To: Apportionment and Elections

MISSISSIPPI LEGISLATURE
Regular Session 2002

By: Representative Weathersby

HOUSE BILL NO. 1061

An Act to Abolish Partisan Primaries; to Provide the Time for
Holding General and Preferential Elections; to Provide that When
Only One Person Has Qualified as a Candidate for an Office, That
Such Person's Name Shall Be Placed on the General Election Ballot;
To Provide That When More Than One Person Has Qualified as a
Candidate for an Office, That a Preferential Election Shall Be
Held Three Weeks Prior to the General Election and the Candidate
Who Receives a Majority of the Votes Cast for Such Office Shall
Have His Name and His Name Only Placed on the General Election
Ballot; to Provide That When No Candidate Receives a Majority of
the Votes Cast in the Preferential Election for an Office, That
the Two Candidates Who Receive the Highest Number of Votes in the
Preferential Election Shall Have Their Names Placed on the General
Election Ballot as Candidates for Such Office; to Provide the
Procedure to Follow in Case of Ties; to Provide the Manner for
Qualifying as a Candidate for Public Office; to Provide for the
Printing of Necessary Ballots; to Amend Sections 21-7-7, 21-8-7,
23-15-1087, Mississippi Code of 1972, in Conformity Thereto; to
Repeal Section 23-15-127, Mississippi Code of 1972, which Provides
for the Preparation, Use and Revision of Primary Election
Pollbooks; to Repeal Section 23-15-171, Mississippi Code of 1972,
which Provides for the Dates of Municipal Primary Elections; to
Repeal Section 23-15-191, Mississippi Code of 1972, which Provides
for the Dates of State, District and County Primary Elections; to
23-15-335, Mississippi Code of 1972, which Provide for the Duties
of the State Executive Committee and County Executive Committees
in Primary Elections, provide for the Qualification of Candidates
for Party Primary Elections, and Provide for the Conduct of Party
Primary Elections; to Repeal Sections 23-15-359, 23-15-361 and
23-15-363, Mississippi Code of 1972, which provide for the
Contents of General Election Ballots; to Repeal Sections 23-15-597
and 23-15-599, Mississippi Code of 1972, which Provide for the
Canvass of Returns and Announcement of Vote by the County
Executive Committees in Primary Elections and Require the State
Executive Committee to Transmit to the Secretary of State a
Tabulated Statement of the Party Vote for Certain Offices; to
Repeal Section 23-15-841, Mississippi Code of 1972, which Provides
for Primary Elections for Nomination of Candidates to Fill
Vacancies in County and County District Offices; to Repeal
which Provide Procedures for Contests of Primary Elections; to
Repeal Section 23-15-1031, Mississippi Code of 1972, which
Provides for the Date of Primary Elections for Congressmen and

H. B. No. 1061
02/H40/R1270
Page 1 (CJR\BD)
UNITED STATES SENATORS; TO REPEAL SECTION 23-15-1063, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS UNREGISTERED POLITICAL PARTIES FROM CONDUCTING PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1083, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT CERTAIN CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

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

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

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

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

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

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

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

SECTION 3. Any person who has qualified in the manner provided by law as a candidate for election under Sections 1 through 11 of this act shall have the right to withdraw his name as a candidate by giving notice of his withdrawal in writing to
the secretary of the appropriate election commission at any time prior to the printing of the official ballots, and in the event of his withdrawal the name of such candidate shall not be printed on the ballot.

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

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

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

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

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

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

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

(a) Candidates for Governor and United States Senator, the sum of Three Hundred Dollars ($300.00);
(b) Candidates for United States Representatives, Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public Accounts, Commissioner of Insurance, Commissioner of Agriculture and Commerce, State Highway Commissioner and State Public Service Commissioner, the sum of Two Hundred Dollars ($200.00);
(c) Candidates for district attorney, the sum of One Hundred Dollars ($100.00);
Candidates for State Senator and State Representative whose district is composed of more than one (1) county, or parts of more than one (1) county, the sum of Fifteen Dollars ($15.00);

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

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

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

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

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

Not later than fifty-five (55) days prior to the general election, the respective executive committee shall certify to the appropriate election commission all candidates who have filed, within the time prescribed herein, with such committee their intent to be a candidate.
SECTION 10.  (1) Necessary ballots for use in elections shall be printed as provided for in Section 23-15-351, Mississippi Code of 1972. The ballots shall contain the names of all candidates who have filed their intention to be a candidate in the manner and within the time prescribed herein. Such names shall be listed alphabetically on the ballot without regard to party affiliation, if any, with indication of the political party, if any, with which such candidate qualified placed in parentheses following the name of the candidate.

