

By: Tollison

To: Elections

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 2810

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION
2 23-15-393, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE SECRETARY OF
3 STATE TO ESTABLISH A LIST OF VOTING DEVICES THAT MAY BE UTILIZED
4 IN ELECTIONS CONDUCTED IN THIS STATE; TO REQUIRE ALL VOTING
5 DEVICES UTILIZED TO CONDUCT ELECTIONS TO BE CONTAINED ON SUCH
6 LIST; TO ALLOW VOTING DEVICES THAT ARE NOT ON THE LIST THAT ARE
7 CURRENTLY UTILIZED TO CONDUCT ELECTIONS TO BE UTILIZED UNTIL SUCH
8 TIME AS SUCH VOTING DEVICES ARE REPLACED; TO AMEND SECTIONS
9 23-15-39, 23-15-213, 23-15-299, 23-15-309, 23-15-333, 23-15-359,
10 23-15-361, 23-15-367, 23-15-627, 23-15-631, 23-15-681, 23-15-839,
11 23-15-853, 23-15-857, 23-15-977, 37-5-9, 37-5-75, 37-7-211 AND
12 37-7-225, MISSISSIPPI CODE OF 1972, TO CLARIFY THE APPLICATION FOR
13 REGISTRATION AS A VOTER; TO PROVIDE THAT THE QUALIFYING DEADLINE
14 FOR ALL ELECTIVE OFFICES SHALL BE AT 5:00 P.M. ON THE LAST DAY
15 UPON WHICH A CANDIDATE MAY QUALIFY FOR ELECTIVE OFFICE; TO CLARIFY
16 THE MANNER IN WHICH THE QUALIFICATIONS OF CANDIDATES FOR ELECTIVE
17 OFFICE ARE EXAMINED; TO REQUIRE THAT COPIES OF THE STATEMENTS
18 REQUIRED TO BE FILED WITH THE STATE EXECUTIVE COMMITTEE BY
19 CANDIDATES FOR PARTY NOMINATION BE TRANSMITTED TO AND RECEIVED BY
20 THE OFFICE OF THE SECRETARY OF STATE BY NOT LATER THAN 6:00 P.M.
21 ON THE DATE OF THE QUALIFYING DEADLINE; TO PROVIDE THAT IN
22 SITUATIONS IN WHICH ONLY ONE PERSON HAS QUALIFIED FOR AN OFFICE,
23 THAT PERSON'S NAME SHALL BE PLACED ON THE BALLOT; TO PROHIBIT
24 PERSONS FROM QUALIFYING FOR OFFICE BEFORE JANUARY 1 OF THE YEAR IN
25 WHICH THE ELECTION IS TO OCCUR; TO PROVIDE THAT IN CASES IN WHICH
26 ONLY ONE CANDIDATE HAS QUALIFIED FOR AN ELECTIVE OFFICE THAT SUCH
27 CANDIDATE SHALL BE DECLARED ELECTED; TO PROVIDE FOR THE ORDER IN
28 WHICH THE TITLES OF THE VARIOUS OFFICES SHALL BE LISTED; TO
29 CLARIFY THAT ABSENTEE BALLOTS OF ELECTORS WHO ARE AUTHORIZED TO
30 VOTE BY MAIL MUST BE MAILED TO THE ELECTOR; TO PROVIDE FOR A
31 CERTIFICATE ON THE ABSENTEE BALLOT ENVELOPE THAT MUST BE COMPLETED
32 BY PERSONS WHO WITNESS THE SIGNATURE OF A VOTER WHO IS TEMPORARILY
33 OR PERMANENTLY DISABLED; TO PROVIDE THAT ALL PRINTING ON ABSENTEE
34 BALLOT ENVELOPES SHALL BE BLACK; AND FOR RELATED PURPOSES.

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

36 SECTION 1. The following provision shall be codified as

37 Section 23-15-393, Mississippi Code of 1972:

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

43 utilized to conduct elections may continue to be utilized until
44 such time as such voting devices are replaced.

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

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

52 "APPLICATION FOR REGISTRATION

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

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

59 2. Please give your social security number. _____

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

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

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

68 (a) Present address: _____

69 From _____ (month) to date.

70 (b) Previous address: _____

71 From _____ (month) to _____ (month).

72 (c) Previous address: _____

73 From _____ (month) to _____ (month).

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

76 6. What is your present mailing address? _____

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

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

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

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

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

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

92 (b) Do you have a telephone at your present residence?
93 _____ If so, give the telephone number of such telephone.

