

By: Representative Weathersby

To: Apportionment and  
Elections

## HOUSE BILL NO. 1061

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. \_\_\_\_\_, 2002  
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. \_\_\_\_\_, 2002 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 subparagraph  
348 (c)(ii) of this subsection (4), and if the wards have been so  
349 changed, any person may qualify as a candidate for councilman,



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

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

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

376 (ii) If the publication of the most recent  
377 decennial census occurs less than six (6) months prior to the  
378 preferential election in a municipality, the election shall be  
379 held with regard to currently defined wards; and reapportioned  
380 wards based on the census shall not serve as the basis for  
381 representation until the next regularly scheduled election in  
382 which council members shall be elected.



383 (d) If annexation of additional territory into the  
384 municipal corporate limits of the municipality shall occur less  
385 than six (6) months prior to the preferential election in a  
386 municipality, the council shall, by ordinance adopted within three  
387 (3) days of the effective date of such annexation, assign such  
388 annexed territory to an adjacent ward or wards so as to maintain  
389 as nearly as possible substantial equality of population between  
390 wards; any subsequent redistricting of the municipality by  
391 ordinance as required by this chapter shall not serve as the basis  
392 for representation until the next regularly scheduled election for  
393 municipal councilmen.

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

396 (6) The mayor shall maintain an office at the city hall.  
397 The councilmen shall not maintain individual offices at the city  
398 hall; provided, however, that in municipalities with populations  
399 of one hundred ninety thousand (190,000) and above, councilmen may  
400 have individual offices in the city hall. Clerical work of  
401 councilmen in the performance of the duties of their office shall  
402 be performed by municipal employees or at municipal expense, and  
403 councilmen shall be reimbursed for the reasonable expenses  
404 incurred in the performance of the duties of their office.

405 **SECTION 20.** Section 21-15-1, Mississippi Code of 1972, is  
406 amended as follows:

407 21-15-1. All officers elected at the general or regular  
408 municipal election provided for in Section 11, House Bill No.  
409 \_\_\_\_\_, 2002 Regular Session, shall qualify and enter upon the  
410 discharge of their duties on the first Monday of July after such  
411 general election, and shall hold their offices for a term of four  
412 (4) years and until their successors are duly elected and  
413 qualified.

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



416           23-15-21. It shall be unlawful for any person who is not a  
417 citizen of the United States or the State of Mississippi to  
418 register or to vote in any \* \* \* special, preferential or general  
419 election in the state.

420           **SECTION 22.** Section 23-15-31, Mississippi Code of 1972, is  
421 amended as follows:

422           23-15-31. All of the provisions of this subarticle shall be  
423 applicable, insofar as possible, to municipal, preferential,  
424 general and special elections; and wherever therein any duty is  
425 imposed or any power or authority is conferred upon the county  
426 registrar or county election commissioners \* \* \* with reference to  
427 a state and county election, such duty shall likewise be imposed  
428 and such power and authority shall likewise be conferred upon the  
429 municipal registrar or municipal election commission \* \* \* with  
430 reference to any municipal election.

431           **SECTION 23.** Section 23-15-129, Mississippi Code of 1972, is  
432 amended as follows:

433           23-15-129. The commissioners of election and the registrars  
434 of the respective counties are hereby directed to make an  
435 administrative division of the pollbook for each county immediately  
436 following any reapportionment of the Mississippi Legislature or any  
437 realignment of supervisors districts, if necessary. Such an  
438 administrative division shall form subprecincts whenever necessary  
439 within each voting precinct so that all persons within a  
440 subprecinct shall vote on the same candidates for each public  
441 office. Separate pollbooks for each subprecinct shall be made.  
442 The polling place for all subprecincts within any given voting  
443 precinct shall be the same as the polling place for the voting  
444 precinct. Additional managers may be appointed for subprecincts in  
445 the discretion of the commissioners of election \* \* \*.

446           **SECTION 24.** Section 23-15-153, Mississippi Code of 1972, is  
447 amended as follows:



448           23-15-153. (1) At the following times the commissioners of  
449 election shall meet at the office of the registrar and carefully  
450 revise the registration books and the pollbooks of the several  
451 voting precincts, and shall erase from those books the names of  
452 all persons erroneously on the books, or who have died, removed or  
453 become disqualified as electors from any cause; and shall register  
454 the names of all persons who have duly applied to be registered  
455 and have been illegally denied registration:

456           (a) On the Tuesday after the second Monday in January  
457 1987 and every following year;

458           (b) On the first Tuesday in the month immediately  
459 preceding the preferential election for congressmen in the years  
460 when congressmen are elected;

461           (c) On the first Monday in the month immediately  
462 preceding the preferential election for state, state district,  
463 legislative, county and county district offices in the years in  
464 which those offices are elected; and

465           (d) On the second Monday of September preceding  
466 the \* \* \* regular special election day in years in which a general  
467 election is not conducted.

468           Except for the names of those persons who are duly qualified  
469 to vote in the election, no name shall be permitted to remain on  
470 the registration books and pollbooks; provided, however, that no  
471 name shall be erased from the registration books or pollbooks  
472 based on a change in the residence of an elector except in  
473 accordance with procedures provided for by the National Voter  
474 Registration Act of 1993 that are in effect at the time of such  
475 erasure. Except as otherwise provided by Section 23-15-573, no  
476 person shall vote at any election whose name is not on the  
477 pollbook.

478           (2) Except as provided in subsection (3) of this section,  
479 and subject to the following annual limitations, the commissioners  
480 of election shall be entitled to receive a per diem in the amount



481 of Seventy Dollars (\$70.00), to be paid from the county general  
482 fund, for every day or period of no less than five (5) hours  
483 accumulated over two (2) or more days actually employed in the  
484 performance of their duties in the conduct of an election or  
485 actually employed in the performance of their duties for the  
486 necessary time spent in the revision of the registration books and  
487 pollbooks as required in subsection (1) of this section:

488 (a) In counties having less than fifteen thousand  
489 (15,000) residents according to the latest federal decennial  
490 census, not more than fifty (50) days per year, with no more than  
491 fifteen (15) additional days allowed for the conduct of each  
492 election in excess of one (1) occurring in any calendar year;

493 (b) In counties having fifteen thousand (15,000)  
494 residents according to the latest federal decennial census but  
495 less than thirty thousand (30,000) residents according to the  
496 latest federal decennial census, not more than seventy-five (75)  
497 days per year, with no more than twenty-five (25) additional days  
498 allowed for the conduct of each election in excess of one (1)  
499 occurring in any calendar year;

500 (c) In counties having thirty thousand (30,000)  
501 residents according to the latest federal decennial census but  
502 less than seventy thousand (70,000) residents according to the  
503 latest federal decennial census, not more than one hundred (100)  
504 days per year, with no more than thirty-five (35) additional days  
505 allowed for the conduct of each election in excess of one (1)  
506 occurring in any calendar year;

507 (d) In counties having seventy thousand (70,000)  
508 residents according to the latest federal decennial census but  
509 less than ninety thousand (90,000) residents according to the  
510 latest federal decennial census, not more than one hundred  
511 twenty-five (125) days per year, with no more than forty-five (45)  
512 additional days allowed for the conduct of each election in excess  
513 of one (1) occurring in any calendar year;



514 (e) In counties having ninety thousand (90,000)  
515 residents according to the latest federal decennial census but  
516 less than one hundred seventy thousand (170,000) residents  
517 according to the latest federal decennial census, not more than  
518 one hundred fifty (150) days per year, with no more than  
519 fifty-five (55) additional days allowed for the conduct of each  
520 election in excess of one (1) occurring in any calendar year;

521 (f) In counties having one hundred seventy thousand  
522 (170,000) residents according to the latest federal decennial  
523 census but less than two hundred thousand (200,000) residents  
524 according to the latest federal decennial census, not more than  
525 one hundred seventy-five (175) days per year, with no more than  
526 sixty-five (65) additional days allowed for the conduct of each  
527 election in excess of one (1) occurring in any calendar year;

