

By: Representative Pierce

To: Apportionment and
Elections

HOUSE BILL NO. 1114

1 AN ACT TO ABOLISH PARTISAN PRIMARIES; TO PROVIDE THE TIME FOR
2 HOLDING GENERAL AND PREFERENTIAL ELECTIONS; TO PROVIDE THAT WHEN
3 ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR AN OFFICE, THAT
4 SUCH PERSON'S NAME SHALL BE PLACED ON THE GENERAL ELECTION BALLOT;
5 TO PROVIDE THAT WHEN MORE THAN ONE PERSON HAS QUALIFIED AS A
6 CANDIDATE FOR AN OFFICE, THAT A PREFERENTIAL ELECTION SHALL BE
7 HELD THREE WEEKS BEFORE THE GENERAL ELECTION AND THE CANDIDATE WHO
8 RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL HAVE
9 HIS NAME AND HIS NAME ONLY PLACED ON THE GENERAL ELECTION BALLOT;
10 TO PROVIDE THAT WHEN NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES
11 CAST IN THE PREFERENTIAL ELECTION FOR AN OFFICE, THAT THE TWO
12 CANDIDATES WHO RECEIVE THE HIGHEST NUMBER OF VOTES IN THE
13 PREFERENTIAL ELECTION SHALL HAVE THEIR NAMES PLACED ON THE GENERAL
14 ELECTION BALLOT AS CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE
15 PROCEDURE TO FOLLOW IN CASE OF TIES; TO PROVIDE THE MANNER FOR
16 QUALIFYING AS A CANDIDATE FOR PUBLIC OFFICE; TO PROVIDE FOR THE
17 PRINTING OF NECESSARY BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7,
18 21-15-1, 23-15-21, 23-15-31, 23-15-129, 23-15-153, 23-15-173,
19 23-15-197, 23-15-313, 23-15-367, 23-15-375, 23-15-403, 23-15-411,
20 23-15-463, 23-15-465, 23-15-507, 23-15-511, 23-15-559, 23-15-561,
21 23-15-573, 23-15-593, 23-15-595, 23-15-601, 23-15-605, 23-15-673,
22 23-15-713, 23-15-755, 23-15-771, 23-15-801, 23-15-807, 23-15-811,
23 23-15-833, 23-15-859, 23-15-873, 23-15-881, 23-15-885, 23-15-891,
24 23-15-899, 23-15-911, 23-15-973, 23-15-1065, 23-15-1085 AND
25 23-15-1087, MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO
26 REPEAL SECTION 23-15-127, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
27 FOR THE PREPARATION, USE AND REVISION OF PRIMARY ELECTION
28 POLLBOOKS; TO REPEAL SECTION 23-15-171, MISSISSIPPI CODE OF 1972,
29 WHICH PROVIDES FOR THE DATES OF MUNICIPAL PRIMARY ELECTIONS; TO
30 REPEAL SECTION 23-15-191, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
31 FOR THE DATE OF STATE, DISTRICT AND COUNTY PRIMARY ELECTIONS; TO
32 REPEAL SECTIONS 23-15-263, 23-15-265, 23-15-267, 23-15-291 THROUGH
33 23-15-311, 23-15-317, 23-15-319, 23-15-331, 23-15-333 AND
34 23-15-335, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE DUTIES
35 OF THE STATE EXECUTIVE COMMITTEE AND COUNTY EXECUTIVE COMMITTEES
36 IN PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES
37 FOR PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT OF PARTY
38 PRIMARY ELECTIONS; TO REPEAL SECTIONS 23-15-359, 23-15-361 AND
39 23-15-363, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
40 CONTENTS OF GENERAL ELECTION BALLOTS; TO REPEAL SECTIONS 23-15-597
41 AND 23-15-599, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE
42 CANVASS OF RETURNS AND ANNOUNCEMENT OF VOTE BY THE COUNTY
43 EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS AND REQUIRE THE STATE
44 EXECUTIVE COMMITTEE TO TRANSMIT TO THE SECRETARY OF STATE A
45 TABULATED STATEMENT OF THE PARTY VOTE FOR CERTAIN OFFICES; TO
46 REPEAL SECTION 23-15-841, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
47 FOR PRIMARY ELECTIONS FOR NOMINATION OF CANDIDATES TO FILL
48 VACANCIES IN COUNTY AND COUNTY DISTRICT OFFICES; TO REPEAL
49 SECTIONS 23-15-921 THROUGH 23-15-941, MISSISSIPPI CODE OF 1972,
50 WHICH PROVIDE PROCEDURES FOR CONTESTS OF PRIMARY ELECTIONS; TO
51 REPEAL SECTION 23-15-1031, MISSISSIPPI CODE OF 1972, WHICH
52 PROVIDES FOR THE DATE OF PRIMARY ELECTIONS FOR CONGRESSMEN AND

53 UNITED STATES SENATORS; TO REPEAL SECTION 23-15-1063, MISSISSIPPI
54 CODE OF 1972, WHICH PROHIBITS UNREGISTERED POLITICAL PARTIES FROM
55 CONDUCTING PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1083,
56 MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT CERTAIN
57 CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE
58 PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

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

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

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

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

72 (c) "Political party" shall mean a party defined as a
73 political party by the provisions of Sections 23-15-1059 and
74 23-15-1061, Mississippi Code of 1972.

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

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

85 **SECTION 3.** Any person who has qualified in the manner
86 provided by law as a candidate for election under Sections 1
87 through 11 of this act shall have the right to withdraw his name
88 as a candidate by giving notice of his withdrawal in writing to

89 the secretary of the appropriate election commission at any time
90 prior to the printing of the official ballots, and in the event of
91 his withdrawal the name of such candidate shall not be printed on
92 the ballot.

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

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

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

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

119 (3) In the event that (a) there are more than two (2)
120 candidates in the preferential election, and (b) no candidate in
121 such election receives a majority of the votes cast at such

122 preferential election, and (c) there is not a tie in such
123 preferential election that would require the procedure prescribed
124 in subsection (2) of this section to be followed, and (d) one (1)
125 of the two (2) candidates who receives the highest number of votes
126 in such preferential election withdraws or is otherwise unable to
127 participate in the general or regular election, then the remaining
128 candidate of the two (2) who receives the highest vote in the
129 preferential election and the candidate who receives the third
130 highest vote in such election shall be placed on the ballot as
131 candidates in the general or regular election.

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

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

144 (a) Candidates for Governor and United States Senator,
145 the sum of Three Hundred Dollars (\$300.00);

146 (b) Candidates for United States Representatives,
147 Lieutenant Governor, Attorney General, Secretary of State, State
148 Treasurer, Auditor of Public Accounts, Commissioner of Insurance,
149 Commissioner of Agriculture and Commerce, State Highway
150 Commissioner and State Public Service Commissioner, the sum of Two
151 Hundred Dollars (\$200.00);

152 (c) Candidates for district attorney, the sum of One
153 Hundred Dollars (\$100.00);

154 (d) Candidates for State Senator and State
155 Representative whose district is composed of more than one (1)
156 county, or parts of more than one (1) county, the sum of Fifteen
157 Dollars (\$15.00);

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

164 (f) Candidates for county surveyor, county coroner,
165 justice court judge and constable, the sum of Ten Dollars
166 (\$10.00).

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

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

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

182 Not later than fifty-five (55) days prior to the general
183 election, the respective executive committee shall certify to the
184 appropriate election commission all candidates who have filed,
185 within the time prescribed herein, with such committee their
186 intent to be a candidate.

187 **SECTION 10.** (1) Necessary ballots for use in elections
188 shall be printed as provided for in Section 23-15-351, Mississippi
189 Code of 1972. The ballots shall contain the names of all
190 candidates who have filed their intention to be a candidate in the
191 manner and within the time prescribed herein. Such names shall be
192 listed alphabetically on the ballot without regard to party
193 affiliation, if any, with indication of the political party, if
194 any, with which such candidate qualified placed in parentheses
195 following the name of the candidate.

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

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

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

215 (3) Such election shall be held on the date provided for in
216 Section 23-15-173, Mississippi Code of 1972; and in the event a
217 preferential election shall be necessary, such preferential
218 election shall be held three (3) weeks prior thereto. At such
219 election, or elections, the municipal election commissioners shall

220 perform the same duties as are specified by law and performed by
221 the county election commissioners with regard to state and county
222 general and preferential elections. Except as otherwise provided
223 by law, all municipal elections shall be held and conducted as is
224 provided by law for state and county elections.

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

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

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

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

242 **SECTION 13.** Nothing in Sections 1 through 11 of this act
243 shall prohibit special elections to fill vacancies in either house
244 of the Legislature from being held as provided in Section
245 23-5-201, Mississippi Code of 1972. In all elections conducted
246 under the provisions of Section 23-15-851, Mississippi Code of
247 1972, the commissioners shall have printed on the ballot the name
248 of any candidate who shall have been requested to be a candidate
249 for the office by a petition filed with said commissioners not
250 less than ten (10) working days prior to the election and signed
251 by not less than fifty (50) qualified electors.

