

**\*\*\*Adopted\*\*\***

**AMENDMENT No. 1 PROPOSED TO**

**Senate Bill NO. 2810**

**By Senator(s) Bryan**

36           Amend by striking all after the enacting clause and inserting  
37 in lieu thereof the following:

38

39           SECTION 1. The following provision shall be codified as  
40 Section 23-15-393, Mississippi Code of 1972:

41           23-15-393. The Secretary of State shall establish a list of  
42 voting devices that may be utilized in elections conducted in this  
43 state. All voting devices utilized to conduct elections in this  
44 state must be contained in such list; provided, however, that all  
45 voting devices that are not on such list and that are currently  
46 utilized to conduct elections may continue to be utilized until  
47 such time as such voting devices are replaced.

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

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

55           "APPLICATION FOR REGISTRATION

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

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

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

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

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

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

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

71 (a) Present address: \_\_\_\_\_

72 From \_\_\_\_\_ (month) to date.

73 (b) Previous address: \_\_\_\_\_

74 From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).

75 (c) Previous address: \_\_\_\_\_

76 From \_\_\_\_\_ (month) to \_\_\_\_\_ (month).

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

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

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

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

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

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

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

92 (a) Are there any registered voters living at your  
93 present residence? \_\_\_\_\_ If so, give the name of each such

94 person. \_\_\_\_\_

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

96 \_\_\_\_\_ If so, give the telephone number of such telephone.

97 \_\_\_\_\_ Please give your work telephone number.\_\_\_\_\_

98 \* \* \*

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

102 STATE OF MISSISSIPPI

103 COUNTY OF \_\_\_\_\_

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

115 Applicant sign here: \_\_\_\_\_

116 SWORN TO AND SUBSCRIBED before me, this the \_\_\_\_ day of  
117 \_\_\_\_\_ 19\_\_.

118 \_\_\_\_\_ (Registrar)

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

120 (2) The boards of supervisors shall make proper allowances  
121 for office supplies reasonably necessitated by the registration of  
122 county electors.

123 (3) If the reply to Question 8 above is affirmative, the  
124 county registrar shall forward notice of registration, a copy of  
125 the application for registration, and any changes to such  
126 registration when they occur, either by certified mail to the  
127 clerk of the municipality indicated in the present residence  
128 address stated in answer to Question 5(a) above or by personal

129 delivery to such clerk provided that a numbered receipt is signed  
130 by such clerk in return for the described documents. Upon receipt  
131 of the copy of the application for registration or changes to such  
132 registration, and if a review of same indicates that the applicant  
133 meets all the criteria necessary to qualify as a municipal  
134 elector, then the clerk of said municipality shall make a  
135 determination of the municipal voting precinct in which the person  
136 making the application shall be required to vote. The clerk shall  
137 send this municipal voting precinct information by United States  
138 first-class mail, postage prepaid, to such person at the address  
139 provided on the application. Any and all mailing costs incurred  
140 by the county registrar or the clerk of the municipality in  
141 effectuating this subsection shall be paid by the governing  
142 authority of such municipality. If a review of the copy of the  
143 application for registration or changes to such registration  
144 indicates that the applicant is not qualified to vote in said  
145 municipality, the clerk of said municipality shall challenge such  
146 application. The municipal election commissioners responsible for  
147 said municipality shall review any such challenge or  
148 disqualification after having notified the applicant by certified  
149 mail of such challenge or disqualification.

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

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

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

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

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

199 precinct or ward in which such persons reside.

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

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

213 The qualified electors of each supervisors district shall  
214 elect, at the general election in 1984 and every four (4) years  
215 thereafter, in their district one (1) commissioner of election.  
216 No more than one (1) commissioner shall be a resident of and  
217 reside in each supervisors district of the county; it being the  
218 purpose of this section that the county board of election  
219 commissioners shall consist of one (1) person from each  
220 supervisors district of the county and that each such commissioner  
221 be elected from the supervisors district in which he resides.

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

232 The petition shall have attached thereto a certificate of the  
233 registrar showing the number of qualified electors on each

234 petition, which shall be furnished by the registrar on request.  
235 The board shall determine the sufficiency of the petition, and if  
236 the same shall contain the required number of signatures and be  
237 filed within the time required, the president of the board shall  
238 verify that such candidate is a resident of the supervisors  
239 district in which he seeks election and that such candidate is  
240 otherwise qualified as provided by law, and shall certify the same  
241 to the chairman or secretary of the county election commission and  
242 the names of the candidates shall be placed upon the ballot for  
243 the ensuing election. No county election commissioner shall serve  
244 or be considered as elected unless and until he has received a  
245 majority of the votes cast for the position or post for which he  
246 is a candidate. If such majority vote is not received in the  
247 first election, then the two (2) candidates receiving the most  
248 votes for each position or post shall be placed upon the ballot  
249 for a second election to be held two (2) weeks later in accordance  
250 with appropriate procedures followed in other elections involving  
251 runoff candidates.