528 (g) In counties having two hundred thousand (200,000)  
529 residents according to the latest federal decennial census but  
530 less than two hundred twenty-five thousand (225,000) residents  
531 according to the latest federal decennial census, not more than  
532 one hundred ninety (190) days per year, with no more than  
533 seventy-five (75) additional days allowed for the conduct of each  
534 election in excess of one (1) occurring in any calendar year;

535 (h) In counties having two hundred twenty-five thousand  
536 (225,000) residents according to the latest federal decennial  
537 census but less than two hundred fifty thousand (250,000)  
538 residents according to the latest federal decennial census, not  
539 more than two hundred fifteen (215) days per year, with no more  
540 than eighty-five (85) additional days allowed for the conduct of  
541 each election in excess of one (1) occurring in any calendar year;

542 (i) In counties having two hundred fifty thousand  
543 (250,000) residents according to the latest federal decennial  
544 census but less than two hundred seventy-five thousand (275,000)  
545 residents according to the latest federal decennial census, not  
546 more than two hundred thirty (230) days per year, with no more





547 than ninety-five (95) additional days allowed for the conduct of  
548 each election in excess of one (1) occurring in any calendar year;

549 (j) In counties having two hundred seventy-five  
550 thousand (275,000) residents according to the latest federal  
551 decennial census or more, not more than two hundred forty (240)  
552 days per year, with no more than one hundred five (105) additional  
553 days allowed for the conduct of each election in excess of one (1)  
554 occurring in any calendar year.

555 (3) The commissioners of election shall be entitled to  
556 receive a per diem in the amount of Seventy Dollars (\$70.00), to  
557 be paid from the county general fund, not to exceed ten (10) days  
558 for every day or period of no less than five (5) hours accumulated  
559 over two (2) or more days actually employed in the performance of  
560 their duties for the necessary time spent in the revision of the  
561 registration books and pollbooks prior to any special election.  
562 For purposes of this subsection, the regular special election day  
563 shall not be considered a special election. The annual  
564 limitations set forth in subsection (2) of this section shall not  
565 apply to this subsection.

566 (4) The commissioners of election shall be entitled to  
567 receive only one (1) per diem payment for those days when the  
568 commissioners of election discharge more than one (1) duty or  
569 responsibility on the same day.

570 (5) The county commissioners of election may provide copies  
571 of the registration books revised pursuant to this section to the  
572 municipal registrar of each municipality located within the  
573 county.

574 (6) Every commissioner of election shall sign a  
575 certification under oath and under penalties of perjury setting  
576 forth the number of hours actually worked in the performance of  
577 the commissioner's official duties for which the commissioner  
578 seeks compensation. The certification of an election commissioner  
579 as to the actual number of hours worked must be verified and



580 approved as to accuracy by signature of the chairman of the county  
581 election commission. The certification shall be on a form  
582 promulgated by rule of the Secretary of State and, upon signature  
583 of the election commissioner, must be filed with the clerk of the  
584 county board of supervisors before any payment is made.

585 (7) Notwithstanding the provisions of this section to the  
586 contrary, from the effective date of this act until the conclusion  
587 of calendar year 2004, the number of days for which the  
588 commissioners of election of a county are entitled to receive  
589 compensation shall not be less than the number of days of  
590 compensation they were entitled to receive during the 2000  
591 calendar year, excluding those days for which election  
592 commissioners were either entitled to or did receive compensation  
593 for the conduct of any special elections in calendar year 2000.

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

596 23-15-173. \* \* \* A general municipal election shall be held  
597 in each city, town or village on the first Tuesday after the first  
598 Monday of June 1985, and every four (4) years thereafter, for the  
599 election of all municipal officers elected by the people.

600 \* \* \*

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

603 23-15-197. (1) Times for holding \* \* \* general elections  
604 for congressional offices shall be as prescribed in Sections \* \* \*  
605 23-15-1033 and 23-15-1041.

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

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



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

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

618 23-15-313. If there be any political party, or parties, in  
619 any municipality which shall not have a party executive committee  
620 for such municipality, such political party, or parties, shall  
621 select temporary executive committees to serve until executive  
622 committees shall be regularly elected, said selection to be in the  
623 following manner, to wit: The chairman of the county executive  
624 committee of the party desiring to select a municipal executive  
625 committee shall, upon petition of five (5) or more members of that  
626 political faith, call a mass meeting of the electors of their  
627 political faith, residing in the municipality, to meet at some  
628 convenient place within said municipality, at a time to be  
629 designated in the call, and at such mass convention the members of  
630 that political faith shall select an executive committee which  
631 shall serve until the next \* \* \* election. The public shall be  
632 given notice of such mass meeting as provided in the next  
633 succeeding section.

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

636 23-15-367. (1) Except as otherwise provided by \* \* \*  
637 subsection (2) of this section, \* \* \* the size, print and quality  
638 of paper of the official ballot is left to the discretion of the  
639 officer charged with printing the official ballot \* \* \*.

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

- 642 (a) Candidates for national office;
- 643 (b) Candidates for statewide office;
- 644 (c) Candidates for state district office;
- 645 (d) Candidates for legislative office;



- 646 (e) Candidates for countywide office;
- 647 (f) Candidates for county district office.

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

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

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

659 23-15-375. Local issue elections may be held on the same  
660 date as any regular or general election. A local issue election  
661 held on the same date as the regular or general election shall be  
662 conducted in the same manner as the regular or general election  
663 using the same poll workers and the same equipment. A local issue  
664 may be placed on the regular or general election ballot pursuant  
665 to the provisions of Section 10 of House Bill No. \_\_\_\_\_, 2002  
666 Regular Session. The provisions of this section and Section 10 of  
667 House Bill No. \_\_\_\_\_, 2002 Regular Session, with regard to local  
668 issue elections shall not be construed to affect any statutory  
669 requirements specifying the notice procedure and the necessary  
670 percentage of qualified electors voting in such an election which  
671 is needed for adoption of the local issue. Whether or not a local  
672 issue is adopted or defeated at a local issue election held on the  
673 same day as a regular or general election shall be determined in  
674 accordance with relevant statutory requirements regarding the  
675 necessary percentage of qualified electors who voted in such local  
676 issue election, and only those persons voting for or against such  
677 issue shall be counted in making that determination. As used in  
678 this section "local issue elections" include elections regarding



679 the issuance of bonds, local option elections, elections regarding  
680 the levy of additional ad valorem taxes and other similar  
681 elections authorized by law that are called to consider issues  
682 that affect a single local governmental entity. As used in this  
683 section "local issue" means any issue that may be voted on in a  
684 local issue election.

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

687 23-15-403. The board of supervisors of any county in the  
688 State of Mississippi and the governing authorities of any  
689 municipality in the State of Mississippi are hereby authorized and  
690 empowered, in their discretion, to purchase or rent any voting  
691 machine or machines which shall be so constructed as to fulfill  
692 the following requirements: It shall secure to the voter secrecy  
693 in the act of voting; it shall provide facilities for voting for  
694 all candidates of as many political parties or organizations as  
695 may make nominations, and for or against as many questions as  
696 submitted; it shall \* \* \* permit the voter to vote for \* \* \* as  
697 many persons for an office as he is lawfully entitled to vote for,  
698 but not more; it shall prevent the voter from voting for the same  
699 person more than once for the same office; it shall permit the  
700 voter to vote for or against any question he may have the right to  
701 vote on, but no other; \* \* \* it shall correctly register or record  
702 and accurately count all votes cast for any and all persons and  
703 for or against any and all questions; it shall be provided with a  
704 "protective counter" or "protective device" whereby any operation  
705 of the machine before or after the election will be detected; it  
706 shall be provided with a counter which shall show at all times  
707 during an election how many persons have voted; it shall be  
708 provided with a mechanical model, illustrating the manner of  
709 voting on the machine, suitable for the instruction of voters; it  
710 may also be provided with one (1) device for each party for voting  
711 for all the presidential electors of that party by one (1)



712 operation, and a ballot therefor containing only the words  
713 "Presidential Electors For" preceded by the name of that party and  
714 followed by the names of the candidates thereof for the offices of  
715 President and Vice President, and a registering device therefor  
716 which shall register the vote cast for said electors when thus  
717 voted collectively; provided, however, that means shall be  
718 furnished whereby the voter can cast a vote for individual  
719 electors when permitted to do so by law.

