

By: Representative Cameron

To: Apportionment and
Elections

HOUSE BILL NO. 9

1 AN ACT TO ABOLISH PARTISAN PRIMARIES; TO PROVIDE THE TIME FOR
2 HOLDING GENERAL AND PREFERENTIAL ELECTIONS; TO PROVIDE THAT WHEN
3 ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR AN OFFICE, THAT
4 SUCH PERSON'S NAME SHALL BE PLACED ON THE GENERAL ELECTION BALLOT;
5 TO PROVIDE THAT WHEN MORE THAN ONE PERSON HAS QUALIFIED AS A
6 CANDIDATE FOR AN OFFICE, THAT A PREFERENTIAL ELECTION SHALL BE
7 HELD THREE WEEKS PRIOR TO THE GENERAL ELECTION AND THE CANDIDATE
8 WHO RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL
9 HAVE HIS NAME AND HIS NAME ONLY PLACED ON THE GENERAL ELECTION
10 BALLOT; TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A MAJORITY OF
11 THE VOTES CAST IN THE PREFERENTIAL ELECTION FOR AN OFFICE, THAT
12 THE TWO CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES IN THE
13 PREFERENTIAL ELECTION SHALL HAVE THEIR NAMES PLACED ON THE GENERAL
14 ELECTION BALLOT AS CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE
15 PROCEDURE TO FOLLOW IN CASE OF TIES; TO PROVIDE THE MANNER FOR
16 QUALIFYING AS A CANDIDATE FOR PUBLIC OFFICE; TO PROVIDE FOR THE
17 PRINTING OF NECESSARY BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7,
18 21-15-1, 23-15-21, 23-15-31, 23-15-129, 23-15-153, 23-15-173,
19 23-15-197, 23-15-313, 23-15-367, 23-15-375, 23-15-403, 23-15-411,
20 23-15-463, 23-15-465, 23-15-507, 23-15-511, 23-15-559, 23-15-561,
21 23-15-573, 23-15-593, 23-15-595, 23-15-601, 23-15-605, 23-15-673,
22 23-15-713, 23-15-755, 23-15-771, 23-15-801, 23-15-807, 23-15-811,
23 23-15-833, 23-15-859, 23-15-873, 23-15-881, 23-15-885, 23-15-891,
24 23-15-899, 23-15-911, 23-15-973, 23-15-1065, 23-15-1085 AND
25 23-15-1087, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
26 REPEAL SECTION 23-15-127, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
27 FOR THE PREPARATION, USE AND REVISION OF PRIMARY ELECTION
28 POLLBOOKS; TO REPEAL SECTION 23-15-171, MISSISSIPPI CODE OF 1972,
29 WHICH PROVIDES FOR THE DATES OF MUNICIPAL PRIMARY ELECTIONS; TO
30 REPEAL SECTION 23-15-191, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
31 FOR THE DATE OF STATE, DISTRICT AND COUNTY PRIMARY ELECTIONS; TO
32 REPEAL SECTIONS 23-15-263, 23-15-265, 23-15-267, 23-15-291 THROUGH
33 23-15-311, 23-15-317, 23-15-319, 23-15-331, 23-15-333 AND
34 23-15-335, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE DUTIES
35 OF THE STATE EXECUTIVE COMMITTEE AND COUNTY EXECUTIVE COMMITTEES
36 IN PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES
37 FOR PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT OF PARTY
38 PRIMARY ELECTIONS; TO REPEAL SECTIONS 23-15-359, 23-15-361 AND
39 23-15-363, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
40 CONTENTS OF GENERAL ELECTION BALLOTS; TO REPEAL SECTIONS 23-15-597
41 AND 23-15-599, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
42 CANVASS OF RETURNS AND ANNOUNCEMENT OF VOTE BY THE COUNTY
43 EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS AND REQUIRE THE STATE
44 EXECUTIVE COMMITTEE TO TRANSMIT TO THE SECRETARY OF STATE A
45 TABULATED STATEMENT OF THE PARTY VOTE FOR CERTAIN OFFICES; TO
46 REPEAL SECTION 23-15-841, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
47 FOR PRIMARY ELECTIONS FOR NOMINATION OF CANDIDATES TO FILL
48 VACANCIES IN COUNTY AND COUNTY DISTRICT OFFICES; TO REPEAL
49 SECTIONS 23-15-921 THROUGH 23-15-941, MISSISSIPPI CODE OF 1972,
50 WHICH PROVIDE PROCEDURES FOR CONTESTS OF PRIMARY ELECTIONS; TO
51 REPEAL SECTION 23-15-1031, MISSISSIPPI CODE OF 1972, WHICH
52 PROVIDES FOR THE DATE OF PRIMARY ELECTIONS FOR CONGRESSMEN AND



53 UNITED STATES SENATORS; TO REPEAL SECTION 23-15-1063, MISSISSIPPI
54 CODE OF 1972, WHICH PROHIBITS UNREGISTERED POLITICAL PARTIES FROM
55 CONDUCTING PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1083,
56 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT CERTAIN
57 CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE
58 PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

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

60 SECTION 1. (1) For purposes of this act, the following
61 words shall have the meaning ascribed herein unless the context
62 shall otherwise require:

63 (a) "Preferential election" shall mean an election held
64 for the purpose of determining those candidates whose names will
65 be placed on the general or regular election ballot. Any person
66 who meets the qualifications to hold the office he seeks may be a
67 candidate in the preferential election without regard to party
68 affiliation or lack of party affiliation.

69 (b) "General election" or "regular election" shall mean
70 an election held for the purpose of determining which candidate
71 shall be elected to office.

72 (c) "Political party" shall mean a party defined as a
73 political party by the provisions of Sections 23-15-1059 and
74 23-15-1061, Mississippi Code of 1972.

75 (2) All qualified electors of the State of Mississippi may
76 participate, without regard to party affiliation or lack of party
77 affiliation, in any appropriate preferential, general or regular
78 election.

79 SECTION 2. The general election in 2003 and every general
80 election thereafter shall be held on the first Tuesday after the
81 first Monday of November of the appropriate year. When more than
82 one (1) person has qualified or been certified as a candidate for
83 any office, a preferential election for such office shall be held
84 three (3) weeks prior to such general or regular election.

85 SECTION 3. Any person who has qualified in the manner
86 provided by law as a candidate for election under Sections 1
87 through 11 of this act shall have the right to withdraw his name
88 as a candidate by giving notice of his withdrawal in writing to



89 the secretary of the appropriate election commission at any time
90 prior to the printing of the official ballots, and in the event of
91 his withdrawal the name of such candidate shall not be printed on
92 the ballot.

93 SECTION 4. When only one (1) person shall have qualified or
94 been certified as a candidate for any office, such person's name
95 shall be placed only on the general or regular election ballot and
96 shall not be placed on the ballot for a preferential election.

97 SECTION 5. When more than one (1) person has qualified or
98 been certified as a candidate for any office, a preferential
99 election for such office shall be held three (3) weeks prior to
100 such general or regular election, and any candidate who receives a
101 majority of the votes cast in such preferential election shall
102 have his name, and his name only, placed on the ballot in the
103 general or regular election. Except as provided in Section 6 of
104 this act, if no person shall receive a majority of the votes cast
105 at such preferential election, then the two (2) persons receiving
106 the highest number of votes in the preferential election shall
107 have their names placed on the ballot in the general or regular
108 election as candidates for such office.

109 SECTION 6. (1) When there is a tie in the preferential
110 election between the candidates receiving the highest vote, then
111 only those candidates shall be placed on the ballot as candidates
112 in the general election.

113 (2) When there is a tie in the preferential election between
114 the candidates receiving the next highest vote and there is not a
115 tie for the highest vote, candidates receiving the next highest
116 vote and the one receiving the highest vote, no one having
117 received a majority, shall have their names placed on the ballot
118 as candidates in the general or regular election.

119 (3) In the event that (a) there are more than two (2)
120 candidates in the preferential election, and (b) no candidate in
121 such election receives a majority of the votes cast at such



122 preferential election, and (c) there is not a tie in such
123 preferential election that would require the procedure prescribed
124 in subsection (2) of this section to be followed, and (d) one (1)
125 of the two (2) candidates who receives the highest number of votes
126 in such preferential election withdraws or is otherwise unable to
127 participate in the general or regular election, then the remaining
128 candidate of the two (2) who receives the highest vote in the
129 preferential election and the candidate who receives the third
130 highest vote in such election shall be placed on the ballot as
131 candidates in the general or regular election.

132 SECTION 7. All candidates receiving the highest number of
133 votes for any office in the general or regular election shall
134 thereby be declared elected to such office, subject to the
135 requirements of Sections 140, 141 and 143, Mississippi
136 Constitution of 1890.

137 SECTION 8. (1) All candidates upon entering the race for
138 election to any office, except municipal officers, shall, not
139 later than 5:00 p.m. sixty (60) days prior to any general or
140 regular election, file their intent to be a candidate and pay to
141 the secretary of the proper executive committee of their political
142 party or the appropriate election commission for each election the
143 following amounts:

144 (a) Candidates for Governor and United States Senator,
145 the sum of Three Hundred Dollars (\$300.00);

146 (b) Candidates for United States Representatives,
147 Lieutenant Governor, Attorney General, Secretary of State, State
148 Treasurer, Auditor of Public Accounts, Commissioner of Insurance,
149 Commissioner of Agriculture and Commerce, State Highway
150 Commissioner and State Public Service Commissioner, the sum of Two
151 Hundred Dollars (\$200.00);

152 (c) Candidates for district attorney, the sum of One
153 Hundred Dollars (\$100.00);



154 (d) Candidates for State Senator and State
155 Representative whose district is composed of more than one (1)
156 county, or parts of more than one (1) county, the sum of Fifteen
157 Dollars (\$15.00);

158 (e) Candidates for State Senator or State
159 Representative whose district is composed of one (1) county or
160 less, and candidates for sheriff, chancery clerk, circuit clerk,
161 tax assessor, tax collector, county attorney, county
162 superintendent of education and board of supervisors, the sum of
163 Fifteen Dollars (\$15.00); and

164 (f) Candidates for county surveyor, county coroner,
165 justice court judge and constable, the sum of Ten Dollars
166 (\$10.00).

167 (2) No person shall be denied a place upon the ballot for
168 any office for which he desires to be a candidate because of his
169 inability to pay the assessment above set out.

170 SECTION 9. (1) Candidates for offices set out in Section 8
171 of this act under paragraphs (a), (b), (c) and (d) shall file
172 their intent to be a candidate with the secretary of the state
173 executive committee of the political party with which the
174 candidate is affiliated or with the secretary of the state
175 election commission if not affiliated with a political party.

