

By: Senator(s) Nunnelee

To: Elections

SENATE BILL NO. 2289

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

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

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

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



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

44 (c) "Political party" shall mean a party defined as a
45 political party by the provisions of Sections 23-15-1059 and
46 23-15-1061, Mississippi Code of 1972.

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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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

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

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

162 21-7-7. The governing body of any such municipality shall be
163 a council, known and designated as such, consisting of seven (7)
164 members. One of the members shall be the mayor, having the
165 qualifications as prescribed by Section 21-3-9, who shall have
166 full rights, powers and privileges of other councilmen. The mayor
167 shall be nominated and elected at large; the remaining councilmen
168 shall be nominated and elected one (1) from each ward into which



169 the city shall be divided. However, if the city be divided into
170 less than six (6) wards, the remaining councilmen shall be
171 nominated and elected at large. The councilmen, including the
172 mayor, shall be elected for a term of four (4) years to serve
173 until their successors are elected and qualified in accordance
174 with the provisions of Sections 1 through 11 of Senate Bill No.
175 2289 , 2003 Regular Session, said term commencing on the first
176 Monday of January after the municipal election first following the
177 adoption of the form of government as provided by this chapter.

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

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

188 21-8-7. (1) Each municipality operating under the
189 mayor-council form of government shall be governed by an elected
190 council and an elected mayor. Other officers and employees shall
191 be duly appointed pursuant to this chapter, general law or
192 ordinance.

193 (2) Except as otherwise provided in subsection (4) of this
194 section, the mayor and councilmen shall be elected by the voters
195 of the municipality at a general or regular municipal election
196 held on the first Tuesday after the first Monday in June as
197 provided in Sections 1 through 11 of Senate Bill No. 2289, 2003
198 Regular Session, and shall serve for a term of four (4) years
199 beginning on the first Monday of July next following his election.

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



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

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

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



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

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

254 (ii) If the publication of the most recent
255 decennial census occurs less than six (6) months prior to the
256 preferential election in a municipality, the election shall be
257 held with regard to currently defined wards, and reapportioned
258 wards based on the census shall not serve as the basis for
259 representation until the next regularly scheduled election in
260 which council members shall be elected.

261 (d) If annexation of additional territory into the
262 municipal corporate limits of the municipality shall occur less
263 than six (6) months prior to the preferential election in a
264 municipality, the council shall, by ordinance adopted within three
265 (3) days of the effective date of such annexation, assign such
266 annexed territory to an adjacent ward or wards so as to maintain
267 as nearly as possible substantial equality of population between



268 wards; any subsequent redistricting of the municipality by
269 ordinance as required by this chapter shall not serve as the basis
270 for representation until the next regularly scheduled election for
271 municipal councilmen.

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

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

283 **SECTION 14.** Section 21-15-1, Mississippi Code of 1972, is
284 amended as follows:

285 21-15-1. All officers elected at the general municipal
286 election provided for in Sections 1 through 11 of Senate Bill
287 No. 2289, 2003 Regular Session, shall qualify and enter upon the
288 discharge of their duties on the first Monday of July after such
289 general election, and shall hold their offices for a term of four
290 (4) years and until their successors are duly elected and
291 qualified.

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

294 23-15-21. It shall be unlawful for any person who is not a
295 citizen of the United States or the State of Mississippi to
296 register or to vote in any preferential, primary, special or
297 general election in the state.

298 **SECTION 16.** Section 23-15-31, Mississippi Code of 1972, is
299 amended as follows:



300 23-15-31. All of the provisions of this subarticle shall be
301 applicable, insofar as possible, to municipal, preferential
302 primary, general and special elections; and wherever therein any
303 duty is imposed or any power or authority is conferred upon the
304 county registrar, county election commissioners or county
305 executive committee with reference to a state and county election,
306 such duty shall * * * be imposed and such power and authority
307 shall likewise be conferred upon the municipal registrar,
308 municipal election commission, as appropriate, * * * with
309 reference to any municipal election.

