

By: Tollison

To: Elections

SENATE BILL NO. 2810  
(As Sent to Governor)

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

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

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

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

38        "APPLICATION FOR REGISTRATION

39        (You may receive assistance in filling out this form from any

40 person of your choosing. It is not necessary that this form be  
41 filled out in the presence of the registrar, however, the oath  
42 must be executed in the presence of the registrar or his deputy.)

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

45 2. Please give your social security number. \_\_\_\_\_

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

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

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

54 (a) Present address: \_\_\_\_\_  
55 From \_\_\_\_\_ (month) to date.

56 (b) Previous address: \_\_\_\_\_  
57 From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).

58 (c) Previous address: \_\_\_\_\_  
59 From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).

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

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

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

64 8. Do you now reside within the city limits of a city or  
65 town located within this county? \_\_\_\_\_

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

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

72 11. The following questions may be answered by you at your

73 option and are solely for the purpose of aiding in registering you  
74 in the proper precinct:

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

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

81 \* \* \*

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

85 STATE OF MISSISSIPPI

86 COUNTY OF \_\_\_\_\_

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

98 Applicant sign here: \_\_\_\_\_

99 SWORN TO AND SUBSCRIBED before me, this the \_\_\_\_ day of  
100 \_\_\_\_\_ 2\_\_\_\_\_.

101 \_\_\_\_\_ (Registrar)

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

103 (2) The boards of supervisors shall make proper allowances  
104 for office supplies reasonably necessitated by the registration of  
105 county electors.

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

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

139 appropriate registration book and pollbook.

140 (5) The registrar shall issue to the person making the  
141 application a copy of such application upon which has been written  
142 the county voting precinct in which said person shall vote. The  
143 registrar shall assign a voter registration number to such person,  
144 which shall be that person's social security number if such a  
145 number is provided, and said voter registration number shall be  
146 clearly shown on the application.

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

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

167 (8) In any case in which a municipality expands its  
168 corporate boundaries by annexation, the municipal clerk shall,  
169 within ten (10) days after the effective date of such annexation,  
170 forward to the county registrar a map which accurately depicts the  
171 annexed area. The county registrar shall, within ten (10) days

172 after the receipt of such map, forward to the municipal clerk a  
173 copy of the most recent county precinct or subprecinct pollbook  
174 for the county precincts in which such annexed area is included,  
175 or equivalent computer data or information as will permit the  
176 identification of county electors who reside in the annexed area.  
177 The municipal clerk shall add those county electors who have  
178 resided in the annexed area for at least thirty (30) days after  
179 annexation to the municipal registration books as registered  
180 voters of the municipality and shall forward to such persons  
181 written notification of such addition and of the municipal  
182 precinct or ward in which such persons reside.

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

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

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

205 Candidates for county election commissioner shall qualify by  
206 filing with the clerk of the board of supervisors of their  
207 respective counties a petition personally signed by not less than  
208 fifty (50) qualified electors of the supervisors district in which  
209 they reside, requesting that they be a candidate, by 5:00 p.m. not  
210 less than sixty (60) days before the election and unless such  
211 petition is filed within said time, their names shall not be  
212 placed upon the ballot. All candidates shall declare in writing  
213 their party affiliation, if any, to the board of supervisors, and  
214 such party affiliation shall be shown on the official ballot.

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

235 Upon taking office, the county board of election  
236 commissioners shall organize by electing a chairman and a  
237 secretary.

238           It shall be the duty of the chairman to have the official  
239 ballot printed and distributed at each general or special  
240 election.

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

243           23-15-299. (1) Assessments made pursuant to paragraphs (a),  
244 (b) and (c) of Section 23-15-297 and assessments made pursuant to  
245 paragraph (d) of Section 23-15-297 for legislative offices shall  
246 be paid by each candidate to the Secretary of the State Executive  
247 Committee with which the candidate is affiliated by 5:00 p.m. on  
248 March 1 of the year in which the primary election for the office  
249 is held or on the date of the qualifying deadline provided by  
250 statute for the office, whichever is earlier.

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

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



271 Committee with which the candidate is affiliated by 5:00 p.m. on  
272 March 1 of the year in which the primary election for the office  
273 is held.