252       Upon taking office, the county board of election  
253 commissioners shall organize by electing a chairman and a  
254 secretary.

255       It shall be the duty of the chairman to have the official  
256 ballot printed and distributed at each general or special  
257 election.

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

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

269 whichever is earlier.

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

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

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

300 (b) The state executive committee shall transmit to the  
301 Secretary of State a copy of the written statements accompanying  
302 the fees paid pursuant to subsections (1) and (2) of this section.  
303 All copies must be received by the Office of the Secretary of



304 State by not later than 6:00 p.m. on the date of the qualifying  
305 deadline; provided, however, the failure of the Office of the  
306 Secretary of State to receive such copies by 6:00 p.m. on the date  
307 of the qualifying deadline shall not affect the qualification of a  
308 person who pays the required fee and files the required statement  
309 by 5:00 p.m. on the date of the qualifying deadline. The name of  
310 any person who pays the required fee and files the required  
311 statement after 5:00 p.m. on the date of the qualifying deadline  
312 shall not be placed on the primary election ballot.

313 (5) The secretary or circuit clerk to whom such payments are  
314 made shall promptly receipt for same stating the office for which  
315 such candidate making payment is running and the political party  
316 with which he or she is affiliated, and he or she shall keep an  
317 itemized account in detail showing the exact time and date of the  
318 receipt of each payment received by him or her and, where  
319 applicable, the date of the postmark on the envelope containing  
320 the fee and from whom, and for what office the party paying same  
321 is a candidate.

322 (6) The secretaries of the proper executive committee shall  
323 hold said funds to be finally disposed of by order of their  
324 respective executive committees. Such funds may be used or  
325 disbursed by the executive committee receiving same to pay all  
326 necessary traveling or other necessary expenses of the members of  
327 the executive committee incurred in discharging their duties as  
328 committeemen, and of their secretary and may pay the secretary  
329 such salary as may be reasonable.

330 (7) Upon receipt of the proper fee and all necessary  
331 information, the proper executive committee shall then determine  
332 whether \* \* \* each candidate is a qualified elector of the state,  
333 state district, county or county district which they seek to  
334 serve, and whether each candidate meets all other qualifications  
335 to hold the office he is seeking or presents absolute proof that  
336 he will, subject to no contingencies, meet all qualifications on  
337 or before the date of the general or special election at which he  
338 could be elected to office. The committee also shall determine

339 whether any candidate has been convicted of any felony in a court  
340 of this state, or has been convicted on or after December 8, 1992,  
341 of any offense in another state which is a felony under the laws  
342 of this state, or has been convicted of any felony in a federal  
343 court on or after December 8, 1992. Excepted from the above are  
344 convictions of manslaughter and violations of the United States  
345 Internal Revenue Code or any violations of the tax laws of this  
346 state unless the offense also involved misuse or abuse of his  
347 office or money coming into his hands by virtue of his office. If  
348 the proper executive committee finds that a candidate either (a)  
349 is not a qualified elector, \* \* \* (b) does not meet all  
350 qualifications to hold the office he seeks and fails to provide  
351 absolute proof, subject to no contingencies, that he will meet the  
352 qualifications on or before the date of the general or special  
353 election at which he could be elected, or (c) has been convicted  
354 of a felony as described in this subsection, and not  
355 pardoned \* \* \*, then the name of such candidate shall not be  
356 placed upon the ballot.

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

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

363       23-15-309. (1) Nominations for all municipal officers which  
364 are elective shall be made at a primary election, or elections, to  
365 be held in the manner prescribed by law. All persons desiring to  
366 be candidates for the nomination in the primary elections shall  
367 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
368 at least thirty (30) days prior to the first primary election, no  
369 later than 5:00 p.m. on such deadline day.

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

374 (3) The clerk shall promptly receipt the payment, stating  
375 the office for which the person making the payment is running and  
376 the political party with which such person is affiliated. The  
377 clerk shall keep an itemized account in detail showing the time  
378 and date of the receipt of such payment received by him, from whom  
379 such payment was received, the party with which such person is  
380 affiliated and for what office the person paying the fee is a  
381 candidate. The clerk shall promptly supply all necessary  
382 information and pay over all fees so received to the secretary of  
383 the proper municipal executive committee. Such funds may be used  
384 and disbursed in the same manner as is allowed in Section  
385 23-15-299 in regard to other executive committees.

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

409 elected, or (b) has been convicted of a felony as described in  
410 this subsection and not pardoned \* \* \*, then the name of such  
411 candidate shall not be placed upon the ballot.