310 **SECTION 17.** Section 23-15-173, Mississippi Code of 1972, is
311 amended as follows:

312 23-15-173. * * * A general municipal election shall be held
313 in each city, town or village on the first Tuesday after the first
314 Monday of June 1985, and every four (4) years thereafter, for the
315 election of all municipal officers elected by the people.

316 * * *

317 **SECTION 18.** Section 23-15-367, Mississippi Code of 1972, is
318 amended as follows:

319 23-15-367. (1) Except as otherwise provided by Sections
320 23-15-974 through 23-15-985, and subsection (2) of this section,
321 and Sections 1 through 11 of Senate Bill No. 2289, 2003 Regular
322 Session, the arrangement of the names of the candidates, and the
323 order in which the titles of the various offices shall be printed,
324 and the size, print and quality of paper of the official ballot is
325 left to the discretion of the officer charged with printing the
326 official ballot; but the arrangement need not be uniform.

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

- 329 (a) Candidates for national office;
- 330 (b) Candidates for statewide office;
- 331 (c) Candidates for state district office;
- 332 (d) Candidates for legislative office;



- 333 (e) Candidates for countywide office;
334 (f) Candidates for county district office.

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

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

344 **SECTION 19.** Section 23-15-411, Mississippi Code of 1972, is
345 amended as follows:

346 23-15-411. The officer who furnishes the official ballots
347 for any polling place where a voting machine is to be used, shall
348 also provide two (2) sample ballots or instruction ballots, which
349 sample or instruction ballots shall be arranged in the form of a
350 diagram showing such portion of the front of the voting machine as
351 it will appear after the official ballots are arranged thereon or
352 therein for voting on election day. Such sample ballots shall be
353 open to the inspection of all voters on election day, in all
354 primaries and preferential and general elections where voting
355 machines are used.

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

358 23-15-559. The provisions of Section * * * 23-15-173 fixing
359 the time for the holding of primary and general elections shall
360 not apply to any municipality operating under a special or private
361 charter where the governing board or authority thereof, on or
362 before June 25, 1952, shall have adopted and spread upon its
363 minutes a resolution or ordinance declining to accept such
364 provisions, in which event the * * * general elections shall be
365 held at the time fixed by the charter of such municipality.



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

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

377 23-15-601. (1) When the result of the general election
378 shall have been ascertained by the managers they, or one (1) of
379 their number, or some fit person designated by them, shall, by
380 noon of the second day after the election, deliver to the
381 commissioners of election, at the courthouse, a statement of the
382 whole number of votes given for each person and for what office;
383 and the commissioners of election shall canvass the returns,
384 ascertain and declare the result, and, within ten (10) days after
385 the day of the election, shall deliver a certificate of his
386 election to the person having the greatest number of votes for
387 representative in the Legislature of districts composed of one (1)
388 county or less, or other county office, board of supervisors,
389 justice court judge and constable. If it appears that two (2) or
390 more candidates for Representative of the county, or part of the
391 county, or for any county office, board of supervisors, justice
392 court judge or constable standing highest on the list, and not
393 elected, have an equal number of votes, the election shall be
394 decided by lot fairly and publicly drawn by the commissioners,
395 with the aid of two (2) or more respectable electors of the
396 county, and a certificate of election shall be given accordingly.
397 The foregoing provisions shall apply to Senators, if the county be
398 a senatorial district.



399 (2) In municipal preferential elections, when the result of
400 the election shall have been ascertained by the managers, they, or
401 one (1) of their number, or some fit person designated by them,
402 shall, by noon of the day following the election, deliver to the
403 municipal commissioners of election a statement of the whole
404 number of votes for each person and for what office; and the
405 municipal commissioners of election shall, on the first or second
406 day after the preferential election and after the general
407 election, canvass the returns, ascertain and declare the result of
408 the preferential election, and announce the names of the
409 candidates who have received a majority of the votes cast for each
410 municipal office and shall also announce the names of those
411 candidates that are to be submitted to the general election.

412 (3) The commissioners of election shall transmit to the
413 Secretary of State, on such forms and by such methods as may be
414 required by rules and regulations promulgated by the Secretary of
415 State, a statement of the total number of votes cast in the county
416 for each candidate for each office and the total number of votes
417 cast for such candidates in each precinct in the district in which
418 the candidate ran.