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

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

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

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

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

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

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

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

SECTION 13. Nothing in Sections 1 through 11 of this act
shall prohibit special elections to fill vacancies in either house
of the Legislature from being held as provided in Section
23-5-201, Mississippi Code of 1972. In all elections conducted
under the provisions of Section 23-15-851, Mississippi Code of
1972, the commissioners shall have printed on the ballot the name
of any candidate who shall have been requested to be a candidate
for the office by a petition filed with said commissioners not
less than ten (10) working days prior to the election and signed
by not less than fifty (50) qualified electors.
SECTION 14. The state executive committee of any political party is hereby authorized to make and promulgate reasonable rules and regulations for the affairs of said political party and may authorize the county executive committee of said party to have a new registration of the members of that party, if the county executive committee thinks it is for the best welfare of the party to do so.

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

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

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

SECTION 18. Section 21-7-7, Mississippi Code of 1972, is amended as follows:
21-7-7. The governing body of any such municipality shall be a council, known and designated as such, consisting of seven (7) members. One (1) of the members shall be the mayor, having the qualifications as prescribed by Section 21-3-9, who shall have full rights, powers and privileges of other councilmen. The mayor shall be nominated and elected at large; the remaining councilmen shall be nominated and elected one (1) from each ward into which the city shall be divided. However, if the city be divided into less than six (6) wards, the remaining councilmen shall be nominated and elected at large. The councilmen, including the mayor, shall be elected for a term of four (4) years to serve until their successors are elected and qualified in accordance with the provisions of Section 11, House Bill No. ____, 2002 Regular Session, said term commencing on the first Monday of January after the municipal election first following the adoption of the form of government as provided by this chapter.

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

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

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

(2) Except as otherwise provided in subsection (4) of this section, the mayor and councilmen shall be elected by the voters
of the municipality at a general or regular municipal election held on the first Tuesday after the first Monday in June as provided in Section 11, House Bill No. , 2002 Regular Session, and shall serve for a term of four (4) years beginning on the first Monday of July next following his election.

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

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

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

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

(ii) If the publication of the most recent decennial census occurs less than six (6) months prior to the preferential election in a municipality, the election shall be held with regard to currently defined wards; and reapportioned wards based on the census shall not serve as the basis for representation until the next regularly scheduled election in which council members shall be elected.
(d) If annexation of additional territory into the municipal corporate limits of the municipality shall occur less than six (6) months prior to the preferential election in a municipality, the council shall, by ordinance adopted within three (3) days of the effective date of such annexation, assign such annexed territory to an adjacent ward or wards so as to maintain as nearly as possible substantial equality of population between wards; any subsequent redistricting of the municipality by ordinance as required by this chapter shall not serve as the basis for representation until the next regularly scheduled election for municipal councilmen.

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

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

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

21-15-1. All officers elected at the general or regular municipal election provided for in Section 11, House Bill No. 1061

2002 Regular Session, shall qualify and enter upon the discharge of their duties on the first Monday of July after such general election, and shall hold their offices for a term of four (4) years and until their successors are duly elected and qualified.

SECTION 21. Section 23-15-21, Mississippi Code of 1972, is amended as follows:
23-15-21. It shall be unlawful for any person who is not a citizen of the United States or the State of Mississippi to register or to vote in any special, preferential or general election in the state.