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

722       23-15-411. The officer who furnishes the official ballots  
723 for any polling place where a voting machine is to be used shall  
724 also provide two (2) sample ballots or instruction ballots, which  
725 sample or instruction ballots shall be arranged in the form of a  
726 diagram showing such portion of the front of the voting machine as  
727 it will appear after the official ballots are arranged thereon or  
728 therein for voting on election day. Such sample ballots shall be  
729 open to the inspection of all voters on election day in all  
730 preferential and general or regular elections where voting  
731 machines are used.

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

734       23-15-463. The board of supervisors of any county in the  
735 State of Mississippi and the governing authorities of any  
736 municipality in the State of Mississippi are hereby authorized and  
737 empowered, in their discretion, to purchase or rent voting devices  
738 and automatic tabulating equipment used in an electronic voting  
739 system which meets the requirements of Section 23-15-465, and may  
740 use such system in all or a part of the precincts within its  
741 boundaries or in combination with paper ballots in any  
742 election \* \* \*. It may enlarge, consolidate or alter the  
743 boundaries of precincts where an electronic voting system is used.  
744 The provisions of Sections 23-15-461 through 23-15-485 shall be



745 controlling with respect to elections where an electronic voting  
746 system is used, and shall be liberally construed so as to carry  
747 out the purpose of this chapter. The provisions of the election  
748 law relating to the conduct of elections with paper ballots,  
749 insofar as they are applicable and not inconsistent with the  
750 efficient conduct of elections with electronic voting systems,  
751 shall apply. Absentee ballots shall be voted as now provided by  
752 law.

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

755         23-15-465. No electronic voting system consisting of a  
756 marking or voting device in combination with automatic tabulating  
757 equipment shall be acquired or used in accordance with Sections  
758 23-15-461 through 23-15-485 unless it shall:

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

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

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

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

776         \* \* \*



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

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

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

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

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

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

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

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

796           23-15-507. No optical mark reading system shall be acquired  
797 or used in accordance with this chapter unless it shall:

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

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

807           (c) Permit each voter at presidential elections by one  
808 (1) mark to vote for the candidates of that party for President,  
809 Vice President and their presidential electors, or to vote





810 individually for the electors of their choice when permitted by  
811 law;

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

814 \* \* \*

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

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

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

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

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

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

830 23-15-511. The ballots shall, as far as practicable, be in  
831 the same order of arrangement as provided for paper ballots that  
832 are to be counted manually, except that such information may be  
833 printed in vertical or horizontal rows. Nothing in this chapter  
834 shall be construed as prohibiting the information being presented  
835 to the voters from being printed on both sides of a single ballot.  
836 In those years when a special election shall occur on the same day  
837 as the general election, the names of candidates in any special  
838 election and the general election shall be placed on the same  
839 ballot by the commissioners of elections or officials in charge of  
840 the election, but the general election candidates shall be clearly  
841 distinguished from the special election candidates \* \* \*.



842 Ballots shall be printed in plain clear type in black ink and  
843 upon clear white materials of such size and arrangement as to be  
844 compatible with the OMR tabulating equipment. Absentee ballots  
845 shall be prepared and printed in the same form and shall be on the  
846 same size and texture as the regular official ballots, except that  
847 they shall be printed on tinted paper; or the ink used to print  
848 the ballots shall be of a color different from that of the ink  
849 used to print the regular official ballots. Arrows may be printed  
850 on the ballot to indicate the place to mark the ballot, which may  
851 be to the right or left of the names of candidates and  
852 propositions. The titles of offices may be arranged in vertical  
853 columns on the ballot and shall be printed above or at the side of  
854 the names of candidates so as to indicate clearly the candidates  
855 for each office and the number to be elected. In case there are  
856 more candidates for an office than can be printed in one (1)  
857 column, the ballot shall be clearly marked that the list of  
858 candidates is continued on the following column. The names of  
859 candidates for each office shall be printed in vertical columns,  
860 grouped by the offices which they seek. \* \* \* The party  
861 designation, if any, of each candidate \* \* \* shall be printed  
862 following his name, as provided for in Section 10, House Bill No.  
863           , 2002 Regular Session.

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

868 A separate ballot security envelope or suitable equivalent in  
869 which the voter can place his ballot after voting shall be  
870 provided to conceal the choices the voter has made. Absentee  
871 voters will receive a similar ballot security envelope provided by  
872 the county in which the absentee voter will insert their voted  
873 ballot, which then can be inserted into a return envelope to be  
874 mailed back to the election official. Absentee ballots will not



875 be required to be folded when a ballot security envelope is  
876 provided.

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

879 23-15-559. The provisions of Section \* \* \* 23-15-173 fixing  
880 the time for the holding of \* \* \* general elections shall not  
881 apply to any municipality operating under a special or private  
882 charter where the governing board or authority thereof, on or  
883 before June 25, 1952, shall have adopted and spread upon its  
884 minutes a resolution or ordinance declining to accept such  
885 provisions, in which event \* \* \* general elections shall be held  
886 at the time fixed by the charter of such municipality.

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

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

898 23-15-561. (1) It shall be unlawful during any \* \* \*  
899 election for any candidate for any elective office or any  
900 representative of such candidate or any other person to publicly  
901 or privately put up or in any way offer any prize, cash award or  
902 other item of value to be raffled, drawn for, played for or  
903 contested for in order to encourage persons to vote or to refrain  
904 from voting in any election.

905 (2) Any person who shall violate the provisions of  
906 subsection (1) of this section shall, upon conviction thereof, be



907 punished by a fine in an amount not to exceed Five Thousand  
908 Dollars (\$5,000.00).

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

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

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

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

918 23-15-573. Any person whose name does not appear upon the  
919 pollbooks shall be permitted to vote in an election; but if any  
920 person offering to vote in any election whose name does not appear  
921 upon the pollbook shall make affidavit before one (1) of the  
922 managers of election in writing that he is entitled to vote, or  
923 that he has been illegally denied registration, his vote may be  
924 prepared by him and handed to the proper election officer who  
925 shall enclose the same in an envelope with the written affidavit  
926 of the voter, seal the envelope and mark plainly upon it the name  
927 of the person offering to vote. The affidavit must include the  
928 complete name, all required addresses and telephone numbers, and  
929 the signature of the affiant, and must include the signature of  
930 one (1) of the election managers. A separate register shall be  
931 maintained for affidavit ballots, and the affiant shall sign the  
932 register upon completing an affidavit under this section. In  
933 canvassing the returns of the election, \* \* \* the election  
934 commissioners, \* \* \* shall examine the records and allow the  
935 ballot to be counted, or not counted, as it appears to be legal.

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

938 **AFFIDAVIT & BALLOT ENVELOPE**  
939 STATE OF MISSISSIPPI      \_\_\_ Primary      \_\_\_ General



940 COUNTY OF \_\_\_\_\_ Special Elections \_\_\_\_\_, 20\_\_\_\_\_

941 \_\_\_\_\_ Date

942 Precinct \_\_\_\_\_

943 Please give the following information: Date of Birth \_\_\_\_\_ Age \_\_\_\_\_

944 Social Security Number \_\_\_\_\_

945 Former Address \_\_\_\_\_ Date of Move \_\_\_\_\_

946 Day Phone Number \_\_\_\_\_ Night Phone Number \_\_\_\_\_

947 Maiden Name \_\_\_\_\_

948 This day personally appeared before the undersigned manager

949 of the above election, \_\_\_\_\_, who makes

950 \_\_\_\_\_ Name

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

952 1972, that he or she is entitled to vote or has been illegally

953 denied registration.

954 **INSTRUCTIONS TO VOTER:**

955 If you have been illegally denied registration

956 check this box ;

957 If you are registered and otherwise entitled to vote,

958 check the appropriate box below.

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

960 **NOT MOVED**

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

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

963 pollbook.

