

By: Representative Staples

To: Apportionment and
Elections

HOUSE BILL NO. 1394

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

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

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

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

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

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

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

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

79 **SECTION 2.** The general election in 2005 and every general
80 election thereafter shall be held on the first Tuesday after the
81 first Monday of November of the appropriate year. When more than
82 one (1) person has qualified or been certified as a candidate for
83 any office, a preferential election for such office shall be held
84 three (3) weeks prior to such general or regular election.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

284 21-7-7. The governing body of any such municipality shall be
285 a council, known and designated as such, consisting of seven (7)
286 members. One (1) of the members shall be the mayor, having the
287 qualifications as prescribed by Section 21-3-9, who shall have
288 full rights, powers and privileges of other councilmen. The mayor
289 shall be nominated and elected at large; the remaining councilmen
290 shall be nominated and elected one (1) from each ward into which
291 the city shall be divided. However, if the city be divided into
292 less than six (6) wards, the remaining councilmen shall be
293 nominated and elected at large. The councilmen, including the
294 mayor, shall be elected for a term of four (4) years to serve
295 until their successors are elected and qualified in accordance
296 with the provisions of Section 11 of House Bill No. _____, 2005
297 Regular Session, said term commencing on the first Monday of
298 January after the municipal election first following the adoption
299 of the form of government as provided by this chapter.

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

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

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

315 (2) Except as otherwise provided in subsection (4) of this
316 section, the mayor and councilmen shall be elected by the voters

317 of the municipality at a general or regular municipal election
318 held on the first Tuesday after the first Monday in June as
319 provided in Section 11 of House Bill No. _____, 2005 Regular
320 Session, and shall serve for a term of four (4) years beginning on
321 the first Monday of July next following his election.

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

326 (4) (a) The council shall consist of five (5), seven (7) or
327 nine (9) members. In the event there are five (5) councilmen, the
328 municipality shall be divided into either five (5) or four (4)
329 wards. In the event there are seven (7) councilmen, the
330 municipality shall be divided into either seven (7), six (6) or
331 five (5) wards. In the event there are nine (9) councilmen, the
332 municipality shall be divided into seven (7) or nine (9) wards.
333 If the municipality is divided into fewer wards than it has
334 councilmen, the other councilman or councilmen shall be elected
335 from the municipality at large. The total number of councilmen
336 and the number of councilmen elected from wards shall be
337 established by the petition or petitions presented pursuant to
338 Section 21-8-3. One (1) councilman shall be elected from each
339 ward by the voters of that ward. Councilmen elected to represent
340 wards must be residents of their wards at the time of
341 qualification for election, and any councilman who removes his
342 residence from the municipality or from the ward from which he was
343 elected shall vacate his office. However, any candidate for
344 councilman who is properly qualified as a candidate under
345 applicable law shall be deemed to be qualified as a candidate in
346 whatever ward he resides if his ward has changed after the council
347 has redistricted the municipality as provided in subparagraph
348 (c)(ii) of this subsection (4), and if the wards have been so
349 changed, any person may qualify as a candidate for councilman,

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

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

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

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

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

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

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

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

407 21-15-1. All officers elected at the general or regular
408 municipal election provided for in Section 11 of House Bill No.
409 _____, 2005 Regular Session, shall qualify and enter upon the
410 discharge of their duties on the first Monday of July after such
411 general election, and shall hold their offices for a term of four
412 (4) years and until their successors are duly elected and
413 qualified.

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

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

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

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

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

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

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

449 **[Until January 1, 2006, this section shall read as follows:]**

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

458 (a) On the Tuesday after the second Monday in January
459 1987 and every following year;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

575 (6) Every commissioner of election shall sign personally a
576 certification setting forth the number of hours actually worked in
577 the performance of the commissioner's official duties and for
578 which the commissioner seeks compensation. The certification must
579 be on a form as prescribed in this subsection. The commissioner's

580 signature is, as a matter of law, made under the commissioner's
581 oath of office and under penalties of perjury.

582 The certification form shall be as follows:

583 **COUNTY ELECTION COMMISSIONER**

584 **PER DIEM CLAIM FORM**

585 NAME: _____ COUNTY: _____

586 ADDRESS: _____ DISTRICT: _____

587 CITY: _____ ZIP: _____

588		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
589	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
590	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

591 _____

592 _____

593 _____

594 TOTAL NUMBER OF PER DIEM DAYS EARNED _____

595 PER DIEM RATE PER DAY EARNED X 70.00

596 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

597 I understand that I am signing this document
598 under my oath as a commissioner of elections and under
599 penalties of perjury.

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

604 Signed this the _____ day of _____, _____.

605 _____

606 Commissioner's Signature

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

612 Any person may contest the accuracy of the certification in
613 any respect by notifying the chairman of the commission, any
614 member of the board of supervisors or the clerk of the board of
615 supervisors of such contest at any time before or after payment is
616 made. If the contest is made before payment is made, no payment
617 shall be made as to the contested certificate until the contest is
618 finally disposed of. The person filing the contest shall be
619 entitled to a full hearing, and the clerk of the board of
620 supervisors shall issue subpoenas upon request of the contestor
621 compelling the attendance of witnesses and production of documents
622 and things. The contestor shall have the right to appeal de novo
623 to the circuit court of the involved county, which appeal must be
624 perfected within thirty (30) days from a final decision of the
625 commission, the clerk of the board of supervisors or the board of
626 supervisors, as the case may be.

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

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

644 did receive compensation for the conduct of any special elections
645 in calendar year 2000.

646 **[From and after January 1, 2006, this section shall read as**
647 **follows:]**

648 23-15-153. (1) At the following times the commissioners of
649 election shall meet at the office of the registrar and carefully
650 revise the registration books and the pollbooks of the several
651 voting precincts, and shall erase from those books the names of
652 all persons erroneously on the books, or who have died, removed or
653 become disqualified as electors from any cause; and shall register
654 the names of all persons who have duly applied to be registered
655 and have been illegally denied registration:

656 (a) On the Tuesday after the second Monday in January
657 1987 and every following year;

658 (b) On the first Tuesday in the month immediately
659 preceding the preferential election for congressmen in the years
660 when congressmen are elected;

661 (c) On the first Monday in the month immediately
662 preceding the preferential election for state, state district
663 legislative, county and county district offices in the years in
664 which those offices are elected; and

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

668 Except for the names of those persons who are duly qualified
669 to vote in the election, no name shall be permitted to remain on
670 the registration books and pollbooks; however, no name shall be
671 erased from the registration books or pollbooks based on a change
672 in the residence of an elector except in accordance with
673 procedures provided for by the National Voter Registration Act of
674 1993 that are in effect at the time of such erasure. Except as
675 otherwise provided by Section 23-15-573, no person shall vote at
676 any election whose name is not on the pollbook.

