

By: Senator(s) Nunnelee

To: Elections

## SENATE BILL NO. 2051

1 AN ACT TO ABOLISH PARTISAN MUNICIPAL PRIMARIES; TO PROVIDE  
2 THE TIME FOR HOLDING MUNICIPAL GENERAL AND PREFERENTIAL ELECTIONS;  
3 TO PROVIDE THAT WHEN ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE  
4 FOR A MUNICIPAL OFFICE, THAT SUCH PERSON'S NAME SHALL BE PLACED ON  
5 THE MUNICIPAL GENERAL ELECTION BALLOT; TO PROVIDE THAT WHEN MORE  
6 THAN ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR A MUNICIPAL  
7 OFFICE, THAT A PREFERENTIAL ELECTION SHALL BE HELD THREE WEEKS  
8 PRIOR TO THE MUNICIPAL GENERAL ELECTION AND THE CANDIDATE WHO  
9 RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL HAVE  
10 HIS NAME AND HIS NAME ONLY PLACED ON THE MUNICIPAL GENERAL  
11 ELECTION BALLOT; TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A  
12 MAJORITY OF THE VOTES CAST IN THE MUNICIPAL PREFERENTIAL ELECTION  
13 FOR A MUNICIPAL OFFICE, THAT THE TWO CANDIDATES WHO RECEIVE THE  
14 HIGHEST NUMBER OF VOTES IN THE PREFERENTIAL ELECTION SHALL HAVE  
15 THEIR NAMES PLACED ON THE MUNICIPAL GENERAL ELECTION BALLOT AS  
16 CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE PROCEDURE TO FOLLOW IN  
17 CASE OF TIES; TO PROVIDE THE MANNER FOR QUALIFYING AS A CANDIDATE  
18 FOR MUNICIPAL PUBLIC OFFICE; TO PROVIDE FOR THE PRINTING OF  
19 NECESSARY BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7, 21-15-1,  
20 23-15-21, 23-15-31, 23-15-173, 23-15-367, 23-15-411, 23-15-559,  
21 23-15-601, 23-15-713, 23-15-801 AND 23-15-859, MISSISSIPPI CODE OF  
22 1972, IN CONFORMITY THERETO; TO REPEAL SECTIONS 23-15-309,  
23 23-15-311, 23-15-313 AND 23-15-319, MISSISSIPPI CODE OF 1972,  
24 WHICH PROVIDE FOR CERTAIN DUTIES OF MUNICIPAL EXECUTIVE COMMITTEES  
25 IN PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES  
26 FOR MUNICIPAL PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT  
27 OF PARTY PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-361,  
28 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE CONTENTS OF  
29 MUNICIPAL GENERAL ELECTION BALLOTS; AND FOR RELATED PURPOSES.

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

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

34 (a) "Preferential election" shall mean a municipal  
35 election held for the purpose of determining those candidates  
36 whose names will be placed on the municipal general or regular  
37 election ballot. Any person who meets the qualifications to hold  
38 the municipal office he seeks may be a candidate in the  
39 preferential election without regard to party affiliation or lack  
40 of party affiliation.



(b) "General election" or "regular election" shall mean a municipal election held for the purpose of determining which candidate shall be elected to office.

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

(2) All qualified electors of the municipality may participate, without regard to party affiliation or lack of party affiliation, in municipal preferential, general or regular election.

SECTION 2. A municipal general election shall be held on the date provided for by law. When more than one (1) person has qualified or been certified as a candidate for any municipal office, a preferential election for such office shall be held three (3) weeks prior to such general or regular election.

SECTION 3. Any person who has qualified in the manner provided by law as a candidate for municipal election under Sections 1 through 9 of this act shall have the right to withdraw his name as a candidate by giving notice of his withdrawal in writing to the secretary of the municipal election commission at any time prior to the printing of the official ballots, and in the event of his withdrawal the name of such candidate shall not be printed on the ballot.