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

279 (b) The State Executive Committee shall transmit to the  
280 Secretary of State a copy of the written statements accompanying  
281 the fees paid pursuant to subsections (1) and (2) of this section.  
282 All copies must be received by the Office of the Secretary of  
283 State by not later than 6:00 p.m. on the date of the qualifying  
284 deadline; provided, however, the failure of the Office of the  
285 Secretary of State to receive such copies by 6:00 p.m. on the date  
286 of the qualifying deadline shall not affect the qualification of a  
287 person who pays the required fee and files the required statement  
288 by 5:00 p.m. on the date of the qualifying deadline. The name of  
289 any person who pays the required fee and files the required  
290 statement after 5:00 p.m. on the date of the qualifying deadline  
291 shall not be placed on the primary election ballot.

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

301 (6) The secretaries of the proper executive committee shall  
302 hold said funds to be finally disposed of by order of their  
303 respective executive committees. Such funds may be used or

304 disbursed by the executive committee receiving same to pay all  
305 necessary traveling or other necessary expenses of the members of  
306 the executive committee incurred in discharging their duties as  
307 committeemen, and of their secretary and may pay the secretary  
308 such salary as may be reasonable.

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

336 Where there is but one (1) candidate for each office

337 contested at the primary election, the proper executive committee  
338 when the time has expired within which the names of candidates  
339 shall be furnished shall declare such candidates the nominees.

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

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

344 23-15-309. (1) Nominations for all municipal officers which  
345 are elective shall be made at a primary election, or elections, to  
346 be held in the manner prescribed by law. All persons desiring to  
347 be candidates for the nomination in the primary elections shall  
348 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
349 at least thirty (30) days prior to the first primary election, no  
350 later than 5:00 p.m. on such deadline day.

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

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

367 (4) Upon receipt of the above information, the proper  
368 municipal executive committee shall then determine whether \* \* \*  
369 each candidate is a qualified elector of the municipality, and of

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

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

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

399 23-15-359. (1) The ballot shall contain the names of all  
400 party nominees certified by the appropriate executive committee,  
401 and independent and special election candidates who have timely  
402 filed petitions containing the required signatures. A petition

403 requesting that an independent or special election candidate's  
404 name be placed on the ballot for any office shall be filed as  
405 provided for in subsection (3) or (4) of this section, as  
406 appropriate, and shall be signed by not less than the following  
407 number of qualified electors:

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

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

413 (c) For an office elected by the qualified electors of  
414 a congressional district, not less than two hundred (200)  
415 qualified electors.

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

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

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

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

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

436 qualifies as an independent as herein provided, he shall be listed  
437 on the ballot as an independent candidate.

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

447 (4) Petitions for offices described in paragraphs (f) and  
448 (g) of subsection (1) of this section, and petitions for offices  
449 described in paragraph (e) of subsection (1) of this section for  
450 districts composed of one (1) county or less, shall be filed with  
451 the proper circuit clerk by no later than 5:00 p.m. on the same  
452 date by which candidates for nominations in the political party  
453 elections are required to pay the fee provided for in Section  
454 23-15-297; provided, however, that no petition may be filed before  
455 January 1 of the year in which the election for the office is  
456 held. The circuit clerk shall notify the county commissioners of  
457 election of all persons who have filed petitions with such clerk.

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

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

467 (6) The provisions of this section shall not apply to  
468 municipal elections or to the election of the offices of justice

469 of the Supreme Court, judge of the Court of Appeals, circuit  
470 judge, chancellor, county court judge and family court judge.

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

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

502 qualifications on or before the date of the general or special  
503 election at which he could be elected, or (c) has been convicted  
504 of a felony as described in this subsection, and not pardoned,  
505 then the name of such candidate shall not be placed upon the  
506 ballot.

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

512 (10) The petition required by this section may not be filed  
513 by using the internet.

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

516 23-15-361. (1) The municipal general election ballot shall  
517 contain the names of all candidates who have been put in  
518 nomination by the municipal primary election of any political  
519 party. There shall be printed on the ballots the names of all  
520 persons so nominated, whether the nomination be otherwise known or  
521 not, upon the written request of one or more of the candidates so  
522 nominated, or of any qualified elector who will make oath that he  
523 was a participant in the primary election, and that the person  
524 whose name is presented by him was nominated by such primary  
525 election. The municipal election commissioner designated to have  
526 the ballots printed shall also have printed on the ballot in any  
527 municipal general election the name of any candidate who, not  
528 having been nominated by a political party, shall have been  
529 requested to be a candidate for any office by a petition filed  
530 with the clerk of the municipality no later than 5:00 p.m. on the  
531 same date by which candidates for nomination in the municipal  
532 primary elections are required to pay the fee provided for in  
533 Section 23-15-309, and signed by not less than the following  
534 number of qualified electors:



