  
433 durable construction, and may be used safely, efficiently and  
434 accurately in the conduct of elections and the counting of  
435 ballots;

436 (h) Be provided with means for sealing the ballots  
437 after the close of the polls and the last voter has voted;

438 (i) When properly operated, record correctly and count  
439 accurately all votes cast; and

440 (j) Provide the voter with a set of instructions that  
441 will be so displayed that a voter may readily learn the method of  
442 voting.

443 SECTION 16. Section 23-15-191, Mississippi Code of 1972, is  
444 amended as follows:

445 23-15-191. Except as otherwise provided in Section 2 of  
446 House Bill No. \_\_\_\_\_, 2000 Regular Session, the first primary shall  
447 be held on the first Tuesday after the first Monday of August

448 preceding any regular or general election; and the second primary  
449 shall be held three (3) weeks thereafter. Any candidate who  
450 receives the highest popular vote cast for the office which he  
451 seeks in the first primary shall thereby become the nominee of the  
452 party for such office; provided also it be a majority of all the  
453 votes cast for that office. If no candidate receives such  
454 majority of popular votes in the first primary, then the two (2)  
455 candidates who receive the highest popular vote for such office  
456 shall have their names submitted as such candidates to a second  
457 primary, and the candidate who leads in such second primary shall  
458 be nominated to the office. When there is a tie in the first  
459 primary of those receiving next highest vote, these two (2) and  
460 the one (1) receiving the highest vote, none having received a  
461 majority, shall go into the second primary, and whoever leads in  
462 such second primary shall be entitled to the nomination.

463 SECTION 17. Section 23-15-305, Mississippi Code of 1972, is  
464 amended as follows:

465 23-15-305. Except as otherwise provided in Section 2 of  
466 House Bill No. \_\_\_\_\_, 2000 Regular Session, the candidate who  
467 received the majority number of votes cast for the office which he  
468 seeks shall thereby become the nominee of his party for such  
469 office and no person shall be declared to be the nominee of his  
470 party unless and until he has received a majority of the votes  
471 cast for such office, except as hereinafter provided. If no  
472 candidate received such majority of the votes cast in the first  
473 primary, then the two (2) candidates who receive the highest  
474 number of votes cast for such office shall have their names  
475 submitted as such candidates to the second primary and the  
476 candidate who leads in such second primary shall be nominated for  
477 the office.

478 If the candidate who received the second highest number of  
479 votes cast for such office for any reason declines to enter the  
480 second primary, then in that event the candidate who received the

481 third highest shall have his name submitted to the second primary,  
482 together with the candidate who received the highest number of  
483 votes cast for such office.

484 If the candidate who received the third highest number of  
485 votes cast for such office for any reason declines to enter the  
486 second primary, then in that event the candidate who received the  
487 fourth highest shall have his name submitted to the second  
488 primary, together with the candidate who received the highest  
489 number of votes cast for such office.

490 If no candidate will enter the second primary with the  
491 candidate who received the highest number of votes cast, then the  
492 candidate who received the highest number of votes cast in the  
493 first primary shall be declared the nominee of his party for such  
494 office.

495 SECTION 18. Section 23-15-307, Mississippi Code of 1972, is  
496 amended as follows:

497 23-15-307. Except as otherwise provided in Section 2 of  
498 House Bill No. \_\_\_\_\_, 2000 Regular Session, the name of any  
499 candidate shall not be placed upon the official ballot in general  
500 elections as a party nominee who is not nominated as herein  
501 provided, and the election of any party nominee who shall be  
502 nominated otherwise than as provided in this chapter shall be void  
503 and he shall not be entitled to hold the office to which he may  
504 have been elected. No political party shall be entitled to  
505 recognition, as such, in the appointment of the county or precinct  
506 election officers, unless it has made its nominations as herein  
507 provided.