252 **SECTION 14.** The state executive committee of any political
253 party is hereby authorized to make and promulgate reasonable rules
254 and regulations for the affairs of said political party and may
255 authorize the county executive committee of said party to have a
256 new registration of the members of that party, if the county
257 executive committee thinks it is for the best welfare of the party
258 to do so.

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

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

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

281 **SECTION 18.** Section 21-7-7, Mississippi Code of 1972, is
282 amended as follows:

283 21-7-7. The governing body of any such municipality shall be
284 a council, known and designated as such, consisting of seven (7)

285 members. One (1) of the members shall be the mayor, having the
286 qualifications as prescribed by Section 21-3-9, who shall have
287 full rights, powers and privileges of other councilmen. The mayor
288 shall be nominated and elected at large; the remaining councilmen
289 shall be nominated and elected one (1) from each ward into which
290 the city shall be divided. However, if the city be divided into
291 less than six (6) wards, the remaining councilmen shall be
292 nominated and elected at large. The councilmen, including the
293 mayor, shall be elected for a term of four (4) years to serve
294 until their successors are elected and qualified in accordance
295 with the provisions of Section 11, House Bill No. _____, 2004
296 Regular Session, said term commencing on the first Monday of
297 January after the municipal election first following the adoption
298 of the form of government as provided by this chapter.

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

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

309 21-8-7. (1) Each municipality operating under the
310 mayor-council form of government shall be governed by an elected
311 council and an elected mayor. Other officers and employees shall
312 be duly appointed pursuant to this chapter, general law or
313 ordinance.

314 (2) Except as otherwise provided in subsection (4) of this
315 section, the mayor and councilmen shall be elected by the voters
316 of the municipality at a general or regular municipal election
317 held on the first Tuesday after the first Monday in June as

318 provided in Section 11, House Bill No. _____, 2004 Regular Session,
319 and shall serve for a term of four (4) years beginning on the
320 first Monday of July next following his election.

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

325 (4) (a) The council shall consist of five (5), seven (7) or
326 nine (9) members. In the event there are five (5) councilmen, the
327 municipality shall be divided into either five (5) or four (4)
328 wards. In the event there are seven (7) councilmen, the
329 municipality shall be divided into either seven (7), six (6) or
330 five (5) wards. In the event there are nine (9) councilmen, the
331 municipality shall be divided into seven (7) or nine (9) wards.
332 If the municipality is divided into fewer wards than it has
333 councilmen, the other councilman or councilmen shall be elected
334 from the municipality at large. The total number of councilmen
335 and the number of councilmen elected from wards shall be
336 established by the petition or petitions presented pursuant to
337 Section 21-8-3. One (1) councilman shall be elected from each
338 ward by the voters of that ward. Councilmen elected to represent
339 wards must be residents of their wards at the time of
340 qualification for election, and any councilman who removes his
341 residence from the municipality or from the ward from which he was
342 elected shall vacate his office. However, any candidate for
343 councilman who is properly qualified as a candidate under
344 applicable law shall be deemed to be qualified as a candidate in
345 whatever ward he resides if his ward has changed after the council
346 has redistricted the municipality as provided in subparagraph
347 (c)(ii) of this subsection (4), and if the wards have been so
348 changed, any person may qualify as a candidate for councilman,
349 using his existing residence or by changing his residence, not
350 less than fifteen (15) days before the preferential election or

351 special election, as the case may be, notwithstanding any other
352 residency or qualification requirements to the contrary.

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

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

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

382 (d) If annexation of additional territory into the
383 municipal corporate limits of the municipality shall occur less

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

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

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

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

406 21-15-1. All officers elected at the general or regular
407 municipal election provided for in Section 11, House Bill No. _____,
408 2004 Regular Session, shall qualify and enter upon the discharge
409 of their duties on the first Monday of July after such general
410 election, and shall hold their offices for a term of four (4)
411 years and until their successors are duly elected and qualified.

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

414 23-15-21. It shall be unlawful for any person who is not a
415 citizen of the United States or the State of Mississippi to

416 register or to vote in any * * * special, preferential or general
417 election in the state.

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

420 23-15-31. All of the provisions of this subarticle shall be
421 applicable, insofar as possible, to municipal, preferential,
422 general and special elections; and wherever therein any duty is
423 imposed or any power or authority is conferred upon the county
424 registrar or county election commissioners * * * with reference to
425 a state and county election, such duty shall likewise be imposed
426 and such power and authority shall likewise be conferred upon the
427 municipal registrar or municipal election commission * * * with
428 reference to any municipal election.

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

431 23-15-129. The commissioners of election and the registrars
432 of the respective counties are hereby directed to make an
433 administrative division of the pollbook for each county
434 immediately following any reapportionment of the Mississippi
435 Legislature or any realignment of supervisors districts, if
436 necessary. The administrative division shall form subprecincts
437 whenever necessary within each voting precinct so that all persons
438 within a subprecinct shall vote on the same candidates for each
439 public office. Separate pollbooks for each subprecinct shall be
440 made. The polling place for all subprecincts within any given
441 voting precinct shall be the same as the polling place for the
442 voting precinct. Additional managers may be appointed for
443 subprecincts in the discretion of the commissioners of
444 election * * *.

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

447 23-15-153. (1) At the following times the commissioners of
448 election shall meet at the office of the registrar and carefully

449 revise the registration books and the pollbooks of the several
450 voting precincts, and shall erase from those books the names of
451 all persons erroneously on the books, or who have died, removed or
452 become disqualified as electors from any cause; and shall register
453 the names of all persons who have duly applied to be registered
454 and have been illegally denied registration:

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

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

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

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

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

476 (2) Except as provided in subsection (3) of this section,
477 and subject to the following annual limitations, the commissioners
478 of election shall be entitled to receive a per diem in the amount
479 of Seventy Dollars (\$70.00), to be paid from the county general
480 fund, for every day or period of no less than five (5) hours
481 accumulated over two (2) or more days actually employed in the

482 performance of their duties in the conduct of an election or
483 actually employed in the performance of their duties for the
484 necessary time spent in the revision of the registration books and
485 pollbooks as required in subsection (1) of this section:

486 (a) In counties having less than fifteen thousand
487 (15,000) residents according to the latest federal decennial
488 census, not more than fifty (50) days per year, with no more than
489 fifteen (15) additional days allowed for the conduct of each
490 election in excess of one (1) occurring in any calendar year;

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

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

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

512 (e) In counties having ninety thousand (90,000)
513 residents according to the latest federal decennial census but
514 less than one hundred seventy thousand (170,000) residents

515 according to the latest federal decennial census, not more than
516 one hundred fifty (150) days per year, with no more than
517 fifty-five (55) additional days allowed for the conduct of each
518 election in excess of one (1) occurring in any calendar year;

519 (f) In counties having one hundred seventy thousand
520 (170,000) residents according to the latest federal decennial
521 census but less than two hundred thousand (200,000) residents
522 according to the latest federal decennial census, not more than
523 one hundred seventy-five (175) days per year, with no more than
524 sixty-five (65) additional days allowed for the conduct of each
525 election in excess of one (1) occurring in any calendar year;

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

533 (h) In counties having two hundred twenty-five thousand
534 (225,000) residents according to the latest federal decennial
535 census but less than two hundred fifty thousand (250,000)
536 residents according to the latest federal decennial census, not
537 more than two hundred fifteen (215) days per year, with no more
538 than eighty-five (85) additional days allowed for the conduct of
539 each election in excess of one (1) occurring in any calendar year;

540 (i) In counties having two hundred fifty thousand
541 (250,000) residents according to the latest federal decennial
542 census but less than two hundred seventy-five thousand (275,000)
543 residents according to the latest federal decennial census, not
544 more than two hundred thirty (230) days per year, with no more
545 than ninety-five (95) additional days allowed for the conduct of
546 each election in excess of one (1) occurring in any calendar year;

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

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

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

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

572 (6) Every commissioner of election shall sign personally a
573 certification setting forth the number of hours actually worked in
574 the performance of the commissioner's official duties and for
575 which the commissioner seeks compensation. The certification must
576 be on a form as prescribed in this subsection. The commissioner's
577 signature is, as a matter of law, made under the commissioner's
578 oath of office and under penalties of perjury.

579 The certification form shall be as follows:

580

COUNTY ELECTION COMMISSIONER

581

PER DIEM CLAIM FORM

582 NAME: _____ COUNTY: _____

583 ADDRESS: _____ DISTRICT: _____

584 CITY: _____ ZIP: _____

585 PURPOSE APPLICABLE ACTUAL PER DIEM

586 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

587 WORKED TIME TIME WORK SECTION WORKED EARNED

588 _____

589 _____

590 _____

591 TOTAL NUMBER OF PER DIEM DAYS EARNED _____

592 PER DIEM RATE PER DAY EARNED X 70.00

593 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

594 I understand that I am signing this document
595 under my oath as a commissioner of elections and under
596 penalties of perjury.

597 I understand that I am requesting payment from
598 taxpayer funds and that I have an obligation to be
599 specific and truthful as to the amount of hours worked
600 and the compensation I am requesting.