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

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

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

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

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

566           (5) The municipal commission shall determine whether each  
567 party candidate in the municipal general election is a qualified

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

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

597 SECTION 7. Section 23-15-333, Mississippi Code of 1972, is  
598 amended as follows:[WAN1]

599 23-15-333. (1) The county executive committee shall have  
600 printed all necessary ballots, for use in primary elections. The

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

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

- 617 (a) Candidates for national office;
- 618 (b) Candidates for statewide office;
- 619 (c) Candidates for state district office;
- 620 (d) Candidates for legislative office;
- 621 (e) Candidates for countywide office;
- 622 (f) Candidates for county district office.

623 The order in which the titles for the various offices are  
624 listed within each of the categories listed in this subsection is  
625 left to the discretion of the county executive committee.

626 (3) The county executive committee shall also prepare full  
627 instructions for the guidance of electors at elections as to  
628 obtaining ballots, the manner of marking them, and the mode of  
629 obtaining new ballots in the place of those spoiled by accident.  
630 The instructions shall be printed in large, clear type on "Cards  
631 of Instruction," and the county executive committee shall furnish  
632 the same in sufficient numbers for the use of electors. The cards  
633 shall be preserved by the officers of election and returned by

634 them to the county executive committee and they may be used, if  
635 applicable, in subsequent elections.

636 SECTION 8. Section 23-15-367, Mississippi Code of 1972, is  
637 amended as follows:[WAN2]

638 23-15-367. (1) Except as otherwise provided by Sections  
639 23-15-974 through 23-15-985 and subsection (2) of this section,  
640 the arrangement of the names of the candidates, and the order in  
641 which the titles of the various offices shall be printed, and the  
642 size, print and quality of paper of the official ballot is left to  
643 the discretion of the officer charged with printing the official  
644 ballot; but the arrangement need not be uniform.

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

647 (a) Candidates for national office;

648 (b) Candidates for statewide office;

649 (c) Candidates for state district office;

650 (d) Candidates for legislative office;

651 (e) Candidates for countywide office;

652 (f) Candidates for county district office.

653 The order in which the titles for the various offices are  
654 listed within each of the categories listed in this subsection is  
655 left to the discretion of the officer charged with printing the  
656 official ballot.

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

662 SECTION 9. Section 23-15-627, Mississippi Code of 1972, is  
663 amended as follows:[WAN3]

664 23-15-627. The registrar shall be responsible for furnishing  
665 an absentee ballot application form to any elector authorized to  
666 receive an absentee ballot. Absentee ballot applications shall be

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

681 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

693 ( ) I am a member of the Merchant Marine or the American Red  
694 Cross and am a citizen of Mississippi or spouse or dependent of  
695 such member.

696 ( ) I am a disabled war veteran who is a patient in any  
697 hospital and am a citizen of Mississippi or spouse or dependent of  
698 such veteran.

699 ( ) I am a civilian attached to and serving outside of the

700 United States with any branch of the Armed Forces or with the  
701 Merchant Marine or American Red Cross, and am a citizen of  
702 Mississippi or spouse or dependent of such civilian.

703 ( ) I am a citizen of Mississippi temporarily residing  
704 outside the territorial limits of the United States and the  
705 District of Columbia.

706 ( ) I am a student, teacher or administrator at a college,  
707 university, junior or community college, high, junior high,  
708 elementary or grade school, whose studies or employment at such  
709 institution necessitates my absence from the county of my voting  
710 residence or spouse or dependent of such student, teacher or  
711 administrator who maintains a common domicile outside the county  
712 of my voting residence with such student, teacher or  
713 administrator.

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

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

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

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

722 ( ) I am a member of the congressional delegation, or spouse  
723 or dependent of a member of the congressional delegation.

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

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

728 Mail 'Absent Elector's Ballot' to me at the following  
729 address \_\_\_\_\_ (if eligible to vote by mail).

730 I realize that I can be fined up to Five Thousand Dollars  
731 (\$5,000.00) and sentenced up to five (5) years in the penitentiary  
732 for making a false statement in this application and for selling

733 my vote and violating the Mississippi Absentee Voter Law. (This  
734 sentence is to be in bold print.)

