

By: Representative Rotenberry

To: Apportionment and  
Elections

## HOUSE BILL NO. 359

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



841 the election, but the general election candidates shall be clearly  
842 distinguished from the special election candidates \* \* \*.

843 Ballots shall be printed in plain clear type in black ink and  
844 upon clear white materials of such size and arrangement as to be  
845 compatible with the OMR tabulating equipment. Absentee ballots  
846 shall be prepared and printed in the same form and shall be on the  
847 same size and texture as the regular official ballots, except that  
848 they shall be printed on tinted paper; or the ink used to print  
849 the ballots shall be of a color different from that of the ink  
850 used to print the regular official ballots. Arrows may be printed  
851 on the ballot to indicate the place to mark the ballot, which may  
852 be to the right or left of the names of candidates and  
853 propositions. The titles of offices may be arranged in vertical  
854 columns on the ballot and shall be printed above or at the side of  
855 the names of candidates so as to indicate clearly the candidates  
856 for each office and the number to be elected. In case there are  
857 more candidates for an office than can be printed in one (1)  
858 column, the ballot shall be clearly marked that the list of  
859 candidates is continued on the following column. The names of  
860 candidates for each office shall be printed in vertical columns,  
861 grouped by the offices which they seek. \* \* \* The party  
862 designation, if any, of each candidate \* \* \* shall be printed  
863 following his name, as provided for in Section 10, House Bill No.  
864           , 2001 Regular Session.

865 Two (2) sample ballots, which shall be facsimile ballots of  
866 the official ballot and instructions to the voters, shall be  
867 provided for each precinct and shall be posted in each polling  
868 place on election day.

869 A separate ballot security envelope or suitable equivalent in  
870 which the voter can place his ballot after voting shall be  
871 provided to conceal the choices the voter has made. Absentee  
872 voters will receive a similar ballot security envelope provided by  
873 the county in which the absentee voter will insert their voted



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:



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**AFFIDAVIT & BALLOT ENVELOPE**

STATE OF MISSISSIPPI      \_\_\_ Primary      \_\_\_ General  
COUNTY OF \_\_\_\_\_      \_\_\_ Special Elections \_\_\_\_\_, 20\_\_\_\_  
Date  
Precinct \_\_\_\_\_  
Please give the following information: Date of Birth \_\_\_\_\_ Age\_\_\_\_  
Social Security Number \_\_\_\_\_  
Former Address \_\_\_\_\_ Date of Move \_\_\_\_\_  
Day Phone Number \_\_\_\_\_ Night Phone Number \_\_\_\_\_  
Maiden Name \_\_\_\_\_

This day personally appeared before the undersigned manager  
of the above election, \_\_\_\_\_, who makes  
Name

affidavit as provided by Section 23-15-573, Mississippi Code of  
1972, that he or she is entitled to vote or has been illegally  
denied registration.

**INSTRUCTIONS TO VOTER:**

If you have been illegally denied registration  
check this box ;

If you are registered and otherwise entitled to vote,  
check the appropriate box below.

**I. FOR VOTERS WHO ARE REGISTERED IN THIS PRECINCT WHO HAVE  
NOT MOVED**

I am entitled to vote because I am a resident of and  
lawfully registered in this precinct but my name is not on the  
pollbook.

**II. FOR VOTERS WHO HAVE MOVED WITHIN SUPERVISORS DISTRICT**

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



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.