601 Signed this the _____ day of _____, _____.

602 _____

603 Commissioner's Signature

604 When properly completed and signed, the certification must be
605 filed with the clerk of the county board of supervisors before any
606 payment may be made. The certification will be a public record
607 available for inspection and reproduction immediately upon the
608 oral or written request of any person.

609 Any person may contest the accuracy of the certification in
610 any respect by notifying the chairman of the commission, any
611 member of the board of supervisors or the clerk of the board of
612 supervisors of such contest at any time before or after payment is

613 made. If the contest is made before payment is made, no payment
614 shall be made as to the contested certificate until the contest is
615 finally disposed of. The person filing the contest shall be
616 entitled to a full hearing, and the clerk of the board of
617 supervisors shall issue subpoenas upon request of the contestor
618 compelling the attendance of witnesses and production of documents
619 and things. The contestor shall have the right to appeal de nova
620 to the circuit court of the involved county, which appeal must be
621 perfected within thirty (30) days from a final decision of the
622 commission, the clerk of the board of supervisors or the board of
623 supervisors, as the case may be.

624 Any contestor who successfully contests any certification
625 will be awarded all expenses incident to his contest, together
626 with reasonable attorney's fees, which will be awarded upon
627 petition to the chancery court of the involved county upon final
628 disposition of the contest before the election commission, board
629 of supervisors, clerk of the board of supervisors, or, in case of
630 an appeal, final disposition by the court. The commissioner
631 against whom the contest is decided shall be liable for the
632 payment of the expenses and attorney's fees, and the county shall
633 be jointly and severally liable for same.

634 (7) Notwithstanding the provisions of this section to the
635 contrary, from June 20, 2001, until the conclusion of calendar
636 year 2004, the number of days for which the commissioners of
637 election of a county are entitled to receive compensation shall
638 not be less than the number of days of compensation they were
639 entitled to receive during the 2000 calendar year, excluding those
640 days for which election commissioners were either entitled to or
641 did receive compensation for the conduct of any special elections
642 in calendar year 2000.

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

645 23-15-173. * * * A general municipal election shall be held
646 in each city, town or village on the first Tuesday after the first
647 Monday of June 1985, and every four (4) years thereafter, for the
648 election of all municipal officers elected by the people.

649 * * *

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

652 23-15-197. (1) Times for holding * * * general elections
653 for congressional offices shall be as prescribed in Sections * * *
654 23-15-1033 and 23-15-1041.

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

658 (3) Times for holding elections for the office of circuit
659 court judge and the office of chancery court judge shall be as
660 prescribed in Sections 23-15-974 through 23-15-985, and Section
661 23-15-1015.

662 (4) Times for holding elections for the office of county
663 election commissioners shall be as prescribed in Section
664 23-15-213.

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

667 23-15-313. If there be any political party, or parties, in
668 any municipality which shall not have a party executive committee
669 for such municipality, such political party, or parties, shall
670 select temporary executive committees to serve until executive
671 committees shall be regularly elected, said selection to be in the
672 following manner, to-wit: The chairman of the county executive
673 committee of the party desiring to select a municipal executive
674 committee shall, upon petition of five (5) or more members of that
675 political faith, call a mass meeting of the electors of their
676 political faith, residing in the municipality, to meet at some
677 convenient place within said municipality, at a time to be

678 designated in the call, and at such mass convention the members of
679 that political faith shall select an executive committee which
680 shall serve until the next * * * election. The public shall be
681 given notice of such mass meeting as provided in the next
682 succeeding section.

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

685 23-15-367. (1) Except as otherwise provided by * * *
686 subsection (2) of this section, * * * the size, print and quality
687 of paper of the official ballot is left to the discretion of the
688 officer charged with printing the official ballot * * *.

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

- 691 (a) Candidates for national office;
- 692 (b) Candidates for statewide office;
- 693 (c) Candidates for state district office;
- 694 (d) Candidates for legislative office;
- 695 (e) Candidates for countywide office;
- 696 (f) Candidates for county district office.

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

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

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

708 23-15-375. Local issue elections may be held on the same
709 date as any regular or general election. A local issue election
710 held on the same date as the regular or general election shall be

711 conducted in the same manner as the regular or general election
712 using the same poll workers and the same equipment. A local issue
713 may be placed on the regular or general election ballot pursuant
714 to the provisions of Section 10 of House Bill No. _____, 2004
715 Regular Session. The provisions of this section and Section 10 of
716 House Bill No. _____, 2004 Regular Session, with regard to local
717 issue elections shall not be construed to affect any statutory
718 requirements specifying the notice procedure and the necessary
719 percentage of qualified electors voting in such an election which
720 is needed for adoption of the local issue. Whether or not a local
721 issue is adopted or defeated at a local issue election held on the
722 same day as a regular or general election shall be determined in
723 accordance with relevant statutory requirements regarding the
724 necessary percentage of qualified electors who voted in such local
725 issue election, and only those persons voting for or against such
726 issue shall be counted in making that determination. As used in
727 this section "local issue elections" include elections regarding
728 the issuance of bonds, local option elections, elections regarding
729 the levy of additional ad valorem taxes and other similar
730 elections authorized by law that are called to consider issues
731 that affect a single local governmental entity. As used in this
732 section "local issue" means any issue that may be voted on in a
733 local issue election.

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

736 23-15-403. The board of supervisors of any county in the
737 State of Mississippi and the governing authorities of any
738 municipality in the State of Mississippi are hereby authorized and
739 empowered, in their discretion, to purchase or rent any voting
740 machine or machines which shall be so constructed as to fulfill
741 the following requirements: It shall secure to the voter secrecy
742 in the act of voting; it shall provide facilities for voting for
743 all candidates of as many political parties or organizations as

744 may make nominations, and for or against as many questions as
745 submitted; it shall * * * permit the voter to vote for * * * as
746 many persons for an office as he is lawfully entitled to vote for,
747 but not more; it shall prevent the voter from voting for the same
748 person more than once for the same office; it shall permit the
749 voter to vote for or against any question he may have the right to
750 vote on, but no other; * * * it shall correctly register or record
751 and accurately count all votes cast for any and all persons and
752 for or against any and all questions; it shall be provided with a
753 "protective counter" or "protective device" whereby any operation
754 of the machine before or after the election will be detected; it
755 shall be provided with a counter which shall show at all times
756 during an election how many persons have voted; it shall be
757 provided with a mechanical model, illustrating the manner of
758 voting on the machine, suitable for the instruction of voters; it
759 may also be provided with one (1) device for each party, for
760 voting for all the presidential electors of that party by one (1)
761 operation, and a ballot therefor containing only the words
762 "Presidential Electors For" preceded by the name of that party and
763 followed by the names of the candidates thereof for the offices of
764 President and Vice President, and a registering device therefor
765 which shall register the vote cast for said electors when thus
766 voted collectively; provided, however, that means shall be
767 furnished whereby the voter can cast a vote for individual
768 electors when permitted to do so by law.

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

771 23-15-411. The officer who furnishes the official ballots
772 for any polling place where a voting machine is to be used, shall
773 also provide two (2) sample ballots or instruction ballots, which
774 sample or instruction ballots shall be arranged in the form of a
775 diagram showing such portion of the front of the voting machine as
776 it will appear after the official ballots are arranged thereon or

777 therein for voting on election day. The sample ballots shall be
778 open to the inspection of all voters on election day in all
779 preferential and general or regular elections where voting
780 machines are used.

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

783 23-15-463. The board of supervisors of any county in the
784 State of Mississippi and the governing authorities of any
785 municipality in the State of Mississippi are * * * authorized and
786 empowered, in their discretion, to purchase or rent voting devices
787 and automatic tabulating equipment used in an electronic voting
788 system which meets the requirements of Section 23-15-465, and may
789 use such system in all or a part of the precincts within its
790 boundaries, or in combination with paper ballots in any
791 election * * *. It may enlarge, consolidate or alter the
792 boundaries of precincts where an electronic voting system is used.
793 The provisions of Sections 23-15-461 through 23-15-485 shall be
794 controlling with respect to elections where an electronic voting
795 system is used, and shall be liberally construed so as to carry
796 out the purpose of this chapter. The provisions of the election
797 law relating to the conduct of elections with paper ballots,
798 insofar as they are applicable and not inconsistent with the
799 efficient conduct of elections with electronic voting systems,
800 shall apply. Absentee ballots shall be voted as now provided by
801 law.