735 If you are temporarily or permanently disabled, you are not  
736 required to have this application notarized or signed by an  
737 official authorized to administer oaths for absentee balloting.  
738 You are required to sign this application in the proper place and  
739 have a person eighteen (18) years of age or older witness your  
740 signature and sign this application in the proper place.

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

743 IN WITNESS WHEREOF I have hereunto set my hand and seal this  
744 the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

745 \_\_\_\_\_  
746 (Signature of absent elector)

747 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
748 2\_\_\_\_.

749 \_\_\_\_\_  
750 (Official authorized to administer oaths  
751 for absentee balloting \* \* \*.)

752 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
753 DISABLED:

754 I HEREBY CERTIFY that this application for an absent  
755 elector's ballot was signed by the above-named disabled elector in  
756 my presence and that I am at least eighteen (18) years of age,  
757 this the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

758 \_\_\_\_\_  
759 (Signature of witness)

760 CERTIFICATE OF DELIVERY

761 I hereby certify that \_\_\_\_\_ (print name of voter)  
762 has requested that I, \_\_\_\_\_ (print name of person  
763 delivering application), deliver to the voter this absentee ballot  
764 application.

765 \_\_\_\_\_

766 Signature of person delivering application

767 \_\_\_\_\_

768 Address of person delivering application"

769 SECTION 10. Section 23-15-631, Mississippi Code of 1972, is  
770 amended as follows:[WAN4]

771 23-15-631. (1) The registrar shall enclose with each ballot  
772 provided to an absent elector separate printed instructions  
773 furnished by him containing the following:

774 (a) All absentee voters, excepting those with temporary  
775 or permanent physical disabilities or those who are sixty-five  
776 (65) years of age or older, who mark their ballots in the county  
777 of the residence shall use the registrar of that county as the  
778 witness. Said absentee voter shall come to the office of the  
779 registrar and neither the registrar nor his deputy shall be  
780 required to go out of the registrar's office to serve as an  
781 attesting witness.

782 (b) Upon receipt of the enclosed ballot, you will not  
783 mark same except in view or sight of the attesting witness. In  
784 the sight or view of the attesting witness, mark the ballot  
785 according to instructions.

786 (c) After marking the ballot, fill out and sign the  
787 "ELECTOR'S CERTIFICATE" on back of the envelope so that the  
788 signature shall be across the flap of the envelope so as to insure  
789 the integrity of the ballot. All absent electors shall have the  
790 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across  
791 the flap on back of the envelope. Place necessary postage on the  
792 envelope and deposit it in the post office or some government  
793 receptacle provided for deposit of mail so that the absent  
794 elector's ballot, excepting presidential absentee ballots, will  
795 reach the registrar in which your precinct is located not later  
796 than 5:00 p.m. on the day preceding the date of the election, or  
797 by personally delivering such ballot to the registrar's office not  
798 later than 12:00 noon on the Saturday immediately preceding



799 elections held on Tuesday, the Thursday immediately preceding  
800 elections held on Saturday, and the second day immediately  
801 preceding elections held on other days.

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

822 (d) When the application accompanies the ballot it  
823 shall not be returned in the same envelope as the ballot but shall  
824 be returned in a separate preaddressed envelope provided by the  
825 registrar.

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

829 (f) Any voter casting an absentee ballot who declares  
830 that he requires assistance to vote by reason of blindness,  
831 temporary or permanent physical disability or inability to read or

832 write, shall be entitled to receive assistance in the marking of  
833 his absentee ballot and in completing the affidavit on the  
834 absentee ballot envelope. The voter may be given assistance by  
835 anyone of the voter's choice other than a candidate whose name  
836 appears on the absentee ballot being marked, or the voter's  
837 employer, or agent of that employer. In order to ensure the  
838 integrity of the ballot, any person who provides assistance to an  
839 absentee voter shall be required to sign and complete the  
840 "Certificate of Person Providing Voter Assistance" on the absentee  
841 ballot envelope.

842 (2) The foregoing instructions required to be provided by  
843 the registrar to the elector shall also constitute the substantive  
844 law pertaining to the handling of absentee ballots by the elector  
845 and registrar.