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

687 (a) In counties having less than fifteen thousand
688 (15,000) residents according to the latest federal decennial
689 census, not more than fifty (50) days per year, with no more than
690 fifteen (15) additional days allowed for the conduct of each
691 election in excess of one (1) occurring in any calendar year;

692 (b) In counties having fifteen thousand (15,000)
693 residents according to the latest federal decennial census but
694 less than thirty thousand (30,000) residents according to the
695 latest federal decennial census, not more than seventy-five (75)
696 days per year, with no more than twenty-five (25) additional days
697 allowed for the conduct of each election in excess of one (1)
698 occurring in any calendar year;

699 (c) In counties having thirty thousand (30,000)
700 residents according to the latest federal decennial census but
701 less than seventy thousand (70,000) residents according to the
702 latest federal decennial census, not more than one hundred (100)
703 days per year, with no more than thirty-five (35) additional days
704 allowed for the conduct of each election in excess of one (1)
705 occurring in any calendar year;

706 (d) In counties having seventy thousand (70,000)
707 residents according to the latest federal decennial census but
708 less than ninety thousand (90,000) residents according to the
709 latest federal decennial census, not more than one hundred

710 twenty-five (125) days per year, with no more than forty-five (45)
711 additional days allowed for the conduct of each election in excess
712 of one (1) occurring in any calendar year;

713 (e) In counties having ninety thousand (90,000)
714 residents according to the latest federal decennial census but
715 less than one hundred seventy thousand (170,000) residents
716 according to the latest federal decennial census, not more than
717 one hundred fifty (150) days per year, with no more than
718 fifty-five (55) additional days allowed for the conduct of each
719 election in excess of one (1) occurring in any calendar year;

720 (f) In counties having one hundred seventy thousand
721 (170,000) residents according to the latest federal decennial
722 census but less than two hundred thousand (200,000) residents
723 according to the latest federal decennial census, not more than
724 one hundred seventy-five (175) days per year, with no more than
725 sixty-five (65) additional days allowed for the conduct of each
726 election in excess of one (1) occurring in any calendar year;

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

734 (h) In counties having two hundred twenty-five thousand
735 (225,000) residents according to the latest federal decennial
736 census but less than two hundred fifty thousand (250,000)
737 residents according to the latest federal decennial census, not
738 more than two hundred fifteen (215) days per year, with no more
739 than eighty-five (85) additional days allowed for the conduct of
740 each election in excess of one (1) occurring in any calendar year;

741 (i) In counties having two hundred fifty thousand
742 (250,000) residents according to the latest federal decennial

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

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

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

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

769 (5) The county registrar shall prepare the pollbooks and the
770 county commissioners of election shall prepare the registration
771 books of each municipality located within the county pursuant to
772 an agreement between the county and each municipality in the
773 county. The county commissioners of election and the county
774 registrar shall be paid by each municipality for the actual cost
775 of preparing registration books and pollbooks for the municipality

776 and shall pay each county commissioner of election a per diem in
777 the amount provided for in subsection (2) of this section for each
778 day or period of not less than five (5) hours accumulated over two
779 (2) or more days the commissioners are actually employed in
780 preparing the registration books for the municipality, not to
781 exceed five (5) days. The county commissioners of election and
782 county registrar shall provide copies of the registration books
783 and pollbooks to the municipal clerk of each municipality in the
784 county. The municipality shall pay the county registrar for
785 preparing and printing the pollbooks. A municipality may secure
786 "read only" access to the Statewide Centralized Voter System and
787 print its own pollbooks using this information; however, county
788 commissioners of election shall remain responsible for preparing
789 registration books for municipalities and shall be paid for this
790 duty in accordance with this subsection.

791 (6) Every commissioner of election shall sign personally a
792 certification setting forth the number of hours actually worked in
793 the performance of the commissioner's official duties and for
794 which the commissioner seeks compensation. The certification must
795 be on a form as prescribed in this subsection. The commissioner's
796 signature is, as a matter of law, made under the commissioner's
797 oath of office and under penalties of perjury.

798 The certification form shall be as follows:

799 **COUNTY ELECTION COMMISSIONER**

800 **PER DIEM CLAIM FORM**

801 NAME: _____ COUNTY: _____

802 ADDRESS: _____ DISTRICT: _____

803 CITY: _____ ZIP: _____

804				PURPOSE	APPLICABLE	ACTUAL	PER DIEM
805	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
806	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

807 _____

808 _____

809 _____
810 TOTAL NUMBER OF PER DIEM DAYS EARNED _____
811 PER DIEM RATE PER DAY EARNED X 70.00
812 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

813 I understand that I am signing this document
814 under my oath as a commissioner of elections and under
815 penalties of perjury.

816 I understand that I am requesting payment from
817 taxpayer funds and that I have an obligation to be
818 specific and truthful as to the amount of hours worked
819 and the compensation I am requesting.

820 Signed this the _____ day of _____, ____.

821 _____
822 Commissioner's Signature

823 When properly completed and signed, the certification must be
824 filed with the clerk of the county board of supervisors before any
825 payment may be made. The certification will be a public record
826 available for inspection and reproduction immediately upon the
827 oral or written request of any person.

828 Any person may contest the accuracy of the certification in
829 any respect by notifying the chairman of the commission, any
830 member of the board of supervisors or the clerk of the board of
831 supervisors of such contest at any time before or after payment is
832 made. If the contest is made before payment is made, no payment
833 shall be made as to the contested certificate until the contest is
834 finally disposed of. The person filing the contest shall be
835 entitled to a full hearing, and the clerk of the board of
836 supervisors shall issue subpoenas upon request of the contestor
837 compelling the attendance of witnesses and production of documents
838 and things. The contestor shall have the right to appeal de novo
839 to the circuit court of the involved county, which appeal must be
840 perfected within thirty (30) days from a final decision of the

841 commission, the clerk of the board of supervisors or the board of
842 supervisors, as the case may be.

843 Any contestor who successfully contests any certification
844 will be awarded all expenses incident to his contest, together
845 with reasonable attorney's fees, which will be awarded upon
846 petition to the chancery court of the involved county upon final
847 disposition of the contest before the election commission, board
848 of supervisors, clerk of the board of supervisors, or, in case of
849 an appeal, final disposition by the court. The commissioner
850 against whom the contest is decided shall be liable for the
851 payment of the expenses and attorney's fees, and the county shall
852 be jointly and severally liable for same.

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

855 23-15-173. * * * A general municipal election shall be held
856 in each city, town or village on the first Tuesday after the first
857 Monday of June 1985, and every four (4) years thereafter, for the
858 election of all municipal officers elected by the people.

859 * * *

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

862 23-15-197. (1) Times for holding * * * general elections
863 for congressional offices shall be as prescribed in Sections * * *
864 23-15-1033 and 23-15-1041.

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

868 (3) Times for holding elections for the office of circuit
869 court judge and the office of chancery court judge shall be as
870 prescribed in Sections 23-15-974 through 23-15-985 and Section
871 23-15-1015.

872 (4) Times for holding elections for the office of county
873 election commissioners shall be as prescribed in Section
874 23-15-213.

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

877 23-15-313. If there be any political party, or parties, in
878 any municipality which shall not have a party executive committee
879 for such municipality, such political party, or parties, shall
880 select temporary executive committees to serve until executive
881 committees shall be regularly elected, said selection to be in the
882 following manner, to wit: The chairman of the county executive
883 committee of the party desiring to select a municipal executive
884 committee shall, upon petition of five (5) or more members of that
885 political faith, call a mass meeting of the electors of their
886 political faith, residing in the municipality, to meet at some
887 convenient place within said municipality, at a time to be
888 designated in the call, and at such mass convention the members of
889 that political faith shall select an executive committee which
890 shall serve until the next * * * election. The public shall be
891 given notice of such mass meeting as provided in the next
892 succeeding section.

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

895 23-15-367. (1) Except as otherwise provided by * * *
896 subsection (2) of this section, * * * the size, print and quality
897 of paper of the official ballot is left to the discretion of the
898 officer charged with printing the official ballot * * *.