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

SECTION 5. When more than one (1) person has qualified or been certified as a candidate for any municipal office, a preferential election for such office shall be held three (3) weeks prior to such municipal general or regular election, and any candidate who receives a majority of the votes cast in such



74 preferential election shall have his name, and his name only,  
75 placed on the ballot in the municipal general or regular election.  
76 Except as provided in Section 6 of this act, if no person shall  
77 receive a majority of the votes cast at such preferential  
78 election, then the two (2) persons receiving the highest number of  
79 votes in the preferential election shall have their names placed  
80 on the ballot in the municipal general or regular election as  
81 candidates for such office.

82       SECTION 6. (1) When there is a tie in the preferential  
83 election between the candidates receiving the highest vote, then  
84 only those candidates shall be placed on the ballot as candidates  
85 in the municipal general election.

86       (2) When there is a tie in the preferential election between  
87 the candidates receiving the next highest vote and there is not a  
88 tie for the highest vote, candidates receiving the next highest  
89 vote and the one receiving the highest vote, no one having  
90 received a majority, shall have their names placed on the ballot  
91 as candidates in the municipal general or regular election.

92       (3) In the event that (a) there are more than two (2)  
93 candidates in the preferential election, and (b) no candidate in  
94 such election receives a majority of the votes cast at such  
95 preferential election, and (c) there is not a tie in such  
96 preferential election that would require the procedure prescribed  
97 in subsection (2) of this section to be followed, and (d) one (1)  
98 of the two (2) candidates who receives the highest number of votes  
99 in such preferential election withdraws or is otherwise unable to  
100 participate in the municipal general or regular election, then the  
101 remaining candidate of the two (2) who receives the highest vote  
102 in the preferential election and the candidate who receives the  
103 third highest vote in such election shall be placed on the ballot  
104 as candidates in the municipal general or regular election.



105        SECTION 7. All candidates receiving the highest number of  
106 votes for any office in the municipal general or regular election  
107 shall thereby be declared elected to such office.

108        SECTION 8. (1) All candidates upon entering the race for  
109 election to any municipal office shall, not later than 5:00 p.m.  
110 sixty (60) days prior to any municipal general or regular  
111 election, file their intent to be a candidate and pay to the  
112 secretary of the municipal executive committee of their political  
113 party or to the municipal election commission for each election  
114 the amount of Ten Dollars (\$10.00).

115        (2) Candidates for municipal office shall file their intent  
116 to be a candidate with the secretary of the municipal executive  
117 committee of the political party with which the candidate is  
118 affiliated, or with the secretary of the municipal election  
119 commission if not affiliated with a political party.

120        (3) Such election shall be held on the date provided for in  
121 Section 23-15-173, Mississippi Code of 1972; and in the event a  
122 preferential election shall be necessary, such preferential  
123 election shall be held three (3) weeks prior thereto. At such  
124 election, or elections, the municipal election commissioners shall  
125 perform the same duties in preferential and general elections as  
126 are specified by law and performed by the county election  
127 commissioners with regard to state and county general elections.  
128 Except as otherwise provided by law, all municipal elections shall  
129 be held and conducted as is provided by law for state and county  
130 elections.

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



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

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

SECTION 9. Necessary ballots for use in municipal elections shall be printed as provided for in Section 23-15-351, Mississippi Code of 1972. The ballots shall contain the names of all candidates who have filed their intention to be a candidate in the manner and within the time prescribed in Section 8. Such names shall be listed alphabetically on the ballot without regard to party affiliation, if any, with indication of the political party, if any, with which such candidate qualified placed in parentheses following the name of the candidate.

SECTION 10. Sections 1 through 9 of this act shall apply to all elections to municipal public office.

SECTION 11. The chairmen of the municipal election commission shall transmit to the Secretary of State a tabulated statement of the vote cast in each municipality, which statement shall be filed by the Secretary of State and preserved among the records of his office.

SECTION 12. Section 21-7-7, Mississippi Code of 1972, is amended as follows:

21-7-7. The governing body of any such municipality shall be a council, known and designated as such, consisting of seven (7) members. One (1) of the members shall be the mayor, having the qualifications as prescribed by Section 21-3-9, who shall have full rights, powers and privileges of other councilmen. The mayor shall be nominated and elected at large; the remaining councilmen shall be nominated and elected one (1) from each ward into which



the city shall be divided. However, if the city be divided into less than six (6) wards, the remaining councilmen shall be nominated and elected at large. The councilmen, including the mayor, shall be elected for a term of four (4) years to serve until their successors are elected and qualified in accordance with the provisions of Sections 1 through 11 of Senate Bill No. 2051, 2001 Regular Session, said term commencing on the first Monday of January after the municipal election first following the adoption of the form of government as provided by this chapter.