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

804 23-15-465. No electronic voting system, consisting of a
805 marking or voting device in combination with automatic tabulating
806 equipment, shall be acquired or used in accordance with Sections
807 23-15-461 through 23-15-485 unless it shall:

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

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

818 (c) Permit each voter, at presidential elections, by
819 one (1) mark or punch to vote for the candidates of that party for
820 President, Vice President, and their presidential electors, or to
821 vote individually for the electors of his choice when permitted by
822 law;

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

825 * * *

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

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

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

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

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

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

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

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

845 23-15-507. No optical mark reading system shall be acquired
846 or used in accordance with this chapter unless it shall:

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

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

856 (c) Permit each voter, at presidential elections, by
857 one (1) mark to vote for the candidates of that party for
858 President, Vice President, and their presidential electors, or to
859 vote individually for the electors of their choice when permitted
860 by law;

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

863 * * *

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

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

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

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

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

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

879 23-15-511. The ballots shall, as far as practicable, to be
880 in the same order of arrangement as provided for paper ballots
881 that are to be counted manually, except that such information may
882 be printed in vertical or horizontal rows. Nothing in this
883 chapter shall be construed as prohibiting the information being
884 presented to the voters from being printed on both sides of a
885 single ballot. In those years when a special election shall occur
886 on the same day as the general election, the names of candidates
887 in any special election and the general election shall be placed
888 on the same ballot by the commissioners of elections or officials
889 in charge of the election, but the general election candidates
890 shall be clearly distinguished from the special election
891 candidates. * * *

892 Ballots shall be printed in plain clear type in black ink and
893 upon clear white materials of such size and arrangement as to be
894 compatible with the OMR tabulating equipment. Absentee ballots
895 shall be prepared and printed in the same form and shall be on the
896 same size and texture as the regular official ballots, except that
897 they shall be printed on tinted paper; or the ink used to print
898 the ballots shall be of a color different from that of the ink
899 used to print the regular official ballots. Arrows may be printed
900 on the ballot to indicate the place to mark the ballot, which may
901 be to the right or left of the names of candidates and
902 propositions. The titles of offices may be arranged in vertical
903 columns on the ballot and shall be printed above or at the side of
904 the names of candidates so as to indicate clearly the candidates
905 for each office and the number to be elected. In case there are
906 more candidates for an office than can be printed in one (1)

907 column, the ballot shall be clearly marked that the list of
908 candidates is continued on the following column. The names of
909 candidates for each office shall be printed in vertical columns,
910 grouped by the offices which they seek. * * * The party
911 designation, if any, of each candidate * * * shall be printed
912 following his name, as provided for in Section 10, House Bill No.
913 _____, 2004 Regular Session.

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

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

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

929 23-15-559. The provisions of Section * * * 23-15-173 fixing
930 the time for the holding of * * * general elections shall not
931 apply to any municipality operating under a special or private
932 charter where the governing board or authority thereof, on or
933 before June 25, 1952, shall have adopted and spread upon its
934 minutes a resolution or ordinance declining to accept such
935 provisions, in which event * * * general elections shall be held
936 at the time fixed by the charter of such municipality.

937 The provisions of Section 23-15-859 shall be applicable to
938 all municipalities of this state, whether operating under a code
939 charter, special charter, or the commission form of government,

940 except in cases of conflicts between the provisions of such
941 section and the provisions of the special charter of a
942 municipality, or the law governing the commission form of
943 government, in which cases of conflict the provisions of the
944 special charter or the statutes relative to the commission form of
945 government shall apply.

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

948 23-15-561. (1) It shall be unlawful during any * * *
949 election for any candidate for any elective office or any
950 representative of such candidate or any other person to publicly
951 or privately put up or in any way offer any prize, cash award or
952 other item of value to be raffled, drawn for, played for or
953 contested for in order to encourage persons to vote or to refrain
954 from voting in any election.

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

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

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

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

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

968 23-15-573. Any person whose name does not appear upon the
969 pollbooks shall be permitted to vote in an election; but if any
970 person offering to vote in any election whose name does not appear
971 upon the pollbook shall make affidavit before one (1) of the
972 managers of election in writing that he is entitled to vote, or

973 that he has been illegally denied registration, his vote may be
974 prepared by him and handed to the proper election officer who
975 shall enclose the same in an envelope with the written affidavit
976 of the voter, seal the envelope and mark plainly upon it the name
977 of the person offering to vote. The affidavit must include the
978 complete name, all required addresses and telephone numbers, and
979 the signature of the affiant, and must include the signature of
980 one (1) of the election managers. A separate register shall be
981 maintained for affidavit ballots, and the affiant shall sign the
982 register upon completing an affidavit under this section. In
983 canvassing the returns of the election, * * * the election
984 commissioners * * * shall examine the records and allow the ballot
985 to be counted, or not counted, as it appears to be legal.

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

988 **AFFIDAVIT & BALLOT ENVELOPE**

989 STATE OF MISSISSIPPI Primary General
990 COUNTY OF _____ Special Elections _____, 20____
991 Date
992 Precinct _____
993 Please give the following information: Date of Birth _____ Age____
994 Social Security Number _____
995 Former Address _____ Date of Move _____
996 Day Phone Number _____ Night Phone Number _____
997 Maiden Name _____

998 This day personally appeared before the undersigned manager
999 of the above election, _____, who makes
1000 Name

1001 affidavit as provided by Section 23-15-573, Mississippi Code of
1002 1972, that he or she is entitled to vote or has been illegally
1003 denied registration.

1004 **INSTRUCTIONS TO VOTER:**

1005 If you have been illegally denied registration

1006 check this box ;

1007 If you are registered and otherwise entitled to vote,
1008 check the appropriate box below.

1009 I. FOR VOTERS WHO ARE REGISTERED IN THIS PRECINCT WHO HAVE
1010 NOT MOVED

1011 I am entitled to vote because I am a resident of and lawfully
1012 registered in this precinct but my name is not on the pollbook.

1013 II. FOR VOTERS WHO HAVE MOVED WITHIN SUPERVISORS DISTRICT

1014 I am entitled to vote because I have been lawfully registered
1015 in _____ County and the supervisors district
1016 wherein this precinct is located for at least thirty (30) days
1017 prior to this date, and am not disqualified as a voter of this
1018 precinct. I currently reside in this precinct at

1019 _____.

1020 Address (physical location-**not** a post office box number)

1021 III. FOR VOTERS WHO HAVE MOVED FROM ONE SUPERVISORS DISTRICT
1022 TO ANOTHER WITHIN THIS COUNTY

1023 I am entitled to vote because I have been lawfully registered
1024 in _____ County and a resident of the supervisors
1025 district wherein this precinct is located for at least thirty (30)
1026 days prior to this date, and am not disqualified as a voter of
1027 said precinct. I currently reside in this precinct at

1028 _____.

1029 Address (physical location-**not** a post office box number)

1030 _____

1031 Signature of Voter

Signature of Manager

1032 **SECTION 39.** Section 23-15-593, Mississippi Code of 1972, is
1033 amended as follows:

1034 23-15-593. When the ballot box is opened and examined by
1035 the * * * county election commissioners * * * and it is found that
1036 there have been failures in material particulars to comply with
1037 the requirements of Section 23-15-591 and Section 23-15-895 to
1038 such an extent that it is impossible to arrive at the will of the

1039 voters at such precinct, the entire box may be thrown out unless
1040 it be made to appear with reasonable certainty that the
1041 irregularities were not deliberately permitted or engaged in by
1042 the managers at that box, or by one (1) of them responsible for
1043 the wrong or wrongs, for the purpose of electing or defeating a
1044 certain candidate or candidates by manipulating the election or
1045 the returns thereof at that box in such manner as to have it
1046 thrown out; in which latter case * * * the county election
1047 commission * * * shall conduct a hearing and make a determination
1048 in respect to said box as may appear lawfully just, subject to a
1049 judicial review of the matter as elsewhere provided by this
1050 chapter. Or the * * * election commission, or the court upon
1051 review, may order another election to be held at that box
1052 appointing new managers to hold the same.

1053 **SECTION 40.** Section 23-15-595, Mississippi Code of 1972, is
1054 amended as follows:

1055 23-15-595. The box containing the ballots and other records
1056 required by this chapter shall, as soon as practical after the
1057 ballots have been counted, be delivered by one (1) of the precinct
1058 managers to the clerk of the circuit court of the county and said
1059 clerk shall, in the presence of the manager making delivery of the
1060 box, place upon the lock of such box a metal seal similar to the
1061 seal commonly used in sealing the doors of railroad freight cars.
1062 Such seals shall be numbered consecutively to the number of ballot
1063 boxes used in the election in the county, and the clerk shall keep
1064 in a place separate from such boxes a record of the number of the
1065 seal of each separate box in the county. The board of supervisors
1066 of the county shall pay the cost of providing such seals. Upon
1067 demand of a county election commissioner, the boxes and their
1068 contents shall be delivered to the county election commission, and
1069 after such commission has finished the work of tabulating returns
1070 and counting ballots as required by law the said commission shall
1071 return all papers and ballots to the box of the precinct where the

1072 election was held, and it shall make redelivery of the boxes and
1073 their contents to the circuit clerk who shall reseal the boxes.
1074 Upon every occasion the boxes shall be reopened and each resealing
1075 shall be done as provided in this chapter.