176 (2) Candidates for offices set out in Section 8 of this act
177 under paragraphs (e) and (f) shall file their intent to be a
178 candidate with the secretary of the county executive committee of
179 the political party with which the candidate is affiliated, or
180 with the county election commission if not affiliated with a
181 political party.

182 Not later than fifty-five (55) days prior to the general
183 election, the respective executive committee shall certify to the
184 appropriate election commission all candidates who have filed,
185 within the time prescribed herein, with such committee their
186 intent to be a candidate.



187 SECTION 10. (1) Necessary ballots for use in elections
188 shall be printed as provided for in Section 23-15-351, Mississippi
189 Code of 1972. The ballots shall contain the names of all
190 candidates who have filed their intention to be a candidate in the
191 manner and within the time prescribed herein. Such names shall be
192 listed alphabetically on the ballot without regard to party
193 affiliation, if any, with indication of the political party, if
194 any, with which such candidate qualified placed in parentheses
195 following the name of the candidate.

196 (2) The county election commissioners may also have printed
197 upon the ballot any local issue election matter that is authorized
198 to be held on the same date as the general election pursuant to
199 Section 23-15-375, Mississippi Code of 1972; provided, however,
200 that the ballot form of such local issue must be filed with the
201 election commissioners by the appropriate governing authority not
202 less than sixty (60) days previous to the election.

203 SECTION 11. (1) All candidates upon entering the race for
204 election to any municipal office shall, not later than 5:00 p.m.
205 sixty (60) days prior to any municipal general or regular
206 election, file their intent to be a candidate and pay to the
207 secretary of the municipal executive committee of their political
208 party or to the municipal election commission for each election
209 the amount of Ten Dollars (\$10.00).

210 (2) Candidates for municipal office shall file their intent
211 to be a candidate with the secretary of the municipal executive
212 committee of the political party with which the candidate is
213 affiliated, or with the secretary of the municipal election
214 commission if not affiliated with a political party.

215 (3) Such election shall be held on the date provided for in
216 Section 23-15-173, Mississippi Code of 1972; and in the event a
217 preferential election shall be necessary, such preferential
218 election shall be held three (3) weeks prior thereto. At such
219 election, or elections, the municipal election commissioners shall



220 perform the same duties as are specified by law and performed by
221 the county election commissioners with regard to state and county
222 general and preferential elections. Except as otherwise provided
223 by law, all municipal elections shall be held and conducted as is
224 provided by law for state and county elections.

225 (4) Provided, however, that in municipalities operating
226 under a special or private charter which fixes a time for holding
227 elections other than the time fixed herein, the preferential
228 election shall be three (3) weeks prior to the general election as
229 fixed by the charter.

230 (5) No person shall be denied a place upon the ballot for
231 any office for which he desires to be a candidate because of his
232 inability to pay the assessment above set out.

233 (6) Not later than fifty-five (55) days prior to the general
234 election, the respective municipal executive committees shall
235 certify to the municipal election commission all candidates who
236 have filed, within the time prescribed herein, with such executive
237 committees their intent to be a candidate.

238 SECTION 12. Sections 1 through 11 of this act shall apply to
239 all elections to public office except elections for judicial
240 office as defined in Section 23-15-975, Mississippi Code of 1972,
241 and special elections.

242 SECTION 13. Nothing in Sections 1 through 11 of this act
243 shall prohibit special elections to fill vacancies in either house
244 of the Legislature from being held as provided in Section
245 23-5-201, Mississippi Code of 1972. In all elections conducted
246 under the provisions of Section 23-15-851, Mississippi Code of
247 1972, the commissioners shall have printed on the ballot the name
248 of any candidate who shall have been requested to be a candidate
249 for the office by a petition filed with said commissioners not
250 less than ten (10) working days prior to the election and signed
251 by not less than fifty (50) qualified electors.



252 SECTION 14. The state executive committee of any political
253 party is hereby authorized to make and promulgate reasonable rules
254 and regulations for the affairs of said political party and may
255 authorize the county executive committee of said party to have a
256 new registration of the members of that party, if the county
257 executive committee thinks it is for the best welfare of the party
258 to do so.

259 SECTION 15. It shall be the duty of the state executive
260 committee of each political party to furnish to the election
261 commissioners of each county the names of all state and state
262 district candidates who have qualified as provided in Sections 8
263 and 9 of this act.

264 SECTION 16. The chairmen of the state and county election
265 commissioners, respectively, shall transmit to the Secretary of
266 State a tabulated statement of the vote cast in each county in
267 each state and district election, which statement shall be filed
268 by the Secretary of State and preserved among the records of his
269 office.

270 SECTION 17. Candidates for the Office of Public Service
271 Commissioner and for State Highway Commissioner and for other
272 officers to be elected from each Supreme Court district, and
273 representatives in Congress and for district attorneys and for
274 other officers to be elected by districts, shall be voted for by
275 all the counties within their respective districts, and all said
276 district candidates except senatorial candidates in districts
277 composed of one (1) county shall be under the supervision and
278 control of the state election commissioners, which commissioners
279 shall discharge, in respect to such state district elections, all
280 the powers and duties imposed upon them in connection with
281 elections of candidates for other state offices.

282 SECTION 18. Section 21-7-7, Mississippi Code of 1972, is
283 amended as follows:



284 21-7-7. The governing body of any such municipality shall be
285 a council, known and designated as such, consisting of seven (7)
286 members. One (1) of the members shall be the mayor, having the
287 qualifications as prescribed by Section 21-3-9, who shall have
288 full rights, powers and privileges of other councilmen. The mayor
289 shall be nominated and elected at large; the remaining councilmen
290 shall be nominated and elected one (1) from each ward into which
291 the city shall be divided. However, if the city be divided into
292 less than six (6) wards, the remaining councilmen shall be
293 nominated and elected at large. The councilmen, including the
294 mayor, shall be elected for a term of four (4) years to serve
295 until their successors are elected and qualified in accordance
296 with the provisions of Section 11, House Bill No. _____, 2001
297 Regular Session, said term commencing on the first Monday of
298 January after the municipal election first following the adoption
299 of the form of government as provided by this chapter.

300 The compensation for the members of the council shall, for
301 the first four (4) years of operation, under this chapter, be
302 fixed by the board of mayor and aldermen holding office prior to
303 the change in form of government. Thereafter the amount of
304 compensation for each such member may be increased or decreased by
305 the council, by council action taken prior to the election of
306 members thereof for the ensuing term, such action to become
307 effective with the ensuing terms.

308 SECTION 19. Section 21-8-7, Mississippi Code of 1972, is
309 amended as follows:

310 21-8-7. (1) Each municipality operating under the
311 mayor-council form of government shall be governed by an elected
312 council and an elected mayor. Other officers and employees shall
313 be duly appointed pursuant to this chapter, general law or
314 ordinance.

315 (2) Except as otherwise provided in subsection (4) of this
316 section, the mayor and councilmen shall be elected by the voters



317 of the municipality at a general or regular municipal election
318 held on the first Tuesday after the first Monday in June as
319 provided in Section 11, House Bill No. _____, 2001 Regular Session,
320 and shall serve for a term of four (4) years beginning on the
321 first Monday of July next following his election.

322 (3) The terms of the initial mayor and councilmen shall
323 commence at the expiration of the terms of office of the elected
324 officials of the municipality serving at the time of adoption of
325 the mayor-council form.

326 (4) (a) The council shall consist of five (5), seven (7) or
327 nine (9) members. In the event there are five (5) councilmen, the
328 municipality shall be divided into either five (5) or four (4)
329 wards. In the event there are seven (7) councilmen, the
330 municipality shall be divided into either seven (7), six (6) or
331 five (5) wards. In the event there are nine (9) councilmen, the
332 municipality shall be divided into seven (7) or nine (9) wards.
333 If the municipality is divided into fewer wards than it has
334 councilmen, the other councilman or councilmen shall be elected
335 from the municipality at large. The total number of councilmen
336 and the number of councilmen elected from wards shall be
337 established by the petition or petitions presented pursuant to
338 Section 21-8-3. One (1) councilman shall be elected from each
339 ward by the voters of that ward. Councilmen elected to represent
340 wards must be residents of their wards at the time of
341 qualification for election, and any councilman who removes his
342 residence from the municipality or from the ward from which he was
343 elected shall vacate his office. However, any candidate for
344 councilman who is properly qualified as a candidate under
345 applicable law shall be deemed to be qualified as a candidate in
346 whatever ward he resides if his ward has changed after the council
347 has redistricted the municipality as provided in subparagraphs
348 (c)(ii) and (iii) of this subsection (4), and if the wards have
349 been so changed, any person may qualify as a candidate for



350 councilman, using his existing residence or by changing his
351 residence, not less than fifteen (15) days prior to the
352 preferential election or special election, as the case may be,
353 notwithstanding any other residency or qualification requirements
354 to the contrary.

355 (b) The council or board existing at the time of the
356 adoption of the mayor-council form of government shall designate
357 the geographical boundaries of the wards within one hundred twenty
358 (120) days after the election in which the mayor-council form of
359 government is selected. In designating the geographical
360 boundaries of the wards, each ward shall contain, as nearly as
361 possible, the population factor obtained by dividing the
362 municipality's population as shown by the most recent decennial
363 census by the number of wards into which the municipality is to be
364 divided.

365 (c) (i) It shall be the mandatory duty of the council
366 to redistrict the municipality by ordinance, which ordinance may
367 not be vetoed by the mayor, within six (6) months after the
368 official publication by the United States of the population of the
369 municipality as enumerated in each decennial census, and within
370 six (6) months after the effective date of any expansion of
371 municipal boundaries; however, if the publication of the most
372 recent decennial census or effective date of an expansion of the
373 municipal boundaries occurs six (6) months or more prior to the
374 preferential election in a municipality, then the council shall
375 redistrict the municipality by ordinance not less than sixty (60)
376 days prior to such preferential election.

377 (ii) If the publication of the most recent
378 decennial census occurs less than six (6) months prior to the
379 preferential election in a municipality, then the council shall
380 redistrict the municipality by ordinance not later than twenty
381 (20) days prior to the preferential election.