94 _____ Please give your work telephone number. _____

95 * * *

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

99 STATE OF MISSISSIPPI

100 COUNTY OF _____

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

112 Applicant sign here: _____

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

115 _____ (Registrar)

116 By _____ (Deputy Registrar)"

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

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

146 mail of such challenge or disqualification.

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

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

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

176 (7) The receipt of a copy of the application for
177 registration sent pursuant to Section 23-15-35(2), shall be
178 sufficient to allow the applicant to be registered as an elector

179 of this state, provided that such application is not challenged as
180 provided for therein.

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

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

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

210 The qualified electors of each supervisors district shall
211 elect, at the general election in 1984 and every four (4) years

212 thereafter, in their district one (1) commissioner of election.
213 No more than one (1) commissioner shall be a resident of and
214 reside in each supervisors district of the county; it being the
215 purpose of this section that the county board of election
216 commissioners shall consist of one (1) person from each
217 supervisors district of the county and that each such commissioner
218 be elected from the supervisors district in which he resides.

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

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

245 votes for each position or post shall be placed upon the ballot
246 for a second election to be held two (2) weeks later in accordance
247 with appropriate procedures followed in other elections involving
248 runoff candidates.

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

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

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

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

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

278 to the secretary of the proper county executive committee within
279 two (2) business days.

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

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

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

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

311 applicable, the date of the postmark on the envelope containing
312 the fee and from whom, and for what office the party paying same
313 is a candidate.

314 (6) The secretaries of the proper executive committee shall
315 hold said funds to be finally disposed of by order of their
316 respective executive committees. Such funds may be used or
317 disbursed by the executive committee receiving same to pay all
318 necessary traveling or other necessary expenses of the members of
319 the executive committee incurred in discharging their duties as
320 committeemen, and of their secretary and may pay the secretary
321 such salary as may be reasonable.

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

344 before the date of the general or special election at which he
345 could be elected, or that he has been convicted of a felony as
346 described in this subsection, and not pardoned * * *, then the
347 name of such candidate shall not be placed upon the ballot.

348 Where there is but one (1) candidate, the proper executive
349 committee when the time has expired within which the names of
350 candidates shall be furnished shall place the name of such
351 candidate on the primary election ballot.

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

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

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

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

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

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

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

409 23-15-359. (1) The ballot shall contain the names of all

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

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

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

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

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

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

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

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

437 (2) Unless the petition required above shall be filed as
438 provided for in subsection (3) or (4) of this section, as
439 appropriate, the name of the person requested to be a candidate,
440 unless nominated by a political party, shall not be placed upon
441 the ballot. The ballot shall contain the names of each candidate
442 for each office, and such names shall be listed under the name of

443 the political party such candidate represents as provided by law
444 and as certified to the circuit clerk by the State Executive
445 Committee of such political party. In the event such candidate
446 qualifies as an independent as herein provided, he shall be listed
447 on the ballot as an independent candidate.

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

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

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

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

476 previous to the date of the election.

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

481 (7) Nothing in this section shall prohibit special elections
482 to fill vacancies in either house of the Legislature from being
483 held as provided in Section 23-15-851. In all elections conducted
484 under the provisions of Section 23-15-851 the commissioner shall
485 have printed on the ballot the name of any candidate who, not
486 having been nominated by a political party, shall have been
487 requested to be a candidate for any office by a petition filed
488 with said commissioner by 5:00 p.m. not less than ten (10) working
489 days prior to the election, and signed by not less than fifty (50)
490 qualified electors.

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

509 a qualified elector, or that the candidate does not meet all
510 qualifications to hold the office he seeks or fails to provide
511 absolute proof, subject to no contingencies, that he will meet the
512 qualifications on or before the date of the general or special
513 election at which he could be elected, or that he has been
514 convicted of a felony as described in this subsection, and not
515 pardoned, then the name of such candidate shall not be placed upon
516 the ballot.

517 (9) If after the deadline to qualify as a candidate for an
518 office or after the time for holding any party primary for an
519 office, there shall be only one (1) person who has duly qualified
520 to be a candidate for the office in the general election, the name
521 of such person shall be placed on the ballot.

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

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

542 number of qualified electors:

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

546 (b) For an office elected by the qualified electors of
547 a municipality having a population of less than one thousand
548 (1,000), not less than fifteen (15) qualified electors.