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

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

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

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

SECTION 24. Section 23-15-153, Mississippi Code of 1972, is amended as follows:
23-15-153. (1) At the following times the commissioners of
election shall meet at the office of the registrar and carefully
revise the registration books and the pollbooks of the several
voting precincts, and shall erase from those books the names of
all persons erroneously on the books, or who have died, removed or
become disqualified as electors from any cause; and shall register
the names of all persons who have duly applied to be registered
and have been illegally denied registration:
   (a) On the Tuesday after the second Monday in January
1987 and every following year;
   (b) On the first Tuesday in the month immediately
preceding the preferential election for congressmen in the years
when congressmen are elected;
   (c) On the first Monday in the month immediately
preceding the preferential election for state, state district,
legislative, county and county district offices in the years in
which those offices are elected; and
   (d) On the second Monday of September preceding
the *** regular special election day in years in which a general
election is not conducted.

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

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

(a) In counties having less than fifteen thousand
(15,000) residents according to the latest federal decennial
census, not more than fifty (50) days per year, with no more than
fifteen (15) additional days allowed for the conduct of each
election in excess of one (1) occurring in any calendar year;
(b) In counties having fifteen thousand (15,000)
residents according to the latest federal decennial census but
less than thirty thousand (30,000) residents according to the
latest federal decennial census, not more than seventy-five (75)
days per year, with no more than twenty-five (25) additional days
allowed for the conduct of each election in excess of one (1)
occurring in any calendar year;
(c) In counties having thirty thousand (30,000)
residents according to the latest federal decennial census but
less than seventy thousand (70,000) residents according to the
latest federal decennial census, not more than one hundred (100)
days per year, with no more than thirty-five (35) additional days
allowed for the conduct of each election in excess of one (1)
occurring in any calendar year;
(d) In counties having seventy thousand (70,000)
residents according to the latest federal decennial census but
less than ninety thousand (90,000) residents according to the
latest federal decennial census, not more than one hundred
twenty-five (125) days per year, with no more than forty-five (45)
alternative days allowed for the conduct of each election in excess
of one (1) occurring in any calendar year;
(e) In counties having ninety thousand (90,000) residents according to the latest federal decennial census but less than one hundred seventy thousand (170,000) residents according to the latest federal decennial census, not more than one hundred fifty (150) days per year, with no more than fifty-five (55) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

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

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

(i) In counties having two hundred fifty thousand (250,000) residents according to the latest federal decennial census but less than two hundred seventy-five thousand (275,000) residents according to the latest federal decennial census, not more than two hundred thirty (230) days per year, with no more
than ninety-five (95) additional days allowed for the conduct of each election in excess of one (1) occurring in any calendar year;

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

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

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

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

(6) Every commissioner of election shall sign a certification under oath and under penalties of perjury setting forth the number of hours actually worked in the performance of the commissioner's official duties for which the commissioner seeks compensation. The certification of an election commissioner as to the actual number of hours worked must be verified and...
approved as to accuracy by signature of the chairman of the county
election commission. The certification shall be on a form
promulgated by rule of the Secretary of State and, upon signature
of the election commissioner, must be filed with the clerk of the
county board of supervisors before any payment is made.

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

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

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

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

23-15-197. (1) Times for holding *** general elections
for congressional offices shall be as prescribed in Sections ***

(2) Times for holding elections for the office of judge of
the Supreme Court shall be as prescribed in Section 23-15-991 and

(3) Times for holding elections for the office of circuit
court judge and the office of chancery court judge shall be as
prescribed in Sections 23-15-974 through 23-15-985 and Section
(4) Times for holding elections for the office of county election commissioners shall be as prescribed in Section 23-15-213.

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

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

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

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

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

(a) Candidates for national office;
(b) Candidates for statewide office;
(c) Candidates for state district office;
(d) Candidates for legislative office;
(e) Candidates for countywide office;

(f) Candidates for county district office.

