

By: Reynolds

To: Apportionment and
Elections

HOUSE BILL NO. 1306

1 AN ACT TO MAKE TECHNICAL REVISIONS TO CERTAIN ELECTION LAWS;
2 TO BRING FORWARD SECTIONS 23-15-129, 23-15-153, 23-15-159,
3 23-15-171, 23-15-173, 23-15-193, 23-15-211, 23-15-213, 23-15-215,
4 23-15-221, 23-15-223, 23-15-225, 23-15-227, 23-15-233, 23-15-235,
5 23-15-239, 23-15-247, 23-15-263, 23-15-265, 23-15-267, 23-15-295,
6 23-15-297, 23-15-299, 23-15-331, 23-15-333, 23-15-335, 23-15-359,
7 23-15-361, 23-15-551, 23-15-559, 23-15-581, 23-15-591, 23-15-593,
8 23-15-595, 23-15-597, 23-15-921, 23-15-923, 23-15-927, 23-15-955
9 AND 23-15-961, MISSISSIPPI CODE OF 1972, FOR PURPOSES OF
10 AMENDMENT; AND FOR RELATED PURPOSES.

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

12 SECTION 1. Section 23-15-129, Mississippi Code of 1972, is
13 brought forward as follows:[LH1]

14 23-15-129. The commissioners of election and the registrars
15 of the respective counties are hereby directed to make an
16 administrative division of the pollbook for each county
17 immediately following any reapportionment of the Mississippi
18 Legislature or any realignment of supervisors districts, if
19 necessary. Such an administrative division shall form
20 subprecincts whenever necessary within each voting precinct so
21 that all persons within a subprecinct shall vote on the same
22 candidates for each public office. Separate pollbooks for each
23 subprecinct shall be made. The polling place for all subprecincts
24 within any given voting precinct shall be the same as the polling
25 place for the voting precinct. Additional managers may be
26 appointed for subprecincts in the discretion of the commissioners
27 of election or, in the case of primary elections, in the
28 discretion of the proper executive committee.

29 SECTION 2. Section 23-15-153, Mississippi Code of 1972, is
30 brought forward as follows:[LH2]

31 23-15-153. (1) At the following times the commissioners of
32 election shall meet at the office of the registrar and carefully
33 revise the registration books and the pollbooks of the several
34 voting precincts, and shall erase from those books the names of
35 all persons erroneously on the books, or who have died, removed or
36 become disqualified as electors from any cause; and shall register
37 the names of all persons who have duly applied to be registered
38 and have been illegally denied registration:

39 (a) On the Tuesday after the second Monday in January
40 1987 and every following year;

41 (b) On the first Tuesday in the month immediately
42 preceding the first primary election for congressmen in the years
43 when congressmen are elected;

44 (c) On the first Monday in the month immediately
45 preceding the first primary election for state, state district,
46 legislative, county and county district offices in the years in
47 which those offices are elected; and

48 (d) On the second Monday of September preceding the
49 general election or regular special election day in years in which
50 a general election is not conducted.

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

56 (2) Except as provided in subsection (3) of this section,
57 and subject to the following annual limitations, the commissioners
58 of election shall be entitled to receive a per diem in the amount
59 of Seventy Dollars (\$70.00), to be paid from the county general
60 fund, for every day or period of no less than five (5) hours
61 accumulated over two (2) or more days actually employed in the
62 performance of their duties for the necessary time spent in the
63 revision of the registration books and pollbooks as required in

64 subsection (1) of this section:

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

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

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

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

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

79 (f) In counties having one hundred thousand (100,000)
80 qualified electors but less than one hundred twenty-five thousand
81 (125,000) qualified electors, not more than one hundred ten (110)
82 days per year;

83 (g) In counties having one hundred twenty-five thousand
84 (125,000) qualified electors but less than one hundred fifty
85 thousand (150,000) qualified electors, not more than one hundred
86 twenty-five (125) days per year;

87 (h) In counties having one hundred fifty thousand
88 (150,000) qualified electors but less than one hundred
89 seventy-five thousand (175,000) qualified electors, not more than
90 one hundred forty (140) days per year;

91 (i) In counties having one hundred seventy-five
92 thousand (175,000) qualified electors but less than two hundred
93 thousand (200,000) qualified electors, not more than one hundred
94 fifty-five (155) days per year;

95 (j) In counties having two hundred thousand (200,000)
96 qualified electors or more, not more than one hundred seventy

97 (170) days per year.

98 (3) The commissioners of election shall be entitled to
99 receive a per diem in the amount of Seventy Dollars (\$70.00), to
100 be paid from the county general fund, not to exceed ten (10) days
101 for every day or period of no less than five (5) hours accumulated
102 over two (2) or more days actually employed in the performance of
103 their duties for the necessary time spent in the revision of the
104 registration books and pollbooks prior to any special election.
105 For purposes of this subsection, the regular special election day
106 shall not be considered a special election. The annual
107 limitations set forth in subsection (2) of this section shall not
108 apply to this subsection.

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

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

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

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

123 (d) In counties having fifty thousand (50,000)
124 qualified electors but less than seventy-five thousand (75,000)
125 qualified electors, not more than forty-five (45) days per
126 election;

127 (e) In counties having seventy-five thousand (75,000)
128 qualified electors but less than one hundred thousand (100,000)
129 qualified electors, not more than fifty-five (55) days per

130 election;

131 (f) In counties having one hundred thousand (100,000)
132 qualified electors but less than one hundred fifty thousand
133 (150,000) qualified electors, not more than sixty-five (65) days
134 per election;

135 (g) In counties having one hundred fifty thousand
136 (150,000) qualified electors but less than two hundred thousand
137 (200,000) qualified electors, not more than seventy-five (75) days
138 per election; and

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

142 It is the intention of the Legislature that the conduct of an
143 election as required by law and as compensated in this subsection
144 is a separate and distinct function from the purging and revision
145 of the registration and pollbooks as required by subsection (1) of
146 this section and the compensation for those revisions provided by
147 subsection (2) of this section.

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

152 (6) The county commissioners of election may provide copies
153 of the registration books revised pursuant to this section to the
154 municipal registrar of each municipality located within the
155 county.

156 SECTION 3. Section 23-15-159, Mississippi Code of 1972, is
157 brought forward as follows:[LH3]

158 23-15-159. (1) When the commissioners of election meet for
159 the purpose of revising the registration and pollbooks of the
160 several voting precincts, they may erase therefrom the names of
161 all persons who have not voted in at least one (1) election,
162 whether it be a general or special or primary election, whether on

163 a county, state or federal level, in the last four (4) successive
164 years.

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

169 (a) Ninety (90) days before such erasure or removal,
170 the commissioners of election shall examine the registration books
171 and pollbooks of the several voting precincts and shall suspend
172 the registration of all electors who have not voted in at least
173 one (1) general or special election or primary, whether on the
174 county, state or federal level, during the last four (4)
175 successive years.

176 (b) Within sixty (60) days after such suspension, the
177 commissioners of election shall mail notice by first class mail to
178 each elector whose registration is suspended, at his last-known
179 address, stating substantially as follows: "You are hereby
180 notified that, according to state law, your registration as a
181 qualified elector will be canceled for having failed to vote
182 within the past four (4) successive years, unless within thirty
183 (30) days of the date this notice is postmarked, you continue your
184 registration by applying in writing to the commissioners of
185 election." The commissioners shall furnish each elector so
186 notified with the name and address of the commissioners of
187 elections printed on the face thereof which may be used by the
188 elector in notifying the commissioners of elections of the
189 elector's desire to continue the elector's registration. The
190 commissioners shall affix sufficient postage to such return card
191 so as to insure proper delivery to the commissioners.

192 (c) The commissioners shall cancel the registration of
193 all electors thus notified who have not applied for continuance
194 within the prescribed time period, and the names of all such
195 electors shall be removed from the list of qualified electors on

196 the date designated for erasure. Provided, however, the names of
197 electors who have been removed from the list of qualified electors
198 shall be compiled and be made a part of a list entitled "Names of
199 those purged from the registration books," said list to be
200 attached to the registration books. A copy of said list shall be
201 furnished to the appropriate municipal election commissioners
202 within the county, and the persons whose names are contained
203 thereon shall be removed from the registration books.