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

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

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

574 (5) The municipal commission shall determine whether each

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

600 (6) If after the deadline to qualify as a candidate for an
601 office or after the time for holding any party primary election
602 for an office, there shall be only one (1) person who has duly
603 qualified to be a candidate for the office in the general election
604 the name of such person shall be placed on the ballot.

605 SECTION 8. Section 23-15-333, Mississippi Code of 1972, is
606 amended as follows:[WAN1]

607 23-15-333. (1) The county executive committee shall have

608 printed all necessary ballots, for use in primary elections. The
609 ballots shall contain the names of all the candidates to be voted
610 for at such election, and there shall be left on each ballot one
611 (1) blank space under the title of each office for which a nominee
612 is to be elected; and in the event of the death of any candidate
613 whose name shall have been printed on the ballot, the name of the
614 candidate duly substituted in the place of the deceased candidate
615 may be written in such blank space by the voter. Except as
616 otherwise provided in subsection (2) of this section, the order in
617 which the titles to the various offices shall be printed, and the
618 size, print and quality of the paper of the ballot is left to the
619 discretion of the county executive committee. Provided, however,
620 that in all cases the arrangement of the names of the candidates
621 for each office shall be alphabetical. No ballot shall be used
622 except those so printed.

623 (2) The titles for the various offices shall be listed in
624 the following order:

- 625 (a) Candidates for national office;
626 (b) Candidates for statewide office;
627 (c) Candidates for state district office;
628 (d) Candidates for legislative office;
629 (e) Candidates for countywide office;
630 (f) Candidates for county district office.

631 The order in which the titles for the various offices are
632 listed within each of the categories listed in this subsection is
633 left to the discretion of the officer charged with printing the
634 official ballot.

635 (3) The county executive committee shall also prepare full
636 instructions for the guidance of electors at elections as to
637 obtaining ballots, the manner of marking them, and the mode of
638 obtaining new ballots in the place of those spoiled by accident.
639 The instructions shall be printed in large, clear type on "Cards
640 of Instruction," and the county executive committee shall furnish

641 the same in sufficient numbers for the use of electors. The cards
642 shall be preserved by the officers of election and returned by
643 them to the county executive committee and they may be used, if
644 applicable, in subsequent elections.

645 SECTION 9. Section 23-15-367, Mississippi Code of 1972, is
646 amended as follows:[WAN2]

647 23-15-367. (1) Except as otherwise provided by Sections
648 23-15-974 through 23-15-985 and subsection (2) of this section,
649 the arrangement of the names of the candidates, and the order in
650 which the titles of the various offices shall be printed, and the
651 size, print and quality of paper of the official ballot is left to
652 the discretion of the officer charged with printing the official
653 ballot; but the arrangement need not be uniform.

654 (2) The titles for the various offices shall be listed in
655 the following order:

- 656 (a) Candidates for national office;
- 657 (b) Candidates for statewide office;
- 658 (c) Candidates for state district office;
- 659 (d) Candidates for legislative office;
- 660 (e) Candidates for countywide office;
- 661 (f) Candidates for county district office.

662 The order in which the titles for the various offices are
663 listed within each of the categories listed in this subsection is
664 left to the discretion of the officer charged with printing the
665 official ballot.

666 (3) It is the duty of the Secretary of State, with the
667 approval of the Governor, to furnish the designated commissioner
668 of each county a sample of the official ballot, not less than
669 fifty-five (55) days prior to the election, the general form of
670 which shall be followed as nearly as practicable * * *.

671 SECTION 10. Section 23-15-627, Mississippi Code of 1972, is
672 amended as follows:[WAN3]

673 23-15-627. The registrar shall be responsible for furnishing

674 an absentee ballot application form to any elector authorized to
675 receive an absentee ballot. Absentee ballot applications shall be
676 furnished to a person only upon the oral or written request of the
677 elector who seeks to vote by absentee ballot; however, the parent,
678 child, spouse, sibling, legal guardian, those empowered with a
679 power of attorney for that elector's affairs or agent of the
680 elector may orally request an absentee ballot application on
681 behalf of the elector. An absentee ballot application must have
682 the seal of the circuit or municipal clerk affixed to it and be
683 initialed by the registrar or his deputy in order to be utilized
684 to obtain an absentee ballot. A reproduction of an absentee
685 ballot application shall not be valid unless it is a reproduction
686 provided by the office of the registrar of the jurisdiction in
687 which the election is being held and which contains the seal and
688 initials required by this section. Such application shall be
689 substantially in the following form:

690 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

702 () I am a member of the Merchant Marine or the American Red
703 Cross and am a citizen of Mississippi or spouse or dependent of
704 such member.