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

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

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

23-15-375. Local issue elections may be held on the same date as any regular or general election. A local issue election held on the same date as the regular or general election shall be conducted in the same manner as the regular or general election using the same poll workers and the same equipment. A local issue may be placed on the regular or general election ballot pursuant to the provisions of Section 10 of House Bill No. ____, 2002 Regular Session. The provisions of this section and Section 10 of House Bill No. ____, 2002 Regular Session, with regard to local issue elections shall not be construed to affect any statutory requirements specifying the notice procedure and the necessary percentage of qualified electors voting in such an election which is needed for adoption of the local issue. Whether or not a local issue is adopted or defeated at a local issue election held on the same day as a regular or general election shall be determined in accordance with relevant statutory requirements regarding the necessary percentage of qualified electors who voted in such local issue election, and only those persons voting for or against such issue shall be counted in making that determination. As used in this section "local issue elections" include elections regarding
the issuance of bonds, local option elections, elections regarding
the levy of additional ad valorem taxes and other similar
elections authorized by law that are called to consider issues
that affect a single local governmental entity. As used in this
section "local issue" means any issue that may be voted on in a
local issue election.

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

23-15-403. The board of supervisors of any county in the
State of Mississippi and the governing authorities of any
municipality in the State of Mississippi are hereby authorized and
empowered, in their discretion, to purchase or rent any voting
machine or machines which shall be so constructed as to fulfill
the following requirements: It shall secure to the voter secrecy
in the act of voting; it shall provide facilities for voting for
all candidates of as many political parties or organizations as
may make nominations, and for or against as many questions as
submitted; it shall *** permit the voter to vote for *** as
many persons for an office as he is lawfully entitled to vote for,
but not more; it shall prevent the voter from voting for the same
person more than once for the same office; it shall permit the
voter to vote for or against any question he may have the right to
vote on, but no other; *** it shall correctly register or record
and accurately count all votes cast for any and all persons and
for or against any and all questions; it shall be provided with a
"protective counter" or "protective device" whereby any operation
of the machine before or after the election will be detected; it
shall be provided with a counter which shall show at all times
during an election how many persons have voted; it shall be
provided with a mechanical model, illustrating the manner of
voting on the machine, suitable for the instruction of voters; it
may also be provided with one (1) device for each party for voting
for all the presidential electors of that party by one (1)
operation, and a ballot therefor containing only the words "Presidential Electors For" preceded by the name of that party and followed by the names of the candidates thereof for the offices of President and Vice President, and a registering device therefor which shall register the vote cast for said electors when thus voted collectively; provided, however, that means shall be furnished whereby the voter can cast a vote for individual electors when permitted to do so by law.

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

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

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

23-15-463. The board of supervisors of any county in the State of Mississippi and the governing authorities of any municipality in the State of Mississippi are hereby authorized and empowered, in their discretion, to purchase or rent voting devices and automatic tabulating equipment used in an electronic voting system which meets the requirements of Section 23-15-465, and may use such system in all or a part of the precincts within its boundaries or in combination with paper ballots in any election. It may enlarge, consolidate or alter the boundaries of precincts where an electronic voting system is used.

The provisions of Sections 23-15-461 through 23-15-485 shall be
controlling with respect to elections where an electronic voting system is used, and shall be liberally construed so as to carry out the purpose of this chapter. The provisions of the election law relating to the conduct of elections with paper ballots, insofar as they are applicable and not inconsistent with the efficient conduct of elections with electronic voting systems, shall apply. Absentee ballots shall be voted as now provided by law.

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

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

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

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

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

(d) Permit each voter ** to vote for the candidates of one or more parties and for independent candidates; **
Permit each voter to vote for persons whose names are not on the printed ballot or ballot labels; Prevent the voter from voting for the same person more than once for the same office; Be suitably designed for the purpose used, of durable construction, and may be used safely, efficiently and accurately in the conduct of elections and counting ballots; Be provided with means for sealing the voting or marking device against any further voting after the close of the polls and the last voter has voted; When properly operated, record correctly and count accurately every vote cast; Be provided with a mechanical model for instructing voters, and be so constructed that a voter may readily learn the method of operating it; Be safely transportable, and include a light to enable voters to read the ballot labels and instructions.