204 (d) Any elector whose registration has been thus
205 canceled may, at any election, cast a vote by affidavit ballot in
206 the same manner as set forth in Section 23-15-573. Such affidavit
207 ballot shall be counted at the election in which it is cast, if
208 not otherwise disqualified, and the name of such person shall be
209 reentered on the registration books if such person is not
210 otherwise disqualified. As an alternative to casting such a
211 ballot, any elector whose registration has been canceled pursuant
212 to this subsection may reregister in the manner provided for
213 original registration.

214 (3) Notwithstanding the provisions of this section, no
215 person who has been registered by any federal registrar shall be
216 removed except in conformity with any federal law, rules or
217 regulations providing for the removal of names from the
218 registration books.

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

222 SECTION 4. Section 23-15-171, Mississippi Code of 1972, is
223 brought forward as follows:[LH4]

224 23-15-171. (1) Municipal primary elections shall be held on
225 the first Tuesday in May preceding the general municipal election
226 and, in the event a second primary shall be necessary, such second
227 primary shall be held on the third Tuesday in May preceding such
228 general municipal election. At such primary election the

229 municipal executive committee shall perform the same duties as are
230 specified by law and performed by members of the county executive
231 committee with regard to state and county primary elections. Each
232 municipal executive committee shall have as many members as there
233 are elective officers of the municipality, and such members of the
234 municipal executive committee of each political party shall be
235 elected in the primary elections held for the nomination of
236 candidates for municipal offices. The provisions of this section
237 shall govern all municipal primary elections as far as applicable,
238 but the officers to prepare the ballots and the managers and other
239 officials of the primary election shall be appointed by the
240 municipal executive committee of the party holding such primary,
241 and the returns of such election shall be made to such municipal
242 executive committee. Vacancies in the executive committee shall be
243 filled by it.

244 (2) Provided, however, that in municipalities operating
245 under a special or private charter which fixes a time for holding
246 elections, other than the time fixed by Chapter 491, Laws of 1950,
247 the first primary election shall be held exactly four (4) weeks
248 before the time for holding the general election, as fixed by the
249 charter, and the second primary election, where necessary, shall
250 be held two (2) weeks after the first primary election, unless the
251 charter of any such municipality provides otherwise, in which
252 event the provisions of the special or private charter shall
253 prevail as to the time of holding such primary elections.

254 (3) All primary elections in municipalities shall be held
255 and conducted in the same manner as is provided by law for state
256 and county primary elections.

257 SECTION 5. Section 23-15-173, Mississippi Code of 1972, is
258 brought forward as follows:[LH5]

259 23-15-173. (1) A general municipal election shall be held
260 in each city, town or village on the first Tuesday after the first
261 Monday of June 1985, and every four (4) years thereafter, for the

262 election of all municipal officers elected by the people.

263 (2) All municipal general elections shall be held and
264 conducted in the same manner as is provided by law for state and
265 county general elections.

266 SECTION 6. Section 23-15-193, Mississippi Code of 1972, is
267 brought forward as follows:[LH6]

268 23-15-193. At the election in 1995, and every four (4) years
269 thereafter, there shall be elected a Governor, Lieutenant
270 Governor, Secretary of State, Auditor of Public Accounts, State
271 Treasurer, Attorney General, three (3) public service
272 commissioners, three (3) Mississippi Transportation Commissioners,
273 Commissioner of Insurance, Commissioner of Agriculture and
274 Commerce, Senators and members of the House of Representatives in
275 the Legislature, district attorneys for the several districts,
276 clerks of the circuit and chancery courts of the several counties,
277 as well as sheriffs, coroners, assessors, surveyors and members of
278 the boards of supervisors, justice court judges and constables,
279 and all other officers to be elected by the people at the general
280 state election. All such officers shall hold their offices for a
281 term of four (4) years, and until their successors are elected and
282 qualified. The state officers shall be elected in the manner
283 prescribed in Section 140 of the Constitution.

284 SECTION 7. Section 23-15-211, Mississippi Code of 1972, is
285 brought forward as follows:[LH7]

286 23-15-211. (1) There shall be a State Board of Election
287 Commissioners to consist of the Governor, the Secretary of State
288 and the Attorney General, any two (2) of whom may perform the
289 duties required of the board; a board of election commissioners in
290 each county to consist of five (5) persons who are electors in the
291 county in which they are to act; and a registrar in each county
292 who shall be the clerk of the circuit court, unless he shall be
293 shown to be an improper person to register the names of the
294 electors therein.

295 (2) The board of supervisors of each county shall pay
296 members of the county election commissioners for attending
297 training events a per diem in the amount provided in Section
298 23-15-153; however, such per diem shall not be paid to an election
299 commissioner for more than six (6) days of training per year and
300 shall only be paid to election commissioners who actually attend
301 and complete a training event and obtain a training certificate.

302 (3) Included in this six (6) days shall be an elections
303 seminar, conducted and sponsored by the Secretary of State.
304 Election commissioners and chairpersons of each political party
305 executive committee or their designee shall be required to attend.

306 (4) Each participant shall receive a certificate from the
307 Secretary of State indicating that the named participant has
308 received the elections training seminar instruction and that each
309 participant is fully qualified to conduct an election.

310 SECTION 8. Section 23-15-213, Mississippi Code of 1972, is
311 brought forward as follows:[LH8]

312 23-15-213. At the general election in 1984 and every four
313 (4) years thereafter there shall be elected five (5) commissioners
314 of election for each county whose terms of office shall commence
315 on the first Monday of January following their election and who
316 shall serve for a term of four (4) years. Each of the
317 commissioners, before acting, shall take and subscribe the oath of
318 office prescribed by the Constitution and file the same in the
319 office of the clerk of the chancery court, there to remain. While
320 engaged in their duties, the commissioners shall be conservators
321 of the peace in the county, with all the duties and powers of
322 such.

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

328 purpose of this section that the county board of election
329 commissioners shall consist of one (1) person from each
330 supervisors district of the county and that each such commissioner
331 be elected from the supervisors district in which he resides.

332 Candidates for county election commissioner shall qualify by
333 filing with the clerk of the board of supervisors of their
334 respective counties a petition personally signed by not less than
335 fifty (50) qualified electors of the supervisors district in which
336 they reside, requesting that they be a candidate, not less than
337 sixty (60) days before the election and unless such petition is
338 filed within said time, their names shall not be placed upon the
339 ballot. All candidates shall declare in writing their party
340 affiliation, if any, to the board of supervisors, and such party
341 affiliation shall be shown on the official ballot.

342 The petition shall have attached thereto a certificate of the
343 registrar showing the number of qualified electors on each
344 petition, which shall be furnished by the registrar on request.
345 The board shall determine the sufficiency of the petition, and if
346 the same shall contain the required number of signatures and be
347 filed within the time required, the president of the board shall
348 verify that such candidate is a resident of the supervisors
349 district in which he seeks election and that such candidate is
350 otherwise qualified as provided by law, and shall certify the same
351 to the chairman or secretary of the county election commission and
352 the names of the candidates shall be placed upon the ballot for
353 the ensuing election. No county election commissioner shall serve
354 or be considered as elected unless and until he has received a
355 majority of the votes cast for the position or post for which he
356 is a candidate. If such majority vote is not received in the
357 first election, then the two (2) candidates receiving the most
358 votes for each position or post shall be placed upon the ballot
359 for a second election to be held two (2) weeks later in accordance
360 with appropriate procedures followed in other elections involving

361 runoff candidates.

362 Upon taking office, the county board of election
363 commissioners shall organize by electing a chairman and a
364 secretary.

365 It shall be the duty of the chairman to have the official
366 ballot printed and distributed at each general or special
367 election.

368 SECTION 9. Section 23-15-215, Mississippi Code of 1972, is
369 brought forward as follows:[LH9]

370 23-15-215. If there shall not be commissioners of election
371 in any county, or if they fail to act, the duties prescribed for
372 them shall be performed by the board of supervisors. In such
373 case, the president of the board is charged with the duty of
374 having the official ballot printed and distributed; and the
375 managers of election shall make returns to the board, which shall
376 canvass the returns, give certificates of election, and make
377 report to the Secretary of State, in like manner as the
378 commissioners of election are required to do.