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

965 I am entitled to vote because I have been lawfully registered

966 in \_\_\_\_\_ County and the supervisors district

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

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

969 precinct. I currently reside in this precinct at

970 \_\_\_\_\_.

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



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

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

979 \_\_\_\_\_.

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

981 \_\_\_\_\_

982 Signature of Voter

Signature of Manager

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

985 23-15-593. When the ballot box is opened and examined by  
986 the \* \* \* county election commissioners \* \* \* and it is found that  
987 there have been failures in material particulars to comply with  
988 the requirements of Section 23-15-591 and Section 23-15-895 to  
989 such an extent that it is impossible to arrive at the will of the  
990 voters at such precinct, the entire box may be thrown out unless  
991 it be made to appear with reasonable certainty that the  
992 irregularities were not deliberately permitted or engaged in by  
993 the managers at that box, or by one (1) of them responsible for  
994 the wrong or wrongs, for the purpose of electing or defeating a  
995 certain candidate or candidates by manipulating the election or  
996 the returns thereof at that box in such manner as to have it  
997 thrown out; in which latter case \* \* \* the county election  
998 commission \* \* \* shall conduct such hearing and make such  
999 determination in respect to said box as may appear lawfully just,  
1000 subject to a judicial review of said matter as elsewhere provided  
1001 by this chapter. Or the \* \* \* election commission, or the court  
1002 upon review, may order another election to be held at that box  
1003 appointing new managers to hold the same.



1004           **SECTION 40.** Section 23-15-595, Mississippi Code of 1972, is  
1005 amended as follows:

1006           23-15-595. The box containing the ballots and other records  
1007 required by this chapter shall, as soon as practical after the  
1008 ballots have been counted, be delivered by one (1) of the precinct  
1009 managers to the clerk of the circuit court of the county and said  
1010 clerk shall, in the presence of the manager making delivery of the  
1011 box, place upon the lock of such box a metal seal similar to the  
1012 seal commonly used in sealing the doors of railroad freight cars.  
1013 Such seals shall be numbered consecutively to the number of ballot  
1014 boxes used in the election in the county, and the clerk shall keep  
1015 in a place separate from such boxes a record of the number of the  
1016 seal of each separate box in the county. The board of supervisors  
1017 of the county shall pay the cost of providing such seals. Upon  
1018 demand of a county election commissioner the boxes and their  
1019 contents shall be delivered to the county election commission, and  
1020 after such commission has finished the work of tabulating returns  
1021 and counting ballots as required by law the said commission shall  
1022 return all papers and ballots to the box of the precinct where  
1023 such election was held, and it shall make redelivery of such boxes  
1024 and their contents to the circuit clerk who shall reseal said  
1025 boxes. Upon every occasion said boxes shall be reopened and each  
1026 resealing shall be done as provided in this chapter.

1027           **SECTION 41.** Section 23-15-601, Mississippi Code of 1972, is  
1028 amended as follows:

1029           23-15-601. When the result of the election shall have been  
1030 ascertained by the managers they, or one (1) of their number, or  
1031 some fit person designated by them, shall, by noon of the \* \* \*  
1032 day following the election, deliver to the commissioners of  
1033 election, at the courthouse, a statement of the whole number of  
1034 votes given for each person and for what office; and the  
1035 commissioners of election shall, on the first or second day after  
1036 the preferential election and after the general election, canvass



1037 the returns, ascertain and declare the result, and announce the  
1038 names of the candidates who have received a majority of the votes  
1039 cast for representative in the Legislature of districts composed  
1040 of one (1) county or less, or other county office, board of  
1041 supervisors, justice court judge and constable, and shall also  
1042 announce the names of those candidates for the above mentioned  
1043 offices that are to be submitted to the general election.

1044 The vote for state and state district offices shall be  
1045 tabulated by precincts and certified to and returned to the state  
1046 election commissioners, such returns to be mailed by registered  
1047 letter or any safe mode of transportation within thirty-six (36)  
1048 hours after the returns are canvassed and the results ascertained.  
1049 The state election commissioners shall meet a week from the day  
1050 following the preferential election held for state and district  
1051 offices, and shall proceed to canvass the returns and to declare  
1052 the results and announce the names of the candidates for the  
1053 different offices who have received a majority of the votes cast  
1054 and the names of those candidates whose names are to be submitted  
1055 to the general election. The state election commissioners shall  
1056 also meet a week from the day on which the general election is  
1057 held and receive and canvass the returns for state and district  
1058 offices voted on in such general election. An exact and full  
1059 duplicate of all tabulations by precincts, as certified under this  
1060 section, shall be filed with the circuit clerk of the county who  
1061 shall safely preserve the same in his office.

1062 **SECTION 42.** Section 23-15-605, Mississippi Code of 1972, is  
1063 amended as follows:

1064 23-15-605. The Secretary of State, immediately after  
1065 receiving the returns of a general election, not longer than  
1066 thirty (30) days after the election, shall sum up the whole number  
1067 of votes given for each candidate other than for state offices,  
1068 ascertain the person or persons having the largest number of votes  
1069 for each office, and declare such person or persons to be duly





1070 elected; and thereupon all persons chosen to any office at the  
1071 election shall be commissioned by the Governor; but if it appears  
1072 that two (2) or more candidates for any district office where the  
1073 district is composed of two (2) or more counties, standing highest  
1074 on the list and not elected, have an equal number of votes, the  
1075 election shall be forthwith decided between the candidates having  
1076 an equal number of votes by lot, fairly and publicly drawn, under  
1077 the direction of the Governor and Secretary of State.

1078         **SECTION 43.** Section 23-15-673, Mississippi Code of 1972, is  
1079 amended as follows:

1080         23-15-673. (1) For the purposes of this subarticle, the  
1081 term "absent voter" shall mean and include the following:

1082             (a) Any enlisted or commissioned members, male or  
1083 female, of the United States Army, or any of its respective  
1084 components or various divisions thereof; any enlisted or  
1085 commissioned members, male or female, of the United States Navy,  
1086 or any of its respective components or various divisions thereof;  
1087 any enlisted or commissioned members, male or female, of the  
1088 United States Air Force, or any of its respective components or  
1089 various divisions thereof; any enlisted or commissioned members,  
1090 male or female, of the United States Marines, or any of its  
1091 respective components or various divisions thereof; or any persons  
1092 in any division of the armed services of the United States, who  
1093 are citizens of Mississippi;

1094             (b) Any member of the Merchant Marine and the American  
1095 Red Cross who is a citizen of Mississippi;

1096             (c) Any disabled war veteran who is a patient in any  
1097 hospital and who is a citizen of Mississippi;

1098             (d) Any civilian attached to and serving outside of the  
1099 United States with any branch of the Armed Forces or with the  
1100 Merchant Marine or American Red Cross, and who is a citizen of  
1101 Mississippi;



1102 (e) Any citizen of Mississippi temporarily residing  
1103 outside the territorial limits of the United States and the  
1104 District of Columbia;

1105 (f) Any citizen of Mississippi enrolled as a student at  
1106 a United States Military Academy.

1107 (2) The spouse and dependents of any absent voter as set out  
1108 in paragraphs (a), (b), (c) and (d) of subsection (1) of this  
1109 section shall also be included in the meaning of absent voter and  
1110 may vote an absentee ballot as provided in this subarticle if also  
1111 absent from the county of their residence on the date of the  
1112 election and otherwise qualified to vote in Mississippi.

1113 (3) For the purpose of this subarticle, the term "election"  
1114 shall mean and include the following sets of elections: special  
1115 and runoff special elections, preferential and general  
1116 elections, \* \* \* or general elections without preferential  
1117 elections, whichever \* \* \* is applicable.

1118 **SECTION 44.** Section 23-15-713, Mississippi Code of 1972, is  
1119 amended as follows:

1120 23-15-713. For the purpose of this subarticle, any duly  
1121 qualified elector may vote as provided in this subarticle if  
1122 he \* \* \* falls within the following categories:

1123 (a) Any qualified elector who is a bona fide student,  
1124 teacher or administrator at any college, university, junior  
1125 college, high, junior high, or elementary grade school whose  
1126 studies or employment at such institution necessitates his absence  
1127 from the county of his voting residence on the date of any \* \* \*  
1128 election, or the spouse and dependents of said student, teacher or  
1129 administrator if such spouse or dependent(s) maintain a common  
1130 domicile, outside of the county of his voting residence, with such  
1131 student, teacher or administrator.