846 SECTION 11. Section 23-15-681, Mississippi Code of 1972, is  
847 amended as follows:[WAN5]

848 23-15-681. All official absentee ballots shall be sent out  
849 and returned in envelopes on which there is printed across the  
850 face two (2) parallel horizontal \* \* \* bars, each one-fourth (1/4)  
851 of an inch wide, extending from one side of the envelope to the  
852 other side, with an intervening space of one-fourth (1/4) of an  
853 inch, the top bar to be one and one-fourth (1-1/4) inches from the  
854 top of the envelope, and with the words "OFFICIAL ELECTION  
855 BALLOTING MATERIAL-VIA AIR MAIL" between the bars. In the upper  
856 right corner of each such envelope there shall be printed in a box  
857 the words "FREE OF U.S. POSTAGE, INCLUDING AIR MAIL." All  
858 printing on the face of such envelopes shall be in black, and  
859 there shall be printed in black in the upper left corner of all  
860 such ballot envelopes an appropriate inscription for the return  
861 address of the sender.

862 SECTION 12. Section 23-15-839, Mississippi Code of 1972, is  
863 amended as follows:

864 23-15-839. (1) When a vacancy shall occur in any county or

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

894 \* \* \*

895 (2) In any election ordered pursuant to this section where  
896 only one (1) person shall have qualified with the commissioners of  
897 election to be a candidate within the time provided by law, the

898 commissioners of election shall certify to the board of  
899 supervisors that there is but one (1) candidate. Thereupon, the  
900 board of supervisors shall dispense with the election and shall  
901 appoint the candidate so certified to fill the unexpired term.  
902 The clerk of the board shall certify to the Secretary of State the  
903 candidate so appointed to serve in said office and that candidate  
904 shall be commissioned by the Governor. In the event that no  
905 person shall have qualified by 5:00 p.m. sixty (60) days prior to  
906 the date of the election, the commissioners of election shall  
907 certify that fact to the board of supervisors which shall dispense  
908 with the election and fill the vacancy by appointment. The clerk  
909 of the board of supervisors shall certify to the Secretary of  
910 State the fact of the appointment, and the person so appointed  
911 shall be commissioned by the Governor.

912 SECTION 13. Section 23-15-853, Mississippi Code of 1972, is  
913 amended as follows:

914 23-15-853. (1) If a vacancy happens in the representation  
915 in Congress, the vacancy shall be filled for the unexpired term by  
916 a special election, to be ordered by the Governor, within sixty  
917 (60) days after such vacancy occurs, and to be held at a time  
918 fixed by his order, and which time shall be not less than forty  
919 (40) days after the issuance of the order of the Governor, which  
920 shall be directed to the commissioners of election of the several  
921 counties of the district, who shall, immediately on the receipt of  
922 the order, give notice of the election by publishing the same in  
923 some newspaper having a general circulation in the county and by  
924 posting notice thereof at the front door of the courthouse. The  
925 order shall also be directed to the State Board of Election  
926 Commissioners. The election shall be prepared for and conducted,  
927 and returns shall be made, in all respects as provided for a  
928 special election to fill vacancies.

929 (2) Candidates for the office in such an election must  
930 qualify with the Secretary of State by 5:00 p.m. not less than

931 twenty (20) days previous to the date of the election. The  
932 commissioners of election shall have printed on the ballot in such  
933 special election the name of any candidate who shall have been  
934 requested to be a candidate for the office by a petition filed  
935 with the Secretary of State and personally signed by not less than  
936 one thousand (1,000) qualified electors of the district. The  
937 petition shall be filed by 5:00 p.m. not less than twenty (20)  
938 days previous to the date of the election.

939 There shall be attached to each petition above provided for,  
940 upon the time of filing with said Secretary of State, a  
941 certificate from the appropriate registrar or registrars showing  
942 the number of qualified electors appearing upon each such petition  
943 which the registrar shall furnish to the petitioner upon request.

944 SECTION 14. Section 23-15-857, Mississippi Code of 1972, is  
945 amended as follows:

946 23-15-857. (1) When it shall happen that there is any  
947 vacancy in a city, town or village office which is elective the  
948 unexpired term of which shall not exceed six (6) months, the same  
949 shall be filled by appointment by the governing authority or  
950 remainder of the governing authority of said city, town or  
951 village. The municipal clerk shall certify to the Secretary of  
952 State the fact of such appointment, and the person or persons so  
953 appointed shall be commissioned by the Governor.