379 SECTION 10. Section 23-15-221, Mississippi Code of 1972, is
380 brought forward as follows:[LH10]

381 23-15-221. The governing authorities of municipalities
382 having a population of less than twenty thousand (20,000)
383 inhabitants according to the last federal decennial census shall
384 appoint three (3) election commissioners; the governing
385 authorities of municipalities having a population of twenty
386 thousand (20,000) inhabitants or more and less than one hundred
387 thousand (100,000) inhabitants according to the last federal
388 decennial census shall appoint five (5) election commissioners;
389 and the governing authorities of municipalities having a
390 population of one hundred thousand (100,000) or more according to
391 the last federal decennial census shall appoint seven (7) election
392 commissioners, one (1) of whom, in each municipality, shall be
393 designated to have printed and distributed the "official ballots,"

394 and all of whom shall perform all the duties in respect to the
395 municipal election prescribed by law to be performed by the county
396 election commissioners where not otherwise provided. The said
397 election commissioners shall, in case there be but one (1)
398 election precinct in the municipality, act as election managers
399 themselves.

400 SECTION 11. Section 23-15-223, Mississippi Code of 1972, is
401 brought forward as follows:

402 23-15-223. The State Board of Election Commissioners, on or
403 before the fifteenth day of February succeeding each general
404 election, shall appoint in the several counties registrars of
405 elections, who shall hold office for four (4) years and until
406 their successors shall be duly qualified. The registrar is
407 empowered to appoint deputy registrars, with the consent of the
408 board of election commissioners, who may discharge the duties of
409 the registrar.

410 The clerk of every municipality shall be appointed as such a
411 deputy registrar.

412 The county registrar may not be held liable for any
413 malfeasance or nonfeasance in office by any deputy registrar who
414 is a deputy registrar by virtue of his office.

415 SECTION 12. Section 23-15-225, Mississippi Code of 1972, is
416 brought forward as follows:[LH11]

417 23-15-225. (1) The registrar shall be entitled to such
418 compensation, payable monthly out of the county treasury, which
419 the board of supervisors of the county shall allow on an annual
420 basis in the following amounts:

421 (a) For counties with a total population of more than
422 two hundred thousand (200,000), an amount not to exceed
423 Twenty-nine Thousand Nine Hundred Dollars (\$29,900.00), but not
424 less than Nine Thousand Two Hundred Dollars (\$9,200.00).

425 (b) For counties with a total population of more than
426 one hundred thousand (100,000) and not more than two hundred

427 thousand (200,000), an amount not to exceed Twenty-five Thousand
428 Three Hundred Dollars (\$25,300.00), but not less than Nine
429 Thousand Two Hundred Dollars (\$9,200.00).

430 (c) For counties with a total population of more than
431 fifty thousand (50,000) and not more than one hundred thousand
432 (100,000), an amount not to exceed Twenty-three Thousand Dollars
433 (\$23,000.00), but not less than Nine Thousand Two Hundred Dollars
434 (\$9,200.00).

435 (d) For counties with a total population of more than
436 thirty-five thousand (35,000) and not more than fifty thousand
437 (50,000), an amount not to exceed Twenty Thousand Seven Hundred
438 Dollars (\$20,700.00), but not less than Nine Thousand Two Hundred
439 Dollars (\$9,200.00).

440 (e) For counties with a total population of more than
441 twenty-five thousand (25,000) and not more than thirty-five
442 thousand (35,000), an amount not to exceed Eighteen Thousand Four
443 Hundred Dollars (\$18,400.00), but not less than Nine Thousand Two
444 Hundred Dollars (\$9,200.00).

445 (f) For counties with a total population of more than
446 fifteen thousand (15,000) and not more than twenty-five thousand
447 (25,000), an amount not to exceed Sixteen Thousand One Hundred
448 Dollars (\$16,100.00), but not less than Nine Thousand Two Hundred
449 Dollars (\$9,200.00).

450 (g) For counties with a total population of more than
451 ten thousand (10,000) and not more than fifteen thousand (15,000),
452 an amount not to exceed Thirteen Thousand Eight Hundred Dollars
453 (\$13,800.00), but not less than Eight Thousand Fifty Dollars
454 (\$8,050.00).

455 (h) For counties with a total population of more than
456 six thousand (6,000) and not more than ten thousand (10,000), an
457 amount not to exceed Eleven Thousand Five Hundred Dollars
458 (\$11,500.00), but not less than Eight Thousand Fifty Dollars
459 (\$8,050.00).

460 (i) For counties with a total population of not more
461 than six thousand (6,000), an amount not to exceed Nine Thousand
462 Two Hundred Dollars (\$9,200.00) but not less than Six Thousand
463 Three Hundred Twenty-five Dollars (\$6,325.00).

464 (j) For counties having two (2) judicial districts, the
465 board of supervisors of the county may allow, in addition to the
466 sums prescribed herein, in its discretion, an amount not to exceed
467 Eleven Thousand Five Hundred Dollars (\$11,500.00).

468 (2) In the event of a reregistration within such county, or
469 a redistricting which necessitates the hiring of additional deputy
470 registrars, the board of supervisors may by contract compensate
471 the county registrar amounts in addition to the sums prescribed
472 herein, in its discretion.

473 (3) As compensation for their services in assisting the
474 county election commissioners in performance of their duties in
475 the revision of the registration books and the pollbooks of the
476 several voting precincts of the several counties and in assisting
477 the election commissioners, executive committees or boards of
478 supervisors in connection with any election, the registrar shall
479 receive the same daily per diem and limitation on meeting days as
480 provided for the board of election commissioners as set out in
481 Sections 23-15-153 and 23-15-227 to be paid from the general fund
482 of the county.

483 (4) In any case where an amount has been allowed by the
484 board of supervisors pursuant to this section, such amount shall
485 not be reduced or terminated during the term for which the
486 registrar was elected.

487 (5) The circuit clerk shall, in addition to any other
488 compensation provided for by law, be entitled to receive as
489 compensation from the board of supervisors the amount of Two
490 Thousand Dollars (\$2,000.00) per year. This payment shall be for
491 the performance of his duties in regard to the conduct of
492 elections and the performance of his other duties.

493 (6) The municipal clerk shall, in addition to any other
494 compensation for performance of duties, be eligible to receive as
495 compensation from the municipality's governing authorities a
496 reasonable amount of additional compensation for reimbursement of
497 costs and for additional duties associated with mail-in
498 registration of voters.

499 (7) The board of supervisors shall not allow any additional
500 compensation authorized under this section for services as county
501 registrar to any circuit clerk who is receiving fees as
502 compensation for his services equal to the limitation on
503 compensation prescribed in Section 9-1-43.

504 SECTION 13. Section 23-15-227, Mississippi Code of 1972, is
505 brought forward as follows:[LH12]

506 23-15-227. The managers and clerks shall be each entitled to
507 Fifty Dollars (\$50.00) for each election; provided, however, that
508 the board of supervisors may, in its discretion, pay the managers
509 and clerks an additional amount not to exceed Twenty-five Dollars
510 (\$25.00) per election. The manager or other person who shall
511 carry to the place of voting, away from the courthouse, the
512 official ballots, ballot boxes, pollbooks and other necessities,
513 shall be allowed Ten Dollars (\$10.00) for each voting precinct for
514 so doing. The manager or other person who acts as returning
515 officer shall be allowed Ten Dollars (\$10.00) for each voting
516 precinct for that service. The compensation authorized in this
517 section shall be allowed by the board of supervisors, and shall be
518 payable out of the county treasury.

519 The compensation provided in this section shall constitute
520 payment in full for the services rendered by the persons named for
521 any election, whether there be one (1) election or issue voted
522 upon, or more than one (1) election or issue voted upon at the
523 same time.

524 SECTION 14. Section 23-15-233, Mississippi Code of 1972, is
525 brought forward as follows:[LH13]

526 23-15-233. The managers shall take care that the election is
527 conducted fairly and agreeably to law, and they shall be judges of
528 the qualifications of electors, and may examine, on oath, any
529 person duly registered and offering to vote touching his
530 qualifications as an elector, which oath any of the managers may
531 administer.

532 SECTION 15. Section 23-15-235, Mississippi Code of 1972, is
533 brought forward as follows:[LH14]

534 23-15-235. In addition to the managers appointed pursuant to
535 Section 23-15-231, for the first five hundred (500) registered
536 voters in each voting precinct, the commissioners of election may,
537 in their discretion, appoint not more than three (3) persons to
538 serve as managers or clerks of the election. The commissioners of
539 election may, in their discretion, appoint three (3) additional
540 persons to serve as clerks for each one thousand (1,000)
541 registered voters or fraction thereof in each voting precinct
542 above the first five hundred (500). Any person appointed as clerk
543 shall be a qualified elector of the county in which the voting
544 precinct is located.