1076 **SECTION 41.** Section 23-15-601, Mississippi Code of 1972, is
1077 amended as follows:

1078 23-15-601. (1) When the result of the election shall have
1079 been ascertained by the managers they, or one (1) of their number,
1080 or some fit person designated by them, shall, by noon of the * * *
1081 day following the election, deliver to the commissioners of
1082 election, at the courthouse, a statement of the whole number of
1083 votes given for each person and for what office; and the
1084 commissioners of election shall, on the first or second day after
1085 the preferential election and after the general election, canvass
1086 the returns, ascertain and declare the result, and announce the
1087 names of the candidates who have received a majority of the votes
1088 cast for a representative in the Legislature of districts composed
1089 of one (1) county or less, or other county office, board of
1090 supervisors, justice court judge and constable, and shall also
1091 announce the names of those candidates for the above mentioned
1092 offices that are to be submitted to the general election.

1093 The vote for state and state district offices shall be
1094 tabulated by precincts and certified to and returned to the state
1095 election commissioners, such returns to be mailed by registered
1096 letter or any safe mode of transportation within thirty-six (36)
1097 hours after the returns are canvassed and the results ascertained.
1098 The state election commissioners shall meet a week from the day
1099 following the preferential election held for state and district
1100 offices, and shall proceed to canvass the returns and to declare
1101 the results and announce the names of the candidates for the
1102 different offices who have received a majority of the votes cast
1103 and the names of those candidates whose names are to be submitted
1104 to the general election. The state election commissioners shall

1105 also meet a week from the day on which the general election is
1106 held and receive and canvass the returns for state and district
1107 offices voted on in such general election. An exact and full
1108 duplicate of all tabulations by precincts, as certified under this
1109 section, shall be filed with the circuit clerk of the county who
1110 shall safely preserve the same in his office.

1111 (2) The commissioners of election shall transmit to the
1112 Secretary of State, on such forms and by such methods as may be
1113 required by rules and regulations promulgated by the Secretary of
1114 State, a statement of the total number of votes cast in the county
1115 for each candidate for each office and the total number of votes
1116 cast for such candidates in each precinct in the district in which
1117 the candidate ran.

1118 **SECTION 42.** Section 23-15-605, Mississippi Code of 1972, is
1119 amended as follows:

1120 23-15-605. The Secretary of State, immediately after
1121 receiving the returns of a general election, not longer than
1122 thirty (30) days after the election, shall sum up the whole number
1123 of votes given for each candidate other than candidates for state
1124 offices, legislative offices composed of one (1) county or less,
1125 county offices and county district offices, according to the
1126 statements of the votes certified to him and ascertain the person
1127 or persons having the largest number of votes for each office, and
1128 declare such person or persons to be duly elected; and thereupon
1129 all persons chosen to any office at the election shall be
1130 commissioned by the Governor; but if it appears that two (2) or
1131 more candidates for any district office where the district is
1132 composed of two (2) or more counties, standing highest on the
1133 list, and not elected, have an equal number of votes, the election
1134 shall be forthwith decided between the candidates having an equal
1135 number of votes by lot, fairly and publicly drawn, under the
1136 direction of the Governor and Secretary of State.

1137 **SECTION 43.** Section 23-15-673, Mississippi Code of 1972, is
1138 amended as follows:

1139 23-15-673. (1) For the purposes of this subarticle, the
1140 term "absent voter" shall mean and include the following:

1141 (a) Any enlisted or commissioned members, male or
1142 female, of the United States Army, or any of its respective
1143 components or various divisions thereof; any enlisted or
1144 commissioned members, male or female, of the United States Navy,
1145 or any of its respective components or various divisions thereof;
1146 any enlisted or commissioned members, male or female, of the
1147 United States Air Force, or any of its respective components or
1148 various divisions thereof; any enlisted or commissioned members,
1149 male or female, of the United States Marines, or any of its
1150 respective components or various divisions thereof; or any persons
1151 in any division of the armed services of the United States, who
1152 are citizens of Mississippi;

1153 (b) Any member of the Merchant Marine and the American
1154 Red Cross who is a citizen of Mississippi;

1155 (c) Any disabled war veteran who is a patient in any
1156 hospital and who is a citizen of Mississippi;

1157 (d) Any civilian attached to and serving outside of the
1158 United States with any branch of the Armed Forces or with the
1159 Merchant Marine or American Red Cross, and who is a citizen of
1160 Mississippi;

1161 (e) Any citizen of Mississippi temporarily residing
1162 outside the territorial limits of the United States and the
1163 District of Columbia;

1164 (f) Any citizen of Mississippi enrolled as a student at
1165 a United States Military Academy.

1166 (2) The spouse and dependents of any absent voter as set out
1167 in paragraphs (a), (b), (c) and (d) of subsection (1) of this
1168 section shall also be included in the meaning of absent voter and
1169 may vote an absentee ballot as provided in this subarticle if also

1170 absent from the county of their residence on the date of the
1171 election and otherwise qualified to vote in Mississippi.

1172 (3) For the purpose of this subarticle, the term "election"
1173 shall mean and include the following sets of elections: special
1174 and runoff special elections, preferential and general
1175 elections, * * * or general elections without preferential
1176 elections, whichever * * * is applicable.

1177 **SECTION 44.** Section 23-15-713, Mississippi Code of 1972, is
1178 amended as follows:

1179 23-15-713. For the purpose of this subarticle, any duly
1180 qualified elector may vote as provided in this subarticle if
1181 he * * * falls within the following categories:

1182 (a) Any qualified elector who is a bona fide student,
1183 teacher or administrator at any college, university, junior
1184 college, high, junior high, or elementary grade school whose
1185 studies or employment at an institution necessitates his absence
1186 from the county of his voting residence on the date of any * * *
1187 election, or the spouse and dependents of the student, teacher or
1188 administrator if such spouse or dependent(s) maintain a common
1189 domicile, outside of the county of his voting residence, with such
1190 student, teacher or administrator.

1191 (b) Any qualified elector who is required to be away
1192 from his place of residence on any election day due to his
1193 employment as an employee of a member of the Mississippi
1194 congressional delegation and the spouse and dependents of the
1195 person if he or she shall be residing with such absentee voter
1196 away from the county of the spouse's voting residence.

1197 (c) Any qualified elector who is away from his county
1198 of residence on election day for any reason.

1199 (d) Any person who has a temporary or permanent
1200 physical disability and who, because of such disability, is unable
1201 to vote in person without substantial hardship to himself or

1202 others, or whose attendance at the voting place could reasonably
1203 cause danger to himself or others.

1204 (e) The parent, spouse or dependent of a person with a
1205 temporary or permanent physical disability who is hospitalized
1206 outside of his county of residence or more than fifty (50) miles
1207 distant from his residence, if the parent, spouse or dependent
1208 will be with such person on election day.

1209 (f) Any person who is sixty-five (65) years of age or
1210 older.

1211 (g) Any member of the Mississippi congressional
1212 delegation absent from Mississippi on election day, and the spouse
1213 and dependents of such member of the congressional delegation.

1214 (h) Any qualified elector who will be unable to vote in
1215 person because he is required to be at work on election day during
1216 the times at which the polls will be open.

1217 **SECTION 45.** Section 23-15-755, Mississippi Code of 1972, is
1218 amended as follows:

1219 23-15-755. All of the provisions of Sections 23-15-621
1220 through 23-15-735 shall be applicable, insofar as possible, to
1221 municipal, * * * preferential, general and special elections, and
1222 wherever herein any duty is imposed or any power or authority is
1223 conferred upon the county registrar or county election
1224 commissioners, * * * with reference to a state and county
1225 election, such duty shall likewise be imposed and such power and
1226 authority shall likewise be conferred upon the municipal registrar
1227 or municipal election commission * * * with reference to any
1228 municipal election. * * *

1229 **SECTION 46.** Section 23-15-771, Mississippi Code of 1972, is
1230 amended as follows:

1231 23-15-771. At the state convention, a slate of electors
1232 composed of the number of electors allotted to this state, which
1233 said electors announce a clearly expressed design and purpose to
1234 support the candidates for President and Vice President of the

1235 national political party with which the * * * party of this state
1236 has had an affiliation and identity of purpose heretofore, shall
1237 be designated and selected for a place upon the * * * election
1238 ballot to be held as herein provided.

1239 **SECTION 47.** Section 23-15-801, Mississippi Code of 1972, is
1240 amended as follows:

1241 23-15-801. (a) "Election" shall mean a preferential,
1242 general or special * * * election.

1243 (b) "Candidate" shall mean an individual who seeks * * *
1244 election * * * to any elective office other than a federal
1245 elective office. For purposes of this article, an individual
1246 shall be deemed to seek * * * election:

1247 (i) If the individual has received contributions
1248 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
1249 expenditures aggregating in excess of Two Hundred Dollars
1250 (\$200.00) or for a candidate for the Legislature or any statewide
1251 or state district office, by the qualifying deadlines specified in
1252 Sections 23-15-299 and 23-15-977, whichever occurs first; or

1253 (ii) If such individual has given his or her consent to
1254 another person to receive contributions or make expenditures on
1255 behalf of such individual and if such person has received such
1256 contributions aggregating in excess of Two Hundred Dollars
1257 (\$200.00) during a calendar year, or has made such expenditures
1258 aggregating in excess of Two Hundred Dollars (\$200.00) during a
1259 calendar year.