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

- 901 (a) Candidates for national office;
- 902 (b) Candidates for statewide office;
- 903 (c) Candidates for state district office;
- 904 (d) Candidates for legislative office;

905 (e) Candidates for countywide office;

906 (f) Candidates for county district office.

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

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

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

918 23-15-375. Local issue elections may be held on the same
919 date as any regular or general election. A local issue election
920 held on the same date as the regular or general election shall be
921 conducted in the same manner as the regular or general election
922 using the same poll workers and the same equipment. A local issue
923 may be placed on the regular or general election ballot pursuant
924 to the provisions of Section 10 of House Bill No. _____, 2005
925 Regular Session. The provisions of this section and Section 10 of
926 House Bill No. _____, 2005 Regular Session, with regard to local
927 issue elections shall not be construed to affect any statutory
928 requirements specifying the notice procedure and the necessary
929 percentage of qualified electors voting in such an election which
930 is needed for adoption of the local issue. Whether or not a local
931 issue is adopted or defeated at a local issue election held on the
932 same day as a regular or general election shall be determined in
933 accordance with relevant statutory requirements regarding the
934 necessary percentage of qualified electors who voted in such local
935 issue election, and only those persons voting for or against such
936 issue shall be counted in making that determination. As used in
937 this section "local issue elections" include elections regarding

938 the issuance of bonds, local option elections, elections regarding
939 the levy of additional ad valorem taxes and other similar
940 elections authorized by law that are called to consider issues
941 that affect a single local governmental entity. As used in this
942 section "local issue" means any issue that may be voted on in a
943 local issue election.

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

946 23-15-403. The board of supervisors of any county in the
947 State of Mississippi and the governing authorities of any
948 municipality in the State of Mississippi are hereby authorized and
949 empowered, in their discretion, to purchase or rent any voting
950 machine or machines which shall be so constructed as to fulfill
951 the following requirements: It shall secure to the voter secrecy
952 in the act of voting; it shall provide facilities for voting for
953 all candidates of as many political parties or organizations as
954 may make nominations, and for or against as many questions as
955 submitted; it shall * * * permit the voter to vote for * * * as
956 many persons for an office as he is lawfully entitled to vote for,
957 but not more; it shall prevent the voter from voting for the same
958 person more than once for the same office; it shall permit the
959 voter to vote for or against any question he may have the right to
960 vote on, but no other; * * * it shall correctly register or record
961 and accurately count all votes cast for any and all persons and
962 for or against any and all questions; it shall be provided with a
963 "protective counter" or "protective device" whereby any operation
964 of the machine before or after the election will be detected; it
965 shall be provided with a counter which shall show at all times
966 during an election how many persons have voted; it shall be
967 provided with a mechanical model, illustrating the manner of
968 voting on the machine, suitable for the instruction of voters; it
969 may also be provided with one (1) device for each party, for
970 voting for all the presidential electors of that party by one (1)

971 operation, and a ballot therefor containing only the words
972 "Presidential Electors For" preceded by the name of that party and
973 followed by the names of the candidates thereof for the offices of
974 President and Vice President, and a registering device therefor
975 which shall register the vote cast for said electors when thus
976 voted collectively; provided, however, that means shall be
977 furnished whereby the voter can cast a vote for individual
978 electors when permitted to do so by law.

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

981 23-15-411. The officer who furnishes the official ballots
982 for any polling place where a voting machine is to be used, shall
983 also provide two (2) sample ballots or instruction ballots, which
984 sample or instruction ballots shall be arranged in the form of a
985 diagram showing such portion of the front of the voting machine as
986 it will appear after the official ballots are arranged thereon or
987 therein for voting on election day. The sample ballots shall be
988 open to the inspection of all voters on election day, in all
989 preferential and general or regular elections where voting
990 machines are used.

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

993 23-15-463. The board of supervisors of any county in the
994 State of Mississippi and the governing authorities of any
995 municipality in the State of Mississippi are hereby authorized and
996 empowered, in their discretion, to purchase or rent voting devices
997 and automatic tabulating equipment used in an electronic voting
998 system which meets the requirements of Section 23-15-465, and may
999 use such system in all or a part of the precincts within its
1000 boundaries, or in combination with paper ballots in any
1001 election * * *. It may enlarge, consolidate or alter the
1002 boundaries of precincts where an electronic voting system is used.
1003 The provisions of Sections 23-15-461 through 23-15-485 shall be

1004 controlling with respect to elections where an electronic voting
1005 system is used, and shall be liberally construed so as to carry
1006 out the purpose of this chapter. The provisions of the election
1007 law relating to the conduct of elections with paper ballots,
1008 insofar as they are applicable and not inconsistent with the
1009 efficient conduct of elections with electronic voting systems,
1010 shall apply. Absentee ballots shall be voted as now provided by
1011 law.

1012 **SECTION 33.** Section 23-15-465, Mississippi Code of 1972, is
1013 amended as follows:

1014 23-15-465. No electronic voting system consisting of a
1015 marking or voting device in combination with automatic tabulating
1016 equipment shall be acquired or used in accordance with Sections
1017 23-15-461 through 23-15-485 unless it shall:

1018 (a) Provide for voting in secrecy when used with voting
1019 booths;

1020 (b) Permit each voter to vote at any election for all
1021 persons and offices for whom and for which he is lawfully entitled
1022 to vote; to vote for as many persons for an office as he is
1023 entitled to vote for; to vote for or against any question upon
1024 which he is entitled to vote; and the automatic tabulating
1025 equipment shall reject choices recorded on his ballot card or
1026 paper ballot if the number of choices exceeds the number which he
1027 is entitled to vote for the office or on the measure;

1028 (c) Permit each voter at presidential elections by one
1029 (1) mark or punch to vote for the candidates of that party for
1030 President, Vice President and their presidential electors, or to
1031 vote individually for the electors of his choice when permitted by
1032 law;

1033 (d) Permit each voter * * * to vote for the candidates
1034 of one or more parties and for independent candidates;

1035 * * *

1036 (e) Permit each voter to vote for persons whose names
1037 are not on the printed ballot or ballot labels;

1038 (f) Prevent the voter from voting for the same person
1039 more than once for the same office;

1040 (g) Be suitably designed for the purpose used, of
1041 durable construction, and may be used safely, efficiently and
1042 accurately in the conduct of elections and counting ballots;

1043 (h) Be provided with means for sealing the voting or
1044 marking device against any further voting after the close of the
1045 polls and the last voter has voted;

1046 (i) When properly operated, record correctly and count
1047 accurately every vote cast;

1048 (j) Be provided with a mechanical model for instructing
1049 voters, and be so constructed that a voter may readily learn the
1050 method of operating it;

1051 (k) Be safely transportable, and include a light to
1052 enable voters to read the ballot labels and instructions.