545 The restrictions provided for in this section regarding the
546 number of additional managers and clerks that may be appointed by
547 commissioners of election shall not apply to elections conducted
548 by paper ballot prior to January 1, 1989. In elections conducted
549 by paper ballot prior to January 1, 1989, the commissioners of
550 election may appoint as many additional managers and clerks as
551 they may consider necessary to conduct the elections.

552 SECTION 16. Section 23-15-239, Mississippi Code of 1972, is
553 brought forward as follows:[LH15]

554 23-15-239. (1) The commissioners of election of each
555 county, in conjunction with the circuit clerk, shall sponsor and
556 conduct, not less than five (5) days prior to each election,
557 training sessions to instruct managers as to their duties in the
558 proper administration of the election and the operation of the

559 polling place. No manager shall serve in any election unless he
560 has received such instructions once during the twelve (12) months
561 immediately preceding the date upon which such election is held;
562 provided, however, that nothing in this section shall prevent the
563 appointment of an alternate manager to fill a vacancy in case of
564 an emergency. The commissioners of election shall train a
565 sufficient number of alternates to serve in the event a manager is
566 unable to serve for any reason.

567 (2) The board of supervisors, in their discretion, may
568 compensate managers who attend such training sessions. The
569 compensation shall be at a rate of not less than the federal
570 hourly minimum wage nor more than Ten Dollars (\$10.00) per hour.
571 Managers shall not be compensated for more than two (2) hours of
572 attendance at the training sessions regardless of the actual
573 amount of time that they attended the training sessions.

574 (3) The time and location of the training sessions required
575 pursuant to this section shall be announced to the general public
576 by posting a notice thereof at the courthouse and by delivering a
577 copy of the notice to the office of a newspaper having general
578 circulation in the county five (5) days before the date upon which
579 the training session is to be conducted. Persons who will serve
580 as poll watchers for candidates and political parties, as well as
581 members of the general public, shall be allowed to attend the
582 sessions.

583 SECTION 17. Section 23-15-247, Mississippi Code of 1972, is
584 brought forward as follows:[LH16]

585 23-15-247. The commissioners of election in each county
586 shall procure, if not already provided, a sufficient number of
587 ballot boxes, which shall be distributed by them to the voting
588 precincts of the county before the time for opening the polls.
589 The boxes shall be secured by good and substantial locks, and, if
590 an adjournment shall take place after the opening of the polls and
591 before all the votes shall be counted, the box shall be securely

592 locked, so as to prevent the admission of anything into it, or the
593 taking of anything from it, during the time of adjournment; and
594 the box shall be kept by one of the managers and the key by
595 another of the managers, and the manager having the box shall
596 carefully keep it, and neither unlock or open it himself nor
597 permit it to be done, nor permit any person to have any access to
598 it during the time of adjournment. The box shall not be removed
599 from the polling building or place after the polls are opened
600 until the count is complete, if as many as three (3) qualified
601 electors object. After each election the ballot boxes shall be
602 delivered, with the keys thereof, to the clerk of the circuit
603 court of the county for preservation; and he shall keep them for
604 future use, and, when called for, deliver them to the
605 commissioners of election.

606 SECTION 18. Section 23-15-263, Mississippi Code of 1972, is
607 brought forward as follows:[LH17]

608 23-15-263. (1) Unless otherwise provided in this chapter,
609 the county executive committee at primary elections shall perform
610 all duties that relate to the qualification of candidates for
611 primary elections, print ballots for primary elections, appoint
612 the primary election officers, resolve contests in regard to
613 primary elections, and perform all other duties required by law to
614 be performed by the county executive committee; however, each
615 house of the Legislature shall rule on the qualifications of the
616 membership of its respective body in contests involving the
617 qualifications of such members. The executive committee shall be
618 subject to all the penalties to which county election
619 commissioners are subject, except that Section 23-15-217 shall not
620 apply to members of the county executive committee who seek
621 elective office.

622 (2) A member of a county executive committee shall be
623 automatically disqualified to serve on the county executive
624 committee, and shall be considered to have resigned therefrom,

625 upon his qualification as a candidate for any elective office.
626 The provisions of this subsection shall not apply to a member of a
627 county executive committee who qualifies as a candidate for a
628 municipal elective office.

629 (3) The primary election officers appointed by the executive
630 committee of the party shall have the powers and perform the
631 duties, where not otherwise provided, required of such officers in
632 a general election, and any and every act or omission which by law
633 is an offense when committed in or about or in respect to such
634 general elections, shall be an offense if committed in or about or
635 in respect to a primary election; and the same shall be indictable
636 and punishable in the same way as if the election was a general
637 election for the election of state and county officers, except as
638 specially modified or otherwise provided in this chapter.

639 SECTION 19. Section 23-15-265, Mississippi Code of 1972, is
640 brought forward as follows:[LH18]

641 23-15-265. The county executive committee of each county
642 shall meet not less than two (2) weeks before the date of any
643 primary election and appoint the managers and clerks for same, all
644 of whom may be members of the same political party. The number of
645 managers and clerks appointed by the county executive committee
646 shall be the same number as commissioners of election are allowed
647 to appoint pursuant to Sections 23-15-231 and 23-15-235. If the
648 county executive committee fails to meet on the date named, supra,
649 further notice shall be given of the time and place of meeting.

650 SECTION 20. Section 23-15-267, Mississippi Code of 1972, is
651 brought forward as follows:[LH19]

652 23-15-267. The ballot boxes provided by the regular
653 commissioners of election in each county shall be used in primary
654 elections, and the county executive committees shall distribute
655 them to the voting precincts of the county before the time for
656 opening the polls, in the same manner, as near as may be, as that
657 provided for in general elections. If an adjournment shall take

658 place after the polls are open and before all votes are counted,
659 the ballot box shall be securely locked so as to prevent the
660 admission into it or the taking of anything from it during the
661 time of adjournment; and the box shall be kept by one of the
662 managers, and the key by another of the managers, and the manager
663 having the box shall carefully keep it, and neither undertake to
664 open it himself or permit it to be done, or to permit any person
665 to have access to it during the time of adjournment. The box
666 shall not be removed from the polling building or place after the
667 polls are open until the count is completed if as many as three
668 (3) electors qualified to vote at the election object. After each
669 election, the ballot boxes of those provided by the regular
670 commissioner of election shall be delivered, with the keys thereof
671 immediately and as soon thereafter as possible, and without delay
672 to the clerk of the circuit court of the county. The person, or
673 persons, whose duty it is to comply with the provisions of this
674 section and who shall fail, or neglect, from any cause, to deliver
675 said boxes or any of them as herein provided shall, upon
676 conviction, be fined not less than Two Hundred Dollars (\$200.00)
677 and be imprisoned in the county jail of the residence of the
678 person, or persons, who violates any of the provisions of this
679 section, for a period of not less than thirty (30) days or more
680 than six (6) months, and fined not more than Five Hundred Dollars
681 (\$500.00).

682 SECTION 21. Section 23-15-295, Mississippi Code of 1972, is
683 brought forward as follows:[LH20]

684 23-15-295. When any person has qualified in the manner
685 provided by law as a candidate for party nomination in any primary
686 election, such person shall have the right to withdraw his name as
687 a candidate by giving notice of his withdrawal in writing to the
688 secretary of the proper executive committee at any time prior to
689 the printing of the official ballots, and in the event of such
690 withdrawal the name of such candidate shall not be printed on the

691 ballot. When a candidate for party nomination for a state or
692 district office who has qualified with the state executive
693 committee withdraws as a candidate as is herein set forth after
694 the sample of the official ballot has been approved and certified
695 by the State Executive Committee the Secretary or Chairman of the
696 State Executive Committee shall forthwith notify the county
697 executive committee of each county affected or involved of the
698 fact of such withdrawal and such notification shall authorize said
699 county executive committees to omit the name of the withdrawn
700 candidate from the ballot if such notification is received prior
701 to the printing of the ballot. In the case of the withdrawal of
702 any candidate, the fee paid by such candidate shall be retained by
703 the state or county executive committee, as the case may be.