1132 (b) Any qualified elector who is required to be away  
1133 from his place of residence on any election day due to his  
1134 employment as an employee of a member of the Mississippi



1135 congressional delegation and the spouse and dependents of such  
1136 person if he or she shall be residing with such absentee voter  
1137 away from the county of the spouse's voting residence.

1138 (c) Any qualified elector who is away from his county  
1139 of residence on election day for any reason.

1140 (d) Any person who has a temporary or permanent  
1141 physical disability and who, because of such disability, is unable  
1142 to vote in person without substantial hardship to himself or  
1143 others, or whose attendance at the voting place could reasonably  
1144 cause danger to himself or others.

1145 (e) The parent, spouse or dependent of a person with a  
1146 temporary or permanent physical disability who is hospitalized  
1147 outside of his county of residence or more than fifty (50) miles  
1148 distant from his residence, if the parent, spouse or dependent  
1149 will be with such person on election day.

1150 (f) Any person who is sixty-five (65) years of age or  
1151 older.

1152 (g) Any member of the Mississippi congressional  
1153 delegation absent from Mississippi on election day, and the spouse  
1154 and dependents of such member of the congressional delegation.

1155 (h) Any qualified elector who will be unable to vote in  
1156 person because he is required to be at work on election day during  
1157 the times at which the polls will be open.

1158 **SECTION 45.** Section 23-15-755, Mississippi Code of 1972, is  
1159 amended as follows:

1160 23-15-755. All of the provisions of Sections 23-15-621  
1161 through 23-15-735 shall be applicable, insofar as possible, to  
1162 municipal, \* \* \* preferential, general and special elections, and  
1163 wherever herein any duty is imposed or any power or authority is  
1164 conferred upon the county registrar or county election  
1165 commissioners, \* \* \* with reference to a state and county  
1166 election, such duty shall likewise be imposed and such power and  
1167 authority shall likewise be conferred upon the municipal registrar



1168 or municipal election commission \* \* \* with reference to any  
1169 municipal election. \* \* \*

1170 **SECTION 46.** Section 23-15-771, Mississippi Code of 1972, is  
1171 amended as follows:

1172 23-15-771. At the state convention, a slate of electors  
1173 composed of the number of electors allotted to this state, which  
1174 said electors announce a clearly expressed design and purpose to  
1175 support the candidates for President and Vice President of the  
1176 national political party with which the said party of this state  
1177 has had an affiliation and identity of purpose heretofore, shall  
1178 be designated and selected for a place upon the \* \* \* election  
1179 ballot to be held as herein provided.

1180 **SECTION 47.** Section 23-15-801, Mississippi Code of 1972, is  
1181 amended as follows:

1182 23-15-801. (a) "Election" shall mean a preferential,  
1183 general or special \* \* \* election.

1184 (b) "Candidate" shall mean an individual who seeks \* \* \*  
1185 election to any elective office other than a federal elective  
1186 office. \* \* \* For purposes of this article, an individual shall  
1187 be deemed to seek \* \* \* election:

1188 (i) If such individual has received contributions  
1189 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
1190 expenditures aggregating in excess of Two Hundred Dollars  
1191 (\$200.00) or for a candidate for the Legislature or any statewide  
1192 or state district office, by the qualifying deadlines specified in  
1193 Sections 23-15-299 and 23-15-977, whichever occurs first; or

1194 (ii) If such individual has given his or her consent to  
1195 another person to receive contributions or make expenditures on  
1196 behalf of such individual and if such person has received such  
1197 contributions aggregating in excess of Two Hundred Dollars  
1198 (\$200.00) during a calendar year, or has made such expenditures  
1199 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
1200 calendar year.



1201 (c) "Political committee" shall mean any committee, party,  
1202 club, association, political action committee, campaign committee  
1203 or other groups of persons or affiliated organizations which  
1204 receives contributions aggregating in excess of Two Hundred  
1205 Dollars (\$200.00) during a calendar year or which makes  
1206 expenditures aggregating in excess of Two Hundred Dollars  
1207 (\$200.00) during a calendar year for the purpose of influencing or  
1208 attempting to influence the action of voters for or against  
1209 the \* \* \* election of one or more candidates, or balloted measures  
1210 and shall, in addition, include each political party registered  
1211 with the Secretary of State.

1212 (d) "Affiliated organization" shall mean any organization  
1213 which is not a political committee, but which directly or  
1214 indirectly establishes, administers or financially supports a  
1215 political committee.

1216 (e) (i) "Contribution" shall include any gift,  
1217 subscription, loan, advance or deposit of money or anything of  
1218 value made by any person or political committee for the purpose of  
1219 influencing any election for elective office or balloted measure;

1220 (ii) "Contribution" shall not include the value of  
1221 services provided without compensation by any individual who  
1222 volunteers on behalf of a candidate or political committee; or the  
1223 cost of any food or beverage for use in any candidate's campaign  
1224 or for use by or on behalf of any political committee of a  
1225 political party;

1226 (iii) "Contribution to a political party" includes any  
1227 gift, subscription, loan, advance or deposit of money or anything  
1228 of value made by any person, political committee, or other  
1229 organization to a political party and to any committee,  
1230 subcommittee, campaign committee, political committee and other  
1231 groups of persons and affiliated organizations of the political  
1232 party.



1233           (iv) "Contribution to a political party" shall not  
1234 include the value of services provided without compensation by any  
1235 individual who volunteers on behalf of a political party or a  
1236 candidate of a political party.

1237           (f) (i) "Expenditure" shall include any purchase, payment,  
1238 distribution, loan, advance, deposit, gift of money or anything of  
1239 value, made by any person or political committee for the purpose  
1240 of influencing any balloted measure or election for elective  
1241 office; and a written contract, promise, or agreement to make an  
1242 expenditure;

1243           (ii) "Expenditure" shall not include any news story,  
1244 commentary or editorial distributed through the facilities of any  
1245 broadcasting station, newspaper, magazine, or other periodical  
1246 publication, unless such facilities are owned or controlled by any  
1247 political party, political committee, or candidate; or nonpartisan  
1248 activity designed to encourage individuals to vote or to register  
1249 to vote;

1250           (iii) "Expenditure by a political party" includes 1.  
1251 any purchase, payment, distribution, loan, advance, deposit, gift  
1252 of money or anything of value, made by any political party and by  
1253 any contractor, subcontractor, agent, and consultant to the  
1254 political party; and 2. a written contract, promise, or agreement  
1255 to make such an expenditure.

1256           (g) The term "identification" shall mean:

1257           (i) In the case of any individual, the name, the  
1258 mailing address, and the occupation of such individual, as well as  
1259 the name of his or her employer; and

1260           (ii) In the case of any other person, the full name and  
1261 address of such person.

1262           (h) The term "political party" shall mean an association,  
1263 committee or organization which nominates a candidate for election  
1264 to any elective office whose name appears on the election ballot  
1265 as the candidate of such association, committee or organization.



1266 (i) The term "person" shall mean any individual, family,  
1267 firm, corporation, partnership, association or other legal entity.

1268 (j) The term "independent expenditure" shall mean an  
1269 expenditure by a person expressly advocating the election or  
1270 defeat of a clearly identified candidate which is made without  
1271 cooperation or consultation with any candidate or any authorized  
1272 committee or agent of such candidate, and which is not made in  
1273 concert with or at the request or suggestion of any candidate or  
1274 any authorized committee or agent of such candidate.

1275 (k) The term "clearly identified" shall mean that:

1276 (i) The name of the candidate involved appears; or

1277 (ii) A photograph or drawing of the candidate appears;

1278 or

1279 (iii) The identity of the candidate is apparent by  
1280 unambiguous reference.