705 () I am a disabled war veteran who is a patient in any
706 hospital and am a citizen of Mississippi or spouse or dependent of

707 such veteran.

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

712 () I am a citizen of Mississippi temporarily residing
713 outside the territorial limits of the United States and the
714 District of Columbia.

715 () I am a student, teacher or administrator at a college,
716 university, junior or community college, high, junior high,
717 elementary or grade school, whose studies or employment at such
718 institution necessitates my absence from the county of my voting
719 residence or spouse or dependent of such student, teacher or
720 administrator who maintains a common domicile outside the county
721 of my voting residence with such student, teacher or
722 administrator.

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

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

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

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

731 () I am a member of the congressional delegation, or spouse
732 or dependent of a member of the congressional delegation.

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

735 I hereby make application for an official ballot, or ballots,
736 to be voted by me at the election to be held in _____, on _____.

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

739 I realize that I can be fined up to Five Thousand Dollars

740 (\$5,000.00) and sentenced up to five (5) years in the penitentiary
741 for making a false statement in this application and for selling
742 my vote and violating the Mississippi Absentee Voter Law. (This
743 sentence is to be in bold print.)

744 If you are temporarily or permanently disabled, you are not
745 required to have this application notarized or signed by an
746 official authorized to administer oaths for absentee balloting.
747 You are required to sign this application in the proper place and
748 have a person eighteen (18) years of age or older witness your
749 signature and sign this application in the proper place.

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

752 IN WITNESS WHEREOF I have hereunto set my hand and seal this
753 the ____ day of _____, 2____.

754 _____
755 (Signature of absent elector)

756 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
757 2____.

758 _____
759 (Official authorized to administer oaths for absentee
760 balloting * * *.)

761 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
762 DISABLED:

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

767 _____
768 (Signature of witness)

769 CERTIFICATE OF DELIVERY

770 I hereby certify that _____ (print name of voter)
771 has requested that I, _____ (print name of person
772 delivering application), deliver to the voter this absentee ballot

773 application.

774 _____
775 Signature of person delivering application

776 _____
777 Address of person delivering application"

778 SECTION 11. Section 23-15-631, Mississippi Code of 1972, is
779 amended as follows:[WAN4]

780 23-15-631. (1) The registrar shall enclose with each ballot
781 provided to an absent elector separate printed instructions
782 furnished by him containing the following:

783 (a) All absentee voters, excepting those with temporary
784 or permanent physical disabilities or those who are sixty-five
785 (65) years of age or older, who mark their ballots in the county
786 of the residence shall use the registrar of that county as the
787 witness. Said absentee voter shall come to the office of the
788 registrar and neither the registrar nor his deputy shall be
789 required to go out of the registrar's office to serve as an
790 attesting witness.

791 (b) Upon receipt of the enclosed ballot, you will not
792 mark same except in view or sight of the attesting witness. In
793 the sight or view of the attesting witness, mark the ballot
794 according to instructions.

795 (c) After marking the ballot, fill out and sign the
796 "ELECTOR'S CERTIFICATE" on back of the envelope so that the
797 signature shall be across the flap of the envelope so as to insure
798 the integrity of the ballot. All absent electors shall have the
799 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
800 the flap on back of the envelope. Place necessary postage on the
801 envelope and deposit it in the post office or some government
802 receptacle provided for deposit of mail so that the absent
803 elector's ballot, excepting presidential absentee ballots, will
804 reach the registrar in which your precinct is located not later
805 than 5:00 p.m. on the day preceding the date of the election, or

806 by personally delivering such ballot to the registrar's office not
807 later than 12:00 noon on the Saturday immediately preceding
808 elections held on Tuesday, the Thursday immediately preceding
809 elections held on Saturday, and the second day immediately
810 preceding elections held on other days.

811 Any notary public, United States postmaster, assistant United
812 States postmaster, United States postal supervisor, clerk in
813 charge of a contract postal station, or any officer having
814 authority to administer an oath or take an acknowledgment may be
815 an attesting witness; provided, however, that in the case of an
816 absent elector who is temporarily or permanently physically
817 disabled, the attesting witness may be any person eighteen (18)
818 years of age or older and such person is not required to have the
819 authority to administer an oath. If a postmaster, assistant
820 postmaster, postal supervisor, or clerk in charge of a contract
821 postal station acts as an attesting witness, his signature on the
822 elector's certificate must be authenticated by the cancellation
823 stamp of their respective post offices. If one or the other
824 officers herein named acts as attesting witness, his signature on
825 the elector's certificate, together with his title and address,
826 but no seal, shall be required. Any affidavits made by an absent
827 elector who is in the Armed Forces may be executed before a
828 commissioned officer, warrant officer, or noncommissioned officer
829 not lower in grade than sergeant rating or any person authorized
830 to administer oaths.