508 SECTION 19. Section 23-15-359, Mississippi Code of 1972, is  
509 amended as follows:

510 23-15-359. (1) Except as otherwise provided in Section 2 of  
511 House Bill No. \_\_\_\_\_, 2000 Regular Session, and excluding any  
512 special elections, the ballot shall contain the names of all  
513 candidates who have been put in nomination, not less than sixty

514 (60) days previous to the day of the election, by the primary  
515 election of any political party. There shall be printed on the  
516 ballots the names of all persons so nominated, whether the  
517 nomination be otherwise known or not, upon the written request of  
518 one or more of the candidates so nominated, or of any qualified  
519 elector who will make oath that he was a participant in the  
520 primary election, and that the person whose name is presented by  
521 him was nominated by such primary election. The commissioner  
522 shall also have printed on the ballot in any general or special  
523 election the name of any candidate who, not having been nominated  
524 by a political party, shall have been requested to be a candidate  
525 for any office by a petition filed as provided for in subsection  
526 (3) or (4) of this section, as appropriate, and signed by not less  
527 than the following number of qualified electors:

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

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

533 (c) For an office elected by the qualified electors of  
534 a congressional district, not less than two hundred (200)  
535 qualified electors.

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

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

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

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



547           (2) Unless the petition required above shall be filed as  
548 provided for in subsection (3) or (4) of this section, as  
549 appropriate, the name of the person requested to be a candidate,  
550 unless nominated by a political party, shall not be placed upon  
551 the ballot. The ballot shall contain the names of each candidate  
552 for each office, and such names shall be listed under the name of  
553 the political party such candidate represents as provided by law  
554 and as certified to the circuit clerk by the State Executive  
555 Committee of such political party. In the event such candidate  
556 qualifies as an independent as herein provided, he shall be listed  
557 on the ballot as an independent candidate.

558           (3) Petitions for offices described in paragraphs (a), (b),  
559 (c) and (d) of subsection (1) of this section, and petitions for  
560 offices described in paragraph (e) of subsection (1) of this  
561 section for districts composed of more than one (1) county or  
562 parts of more than one (1) county, shall be filed with the State  
563 Board of Election Commissioners by no later than 5:00 p.m. on the  
564 same date by which candidates for nominations in the political  
565 party primary elections are required to pay the fee provided for  
566 in Section 23-15-297, Mississippi Code of 1972.

567           (4) Petitions for offices described in paragraphs (f) and  
568 (g) of subsection (1) of this section, and petitions for offices  
569 described in paragraph (e) of subsection (1) of this section for  
570 districts composed of one (1) county or less, shall be filed with  
571 the proper circuit clerk by no later than 5:00 p.m. on the same  
572 date by which candidates for nominations in the political party  
573 elections are required to pay the fee provided for in Section  
574 23-15-297. The circuit clerk shall notify the county  
575 commissioners of election of all persons who have filed petitions  
576 with such clerk. Such notification shall occur within two (2)  
577 business days and shall contain all necessary information.

578           (5) The commissioners may also have printed upon the ballot any  
579 local issue election matter that is authorized to be held on the same

580 date as the regular or general election pursuant to Section 23-15-375;  
581 provided, however, that the ballot form of such local issue must be  
582 filed with the commissioners of election by the appropriate governing  
583 authority not less than sixty (60) days previous to the date of the  
584 election.

585 (6) The provisions of this section shall not apply to  
586 municipal elections or to the election of the offices of justice  
587 of the Supreme Court, judge of the Court of Appeals, circuit  
588 judge, chancellor, county court judge and justice court judge.

589 (7) Nothing in this section shall prohibit special elections  
590 to fill vacancies in either house of the Legislature from being  
591 held as provided in Section 23-15-851. In all elections conducted  
592 under the provisions of Section 23-15-851 the commissioner shall  
593 have printed on the ballot the name of any candidate who, not  
594 having been nominated by a political party, shall have been  
595 requested to be a candidate for any office by a petition filed  
596 with said commissioner not less than ten (10) working days prior  
597 to the election, and signed by not less than fifty (50) qualified  
598 electors.