382 (iii) If the publication of the most recent
383 decennial census is not received by the council in time to
384 redistrict the municipality at least twenty (20) days prior to the
385 preferential election, then the council shall redistrict the
386 municipality by ordinance not later than twenty (20) days prior to
387 a special preferential election provided for hereafter in this
388 subparagraph. If the census is not received in time to redistrict
389 the municipality, as provided above, the mayor and councilmen
390 shall be elected by the voters of the municipality at a special
391 general or regular municipal election held on the fourth Tuesday
392 after the first Monday in June, and a special preferential
393 election shall be held on the second Tuesday after the first
394 Monday in June, notwithstanding other provisions of law to the
395 contrary.

396 (d) If annexation of additional territory into the
397 municipal corporate limits of the municipality shall occur less
398 than six (6) months prior to the preferential election in a
399 municipality the council shall, by ordinance adopted within three
400 (3) days of the effective date of such annexation, assign such
401 annexed territory to an adjacent ward or wards so as to maintain
402 as nearly as possible substantial equality of population between
403 wards; any subsequent redistricting of the municipality by
404 ordinance as required by this chapter shall not serve as the basis
405 for representation until the next regularly scheduled election for
406 municipal councilmen.

407 (e) If the council shall have failed to redistrict the
408 municipality as herein required, the members of the council shall
409 not receive any further salaries until the council shall have
410 adopted such ordinance and the checks for such salaries for said
411 periods shall not be issued.

412 (5) Vacancies occurring in the council shall be filled as
413 provided in Section 23-15-857.



414 (6) The mayor shall maintain an office at the city hall.
415 The councilmen shall not maintain individual offices at the city
416 hall; provided, however, that in municipalities with populations
417 of one hundred ninety thousand (190,000) and above, councilmen may
418 have individual offices in the city hall. Clerical work of
419 councilmen in the performance of the duties of their office shall
420 be performed by municipal employees or at municipal expense, and
421 councilmen shall be reimbursed for the reasonable expenses
422 incurred in the performance of the duties of their office.

423 SECTION 20. Section 21-15-1, Mississippi Code of 1972, is
424 amended as follows:

425 21-15-1. All officers elected at the general or regular
426 municipal election provided for in Section 11, House Bill No.
427 _____, 2001 Regular Session, shall qualify and enter upon the
428 discharge of their duties on the first Monday of July after such
429 general election, and shall hold their offices for a term of four
430 (4) years and until their successors are duly elected and
431 qualified.

432 SECTION 21. Section 23-15-21, Mississippi Code of 1972, is
433 amended as follows:

434 23-15-21. It shall be unlawful for any person who is not a
435 citizen of the United States or the State of Mississippi to
436 register or to vote in any * * * special, preferential or general
437 election in the state.

438 SECTION 22. Section 23-15-31, Mississippi Code of 1972, is
439 amended as follows:

440 23-15-31. All of the provisions of this subarticle shall be
441 applicable, insofar as possible, to municipal, preferential,
442 general and special elections; and wherever therein any duty is
443 imposed or any power or authority is conferred upon the county
444 registrar or county election commissioners * * * with reference to
445 a state and county election, such duty shall likewise be imposed
446 and such power and authority shall likewise be conferred upon the



447 municipal registrar or municipal election commission * * * with
448 reference to any municipal election.

449 SECTION 23. Section 23-15-129, Mississippi Code of 1972, is
450 amended as follows:

451 23-15-129. The commissioners of election and the registrars
452 of the respective counties are hereby directed to make an
453 administrative division of the pollbook for each county immediately
454 following any reapportionment of the Mississippi Legislature or any
455 realignment of supervisors districts, if necessary. Such an
456 administrative division shall form subprecincts whenever necessary
457 within each voting precinct so that all persons within a
458 subprecinct shall vote on the same candidates for each public
459 office. Separate pollbooks for each subprecinct shall be made.
460 The polling place for all subprecincts within any given voting
461 precinct shall be the same as the polling place for the voting
462 precinct. Additional managers may be appointed for subprecincts in
463 the discretion of the commissioners of election * * *.

464 SECTION 24. Section 23-15-153, Mississippi Code of 1972, is
465 amended as follows:

466 23-15-153. (1) At the following times the commissioners of
467 election shall meet at the office of the registrar and carefully
468 revise the registration books and the pollbooks of the several
469 voting precincts, and shall erase from those books the names of
470 all persons erroneously on the books, or who have died, removed or
471 become disqualified as electors from any cause; and shall register
472 the names of all persons who have duly applied to be registered
473 and have been illegally denied registration:

474 (a) On the Tuesday after the second Monday in January
475 1987 and every following year;

476 (b) On the first Tuesday in the month immediately
477 preceding the preferential election for congressmen in the years
478 when congressmen are elected;



479 (c) On the first Monday in the month immediately
480 preceding the preferential election for state, state district,
481 legislative, county and county district offices in the years in
482 which those offices are elected; and

483 (d) On the second Monday of September preceding
484 the * * * regular special election day in years in which a general
485 election is not conducted.

486 Except for the names of those persons who are duly qualified
487 to vote in the election, no name shall be permitted to remain on
488 the registration and pollbooks; provided, however, that no name
489 shall be erased from the registration books or pollbooks based on
490 a change in the residence of an elector except in accordance with
491 procedures provided for by the National Voter Registration Act of
492 1993 that are in effect at the time of such erasure. Except as
493 otherwise provided by Section 23-15-573, no person shall vote at
494 any election whose name is not on the pollbook.

495 (2) Except as provided in subsection (3) of this section,
496 and subject to the following annual limitations, the commissioners
497 of election shall be entitled to receive a per diem in the amount
498 of Seventy Dollars (\$70.00), to be paid from the county general
499 fund, for every day or period of no less than five (5) hours
500 accumulated over two (2) or more days actually employed in the
501 performance of their duties for the necessary time spent in the
502 revision of the registration books and pollbooks as required in
503 subsection (1) of this section:

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

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

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



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

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

518 (f) In counties having one hundred thousand (100,000)
519 qualified electors but less than one hundred twenty-five thousand
520 (125,000) qualified electors, not more than one hundred ten (110)
521 days per year;

522 (g) In counties having one hundred twenty-five thousand
523 (125,000) qualified electors but less than one hundred fifty
524 thousand (150,000) qualified electors, not more than one hundred
525 twenty-five (125) days per year;

526 (h) In counties having one hundred fifty thousand
527 (150,000) qualified electors but less than one hundred
528 seventy-five thousand (175,000) qualified electors, not more than
529 one hundred forty (140) days per year;

530 (i) In counties having one hundred seventy-five
531 thousand (175,000) qualified electors but less than two hundred
532 thousand (200,000) qualified electors, not more than one hundred
533 fifty-five (155) days per year;

534 (j) In counties having two hundred thousand (200,000)
535 qualified electors or more, not more than one hundred seventy
536 (170) days per year.

537 (3) The commissioners of election shall be entitled to
538 receive a per diem in the amount of Seventy Dollars (\$70.00), to
539 be paid from the county general fund, not to exceed ten (10) days
540 for every day or period of no less than five (5) hours accumulated
541 over two (2) or more days actually employed in the performance of
542 their duties for the necessary time spent in the revision of the
543 registration books and pollbooks prior to any special election.
544 For purposes of this subsection, the regular special election day



545 shall not be considered a special election. The annual
546 limitations set forth in subsection (2) of this section shall not
547 apply to this subsection.

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

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

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

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

562 (d) In counties having fifty thousand (50,000)
563 qualified electors but less than seventy-five thousand (75,000)
564 qualified electors, not more than forty-five (45) days per
565 election;

566 (e) In counties having seventy-five thousand (75,000)
567 qualified electors but less than one hundred thousand (100,000)
568 qualified electors, not more than fifty-five (55) days per
569 election;

570 (f) In counties having one hundred thousand (100,000)
571 qualified electors but less than one hundred fifty thousand
572 (150,000) qualified electors, not more than sixty-five (65) days
573 per election;

574 (g) In counties having one hundred fifty thousand
575 (150,000) qualified electors but less than two hundred thousand
576 (200,000) qualified electors, not more than seventy-five (75) days
577 per election; and



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

581 It is the intention of the Legislature that the conduct of an
582 election as required by law and as compensated in this subsection
583 is a separate and distinct function from the purging and revision
584 of the registration and pollbooks as required by subsection (1) of
585 this section and the compensation for those revisions provided by
586 subsection (2) of this section.

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

591 (6) The county commissioners of election may provide copies
592 of the registration books revised pursuant to this section to the
593 municipal registrar of each municipality located within the
594 county.

595 SECTION 25. Section 23-15-173, Mississippi Code of 1972, is
596 amended as follows:

597 23-15-173. * * * A general municipal election shall be held
598 in each city, town or village on the first Tuesday after the first
599 Monday of June 1985, and every four (4) years thereafter, for the
600 election of all municipal officers elected by the people.

601 * * *

602 SECTION 26. Section 23-15-197, Mississippi Code of 1972, is
603 amended as follows:

604 23-15-197. (1) Times for holding * * * general elections
605 for congressional offices shall be as prescribed in Sections * * *
606 23-15-1033 and 23-15-1041.

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



610 (3) Times for holding elections for the office of circuit
611 court judge and the office of chancery court judge shall be as
612 prescribed in Sections 23-15-974 through 23-15-985 and Section
613 23-15-1015.

614 (4) Times for holding elections for the office of county
615 election commissioners shall be as prescribed in Section
616 23-15-213.

617 SECTION 27. Section 23-15-313, Mississippi Code of 1972, is
618 amended as follows:

619 23-15-313. If there be any political party, or parties, in
620 any municipality which shall not have a party executive committee
621 for such municipality, such political party, or parties, shall
622 select temporary executive committees to serve until executive
623 committees shall be regularly elected, said selection to be in the
624 following manner, to wit: The chairman of the county executive
625 committee of the party desiring to select a municipal executive
626 committee shall, upon petition of five (5) or more members of that
627 political faith, call a mass meeting of the electors of their
628 political faith, residing in the municipality, to meet at some
629 convenient place within said municipality, at a time to be
630 designated in the call, and at such mass convention the members of
631 that political faith shall select an executive committee which
632 shall serve until the next * * * election. The public shall be
633 given notice of such mass meeting as provided in the next
634 succeeding section.

635 SECTION 28. Section 23-15-367, Mississippi Code of 1972, is
636 amended as follows:

637 23-15-367. (1) Except as otherwise provided by * * *
638 subsection (2) of this section, * * * the size, print and quality
639 of paper of the official ballot is left to the discretion of the
640 officer charged with printing the official ballot * * *.

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



- 643 (a) Candidates for national office;
644 (b) Candidates for statewide office;
645 (c) Candidates for state district office;
646 (d) Candidates for legislative office;
647 (e) Candidates for countywide office;
648 (f) Candidates for county district office.