831 (d) When the application accompanies the ballot it
832 shall not be returned in the same envelope as the ballot but shall
833 be returned in a separate preaddressed envelope provided by the
834 registrar.

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

838 (f) Any voter casting an absentee ballot who declares

839 that he requires assistance to vote by reason of blindness,
840 temporary or permanent physical disability or inability to read or
841 write, shall be entitled to receive assistance in the marking of
842 his absentee ballot and in completing the affidavit on the
843 absentee ballot envelope. The voter may be given assistance by
844 anyone of the voter's choice other than a candidate whose name
845 appears on the absentee ballot being marked, or the voter's
846 employer, or agent of that employer. In order to ensure the
847 integrity of the ballot, any person who provides assistance to an
848 absentee voter shall be required to sign and complete the
849 "Certificate of Person Providing Voter Assistance" on the absentee
850 ballot envelope.

851 (2) The foregoing instructions required to be provided by
852 the registrar to the elector shall also constitute the substantive
853 law pertaining to the handling of absentee ballots by the elector
854 and registrar.

855 SECTION 12. Section 23-15-681, Mississippi Code of 1972, is
856 amended as follows:[WAN5]

857 23-15-681. All official absentee ballots shall be sent out
858 and returned in envelopes on which there is printed across the
859 face two (2) parallel horizontal * * * bars, each one-fourth (1/4)
860 of an inch wide, extending from one side of the envelope to the
861 other side, with an intervening space of one-fourth (1/4) of an
862 inch, the top bar to be one and one-fourth (1-1/4) inches from the
863 top of the envelope, and with the words "OFFICIAL ELECTION
864 BALLOTING MATERIAL-VIA AIR MAIL" between the bars. In the upper
865 right corner of each such envelope there shall be printed in a box
866 the words "FREE OF U.S. POSTAGE, INCLUDING AIR MAIL." All
867 printing on the face of such envelopes shall be in black, and
868 there shall be printed in black in the upper left corner of all
869 such ballot envelopes an appropriate inscription for the return
870 address of the sender.

871 SECTION 13. Section 23-15-839, Mississippi Code of 1972, is

872 amended as follows:

873 23-15-839. (1) When a vacancy shall occur in any county or
874 county district office, the same shall be filled by appointment by
875 the board of supervisors of the county, by order entered upon its
876 minutes, where the vacancy occurs, or by appointment of the
877 president of the board of supervisors, by and with the consent of
878 the majority of the board of supervisors, if such vacancy occurs
879 when said board is not in session, and the clerk of the board
880 shall certify to the Secretary of State the fact of the
881 appointment, and the person so appointed shall be commissioned by
882 the Governor; and if the unexpired term be longer than six (6)
883 months, such appointee shall serve until a successor is elected as
884 hereinafter provided, unless the regular special election day on
885 which the vacancy should be filled occurs in a year in which an
886 election would normally be held for that office as provided by
887 law, in which case the person so appointed shall serve the
888 unexpired portion of the term. Such vacancies shall be filled for
889 the unexpired term by the qualified electors at the next regular
890 special election day occurring more than ninety (90) days after
891 the occurrence of the vacancy. The board of supervisors of the
892 county shall, within ten (10) days after the happening of the
893 vacancy, make an order, in writing, directed to the commissioners
894 of election, commanding an election to be held on the next regular
895 special election day to fill the vacancy. The election
896 commissioners shall require each candidate to qualify at least
897 sixty (60) days before the date of the election, and shall give a
898 certificate of election to the person elected, and shall return to
899 the Secretary of State a copy of the order of holding the
900 election, showing the results thereof, certified by the clerk of
901 the board of supervisors. The person elected shall be
902 commissioned by the Governor.