1281 **SECTION 48.** Section 23-15-807, Mississippi Code of 1972, is  
1282 amended as follows:

1283 23-15-807. (a) Each candidate or political committee shall  
1284 file reports of contributions and disbursements in accordance with  
1285 the provisions of this section. All candidates or political  
1286 committees required to report may terminate its obligation to  
1287 report only upon submitting a final report that it will no longer  
1288 receive any contributions or make any disbursement and that such  
1289 candidate or committee has no outstanding debts or obligations.  
1290 The candidate, treasurer or chief executive officer shall sign  
1291 each such report.

1292 (b) Candidates who are seeking election \* \* \* and political  
1293 committees that make expenditures for the purpose of influencing  
1294 or attempting to influence the action of voters for or against  
1295 the \* \* \* election of one or more candidates or balloted measures  
1296 at such election, shall file the following reports:

1297 (i) In any calendar year during which there is a  
1298 regularly scheduled election, a preelection report, which shall be



1299 filed no later than the seventh day before any election in which  
1300 such candidate or political committee has accepted contributions  
1301 or made expenditures and which shall be complete as of the tenth  
1302 day before such election;

1303 (ii) In 1987 and every fourth year thereafter, periodic  
1304 reports, which shall be filed no later than the tenth day after  
1305 April 30, May 31, June 30, September 30 and December 31, and which  
1306 shall be complete as of the last day of each period; and

1307 (iii) In any calendar years except 1987 and except  
1308 every fourth year thereafter, a report covering the calendar year  
1309 which shall be filed no later than January 31 of the following  
1310 calendar year.

1311 (c) All candidates for judicial office as defined in Section  
1312 23-15-975, or their political committees, shall file in the year  
1313 in which they are to be elected, periodic reports which shall be  
1314 filed no later than the tenth day after April 30, May 31, June 30,  
1315 September 30 and December 31.

1316 (d) Contents of reports. Each report under this article  
1317 shall disclose:

1318 (i) For the reporting period and the calendar year, the  
1319 total amount of all contributions and the total amount of all  
1320 expenditures of the candidate or reporting committee which shall  
1321 include those required to be identified pursuant to item (ii) of  
1322 this paragraph as well as the total of all other contributions and  
1323 expenditures during the calendar year. Such reports shall be  
1324 cumulative during the calendar year to which they relate;

1325 (ii) The identification of:

1326 1. Each person or political committee who makes a  
1327 contribution to the reporting candidate or political committee  
1328 during the reporting period, whose contribution or contributions  
1329 within the calendar year have an aggregate amount or value in  
1330 excess of Two Hundred Dollars (\$200.00) when made to a political  
1331 committee or to a candidate for an office other than statewide





1332 office or office elected by Supreme Court district, or in excess  
1333 of Five Hundred Dollars (\$500.00) when made to a candidate for  
1334 statewide office or office elected by Supreme Court district,  
1335 together with the date and amount of any such contribution;

1336           2. Each person or organization, candidate or  
1337 political committee who receives an expenditure, payment or other  
1338 transfer from the reporting candidate, political committee or its  
1339 agent, employee, designee, contractor, consultant or other person  
1340 or persons acting in its behalf during the reporting period when  
1341 the expenditure, payment or other transfer to such person,  
1342 organization, candidate or political committee within the calendar  
1343 year have an aggregate value or amount in excess of Two Hundred  
1344 Dollars (\$200.00) when received from a political committee or  
1345 candidate for an office other than statewide office or office  
1346 elected by Supreme Court district, or in excess of Five Hundred  
1347 Dollars (\$500.00) when received from a candidate for statewide  
1348 office or office elected by the Supreme Court district, together  
1349 with the date and amount of such expenditure;

1350           (iii) The total amount of cash on hand of each  
1351 reporting candidate and reporting political committee;

1352           (iv) In addition to the contents of reports specified  
1353 in items (i), (ii) and (iii) of this paragraph, each political  
1354 party shall disclose:

1355           1. Each person or political committee who makes a  
1356 contribution to a political party during the reporting period and  
1357 whose contribution or contributions to a political party within  
1358 the calendar year have an aggregate amount or value in excess of  
1359 Two Hundred Dollars (\$200.00), together with the date and amount  
1360 of the contribution;

1361           2. Each person or organization who receives an  
1362 expenditure by a political party or expenditures by a political  
1363 party during the reporting period when the expenditure or  
1364 expenditures to the person or organization within the calendar



1365 year have an aggregate value or amount in excess of Two Hundred  
1366 Dollars (\$200.00), together with the date and amount of the  
1367 expenditure.

1368 (e) The appropriate office specified in Section 23-15-805  
1369 must be in actual receipt of the reports specified in this article  
1370 by 5:00 p.m. on the dates specified in paragraph (b) of this  
1371 section. If the date specified in paragraph (b) of this section  
1372 shall fall on a weekend or legal holiday then the report shall be  
1373 due in the appropriate office at 5:00 p.m. on the first working  
1374 day before the date specified in paragraph (b) of this section.  
1375 The reporting candidate or reporting political committee shall  
1376 ensure that the reports are delivered to the appropriate office by  
1377 the filing deadline. The Secretary of State may approve specific  
1378 means of electronic transmission of completed campaign finance  
1379 disclosure reports, which may include, but not be limited to,  
1380 transmission by electronic facsimile (FAX) devices.

1381 (f) (i) If any contribution of more than Two Hundred  
1382 Dollars (\$200.00) is received by a candidate or candidate's  
1383 political committee after the tenth day, but more than forty-eight  
1384 (48) hours before 12:01 a.m. of the day of the election, the  
1385 candidate or political committee shall notify the appropriate  
1386 office designated in Section 23-15-805, within forty-eight (48)  
1387 hours of receipt of the contribution. The notification shall  
1388 include:

- 1389 1. The name of the receiving candidate;
- 1390 2. The name of the receiving candidate's political  
1391 committee, if any;
- 1392 3. The office sought by the candidate;
- 1393 4. The identification of the contributor;
- 1394 5. The date of receipt;
- 1395 6. The amount of the contribution;
- 1396 7. If the contribution is in-kind, a description  
1397 of the in-kind contribution; and



1398                   8. The signature of the candidate or the treasurer  
1399 or director of the candidate's political committee.

1400                   (ii) The notification shall be in writing, and may be  
1401 transmitted by overnight mail, courier service, or other reliable  
1402 means, including electronic facsimile (FAX), but the candidate or  
1403 candidate's committee shall ensure that the notification shall in  
1404 fact be received in the appropriate office designated in Section  
1405 23-15-805 within forty-eight (48) hours of the contribution.

1406                   **SECTION 49.** Section 23-15-811, Mississippi Code of 1972, is  
1407 amended as follows:

1408                   23-15-811. (a) Any candidate or any other person who shall  
1409 willfully and deliberately and substantially violate the  
1410 provisions and prohibitions of this article shall be guilty of a  
1411 misdemeanor and upon conviction thereof shall be punished by a  
1412 fine in a sum not to exceed Three Thousand Dollars (\$3,000.00) or  
1413 imprisoned for not longer than six (6) months or by both fine and  
1414 imprisonment.

1415                   (b) In addition to the penalties provided in paragraph (a)  
1416 of this section, any candidate or political committee which is  
1417 required to file a statement or report which fails to file such  
1418 statement or report on the date in which it is due may be  
1419 compelled to file such statement or report by an action in the  
1420 nature of a mandamus.

1421                   (c) No candidate shall be certified \* \* \* as elected to  
1422 office unless and until he files all reports required by this  
1423 article due as of the date of certification.

1424                   (d) No candidate who is elected to office shall receive any  
1425 salary or other remuneration for the office unless and until he  
1426 files all reports required by this article due as of the date such  
1427 salary or remuneration is payable.

1428                   (e) In the event that a candidate fails to timely file any  
1429 report required pursuant to this article but subsequently files a  
1430 report or reports containing all of the information required to be



1431 reported by him as of the date on which the sanctions of  
1432 paragraphs (c) and (d) of this section would be applied to him,  
1433 such candidate shall not be subject to the sanctions of said  
1434 paragraphs (c) and (d).