599 SECTION 20. Section 23-15-193, Mississippi Code of 1972, is  
600 amended as follows:

601 23-15-193. At the election in 1995, and every four (4) years  
602 thereafter, there shall be elected a Governor, Lieutenant  
603 Governor, Secretary of State, Auditor of Public Accounts, State  
604 Treasurer, Attorney General, three (3) public service  
605 commissioners, three (3) Mississippi Transportation Commissioners,  
606 Commissioner of Insurance, Commissioner of Agriculture and  
607 Commerce, Senators and members of the House of Representatives in  
608 the Legislature, district attorneys for the several districts,  
609 clerks of the circuit and chancery courts of the several counties,  
610 as well as sheriffs, coroners, assessors, surveyors and members of  
611 the boards of supervisors \* \* \* and constables, and all other  
612 officers to be elected by the people at the general state

613 election. All \* \* \* officers shall hold their offices for a term  
614 of four (4) years, and until their successors are elected and  
615 qualified. The state officers shall be elected in the manner  
616 prescribed in Section 140 of the Constitution.

617 SECTION 21. Section 23-15-197, Mississippi Code of 1972, is  
618 amended as follows:

619 23-15-197. (1) Times for holding primary and general  
620 elections for congressional offices shall be as prescribed in  
621 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

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

625 (3) Times for holding elections for the office of circuit  
626 court judge, the office of chancery court judge and the office of  
627 justice court judge shall be as prescribed in Sections 23-15-974  
628 through 23-15-985 and Section 23-15-1015.

629 (4) Times for holding elections for the office of county  
630 election commissioners shall be as prescribed in Section  
631 23-15-213.

632 SECTION 22. Section 23-15-297, Mississippi Code of 1972, is  
633 amended as follows:

634 23-15-297. Any candidate \* \* \* entering the race for party  
635 nominations for office shall first pay to the proper officer as  
636 provided for in Section 23-15-299 for each primary election the  
637 following amounts:

638 (a) Candidates for Governor not to exceed Three Hundred  
639 Dollars (\$300.00).

640 (b) Candidates for Lieutenant Governor, Attorney  
641 General, Secretary of State, State Treasurer, Auditor of Public  
642 Accounts, Commissioner of Insurance, Commissioner of Agriculture  
643 and Commerce, State Highway Commissioner and State Public Service  
644 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

645 (c) Candidates for district attorney, not to exceed One

646 Hundred Dollars (\$100.00).

647 (d) Candidates for State Senator, State Representative,  
648 sheriff, chancery clerk, circuit clerk, tax assessor, tax  
649 collector, county attorney, county superintendent of education and  
650 board of supervisors, not to exceed Fifteen Dollars (\$15.00).

651 (e) Candidates for county surveyor, county  
652 coroner \* \* \* and constable, not to exceed Ten Dollars (\$10.00).

653 (f) Candidates for United States Senator, not to exceed  
654 Three Hundred Dollars (\$300.00).

655 (g) Candidates for United States Representative, not to  
656 exceed Two Hundred Dollars (\$200.00).

657 SECTION 23. Section 23-15-973, Mississippi Code of 1972, is  
658 amended as follows:

659 23-15-973. It shall be the duty of the judges of the circuit  
660 court to give a reasonable time and opportunity to the candidates  
661 for the office of judge of the Supreme Court, judges of the Court  
662 of Appeals, circuit judge, chancellor and justice court judge to  
663 address the people during court terms. In order to give further  
664 and every possible emphasis to the fact that the \* \* \* judicial  
665 offices are not political but are to be held without favor and  
666 with absolute impartiality as to all persons, and because of the  
667 jurisdiction conferred upon the courts by this chapter, the judges  
668 thereof should be as far removed as possible from any political  
669 affiliations or obligations. It shall be unlawful for any  
670 candidate for any of the offices mentioned in this section to  
671 align himself with any candidate or candidates for any other  
672 office or with any political faction or any political party at any  
673 time during any primary or general election campaign. Likewise it  
674 shall be unlawful for any candidate for any other office nominated  
675 or to be nominated at any primary election, wherein any candidate  
676 for any of the judicial offices in this section mentioned, is or  
677 are to be nominated, to align himself with any one or more of the  
678 candidates for the offices or to take any part whatever in any

679 nomination for any one or more of the judicial offices, except to  
680 cast his individual vote. Any candidate for any office, whether  
681 nominated with or without opposition, at any primary wherein a  
682 candidate for any one of the judicial offices \* \* \* mentioned in  
683 this section is to be nominated who shall deliberately, knowingly  
684 and willfully violate the provisions of this section shall forfeit  
685 his nomination, or if elected at the following general election by  
686 virtue of said nomination, his election shall be void.