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

SECTION 13. Section 21-8-7, Mississippi Code of 1972, is amended as follows:

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

(2) Except as otherwise provided in subsection (4) of this section, the mayor and councilmen shall be elected by the voters of the municipality at a general or regular municipal election held on the first Tuesday after the first Monday in June as provided in Sections 1 through 11 of Senate Bill No. 2051, 2001 Regular Session, and shall serve for a term of four (4) years beginning on the first Monday of July next following his election.

(3) The terms of the initial mayor and councilmen shall commence at the expiration of the terms of office of the elected



officials of the municipality serving at the time of adoption of the mayor-council form.

(4) (a) The council shall consist of five (5), seven (7) or nine (9) members. In the event there are five (5) councilmen, the municipality shall be divided into either five (5) or four (4) wards. In the event there are seven (7) councilmen, the municipality shall be divided into either seven (7), six (6) or five (5) wards. In the event there are nine (9) councilmen, the municipality shall be divided into seven (7) or nine (9) wards. If the municipality is divided into fewer wards than it has councilmen, the other councilman or councilmen shall be elected from the municipality at large. The total number of councilmen and the number of councilmen elected from wards shall be established by the petition or petitions presented pursuant to Section 21-8-3. One (1) councilman shall be elected from each ward by the voters of that ward. Councilmen elected to represent wards must be residents of their wards at the time of qualification for election, and any councilman who removes his residence from the municipality or from the ward from which he was elected shall vacate his office. However, any candidate for councilman who is properly qualified as a candidate under applicable law shall be deemed to be qualified as a candidate in whatever ward he resides if his ward has changed after the council has redistricted the municipality as provided in paragraph (c)(ii) and (iii) of this subsection (4), and if the wards have been so changed, any person may qualify as a candidate for councilman, using his existing residence or by changing his residence, not less than fifteen (15) days prior to the preferential election or special election, as the case may be, notwithstanding any other residency or qualification requirements to the contrary.

(b) The council or board existing at the time of the adoption of the mayor-council form of government shall designate the geographical boundaries of the wards within one hundred twenty



(120) days after the election in which the mayor-council form of government is selected. In designating the geographical boundaries of the wards, each ward shall contain, as nearly as possible, the population factor obtained by dividing the municipality's population as shown by the most recent decennial census by the number of wards into which the municipality is to be divided.

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

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

(iii) If the publication of the most recent decennial census is not received by the council in time to redistrict the municipality at least twenty (20) days prior to the preferential election, then the council shall redistrict the municipality by ordinance not later than twenty (20) days prior to a special preferential election provided for hereafter in this subparagraph. If the census is not received in time to redistrict the municipality, as provided above, the mayor and councilmen shall be elected by the voters of the municipality at a special





268 general or regular municipal election held on the fourth Tuesday  
269 after the first Monday in June, and a special preferential  
270 election shall be held on the second Tuesday after the first  
271 Monday in June, notwithstanding other provisions of law to the  
272 contrary.

273           (d) If annexation of additional territory into the  
274 municipal corporate limits of the municipality shall occur less  
275 than six (6) months prior to the preferential election in a  
276 municipality, the council shall, by ordinance adopted within three  
277 (3) days of the effective date of such annexation, assign such  
278 annexed territory to an adjacent ward or wards so as to maintain  
279 as nearly as possible substantial equality of population between  
280 wards; any subsequent redistricting of the municipality by  
281 ordinance as required by this chapter shall not serve as the basis  
282 for representation until the next regularly scheduled election for  
283 municipal councilmen.

284           (e) If the council shall have failed to redistrict the  
285 municipality as herein required, the members of the council shall  
286 not receive any further salaries until the council shall have  
287 adopted such ordinance and the checks for such salaries for said  
288 periods shall not be issued.