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

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

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

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

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

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

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

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

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

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

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

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

23-15-511. The ballots shall, as far as practicable, be in the same order of arrangement as provided for paper ballots that are to be counted manually, except that such information may be printed in vertical or horizontal rows. Nothing in this chapter shall be construed as prohibiting the information being presented to the voters from being printed on both sides of a single ballot. In those years when a special election shall occur on the same day as the general election, the names of candidates in any special election and the general election shall be placed on the same ballot by the commissioners of elections or officials in charge of the election, but the general election candidates shall be clearly distinguished from the special election candidates.
Ballots shall be printed in plain clear type in black ink and upon clear white materials of such size and arrangement as to be compatible with the OMR tabulating equipment. Absentee ballots shall be prepared and printed in the same form and shall be on the same size and texture as the regular official ballots, except that they shall be printed on tinted paper; or the ink used to print the ballots shall be of a color different from that of the ink used to print the regular official ballots. Arrows may be printed on the ballot to indicate the place to mark the ballot, which may be to the right or left of the names of candidates and propositions. The titles of offices may be arranged in vertical columns on the ballot and shall be printed above or at the side of the names of candidates so as to indicate clearly the candidates for each office and the number to be elected. In case there are more candidates for an office than can be printed in one (1) column, the ballot shall be clearly marked that the list of candidates is continued on the following column. The names of candidates for each office shall be printed in vertical columns, grouped by the offices which they seek. * * * The party designation, if any, of each candidate * * * shall be printed following his name, as provided for in Section 10, House Bill No. ____ , 2002 Regular Session.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

AFFIDAVIT & BALLOT ENVELOPE

STATE OF MISSISSIPPI ___ Primary ___ General

H. B. No. 1061
02/HR40/R1270
PAGE 28 (CJR\BD)
COUNTY OF ______ ___ Special Elections ___________, 20____

Date

Precinct ________________________________

Please give the following information: Date of Birth _____ Age____

Social Security Number__________________________________________

Former Address __________________________Date of Move_____________

Day Phone Number ________________ Night Phone Number _____________

Maiden Name ____________________________________________________

This day personally appeared before the undersigned manager
of the above election, __________________________ , who makes

Name

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

INSTRUCTIONS TO VOTER:

If you have been illegally denied registration

check this box ☐;

If you are registered and otherwise entitled to vote,

check the appropriate box below.

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

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

☐ II. FOR VOTERS WHO HAVE MOVED WITHIN SUPERVISORS DISTRICT

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

______________________________________________________.

Address (physical location-not a post office box number)
III. FOR VOTERS WHO HAVE MOVED FROM ONE SUPERVISORS DISTRICT TO ANOTHER WITHIN THIS COUNTY

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

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

_________________________________ ______________________________

Signature of Voter Signature of Manager

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

23-15-593. When the ballot box is opened and examined by the * * * county election commissioners * * * and it is found that there have been failures in material particulars to comply with the requirements of Section 23-15-591 and Section 23-15-895 to such an extent that it is impossible to arrive at the will of the voters at such precinct, the entire box may be thrown out unless it be made to appear with reasonable certainty that the irregularities were not deliberately permitted or engaged in by the managers at that box, or by one (1) of them responsible for the wrong or wrongs, for the purpose of electing or defeating a certain candidate or candidates by manipulating the election or the returns thereof at that box in such manner as to have it thrown out; in which latter case * * * the county election commission * * * shall conduct such hearing and make such determination in respect to said box as may appear lawfully just, subject to a judicial review of said matter as elsewhere provided by this chapter. Or the * * * election commission, or the court upon review, may order another election to be held at that box appointing new managers to hold the same.
SECTION 40. Section 23-15-595, Mississippi Code of 1972, is amended as follows:

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

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

23-15-601. When the result of the election shall have been ascertained by the managers they, or one (1) of their number, or some fit person designated by them, shall, by noon of the day following the election, deliver to the commissioners of election, at the courthouse, a statement of the whole number of votes given for each person and for what office; and the commissioners of election shall, on the first or second day after the preferential election and after the general election, canvass
the returns, ascertain and declare the result, and announce the
names of the candidates who have received a majority of the votes
cast for representative in the Legislature of districts composed
of one (1) county or less, or other county office, board of
supervisors, justice court judge and constable, and shall also
announce the names of those candidates for the above mentioned
offices that are to be submitted to the general election.