649 The order in which the titles for the various offices are
650 listed within each of the categories listed in this subsection is
651 left to the discretion of the officer charged with printing the
652 official ballot.

653 (3) It is the duty of the Secretary of State, with the
654 approval of the Governor, to furnish the election commission of
655 each county a sample of the official ballot, not less than fifty
656 (50) days prior to the election, the general form of which shall
657 be followed as nearly as practicable.

658 SECTION 29. Section 23-15-375, Mississippi Code of 1972, is
659 amended as follows:

660 23-15-375. Local issue elections may be held on the same
661 date as any regular or general election. A local issue election
662 held on the same date as the regular or general election shall be
663 conducted in the same manner as the regular or general election
664 using the same poll workers and the same equipment. A local issue
665 may be placed on the regular or general election ballot pursuant
666 to the provisions of Section 10 of House Bill No. _____, 2001
667 Regular Session. The provisions of this section and Section 10 of
668 House Bill No. _____, 2001 Regular Session, with regard to local
669 issue elections shall not be construed to affect any statutory
670 requirements specifying the notice procedure and the necessary
671 percentage of qualified electors voting in such an election which
672 is needed for adoption of the local issue. Whether or not a local
673 issue is adopted or defeated at a local issue election held on the
674 same day as a regular or general election shall be determined in
675 accordance with relevant statutory requirements regarding the



676 necessary percentage of qualified electors who voted in such local
677 issue election, and only those persons voting for or against such
678 issue shall be counted in making that determination. As used in
679 this section "local issue elections" include elections regarding
680 the issuance of bonds, local option elections, elections regarding
681 the levy of additional ad valorem taxes and other similar
682 elections authorized by law that are called to consider issues
683 that affect a single local governmental entity. As used in this
684 section "local issue" means any issue that may be voted on in a
685 local issue election.

686 SECTION 30. Section 23-15-403, Mississippi Code of 1972, is
687 amended as follows:

688 23-15-403. The board of supervisors of any county in the
689 State of Mississippi and the governing authorities of any
690 municipality in the State of Mississippi are hereby authorized and
691 empowered, in their discretion, to purchase or rent any voting
692 machine or machines which shall be so constructed as to fulfill
693 the following requirements: It shall secure to the voter secrecy
694 in the act of voting; it shall provide facilities for voting for
695 all candidates of as many political parties or organizations as
696 may make nominations, and for or against as many questions as
697 submitted; it shall * * * permit the voter to vote for * * * as
698 many persons for an office as he is lawfully entitled to vote for,
699 but not more; it shall prevent the voter from voting for the same
700 person more than once for the same office; it shall permit the
701 voter to vote for or against any question he may have the right to
702 vote on, but no other; * * * it shall correctly register or record
703 and accurately count all votes cast for any and all persons and
704 for or against any and all questions; it shall be provided with a
705 "protective counter" or "protective device" whereby any operation
706 of the machine before or after the election will be detected; it
707 shall be provided with a counter which shall show at all times
708 during an election how many persons have voted; it shall be



709 provided with a mechanical model, illustrating the manner of
710 voting on the machine, suitable for the instruction of voters; it
711 may also be provided with one (1) device for each party for voting
712 for all the presidential electors of that party by one (1)
713 operation, and a ballot therefor containing only the words
714 "Presidential Electors For" preceded by the name of that party and
715 followed by the names of the candidates thereof for the offices of
716 President and Vice President, and a registering device therefor
717 which shall register the vote cast for said electors when thus
718 voted collectively; provided, however, that means shall be
719 furnished whereby the voter can cast a vote for individual
720 electors when permitted to do so by law.

721 SECTION 31. Section 23-15-411, Mississippi Code of 1972, is
722 amended as follows:

723 23-15-411. The officer who furnishes the official ballots
724 for any polling place where a voting machine is to be used shall
725 also provide two (2) sample ballots or instruction ballots, which
726 sample or instruction ballots shall be arranged in the form of a
727 diagram showing such portion of the front of the voting machine as
728 it will appear after the official ballots are arranged thereon or
729 therein for voting on election day. Such sample ballots shall be
730 open to the inspection of all voters on election day in all
731 preferential and general or regular elections where voting
732 machines are used.

733 SECTION 32. Section 23-15-463, Mississippi Code of 1972, is
734 amended as follows:

735 23-15-463. The board of supervisors of any county in the
736 State of Mississippi and the governing authorities of any
737 municipality in the State of Mississippi are hereby authorized and
738 empowered, in their discretion, to purchase or rent voting devices
739 and automatic tabulating equipment used in an electronic voting
740 system which meets the requirements of Section 23-15-465, and may
741 use such system in all or a part of the precincts within its



742 boundaries or in combination with paper ballots in any
743 election * * *. It may enlarge, consolidate or alter the
744 boundaries of precincts where an electronic voting system is used.
745 The provisions of Sections 23-15-461 through 23-15-485 shall be
746 controlling with respect to elections where an electronic voting
747 system is used, and shall be liberally construed so as to carry
748 out the purpose of this chapter. The provisions of the election
749 law relating to the conduct of elections with paper ballots,
750 insofar as they are applicable and not inconsistent with the
751 efficient conduct of elections with electronic voting systems,
752 shall apply. Absentee ballots shall be voted as now provided by
753 law.

754 SECTION 33. Section 23-15-465, Mississippi Code of 1972, is
755 amended as follows:

756 23-15-465. No electronic voting system consisting of a
757 marking or voting device in combination with automatic tabulating
758 equipment shall be acquired or used in accordance with Sections
759 23-15-461 through 23-15-485 unless it shall:

760 (a) Provide for voting in secrecy when used with voting
761 booths;

762 (b) Permit each voter to vote at any election for all
763 persons and offices for whom and for which he is lawfully entitled
764 to vote; to vote for as many persons for an office as he is
765 entitled to vote for; to vote for or against any question upon
766 which he is entitled to vote; and the automatic tabulating
767 equipment shall reject choices recorded on his ballot card or
768 paper ballot if the number of choices exceeds the number which he
769 is entitled to vote for the office or on the measure;

770 (c) Permit each voter at presidential elections by one
771 (1) mark or punch to vote for the candidates of that party for
772 President, Vice President and their presidential electors, or to
773 vote individually for the electors of his choice when permitted by
774 law;



775 (d) Permit each voter * * * to vote for the candidates
776 of one or more parties and for independent candidates;

777 * * *

778 (e) Permit each voter to vote for persons whose names
779 are not on the printed ballot or ballot labels;

780 (f) Prevent the voter from voting for the same person
781 more than once for the same office;

782 (g) Be suitably designed for the purpose used, of
783 durable construction, and may be used safely, efficiently and
784 accurately in the conduct of elections and counting ballots;

785 (h) Be provided with means for sealing the voting or
786 marking device against any further voting after the close of the
787 polls and the last voter has voted;

788 (i) When properly operated, record correctly and count
789 accurately every vote cast;

790 (j) Be provided with a mechanical model for instructing
791 voters, and be so constructed that a voter may readily learn the
792 method of operating it;

793 (k) Be safely transportable, and include a light to
794 enable voters to read the ballot labels and instructions.

795 SECTION 34. Section 23-15-507, Mississippi Code of 1972, is
796 amended as follows:

797 23-15-507. No optical mark reading system shall be acquired
798 or used in accordance with this chapter unless it shall:

799 (a) Permit each voter to vote at any election for all
800 persons and no others for whom and for which they are lawfully
801 entitled to vote; to vote for as many persons for an office as
802 they are entitled to vote for; to vote for or against any
803 questions upon which they are entitled to vote;

804 (b) The OMR tabulating equipment shall be capable of
805 rejecting choices recorded on the ballot if the number of choices
806 exceeds the number which the voter is entitled to vote for the
807 office or on the measure;



808 (c) Permit each voter at presidential elections by one
809 (1) mark to vote for the candidates of that party for President,
810 Vice President and their presidential electors, or to vote
811 individually for the electors of their choice when permitted by
812 law;

813 (d) Permit each voter * * * to vote for the candidates
814 of one or more parties and for independent candidates;

815 * * *

816 (e) Permit each voter to vote for persons whose names
817 are not on the printed ballot;

818 (f) Be suitably designed for the purpose used, of
819 durable construction, and may be used safely, efficiently and
820 accurately in the conduct of elections and the counting of
821 ballots;

822 (g) Be provided with means for sealing the ballots
823 after the close of the polls and the last voter has voted;

824 (h) When properly operated, record correctly and count
825 accurately all votes cast; and

826 (i) Provide the voter with a set of instructions that
827 will be so displayed that a voter may readily learn the method of
828 voting.

829 SECTION 35. Section 23-15-511, Mississippi Code of 1972, is
830 amended as follows:

831 23-15-511. The ballots shall, as far as practicable, be in
832 the same order of arrangement as provided for paper ballots that
833 are to be counted manually, except that such information may be
834 printed in vertical or horizontal rows. Nothing in this chapter
835 shall be construed as prohibiting the information being presented
836 to the voters from being printed on both sides of a single ballot.
837 In those years when a special election shall occur on the same day
838 as the general election, the names of candidates in any special
839 election and the general election shall be placed on the same
840 ballot by the commissioners of elections or officials in charge of



874 ballot, which then can be inserted into a return envelope to be
875 mailed back to the election official. Absentee ballots will not
876 be required to be folded when a ballot security envelope is
877 provided.

878 SECTION 36. Section 23-15-559, Mississippi Code of 1972, is
879 amended as follows:

880 23-15-559. The provisions of Section * * * 23-15-173 fixing
881 the time for the holding of * * * general elections shall not
882 apply to any municipality operating under a special or private
883 charter where the governing board or authority thereof, on or
884 before June 25, 1952, shall have adopted and spread upon its
885 minutes a resolution or ordinance declining to accept such
886 provisions, in which event * * * general elections shall be held
887 at the time fixed by the charter of such municipality.

888 The provisions of Section 23-15-859 shall be applicable to
889 all municipalities of this state, whether operating under a code
890 charter, special charter or the commission form of government,
891 except in cases of conflicts between the provisions of such
892 section and the provisions of the special charter of a
893 municipality or the law governing the commission form of
894 government, in which cases of conflict the provisions of the
895 special charter or the statutes relative to the commission form of
896 government shall apply.