1053 **SECTION 34.** Section 23-15-507, Mississippi Code of 1972, is
1054 amended as follows:

1055 23-15-507. No optical mark reading system shall be acquired
1056 or used in accordance with this chapter unless it shall:

1057 (a) Permit each voter to vote at any election for all
1058 persons and no others for whom and for which they are lawfully
1059 entitled to vote; to vote for as many persons for an office as
1060 they are entitled to vote for; to vote for or against any
1061 questions upon which they are entitled to vote;

1062 (b) The OMR tabulating equipment shall be capable of
1063 rejecting choices recorded on the ballot if the number of choices
1064 exceeds the number which the voter is entitled to vote for the
1065 office or on the measure;

1066 (c) Permit each voter at presidential elections by one
1067 (1) mark to vote for the candidates of that party for President,
1068 Vice President and their presidential electors, or to vote

1069 individually for the electors of their choice when permitted by
1070 law;

1071 (d) Permit each voter * * * to vote for the candidates
1072 of one or more parties and for independent candidates;

1073 * * *

1074 (e) Permit each voter to vote for persons whose names
1075 are not on the printed ballot;

1076 (f) Be suitably designed for the purpose used, of
1077 durable construction, and may be used safely, efficiently and
1078 accurately in the conduct of elections and the counting of
1079 ballots;

1080 (g) Be provided with means for sealing the ballots
1081 after the close of the polls and the last voter has voted;

1082 (h) When properly operated, record correctly and count
1083 accurately all votes cast; and

1084 (i) Provide the voter with a set of instructions that
1085 will be so displayed that a voter may readily learn the method of
1086 voting.

1087 **SECTION 35.** Section 23-15-511, Mississippi Code of 1972, is
1088 amended as follows:

1089 23-15-511. The ballots shall, as far as practicable, be in
1090 the same order of arrangement as provided for paper ballots that
1091 are to be counted manually, except that such information may be
1092 printed in vertical or horizontal rows. Nothing in this chapter
1093 shall be construed as prohibiting the information being presented
1094 to the voters from being printed on both sides of a single ballot.
1095 In those years when a special election shall occur on the same day
1096 as the general election, the names of candidates in any special
1097 election and the general election shall be placed on the same
1098 ballot by the commissioners of elections or officials in charge of
1099 the election, but the general election candidates shall be clearly
1100 distinguished from the special election candidates * * *.

1101 Ballots shall be printed in plain clear type in black ink and
1102 upon clear white materials of such size and arrangement as to be
1103 compatible with the OMR tabulating equipment. Absentee ballots
1104 shall be prepared and printed in the same form and shall be on the
1105 same size and texture as the regular official ballots, except that
1106 they shall be printed on tinted paper; or the ink used to print
1107 the ballots shall be of a color different from that of the ink
1108 used to print the regular official ballots. Arrows may be printed
1109 on the ballot to indicate the place to mark the ballot, which may
1110 be to the right or left of the names of candidates and
1111 propositions. The titles of offices may be arranged in vertical
1112 columns on the ballot and shall be printed above or at the side of
1113 the names of candidates so as to indicate clearly the candidates
1114 for each office and the number to be elected. In case there are
1115 more candidates for an office than can be printed in one (1)
1116 column, the ballot shall be clearly marked that the list of
1117 candidates is continued on the following column. The names of
1118 candidates for each office shall be printed in vertical columns,
1119 grouped by the offices which they seek. * * * The party
1120 designation, if any, of each candidate * * * shall be printed
1121 following his name, as provided for in Section 10 of House Bill
1122 No. _____, 2005 Regular Session.

1123 Two (2) sample ballots, which shall be facsimile ballots of
1124 the official ballot and instructions to the voters, shall be
1125 provided for each precinct and shall be posted in each polling
1126 place on election day.

1127 A separate ballot security envelope or suitable equivalent in
1128 which the voter can place his ballot after voting shall be
1129 provided to conceal the choices the voter has made. Absentee
1130 voters will receive a similar ballot security envelope provided by
1131 the county in which the absentee voter will insert their voted
1132 ballot, which then can be inserted into a return envelope to be
1133 mailed back to the election official. Absentee ballots will not

1134 be required to be folded when a ballot security envelope is
1135 provided.

1136 **SECTION 36.** Section 23-15-559, Mississippi Code of 1972, is
1137 amended as follows:

1138 23-15-559. The provisions of Section * * * 23-15-173 fixing
1139 the time for the holding of * * * general elections shall not
1140 apply to any municipality operating under a special or private
1141 charter where the governing board or authority thereof, on or
1142 before June 25, 1952, shall have adopted and spread upon its
1143 minutes a resolution or ordinance declining to accept such
1144 provisions, in which event * * * general elections shall be held
1145 at the time fixed by the charter of such municipality.

1146 The provisions of Section 23-15-859 shall be applicable to
1147 all municipalities of this state, whether operating under a code
1148 charter, special charter, or the commission form of government,
1149 except in cases of conflicts between the provisions of such
1150 section and the provisions of the special charter of a
1151 municipality, or the law governing the commission form of
1152 government, in which cases of conflict the provisions of the
1153 special charter or the statutes relative to the commission form of
1154 government shall apply.

1155 **SECTION 37.** Section 23-15-561, Mississippi Code of 1972, is
1156 amended as follows:

1157 23-15-561. (1) It shall be unlawful during any * * *
1158 election for any candidate for any elective office or any
1159 representative of such candidate or any other person to publicly
1160 or privately put up or in any way offer any prize, cash award or
1161 other item of value to be raffled, drawn for, played for or
1162 contested for in order to encourage persons to vote or to refrain
1163 from voting in any election.

1164 (2) Any person who shall violate the provisions of
1165 subsection (1) of this section shall, upon conviction thereof, be

1166 punished by a fine in an amount not to exceed Five Thousand
1167 Dollars (\$5,000.00).

1168 (3) Any candidate who shall violate the provisions of
1169 subsection (1) of this section shall, upon conviction thereof, in
1170 addition to the fine prescribed above, be punished by:

1171 (a) Disqualification as a candidate in the race for the
1172 elective office; or

1173 (b) Removal from the elective office, if the offender
1174 has been elected thereto.

1175 **SECTION 38.** Section 23-15-573, Mississippi Code of 1972, is
1176 amended as follows:

1177 23-15-573. (1) If any person declares that he is a
1178 registered voter in the jurisdiction in which he offers to vote
1179 and that he is eligible to vote in the election, but his name does
1180 not appear upon the pollbooks, or that he is not able to cast a
1181 regular election day ballot under a provision of state or federal
1182 law but is otherwise qualified to vote, or that he has been
1183 illegally denied registration:

1184 (a) A poll manager shall notify the person that he may
1185 cast an affidavit ballot at the election.

1186 (b) The person shall be permitted to cast an affidavit
1187 ballot at the polling place upon execution of a written affidavit
1188 before one (1) of the managers of election stating that the
1189 individual:

1190 (i) Believes he is a registered voter in the
1191 jurisdiction in which he desires to vote and is eligible to vote
1192 in the election; or

1193 (ii) Is not able to cast a regular election day
1194 ballot under a provision of state or federal law but is otherwise
1195 qualified to vote; or

1196 (iii) Believes that he has been illegally denied
1197 registration.

1198 (c) The manager shall allow the individual to prepare
1199 his vote which shall be delivered by him to the proper election
1200 official who shall enclose it in an envelope with the written
1201 affidavit of the voter, seal the envelope and mark plainly upon it
1202 the name of the person offering to vote.

1203 (2) The affidavit shall include:

1204 (a) The complete name, all required addresses and
1205 telephone numbers;

1206 (b) A statement that the affiant believes he is
1207 registered to vote in the jurisdiction in which he offers to vote;

1208 (c) The signature of the affiant; and

1209 (d) The signature of a poll manager at the precinct at
1210 which the affiant offers to vote.