704 SECTION 22. Section 23-15-297, Mississippi Code of 1972, is
705 brought forward as follows:[LH21]

706 23-15-297. All candidates upon entering the race for party
707 nominations for office shall first pay to the proper officer as
708 provided for in Section 23-15-299 for each primary election the
709 following amounts:

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

712 (b) Candidates for Lieutenant Governor, Attorney
713 General, Secretary of State, State Treasurer, Auditor of Public
714 Accounts, Commissioner of Insurance, Commissioner of Agriculture
715 and Commerce, State Highway Commissioner and State Public Service
716 Commissioner, not to exceed Two Hundred Dollars (\$200.00).

717 (c) Candidates for district attorney, not to exceed One
718 Hundred Dollars (\$100.00).

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

723 (e) Candidates for county surveyor, county coroner,

724 justice court judge and constable, not to exceed Ten Dollars
725 (\$10.00).

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

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

730 SECTION 23. Section 23-15-299, Mississippi Code of 1972, is
731 brought forward as follows:[LH22]

732 23-15-299. (1) Assessments made pursuant to paragraphs (a),
733 (b) and (c) of Section 23-15-297, and assessments made pursuant to
734 paragraph (d) of Section 23-15-297 for legislative offices for
735 districts composed of more than one (1) county or parts of more
736 than one (1) county, shall be paid by each candidate to the
737 secretary of the state executive committee with which the
738 candidate is affiliated by 5:00 p.m. on March 1 of the year in
739 which the primary election for the office is held or on the date
740 of the qualifying deadline provided by statute for the office,
741 whichever is earlier.

742 (2) Assessments made pursuant to paragraphs (d) and (e) of
743 Section 23-15-297, other than assessments made for legislative
744 offices for districts containing more than one (1) county or parts
745 of more than one (1) county, shall be paid by each candidate to
746 the circuit clerk of such candidate's county of residence by 5:00
747 p.m. on March 1 of the year in which the primary election for the
748 office is held or on the date of the qualifying deadline provided
749 by statute for the office, whichever is earlier. The circuit
750 clerk shall forward the fee and all necessary information to the
751 secretary of the proper county executive committee within two (2)
752 business days.

753 (3) Assessments made pursuant to paragraphs (f) and (g) of
754 Section 23-15-297 must be paid by each candidate to the Secretary
755 of the State Executive Committee with which the candidate is
756 affiliated by 5:00 p.m. on Friday, January 26, 1996, for the

757 presidential preference primary in 1996 and must be paid sixty
758 (60) days before the presidential preference primary in the years
759 after 1996. Assessments made pursuant to paragraphs (f) and (g)
760 of Section 23-15-297, in years when a presidential preference
761 primary is not being held, shall be paid by each candidate to the
762 Secretary of the State Executive Committee with which the
763 candidate is affiliated by 5:00 p.m. on March 1 of the year in
764 which the primary election for the office is held.

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

770 (5) The secretary or circuit clerk to whom such payments are
771 made shall promptly receipt for same stating the office for which
772 such candidate making payment is running and the political party
773 with which he or she is affiliated, and he or she shall keep an
774 itemized account in detail showing the exact time and date of the
775 receipt of each payment received by him or her and, where
776 applicable, the date of the postmark on the envelope containing
777 the fee and from whom, and for what office the party paying same
778 is a candidate.

779 (6) The secretaries of the proper executive committee shall
780 hold said funds to be finally disposed of by order of their
781 respective executive committees. Such funds may be used or
782 disbursed by the executive committee receiving same to pay all
783 necessary traveling or other necessary expenses of the members of
784 the executive committee incurred in discharging their duties as
785 committeemen, and of their secretary and may pay the secretary
786 such salary as may be reasonable.

787 (7) Upon receipt of the proper fee and all necessary
788 information, the proper executive committee shall then determine
789 whether or not each candidate is a qualified elector, and whether

790 any candidate has been convicted of any crime listed in Section
791 241, Mississippi Constitution of 1890, or is a fugitive from
792 justice for this state or any other state, and such charge upon
793 which a candidate has fled has not been dismissed. If the proper
794 executive committee finds that a candidate is not a qualified
795 elector, or that such candidate has been convicted of any crime
796 listed in Section 241, Mississippi Constitution of 1890, and not
797 pardoned nor has served his or her sentence, or is a fugitive from
798 justice as aforesaid, then the name of such candidate shall not be
799 placed upon the ballot.

800 Where there is but one (1) candidate, the proper executive
801 committee when the time has expired within which the names of
802 candidates shall be furnished shall declare such candidate the
803 nominee.

804 SECTION 24. Section 23-15-331, Mississippi Code of 1972, is
805 brought forward as follows:[LH23]

806 23-15-331. It shall be the duty of the state executive
807 committee of each political party to furnish to each county
808 executive committee, not less than fifty (50) days prior to the
809 election, the names of all state and state district candidates and
810 all candidates for legislative districts composed of more than one
811 county or parts of more than one county who have qualified as
812 provided by law, and in accordance with the requirements of
813 Section 23-15-333 a sample of the official ballot to be used in
814 the primary, the general form of which shall be followed as nearly
815 as practicable.

816 SECTION 25. Section 23-15-333, Mississippi Code of 1972, is
817 brought forward as follows:[LH24]

818 23-15-333. The county executive committee shall have printed
819 all necessary ballots, for use in primary elections. The ballots
820 shall contain the names of all the candidates to be voted for at
821 such election, and there shall be left on each ballot one (1)
822 blank space under the title of each office for which a nominee is

823 to be elected; and in the event of the death of any candidate
824 whose name shall have been printed on the ballot, the name of the
825 candidate duly substituted in the place of the deceased candidate
826 may be written in such blank space by the voter. The order in
827 which the titles to the various offices shall be printed, and the
828 size, print and quality of the paper of the ballot is left to the
829 discretion of the county executive committee. Provided, however,
830 that in all cases the arrangement of the names of the candidates
831 for each office shall be alphabetical. No ballot shall be used
832 except those so printed.

833 The county executive committee shall also prepare full
834 instructions for the guidance of electors at elections as to
835 obtaining ballots, the manner of marking them, and the mode of
836 obtaining new ballots in the place of those spoiled by accident.
837 The instructions shall be printed in large, clear type on "Cards
838 of Instruction," and the county executive committee shall furnish
839 the same in sufficient numbers for the use of electors. The cards
840 shall be preserved by the officers of election and returned by
841 them to the county executive committee and they may be used, if
842 applicable, in subsequent elections.

843 SECTION 26. Section 23-15-335, Mississippi Code of 1972, is
844 brought forward as follows:[LH25]

845 23-15-335. The county executive committee shall designate a
846 person whose duty it shall be to distribute all necessary ballots
847 for use in a primary election, and shall designate one (1) among
848 the managers at each polling place to receive and receipt for the
849 blank ballots to be used at that place. When the blank ballots
850 are delivered to a local manager, the distributor shall take from
851 the local manager a receipt therefor signed in duplicate by both
852 the distributor and the manager, one of which receipts the
853 distributor shall deliver to the circuit clerk and the other shall
854 be retained by the local manager and said last mentioned duplicate
855 receipt shall be inclosed in the ballot box with the voted ballots

856 when the polls have been closed and the votes have been counted.
857 The printer of the ballots shall take a receipt from the
858 distributor of the ballots for the total number of the blank
859 ballots delivered to the distributor. The printer shall secure
860 all ballots printed by him in such a safe manner that no person
861 can procure them or any of them, and he shall deliver no blank
862 ballot or ballots to any person except the distributor above
863 mentioned, and then only upon his receipt therefor as above
864 specified. The distributor of the blank ballots shall so securely
865 hold the same that no person can obtain any of them, and he shall
866 not deliver any of them to any person other than to the authorized
867 local managers and upon their respective receipts therefor. The
868 executive committee shall see to it that the total blank ballots
869 delivered to the distributor, shall correspond with the total of
870 the receipts executed by the local managers. Any person charged
871 with any of the duties prescribed in this section who shall
872 willfully or with culpable carelessness violate the same shall be
873 guilty of a misdemeanor.