897 SECTION 37. Section 23-15-561, Mississippi Code of 1972, is
898 amended as follows:

899 23-15-561. (1) It shall be unlawful during any * * *
900 election for any candidate for any elective office or any
901 representative of such candidate or any other person to publicly
902 or privately put up or in any way offer any prize, cash award or
903 other item of value to be raffled, drawn for, played for or
904 contested for in order to encourage persons to vote or to refrain
905 from voting in any election.



906 (2) Any person who shall violate the provisions of
907 subsection (1) of this section shall, upon conviction thereof, be
908 punished by a fine in an amount not to exceed Five Thousand
909 Dollars (\$5,000.00).

910 (3) Any candidate who shall violate the provisions of
911 subsection (1) of this section shall, upon conviction thereof, in
912 addition to the fine prescribed above, be punished by:

913 (a) Disqualification as a candidate in the race for the
914 elective office; or

915 (b) Removal from the elective office, if the offender
916 has been elected thereto.

917 SECTION 38. Section 23-15-573, Mississippi Code of 1972, is
918 amended as follows:

919 23-15-573. Any person whose name does not appear upon the
920 pollbooks shall be permitted to vote in an election; but if any
921 person offering to vote in any election whose name does not appear
922 upon the pollbook shall make affidavit before one (1) of the
923 managers of election in writing that he is entitled to vote, or
924 that he has been illegally denied registration, his vote may be
925 prepared by him and handed to the proper election officer who
926 shall enclose the same in an envelope with the written affidavit
927 of the voter, seal the envelope and mark plainly upon it the name
928 of the person offering to vote. The affidavit must include the
929 complete name, all required addresses and telephone numbers, and
930 the signature of the affiant, and must include the signature of
931 one (1) of the election managers. A separate register shall be
932 maintained for affidavit ballots, and the affiant shall sign the
933 register upon completing an affidavit under this section. In
934 canvassing the returns of the election, * * * the election
935 commissioners, * * * shall examine the records and allow the
936 ballot to be counted, or not counted, as it appears to be legal.

937 The uniform affidavit ballot shall be in substantially the
938 following form:



939

AFFIDAVIT & BALLOT ENVELOPE

940

STATE OF MISSISSIPPI ___ Primary ___ General

941

COUNTY OF _____ ___ Special Elections _____, 20____

942

Date

943

Precinct _____

944

Please give the following information: Date of Birth _____ Age _____

945

Social Security Number _____

946

Former Address _____ Date of Move _____

947

Day Phone Number _____ Night Phone Number _____

948

Maiden Name _____

949

This day personally appeared before the undersigned manager

950

of the above election, _____, who makes

951

Name

952

affidavit as provided by Section 23-15-573, Mississippi Code of

953

1972, that he or she is entitled to vote or has been illegally

954

denied registration.

955

INSTRUCTIONS TO VOTER:

956

If you have been illegally denied registration

957

check this box ;

958

If you are registered and otherwise entitled to vote,

959

check the appropriate box below.

960

I. FOR VOTERS WHO ARE REGISTERED IN THIS PRECINCT WHO HAVE

961

NOT MOVED

962

I am entitled to vote because I am a resident of and

963

lawfully registered in this precinct but my name is not on the

964

pollbook.

965

II. FOR VOTERS WHO HAVE MOVED WITHIN SUPERVISORS DISTRICT

966

I am entitled to vote because I have been lawfully registered

967

in _____ County and the supervisors district

968

wherein this precinct is located for at least thirty (30) days

969

prior to this date, and am not disqualified as a voter of this

970

precinct. I currently reside in this precinct at

971

_____.



972 Address (physical location-**not** a post office box number)

973 **III. FOR VOTERS WHO HAVE MOVED FROM ONE SUPERVISORS DISTRICT**
974 **TO ANOTHER WITHIN THIS COUNTY**

975 I am entitled to vote because I have been lawfully registered
976 in _____ County and a resident of the supervisors
977 district wherein this precinct is located for at least thirty (30)
978 days prior to this date, and am not disqualified as a voter of
979 said precinct. I currently reside in this precinct at

980 _____ .

981 Address (physical location-**not** a post office box number)

982 _____

983 Signature of Voter

Signature of Manager

984 SECTION 39. Section 23-15-593, Mississippi Code of 1972, is
985 amended as follows:

986 23-15-593. When the ballot box is opened and examined by
987 the * * * county election commissioners * * * and it is found that
988 there have been failures in material particulars to comply with
989 the requirements of Section 23-15-591 and Section 23-15-895 to
990 such an extent that it is impossible to arrive at the will of the
991 voters at such precinct, the entire box may be thrown out unless
992 it be made to appear with reasonable certainty that the
993 irregularities were not deliberately permitted or engaged in by
994 the managers at that box, or by one (1) of them responsible for
995 the wrong or wrongs, for the purpose of electing or defeating a
996 certain candidate or candidates by manipulating the election or
997 the returns thereof at that box in such manner as to have it
998 thrown out; in which latter case * * * the county election
999 commission * * * shall conduct such hearing and make such
1000 determination in respect to said box as may appear lawfully just,
1001 subject to a judicial review of said matter as elsewhere provided
1002 by this chapter. Or the * * * election commission, or the court
1003 upon review, may order another election to be held at that box
1004 appointing new managers to hold the same.



1005 SECTION 40. Section 23-15-595, Mississippi Code of 1972, is
1006 amended as follows:

1007 23-15-595. The box containing the ballots and other records
1008 required by this chapter shall, as soon as practical after the
1009 ballots have been counted, be delivered by one (1) of the precinct
1010 managers to the clerk of the circuit court of the county and said
1011 clerk shall, in the presence of the manager making delivery of the
1012 box, place upon the lock of such box a metal seal similar to the
1013 seal commonly used in sealing the doors of railroad freight cars.
1014 Such seals shall be numbered consecutively to the number of ballot
1015 boxes used in the election in the county, and the clerk shall keep
1016 in a place separate from such boxes a record of the number of the
1017 seal of each separate box in the county. The board of supervisors
1018 of the county shall pay the cost of providing such seals. Upon
1019 demand of a county election commissioner the boxes and their
1020 contents shall be delivered to the county election commission, and
1021 after such commission has finished the work of tabulating returns
1022 and counting ballots as required by law the said commission shall
1023 return all papers and ballots to the box of the precinct where
1024 such election was held, and it shall make redelivery of such boxes
1025 and their contents to the circuit clerk who shall reseal said
1026 boxes. Upon every occasion said boxes shall be reopened and each
1027 resealing shall be done as provided in this chapter.

1028 SECTION 41. Section 23-15-601, Mississippi Code of 1972, is
1029 amended as follows:

1030 23-15-601. When the result of the election shall have been
1031 ascertained by the managers they, or one (1) of their number, or
1032 some fit person designated by them, shall, by noon of the * * *
1033 day following the election, deliver to the commissioners of
1034 election, at the courthouse, a statement of the whole number of
1035 votes given for each person and for what office; and the
1036 commissioners of election shall, on the first or second day after
1037 the preferential election and after the general election, canvass



1038 the returns, ascertain and declare the result, and announce the
1039 names of the candidates who have received a majority of the votes
1040 cast for representative in the Legislature of districts composed
1041 of one (1) county or less, or other county office, board of
1042 supervisors, justice court judge and constable, and shall also
1043 announce the names of those candidates for the above mentioned
1044 offices that are to be submitted to the general election.

1045 The vote for state and state district offices shall be
1046 tabulated by precincts and certified to and returned to the state
1047 election commissioners, such returns to be mailed by registered
1048 letter or any safe mode of transportation within thirty-six (36)
1049 hours after the returns are canvassed and the results ascertained.
1050 The state election commissioners shall meet a week from the day
1051 following the preferential election held for state and district
1052 offices, and shall proceed to canvass the returns and to declare
1053 the results and announce the names of the candidates for the
1054 different offices who have received a majority of the votes cast
1055 and the names of those candidates whose names are to be submitted
1056 to the general election. The state election commissioners shall
1057 also meet a week from the day on which the general election is
1058 held and receive and canvass the returns for state and district
1059 offices voted on in such general election. An exact and full
1060 duplicate of all tabulations by precincts, as certified under this
1061 section, shall be filed with the circuit clerk of the county who
1062 shall safely preserve the same in his office.

1063 SECTION 42. Section 23-15-605, Mississippi Code of 1972, is
1064 amended as follows:

1065 23-15-605. The Secretary of State, immediately after
1066 receiving the returns of a general election, not longer than
1067 thirty (30) days after the election, shall sum up the whole number
1068 of votes given for each candidate other than for state offices,
1069 ascertain the person or persons having the largest number of votes
1070 for each office, and declare such person or persons to be duly



1071 elected; and thereupon all persons chosen to any office at the
1072 election shall be commissioned by the Governor; but if it appears
1073 that two (2) or more candidates for any district office where the
1074 district is composed of two (2) or more counties, standing highest
1075 on the list and not elected, have an equal number of votes, the
1076 election shall be forthwith decided between the candidates having
1077 an equal number of votes by lot, fairly and publicly drawn, under
1078 the direction of the Governor and Secretary of State.

1079 SECTION 43. Section 23-15-673, Mississippi Code of 1972, is
1080 amended as follows:

1081 23-15-673. (1) For the purposes of this subarticle, the
1082 term "absent voter" shall mean and include the following:

1083 (a) Any enlisted or commissioned members, male or
1084 female, of the United States Army, or any of its respective
1085 components or various divisions thereof; any enlisted or
1086 commissioned members, male or female, of the United States Navy,
1087 or any of its respective components or various divisions thereof;
1088 any enlisted or commissioned members, male or female, of the
1089 United States Air Force, or any of its respective components or
1090 various divisions thereof; any enlisted or commissioned members,
1091 male or female, of the United States Marines, or any of its
1092 respective components or various divisions thereof; or any persons
1093 in any division of the armed services of the United States, who
1094 are citizens of Mississippi;

1095 (b) Any member of the Merchant Marine and the American
1096 Red Cross who is a citizen of Mississippi;

1097 (c) Any disabled war veteran who is a patient in any
1098 hospital and who is a citizen of Mississippi;

1099 (d) Any civilian attached to and serving outside of the
1100 United States with any branch of the Armed Forces or with the
1101 Merchant Marine or American Red Cross, and who is a citizen of
1102 Mississippi;



1103 (e) Any citizen of Mississippi temporarily residing
1104 outside the territorial limits of the United States and the
1105 District of Columbia;

1106 (f) Any citizen of Mississippi enrolled as a student at
1107 a United States Military Academy.