1211 (3) (a) A separate register shall be maintained for
1212 affidavit ballots and the affiant shall sign the register upon
1213 completing the affidavit ballot.

1214 (b) In canvassing the returns of the election, * * *
1215 the election commissioners * * * shall examine the records and
1216 allow the ballot to be counted, or not counted as it appears
1217 legal.

1218 (4) When a person is offered the opportunity to vote by
1219 affidavit ballot, he shall be provided with written information
1220 that informs the person how to ascertain whether his affidavit
1221 ballot was counted and, if the vote was not counted, the reasons
1222 the vote was not counted.

1223 (5) The Secretary of State shall, by rule duly adopted,
1224 establish a uniform affidavit and affidavit ballot envelope which
1225 shall be used in all elections in this state. The Secretary of
1226 State shall print and distribute a sufficient number of affidavits
1227 and affidavit ballot envelopes to the registrar of each county for
1228 use in elections. The registrar shall distribute the affidavits
1229 and affidavit ballot envelopes to municipal and county executive

1230 committees for use in primary elections and to municipal and
1231 county election commissioners for use in other elections.

1232 (6) County registrars and municipal registrars shall
1233 implement a secure free access system that complies with the Help
1234 America Vote Act of 2002, by which persons who vote by affidavit
1235 ballot may determine if their ballots were counted, and if not,
1236 the reasons the ballot was not counted.

1237 (7) Any person who votes in any election as a result of a
1238 federal or state court order or other order extending the time
1239 established by law for closing the polls, may only vote by
1240 affidavit ballot. Any affidavit ballot cast under this subsection
1241 shall be separated and kept apart from other affidavit ballots
1242 cast by voters not affected by the order.

1243 **SECTION 39.** Section 23-15-593, Mississippi Code of 1972, is
1244 amended as follows:

1245 23-15-593. When the ballot box is opened and examined by
1246 the * * * county election commissioners * * * and it is found that
1247 there have been failures in material particulars to comply with
1248 the requirements of Section 23-15-591 and Section 23-15-895 to
1249 such an extent that it is impossible to arrive at the will of the
1250 voters at such precinct, the entire box may be thrown out unless
1251 it be made to appear with reasonable certainty that the
1252 irregularities were not deliberately permitted or engaged in by
1253 the managers at that box, or by one (1) of them responsible for
1254 the wrong or wrongs, for the purpose of electing or defeating a
1255 certain candidate or candidates by manipulating the election or
1256 the returns thereof at that box in such manner as to have it
1257 thrown out; in which latter case * * * the county election
1258 commission * * * shall conduct a hearing and make a determination
1259 in respect to said box as may appear lawfully just, subject to a
1260 judicial review of the matter as elsewhere provided by this
1261 chapter. Or the * * * election commission, or the court upon

1262 review, may order another election to be held at that box
1263 appointing new managers to hold the same.

1264 **SECTION 40.** Section 23-15-595, Mississippi Code of 1972, is
1265 amended as follows:

1266 23-15-595. The box containing the ballots and other records
1267 required by this chapter shall, as soon as practical after the
1268 ballots have been counted, be delivered by one (1) of the precinct
1269 managers to the clerk of the circuit court of the county and said
1270 clerk shall, in the presence of the manager making delivery of the
1271 box, place upon the lock of such box a metal seal similar to the
1272 seal commonly used in sealing the doors of railroad freight cars.
1273 Such seals shall be numbered consecutively to the number of ballot
1274 boxes used in the election in the county, and the clerk shall keep
1275 in a place separate from such boxes a record of the number of the
1276 seal of each separate box in the county. The board of supervisors
1277 of the county shall pay the cost of providing such seals. Upon
1278 demand of a county election commissioner the boxes and their
1279 contents shall be delivered to the county election commission, and
1280 after such commission has finished the work of tabulating returns
1281 and counting ballots as required by law the said commission shall
1282 return all papers and ballots to the box of the precinct where the
1283 election was held, and it shall make redelivery of such boxes and
1284 their contents to the circuit clerk who shall reseal said boxes.
1285 Upon every occasion said boxes shall be reopened and each
1286 resealing shall be done as provided in this chapter.

1287 **SECTION 41.** Section 23-15-601, Mississippi Code of 1972, is
1288 amended as follows:

1289 23-15-601. (1) When the result of the election shall have
1290 been ascertained by the managers they, or one (1) of their number,
1291 or some fit person designated by them, shall, by noon of the * * *
1292 day following the election, deliver to the commissioners of
1293 election, at the courthouse, a statement of the whole number of
1294 votes given for each person and for what office; and the

1295 commissioners of election shall, on the first or second day after
1296 the preferential election and after the general election, canvass
1297 the returns, ascertain and declare the result, and announce the
1298 names of the candidates who have received a majority of the votes
1299 cast for representative in the Legislature of districts composed
1300 of one (1) county or less, or other county office, board of
1301 supervisors, justice court judge and constable, and shall also
1302 announce the names of those candidates for the above mentioned
1303 offices that are to be submitted to the general election.

1304 The vote for state and state district offices shall be
1305 tabulated by precincts and certified to and returned to the state
1306 election commissioners, such returns to be mailed by registered
1307 letter or any safe mode of transportation within thirty-six (36)
1308 hours after the returns are canvassed and the results ascertained.
1309 The state election commissioners shall meet a week from the day
1310 following the preferential election held for state and district
1311 offices, and shall proceed to canvass the returns and to declare
1312 the results and announce the names of the candidates for the
1313 different offices who have received a majority of the votes cast
1314 and the names of those candidates whose names are to be submitted
1315 to the general election. The state election commissioners shall
1316 also meet a week from the day on which the general election is
1317 held and receive and canvass the returns for state and district
1318 offices voted on in such general election. An exact and full
1319 duplicate of all tabulations by precincts, as certified under this
1320 section, shall be filed with the circuit clerk of the county who
1321 shall safely preserve the same in his office.

1322 **SECTION 42.** Section 23-15-605, Mississippi Code of 1972, is
1323 amended as follows:

1324 23-15-605. The Secretary of State, immediately after
1325 receiving the returns of a general election, not longer than
1326 thirty (30) days after the election, shall sum up the whole number
1327 of votes given for each candidate other than candidates for state

1328 offices, legislative offices composed of one (1) county or less,
1329 county offices and county district offices, according to the
1330 statements of the votes certified to him and ascertain the person
1331 or persons having the largest number of votes for each office, and
1332 declare such person or persons to be duly elected; and thereupon
1333 all persons chosen to any office at the election shall be
1334 commissioned by the Governor; but if it appears that two (2) or
1335 more candidates for any district office where the district is
1336 composed of two (2) or more counties, standing highest on the
1337 list, and not elected, have an equal number of votes, the election
1338 shall be forthwith decided between the candidates having an equal
1339 number of votes by lot, fairly and publicly drawn, under the
1340 direction of the Governor and Secretary of State.