1260 (c) "Political committee" shall mean any committee, party,
1261 club, association, political action committee, campaign committee
1262 or other groups of persons or affiliated organizations which
1263 receives contributions aggregating in excess of Two Hundred
1264 Dollars (\$200.00) during a calendar year or which makes
1265 expenditures aggregating in excess of Two Hundred Dollars
1266 (\$200.00) during a calendar year for the purpose of influencing or
1267 attempting to influence the action of voters for or against

1268 the * * * election * * * of one or more candidates, or balloted
1269 measures and shall, in addition, include each political party
1270 registered with the Secretary of State.

1271 (d) "Affiliated organization" shall mean any organization
1272 which is not a political committee, but which directly or
1273 indirectly establishes, administers or financially supports a
1274 political committee.

1275 (e) (i) "Contribution" shall include any gift,
1276 subscription, loan, advance or deposit of money or anything of
1277 value made by any person or political committee for the purpose of
1278 influencing any election for elective office or balloted measure;

1279 (ii) "Contribution" shall not include the value of
1280 services provided without compensation by any individual who
1281 volunteers on behalf of a candidate or political committee; or the
1282 cost of any food or beverage for use in any candidate's campaign
1283 or for use by or on behalf of any political committee of a
1284 political party;

1285 (iii) "Contribution to a political party" includes any
1286 gift, subscription, loan, advance or deposit of money or anything
1287 of value made by any person, political committee, or other
1288 organization to a political party and to any committee,
1289 subcommittee, campaign committee, political committee and other
1290 groups of persons and affiliated organizations of the political
1291 party;

1292 (iv) "Contribution to a political party" shall not
1293 include the value of services provided without compensation by any
1294 individual who volunteers on behalf of a political party or a
1295 candidate of a political party.

1296 (f) (i) "Expenditure" shall include any purchase, payment,
1297 distribution, loan, advance, deposit, gift of money or anything of
1298 value, made by any person or political committee for the purpose
1299 of influencing any balloted measure or election for elective

1300 office; and a written contract, promise, or agreement to make an
1301 expenditure;

1302 (ii) "Expenditure" shall not include any news story,
1303 commentary or editorial distributed through the facilities of any
1304 broadcasting station, newspaper, magazine, or other periodical
1305 publication, unless such facilities are owned or controlled by any
1306 political party, political committee, or candidate; or nonpartisan
1307 activity designed to encourage individuals to vote or to register
1308 to vote;

1309 (iii) "Expenditure by a political party" includes 1.
1310 any purchase, payment, distribution, loan, advance, deposit, gift
1311 of money or anything of value, made by any political party and by
1312 any contractor, subcontractor, agent, and consultant to the
1313 political party; and 2. a written contract, promise, or agreement
1314 to make such an expenditure.

1315 (g) The term "identification" shall mean:

1316 (i) In the case of any individual, the name, the
1317 mailing address, and the occupation of such individual, as well as
1318 the name of his or her employer; and

1319 (ii) In the case of any other person, the full name and
1320 address of such person.

1321 (h) The term "political party" shall mean an association,
1322 committee or organization which nominates a candidate for election
1323 to any elective office whose name appears on the election ballot
1324 as the candidate of such association, committee or organization.

1325 (i) The term "person" shall mean any individual, family,
1326 firm, corporation, partnership, association or other legal entity.

1327 (j) The term "independent expenditure" shall mean an
1328 expenditure by a person expressly advocating the election or
1329 defeat of a clearly identified candidate which is made without
1330 cooperation or consultation with any candidate or any authorized
1331 committee or agent of such candidate, and which is not made in

1332 concert with or at the request or suggestion of any candidate or
1333 any authorized committee or agent of the candidate.

1334 (k) The term "clearly identified" shall mean that:

1335 (i) The name of the candidate involved appears; or

1336 (ii) A photograph or drawing of the candidate appears;

1337 or

1338 (iii) The identity of the candidate is apparent by

1339 unambiguous reference.

1340 **SECTION 48.** Section 23-15-807, Mississippi Code of 1972, is
1341 amended as follows:

1342 23-15-807. (a) Each candidate or political committee shall
1343 file reports of contributions and disbursements in accordance with
1344 the provisions of this section. All candidates or political
1345 committees required to report may terminate its obligation to
1346 report only upon submitting a final report that it will no longer
1347 receive any contributions or make any disbursement and that such
1348 candidate or committee has no outstanding debts or obligations.
1349 The candidate, treasurer or chief executive officer shall sign
1350 each such report.

1351 (b) Candidates who are seeking election * * * and political
1352 committees that make expenditures for the purpose of influencing
1353 or attempting to influence the action of voters for or against
1354 the * * * election * * * of one or more candidates or balloted
1355 measures at such election, shall file the following reports:

1356 (i) In any calendar year during which there is a
1357 regularly scheduled election, a preelection report, which shall be
1358 filed no later than the seventh day before any election in which
1359 the candidate or political committee has accepted contributions or
1360 made expenditures and which shall be complete as of the tenth day
1361 before such election;

1362 (ii) In 1987 and every fourth year thereafter, periodic
1363 reports, which shall be filed no later than the tenth day after

1364 April 30, May 31, June 30, September 30 and December 31, and which
1365 shall be complete as of the last day of each period; and

1366 (iii) In any calendar years except 1987 and except
1367 every fourth year thereafter, a report covering the calendar year
1368 which shall be filed no later than January 31 of the following
1369 calendar year.

1370 (c) All candidates for judicial office as defined in Section
1371 23-15-975, or their political committees, shall file in the year
1372 in which they are to be elected, periodic reports which shall be
1373 filed no later than the tenth day after April 30, May 31, June 30,
1374 September 30 and December 31.

1375 (d) Contents of reports. Each report under this article
1376 shall disclose:

1377 (i) For the reporting period and the calendar year, the
1378 total amount of all contributions and the total amount of all
1379 expenditures of the candidate or reporting committee which shall
1380 include those required to be identified pursuant to item (ii) of
1381 this paragraph as well as the total of all other contributions and
1382 expenditures during the calendar year. Such reports shall be
1383 cumulative during the calendar year to which they relate;

1384 (ii) The identification of:

1385 1. Each person or political committee who makes a
1386 contribution to the reporting candidate or political committee
1387 during the reporting period, whose contribution or contributions
1388 within the calendar year have an aggregate amount or value in
1389 excess of Two Hundred Dollars (\$200.00) when made to a political
1390 committee or to a candidate for an office other than statewide
1391 office or office elected by Supreme Court district, or in excess
1392 of Five Hundred Dollars (\$500.00) when made to a candidate for
1393 statewide office or office elected by Supreme Court district,
1394 together with the date and amount of any such contribution;

1395 2. Each person or organization, candidate or
1396 political committee who receives an expenditure, payment or other

1397 transfer from the reporting candidate, political committee or its
1398 agent, employee, designee, contractor, consultant or other person
1399 or persons acting in its behalf during the reporting period when
1400 the expenditure, payment or other transfer to such person,
1401 organization, candidate or political committee within the calendar
1402 year have an aggregate value or amount in excess of Two Hundred
1403 Dollars (\$200.00) when received from a political committee or
1404 candidate for an office other than statewide office or office
1405 elected by Supreme Court district, or in excess of Five Hundred
1406 Dollars (\$500.00) when received from a candidate for statewide
1407 office or office elected by the Supreme Court district, together
1408 with the date and amount of such expenditure;

1409 (iii) The total amount of cash on hand of each
1410 reporting candidate and reporting political committee;

1411 (iv) In addition to the contents of reports specified
1412 in items (i), (ii) and (iii) of this paragraph, each political
1413 party shall disclose:

1414 1. Each person or political committee who makes a
1415 contribution to a political party during the reporting period and
1416 whose contribution or contributions to a political party within
1417 the calendar year have an aggregate amount or value in excess of
1418 Two Hundred Dollars (\$200.00), together with the date and amount
1419 of the contribution;

1420 2. Each person or organization who receives an
1421 expenditure by a political party or expenditures by a political
1422 party during the reporting period when the expenditure or
1423 expenditures to the person or organization within the calendar
1424 year have an aggregate value or amount in excess of Two Hundred
1425 Dollars (\$200.00), together with the date and amount of the
1426 expenditure.

1427 (e) The appropriate office specified in Section 23-15-805
1428 must be in actual receipt of the reports specified in this article
1429 by 5:00 p.m. on the dates specified in paragraph (b) of this

1430 section. If the date specified in paragraph (b) of this section
1431 shall fall on a weekend or legal holiday then the report shall be
1432 due in the appropriate office at 5:00 p.m. on the first working
1433 day before the date specified in paragraph (b) of this section.
1434 The reporting candidate or reporting political committee shall
1435 ensure that the reports are delivered to the appropriate office by
1436 the filing deadline. The Secretary of State may approve specific
1437 means of electronic transmission of completed campaign finance
1438 disclosure reports, which may include, but not be limited to,
1439 transmission by electronic facsimile (FAX) devices.