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

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

418 23-15-359. (1) The ballot shall contain the names of all  
419 party nominees certified by the appropriate executive committee,  
420 and independent and special election candidates who have timely  
421 filed petitions containing the required signatures. A petition  
422 requesting that an independent or special election candidate's  
423 name be placed on the ballot for any office shall be filed as  
424 provided for in subsection (3) or (4) of this section, as  
425 appropriate, and shall be signed by not less than the following  
426 number of qualified electors:

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

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

432 (c) For an office elected by the qualified electors of  
433 a congressional district, not less than two hundred (200)  
434 qualified electors.

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

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

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

443 (g) For an office elected by the qualified electors of

444 a supervisors district or justice court district, not less than  
445 fifteen (15) qualified electors.

446 (2) Unless the petition required above shall be filed as  
447 provided for in subsection (3) or (4) of this section, as  
448 appropriate, the name of the person requested to be a candidate,  
449 unless nominated by a political party, shall not be placed upon  
450 the ballot. The ballot shall contain the names of each candidate  
451 for each office, and such names shall be listed under the name of  
452 the political party such candidate represents as provided by law  
453 and as certified to the circuit clerk by the State Executive  
454 Committee of such political party. In the event such candidate  
455 qualifies as an independent as herein provided, he shall be listed  
456 on the ballot as an independent candidate.

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

466 (4) Petitions for offices described in paragraphs (f) and  
467 (g) of subsection (1) of this section, and petitions for offices  
468 described in paragraph (e) of subsection (1) of this section for  
469 districts composed of one (1) county or less, shall be filed with  
470 the proper circuit clerk by no later than 5:00 p.m. on the same  
471 date by which candidates for nominations in the political party  
472 elections are required to pay the fee provided for in Section  
473 23-15-297; provided, however, that no petition may be filed before  
474 January 1 of the year in which the election for the office is  
475 held. The circuit clerk shall notify the county commissioners of  
476 election of all persons who have filed petitions with such clerk.  
477 Such notification shall occur within two (2) business days and  
478 shall contain all necessary information.

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

486 (6) The provisions of this section shall not apply to  
487 municipal elections or to the election of the offices of justice  
488 of the Supreme Court, judge of the Court of Appeals, circuit  
489 judge, chancellor, county court judge and family court judge.

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

500 (8) The appropriate election commission shall determine  
501 whether each candidate is a qualified elector of the state, state  
502 district, county or county district they seek to serve, and  
503 whether each candidate meets all other qualifications to hold the  
504 office he is seeking or presents absolute proof that he will,  
505 subject to no contingencies, meet all qualifications on or before  
506 the date of the general or special election at which he could be  
507 elected to office. The election commission also shall determine  
508 whether any candidate has been convicted of any felony in a court  
509 of this state, or has been convicted on or after December 8, 1992,  
510 of any offense in another state which is a felony under the laws  
511 of this state, or has been convicted of any felony in a federal  
512 court on or after December 8, 1992. Excepted from the above are  
513 convictions of manslaughter and violations of the United States

514 Internal Revenue Code or any violations of the tax laws of this  
515 state, unless the offense also involved misuse or abuse of his  
516 office or money coming into his hands by virtue of his office. If  
517 the appropriate election commission finds that a candidate either  
518 (a) is not a qualified elector, (b) does not meet all  
519 qualifications to hold the office he seeks and fails to provide  
520 absolute proof, subject to no contingencies, that he will meet the  
521 qualifications on or before the date of the general or special  
522 election at which he could be elected, or (c) has been convicted  
523 of a felony as described in this subsection, and not pardoned,  
524 then the name of such candidate shall not be placed upon the  
525 ballot.

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

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

533 23-15-361. (1) The municipal general election ballot shall  
534 contain the names of all candidates who have been put in  
535 nomination by the municipal primary election of any political  
536 party. There shall be printed on the ballots the names of all  
537 persons so nominated, whether the nomination be otherwise known or  
538 not, upon the written request of one or more of the candidates so  
539 nominated, or of any qualified elector who will make oath that he  
540 was a participant in the primary election, and that the person  
541 whose name is presented by him was nominated by such primary  
542 election. The municipal election commissioner designated to have  
543 the ballots printed shall also have printed on the ballot in any  
544 municipal general election the name of any candidate who, not  
545 having been nominated by a political party, shall have been  
546 requested to be a candidate for any office by a petition filed  
547 with the clerk of the municipality no later than 5:00 p.m. on the  
548 same date by which candidates for nomination in the municipal

549 primary elections are required to pay the fee provided for in  
550 Section 23-15-309, and signed by not less than the following  
551 number of qualified electors:

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

555 (b) For an office elected by the qualified electors of  
556 a municipality having a population of less than one thousand  
557 (1,000), not less than fifteen (15) qualified electors.