1108 (2) The spouse and dependents of any absent voter as set out
1109 in paragraphs (a), (b), (c) and (d) of subsection (1) of this
1110 section shall also be included in the meaning of absent voter and
1111 may vote an absentee ballot as provided in this subarticle if also
1112 absent from the county of their residence on the date of the
1113 election and otherwise qualified to vote in Mississippi.

1114 (3) For the purpose of this subarticle, the term "election"
1115 shall mean and include the following sets of elections: special
1116 and runoff special elections, preferential and general
1117 elections, * * * or general elections without preferential
1118 elections, whichever * * * is applicable.

1119 SECTION 44. Section 23-15-713, Mississippi Code of 1972, is
1120 amended as follows:

1121 23-15-713. For the purpose of this subarticle, any duly
1122 qualified elector may vote as provided in this subarticle if
1123 he * * * falls within the following categories:

1124 (a) Any qualified elector who is a bona fide student,
1125 teacher or administrator at any college, university, junior
1126 college, high, junior high, or elementary grade school whose
1127 studies or employment at such institution necessitates his absence
1128 from the county of his voting residence on the date of any * * *
1129 election, or the spouse and dependents of said student, teacher or
1130 administrator if such spouse or dependent(s) maintain a common
1131 domicile, outside of the county of his voting residence, with such
1132 student, teacher or administrator.

1133 (b) Any qualified elector who is required to be away
1134 from his place of residence on any election day due to his
1135 employment as an employee of a member of the Mississippi



1136 congressional delegation and the spouse and dependents of such
1137 person if he or she shall be residing with such absentee voter
1138 away from the county of the spouse's voting residence.

1139 (c) Any qualified elector who is away from his county
1140 of residence on election day for any reason.

1141 (d) Any person who has a temporary or permanent
1142 physical disability and who, because of such disability, is unable
1143 to vote in person without substantial hardship to himself or
1144 others, or whose attendance at the voting place could reasonably
1145 cause danger to himself or others.

1146 (e) The parent, spouse or dependent of a person with a
1147 temporary or permanent physical disability who is hospitalized
1148 outside of his county of residence or more than fifty (50) miles
1149 distant from his residence, if the parent, spouse or dependent
1150 will be with such person on election day.

1151 (f) Any person who is sixty-five (65) years of age or
1152 older.

1153 (g) Any member of the Mississippi congressional
1154 delegation absent from Mississippi on election day, and the spouse
1155 and dependents of such member of the congressional delegation.

1156 (h) Any qualified elector who will be unable to vote in
1157 person because he is required to be at work on election day during
1158 the times at which the polls will be open.

1159 SECTION 45. Section 23-15-755, Mississippi Code of 1972, is
1160 amended as follows:

1161 23-15-755. All of the provisions of Sections 23-15-621
1162 through 23-15-735 shall be applicable, insofar as possible, to
1163 municipal, * * * preferential, general and special elections, and
1164 wherever herein any duty is imposed or any power or authority is
1165 conferred upon the county registrar or county election
1166 commissioners, * * * with reference to a state and county
1167 election, such duty shall likewise be imposed and such power and
1168 authority shall likewise be conferred upon the municipal registrar



1169 or municipal election commission * * * with reference to any
1170 municipal election. * * *

1171 SECTION 46. Section 23-15-771, Mississippi Code of 1972, is
1172 amended as follows:

1173 23-15-771. At the state convention, a slate of electors
1174 composed of the number of electors allotted to this state, which
1175 said electors announce a clearly expressed design and purpose to
1176 support the candidates for President and Vice President of the
1177 national political party with which the said party of this state
1178 has had an affiliation and identity of purpose heretofore, shall
1179 be designated and selected for a place upon the * * * election
1180 ballot to be held as herein provided.

1181 SECTION 47. Section 23-15-801, Mississippi Code of 1972, is
1182 amended as follows:

1183 23-15-801. (a) "Election" shall mean a preferential,
1184 general or special * * * election.

1185 (b) "Candidate" shall mean an individual who seeks * * *
1186 election to any elective office other than a federal elective
1187 office. * * * For purposes of this article, an individual shall
1188 be deemed to seek * * * election:

1189 (i) If such individual has received contributions
1190 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
1191 expenditures aggregating in excess of Two Hundred Dollars
1192 (\$200.00) or for a candidate for the Legislature or any statewide
1193 or state district office, by the qualifying deadlines specified in
1194 Sections 23-15-299 and 23-15-977, whichever occurs first; or

1195 (ii) If such individual has given his or her consent to
1196 another person to receive contributions or make expenditures on
1197 behalf of such individual and if such person has received such
1198 contributions aggregating in excess of Two Hundred Dollars
1199 (\$200.00) during a calendar year, or has made such expenditures
1200 aggregating in excess of Two Hundred Dollars (\$200.00) during a
1201 calendar year.



1202 (c) "Political committee" shall mean any committee, party,
1203 club, association, political action committee, campaign committee
1204 or other groups of persons or affiliated organizations which
1205 receives contributions aggregating in excess of Two Hundred
1206 Dollars (\$200.00) during a calendar year or which makes
1207 expenditures aggregating in excess of Two Hundred Dollars
1208 (\$200.00) during a calendar year for the purpose of influencing or
1209 attempting to influence the action of voters for or against
1210 the * * * election of one or more candidates, or balloted measures
1211 and shall, in addition, include each political party registered
1212 with the Secretary of State.

1213 (d) "Affiliated organization" shall mean any organization
1214 which is not a political committee, but which directly or
1215 indirectly establishes, administers or financially supports a
1216 political committee.

1217 (e) (i) "Contribution" shall include any gift,
1218 subscription, loan, advance or deposit of money or anything of
1219 value made by any person or political committee for the purpose of
1220 influencing any election for elective office or balloted measure;

1221 (ii) "Contribution" shall not include the value of
1222 services provided without compensation by any individual who
1223 volunteers on behalf of a candidate or political committee; or the
1224 cost of any food or beverage for use in any candidate's campaign
1225 or for use by or on behalf of any political committee of a
1226 political party;

1227 (iii) "Contribution to a political party" includes any
1228 gift, subscription, loan, advance or deposit of money or anything
1229 of value made by any person, political committee, or other
1230 organization to a political party and to any committee,
1231 subcommittee, campaign committee, political committee and other
1232 groups of persons and affiliated organizations of the political
1233 party.



1234 (iv) "Contribution to a political party" shall not
1235 include the value of services provided without compensation by any
1236 individual who volunteers on behalf of a political party or a
1237 candidate of a political party.

1238 (f) (i) "Expenditure" shall include any purchase, payment,
1239 distribution, loan, advance, deposit, gift of money or anything of
1240 value, made by any person or political committee for the purpose
1241 of influencing any balloted measure or election for elective
1242 office; and a written contract, promise, or agreement to make an
1243 expenditure;

1244 (ii) "Expenditure" shall not include any news story,
1245 commentary or editorial distributed through the facilities of any
1246 broadcasting station, newspaper, magazine, or other periodical
1247 publication, unless such facilities are owned or controlled by any
1248 political party, political committee, or candidate; or nonpartisan
1249 activity designed to encourage individuals to vote or to register
1250 to vote;

1251 (iii) "Expenditure by a political party" includes 1.
1252 any purchase, payment, distribution, loan, advance, deposit, gift
1253 of money or anything of value, made by any political party and by
1254 any contractor, subcontractor, agent, and consultant to the
1255 political party; and 2. a written contract, promise, or agreement
1256 to make such an expenditure.

1257 (g) The term "identification" shall mean:

1258 (i) In the case of any individual, the name, the
1259 mailing address, and the occupation of such individual, as well as
1260 the name of his or her employer; and

1261 (ii) In the case of any other person, the full name and
1262 address of such person.

1263 (h) The term "political party" shall mean an association,
1264 committee or organization which nominates a candidate for election
1265 to any elective office whose name appears on the election ballot
1266 as the candidate of such association, committee or organization.



1267 (i) The term "person" shall mean any individual, family,
1268 firm, corporation, partnership, association or other legal entity.

1269 (j) The term "independent expenditure" shall mean an
1270 expenditure by a person expressly advocating the election or
1271 defeat of a clearly identified candidate which is made without
1272 cooperation or consultation with any candidate or any authorized
1273 committee or agent of such candidate, and which is not made in
1274 concert with or at the request or suggestion of any candidate or
1275 any authorized committee or agent of such candidate.

1276 (k) The term "clearly identified" shall mean that:

1277 (i) The name of the candidate involved appears; or

1278 (ii) A photograph or drawing of the candidate appears;

1279 or

1280 (iii) The identity of the candidate is apparent by
1281 unambiguous reference.

1282 SECTION 48. Section 23-15-807, Mississippi Code of 1972, is
1283 amended as follows:

1284 23-15-807. (a) Each candidate or political committee shall
1285 file reports of contributions and disbursements in accordance with
1286 the provisions of this section. All candidates or political
1287 committees required to report may terminate its obligation to
1288 report only upon submitting a final report that it will no longer
1289 receive any contributions or make any disbursement and that such
1290 candidate or committee has no outstanding debts or obligations.
1291 The candidate, treasurer or chief executive officer shall sign
1292 each such report.

1293 (b) Candidates who are seeking election * * * and political
1294 committees that make expenditures for the purpose of influencing
1295 or attempting to influence the action of voters for or against
1296 the * * * election of one or more candidates or balloted measures
1297 at such election, shall file the following reports:

1298 (i) In any calendar year during which there is a
1299 regularly scheduled election, a preelection report, which shall be



1300 filed no later than the seventh day before any election in which
1301 such candidate or political committee has accepted contributions
1302 or made expenditures and which shall be complete as of the tenth
1303 day before such election;

1304 (ii) In 1987 and every fourth year thereafter, periodic
1305 reports, which shall be filed no later than the tenth day after
1306 April 30, May 31, June 30, September 30 and December 31, and which
1307 shall be complete as of the last day of each period; and

1308 (iii) In any calendar years except 1987 and except
1309 every fourth year thereafter, a report covering the calendar year
1310 which shall be filed no later than January 31 of the following
1311 calendar year.

1312 (c) All candidates for judicial office as defined in Section
1313 23-15-975, or their political committees, shall file in the year
1314 in which they are to be elected, periodic reports which shall be
1315 filed no later than the tenth day after April 30, May 31, June 30,
1316 September 30 and December 31.