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

291           (6) The mayor shall maintain an office at the city hall. The  
292 councilmen shall not maintain individual offices at the city hall;  
293 provided, however, that in municipalities with populations of one  
294 hundred ninety thousand (190,000) and above, councilmen may have  
295 individual offices in the city hall. Clerical work of councilmen  
296 in the performance of the duties of their office shall be  
297 performed by municipal employees or at municipal expense, and  
298 councilmen shall be reimbursed for the reasonable expenses  
299 incurred in the performance of the duties of their office.



300           SECTION 14.   Section 21-15-1, Mississippi Code of 1972, is  
301 amended as follows:

302           21-15-1.   All officers elected at the general or regular  
303 municipal election provided for in Sections 1 through 11 of Senate  
304 Bill No. 2051, 2001 Regular Session, shall qualify and enter upon  
305 the discharge of their duties on the first Monday of July after  
306 such general election, and shall hold their offices for a term of  
307 four (4) years and until their successors are duly elected and  
308 qualified.

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

311           23-15-21.   It shall be unlawful for any person who is not a  
312 citizen of the United States or the State of Mississippi to  
313 register or to vote in any preferential, primary, special or  
314 general election in the state.

315           SECTION 16.   Section 23-15-31, Mississippi Code of 1972, is  
316 amended as follows:

317           23-15-31.   All of the provisions of this subarticle shall be  
318 applicable, insofar as possible, to municipal, preferential,  
319 primary, general and special elections; and wherever therein any  
320 duty is imposed or any power or authority is conferred upon the  
321 county registrar, county election commissioners or county  
322 executive committee with reference to a state and county election,  
323 such duty shall \* \* \* be imposed and such power and authority  
324 shall likewise be conferred upon the municipal registrar or  
325 municipal election commission, as appropriate, \* \* \* with  
326 reference to any municipal election.

327           SECTION 17.   Section 23-15-173, Mississippi Code of 1972, is  
328 amended as follows:

329           23-15-173.   \* \* \*   A general municipal election shall be held  
330 in each city, town or village on the first Tuesday after the first  
331 Monday of June 1985, and every four (4) years thereafter, for the  
332 election of all municipal officers elected by the people.



333 \* \* \*

334 SECTION 18. Section 23-15-367, Mississippi Code of 1972, is  
335 amended as follows:

336 23-15-367. (1) Except as otherwise provided by Sections  
337 23-15-974 through 23-15-985, subsection (2) of this section, and  
338 Sections 1 through 11 of Senate Bill No. 2051, 2001 Regular  
339 Session, the arrangement of the names of the candidates, and the  
340 order in which the titles of the various offices shall be printed,  
341 and the size, print and quality of paper of the official ballot is  
342 left to the discretion of the officer charged with printing the  
343 official ballot; but the arrangement need not be uniform.

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

- 346 (a) Candidates for national office;
- 347 (b) Candidates for statewide office;
- 348 (c) Candidates for state district office;
- 349 (d) Candidates for legislative office;
- 350 (e) Candidates for countywide office;
- 351 (f) Candidates for county district office.

352 The order in which the titles for the various offices are  
353 listed within each of the categories listed in this subsection is  
354 left to the discretion of the officer charged with printing the  
355 official ballot.

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

361 SECTION 19. Section 23-15-411, Mississippi Code of 1972, is  
362 amended as follows:

363 23-15-411. The officer who furnishes the official ballots  
364 for any polling place where a voting machine is to be used, shall  
365 also provide two (2) sample ballots or instruction ballots, which



sample or instruction ballots shall be arranged in the form of a diagram showing such portion of the front of the voting machine as it will appear after the official ballots are arranged thereon or therein for voting on election day. Such sample ballots shall be open to the inspection of all voters on election day, in all primaries and preferential and general elections where voting machines are used.