903 * * *

904 (2) In any election ordered pursuant to this section where

905 only one (1) person shall have qualified with the commissioners of
906 election to be a candidate within the time provided by law, the
907 commissioners of election shall certify to the board of
908 supervisors that there is but one (1) candidate. Thereupon, the
909 board of supervisors shall dispense with the election and shall
910 appoint the candidate so certified to fill the unexpired term.
911 The clerk of the board shall certify to the Secretary of State the
912 candidate so appointed to serve in said office and that candidate
913 shall be commissioned by the Governor. In the event that no
914 person shall have qualified by 5:00 p.m. sixty (60) days prior to
915 the date of the election, the commissioners of election shall
916 certify that fact to the board of supervisors which shall dispense
917 with the election and fill the vacancy by appointment. The clerk
918 of the board of supervisors shall certify to the Secretary of
919 State the fact of the appointment, and the person so appointed
920 shall be commissioned by the Governor.

921 SECTION 14. Section 23-15-853, Mississippi Code of 1972, is
922 amended as follows:

923 23-15-853. (1) If a vacancy happens in the representation
924 in Congress, the vacancy shall be filled for the unexpired term by
925 a special election, to be ordered by the Governor, within sixty
926 (60) days after such vacancy occurs, and to be held at a time
927 fixed by his order, and which time shall be not less than forty
928 (40) days after the issuance of the order of the Governor, which
929 shall be directed to the commissioners of election of the several
930 counties of the district, who shall, immediately on the receipt of
931 the order, give notice of the election by publishing the same in
932 some newspaper having a general circulation in the county and by
933 posting notice thereof at the front door of the courthouse. The
934 order shall also be directed to the State Board of Election
935 Commissioners. The election shall be prepared for and conducted,
936 and returns shall be made, in all respects as provided for a
937 special election to fill vacancies.

938 (2) Candidates for the office in such an election must
939 qualify with the Secretary of State by 5:00 p.m. not less than
940 twenty (20) days previous to the date of the election. The
941 commissioners of election shall have printed on the ballot in such
942 special election the name of any candidate who shall have been
943 requested to be a candidate for the office by a petition filed
944 with the Secretary of State and personally signed by not less than
945 one thousand (1,000) qualified electors of the district. The
946 petition shall be filed by 5:00 p.m. not less than twenty (20)
947 days previous to the date of the election.

948 There shall be attached to each petition above provided for,
949 upon the time of filing with said Secretary of State, a
950 certificate from the appropriate registrar or registrars showing
951 the number of qualified electors appearing upon each such petition
952 which the registrar shall furnish to the petitioner upon request.

953 SECTION 15. Section 23-15-857, Mississippi Code of 1972, is
954 amended as follows:

955 23-15-857. (1) When it shall happen that there is any
956 vacancy in a city, town or village office which is elective the
957 unexpired term of which shall not exceed six (6) months, the same
958 shall be filled by appointment by the governing authority or
959 remainder of the governing authority of said city, town or
960 village. The municipal clerk shall certify to the Secretary of
961 State the fact of such appointment, and the person or persons so
962 appointed shall be commissioned by the Governor.

963 (2) When it shall happen that there is any vacancy in an
964 elective office in a city, town or village the unexpired term of
965 which shall exceed six (6) months, the governing authority or
966 remainder of the governing authority of said city, town or village
967 shall make and enter on the minutes an order for an election to be
968 held in such city, town or village to fill the vacancy and fix a
969 date upon which such election shall be held. Such order shall be
970 made and entered upon the minutes at the next regular meeting of

971 the governing authority after such vacancy shall have occurred, or
972 at a special meeting to be held not later than ten (10) days after
973 such vacancy shall have occurred, Saturdays, Sundays and legal
974 holidays excluded, whichever shall occur first. Such election
975 shall be held on a date not less than thirty (30) days nor more
976 than forty-five (45) days after the date upon which the order is
977 adopted.

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

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

986 One (1) of such notices shall be posted at the city, town or
987 village hall. In the event that there is no newspaper published
988 in the municipality, then such notice shall be published as
989 provided for above in a newspaper which has a general circulation
990 within the municipality and by posting as provided for above. In
991 addition, the governing authority may publish such notice in such
992 newspaper for such additional times as may be deemed necessary by
993 the governing authority.

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

998 (a) For an office of a city, town or village having a
999 population of one thousand (1,000) or more, not less than fifty
1000 (50) qualified electors.

1001 (b) For an office of a city, town or village having a
1002 population of less than one thousand (1,000), not less than
1003 fifteen (15) qualified electors.

1004 No qualifying fee shall be required of any candidate, and the
1005 election provided for herein shall be held as far as practicable
1006 in the same manner as municipal general elections.