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

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

23-15-605. The Secretary of State, immediately after
receiving the returns of a general election, not longer than
thirty (30) days after the election, shall sum up the whole number
of votes given for each candidate other than for state offices,
ascertain the person or persons having the largest number of votes
for each office, and declare such person or persons to be duly
elected; and thereupon all persons chosen to any office at the
election shall be commissioned by the Governor; but if it appears
that two (2) or more candidates for any district office where the
district is composed of two (2) or more counties, standing highest
on the list and not elected, have an equal number of votes, the
election shall be forthwith decided between the candidates having
an equal number of votes by lot, fairly and publicly drawn, under
the direction of the Governor and Secretary of State.

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

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

(a) Any enlisted or commissioned members, male or
female, of the United States Army, or any of its respective
components or various divisions thereof; any enlisted or
commissioned members, male or female, of the United States Navy,
or any of its respective components or various divisions thereof;
any enlisted or commissioned members, male or female, of the
United States Air Force, or any of its respective components or
various divisions thereof; any enlisted or commissioned members,
male or female, of the United States Marines, or any of its
respective components or various divisions thereof; or any persons
in any division of the armed services of the United States, who
are citizens of Mississippi;

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

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

(d) Any civilian attached to and serving outside of the
United States with any branch of the Armed Forces or with the
Merchant Marine or American Red Cross, and who is a citizen of
Mississippi;
(e) Any citizen of Mississippi temporarily residing outside the territorial limits of the United States and the District of Columbia;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23-15-755. All of the provisions of Sections 23-15-62 through 23-15-735 shall be applicable, insofar as possible, to municipal, * * * preferential, general and special elections, and wherever herein any duty is imposed or any power or authority is conferred upon the county registrar or county election commissioners, * * * with reference to a state and county election, such duty shall likewise be imposed and such power and authority shall likewise be conferred upon the municipal registrar
or municipal election commission with reference to any municipal election.

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

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

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

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

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

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

(ii) If such individual has given his or her consent to another person to receive contributions or make expenditures on behalf of such individual and if such person has received contributions aggregating in excess of Two Hundred Dollars ($200.00) during a calendar year, or has made such expenditures aggregating in excess of Two Hundred Dollars ($200.00) during a calendar year.
"Political committee" shall mean any committee, party, club, association, political action committee, campaign committee or other groups of persons or affiliated organizations which receives contributions aggregating in excess of Two Hundred Dollars ($200.00) during a calendar year or which makes expenditures aggregating in excess of Two Hundred Dollars ($200.00) during a calendar year for the purpose of influencing or attempting to influence the action of voters for or against the election of one or more candidates, or balloted measures and shall, in addition, include each political party registered with the Secretary of State.

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

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

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

"Contribution to a political party" includes any gift, subscription, loan, advance or deposit of money or anything of value made by any person, political committee, or other organization to a political party and to any committee, subcommittee, campaign committee, political committee and other groups of persons and affiliated organizations of the political party.
(iv) "Contribution to a political party" shall not include the value of services provided without compensation by any individual who volunteers on behalf of a political party or a candidate of a political party.

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

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

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

(g) The term "identification" shall mean:

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

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

(h) The term "political party" shall mean an association, committee or organization which nominates a candidate for election to any elective office whose name appears on the election ballot as the candidate of such association, committee or organization.
(i) The term "person" shall mean any individual, family, firm, corporation, partnership, association or other legal entity.

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

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

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

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

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

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

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

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

(i) In any calendar year during which there is a regularly scheduled election, a preelection report, which shall be
filed no later than the seventh day before any election in which such candidate or political committee has accepted contributions or made expenditures and which shall be complete as of the tenth day before such election;

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

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

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

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

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

(ii) The identification of:

1. Each person or political committee who makes a contribution to the reporting candidate or political committee during the reporting period, whose contribution or contributions within the calendar year have an aggregate amount or value in excess of Two Hundred Dollars ($200.00) when made to a political committee or to a candidate for an office other than statewide
office or office elected by Supreme Court district, or in excess of Five Hundred Dollars ($500.00) when made to a candidate for statewide office or office elected by Supreme Court district, together with the date and amount of any such contribution;

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

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

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

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

2. Each person or organization who receives an expenditure by a political party or expenditures by a political party during the reporting period when the expenditure or expenditures to the person or organization within the calendar
year have an aggregate value or amount in excess of Two Hundred
Dollars ($200.00), together with the date and amount of the
expenditure.