1341 **SECTION 43.** Section 23-15-673, Mississippi Code of 1972, is
1342 amended as follows:

1343 23-15-673. (1) For the purposes of this subarticle, the
1344 term "absent voter" shall mean and include the following:

1345 (a) Any enlisted or commissioned members, male or
1346 female, of the United States Army, or any of its respective
1347 components or various divisions thereof; any enlisted or
1348 commissioned members, male or female, of the United States Navy,
1349 or any of its respective components or various divisions thereof;
1350 any enlisted or commissioned members, male or female, of the
1351 United States Air Force, or any of its respective components or
1352 various divisions thereof; any enlisted or commissioned members,
1353 male or female, of the United States Marines, or any of its
1354 respective components or various divisions thereof; or any persons
1355 in any division of the armed services of the United States, who
1356 are citizens of Mississippi;

1357 (b) Any member of the Merchant Marine and the American
1358 Red Cross who is a citizen of Mississippi;

1359 (c) Any disabled war veteran who is a patient in any
1360 hospital and who is a citizen of Mississippi;

1361 (d) Any civilian attached to and serving outside of the
1362 United States with any branch of the Armed Forces or with the
1363 Merchant Marine or American Red Cross, and who is a citizen of
1364 Mississippi;

1365 (e) Any citizen of Mississippi temporarily residing
1366 outside the territorial limits of the United States and the
1367 District of Columbia;

1368 (f) Any citizen of Mississippi enrolled as a student at
1369 a United States Military Academy.

1370 (2) The spouse and dependents of any absent voter as set out
1371 in paragraphs (a), (b), (c) and (d) of subsection (1) of this
1372 section shall also be included in the meaning of absent voter and
1373 may vote an absentee ballot as provided in this subarticle if also
1374 absent from the county of their residence on the date of the
1375 election and otherwise qualified to vote in Mississippi.

1376 (3) For the purpose of this subarticle, the term "election"
1377 shall mean and include the following sets of elections: special
1378 and runoff special elections, preferential and general
1379 elections, * * * or general elections without preferential
1380 elections, whichever * * * is applicable.

1381 **SECTION 44.** Section 23-15-713, Mississippi Code of 1972, is
1382 amended as follows:

1383 23-15-713. For the purpose of this subarticle, any duly
1384 qualified elector may vote as provided in this subarticle if
1385 he * * * falls within the following categories:

1386 (a) Any qualified elector who is a bona fide student,
1387 teacher or administrator at any college, university, junior
1388 college, high, junior high, or elementary grade school whose
1389 studies or employment at such institution necessitates his absence
1390 from the county of his voting residence on the date of any * * *
1391 election, or the spouse and dependents of said student, teacher or
1392 administrator if such spouse or dependent(s) maintain a common

1393 domicile, outside of the county of his voting residence, with such
1394 student, teacher or administrator.

1395 (b) Any qualified elector who is required to be away
1396 from his place of residence on any election day due to his
1397 employment as an employee of a member of the Mississippi
1398 congressional delegation and the spouse and dependents of such
1399 person if he or she shall be residing with such absentee voter
1400 away from the county of the spouse's voting residence.

1401 (c) Any qualified elector who is away from his county
1402 of residence on election day for any reason.

1403 (d) Any person who has a temporary or permanent
1404 physical disability and who, because of such disability, is unable
1405 to vote in person without substantial hardship to himself or
1406 others, or whose attendance at the voting place could reasonably
1407 cause danger to himself or others.

1408 (e) The parent, spouse or dependent of a person with a
1409 temporary or permanent physical disability who is hospitalized
1410 outside of his county of residence or more than fifty (50) miles
1411 distant from his residence, if the parent, spouse or dependent
1412 will be with such person on election day.

1413 (f) Any person who is sixty-five (65) years of age or
1414 older.

1415 (g) Any member of the Mississippi congressional
1416 delegation absent from Mississippi on election day, and the spouse
1417 and dependents of such member of the congressional delegation.

1418 (h) Any qualified elector who will be unable to vote in
1419 person because he is required to be at work on election day during
1420 the times at which the polls will be open.

1421 **SECTION 45.** Section 23-15-755, Mississippi Code of 1972, is
1422 amended as follows:

1423 23-15-755. All of the provisions of Sections 23-15-621
1424 through 23-15-735 shall be applicable, insofar as possible, to
1425 municipal, * * * preferential, general and special elections, and

1426 wherever herein any duty is imposed or any power or authority is
1427 conferred upon the county registrar or county election
1428 commissioners, * * * with reference to a state and county
1429 election, such duty shall likewise be imposed and such power and
1430 authority shall likewise be conferred upon the municipal registrar
1431 or municipal election commission * * * with reference to any
1432 municipal election. * * *

1433 **SECTION 46.** Section 23-15-771, Mississippi Code of 1972, is
1434 amended as follows:

1435 23-15-771. At the state convention, a slate of electors
1436 composed of the number of electors allotted to this state, which
1437 said electors announce a clearly expressed design and purpose to
1438 support the candidates for President and Vice President of the
1439 national political party with which the said party of this state
1440 has had an affiliation and identity of purpose heretofore, shall
1441 be designated and selected for a place upon the * * * election
1442 ballot to be held as herein provided.

1443 **SECTION 47.** Section 23-15-801, Mississippi Code of 1972, is
1444 amended as follows:

1445 23-15-801. (a) "Election" shall mean a preferential,
1446 general or special * * * election.

1447 (b) "Candidate" shall mean an individual who seeks * * *
1448 election, or election, to any elective office other than a federal
1449 elective office. For purposes of this article, an individual
1450 shall be deemed to seek * * * election:

1451 (i) If such individual has received contributions
1452 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
1453 expenditures aggregating in excess of Two Hundred Dollars
1454 (\$200.00) or for a candidate for the Legislature or any statewide
1455 or state district office, by the qualifying deadlines specified in
1456 Sections 23-15-299 and 23-15-977, whichever occurs first; or

1457 (ii) If such individual has given his or her consent to
1458 another person to receive contributions or make expenditures on

1459 behalf of such individual and if such person has received such
1460 contributions aggregating in excess of Two Hundred Dollars
1461 (\$200.00) during a calendar year, or has made such expenditures
1462 aggregating in excess of Two Hundred Dollars (\$200.00) during a
1463 calendar year.

1464 (c) "Political committee" shall mean any committee, party,
1465 club, association, political action committee, campaign committee
1466 or other groups of persons or affiliated organizations which
1467 receives contributions aggregating in excess of Two Hundred
1468 Dollars (\$200.00) during a calendar year or which makes
1469 expenditures aggregating in excess of Two Hundred Dollars
1470 (\$200.00) during a calendar year for the purpose of influencing or
1471 attempting to influence the action of voters for or against
1472 the * * * election of one or more candidates, or balloted measures
1473 and shall, in addition, include each political party registered
1474 with the Secretary of State.

1475 (d) "Affiliated organization" shall mean any organization
1476 which is not a political committee, but which directly or
1477 indirectly establishes, administers or financially supports a
1478 political committee.

1479 (e) (i) "Contribution" shall include any gift,
1480 subscription, loan, advance or deposit of money or anything of
1481 value made by any person or political committee for the purpose of
1482 influencing any election for elective office or balloted measure;

1483 (ii) "Contribution" shall not include the value of
1484 services provided without compensation by any individual who
1485 volunteers on behalf of a candidate or political committee; or the
1486 cost of any food or beverage for use in any candidate's campaign
1487 or for use by or on behalf of any political committee of a
1488 political party;

1489 (iii) "Contribution to a political party" includes any
1490 gift, subscription, loan, advance or deposit of money or anything
1491 of value made by any person, political committee, or other

1492 organization to a political party and to any committee,
1493 subcommittee, campaign committee, political committee and other
1494 groups of persons and affiliated organizations of the political
1495 party;

1496 (iv) "Contribution to a political party" shall not
1497 include the value of services provided without compensation by any
1498 individual who volunteers on behalf of a political party or a
1499 candidate of a political party.