874 SECTION 27. Section 23-15-359, Mississippi Code of 1972, is
875 brought forward as follows:[LH26]

876 23-15-359. (1) The ballot shall contain the names of all
877 candidates who have been put in nomination, not less than sixty
878 (60) days previous to the day of the election, by the primary
879 election of any political party. There shall be printed on the
880 ballots the names of all persons so nominated, whether the
881 nomination be otherwise known or not, upon the written request of
882 one or more of the candidates so nominated, or of any qualified
883 elector who will make oath that he was a participant in the
884 primary election, and that the person whose name is presented by
885 him was nominated by such primary election. The commissioner
886 shall also have printed on the ballot in any general or special
887 election the name of any candidate who, not having been nominated
888 by a political party, shall have been requested to be a candidate

889 for any office by a petition filed as provided for in subsection
890 (3) or (4) of this section, as appropriate, and signed by not less
891 than the following number of qualified electors:

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

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

897 (c) For an office elected by the qualified electors of
898 a congressional district, not less than two hundred (200)
899 qualified electors.

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

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

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

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

911 (2) Unless the petition required above shall be filed as
912 provided for in subsection (3) or (4) of this section, as
913 appropriate, the name of the person requested to be a candidate,
914 unless nominated by a political party, shall not be placed upon
915 the ballot. The ballot shall contain the names of each candidate
916 for each office, and such names shall be listed under the name of
917 the political party such candidate represents as provided by law
918 and as certified to the circuit clerk by the State Executive
919 Committee of such political party. In the event such candidate
920 qualifies as an independent as herein provided, he shall be listed
921 on the ballot as an independent candidate.

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

931 (4) Petitions for offices described in paragraphs (f) and
932 (g) of subsection (1) of this section, and petitions for offices
933 described in paragraph (e) of subsection (1) of this section for
934 districts composed of one (1) county or less, shall be filed with
935 the proper circuit clerk by no later than 5:00 p.m. on the same
936 date by which candidates for nominations in the political party
937 elections are required to pay the fee provided for in Section
938 23-15-297. The circuit clerk shall notify the county
939 commissioners of election of all persons who have filed petitions
940 with such clerk. Such notification shall occur within two (2)
941 business days and shall contain all necessary information.

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

949 (6) The provisions of this section shall not apply to
950 municipal elections or to the election of the offices of justice
951 of the Supreme Court, judge of the Court of Appeals, circuit
952 judge, chancellor, county court judge and family court judge.

953 (7) Nothing in this section shall prohibit special elections
954 to fill vacancies in either house of the Legislature from being

955 held as provided in Section 23-15-851. In all elections conducted
956 under the provisions of Section 23-15-851 the commissioner shall
957 have printed on the ballot the name of any candidate who, not
958 having been nominated by a political party, shall have been
959 requested to be a candidate for any office by a petition filed
960 with said commissioner not less than ten (10) working days prior
961 to the election, and signed by not less than fifty (50) qualified
962 electors.

963 SECTION 28. Section 23-15-361, Mississippi Code of 1972, is
964 brought forward as follows:[LH27]

965 23-15-361. (1) The municipal general election ballot shall
966 contain the names of all candidates who have been put in
967 nomination by the municipal primary election of any political
968 party. There shall be printed on the ballots the names of all
969 persons so nominated, whether the nomination be otherwise known or
970 not, upon the written request of one or more of the candidates so
971 nominated, or of any qualified elector who will make oath that he
972 was a participant in the primary election, and that the person
973 whose name is presented by him was nominated by such primary
974 election. The municipal election commissioner designated to have
975 the ballots printed shall also have printed on the ballot in any
976 municipal general election the name of any candidate who, not
977 having been nominated by a political party, shall have been
978 requested to be a candidate for any office by a petition filed
979 with the clerk of the municipality no later than 5:00 p.m. on the
980 same date by which candidates for nomination in the municipal
981 primary elections are required to pay the fee provided for in
982 Section 23-15-309, and signed by not less than the following
983 number of qualified electors:

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

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

988 a municipality having a population of less than one thousand
989 (1,000), not less than fifteen (15) qualified electors.

990 (2) Unless the petition required above shall be filed no
991 later than 5:00 p.m. on the same date by which candidates for
992 nomination in the municipal primary election are required to pay
993 the fee provided for in Section 23-15-309, the name of the person
994 requested to be a candidate, unless nominated by a political
995 party, shall not be placed upon the ballot. The ballot shall
996 contain the names of each candidate for each municipal office, and
997 such names shall be listed under the name of the political party
998 such candidate represents as provided by law and as certified to
999 the municipal clerk by the municipal executive committee of such
1000 political party. Provided further, however, that nothing in this
1001 section shall prohibit a person from qualifying as a nominee of a
1002 political party, or from requesting to be a candidate for the
1003 office by filing a petition, in the event of the death of a
1004 candidate for the office which makes it impossible to have an
1005 election contest. In the event such candidate qualifies as an
1006 independent as herein provided, he shall be listed on the ballot
1007 as an independent candidate.

1008 (3) The clerk of the municipality shall notify the municipal
1009 commissioners of election of all persons who have filed petitions
1010 pursuant to subsection (1) of this section within two (2) business
1011 days of the date of filing.

1012 (4) The ballot in elections to fill vacancies in municipal
1013 elective office shall contain the names of all persons who have
1014 qualified as required by Section 23-15-857.

1015 SECTION 29. Section 23-15-551, Mississippi Code of 1972, is
1016 brought forward as follows:[LH28]

1017 23-15-551. On receiving his ballot, the voter shall
1018 forthwith go into one of the voting compartments, and shall there
1019 prepare his ballot by marking with ink or indelible pencil on the
1020 appropriate margin or place a cross (X) opposite the name of the

1021 candidate of his choice for each office to be filled or by filling
1022 in the name of the candidate substituted in the blank space
1023 provided therefor, and marking a cross (X) opposite thereto, and
1024 likewise a cross (X) opposite the answer he desires to give in
1025 case of an election on a constitutional amendment or any other
1026 question or matter. As an alternative method, a voter may, at his
1027 option, prepare his ballot by marking with ink or indelible pencil
1028 in the appropriate margin or place a check, in the form of and
1029 similar to a "V", opposite the name of the candidate of his choice
1030 for each office to be filled, or by filling in the name of the
1031 candidate substituted in the blank space provided therefor, and
1032 marking a check, in the form of and similar to a "V", opposite
1033 thereto, and likewise a check, in the form of and similar to a
1034 "V", opposite the answer he desires to give in case of an election
1035 on a constitutional amendment or other question or matter, either
1036 of which methods of marking, whether by a cross (X) or by a check
1037 in the form of and similar to a "V", is authorized. Before
1038 leaving the voting compartment, the voter shall fold his ballot
1039 without displaying the markings thereof, but so that the words
1040 "OFFICIAL BALLOT," followed by the designation of the voting
1041 precinct and the date of the election, shall be visible to the
1042 officers of the election. He shall then cast his ballot by
1043 handing the same to one (1) of the managers of the election for
1044 deposit in the ballot box; this he shall do without undue delay,
1045 and as soon as he has voted he shall quit the inclosed place at
1046 once. A voter shall not be allowed to occupy a voting compartment
1047 already occupied by another voter, nor any compartment longer than
1048 ten (10) minutes, if other voters be not waiting, nor longer than
1049 five (5) minutes if other voters be waiting. A person shall not
1050 be allowed in the room in which the ballot boxes, compartments,
1051 tables and shelves are, except the officers of the election, and
1052 those appointed by them to assist therein, and those authorized by
1053 Section 23-15-577.

1054 SECTION 30. Section 23-15-559, Mississippi Code of 1972, is
1055 brought forward as follows:[LH29]

1056 23-15-559. The provisions of Sections 23-15-171 and
1057 23-15-173 fixing the time for the holding of primary and general
1058 elections shall not apply to any municipality operating under a
1059 special or private charter where the governing board or authority
1060 thereof, on or before June 25, 1952, shall have adopted and spread
1061 upon its minutes a resolution or ordinance declining to accept
1062 such provisions, in which event the primary and general elections
1063 shall be held at the time fixed by the charter of such
1064 municipality.

1065 The provisions of Section 23-15-859 shall be applicable to
1066 all municipalities of this state, whether operating under a code
1067 charter, special charter, or the commission form of government,
1068 except in cases of conflicts between the provisions of such
1069 section and the provisions of the special charter of a
1070 municipality, or the law governing the commission form of
1071 government, in which cases of conflict the provisions of the
1072 special charter or the statutes relative to the commission form of
1073 government shall apply.