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

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

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

583 (5) The municipal commission shall determine whether each



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

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

614 SECTION 8. Section 23-15-333, Mississippi Code of 1972, is  
615 amended as follows:

616 23-15-333. (1) The county executive committee shall have  
617 printed all necessary ballots, for use in primary elections. The  
618 ballots shall contain the names of all the candidates to be voted

619 for at such election, and there shall be left on each ballot one  
620 (1) blank space under the title of each office for which a nominee  
621 is to be elected; and in the event of the death of any candidate  
622 whose name shall have been printed on the ballot, the name of the  
623 candidate duly substituted in the place of the deceased candidate  
624 may be written in such blank space by the voter. Except as  
625 otherwise provided in subsection (2) of this section, the order in  
626 which the titles to the various offices shall be printed, and the  
627 size, print and quality of the paper of the ballot is left to the  
628 discretion of the county executive committee. Provided, however,  
629 that in all cases the arrangement of the names of the candidates  
630 for each office shall be alphabetical. No ballot shall be used  
631 except those so printed.

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

- 634 (a) Candidates for national office;
- 635 (b) Candidates for statewide office;
- 636 (c) Candidates for state district office;
- 637 (d) Candidates for legislative office;
- 638 (e) Candidates for countywide office;
- 639 (f) Candidates for county district office.

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

643 (3) The county executive committee shall also prepare full  
644 instructions for the guidance of electors at elections as to  
645 obtaining ballots, the manner of marking them, and the mode of  
646 obtaining new ballots in the place of those spoiled by accident.  
647 The instructions shall be printed in large, clear type on "Cards  
648 of Instruction," and the county executive committee shall furnish  
649 the same in sufficient numbers for the use of electors. The cards  
650 shall be preserved by the officers of election and returned by  
651 them to the county executive committee and they may be used, if  
652 applicable, in subsequent elections.

653 SECTION 9. Section 23-15-367, Mississippi Code of 1972, is

654 amended as follows:

655       23-15-367. (1) Except as otherwise provided by Sections  
656 23-15-974 through 23-15-985 and subsection (2) of this section,  
657 the arrangement of the names of the candidates, and the order in  
658 which the titles of the various offices shall be printed, and the  
659 size, print and quality of paper of the official ballot is left to  
660 the discretion of the officer charged with printing the official  
661 ballot; but the arrangement need not be uniform.

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

- 664           (a) Candidates for national office;  
665           (b) Candidates for statewide office;  
666           (c) Candidates for state district office;  
667           (d) Candidates for legislative office;  
668           (e) Candidates for countywide office;  
669           (f) Candidates for county district office.

670       The order in which the titles for the various offices are  
671 listed within each of the categories listed in this subsection is  
672 left to the discretion of the officer charged with printing the  
673 official ballot.

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

679       SECTION 10. Section 23-15-627, Mississippi Code of 1972, is  
680 amended as follows:

681       23-15-627. The registrar shall be responsible for furnishing  
682 an absentee ballot application form to any elector authorized to  
683 receive an absentee ballot. Absentee ballot applications shall be  
684 furnished to a person only upon the oral or written request of the  
685 elector who seeks to vote by absentee ballot; however, the parent,  
686 child, spouse, sibling, legal guardian, those empowered with a  
687 power of attorney for that elector's affairs or agent of the  
688 elector may orally request an absentee ballot application on

689 behalf of the elector. An absentee ballot application must have  
690 the seal of the circuit or municipal clerk affixed to it and be  
691 initialed by the registrar or his deputy in order to be utilized  
692 to obtain an absentee ballot. A reproduction of an absentee  
693 ballot application shall not be valid unless it is a reproduction  
694 provided by the office of the registrar of the jurisdiction in  
695 which the election is being held and which contains the seal and  
696 initials required by this section. Such application shall be  
697 substantially in the following form:

698 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

710 ( ) I am a member of the Merchant Marine or the American Red  
711 Cross and am a citizen of Mississippi or spouse or dependent of  
712 such member.

713 ( ) I am a disabled war veteran who is a patient in any  
714 hospital and am a citizen of Mississippi or spouse or dependent of  
715 such veteran.

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

720 ( ) I am a citizen of Mississippi temporarily residing  
721 outside the territorial limits of the United States and the  
722 District of Columbia.

723 ( ) I am a student, teacher or administrator at a college,

724 university, junior or community college, high, junior high,  
725 elementary or grade school, whose studies or employment at such  
726 institution necessitates my absence from the county of my voting  
727 residence or spouse or dependent of such student, teacher or  
728 administrator who maintains a common domicile outside the county  
729 of my voting residence with such student, teacher or  
730 administrator.

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

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

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

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

739 ( ) I am a member of the congressional delegation, or spouse  
740 or dependent of a member of the congressional delegation.