1007 The candidate receiving a majority of the votes cast in a
1008 said election shall be elected. If no candidate shall receive a
1009 majority vote at the election, the two (2) candidates receiving
1010 the highest number of votes shall have their names placed on the
1011 ballot for the election to be held one (1) week thereafter. The
1012 candidate receiving a majority of the votes cast in said election
1013 shall be elected. However, if no candidate shall receive a
1014 majority and there is a tie in the election of those receiving the
1015 next highest vote, those receiving the next highest vote and the
1016 candidate receiving the highest vote shall have their names placed
1017 on the ballot for the election to be held one (1) week thereafter,
1018 and whoever receives the most votes cast in such election shall be
1019 elected.

1020 Should the election to be held one (1) week thereafter result
1021 in a tie vote, the candidate to prevail shall be decided by lot,
1022 fairly and publicly drawn under the supervision by the election
1023 commission with the aid of two (2) or more qualified electors of
1024 the municipality.

1025 The clerk of the election commission shall then give a
1026 certificate of election to the person elected, and shall return to
1027 the Secretary of State a copy of the order of holding the election
1028 and runoff election showing the results thereof, certified by the
1029 clerk of the governing authority. The person elected shall be
1030 commissioned by the Governor.

1031 However, if nine (9) days prior to the date of the election
1032 only one (1) person shall have qualified as a candidate, the
1033 governing authority, or remainder of the governing authority,
1034 shall dispense with the election and appoint that one (1)
1035 candidate in lieu of an election. In the event no person shall
1036 have qualified by 5:00 p.m. at least ten (10) days prior to the

1037 date of the election, the governing authority or remainder of the
1038 governing authority shall dispense with the election and fill the
1039 vacancy by appointment. The clerk of the governing authority
1040 shall certify to the Secretary of State the fact of the
1041 appointment, and the person so appointed shall be commissioned by
1042 the Governor.

1043 SECTION 16. Section 23-15-977, Mississippi Code of 1972, is
1044 amended as follows:

1045 23-15-977. (1) All candidates for judicial office as
1046 defined in Section 23-15-975 of this subarticle shall file their
1047 intent to be a candidate with the proper officials not later than
1048 5:00 p.m. on the first Friday after the first Monday in May prior
1049 to the general election for judicial office and shall pay to the
1050 proper officials the following amounts:

1051 (a) Candidates for Supreme Court judge and Court of
1052 Appeals, the sum of Two Hundred Dollars (\$200.00).

1053 (b) Candidates for circuit judge and chancellor, the
1054 sum of One Hundred Dollars (\$100.00).

1055 (c) Candidates for county judge and family court judge,
1056 the sum of Fifteen Dollars (\$15.00).

1057 (2) Candidates for judicial offices listed in paragraphs (a)
1058 and (b) of subsection (1) of this section shall file their intent
1059 to be a candidate with, and pay the proper assessment made
1060 pursuant to subsection (1) of this section to, the State Board of
1061 Election Commissioners.

1062 (3) Candidates for judicial offices listed in paragraph (c)
1063 of subsection (1) of this section shall file their intent to be a
1064 candidate with, and pay the proper assessment made pursuant to
1065 subsection (1) of this section to, the circuit clerk of the proper
1066 county. The circuit clerk shall notify the county commissioners
1067 of election of all persons who have filed their intent to be a
1068 candidate filed with, and paid the proper assessment to, such
1069 clerk. Such notification shall occur within two (2) business days

1070 and shall contain all necessary information.

1071 SECTION 17. Section 37-5-9, Mississippi Code of 1972, is
1072 amended as follows:

1073 37-5-9. The name of any qualified elector who is a candidate
1074 for the county board of education shall be placed on the ballot
1075 used in the general elections by the county election
1076 commissioners, provided that the candidate files with the county
1077 election commissioners, not more than ninety (90) days and by 5:00
1078 p.m. not less than sixty (60) days prior to the date of such
1079 general election, a petition of nomination signed by not less than
1080 fifty (50) qualified electors of the county residing within each
1081 supervisors district. Where there are less than one hundred (100)
1082 qualified electors in said supervisors district, it shall only be
1083 required that said petition of nomination be signed by at least
1084 twenty percent (20%) of the qualified electors of such supervisors
1085 district. The candidate in each supervisors district who receives
1086 the highest number of votes cast in the district shall be declared
1087 elected.

1088 When any member of the county board of education is to be
1089 elected from the county at large under the provisions of this
1090 chapter, then the petition required by the preceding paragraph
1091 hereof shall be signed by the required number of qualified
1092 electors residing in any part of the county outside of the
1093 territory embraced within a municipal separate school district or
1094 special municipal separate school district. The candidate who
1095 receives the highest number of votes cast in the election shall be
1096 declared elected.