1074 SECTION 31. Section 23-15-581, Mississippi Code of 1972, is
1075 brought forward as follows:[LH30]

1076 23-15-581. When the polls shall be closed, the managers
1077 shall then publicly open the box and immediately proceed to count
1078 the ballots, at the same time reading aloud the names of the
1079 persons voted for, which shall be taken down and called by the
1080 clerks in the presence of the managers. During the holding of the
1081 election and the counting of the ballots, the whole proceedings
1082 shall be in fair and full view of the voting public without
1083 unnecessary interference, delay or encroachment upon the good
1084 order of the duties and proceedings of the managers and other
1085 officers of the election. Candidates or their duly authorized
1086 representatives shall have the right to reasonably view and

1087 inspect the ballots as and when they are taken from the box and
1088 counted, and to reasonably view and inspect the tally sheets,
1089 papers and other documents used in said election during the
1090 proceedings, but not including, of course, the secret ballots
1091 being voted and placed and held in the box. There shall be no
1092 unnecessary delay and no adjournment except as provided by law.

1093 SECTION 32. Section 23-15-591, Mississippi Code of 1972, is
1094 brought forward as follows:[LH31]

1095 23-15-591. When the votes have been completely and correctly
1096 counted and tallied by the managers they shall publicly proclaim
1097 the result of the election at their box and shall certify in
1098 duplicate a statement of the said result, said certificate to be
1099 signed by the managers and clerks, one (1) of the certificates to
1100 be inclosed in the ballot box, and the other to be delivered to
1101 and to be kept by one (1) of the managers and to be inspected at
1102 any time by any voter who so requests. When the count of the
1103 votes and the tally thereof have been completed, the managers
1104 shall lock and seal the ballot box, having first placed therein
1105 all ballots voted, all spoiled ballots and all unused ballots.
1106 There shall be inclosed therein also one (1) of the duplicate
1107 receipts given by the manager who received the blank ballots
1108 received for that box; and the total ballots voted, and the
1109 spoiled ballots and the unused ballots must correspond in total
1110 with the said duplicate receipt or else the failure thereof must
1111 be perfectly accounted for by a written statement, under oath of
1112 the managers, which statement must be inclosed in the ballot box.
1113 There shall be also inclosed in said box the tally list, the
1114 receipt booklet containing the signed names of the voters who
1115 voted; and the number of ballots voted must correspond with the
1116 number of names signed in said receipt booklet.

1117 SECTION 33. Section 23-15-593, Mississippi Code of 1972, is
1118 brought forward as follows:[LH32]

1119 23-15-593. When the ballot box is opened and examined by the

1120 county executive committee in the case of a primary election, or
1121 county election commissioners in the case of other elections, and
1122 it is found that there have been failures in material particulars
1123 to comply with the requirements of Section 23-15-591 and Section
1124 23-15-895 to such an extent that it is impossible to arrive at the
1125 will of the voters at such precinct, the entire box may be thrown
1126 out unless it be made to appear with reasonable certainty that the
1127 irregularities were not deliberately permitted or engaged in by
1128 the managers at that box, or by one (1) of them responsible for
1129 the wrong or wrongs, for the purpose of electing or defeating a
1130 certain candidate or candidates by manipulating the election or
1131 the returns thereof at that box in such manner as to have it
1132 thrown out; in which latter case the county executive committee,
1133 or the county election commission, as appropriate, shall conduct
1134 such hearing and make such determination in respect to said box as
1135 may appear lawfully just, subject to a judicial review of said
1136 matter as elsewhere provided by this chapter. Or the executive
1137 committee, or the election commission, or the court upon review,
1138 may order another election to be held at that box appointing new
1139 managers to hold the same.

1140 SECTION 34. Section 23-15-595, Mississippi Code of 1972, is
1141 brought forward as follows:[LH33]

1142 23-15-595. The box containing the ballots and other records
1143 required by this chapter shall, as soon as practical after the
1144 ballots have been counted, be delivered by one (1) of the precinct
1145 managers to the clerk of the circuit court of the county and said
1146 clerk shall, in the presence of the manager making delivery of the
1147 box, place upon the lock of such box a metal seal similar to the
1148 seal commonly used in sealing the doors of railroad freight cars.
1149 Such seals shall be numbered consecutively to the number of ballot
1150 boxes used in the election in the county, and the clerk shall keep
1151 in a place separate from such boxes a record of the number of the
1152 seal of each separate box in the county. The board of supervisors

1153 of the county shall pay the cost of providing such seals. Upon
1154 demand of the chairman of the county executive committee in the
1155 case of primary elections, or the county election commissioner in
1156 the case of other elections, the boxes and their contents shall be
1157 delivered to the county executive committee, or the county
1158 election commission, as appropriate, and after such committee or
1159 commission, as appropriate, has finished the work of tabulating
1160 returns and counting ballots as required by law, the said
1161 committee or commission, as appropriate, shall return all papers
1162 and ballots to the box of the precinct where such election was
1163 held, and it shall make redelivery of such boxes and their
1164 contents to the circuit clerk who shall reseal said boxes. Upon
1165 every occasion said boxes shall be reopened and each resealing
1166 shall be done as provided in this chapter.

1167 SECTION 35. Section 23-15-597, Mississippi Code of 1972, is
1168 brought forward as follows:[LH34]

1169 23-15-597. The county executive committee shall meet on the
1170 first or second day after each primary election, shall receive and
1171 canvass the returns which must be made within the time fixed by
1172 law for returns of general elections and declare the result, and
1173 announce the name of the nominees for county and county district
1174 offices and legislative offices for districts containing one (1)
1175 county or less, and the names of those candidates to be submitted
1176 to the second primary. The vote for state and state district
1177 offices and legislative offices for districts containing more than
1178 one (1) county or parts of more than one (1) county shall be
1179 tabulated by precincts and certified to and returned to the State
1180 Executive Committee, such returns to be mailed by registered
1181 letter or any safe mode of transmission within thirty-six (36)
1182 hours after the returns are canvassed and the result ascertained.

1183 The State Executive Committee shall meet a week from the day
1184 following the first primary election held for state and state
1185 district offices and legislative offices for districts containing

1186 more than one (1) county or parts of more than one (1) county, and
1187 shall proceed to canvass the returns and to declare the result,
1188 and announce the names of those nominated for the different
1189 offices in the first primary and the names of those candidates
1190 whose names are to be submitted to the second primary election.
1191 The State Executive Committee shall also meet a week from the day
1192 on which the second primary election was held and receive and
1193 canvass the returns for state and district offices, if any, and
1194 legislative offices for districts containing more than one (1)
1195 county or parts of more than one (1) county, if any, voted on in
1196 such second primary. An exact and full duplicate of all
1197 tabulations by precincts as certified under this section shall be
1198 filed with the circuit clerk of the county who shall safely
1199 preserve the same in his office.

1200 SECTION 36. Section 23-15-921, Mississippi Code of 1972, is
1201 brought forward as follows:[LH35]

1202 23-15-921. Except as otherwise provided by Section
1203 23-15-961, a person desiring to contest the election of another
1204 person returned as the nominee of the party to any county or
1205 county district office, or as the nominee of a legislative
1206 district composed of one (1) county or less, may, within twenty
1207 (20) days after the primary election, file a petition with the
1208 secretary, or any member of the county executive committee in the
1209 county in which the election was held, setting forth the grounds
1210 upon which the primary election is contested; and it shall be the
1211 duty of the executive committee to assemble by call of the
1212 chairman or three (3) members of said committee, notice of which
1213 contest shall be served five (5) days before said meeting, and
1214 after notifying all parties concerned proceed to investigate the
1215 grounds upon which the election is contested and, by majority vote
1216 of members present, declare the true results of such primary.

1217 SECTION 37. Section 23-15-923, Mississippi Code of 1972, is
1218 brought forward as follows:[LH36]

1219 23-15-923. Except as otherwise provided in Section
1220 23-15-961, a person desiring to contest the election of another
1221 returned as the nominee in state, congressional and judicial
1222 districts, and in legislative districts composed of more than one
1223 (1) county or parts of more than one (1) county, upon complaint
1224 filed with the Chairman of the State Executive Committee, by
1225 petition, reciting the grounds upon which the election is
1226 contested. If necessary and with the advice of four (4) members
1227 of said committee, the chairman shall issue his fiat to the
1228 chairman of the appropriate county executive committee, and in
1229 like manner as in the county office, the county committee shall
1230 investigate the complaint and return their findings to the
1231 chairman of the state committee. The State Executive Committee by
1232 majority vote of members present shall declare the true results of
1233 such primary.