1500 (f) (i) "Expenditure" shall include any purchase, payment,
1501 distribution, loan, advance, deposit, gift of money or anything of
1502 value, made by any person or political committee for the purpose
1503 of influencing any balloted measure or election for elective
1504 office; and a written contract, promise, or agreement to make an
1505 expenditure;

1506 (ii) "Expenditure" shall not include any news story,
1507 commentary or editorial distributed through the facilities of any
1508 broadcasting station, newspaper, magazine, or other periodical
1509 publication, unless such facilities are owned or controlled by any
1510 political party, political committee, or candidate; or nonpartisan
1511 activity designed to encourage individuals to vote or to register
1512 to vote;

1513 (iii) "Expenditure by a political party" includes 1.
1514 any purchase, payment, distribution, loan, advance, deposit, gift
1515 of money or anything of value, made by any political party and by
1516 any contractor, subcontractor, agent, and consultant to the
1517 political party; and 2. a written contract, promise, or agreement
1518 to make such an expenditure.

1519 (g) The term "identification" shall mean:

1520 (i) In the case of any individual, the name, the
1521 mailing address, and the occupation of such individual, as well as
1522 the name of his or her employer; and

1523 (ii) In the case of any other person, the full name and
1524 address of such person.

1525 (h) The term "political party" shall mean an association,
1526 committee or organization which nominates a candidate for election
1527 to any elective office whose name appears on the election ballot
1528 as the candidate of such association, committee or organization.

1529 (i) The term "person" shall mean any individual, family,
1530 firm, corporation, partnership, association or other legal entity.

1531 (j) The term "independent expenditure" shall mean an
1532 expenditure by a person expressly advocating the election or
1533 defeat of a clearly identified candidate which is made without
1534 cooperation or consultation with any candidate or any authorized
1535 committee or agent of such candidate, and which is not made in
1536 concert with or at the request or suggestion of any candidate or
1537 any authorized committee or agent of such candidate.

1538 (k) The term "clearly identified" shall mean that:

1539 (i) The name of the candidate involved appears; or

1540 (ii) A photograph or drawing of the candidate appears;

1541 or

1542 (iii) The identity of the candidate is apparent by
1543 unambiguous reference.

1544 **SECTION 48.** Section 23-15-807, Mississippi Code of 1972, is
1545 amended as follows:

1546 23-15-807. (a) Each candidate or political committee shall
1547 file reports of contributions and disbursements in accordance with
1548 the provisions of this section. All candidates or political
1549 committees required to report may terminate its obligation to
1550 report only upon submitting a final report that it will no longer
1551 receive any contributions or make any disbursement and that such
1552 candidate or committee has no outstanding debts or obligations.
1553 The candidate, treasurer or chief executive officer shall sign
1554 each such report.

1555 (b) Candidates who are seeking election * * * and political
1556 committees that make expenditures for the purpose of influencing
1557 or attempting to influence the action of voters for or against

1558 the * * * election of one or more candidates or balloted measures
1559 at such election, shall file the following reports:

1560 (i) In any calendar year during which there is a
1561 regularly scheduled election, a preelection report, which shall be
1562 filed no later than the seventh day before any election in which
1563 such candidate or political committee has accepted contributions
1564 or made expenditures and which shall be complete as of the tenth
1565 day before such election;

1566 (ii) In 1987 and every fourth year thereafter, periodic
1567 reports, which shall be filed no later than the tenth day after
1568 April 30, May 31, June 30, September 30 and December 31, and which
1569 shall be complete as of the last day of each period; and

1570 (iii) In any calendar years except 1987 and except
1571 every fourth year thereafter, a report covering the calendar year
1572 which shall be filed no later than January 31 of the following
1573 calendar year.

1574 (c) All candidates for judicial office as defined in Section
1575 23-15-975, or their political committees, shall file in the year
1576 in which they are to be elected, periodic reports which shall be
1577 filed no later than the tenth day after April 30, May 31, June 30,
1578 September 30 and December 31.

1579 (d) Contents of reports. Each report under this article
1580 shall disclose:

1581 (i) For the reporting period and the calendar year, the
1582 total amount of all contributions and the total amount of all
1583 expenditures of the candidate or reporting committee which shall
1584 include those required to be identified pursuant to item (ii) of
1585 this paragraph as well as the total of all other contributions and
1586 expenditures during the calendar year. Such reports shall be
1587 cumulative during the calendar year to which they relate;

1588 (ii) The identification of:

1589 1. Each person or political committee who makes a
1590 contribution to the reporting candidate or political committee

1591 during the reporting period, whose contribution or contributions
1592 within the calendar year have an aggregate amount or value in
1593 excess of Two Hundred Dollars (\$200.00) when made to a political
1594 committee or to a candidate for an office other than statewide
1595 office or office elected by Supreme Court district, or in excess
1596 of Five Hundred Dollars (\$500.00) when made to a candidate for
1597 statewide office or office elected by Supreme Court district,
1598 together with the date and amount of any such contribution;

1599 2. Each person or organization, candidate or
1600 political committee who receives an expenditure, payment or other
1601 transfer from the reporting candidate, political committee or its
1602 agent, employee, designee, contractor, consultant or other person
1603 or persons acting in its behalf during the reporting period when
1604 the expenditure, payment or other transfer to such person,
1605 organization, candidate or political committee within the calendar
1606 year have an aggregate value or amount in excess of Two Hundred
1607 Dollars (\$200.00) when received from a political committee or
1608 candidate for an office other than statewide office or office
1609 elected by Supreme Court district, or in excess of Five Hundred
1610 Dollars (\$500.00) when received from a candidate for statewide
1611 office or office elected by the Supreme Court district, together
1612 with the date and amount of such expenditure;

1613 (iii) The total amount of cash on hand of each
1614 reporting candidate and reporting political committee;

1615 (iv) In addition to the contents of reports specified
1616 in items (i), (ii) and (iii) of this paragraph, each political
1617 party shall disclose:

1618 1. Each person or political committee who makes a
1619 contribution to a political party during the reporting period and
1620 whose contribution or contributions to a political party within
1621 the calendar year have an aggregate amount or value in excess of
1622 Two Hundred Dollars (\$200.00), together with the date and amount
1623 of the contribution;

1624 2. Each person or organization who receives an
1625 expenditure by a political party or expenditures by a political
1626 party during the reporting period when the expenditure or
1627 expenditures to the person or organization within the calendar
1628 year have an aggregate value or amount in excess of Two Hundred
1629 Dollars (\$200.00), together with the date and amount of the
1630 expenditure.

1631 (e) The appropriate office specified in Section 23-15-805
1632 must be in actual receipt of the reports specified in this article
1633 by 5:00 p.m. on the dates specified in paragraph (b) of this
1634 section. If the date specified in paragraph (b) of this section
1635 shall fall on a weekend or legal holiday then the report shall be
1636 due in the appropriate office at 5:00 p.m. on the first working
1637 day before the date specified in paragraph (b) of this section.
1638 The reporting candidate or reporting political committee shall
1639 ensure that the reports are delivered to the appropriate office by
1640 the filing deadline. The Secretary of State may approve specific
1641 means of electronic transmission of completed campaign finance
1642 disclosure reports, which may include, but not be limited to,
1643 transmission by electronic facsimile (FAX) devices.