687 SECTION 24. Section 23-15-975, Mississippi Code of 1972, is  
688 amended as follows:

689 23-15-975. As used in Sections 23-15-974 through 23-15-985  
690 of this subarticle, the term "judicial office" includes the office  
691 of justice of the Supreme Court, judge of the Court of Appeals,  
692 circuit judge, chancellor, county court judge, family court judge  
693 and justice court judge. All \* \* \* justices and judges, except  
694 justice court judges, shall be full-time positions and the  
695 justices and judges shall not engage in the practice of law before  
696 any court, administrative agency or other judicial or  
697 quasi-judicial forum except as provided by law for finalizing  
698 pending cases after election to judicial office.

699 SECTION 25. Section 23-15-977, Mississippi Code of 1972, is  
700 amended as follows:

701 23-15-977. (1) All candidates for judicial office as  
702 defined in Section 23-15-975 of this subarticle shall file their  
703 intent to be a candidate with the proper officials not later than  
704 the first Friday after the first Monday in May before the general  
705 election for judicial office and shall pay to the proper officials  
706 the following amounts:

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

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

711 (c) Candidates for county judge, family court judge and

712 justice court judge, the sum of Fifteen Dollars (\$15.00).

713 (2) Candidates for judicial offices listed in paragraphs (a)  
714 and (b) of subsection (1) of this section shall file their intent  
715 to be a candidate with, and pay the proper assessment made  
716 pursuant to subsection (1) of this section to, the State Board of  
717 Election Commissioners.

718 (3) Candidates for judicial offices listed in paragraph (c)  
719 of subsection (1) of this section shall file their intent to be a  
720 candidate with, and pay the proper assessment made pursuant to  
721 subsection (1) of this section to, the circuit clerk of the proper  
722 county. The circuit clerk shall notify the county commissioners  
723 of election of all persons who have filed their intent to be a  
724 candidate filed with, and paid the proper assessment to, such  
725 clerk. The notification shall occur within two (2) business days  
726 and shall contain all necessary information.

727 SECTION 26. Section 23-15-1015, Mississippi Code of 1972, is  
728 amended as follows:

729 23-15-1015. On Tuesday after the first Monday in November  
730 1986, and every four (4) years thereafter and concurrently with  
731 the election for representatives in Congress, there shall be held  
732 an election in every county for judges of the several circuit,  
733 chancery and justice court districts. The laws regulating the  
734 general elections shall, except as otherwise provided for in  
735 Sections 23-15-974 through 23-15-985, apply to and govern  
736 elections of judges of the circuit and chancery courts.

737 SECTION 27. The Attorney General of the State of Mississippi  
738 shall submit this act, immediately upon approval by the Governor,  
739 or upon approval by the Legislature subsequent to a veto, to the  
740 Attorney General of the United States or to the United States  
741 District Court for the District of Columbia in accordance with the  
742 provisions of the Voting Rights Act of 1965, as amended and  
743 extended. If any section, paragraph, sentence, clause, phrase or  
744 any part of this act is declared to be void or if this entire act

745 is not approved and effectuated in accordance with the Voting  
746 Rights Act of 1965, as amended and extended, then the entire act  
747 shall be void and no part of this act shall take effect or be in  
748 force.

749 SECTION 28. This act shall take effect and be in force from  
750 and after the date it is effectuated under Section 5 of the Voting  
751 Rights Act of 1965, as amended and extended. If this act is not  
752 effectuated under Section 5 of the Voting Rights Act of 1965, as  
753 amended and extended, the Attorney General of the State of  
754 Mississippi is hereby directed to file suit in the Federal  
755 District Court for the District of Columbia to secure the  
756 effectuation of this act.