1234 SECTION 38. Section 23-15-927, Mississippi Code of 1972, is
1235 brought forward as follows:[LH37]

1236 23-15-927. When and after any contest has been filed with
1237 the county executive committee, or complaint with the State
1238 Executive Committee, and the said executive committee having
1239 jurisdiction shall fail to promptly meet or having met shall fail
1240 or unreasonably delay to fully act upon the contest or complaint,
1241 or shall fail to give with reasonable promptness the full relief
1242 required by the facts and the law, the contestant shall have the
1243 right forthwith to file in the circuit court of the county wherein
1244 the irregularities are charged to have occurred, or if more than
1245 one (1) county to be involved then in one (1) of said counties, a
1246 sworn copy of his said protest or complaint, together with a sworn
1247 petition, setting forth with particularity wherein the executive
1248 committee has wrongfully failed to act or to fully and promptly
1249 investigate or has wrongfully denied the relief prayed by said
1250 contest, with a prayer for a judicial review thereof. But such
1251 petition for a judicial review shall not be filed unless it bear

1252 the certificate of two (2) practicing attorneys that they and each
1253 of them have fully made an independent investigation into the
1254 matters of fact and of law upon which the protest and petition are
1255 based and that after such investigation they verily believe that
1256 the said protest and petition should be sustained and that the
1257 relief therein prayed should be granted, and the petitioner shall
1258 give a cost bond in the sum of Three Hundred Dollars (\$300.00),
1259 with two (2) or more sufficient sureties conditioned to pay all
1260 costs in case his petition be dismissed, and an additional bond
1261 may be required, by the judge or chancellor, if necessary, at any
1262 subsequent stage of the proceedings. The filing of such petition
1263 for judicial review in the manner set forth above shall
1264 automatically supersede and suspend the operation and effect of
1265 the order, ruling or judgment of the executive committee appealed
1266 from.

1267 SECTION 39. Section 23-15-955, Mississippi Code of 1972, is
1268 brought forward as follows:[LH38]

1269 23-15-955. Except as otherwise provided by Section
1270 23-15-961, the person contesting the seat of any member of the
1271 Senate or House of Representatives shall, within thirty (30) days
1272 after the election, serve notice, in writing, upon such member,
1273 stating particularly the grounds upon which the election is
1274 contested. Thereupon either party may proceed to take the
1275 depositions of witnesses before any justice court judge, or other
1276 officer qualified to administer oaths in the district or county,
1277 as convenient as may be to the residences of the witnesses. The
1278 depositions so taken shall be read as evidence before the Senate
1279 or House as the case may be; but the opposite party shall have ten
1280 (10) days' notice of the time and place of taking the same.

1281 SECTION 40. Section 23-15-961, Mississippi Code of 1972, is
1282 brought forward as follows:[LH39]

1283 23-15-961. (1) Any person desiring to contest the
1284 qualifications of another person as a candidate for nomination in

1285 a political party primary election shall file a petition
1286 specifically setting forth the grounds of the challenge within ten
1287 (10) days after the qualifying deadline for the office in
1288 question. Such petition shall be filed with the executive
1289 committee with whom the candidate in question qualified.

1290 (2) Within ten (10) days of receipt of the petition
1291 described above, the appropriate executive committee shall meet
1292 and rule upon the petition. At least two (2) days before the
1293 hearing to consider the petition, the appropriate executive
1294 committee shall give notice to both the petitioner and the
1295 contested candidate of the time and place of the hearing on the
1296 petition. Each party shall be given an opportunity to be heard at
1297 such meeting and present evidence in support of his position.

1298 (3) If the appropriate executive committee fails to rule
1299 upon the petition within the time required above, such inaction
1300 shall be interpreted as a denial of the request for relief
1301 contained in the petition.

1302 (4) Any party aggrieved by the action or inaction of the
1303 appropriate executive committee may file a petition for judicial
1304 review to the circuit court of the county in which the executive
1305 committee whose decision is being reviewed sits. Such petition
1306 must be filed no later than fifteen (15) days after the date the
1307 petition was originally filed with the appropriate executive
1308 committee. Such person filing for judicial review shall give a
1309 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
1310 (2) or more sufficient sureties conditioned to pay all costs in
1311 case his petition be dismissed, and an additional bond may be
1312 required, by the court, if necessary, at any subsequent stage of
1313 the proceedings.

1314 (5) Upon the filing of the petition and bond, the circuit
1315 clerk shall immediately, by registered letter or by telegraph or
1316 by telephone, or personally, notify the Chief Justice of the
1317 Supreme Court, or in his absence, or disability, some other judge

1318 of the Supreme Court, who shall forthwith designate and notify
1319 from the list provided in Section 23-15-951 a circuit judge or
1320 chancellor of a district other than that which embraces the
1321 district, subdistrict, county or any of the counties, involved in
1322 the contest or complaint, to proceed to the county in which the
1323 contest or complaint has been filed to hear and determine the
1324 contest or complaint. It shall be the official duty of the
1325 circuit judge or chancellor to proceed to the discharge of the
1326 designated duty at the earliest possible date to be fixed by the
1327 judge or chancellor and of which the contestant and contestee
1328 shall have reasonable notice. The contestant and contestee are to
1329 be served in a reasonable manner as the judge or chancellor may
1330 direct, in response to which notice the contestee shall promptly
1331 file his answer, and also his cross-complaint if he has a
1332 cross-complaint. The hearing before the circuit court shall be de
1333 novo. The matter shall be tried to the circuit judge, without a
1334 jury. After hearing the evidence, the circuit judge shall
1335 determine whether the candidate whose qualifications have been
1336 challenged is legally qualified to have his name placed upon the
1337 ballot in question. The circuit judge may, upon disqualification
1338 of any such candidate, order that such candidate shall bear the
1339 court costs of the proceedings.

1340 (6) Within three (3) days after judgment is rendered by the
1341 circuit court, the contestant or contestee, or both, may file an
1342 appeal in the Supreme Court upon giving a cost bond in the sum of
1343 Three Hundred Dollars (\$300.00), together with a bill of
1344 exceptions which shall state the point or points of law at issue
1345 with a sufficient synopsis of the facts to fully disclose the
1346 bearing and relevancy of such points of law. The bill of
1347 exceptions shall be signed by the trial judge, or in case of his
1348 absence, refusal or disability, by two (2) disinterested
1349 attorneys, as is provided by law in other cases of bills of
1350 exception. The filing of such appeals shall automatically suspend

1351 the decision of the circuit court and the appropriate executive
1352 committee is entitled to proceed based upon their decision unless
1353 and until the Supreme Court, in its discretion, stays further
1354 proceedings in the matter. The appeal shall be immediately
1355 docketed in the Supreme Court and referred to the court en banc
1356 upon briefs without oral argument unless the court shall call for
1357 oral argument, and shall be decided at the earliest possible date,
1358 as a preference case over all others. The Supreme Court shall
1359 have the authority to grant such relief as is appropriate under
1360 the circumstances.

1361 (7) The procedure set forth above shall be the sole and only
1362 manner in which the qualifications of a candidate seeking public
1363 office as a party nominee may be challenged prior to the time of
1364 his nomination or election. After a party nominee has been
1365 elected to public office, the election may be challenged as
1366 otherwise provided by law. After a party nominee assumes an
1367 elective office, his qualifications to hold that office may be
1368 contested as otherwise provided by law.

1369 SECTION 41. The Attorney General of the State of Mississippi
1370 shall submit this act, immediately upon approval by the Governor,
1371 or upon approval by the Legislature subsequent to a veto, to the
1372 Attorney General of the United States or to the United States
1373 District Court for the District of Columbia in accordance with the
1374 provisions of the Voting Rights Act of 1965, as amended and
1375 extended.

1376 SECTION 42. This act shall take effect and be in force from
1377 and after the date it is effectuated under Section 5 of the Voting
1378 Rights Act of 1965, as amended and extended.