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

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

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

747 I realize that I can be fined up to Five Thousand Dollars  
748 (\$5,000.00) and sentenced up to five (5) years in the penitentiary  
749 for making a false statement in this application and for selling  
750 my vote and violating the Mississippi Absentee Voter Law. (This  
751 sentence is to be in bold print.)

752 If you are temporarily or permanently disabled, you are not  
753 required to have this application notarized or signed by an  
754 official authorized to administer oaths for absentee balloting.  
755 You are required to sign this application in the proper place and  
756 have a person eighteen (18) years of age or older witness your  
757 signature and sign this application in the proper place.

758 DO NOT SIGN WITHOUT READING. (This sentence is to be in bold

759 print.)

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

762 \_\_\_\_\_  
763 (Signature of absent elector)

764 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
765 2\_\_\_\_.

766 \_\_\_\_\_  
767 (Official authorized to administer oaths for absentee  
768 balloting \* \* \*.)

769 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
770 DISABLED:

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

775 \_\_\_\_\_  
776 (Signature of witness)

777 CERTIFICATE OF DELIVERY

778 I hereby certify that \_\_\_\_\_ (print name of voter)  
779 has requested that I, \_\_\_\_\_ (print name of person  
780 delivering application), deliver to the voter this absentee ballot  
781 application.

782 \_\_\_\_\_  
783 Signature of person delivering application  
784 \_\_\_\_\_  
785 Address of person delivering application"

786 SECTION 11. Section 23-15-631, Mississippi Code of 1972, is  
787 amended as follows:

788 23-15-631. (1) The registrar shall enclose with each ballot  
789 provided to an absent elector separate printed instructions  
790 furnished by him containing the following:

791 (a) All absentee voters, excepting those with temporary  
792 or permanent physical disabilities or those who are sixty-five  
793 (65) years of age or older, who mark their ballots in the county

794 of the residence shall use the registrar of that county as the  
795 witness. Said absentee voter shall come to the office of the  
796 registrar and neither the registrar nor his deputy shall be  
797 required to go out of the registrar's office to serve as an  
798 attesting witness.

799 (b) Upon receipt of the enclosed ballot, you will not  
800 mark same except in view or sight of the attesting witness. In  
801 the sight or view of the attesting witness, mark the ballot  
802 according to instructions.

803 (c) After marking the ballot, fill out and sign the  
804 "ELECTOR'S CERTIFICATE" on back of the envelope so that the  
805 signature shall be across the flap of the envelope so as to insure  
806 the integrity of the ballot. All absent electors shall have the  
807 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across  
808 the flap on back of the envelope. Place necessary postage on the  
809 envelope and deposit it in the post office or some government  
810 receptacle provided for deposit of mail so that the absent  
811 elector's ballot, excepting presidential absentee ballots, will  
812 reach the registrar in which your precinct is located not later  
813 than 5:00 p.m. on the day preceding the date of the election, or  
814 by personally delivering such ballot to the registrar's office not  
815 later than 12:00 noon on the Saturday immediately preceding  
816 elections held on Tuesday, the Thursday immediately preceding  
817 elections held on Saturday, and the second day immediately  
818 preceding elections held on other days.

819 Any notary public, United States postmaster, assistant United  
820 States postmaster, United States postal supervisor, clerk in  
821 charge of a contract postal station, or any officer having  
822 authority to administer an oath or take an acknowledgment may be  
823 an attesting witness; provided, however, that in the case of an  
824 absent elector who is temporarily or permanently physically  
825 disabled, the attesting witness may be any person eighteen (18)  
826 years of age or older and such person is not required to have the  
827 authority to administer an oath. If a postmaster, assistant  
828 postmaster, postal supervisor, or clerk in charge of a contract

829 postal station acts as an attesting witness, his signature on the  
830 elector's certificate must be authenticated by the cancellation  
831 stamp of their respective post offices. If one or the other  
832 officers herein named acts as attesting witness, his signature on  
833 the elector's certificate, together with his title and address,  
834 but no seal, shall be required. Any affidavits made by an absent  
835 elector who is in the Armed Forces may be executed before a  
836 commissioned officer, warrant officer, or noncommissioned officer  
837 not lower in grade than sergeant rating or any person authorized  
838 to administer oaths.

839 (d) When the application accompanies the ballot it  
840 shall not be returned in the same envelope as the ballot but shall  
841 be returned in a separate preaddressed envelope provided by the  
842 registrar.

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

846 (f) Any voter casting an absentee ballot who declares  
847 that he requires assistance to vote by reason of blindness,  
848 temporary or permanent physical disability or inability to read or  
849 write, shall be entitled to receive assistance in the marking of  
850 his absentee ballot and in completing the affidavit on the  
851 absentee ballot envelope. The voter may be given assistance by  
852 anyone of the voter's choice other than a candidate whose name  
853 appears on the absentee ballot being marked, or the voter's  
854 employer, or agent of that employer. In order to ensure the  
855 integrity of the ballot, any person who provides assistance to an  
856 absentee voter shall be required to sign and complete the  
857 "Certificate of Person Providing Voter Assistance" on the absentee  
858 ballot envelope.