419 **SECTION 22.** Section 23-15-713, Mississippi Code of 1972, is
420 amended as follows:

421 23-15-713. For the purpose of this subarticle, any duly
422 qualified elector may vote as provided in this subarticle if
423 he * * * falls within the following categories:

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



431 domicile, outside of the county of his voting residence, with such
432 student, teacher or administrator.

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

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

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

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

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

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

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

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

461 23-15-801. (a) "Election" shall mean a general,
462 preferential, special, primary or runoff election.



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

468 (i) If such individual has received contributions
469 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
470 expenditures aggregating in excess of Two Hundred Dollars
471 (\$200.00) or for a candidate for the Legislature or any statewide
472 or state district office, by the qualifying deadlines specified in
473 Sections 23-15-299 and 23-15-977, whichever occurs first; or

474 (ii) If such individual has given his or her consent to
475 another person to receive contributions or make expenditures on
476 behalf of such individual and if such person has received such
477 contributions aggregating in excess of Two Hundred Dollars
478 (\$200.00) during a calendar year, or has made such expenditures
479 aggregating in excess of Two Hundred Dollars (\$200.00) during a
480 calendar year.

481 (c) "Political committee" shall mean any committee, party,
482 club, association, political action committee, campaign committee
483 or other groups of persons or affiliated organizations which
484 receives contributions aggregating in excess of Two Hundred
485 Dollars (\$200.00) during a calendar year or which makes
486 expenditures aggregating in excess of Two Hundred Dollars
487 (\$200.00) during a calendar year for the purpose of influencing or
488 attempting to influence the action of voters for or against the
489 nomination for election, or election, of one or more candidates,
490 or balloted measures and shall, in addition, include each
491 political party registered with the Secretary of State.

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



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

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

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

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

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

523 (ii) "Expenditure" shall not include any news story,
524 commentary or editorial distributed through the facilities of any
525 broadcasting station, newspaper, magazine or other periodical
526 publication, unless such facilities are owned or controlled by any
527 political party, political committee, or candidate; or nonpartisan



528 activity designed to encourage individuals to vote or to register
529 to vote;

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

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

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

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

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

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

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

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

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

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

558 or

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



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

563 23-15-859. Whenever under any statute a special election is
564 required or authorized to be held in any municipality, and the
565 statute authorizing or requiring such election does not specify
566 the time within which such election shall be called, or the notice
567 which shall be given thereof, the governing authorities of the
568 municipality shall, by resolution, fix a date upon which such
569 election shall be held. Such date shall not be less than
570 twenty-one (21) nor more than thirty (30) days after the date upon
571 which such resolution is adopted, and not less than three (3)
572 weeks' notice of such election shall be given by the clerk by a
573 notice published in a newspaper published in the municipality once
574 each week for three (3) weeks next preceding the date of such
575 election, and by posting a copy of such notice at three (3) public
576 places in such municipality. Nothing herein, however, shall be
577 applicable to elections on the question of the issuance of the
578 bonds of a municipality or to preferential or general * * *
579 elections for the election of municipal officers.

580 **SECTION 25.** Sections 23-15-309, 23-15-311, 23-15-313 and
581 23-15-319, Mississippi Code of 1972, which provide for certain
582 duties of municipal executive committees in primary elections,
583 provide for the qualification of candidates for municipal party
584 primary elections, and provide for the conduct of party primary
585 elections, are hereby repealed.

586 **SECTION 26.** Section 23-15-361, Mississippi Code of 1972,
587 which provides for the contents of municipal general election
588 ballots, is hereby repealed.

589 **SECTION 27.** The Attorney General of the State of Mississippi
590 shall submit this act, immediately upon approval by the Governor,
591 or upon approval by the Legislature subsequent to a veto, to the
592 Attorney General of the United States or to the United States
593 District Court for the District of Columbia in accordance with the



594 provisions of the Voting Rights Act of 1965, as amended and
595 extended.

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