954 (2) When it shall happen that there is any vacancy in an  
955 elective office in a city, town or village the unexpired term of  
956 which shall exceed six (6) months, the governing authority or  
957 remainder of the governing authority of said city, town or village  
958 shall make and enter on the minutes an order for an election to be  
959 held in such city, town or village to fill the vacancy and fix a  
960 date upon which such election shall be held. Such order shall be  
961 made and entered upon the minutes at the next regular meeting of  
962 the governing authority after such vacancy shall have occurred, or  
963 at a special meeting to be held not later than ten (10) days after

964 such vacancy shall have occurred, Saturdays, Sundays and legal  
965 holidays excluded, whichever shall occur first. Such election  
966 shall be held on a date not less than thirty (30) days nor more  
967 than forty-five (45) days after the date upon which the order is  
968 adopted.

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

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

977 One (1) of such notices shall be posted at the city, town or  
978 village hall. In the event that there is no newspaper published  
979 in the municipality, then such notice shall be published as  
980 provided for above in a newspaper which has a general circulation  
981 within the municipality and by posting as provided for above. In  
982 addition, the governing authority may publish such notice in such  
983 newspaper for such additional times as may be deemed necessary by  
984 the governing authority.

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

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

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

995 No qualifying fee shall be required of any candidate, and the  
996 election provided for herein shall be held as far as practicable

997 in the same manner as municipal general elections.

998 The candidate receiving a majority of the votes cast in a  
999 said election shall be elected. If no candidate shall receive a  
1000 majority vote at the election, the two (2) candidates receiving  
1001 the highest number of votes shall have their names placed on the  
1002 ballot for the election to be held one (1) week thereafter. The  
1003 candidate receiving a majority of the votes cast in said election  
1004 shall be elected. However, if no candidate shall receive a  
1005 majority and there is a tie in the election of those receiving the  
1006 next highest vote, those receiving the next highest vote and the  
1007 candidate receiving the highest vote shall have their names placed  
1008 on the ballot for the election to be held one (1) week thereafter,  
1009 and whoever receives the most votes cast in such election shall be  
1010 elected.

1011 Should the election to be held one (1) week thereafter result  
1012 in a tie vote, the candidate to prevail shall be decided by lot,  
1013 fairly and publicly drawn under the supervision by the election  
1014 commission with the aid of two (2) or more qualified electors of  
1015 the municipality.

1016 The clerk of the election commission shall then give a  
1017 certificate of election to the person elected, and shall return to  
1018 the Secretary of State a copy of the order of holding the election  
1019 and runoff election showing the results thereof, certified by the  
1020 clerk of the governing authority. The person elected shall be  
1021 commissioned by the Governor.

1022 However, if nine (9) days prior to the date of the election  
1023 only one (1) person shall have qualified as a candidate, the  
1024 governing authority, or remainder of the governing authority,  
1025 shall dispense with the election and appoint that one (1)  
1026 candidate in lieu of an election. In the event no person shall  
1027 have qualified by 5:00 p.m. at least ten (10) days prior to the  
1028 date of the election, the governing authority or remainder of the  
1029 governing authority shall dispense with the election and fill the

1030 vacancy by appointment. The clerk of the governing authority  
1031 shall certify to the Secretary of State the fact of the  
1032 appointment, and the person so appointed shall be commissioned by  
1033 the Governor.

1034 SECTION 15. Section 23-15-977, Mississippi Code of 1972, is  
1035 amended as follows:

1036 23-15-977. (1) All candidates for judicial office as  
1037 defined in Section 23-15-975 of this subarticle shall file their  
1038 intent to be a candidate with the proper officials not later than  
1039 5:00 p.m. on the first Friday after the first Monday in May prior  
1040 to the general election for judicial office and shall pay to the  
1041 proper officials the following amounts:

1042 (a) Candidates for Supreme Court judge and Court of  
1043 Appeals, the sum of Two Hundred Dollars (\$200.00).

1044 (b) Candidates for circuit judge and chancellor, the  
1045 sum of One Hundred Dollars (\$100.00).

1046 (c) Candidates for county judge and family court judge,  
1047 the sum of Fifteen Dollars (\$15.00).

1048 (2) Candidates for judicial offices listed in paragraphs (a)  
1049 and (b) of subsection (1) of this section shall file their intent  
1050 to be a candidate with, and pay the proper assessment made  
1051 pursuant to subsection (1) of this section to, the State Board of  
1052 Election Commissioners.