1317 (d) Contents of reports. Each report under this article
1318 shall disclose:

1319 (i) For the reporting period and the calendar year, the
1320 total amount of all contributions and the total amount of all
1321 expenditures of the candidate or reporting committee which shall
1322 include those required to be identified pursuant to item (ii) of
1323 this paragraph as well as the total of all other contributions and
1324 expenditures during the calendar year. Such reports shall be
1325 cumulative during the calendar year to which they relate;

1326 (ii) The identification of:

1327 1. Each person or political committee who makes a
1328 contribution to the reporting candidate or political committee
1329 during the reporting period, whose contribution or contributions
1330 within the calendar year have an aggregate amount or value in
1331 excess of Two Hundred Dollars (\$200.00) when made to a political
1332 committee or to a candidate for an office other than statewide



1333 office or office elected by Supreme Court district, or in excess
1334 of Five Hundred Dollars (\$500.00) when made to a candidate for
1335 statewide office or office elected by Supreme Court district,
1336 together with the date and amount of any such contribution;

1337 2. Each person or organization, candidate or
1338 political committee who receives an expenditure, payment or other
1339 transfer from the reporting candidate, political committee or its
1340 agent, employee, designee, contractor, consultant or other person
1341 or persons acting in its behalf during the reporting period when
1342 the expenditure, payment or other transfer to such person,
1343 organization, candidate or political committee within the calendar
1344 year have an aggregate value or amount in excess of Two Hundred
1345 Dollars (\$200.00) when received from a political committee or
1346 candidate for an office other than statewide office or office
1347 elected by Supreme Court district, or in excess of Five Hundred
1348 Dollars (\$500.00) when received from a candidate for statewide
1349 office or office elected by the Supreme Court district, together
1350 with the date and amount of such expenditure.

1351 (iii) The total amount of cash on hand of each
1352 reporting candidate and reporting political committee;

1353 (iv) In addition to the contents of reports specified
1354 in items (i), (ii) and (iii) of this paragraph, each political
1355 party shall disclose:

1356 1. Each person or political committee who makes a
1357 contribution to a political party during the reporting period and
1358 whose contribution or contributions to a political party within
1359 the calendar year have an aggregate amount or value in excess of
1360 Two Hundred Dollars (\$200.00), together with the date and amount
1361 of the contribution;

1362 2. Each person or organization who receives an
1363 expenditure by a political party or expenditures by a political
1364 party during the reporting period when the expenditure or
1365 expenditures to the person or organization within the calendar



1366 year have an aggregate value or amount in excess of Two Hundred
1367 Dollars (\$200.00), together with the date and amount of the
1368 expenditure.

1369 (e) The appropriate office specified in Section 23-15-805
1370 must be in actual receipt of the reports specified in this article
1371 by 5:00 p.m. on the dates specified in paragraph (b) of this
1372 section. If the date specified in paragraph (b) of this section
1373 shall fall on a weekend or legal holiday then the report shall be
1374 due in the appropriate office at 5:00 p.m. on the first working
1375 day before the date specified in paragraph (b) of this section.
1376 The reporting candidate or reporting political committee shall
1377 ensure that the reports are delivered to the appropriate office by
1378 the filing deadline. The Secretary of State may approve specific
1379 means of electronic transmission of completed campaign finance
1380 disclosure reports, which may include, but not be limited to,
1381 transmission by electronic facsimile (FAX) devices.

1382 (f) (i) If any contribution of more than Two Hundred
1383 Dollars (\$200.00) is received by a candidate or candidate's
1384 political committee after the tenth day, but more than forty-eight
1385 (48) hours before 12:01 a.m. of the day of the election, the
1386 candidate or political committee shall notify the appropriate
1387 office designated in Section 23-15-805, within forty-eight (48)
1388 hours of receipt of the contribution. The notification shall
1389 include:

- 1390 1. The name of the receiving candidate;
- 1391 2. The name of the receiving candidate's political
1392 committee, if any;
- 1393 3. The office sought by the candidate;
- 1394 4. The identification of the contributor;
- 1395 5. The date of receipt;
- 1396 6. The amount of the contribution;
- 1397 7. If the contribution is in-kind, a description
1398 of the in-kind contribution; and



1399 8. The signature of the candidate or the treasurer
1400 or director of the candidate's political committee.

1401 (ii) The notification shall be in writing, and may be
1402 transmitted by overnight mail, courier service, or other reliable
1403 means, including electronic facsimile (FAX), but the candidate or
1404 candidate's committee shall ensure that the notification shall in
1405 fact be received in the appropriate office designated in Section
1406 23-15-805 within forty-eight (48) hours of the contribution.

1407 SECTION 49. Section 23-15-811, Mississippi Code of 1972, is
1408 amended as follows:

1409 23-15-811. (a) Any candidate or any other person who shall
1410 willfully and deliberately and substantially violate the
1411 provisions and prohibitions of this article shall be guilty of a
1412 misdemeanor and upon conviction thereof shall be punished by a
1413 fine in a sum not to exceed Three Thousand Dollars (\$3,000.00) or
1414 imprisoned for not longer than six (6) months or by both fine and
1415 imprisonment.

1416 (b) In addition to the penalties provided in paragraph (a)
1417 of this section, any candidate or political committee which is
1418 required to file a statement or report which fails to file such
1419 statement or report on the date in which it is due may be
1420 compelled to file such statement or report by an action in the
1421 nature of a mandamus.

1422 (c) No candidate shall be certified * * * as elected to
1423 office unless and until he files all reports required by this
1424 article due as of the date of certification.

1425 (d) No candidate who is elected to office shall receive any
1426 salary or other remuneration for the office unless and until he
1427 files all reports required by this article due as of the date such
1428 salary or remuneration is payable.

1429 (e) In the event that a candidate fails to timely file any
1430 report required pursuant to this article but subsequently files a
1431 report or reports containing all of the information required to be



1432 reported by him as of the date on which the sanctions of
1433 paragraphs (c) and (d) of this section would be applied to him,
1434 such candidate shall not be subject to the sanctions of said
1435 paragraphs (c) and (d).

1436 SECTION 50. Section 23-15-833, Mississippi Code of 1972, is
1437 amended as follows:

1438 23-15-833. Except as otherwise provided by law, the first
1439 Tuesday after the first Monday in November of each year shall be
1440 designated the regular special election day, and on that day an
1441 election shall be held to fill any vacancy in county, county
1442 district and district attorney elective offices.

1443 All special elections, or elections to fill vacancies, shall
1444 in all respects be held, conducted and returned in the same manner
1445 as general elections, except that where no candidate receives a
1446 majority of the votes cast in such election, then a runoff
1447 election shall be held two (2) weeks after such election and the
1448 two (2) candidates who receive the highest popular votes for such
1449 office shall have their names submitted as such candidates to the
1450 said runoff and the candidate who leads in such runoff election
1451 shall be elected to the office. When there is a tie in the first
1452 election of those receiving the next highest vote, these two (2)
1453 and the one receiving the highest vote, none having received a
1454 majority, shall go into the runoff election and whoever leads in
1455 such runoff election shall be entitled to the office.

1456 In those years when the regular special election day shall
1457 occur on the same day as the general election, the names of
1458 candidates in any special election and the general election shall
1459 be placed on the same ballot, but shall be clearly distinguished
1460 as general election candidates or special election candidates.

1461 * * *

1462 SECTION 51. Section 23-15-859, Mississippi Code of 1972, is
1463 amended as follows:



1464 23-15-859. Whenever under any statute a special election is
1465 required or authorized to be held in any municipality, and the
1466 statute authorizing or requiring such election does not specify
1467 the time within which such election shall be called, or the notice
1468 which shall be given thereof, the governing authorities of the
1469 municipality shall, by resolution, fix a date upon which such
1470 election shall be held. Such date shall not be less than
1471 twenty-one (21) nor more than thirty (30) days after the date upon
1472 which such resolution is adopted, and not less than three (3)
1473 weeks' notice of such election shall be given by the clerk by a
1474 notice published in a newspaper published in the municipality once
1475 each week for three (3) weeks next preceding the date of such
1476 election and by posting a copy of such notice at three (3) public
1477 places in such municipality. Nothing herein, however, shall be
1478 applicable to elections on the question of the issuance of the
1479 bonds of a municipality or to preferential or general * * *
1480 elections for the election of municipal officers.

1481 SECTION 52. Section 23-15-873, Mississippi Code of 1972, is
1482 amended as follows:

1483 23-15-873. No person, whether an officer or not, shall, in
1484 order to promote his own candidacy, or that of any other person,
1485 to be a candidate for public office in this state, directly or
1486 indirectly, himself or through another person, promise to appoint,
1487 or promise to secure or assist in securing the appointment * * *
1488 or election of another person to any public position or
1489 employment, or to secure or assist in securing any public contract
1490 or the employment of any person under any public contractor, or to
1491 secure or assist in securing the expenditure of any public funds
1492 in the personal behalf of any particular person or group of
1493 persons, except that the candidate may publicly announce what is
1494 his choice or purpose in relation to an election in which he may
1495 be called on to take part if elected. It shall be unlawful for
1496 any person to directly or indirectly solicit or receive any



1497 promise by this section prohibited. But this does not apply to a
1498 sheriff, chancery clerk, circuit clerk or any other person of the
1499 state or county when it comes to their office force.

1500 SECTION 53. Section 23-15-881, Mississippi Code of 1972, is
1501 amended as follows:

1502 23-15-881. It shall be unlawful for the Mississippi
1503 Transportation Commission or any member of the Mississippi
1504 Transportation Commission, or the board of supervisors of any
1505 county or any member of the board of supervisors of such county,
1506 to employ, during the months of * * * August, September, October
1507 and November of any year in which a general * * * election is held
1508 for the * * * election of members of the Mississippi
1509 Transportation Commission and members of the boards of
1510 supervisors, a greater number of persons to work and maintain the
1511 state highways in any highway district, or the public roads in any
1512 supervisors district of the county, as the case may be, than the
1513 average number of persons employed for similar purposes in such
1514 highway district or supervisors district, as the case may be,
1515 during the months of * * * August, September, October and November
1516 of the three (3) years immediately preceding the year in which
1517 such general * * * election is held. It shall be unlawful for the
1518 Mississippi Transportation Commission, or the board of supervisors
1519 of any county, to expend out of the state highway funds, or the
1520 road funds of the county or any supervisors district thereof, as
1521 the case may be, in the payment of wages or other compensation for
1522 labor performed in working and maintaining the highways of any
1523 highway district, or the public roads of any supervisors district
1524 of the county, as the case may be, during the months of * * *
1525 August, September, October and November of such election year, a
1526 total amount in excess of the average total amount expended for
1527 such labor, in such highway district or supervisors district, as
1528 the case may be, during the corresponding four-month period of the
1529 three (3) years immediately preceding.