1440 (f) (i) If any contribution of more than Two Hundred
1441 Dollars (\$200.00) is received by a candidate or candidate's
1442 political committee after the tenth day, but more than forty-eight
1443 (48) hours before 12:01 a.m. of the day of the election, the
1444 candidate or political committee shall notify the appropriate
1445 office designated in Section 23-15-805, within forty-eight (48)
1446 hours of receipt of the contribution. The notification shall
1447 include:

- 1448 1. The name of the receiving candidate;
- 1449 2. The name of the receiving candidate's political
1450 committee, if any;
- 1451 3. The office sought by the candidate;
- 1452 4. The identification of the contributor;
- 1453 5. The date of receipt;
- 1454 6. The amount of the contribution;
- 1455 7. If the contribution is in-kind, a description
1456 of the in-kind contribution; and
- 1457 8. The signature of the candidate or the treasurer
1458 or director of the candidate's political committee;

1459 (ii) The notification shall be in writing, and may be
1460 transmitted by overnight mail, courier service, or other reliable
1461 means, including electronic facsimile (FAX), but the candidate or
1462 candidate's committee shall ensure that the notification shall in

1463 fact be received in the appropriate office designated in Section
1464 23-15-805 within forty-eight (48) hours of the contribution.

1465 **SECTION 49.** Section 23-15-811, Mississippi Code of 1972, is
1466 amended as follows:

1467 23-15-811. (a) Any candidate or any other person who shall
1468 wilfully and deliberately and substantially violate the provisions
1469 and prohibitions of this article shall be guilty of a misdemeanor
1470 and upon conviction thereof shall be punished by a fine in a sum
1471 not to exceed Three Thousand Dollars (\$3,000.00) or imprisoned for
1472 not longer than six (6) months or by both fine and imprisonment.

1473 (b) In addition to the penalties provided in paragraph (a)
1474 of this section, any candidate or political committee which is
1475 required to file a statement or report which fails to file such
1476 statement or report on the date in which it is due may be
1477 compelled to file such statement or report by an action in the
1478 nature of a mandamus.

1479 (c) No candidate shall be certified * * * as elected to
1480 office unless and until he files all reports required by this
1481 article due as of the date of certification.

1482 (d) No candidate who is elected to office shall receive any
1483 salary or other remuneration for the office unless and until he
1484 files all reports required by this article due as of the date such
1485 salary or remuneration is payable.

1486 (e) In the event that a candidate fails to timely file any
1487 report required under this article but subsequently files a report
1488 or reports containing all of the information required to be
1489 reported by him as of the date on which the sanctions of
1490 paragraphs (c) and (d) of this section would be applied to him,
1491 such candidate shall not be subject to the sanctions of * * *
1492 paragraphs (c) and (d).

1493 **SECTION 50.** Section 23-15-833, Mississippi Code of 1972, is
1494 amended as follows:

1495 23-15-833. Except as otherwise provided by law, the first
1496 Tuesday after the first Monday in November of each year shall be
1497 designated the regular special election day, and on that day an
1498 election shall be held to fill any vacancy in county, county
1499 district, and district attorney elective offices.

1500 All special elections, or elections to fill vacancies, shall
1501 in all respects be held, conducted and returned in the same manner
1502 as general elections, except that where no candidate receives a
1503 majority of the votes cast in such election, then a runoff
1504 election shall be held two (2) weeks after such election and the
1505 two (2) candidates who receive the highest popular votes for such
1506 office shall have their names submitted as the candidates to
1507 the * * * runoff and the candidate who leads in the runoff
1508 election shall be elected to the office. When there is a tie in
1509 the first election of those receiving next highest vote, these two
1510 (2) and the one receiving the highest vote, none having received a
1511 majority, shall go into the runoff election and whoever leads in
1512 such runoff election shall be entitled to the office.

1513 In those years when the regular special election day shall
1514 occur on the same day as the general election, the names of
1515 candidates in any special election and the general election shall
1516 be placed on the same ballot, but shall be clearly distinguished
1517 as general election candidates or special election candidates.

1518 * * *

1519 **SECTION 51.** Section 23-15-859, Mississippi Code of 1972, is
1520 amended as follows:

1521 23-15-859. Whenever under any statute a special election is
1522 required or authorized to be held in any municipality, and the
1523 statute authorizing or requiring such election does not specify
1524 the time within which such election shall be called, or the notice
1525 which shall be given thereof, the governing authorities of the
1526 municipality shall, by resolution, fix a date upon which such
1527 election shall be held. Such date shall not be less than

1528 twenty-one (21) nor more than thirty (30) days after the date upon
1529 which such resolution is adopted, and not less than three (3)
1530 weeks' notice of such election shall be given by the clerk by a
1531 notice published in a newspaper published in the municipality once
1532 each week for three (3) weeks next preceding the date of such
1533 election, and by posting a copy of such notice at three (3) public
1534 places in such municipality. Nothing in this section, however,
1535 shall be applicable to elections on the question of the issuance
1536 of the bonds of a municipality or to preferential or general * * *
1537 elections for the election of municipal officers.

1538 **SECTION 52.** Section 23-15-873, Mississippi Code of 1972, is
1539 amended as follows:

1540 23-15-873. No person, whether an officer or not, shall, in
1541 order to promote his own candidacy, or that of any other person,
1542 to be a candidate for public office in this state, directly or
1543 indirectly, himself or through another person, promise to appoint,
1544 or promise to secure or assist in securing the appointment * * *
1545 or election of another person to any public position or
1546 employment, or to secure or assist in securing any public contract
1547 or the employment of any person under any public contractor, or to
1548 secure or assist in securing the expenditure of any public funds
1549 in the personal behalf of any particular person or group of
1550 persons, except that the candidate may publicly announce what is
1551 his choice or purpose in relation to an election in which he may
1552 be called on to take part if elected. It shall be unlawful for
1553 any person to directly or indirectly solicit or receive any
1554 promise by this section prohibited. But this does not apply to a
1555 sheriff, chancery clerk, circuit clerk, or any other person, of
1556 the state or county when it comes to their office force.

1557 **SECTION 53.** Section 23-15-881, Mississippi Code of 1972, is
1558 amended as follows:

1559 23-15-881. It shall be unlawful for the Mississippi
1560 Transportation Commission or any member of the Mississippi

1561 Transportation Commission, or the board of supervisors of any
1562 county or any member of the board of supervisors of such county,
1563 to employ, during the months of * * * August, September, October
1564 and November of any year in which a general * * * election is held
1565 for the * * * election of members of the Mississippi
1566 Transportation Commission and members of the boards of
1567 supervisors, a greater number of persons to work and maintain the
1568 state highways, in any highway district, or the public roads, in
1569 any supervisors district of the county, as the case may be, than
1570 the average number of persons employed for similar purposes in
1571 such highway district or supervisors district, as the case may be,
1572 during the months of * * * August, September, October and November
1573 of the three (3) years immediately preceding the year in which
1574 such general * * * election is held. It shall be unlawful for the
1575 Mississippi Transportation Commission, or the board of supervisors
1576 of any county, to expend out of the state highway funds, or the
1577 road funds of the county or any supervisors district thereof, as
1578 the case may be, in the payment of wages or other compensation for
1579 labor performed in working and maintaining the highways of any
1580 highway district, or the public roads of any supervisors district
1581 of the county, as the case may be, during the months of * * *
1582 August, September, October and November of such election year, a
1583 total amount in excess of the average total amount expended for
1584 such labor, in such highway district or supervisors district, as
1585 the case may be, during the corresponding four (4) months' period
1586 of the three (3) years immediately preceding.

1587 It shall be the duty of the Mississippi Transportation
1588 Commission and the board of supervisors of each county,
1589 respectively, to keep sufficient records of the numbers of
1590 employees and expenditures made for labor on the state highways of
1591 each highway district, and the public roads of each supervisors
1592 district, for the months of * * * August, September, October and
1593 November of each year, to show the number of persons employed for

1594 such work in each highway district and each supervisors district,
1595 as the case may be, during said four (4) months' period, and the
1596 total amount expended in the payment of salaries and other
1597 compensation to such employees, so that it may be ascertained,
1598 from an examination of such records, whether or not the provisions
1599 of this chapter have been violated.

1600 It is provided, however, because of the abnormal conditions
1601 existing in certain counties of the state due to recent floods in
1602 which roads and bridges have been materially damaged or washed
1603 away and destroyed, if the board of supervisors in any county
1604 passes a resolution as provided in Section 19-9-11, Mississippi
1605 Code of 1972, for the emergency issuance of road and bridge bonds,
1606 the provisions of this section shall not be applicable to or in
1607 force concerning the board of supervisors during the calendar year
1608 1955.

1609 **SECTION 54.** Section 23-15-885, Mississippi Code of 1972, is
1610 amended as follows:

1611 23-15-885. The restrictions imposed in Sections 23-15-881
1612 and 23-15-883 shall likewise apply to the mayor and board of
1613 aldermen, or other governing authority, of each municipality, in
1614 the employment of labor for working and maintaining the streets of
1615 the municipality during the four-month period next preceding the
1616 date of holding the general * * * election in such municipality
1617 for the election of municipal officers.