859 (2) The foregoing instructions required to be provided by  
860 the registrar to the elector shall also constitute the substantive  
861 law pertaining to the handling of absentee ballots by the elector  
862 and registrar.

863 SECTION 12. Section 23-15-681, Mississippi Code of 1972, is



864 amended as follows:

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

879       SECTION 13. Section 23-15-839, Mississippi Code of 1972, is  
880 amended as follows:

881       23-15-839. (1) When a vacancy shall occur in any county or  
882 county district office, the same shall be filled by appointment by  
883 the board of supervisors of the county, by order entered upon its  
884 minutes, where the vacancy occurs, or by appointment of the  
885 president of the board of supervisors, by and with the consent of  
886 the majority of the board of supervisors, if such vacancy occurs  
887 when said board is not in session, and the clerk of the board  
888 shall certify to the Secretary of State the fact of the  
889 appointment, and the person so appointed shall be commissioned by  
890 the Governor; and if the unexpired term be longer than six (6)  
891 months, such appointee shall serve until a successor is elected as  
892 hereinafter provided, unless the regular special election day on  
893 which the vacancy should be filled occurs in a year in which an  
894 election would normally be held for that office as provided by  
895 law, in which case the person so appointed shall serve the  
896 unexpired portion of the term. Such vacancies shall be filled for  
897 the unexpired term by the qualified electors at the next regular  
898 special election day occurring more than ninety (90) days after

899 the occurrence of the vacancy. The board of supervisors of the  
900 county shall, within ten (10) days after the happening of the  
901 vacancy, make an order, in writing, directed to the commissioners  
902 of election, commanding an election to be held on the next regular  
903 special election day to fill the vacancy. The election  
904 commissioners shall require each candidate to qualify at least  
905 sixty (60) days before the date of the election, and shall give a  
906 certificate of election to the person elected, and shall return to  
907 the Secretary of State a copy of the order of holding the  
908 election, showing the results thereof, certified by the clerk of  
909 the board of supervisors. The person elected shall be  
910 commissioned by the Governor.

911 \* \* \*

912 (2) In any election ordered pursuant to this section where  
913 only one (1) person shall have qualified with the commissioners of  
914 election to be a candidate within the time provided by law, the  
915 commissioners of election shall certify to the board of  
916 supervisors that there is but one (1) candidate. Thereupon, the  
917 board of supervisors shall dispense with the election and shall  
918 appoint the candidate so certified to fill the unexpired term.  
919 The clerk of the board shall certify to the Secretary of State the  
920 candidate so appointed to serve in said office and that candidate  
921 shall be commissioned by the Governor. In the event that no  
922 person shall have qualified by 5:00 p.m. sixty (60) days prior to  
923 the date of the election, the commissioners of election shall  
924 certify that fact to the board of supervisors which shall dispense  
925 with the election and fill the vacancy by appointment. The clerk  
926 of the board of supervisors shall certify to the Secretary of  
927 State the fact of the appointment, and the person so appointed  
928 shall be commissioned by the Governor.

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

931 23-15-853. (1) If a vacancy happens in the representation  
932 in Congress, the vacancy shall be filled for the unexpired term by  
933 a special election, to be ordered by the Governor, within sixty

934 (60) days after such vacancy occurs, and to be held at a time  
935 fixed by his order, and which time shall be not less than forty  
936 (40) days after the issuance of the order of the Governor, which  
937 shall be directed to the commissioners of election of the several  
938 counties of the district, who shall, immediately on the receipt of  
939 the order, give notice of the election by publishing the same in  
940 some newspaper having a general circulation in the county and by  
941 posting notice thereof at the front door of the courthouse. The  
942 order shall also be directed to the State Board of Election  
943 Commissioners. The election shall be prepared for and conducted,  
944 and returns shall be made, in all respects as provided for a  
945 special election to fill vacancies.

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

956 There shall be attached to each petition above provided for,  
957 upon the time of filing with said Secretary of State, a  
958 certificate from the appropriate registrar or registrars showing  
959 the number of qualified electors appearing upon each such petition  
960 which the registrar shall furnish to the petitioner upon request.