1053 (3) Candidates for judicial offices listed in paragraph (c)  
1054 of subsection (1) of this section shall file their intent to be a  
1055 candidate with, and pay the proper assessment made pursuant to  
1056 subsection (1) of this section to, the circuit clerk of the proper  
1057 county. The circuit clerk shall notify the county commissioners  
1058 of election of all persons who have filed their intent to be a  
1059 candidate filed with, and paid the proper assessment to, such  
1060 clerk. Such notification shall occur within two (2) business days  
1061 and shall contain all necessary information.

1062 SECTION 16. Section 37-5-75, Mississippi Code of 1972, is



1063 amended as follows:

1064 37-5-75. If a vacancy shall occur in the office of county  
1065 superintendent of education, such vacancy shall be filled by  
1066 appointment by the county board of education. If the unexpired  
1067 term shall exceed six (6) months, it shall be the duty of the  
1068 board of supervisors of the county to call a special election to  
1069 fill such vacancy for such unexpired term, which said election  
1070 shall be called and held in the manner provided by Section  
1071 23-15-839. In such case the person so appointed by the county  
1072 board of education shall hold office only until such election is  
1073 held and the person elected thereat shall qualify and enter upon  
1074 the discharge of his duties.

1075 SECTION 17. Section 37-7-211, Mississippi Code of 1972, is  
1076 amended as follows:

1077 37-7-211. Any person otherwise eligible under the provisions  
1078 of subsection (1) of Section 37-7-203 who shall desire to be a  
1079 candidate for the office of trustee must qualify in the following  
1080 manner in order to be allowed to be considered for election. By  
1081 5:00 p.m. at least forty (40) days before the election he shall  
1082 file with the office of the superintendent of the municipal  
1083 separate school district, or the special municipal separate school  
1084 district, as the case may be, a petition signed by not less than  
1085 twenty-five (25) qualified electors of the area represented by the  
1086 office which he seeks, either for a full term or an unexpired  
1087 term, as the case may be, and an affidavit by the candidate  
1088 offering for election stating his qualifications under the terms  
1089 of said sections. The petition shall contain an affidavit  
1090 certifying that all signatures are the personal signatures of each  
1091 person whose name appears on the petition and that each person is  
1092 a qualified elector.

1093 Unless the petition and affidavit required above shall be  
1094 filed by 5:00 p.m. not less than forty (40) days prior to the  
1095 election, the name of the candidate shall not be considered in the

1096 election, and votes cast for any person who has failed to qualify  
1097 shall not be counted in the election.

1098 If after the time for candidates to file the petition and  
1099 affidavit provided for herein there should be only one (1) person  
1100 to qualify for the office of trustee, then no election or notice  
1101 of election shall be necessary and such person shall, if otherwise  
1102 qualified, be declared elected without opposition.

1103 SECTION 18. Section 37-7-225, Mississippi Code of 1972, is  
1104 amended as follows:

1105 37-7-225. The county election commissioners shall place the  
1106 name of any person eligible to hold the office of trustee on the  
1107 ballot used in the election, provided that such candidate shall  
1108 have filed with the county registrar, not more than ninety (90)  
1109 days and by 5:00 p.m. not less than sixty (60) days prior to the  
1110 date of such election, a petition of nomination signed by not less  
1111 than fifty (50) qualified electors of the school district. Where  
1112 there are less than one hundred (100) qualified electors in said  
1113 district, it shall only be required that said petition of  
1114 nomination be signed by at least twenty percent (20%) of the  
1115 qualified electors of such school district. If such person be a  
1116 candidate for an unexpired term, he shall indicate the term for  
1117 which he is a candidate in such petition; otherwise he shall be  
1118 deemed to be a candidate for a full term.

1119 If after the time for candidates to file the petition of  
1120 nomination provided for herein there should be only one (1) person  
1121 to qualify for the office of trustee, then no election or notice  
1122 of election shall be necessary and such person shall, if otherwise  
1123 qualified, be declared elected without opposition.

1124 SECTION 19. The Attorney General of the State of Mississippi  
1125 shall submit this act, immediately upon approval by the Governor,  
1126 or upon approval by the Legislature subsequent to a veto, to the  
1127 Attorney General of the United States or to the United States  
1128 District Court for the District of Columbia in accordance with the

1129 provisions of the Voting Rights Act of 1965, as amended and  
1130 extended.

1131 SECTION 20. This act shall take effect and be in force from  
1132 and after the date it is effectuated under Section 5 of the Voting  
1133 Rights Act of 1965, as amended and extended.