1530 It shall be the duty of the Mississippi Transportation
1531 Commission and the board of supervisors of each county,
1532 respectively, to keep sufficient records of the numbers of
1533 employees and expenditures made for labor on the state highways of
1534 each highway district, and the public roads of each supervisors
1535 district, for the months of * * * August, September, October and
1536 November of each year to show the number of persons employed for
1537 such work in each highway district and each supervisors district,
1538 as the case may be, during said four-month period, and the total
1539 amount expended in the payment of salaries and other compensation
1540 to such employees, so that it may be ascertained, from an
1541 examination of such records, whether or not the provisions of this
1542 chapter have been violated.

1543 It is provided, however, because of the abnormal conditions
1544 existing in certain counties of the state due to recent floods in
1545 which roads and bridges have been materially damaged or washed
1546 away and destroyed, if the board of supervisors in any county
1547 passes a resolution as provided in Section 19-9-11, Mississippi
1548 Code of 1972, for the emergency issuance of road and bridge bonds,
1549 the provisions of this section shall not be applicable to or in
1550 force concerning the board of supervisors during the calendar year
1551 1955.

1552 SECTION 54. Section 23-15-885, Mississippi Code of 1972, is
1553 amended as follows:

1554 23-15-885. The restrictions imposed in Sections 23-15-881
1555 and 23-15-883 shall likewise apply to the mayor and board of
1556 aldermen, or other governing authority, of each municipality, in
1557 the employment of labor for working and maintaining the streets of
1558 the municipality during the four-month period next preceding the
1559 date of holding the general * * * election in such municipality
1560 for the election of municipal officers.

1561 SECTION 55. Section 23-15-891, Mississippi Code of 1972, is
1562 amended as follows:



1563 23-15-891. No common carrier, telegraph company or telephone
1564 company shall give to any candidate, or to any member of any
1565 political committee, or to any person to be used to aid or promote
1566 the success or defeat of any candidate for election for any public
1567 office, free transportation or telegraph or telephone service, as
1568 the case may be, or any reduction thereof that is not made alike
1569 to all other persons. All persons required by the provisions of
1570 this chapter to make and file statements shall make oath that they
1571 have not received or made use of, directly or indirectly, in
1572 connection with any candidacy for election to any public office,
1573 free transportation or telegraph or telephone service.

1574 SECTION 56. Section 23-15-899, Mississippi Code of 1972, is
1575 amended as follows:

1576 23-15-899. Every placard, bill, poster, pamphlet or other
1577 printed matter having reference to any election, or to any
1578 candidate, that has not been submitted to and approved and
1579 subscribed by a candidate or his campaign manager or assistant
1580 manager pursuant to the provisions of Section 23-15-897, shall
1581 bear upon the face thereof the name and the address of the author
1582 and of the printer and publisher thereof, and failure to so
1583 provide shall be a misdemeanor, and it shall be a misdemeanor for
1584 any person to mutilate or remove, previously to the date of the
1585 election, any placard, poster or picture which has been lawfully
1586 placed or posted.

1587 SECTION 57. Section 23-15-911, Mississippi Code of 1972, is
1588 amended as follows:

1589 23-15-911. (1) When the returns for a box and the contents
1590 of the ballot box and the conduct of the election thereat have
1591 been canvassed and reviewed by the county election commission
1592 * * *, all the contents of the box required to be placed and
1593 sealed in the ballot box by the managers shall be replaced therein
1594 by the election commission * * *, and the box shall be forthwith
1595 resealed and delivered to the circuit clerk, who shall safely keep



1596 and secure the same against any tampering therewith. At any time
1597 within twelve (12) days after the canvass and examination of the
1598 box and its contents by the election commission * * *, any
1599 candidate or his representative authorized in writing by him shall
1600 have the right of full examination of said box and its contents
1601 upon three (3) days' notice of his application therefor served
1602 upon the opposing candidate or candidates, or upon any member of
1603 their family over the age of eighteen (18) years, which
1604 examination shall be conducted in the presence of the circuit
1605 clerk or his deputy who shall be charged with the duty to see that
1606 none of the contents of the box are removed from the presence of
1607 the clerk or in any way tampered with. Upon the completion of
1608 said examination the box shall be resealed with all its contents
1609 as theretofore. And if any contest or complaint before the court
1610 shall arise over said box, it shall be kept intact and sealed
1611 until the court hearing and another ballot box, if necessary,
1612 shall be furnished for the precinct involved.

1613 (2) The provisions of this section allowing the examination
1614 of ballot boxes shall apply in the case of an election contest
1615 regarding the seat of a member of the State Legislature. In such
1616 a case, the results of the examination shall be reported by the
1617 applicable circuit clerk to the Clerk of the House of
1618 Representatives or the Secretary of the Senate, as the case may
1619 be.

1620 SECTION 58. Section 23-15-973, Mississippi Code of 1972, is
1621 amended as follows:

1622 23-15-973. It shall be the duty of the judges of the circuit
1623 court to give a reasonable time and opportunity to the candidates
1624 for the office of judge of the Supreme Court, judges of the Court
1625 of Appeals, circuit judge and chancellor to address the people
1626 during court terms. In order to give further and every possible
1627 emphasis to the fact that the said judicial offices are not
1628 political but are to be held without favor and with absolute



1629 impartiality as to all persons, and because of the jurisdiction
1630 conferred upon the courts by this chapter, the judges thereof
1631 should be as far removed as possible from any political
1632 affiliations or obligations. It shall be unlawful for any
1633 candidate for any of the offices mentioned in this section to
1634 align himself with any candidate or candidates for any other
1635 office or with any political faction or any political party at any
1636 time during any * * * election campaign. Likewise, it shall be
1637 unlawful for any candidate for any other office * * * wherein any
1638 candidate for any of the judicial offices in this section
1639 mentioned, is or are to be elected, to align himself with any one
1640 or more of the candidates for said offices or to take any part
1641 whatever in any election for any one or more of said judicial
1642 offices, except to cast his individual vote. If any candidate for
1643 any office, whether elected with or without opposition, at any
1644 election wherein a candidate for any one of the judicial offices
1645 herein mentioned is to be elected, shall deliberately, knowingly
1646 and willfully violate the provisions of this section * * *, his
1647 election shall be void.

1648 SECTION 59. Section 23-15-1065, Mississippi Code of 1972, is
1649 amended as follows:

1650 23-15-1065. No person shall claim or represent himself in
1651 any manner to be a member of any state, district or county
1652 executive committee of any political party in this state, or claim
1653 to be the national committeeman or national committeewoman or any
1654 other officer or representative of such political party without
1655 having been lawfully elected or chosen as such in the manner
1656 provided by the laws of this state, or by such political party in
1657 the manner provided by the laws of this state * * *.

1658 Any person who violates the provisions of this section, in
1659 addition to other measures or penalties provided by law, may be
1660 enjoined therefrom upon application to the courts by any person or



1661 persons, or any political party, official or representative of
1662 such political party aggrieved thereby.

1663 SECTION 60. Section 23-15-1085, Mississippi Code of 1972, is
1664 amended as follows:

1665 23-15-1085. The chairman of a party's state executive
1666 committee shall notify the Secretary of State if the party intends
1667 to hold a presidential preference primary. The Secretary of State
1668 shall be notified prior to December 1 of the year preceding the
1669 year in which a presidential preference primary may be held
1670 pursuant to Section 23-15-1081. * * *

1671 SECTION 61. Section 23-15-1087, Mississippi Code of 1972, is
1672 amended as follows:

1673 23-15-1087. Except as otherwise provided in this chapter,
1674 the laws regulating * * * elections shall, insofar as practical,
1675 apply to and govern presidential preference primary elections.

1676 SECTION 62. Section 23-15-127, Mississippi Code of 1972,
1677 which provides for the preparation, use and revision of primary
1678 election pollbooks, is hereby repealed.

1679 SECTION 63. Section 23-15-171, Mississippi Code of 1972,
1680 which provides for the dates of municipal primary elections, is
1681 hereby repealed.

1682 SECTION 64. Section 23-15-191, Mississippi Code of 1972,
1683 which provides for the date of state, district and county primary
1684 elections, is hereby repealed.

1685 SECTION 65. Sections 23-15-263, 23-15-265, 23-15-267,
1686 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,
1687 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,
1688 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of
1689 1972, which provide for the duties of the state executive
1690 committee and county executive committees in primary elections,
1691 provide for the qualification of candidates for party primary
1692 elections, and provide for the conduct of party primary elections,
1693 are hereby repealed.



1694 SECTION 66. Sections 23-15-359, 23-15-361 and 23-15-363,
1695 Mississippi Code of 1972, which provide for the contents of
1696 general election ballots, are hereby repealed.

1697 SECTION 67. Sections 23-15-597 and 23-15-599, Mississippi
1698 Code of 1972, which provide for the canvass of returns and
1699 announcement of vote by the county executive committees in primary
1700 elections, and require the state executive committee to transmit
1701 to the Secretary of State a tabulated statement of the party vote
1702 for certain offices, are hereby repealed.

1703 SECTION 68. Section 23-15-841, Mississippi Code of 1972,
1704 which provides for primary elections for nominations of candidates
1705 to fill vacancies in county and county district offices, is hereby
1706 repealed.

1707 SECTION 69. Sections 23-15-921, 23-15-923, 23-15-925,
1708 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
1709 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
1710 procedures for contests of primary elections, are hereby repealed.

1711 SECTION 70. Section 23-15-1031, Mississippi Code of 1972,
1712 which provides for the date of primary elections for Congressmen
1713 and United States Senators, is hereby repealed.

1714 SECTION 71. Section 23-15-1063, Mississippi Code of 1972,
1715 which prohibits unregistered political parties from conducting
1716 primary elections, is hereby repealed.

1717 SECTION 72. Section 23-15-1083, Mississippi Code of 1972,
1718 which requires that certain congressional primaries be held on the
1719 same day as the presidential preference primary, is hereby
1720 repealed.

1721 SECTION 73. The Attorney General of the State of Mississippi
1722 is hereby directed to submit this act, immediately upon approval
1723 by the Governor, or upon approval by the Legislature subsequent to
1724 a veto, to the Attorney General of the United States or to the
1725 United States District Court for the District of Columbia in



1726 accordance with the provisions of the Voting Rights Act of 1965,
1727 as amended and extended.

1728 SECTION 74. This act shall take effect and be in force from
1729 and after the date it is effectuated under Section 5 of the Voting
1730 Rights Act of 1965, as amended and extended.