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

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

1. The name of the receiving candidate;
2. The name of the receiving candidate's political
committee, if any;
3. The office sought by the candidate;
4. The identification of the contributor;
5. The date of receipt;
6. The amount of the contribution;
7. If the contribution is in-kind, a description

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

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

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

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

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

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

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

(e) In the event that a candidate fails to timely file any report required pursuant to this article but subsequently files a report or reports containing all of the information required to be
reported by him as of the date on which the sanctions of paragraphs (c) and (d) of this section would be applied to him, such candidate shall not be subject to the sanctions of said paragraphs (c) and (d).

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

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

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

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

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SECTION 51. Section 23-15-859, Mississippi Code of 1972, is amended as follows:
Whenever under any statute a special election is required or authorized to be held in any municipality, and the statute authorizing or requiring such election does not specify the time within which such election shall be called, or the notice which shall be given thereof, the governing authorities of the municipality shall, by resolution, fix a date upon which such election shall be held. Such date shall not be less than twenty-one (21) nor more than thirty (30) days after the date upon which such resolution is adopted, and not less than three (3) weeks' notice of such election shall be given by the clerk by a notice published in a newspaper published in the municipality once each week for three (3) weeks next preceding the date of such election and by posting a copy of such notice at three (3) public places in such municipality. Nothing herein, however, shall be applicable to elections on the question of the issuance of the bonds of a municipality or to preferential or general elections for the election of municipal officers.

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

23-15-873. No person, whether an officer or not, shall, in order to promote his own candidacy, or that of any other person, to be a candidate for public office in this state, directly or indirectly, himself or through another person, promise to appoint, or promise to secure or assist in securing the appointment of another person to any public position or employment, or to secure or assist in securing any public contract or the employment of any person under any public contractor, or to secure or assist in securing the expenditure of any public funds in the personal behalf of any particular person or group of persons, except that the candidate may publicly announce what is his choice or purpose in relation to an election in which he may be called on to take part if elected. It shall be unlawful for any person to directly or indirectly solicit or receive any
promise by this section prohibited. But this does not apply to a
sheriff, chancery clerk, circuit clerk or any other person of the
state or county when it comes to their office force.

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

23-15-881. It shall be unlawful for the Mississippi
Transportation Commission or any member of the Mississippi
Transportation Commission, or the board of supervisors of any
county or any member of the board of supervisors of such county,
to employ, during the months of August, September, October
and November of any year in which a general election is held
for the election of members of the Mississippi
Transportation Commission and members of the boards of
supervisors, a greater number of persons to work and maintain the
state highways in any highway district, or the public roads in any
supervisors district of the county, as the case may be, than the
average number of persons employed for similar purposes in such
highway district or supervisors district, as the case may be,
during the months of August, September, October and November
of the three (3) years immediately preceding the year in which
such general election is held. It shall be unlawful for the
Mississippi Transportation Commission, or the board of supervisors
of any county, to expend out of the state highway funds, or the
road funds of the county or any supervisors district thereof, as
the case may be, in the payment of wages or other compensation for
labor performed in working and maintaining the highways of any
highway district, or the public roads of any supervisors district
of the county, as the case may be, during the months of
August, September, October and November of such election year, a
total amount in excess of the average total amount expended for
such labor, in such highway district or supervisors district, as
the case may be, during the corresponding four-month period of the
three (3) years immediately preceding.
It shall be the duty of the Mississippi Transportation Commission and the board of supervisors of each county, respectively, to keep sufficient records of the numbers of employees and expenditures made for labor on the state highways of each highway district, and the public roads of each supervisors district, for the months of August, September, October and November of each year to show the number of persons employed for such work in each highway district and each supervisors district, as the case may be, during said four-month period, and the total amount expended in the payment of salaries and other compensation to such employees, so that it may be ascertained, from an examination of such records, whether or not the provisions of this chapter have been violated.