SECTION 20. Section 23-15-559, Mississippi Code of 1972, is amended as follows:

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

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

SECTION 21. Section 23-15-601, Mississippi Code of 1972, is amended as follows:

23-15-601. When the result of the general election shall have been ascertained by the managers they, or one (1) of their number, or some fit person designated by them, shall, by noon of the second day after the election, deliver to the commissioners of election, at the courthouse, a statement of the whole number of



399 votes given for each person and for what office; and the  
400 commissioners of election shall canvass the returns, ascertain and  
401 declare the result, and, within ten (10) days after the day of the  
402 election, shall deliver a certificate of his election to the  
403 person having the greatest number of votes for representative in  
404 the Legislature of districts composed of one (1) county or less,  
405 or other county office, board of supervisors, justice court judge  
406 and constable. If it appears that two (2) or more candidates for  
407 Representative of the county, or part of the county, or for any  
408 county office, board of supervisors, justice court judge or  
409 constable standing highest on the list, and not elected, have an  
410 equal number of votes, the election shall be decided by lot fairly  
411 and publicly drawn by the commissioners, with the aid of two (2)  
412 or more respectable electors of the county, and a certificate of  
413 election shall be given accordingly. The foregoing provisions  
414 shall apply to Senators, if the county be a senatorial district.

415 In municipal preferential elections, when the result of the  
416 election shall have been ascertained by the managers, they, or one  
417 (1) of their number, or some fit person designated by them, shall,  
418 by noon of the day following the election, deliver to the  
419 municipal commissioners of election a statement of the whole  
420 number of votes for each person and for what office; and the  
421 municipal commissioners of election shall, on the first or second  
422 day after the preferential election and after the general  
423 election, canvass the returns, ascertain and declare the result of  
424 the preferential election, and announce the names of the  
425 candidates who have received a majority of the votes cast for each  
426 municipal office and shall also announce the names of those  
427 candidates that are to be submitted to the general election.

428 SECTION 22. Section 23-15-713, Mississippi Code of 1972, is  
429 amended as follows:



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

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

(b) Any qualified elector who is required to be away from his place of residence on any election day due to his employment as an employee of a member of the Mississippi congressional delegation and the spouse and dependents of such person if he or she shall be residing with such absentee voter away from the county of the spouse's voting residence.

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

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

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

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



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

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

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

23-15-801. (a) "Election" shall mean a general, preferential, special, primary or runoff election.

(b) "Candidate" shall mean an individual who seeks nomination for election, or election, to any elective office other than a federal elective office and for purposes of this article, an individual shall be deemed to seek nomination for election, or election:

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

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

(c) "Political committee" shall mean any committee, party, club, association, political action committee, campaign committee or other groups of persons or affiliated organizations which receives contributions aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year or which makes



expenditures aggregating in excess of Two Hundred Dollars (\$200.00) during a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the nomination for election, or election, of one or more candidates, or balloted measures and shall, in addition, include each political party registered with the Secretary of State.

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

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

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

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

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

(f) (i) "Expenditure" shall include any purchase, payment, distribution, loan, advance, deposit, gift of money or anything of





value, made by any person or political committee for the purpose of influencing any balloted measure or election for elective office; and a written contract, promise, or agreement to make an expenditure;

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

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

(g) The term "identification" shall mean:

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

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

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

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

(j) The term "independent expenditure" shall mean an expenditure by a person expressly advocating the election or defeat of a clearly identified candidate which is made without cooperation or consultation with any candidate or any authorized



committee or agent of such candidate, and which is not made in concert with or at the request or suggestion of any candidate or any authorized committee or agent of such candidate.

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

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

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

or

(iii) The identity of the candidate is apparent by

unambiguous reference.

SECTION 24. Section 23-15-859, Mississippi Code of 1972, is amended as follows:

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

SECTION 25. Sections 23-15-309, 23-15-311, 23-15-313 and 23-15-319, Mississippi Code of 1972, which provide for certain duties of municipal executive committees in primary elections, provide for the qualification of candidates for municipal party



593 primary elections, and provide for the conduct of party primary  
594 elections, are hereby repealed.

595 SECTION 26. Section 23-15-361, Mississippi Code of 1972,  
596 which provides for the contents of municipal general election  
597 ballots, is hereby repealed.

598 SECTION 27. The Attorney General of the State of Mississippi  
599 shall submit this act, immediately upon approval by the Governor,  
600 or upon approval by the Legislature subsequent to a veto, to the  
601 Attorney General of the United States or to the United States  
602 District Court for the District of Columbia in accordance with the  
603 provisions of the Voting Rights Act of 1965, as amended and  
604 extended.

605 SECTION 28. This act shall take effect and be in force from  
606 and after the date it is effectuated under Section 5 of the Voting  
607 Rights Act of 1965, as amended and extended.