1097 In no case shall any qualified elector residing within a
1098 municipal separate school district or special municipal separate
1099 school district be eligible to sign a petition of nomination for
1100 any candidate for the county board of education under any of the
1101 provisions of this section.

1102 If after the time for candidates to file the petition of

1103 nomination provided for in this section there should be only one
1104 (1) person to qualify for the office of county board of education,
1105 the election shall be dispensed with and such person shall be
1106 declared elected without opposition provided he meets all
1107 qualifications as determined by a review conducted by the election
1108 commission in accordance with the provisions of Section
1109 23-15-299(7).

1110 SECTION 18. Section 37-5-75, Mississippi Code of 1972, is
1111 amended as follows:

1112 37-5-75. If a vacancy shall occur in the office of county
1113 superintendent of education, such vacancy shall be filled by
1114 appointment by the county board of education. If the unexpired
1115 term shall exceed six (6) months, it shall be the duty of the
1116 board of supervisors of the county to call a special election to
1117 fill such vacancy for such unexpired term, which said election
1118 shall be called and held in the manner provided by Section
1119 23-15-839. In such case the person so appointed by the county
1120 board of education shall hold office only until such election is
1121 held and the person elected thereat shall qualify and enter upon
1122 the discharge of his duties.

1123 SECTION 19. Section 37-7-211, Mississippi Code of 1972, is
1124 amended as follows:

1125 37-7-211. Any person otherwise eligible under the provisions
1126 of subsection (1) of Section 37-7-203 who shall desire to be a
1127 candidate for the office of trustee must qualify in the following
1128 manner in order to be allowed to be considered for election. By
1129 5:00 p.m. at least forty (40) days before the election he shall
1130 file with the office of the superintendent of the municipal
1131 separate school district, or the special municipal separate school
1132 district, as the case may be, a petition signed by not less than
1133 twenty-five (25) qualified electors of the area represented by the
1134 office which he seeks, either for a full term or an unexpired
1135 term, as the case may be, and an affidavit by the candidate

1136 offering for election stating his qualifications under the terms
1137 of said sections. The petition shall contain an affidavit
1138 certifying that all signatures are the personal signatures of each
1139 person whose name appears on the petition and that each person is
1140 a qualified elector.

1141 Unless the petition and affidavit required above shall be
1142 filed by 5:00 p.m. not less than forty (40) days prior to the
1143 election, the name of the candidate shall not be considered in the
1144 election, and votes cast for any person who has failed to qualify
1145 shall not be counted in the election.

1146 If after the time for candidates to file the petition and
1147 affidavit provided for herein there should be only one (1) person
1148 to qualify for the office of trustee, then no election or notice
1149 of election shall be necessary and such person shall, if otherwise
1150 qualified, be declared elected without opposition.

1151 SECTION 20. Section 37-7-225, Mississippi Code of 1972, is
1152 amended as follows:

1153 37-7-225. The county election commissioners shall place the
1154 name of any person eligible to hold the office of trustee on the
1155 ballot used in the election, provided that such candidate shall
1156 have filed with the county registrar, not more than ninety (90)
1157 days and by 5:00 p.m. not less than sixty (60) days prior to the
1158 date of such election, a petition of nomination signed by not less
1159 than fifty (50) qualified electors of the school district. Where
1160 there are less than one hundred (100) qualified electors in said
1161 district, it shall only be required that said petition of
1162 nomination be signed by at least twenty percent (20%) of the
1163 qualified electors of such school district. If such person be a
1164 candidate for an unexpired term, he shall indicate the term for
1165 which he is a candidate in such petition; otherwise he shall be
1166 deemed to be a candidate for a full term.

1167 If after the time for candidates to file the petition of
1168 nomination provided for herein there should be only one (1) person

1169 to qualify for the office of trustee, then no election or notice
1170 of election shall be necessary and such person shall, if otherwise
1171 qualified, be declared elected without opposition.

1172 SECTION 21. The Attorney General of the State of Mississippi
1173 shall submit this act, immediately upon approval by the Governor,
1174 or upon approval by the Legislature subsequent to a veto, to the
1175 Attorney General of the United States or to the United States
1176 District Court for the District of Columbia in accordance with the
1177 provisions of the Voting Rights Act of 1965, as amended and
1178 extended.

1179 SECTION 22. This act shall take effect and be in force from
1180 and after the date it is effectuated under Section 5 of the Voting
1181 Rights Act of 1965, as amended and extended.