1435         **SECTION 50.** Section 23-15-833, Mississippi Code of 1972, is  
1436 amended as follows:

1437         23-15-833. Except as otherwise provided by law, the first  
1438 Tuesday after the first Monday in November of each year shall be  
1439 designated the regular special election day, and on that day an  
1440 election shall be held to fill any vacancy in county, county  
1441 district and district attorney elective offices.

1442         All special elections, or elections to fill vacancies, shall  
1443 in all respects be held, conducted and returned in the same manner  
1444 as general elections, except that where no candidate receives a  
1445 majority of the votes cast in such election, then a runoff  
1446 election shall be held two (2) weeks after such election and the  
1447 two (2) candidates who receive the highest popular votes for such  
1448 office shall have their names submitted as such candidates to the  
1449 said runoff and the candidate who leads in such runoff election  
1450 shall be elected to the office. When there is a tie in the first  
1451 election of those receiving the next highest vote, these two (2)  
1452 and the one receiving the highest vote, none having received a  
1453 majority, shall go into the runoff election and whoever leads in  
1454 such runoff election shall be entitled to the office.

1455         In those years when the regular special election day shall  
1456 occur on the same day as the general election, the names of  
1457 candidates in any special election and the general election shall  
1458 be placed on the same ballot, but shall be clearly distinguished  
1459 as general election candidates or special election candidates.

1460         \* \* \*

1461         **SECTION 51.** Section 23-15-859, Mississippi Code of 1972, is  
1462 amended as follows:



1463           23-15-859. Whenever under any statute a special election is  
1464 required or authorized to be held in any municipality, and the  
1465 statute authorizing or requiring such election does not specify  
1466 the time within which such election shall be called, or the notice  
1467 which shall be given thereof, the governing authorities of the  
1468 municipality shall, by resolution, fix a date upon which such  
1469 election shall be held. Such date shall not be less than  
1470 twenty-one (21) nor more than thirty (30) days after the date upon  
1471 which such resolution is adopted, and not less than three (3)  
1472 weeks' notice of such election shall be given by the clerk by a  
1473 notice published in a newspaper published in the municipality once  
1474 each week for three (3) weeks next preceding the date of such  
1475 election and by posting a copy of such notice at three (3) public  
1476 places in such municipality. Nothing herein, however, shall be  
1477 applicable to elections on the question of the issuance of the  
1478 bonds of a municipality or to preferential or general \* \* \*  
1479 elections for the election of municipal officers.

1480           **SECTION 52.** Section 23-15-873, Mississippi Code of 1972, is  
1481 amended as follows:

1482           23-15-873. No person, whether an officer or not, shall, in  
1483 order to promote his own candidacy, or that of any other person,  
1484 to be a candidate for public office in this state, directly or  
1485 indirectly, himself or through another person, promise to appoint,  
1486 or promise to secure or assist in securing the appointment \* \* \*  
1487 or election of another person to any public position or  
1488 employment, or to secure or assist in securing any public contract  
1489 or the employment of any person under any public contractor, or to  
1490 secure or assist in securing the expenditure of any public funds  
1491 in the personal behalf of any particular person or group of  
1492 persons, except that the candidate may publicly announce what is  
1493 his choice or purpose in relation to an election in which he may  
1494 be called on to take part if elected. It shall be unlawful for  
1495 any person to directly or indirectly solicit or receive any



1496 promise by this section prohibited. But this does not apply to a  
1497 sheriff, chancery clerk, circuit clerk or any other person of the  
1498 state or county when it comes to their office force.

1499 **SECTION 53.** Section 23-15-881, Mississippi Code of 1972, is  
1500 amended as follows:

1501 23-15-881. It shall be unlawful for the Mississippi  
1502 Transportation Commission or any member of the Mississippi  
1503 Transportation Commission, or the board of supervisors of any  
1504 county or any member of the board of supervisors of such county,  
1505 to employ, during the months of \* \* \* August, September, October  
1506 and November of any year in which a general \* \* \* election is held  
1507 for the \* \* \* election of members of the Mississippi  
1508 Transportation Commission and members of the boards of  
1509 supervisors, a greater number of persons to work and maintain the  
1510 state highways in any highway district, or the public roads in any  
1511 supervisors district of the county, as the case may be, than the  
1512 average number of persons employed for similar purposes in such  
1513 highway district or supervisors district, as the case may be,  
1514 during the months of \* \* \* August, September, October and November  
1515 of the three (3) years immediately preceding the year in which  
1516 such general \* \* \* election is held. It shall be unlawful for the  
1517 Mississippi Transportation Commission, or the board of supervisors  
1518 of any county, to expend out of the state highway funds, or the  
1519 road funds of the county or any supervisors district thereof, as  
1520 the case may be, in the payment of wages or other compensation for  
1521 labor performed in working and maintaining the highways of any  
1522 highway district, or the public roads of any supervisors district  
1523 of the county, as the case may be, during the months of \* \* \*  
1524 August, September, October and November of such election year, a  
1525 total amount in excess of the average total amount expended for  
1526 such labor, in such highway district or supervisors district, as  
1527 the case may be, during the corresponding four-month period of the  
1528 three (3) years immediately preceding.



1529           It shall be the duty of the Mississippi Transportation  
1530 Commission and the board of supervisors of each county,  
1531 respectively, to keep sufficient records of the numbers of  
1532 employees and expenditures made for labor on the state highways of  
1533 each highway district, and the public roads of each supervisors  
1534 district, for the months of \* \* \* August, September, October and  
1535 November of each year to show the number of persons employed for  
1536 such work in each highway district and each supervisors district,  
1537 as the case may be, during said four-month period, and the total  
1538 amount expended in the payment of salaries and other compensation  
1539 to such employees, so that it may be ascertained, from an  
1540 examination of such records, whether or not the provisions of this  
1541 chapter have been violated.

1542           It is provided, however, because of the abnormal conditions  
1543 existing in certain counties of the state due to recent floods in  
1544 which roads and bridges have been materially damaged or washed  
1545 away and destroyed, if the board of supervisors in any county  
1546 passes a resolution as provided in Section 19-9-11, Mississippi  
1547 Code of 1972, for the emergency issuance of road and bridge bonds,  
1548 the provisions of this section shall not be applicable to or in  
1549 force concerning the board of supervisors during the calendar year  
1550 1955.

1551           **SECTION 54.** Section 23-15-885, Mississippi Code of 1972, is  
1552 amended as follows:

1553           23-15-885. The restrictions imposed in Sections 23-15-881  
1554 and 23-15-883 shall likewise apply to the mayor and board of  
1555 aldermen, or other governing authority, of each municipality, in  
1556 the employment of labor for working and maintaining the streets of  
1557 the municipality during the four-month period next preceding the  
1558 date of holding the general \* \* \* election in such municipality  
1559 for the election of municipal officers.

1560           **SECTION 55.** Section 23-15-891, Mississippi Code of 1972, is  
1561 amended as follows:



1562           23-15-891. No common carrier, telegraph company or telephone  
1563 company shall give to any candidate, or to any member of any  
1564 political committee, or to any person to be used to aid or promote  
1565 the success or defeat of any candidate for election for any public  
1566 office, free transportation or telegraph or telephone service, as  
1567 the case may be, or any reduction thereof that is not made alike  
1568 to all other persons. All persons required by the provisions of  
1569 this chapter to make and file statements shall make oath that they  
1570 have not received or made use of, directly or indirectly, in  
1571 connection with any candidacy for election to any public office,  
1572 free transportation or telegraph or telephone service.

1573           **SECTION 56.** Section 23-15-899, Mississippi Code of 1972, is  
1574 amended as follows:

1575           23-15-899. Every placard, bill, poster, pamphlet or other  
1576 printed matter having reference to any election, or to any  
1577 candidate, that has not been submitted to and approved and  
1578 subscribed by a candidate or his campaign manager or assistant  
1579 manager pursuant to the provisions of Section 23-15-897, shall  
1580 bear upon the face thereof the name and the address of the author  
1581 and of the printer and publisher thereof, and failure to so  
1582 provide shall be a misdemeanor, and it shall be a misdemeanor for  
1583 any person to mutilate or remove, previously to the date of the  
1584 election, any placard, poster or picture which has been lawfully  
1585 placed or posted.