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

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

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

SECTION 55. Section 23-15-891, Mississippi Code of 1972, is amended as follows:
23-15-891. No common carrier, telegraph company or telephone company shall give to any candidate, or to any member of any political committee, or to any person to be used to aid or promote the success or defeat of any candidate for election for any public office, free transportation or telegraph or telephone service, as the case may be, or any reduction thereof that is not made alike to all other persons. All persons required by the provisions of this chapter to make and file statements shall make oath that they have not received or made use of, directly or indirectly, in connection with any candidacy for election to any public office, free transportation or telegraph or telephone service.

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

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

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

23-15-911. (1) When the returns for a box and the contents of the ballot box and the conduct of the election thereat have been canvassed and reviewed by the county election commission, all the contents of the box required to be placed and sealed in the ballot box by the managers shall be replaced therein by the election commission, and the box shall be forthwith resealed and delivered to the circuit clerk, who shall safely keep...
and secure the same against any tampering therewith. At any time within twelve (12) days after the canvass and examination of the box and its contents by the election commission, any candidate or his representative authorized in writing by him shall have the right of full examination of said box and its contents upon three (3) days' notice of his application therefor served upon the opposing candidate or candidates, or upon any member of their family over the age of eighteen (18) years, which examination shall be conducted in the presence of the circuit clerk or his deputy who shall be charged with the duty to see that none of the contents of the box are removed from the presence of the clerk or in any way tampered with. Upon the completion of said examination the box shall be resealed with all its contents as theretofore. And if any contest or complaint before the court shall arise over said box, it shall be kept intact and sealed until the court hearing and another ballot box, if necessary, shall be furnished for the precinct involved.

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

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

23-15-973. It shall be the duty of the judges of the circuit court to give a reasonable time and opportunity to the candidates for the office of judge of the Supreme Court, judges of the Court of Appeals, circuit judge and chancellor to address the people during court terms. In order to give further and every possible emphasis to the fact that the said judicial offices are not political but are to be held without favor and with absolute
impartiality as to all persons, and because of the jurisdiction conferred upon the courts by this chapter, the judges thereof should be as far removed as possible from any political affiliations or obligations. It shall be unlawful for any candidate for any of the offices mentioned in this section to align himself with any candidate or candidates for any other office or with any political faction or any political party at any time during any election campaign. Likewise, it shall be unlawful for any candidate for any other office wherein any candidate for any of the judicial offices in this section mentioned, is or are to be elected, to align himself with any one or more of the candidates for said offices or to take any part whatever in any election for any one or more of said judicial offices, except to cast his individual vote. If any candidate for any office, whether elected with or without opposition, at any election wherein a candidate for any one of the judicial offices herein mentioned is to be elected, shall deliberately, knowingly and willfully violate the provisions of this section, his election shall be void.

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

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

Any person who violates the provisions of this section, in addition to other measures or penalties provided by law, may be enjoined therefrom upon application to the courts by any person or
persons, or any political party, official or representative of
such political party aggrieved thereby.

SECTION 60. Section 23-15-1085, Mississippi Code of 1972, is
amended as follows:
23-15-1085. The chairman of a party's state executive
committee shall notify the Secretary of State if the party intends
to hold a presidential preference primary. The Secretary of State
shall be notified prior to December 1 of the year preceding the
year in which a presidential preference primary may be held
pursuant to Section 23-15-1081.

SECTION 61. Section 23-15-1087, Mississippi Code of 1972, is
amended as follows:
23-15-1087. Except as otherwise provided in this chapter,
the laws regulating elections shall, insofar as practical,
apply to and govern presidential preference primary elections.

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

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

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

1972, which provide for the duties of the state executive
committee and county executive committees in primary elections,
provide for the qualification of candidates for party primary
elections, and provide for the conduct of party primary elections,
are hereby repealed.

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

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


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

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

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

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

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