1618 **SECTION 55.** Section 23-15-891, Mississippi Code of 1972, is
1619 amended as follows:

1620 23-15-891. No common carrier, telegraph company or telephone
1621 company shall give to any candidate, or to any member of any
1622 political committee, or to any person to be used to aid or promote
1623 the success or defeat of any candidate for election for any public
1624 office, free transportation or telegraph or telephone service, as
1625 the case may be, or any reduction thereof that is not made alike
1626 to all other persons. All persons required by the provisions of

1627 this chapter to make and file statements shall make oath that they
1628 have not received or made use of, directly or indirectly, in
1629 connection with any candidacy for election to any public office,
1630 free transportation or telegraph or telephone service.

1631 **SECTION 56.** Section 23-15-899, Mississippi Code of 1972, is
1632 amended as follows:

1633 23-15-899. Every placard, bill, poster, pamphlet or other
1634 printed matter having reference to any election, or to any
1635 candidate, that has not been submitted to, and approved and
1636 subscribed by a candidate or his campaign manager or assistant
1637 manager pursuant to the provisions of Section 23-15-897, shall
1638 bear upon the face thereof the name and the address of the author
1639 and of the printer and publisher thereof, and failure to so
1640 provide shall be a misdemeanor, and it shall be a misdemeanor for
1641 any person to mutilate, or remove, previously to the date of the
1642 election, any placard, poster or picture which has been lawfully
1643 placed or posted.

1644 **SECTION 57.** Section 23-15-911, Mississippi Code of 1972, is
1645 amended as follows:

1646 23-15-911. (1) When the returns for a box and the contents
1647 of the ballot box and the conduct of the election * * * have been
1648 canvassed and reviewed by the county election commission * * *,
1649 all the contents of the box required to be placed and sealed in
1650 the ballot box by the managers shall be replaced therein by the
1651 election commission * * *, and the box shall be * * * resealed and
1652 delivered to the circuit clerk, who shall safely keep and secure
1653 the same against any tampering therewith. At any time within
1654 twelve (12) days after the canvass and examination of the box and
1655 its contents by the election commission * * *, any candidate or
1656 his representative authorized in writing by him shall have the
1657 right of full examination of the box and its contents upon three
1658 (3) days' notice of his application therefor served upon the
1659 opposing candidate or candidates, or upon any member of their

1660 family over the age of eighteen (18) years, which examination
1661 shall be conducted in the presence of the circuit clerk or his
1662 deputy who shall be charged with the duty to see that none of the
1663 contents of the box are removed from the presence of the clerk or
1664 in any way tampered with. Upon the completion of the examination
1665 the box shall be resealed with all its contents as theretofore.
1666 And if any contest or complaint before the court shall arise over
1667 the box, it shall be kept intact and sealed until the court
1668 hearing and another ballot box, if necessary, shall be furnished
1669 for the precinct involved.

1670 (2) The provisions of this section allowing the examination
1671 of ballot boxes shall apply in the case of an election contest
1672 regarding the seat of a member of the state Legislature. In such
1673 a case, the results of the examination shall be reported by the
1674 applicable circuit clerk to the Clerk of the House of
1675 Representatives or the Secretary of the Senate, as the case may
1676 be.

1677 **SECTION 58.** Section 23-15-973, Mississippi Code of 1972, is
1678 amended as follows:

1679 23-15-973. It shall be the duty of the judges of the circuit
1680 court to give a reasonable time and opportunity to the candidates
1681 for the office of judge of the Supreme Court, judges of the Court
1682 of Appeals, circuit judge and chancellor to address the people
1683 during court terms. In order to give further and every possible
1684 emphasis to the fact that the said judicial offices are not
1685 political but are to be held without favor and with absolute
1686 impartiality as to all persons, and because of the jurisdiction
1687 conferred upon the courts by this chapter, the judges thereof
1688 should be as far removed as possible from any political
1689 affiliations or obligations. It shall be unlawful for any
1690 candidate for any of the offices mentioned in this section to
1691 align himself with any candidate or candidates for any other
1692 office or with any political faction or any political party at any

1693 time during any * * * election campaign. Likewise, it shall be
1694 unlawful for any candidate for any other office * * * wherein any
1695 candidate for any of the judicial offices in this section
1696 mentioned, is or are to be elected, to align himself with any one
1697 or more of the candidates for said offices or to take any part
1698 whatever in any election for any one or more of said judicial
1699 offices, except to cast his individual vote. If any candidate for
1700 any office, whether elected with or without opposition, at any
1701 election wherein a candidate for any one of the judicial offices
1702 in this section mentioned is to be elected, shall deliberately,
1703 knowingly and willfully violate the provisions of this
1704 section * * *, his election shall be void.

1705 **SECTION 59.** Section 23-15-1065, Mississippi Code of 1972, is
1706 amended as follows:

1707 23-15-1065. No person shall claim, or represent himself in
1708 any manner to be a member of any state, district or county
1709 executive committee of any political party in this state, or claim
1710 to be the national committeeman or national committeewoman or any
1711 other officer or representative of a political party without
1712 having been lawfully elected or chosen as such in the manner
1713 provided by the laws of this state, or by such political party in
1714 the manner provided by the laws of this state * * *.

1715 Any person who violates the provisions of this section, in
1716 addition to other measures or penalties provided by law, may be
1717 enjoined therefrom upon application to the courts by any person or
1718 persons, or any political party, official or representative of
1719 such political party aggrieved thereby.

1720 **SECTION 60.** Section 23-15-1085, Mississippi Code of 1972, is
1721 amended as follows:

1722 23-15-1085. The chairman of a party's state executive
1723 committee shall notify the Secretary of State if the party intends
1724 to hold a presidential preference primary. The Secretary of State
1725 shall be notified prior to December 1 of the year preceding the

1726 year in which a presidential preference primary may be held
1727 pursuant to Section 23-15-1081. * * *

1728 **SECTION 61.** Section 23-15-1087, Mississippi Code of 1972, is
1729 amended as follows:

1730 23-15-1087. Except as otherwise provided in this chapter,
1731 the laws regulating * * * elections shall in so far as practical
1732 apply to and govern presidential preference primary elections.

1733 **SECTION 62.** Section 23-15-127, Mississippi Code of 1972,
1734 which provides for the preparation, use and revision of primary
1735 election pollbooks, is hereby repealed.

1736 **SECTION 63.** Section 23-15-171, Mississippi Code of 1972,
1737 which provides for the dates of municipal primary elections, is
1738 hereby repealed.

1739 **SECTION 64.** Section 23-15-191, Mississippi Code of 1972,
1740 which provides for the date of state, district and county primary
1741 elections, is hereby repealed.

1742 **SECTION 65.** Sections 23-15-263, 23-15-265, 23-15-267,
1743 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,
1744 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,
1745 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of
1746 1972, which provide for the duties of the state executive
1747 committee and county executive committees in primary elections,
1748 provide for the qualification of candidates for party primary
1749 elections, and provide for the conduct of party primary elections,
1750 are hereby repealed.

1751 **SECTION 66.** Sections 23-15-359, 23-15-361 and 23-15-363,
1752 Mississippi Code of 1972, which provide for the contents of
1753 general election ballots, are hereby repealed.

1754 **SECTION 67.** Sections 23-15-597 and 23-15-599, Mississippi
1755 Code of 1972, which provide for the canvass of returns and
1756 announcement of vote by the county executive committees in primary
1757 elections, and require the state executive committee to transmit

1758 to the Secretary of State a tabulated statement of the party vote
1759 for certain offices, are hereby repealed.

1760 **SECTION 68.** Section 23-15-841, Mississippi Code of 1972,
1761 which provides for primary elections for nominations of candidates
1762 to fill vacancies in county and county district offices, is hereby
1763 repealed.

1764 **SECTION 69.** Sections 23-15-921, 23-15-923, 23-15-925,
1765 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
1766 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
1767 procedures for contests of primary elections, are hereby repealed.

1768 **SECTION 70.** Section 23-15-1031, Mississippi Code of 1972,
1769 which provides for the date of primary elections for Congressmen
1770 and United States Senators, is hereby repealed.

1771 **SECTION 71.** Section 23-15-1063, Mississippi Code of 1972,
1772 which prohibits unregistered political parties from conducting
1773 primary elections, is hereby repealed.

1774 **SECTION 72.** Section 23-15-1083, Mississippi Code of 1972,
1775 which requires that certain congressional primaries be held on the
1776 same day as the presidential preference primary, is hereby
1777 repealed.

1778 **SECTION 73.** The Attorney General of the State of Mississippi
1779 shall submit this act, immediately upon approval by the Governor,
1780 or upon approval by the Legislature subsequent to a veto, to the
1781 Attorney General of the United States or to the United States
1782 District Court for the District of Columbia in accordance with the
1783 provisions of the Voting Rights Act of 1965, as amended and
1784 extended.

1785 **SECTION 74.** This act shall take effect and be in force from
1786 and after the date it is effectuated under Section 5 of the Voting
1787 Rights Act of 1965, as amended and extended.