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

963 23-15-857. (1) When it shall happen that there is any  
964 vacancy in a city, town or village office which is elective the  
965 unexpired term of which shall not exceed six (6) months, the same  
966 shall be filled by appointment by the governing authority or  
967 remainder of the governing authority of said city, town or  
968 village. The municipal clerk shall certify to the Secretary of

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

971 (2) When it shall happen that there is any vacancy in an  
972 elective office in a city, town or village the unexpired term of  
973 which shall exceed six (6) months, the governing authority or  
974 remainder of the governing authority of said city, town or village  
975 shall make and enter on the minutes an order for an election to be  
976 held in such city, town or village to fill the vacancy and fix a  
977 date upon which such election shall be held. Such order shall be  
978 made and entered upon the minutes at the next regular meeting of  
979 the governing authority after such vacancy shall have occurred, or  
980 at a special meeting to be held not later than ten (10) days after  
981 such vacancy shall have occurred, Saturdays, Sundays and legal  
982 holidays excluded, whichever shall occur first. Such election  
983 shall be held on a date not less than thirty (30) days nor more  
984 than forty-five (45) days after the date upon which the order is  
985 adopted.

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

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

994 One (1) of such notices shall be posted at the city, town or  
995 village hall. In the event that there is no newspaper published  
996 in the municipality, then such notice shall be published as  
997 provided for above in a newspaper which has a general circulation  
998 within the municipality and by posting as provided for above. In  
999 addition, the governing authority may publish such notice in such  
1000 newspaper for such additional times as may be deemed necessary by  
1001 the governing authority.

1002 Each candidate shall qualify by petition filed with the  
1003 municipal clerk by 5:00 p.m. at least ten (10) days before the

1004 date of the election and such petition shall be signed by not less  
1005 than the following number of qualified electors:

1006           (a) For an office of a city, town or village having a  
1007 population of one thousand (1,000) or more, not less than fifty  
1008 (50) qualified electors.

1009           (b) For an office of a city, town or village having a  
1010 population of less than one thousand (1,000), not less than  
1011 fifteen (15) qualified electors.

1012           No qualifying fee shall be required of any candidate, and the  
1013 election provided for herein shall be held as far as practicable  
1014 in the same manner as municipal general elections.

1015           The candidate receiving a majority of the votes cast in a  
1016 said election shall be elected. If no candidate shall receive a  
1017 majority vote at the election, the two (2) candidates receiving  
1018 the highest number of votes shall have their names placed on the  
1019 ballot for the election to be held one (1) week thereafter. The  
1020 candidate receiving a majority of the votes cast in said election  
1021 shall be elected. However, if no candidate shall receive a  
1022 majority and there is a tie in the election of those receiving the  
1023 next highest vote, those receiving the next highest vote and the  
1024 candidate receiving the highest vote shall have their names placed  
1025 on the ballot for the election to be held one (1) week thereafter,  
1026 and whoever receives the most votes cast in such election shall be  
1027 elected.

1028           Should the election to be held one (1) week thereafter result  
1029 in a tie vote, the candidate to prevail shall be decided by lot,  
1030 fairly and publicly drawn under the supervision by the election  
1031 commission with the aid of two (2) or more qualified electors of  
1032 the municipality.

1033           The clerk of the election commission shall then give a  
1034 certificate of election to the person elected, and shall return to  
1035 the Secretary of State a copy of the order of holding the election  
1036 and runoff election showing the results thereof, certified by the  
1037 clerk of the governing authority. The person elected shall be  
1038 commissioned by the Governor.

1039           However, if nine (9) days prior to the date of the election  
1040 only one (1) person shall have qualified as a candidate, the  
1041 governing authority, or remainder of the governing authority,  
1042 shall dispense with the election and appoint that one (1)  
1043 candidate in lieu of an election. In the event no person shall  
1044 have qualified by 5:00 p.m. at least ten (10) days prior to the  
1045 date of the election, the governing authority or remainder of the  
1046 governing authority shall dispense with the election and fill the  
1047 vacancy by appointment. The clerk of the governing authority  
1048 shall certify to the Secretary of State the fact of the  
1049 appointment, and the person so appointed shall be commissioned by  
1050 the Governor.

1051           SECTION 16. Section 23-15-977, Mississippi Code of 1972, is  
1052 amended as follows:

1053           23-15-977. (1) All candidates for judicial office as  
1054 defined in Section 23-15-975 of this subarticle shall file their  
1055 intent to be a candidate with the proper officials not later than  
1056 5:00 p.m. on the first Friday after the first Monday in May prior  
1057 to the general election for judicial office and shall pay to the  
1058 proper officials the following amounts:

1059                   (a) Candidates for Supreme Court judge and Court of  
1060 Appeals, the sum of Two Hundred Dollars (\$200.00).

1061                   (b) Candidates for circuit judge and chancellor, the  
1062 sum of One Hundred Dollars (\$100.00).

1063                   (c) Candidates for county judge and family court judge,  
1064 the sum of Fifteen Dollars (\$15.00).

1065           (2) Candidates for judicial offices listed in paragraphs (a)  
1066 and (b) of subsection (1) of this section shall file their intent  
1067 to be a candidate with, and pay the proper assessment made  
1068 pursuant to subsection (1) of this section to, the State Board of  
1069 Election Commissioners.