1586           **SECTION 57.** Section 23-15-911, Mississippi Code of 1972, is  
1587 amended as follows:

1588           23-15-911. (1) When the returns for a box and the contents  
1589 of the ballot box and the conduct of the election thereat have  
1590 been canvassed and reviewed by the county election commission  
1591 \* \* \*, all the contents of the box required to be placed and  
1592 sealed in the ballot box by the managers shall be replaced therein  
1593 by the election commission \* \* \*, and the box shall be forthwith  
1594 resealed and delivered to the circuit clerk, who shall safely keep





1595 and secure the same against any tampering therewith. At any time  
1596 within twelve (12) days after the canvass and examination of the  
1597 box and its contents by the election commission \* \* \*, any  
1598 candidate or his representative authorized in writing by him shall  
1599 have the right of full examination of said box and its contents  
1600 upon three (3) days' notice of his application therefor served  
1601 upon the opposing candidate or candidates, or upon any member of  
1602 their family over the age of eighteen (18) years, which  
1603 examination shall be conducted in the presence of the circuit  
1604 clerk or his deputy who shall be charged with the duty to see that  
1605 none of the contents of the box are removed from the presence of  
1606 the clerk or in any way tampered with. Upon the completion of  
1607 said examination the box shall be resealed with all its contents  
1608 as theretofore. And if any contest or complaint before the court  
1609 shall arise over said box, it shall be kept intact and sealed  
1610 until the court hearing and another ballot box, if necessary,  
1611 shall be furnished for the precinct involved.

1612 (2) The provisions of this section allowing the examination  
1613 of ballot boxes shall apply in the case of an election contest  
1614 regarding the seat of a member of the State Legislature. In such  
1615 a case, the results of the examination shall be reported by the  
1616 applicable circuit clerk to the Clerk of the House of  
1617 Representatives or the Secretary of the Senate, as the case may  
1618 be.

1619 **SECTION 58.** Section 23-15-973, Mississippi Code of 1972, is  
1620 amended as follows:

1621 23-15-973. It shall be the duty of the judges of the circuit  
1622 court to give a reasonable time and opportunity to the candidates  
1623 for the office of judge of the Supreme Court, judges of the Court  
1624 of Appeals, circuit judge and chancellor to address the people  
1625 during court terms. In order to give further and every possible  
1626 emphasis to the fact that the said judicial offices are not  
1627 political but are to be held without favor and with absolute



1628 impartiality as to all persons, and because of the jurisdiction  
1629 conferred upon the courts by this chapter, the judges thereof  
1630 should be as far removed as possible from any political  
1631 affiliations or obligations. It shall be unlawful for any  
1632 candidate for any of the offices mentioned in this section to  
1633 align himself with any candidate or candidates for any other  
1634 office or with any political faction or any political party at any  
1635 time during any \* \* \* election campaign. Likewise, it shall be  
1636 unlawful for any candidate for any other office \* \* \* wherein any  
1637 candidate for any of the judicial offices in this section  
1638 mentioned, is or are to be elected, to align himself with any one  
1639 or more of the candidates for said offices or to take any part  
1640 whatever in any election for any one or more of said judicial  
1641 offices, except to cast his individual vote. If any candidate for  
1642 any office, whether elected with or without opposition, at any  
1643 election wherein a candidate for any one of the judicial offices  
1644 herein mentioned is to be elected, shall deliberately, knowingly  
1645 and willfully violate the provisions of this section \* \* \*, his  
1646 election shall be void.

1647       **SECTION 59.** Section 23-15-1065, Mississippi Code of 1972, is  
1648 amended as follows:

1649       23-15-1065. No person shall claim or represent himself in  
1650 any manner to be a member of any state, district or county  
1651 executive committee of any political party in this state, or claim  
1652 to be the national committeeman or national committeewoman or any  
1653 other officer or representative of such political party without  
1654 having been lawfully elected or chosen as such in the manner  
1655 provided by the laws of this state, or by such political party in  
1656 the manner provided by the laws of this state \* \* \*.

1657       Any person who violates the provisions of this section, in  
1658 addition to other measures or penalties provided by law, may be  
1659 enjoined therefrom upon application to the courts by any person or



1660 persons, or any political party, official or representative of  
1661 such political party aggrieved thereby.

1662         **SECTION 60.** Section 23-15-1085, Mississippi Code of 1972, is  
1663 amended as follows:

1664         23-15-1085. The chairman of a party's state executive  
1665 committee shall notify the Secretary of State if the party intends  
1666 to hold a presidential preference primary. The Secretary of State  
1667 shall be notified prior to December 1 of the year preceding the  
1668 year in which a presidential preference primary may be held  
1669 pursuant to Section 23-15-1081. \* \* \*

1670         **SECTION 61.** Section 23-15-1087, Mississippi Code of 1972, is  
1671 amended as follows:

1672         23-15-1087. Except as otherwise provided in this chapter,  
1673 the laws regulating \* \* \* elections shall, insofar as practical,  
1674 apply to and govern presidential preference primary elections.

1675         **SECTION 62.** Section 23-15-127, Mississippi Code of 1972,  
1676 which provides for the preparation, use and revision of primary  
1677 election pollbooks, is hereby repealed.

1678         **SECTION 63.** Section 23-15-171, Mississippi Code of 1972,  
1679 which provides for the dates of municipal primary elections, is  
1680 hereby repealed.

1681         **SECTION 64.** Section 23-15-191, Mississippi Code of 1972,  
1682 which provides for the date of state, district and county primary  
1683 elections, is hereby repealed.

1684         **SECTION 65.** Sections 23-15-263, 23-15-265, 23-15-267,  
1685 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,  
1686 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,  
1687 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of  
1688 1972, which provide for the duties of the state executive  
1689 committee and county executive committees in primary elections,  
1690 provide for the qualification of candidates for party primary  
1691 elections, and provide for the conduct of party primary elections,  
1692 are hereby repealed.



1693           **SECTION 66.** Sections 23-15-359, 23-15-361 and 23-15-363,  
1694 Mississippi Code of 1972, which provide for the contents of  
1695 general election ballots, are hereby repealed.

1696           **SECTION 67.** Sections 23-15-597 and 23-15-599, Mississippi  
1697 Code of 1972, which provide for the canvass of returns and  
1698 announcement of vote by the county executive committees in primary  
1699 elections, and require the state executive committee to transmit  
1700 to the Secretary of State a tabulated statement of the party vote  
1701 for certain offices, are hereby repealed.

1702           **SECTION 68.** Section 23-15-841, Mississippi Code of 1972,  
1703 which provides for primary elections for nominations of candidates  
1704 to fill vacancies in county and county district offices, is hereby  
1705 repealed.

1706           **SECTION 69.** Sections 23-15-921, 23-15-923, 23-15-925,  
1707 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,  
1708 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide  
1709 procedures for contests of primary elections, are hereby repealed.

1710           **SECTION 70.** Section 23-15-1031, Mississippi Code of 1972,  
1711 which provides for the date of primary elections for Congressmen  
1712 and United States Senators, is hereby repealed.

1713           **SECTION 71.** Section 23-15-1063, Mississippi Code of 1972,  
1714 which prohibits unregistered political parties from conducting  
1715 primary elections, is hereby repealed.

1716           **SECTION 72.** Section 23-15-1083, Mississippi Code of 1972,  
1717 which requires that certain congressional primaries be held on the  
1718 same day as the presidential preference primary, is hereby  
1719 repealed.

1720           **SECTION 73.** The Attorney General of the State of Mississippi  
1721 shall submit this act, immediately upon approval by the Governor,  
1722 or upon approval by the Legislature subsequent to a veto, to the  
1723 Attorney General of the United States or to the United States  
1724 District Court for the District of Columbia in accordance with the



1725 provisions of the Voting Rights Act of 1965, as amended and  
1726 extended.

1727           **SECTION 74.** This act shall take effect and be in force from  
1728 and after the date it is effectuated under Section 5 of the Voting  
1729 Rights Act of 1965, as amended and extended.