1070           (3) Candidates for judicial offices listed in paragraph (c)  
1071 of subsection (1) of this section shall file their intent to be a  
1072 candidate with, and pay the proper assessment made pursuant to  
1073 subsection (1) of this section to, the circuit clerk of the proper

1074 county. The circuit clerk shall notify the county commissioners  
1075 of election of all persons who have filed their intent to be a  
1076 candidate filed with, and paid the proper assessment to, such  
1077 clerk. Such notification shall occur within two (2) business days  
1078 and shall contain all necessary information.

1079 SECTION 17. Section 37-5-75, Mississippi Code of 1972, is  
1080 amended as follows:

1081 37-5-75. If a vacancy shall occur in the office of county  
1082 superintendent of education, such vacancy shall be filled by  
1083 appointment by the county board of education. If the unexpired  
1084 term shall exceed six (6) months, it shall be the duty of the  
1085 board of supervisors of the county to call a special election to  
1086 fill such vacancy for such unexpired term, which said election  
1087 shall be called and held in the manner provided by Section  
1088 23-15-839. In such case the person so appointed by the county  
1089 board of education shall hold office only until such election is  
1090 held and the person elected thereat shall qualify and enter upon  
1091 the discharge of his duties.

1092 SECTION 18. Section 37-7-211, Mississippi Code of 1972, is  
1093 amended as follows:

1094 37-7-211. Any person otherwise eligible under the provisions  
1095 of subsection (1) of Section 37-7-203 who shall desire to be a  
1096 candidate for the office of trustee must qualify in the following  
1097 manner in order to be allowed to be considered for election. By  
1098 5:00 p.m. at least forty (40) days before the election he shall  
1099 file with the office of the superintendent of the municipal  
1100 separate school district, or the special municipal separate school  
1101 district, as the case may be, a petition signed by not less than  
1102 twenty-five (25) qualified electors of the area represented by the  
1103 office which he seeks, either for a full term or an unexpired  
1104 term, as the case may be, and an affidavit by the candidate  
1105 offering for election stating his qualifications under the terms  
1106 of said sections. The petition shall contain an affidavit  
1107 certifying that all signatures are the personal signatures of each  
1108 person whose name appears on the petition and that each person is

1109 a qualified elector.

1110 Unless the petition and affidavit required above shall be  
1111 filed by 5:00 p.m. not less than forty (40) days prior to the  
1112 election, the name of the candidate shall not be considered in the  
1113 election, and votes cast for any person who has failed to qualify  
1114 shall not be counted in the election.

1115 If after the time for candidates to file the petition and  
1116 affidavit provided for herein there should be only one (1) person  
1117 to qualify for the office of trustee, then no election or notice  
1118 of election shall be necessary and such person shall, if otherwise  
1119 qualified, be declared elected without opposition.

1120 SECTION 19. Section 37-7-225, Mississippi Code of 1972, is  
1121 amended as follows:

1122 37-7-225. The county election commissioners shall place the  
1123 name of any person eligible to hold the office of trustee on the  
1124 ballot used in the election, provided that such candidate shall  
1125 have filed with the county registrar, not more than ninety (90)  
1126 days and by 5:00 p.m. not less than sixty (60) days prior to the  
1127 date of such election, a petition of nomination signed by not less  
1128 than fifty (50) qualified electors of the school district. Where  
1129 there are less than one hundred (100) qualified electors in said  
1130 district, it shall only be required that said petition of  
1131 nomination be signed by at least twenty percent (20%) of the  
1132 qualified electors of such school district. If such person be a  
1133 candidate for an unexpired term, he shall indicate the term for  
1134 which he is a candidate in such petition; otherwise he shall be  
1135 deemed to be a candidate for a full term.

1136 If after the time for candidates to file the petition of  
1137 nomination provided for herein there should be only one (1) person  
1138 to qualify for the office of trustee, then no election or notice  
1139 of election shall be necessary and such person shall, if otherwise  
1140 qualified, be declared elected without opposition.

1141 SECTION 20. The Attorney General of the State of Mississippi  
1142 shall submit this act, immediately upon approval by the Governor,  
1143 or upon approval by the Legislature subsequent to a veto, to the



1144 Attorney General of the United States or to the United States  
1145 District Court for the District of Columbia in accordance with the  
1146 provisions of the Voting Rights Act of 1965, as amended and  
1147 extended.

1148 SECTION 21. This act shall take effect and be in force from  
1149 and after the date it is effectuated under Section 5 of the Voting  
1150 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO CREATE A NEW CODE SECTION TO BE CODIFIED AS SECTION  
2 223-15-393, 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  
9 923-15-39, 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, 37-5-75, 37-7-211 AND 37-7-225,  
12 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.