1644 (f) (i) If any contribution of more than Two Hundred
1645 Dollars (\$200.00) is received by a candidate or candidate's
1646 political committee after the tenth day, but more than forty-eight
1647 (48) hours before 12:01 a.m. of the day of the election, the
1648 candidate or political committee shall notify the appropriate
1649 office designated in Section 23-15-805, within forty-eight (48)
1650 hours of receipt of the contribution. The notification shall
1651 include:

- 1652 1. The name of the receiving candidate;
- 1653 2. The name of the receiving candidate's political
1654 committee, if any;
- 1655 3. The office sought by the candidate;
- 1656 4. The identification of the contributor;

- 1657 5. The date of receipt;
- 1658 6. The amount of the contribution;
- 1659 7. If the contribution is in-kind, a description
- 1660 of the in-kind contribution; and
- 1661 8. The signature of the candidate or the treasurer
- 1662 or director of the candidate's political committee.

1663 (ii) The notification shall be in writing, and may be

1664 transmitted by overnight mail, courier service, or other reliable

1665 means, including electronic facsimile (FAX), but the candidate or

1666 candidate's committee shall ensure that the notification shall in

1667 fact be received in the appropriate office designated in Section

1668 23-15-805 within forty-eight (48) hours of the contribution.

1669 **SECTION 49.** Section 23-15-811, Mississippi Code of 1972, is

1670 amended as follows:

1671 23-15-811. (a) Any candidate or any other person who shall

1672 wilfully and deliberately and substantially violate the provisions

1673 and prohibitions of this article shall be guilty of a misdemeanor

1674 and upon conviction thereof shall be punished by a fine in a sum

1675 not to exceed Three Thousand Dollars (\$3,000.00) or imprisoned for

1676 not longer than six (6) months or by both fine and imprisonment.

1677 (b) In addition to the penalties provided in paragraph (a)

1678 of this section, any candidate or political committee which is

1679 required to file a statement or report which fails to file such

1680 statement or report on the date in which it is due may be

1681 compelled to file such statement or report by an action in the

1682 nature of a mandamus.

1683 (c) No candidate shall be certified * * * as elected to

1684 office unless and until he files all reports required by this

1685 article due as of the date of certification.

1686 (d) No candidate who is elected to office shall receive any

1687 salary or other remuneration for the office unless and until he

1688 files all reports required by this article due as of the date such

1689 salary or remuneration is payable.

1690 (e) In the event that a candidate fails to timely file any
1691 report required pursuant to this article but subsequently files a
1692 report or reports containing all of the information required to be
1693 reported by him as of the date on which the sanctions of
1694 paragraphs (c) and (d) of this section would be applied to him,
1695 such candidate shall not be subject to the sanctions of said
1696 paragraphs (c) and (d).

1697 **SECTION 50.** Section 23-15-833, Mississippi Code of 1972, is
1698 amended as follows:

1699 23-15-833. Except as otherwise provided by law, the first
1700 Tuesday after the first Monday in November of each year shall be
1701 designated the regular special election day, and on that day an
1702 election shall be held to fill any vacancy in county, county
1703 district, and district attorney elective offices.

1704 All special elections, or elections to fill vacancies, shall
1705 in all respects be held, conducted and returned in the same manner
1706 as general elections, except that where no candidate receives a
1707 majority of the votes cast in such election, then a runoff
1708 election shall be held two (2) weeks after such election and the
1709 two (2) candidates who receive the highest popular votes for such
1710 office shall have their names submitted as the candidates to the
1711 said runoff and the candidate who leads in the runoff election
1712 shall be elected to the office. When there is a tie in the first
1713 election of those receiving next highest vote, these two (2) and
1714 the one receiving the highest vote, none having received a
1715 majority, shall go into the runoff election and whoever leads in
1716 such runoff election shall be entitled to the office.

1717 In those years when the regular special election day shall
1718 occur on the same day as the general election, the names of
1719 candidates in any special election and the general election shall
1720 be placed on the same ballot, but shall be clearly distinguished
1721 as general election candidates or special election candidates.

1722 * * *

1723 **SECTION 51.** Section 23-15-859, Mississippi Code of 1972, is
1724 amended as follows:

1725 23-15-859. Whenever under any statute a special election is
1726 required or authorized to be held in any municipality, and the
1727 statute authorizing or requiring such election does not specify
1728 the time within which such election shall be called, or the notice
1729 which shall be given thereof, the governing authorities of the
1730 municipality shall, by resolution, fix a date upon which such
1731 election shall be held. Such date shall not be less than
1732 twenty-one (21) nor more than thirty (30) days after the date upon
1733 which such resolution is adopted, and not less than three (3)
1734 weeks' notice of such election shall be given by the clerk by a
1735 notice published in a newspaper published in the municipality once
1736 each week for three (3) weeks next preceding the date of such
1737 election, and by posting a copy of such notice at three (3) public
1738 places in such municipality. Nothing herein, however, shall be
1739 applicable to elections on the question of the issuance of the
1740 bonds of a municipality or to preferential or general * * *
1741 elections for the election of municipal officers.

1742 **SECTION 52.** Section 23-15-873, Mississippi Code of 1972, is
1743 amended as follows:

1744 23-15-873. No person, whether an officer or not, shall, in
1745 order to promote his own candidacy, or that of any other person,
1746 to be a candidate for public office in this state, directly or
1747 indirectly, himself or through another person, promise to appoint,
1748 or promise to secure or assist in securing the appointment * * *
1749 or election of another person to any public position or
1750 employment, or to secure or assist in securing any public contract
1751 or the employment of any person under any public contractor, or to
1752 secure or assist in securing the expenditure of any public funds
1753 in the personal behalf of any particular person or group of
1754 persons, except that the candidate may publicly announce what is
1755 his choice or purpose in relation to an election in which he may

1756 be called on to take part if elected. It shall be unlawful for
1757 any person to directly or indirectly solicit or receive any
1758 promise by this section prohibited. But this does not apply to a
1759 sheriff, chancery clerk, circuit clerk, or any other person, of
1760 the state or county when it comes to their office force.

1761 **SECTION 53.** Section 23-15-881, Mississippi Code of 1972, is
1762 amended as follows:

1763 23-15-881. It shall be unlawful for the Mississippi
1764 Transportation Commission or any member of the Mississippi
1765 Transportation Commission, or the board of supervisors of any
1766 county or any member of the board of supervisors of such county,
1767 to employ, during the months of * * * August, September, October
1768 and November of any year in which a general * * * election is held
1769 for the * * * election of members of the Mississippi
1770 Transportation Commission and members of the boards of
1771 supervisors, a greater number of persons to work and maintain the
1772 state highways in any highway district, or the public roads in any
1773 supervisors district of the county, as the case may be, than the
1774 average number of persons employed for similar purposes in such
1775 highway district or supervisors district, as the case may be,
1776 during the months of * * * August, September, October and November
1777 of the three (3) years immediately preceding the year in which
1778 such general * * * election is held. It shall be unlawful for the
1779 Mississippi Transportation Commission, or the board of supervisors
1780 of any county, to expend out of the state highway funds, or the
1781 road funds of the county or any supervisors district thereof, as
1782 the case may be, in the payment of wages or other compensation for
1783 labor performed in working and maintaining the highways of any
1784 highway district, or the public roads of any supervisors district
1785 of the county, as the case may be, during the months of * * *
1786 August, September, October and November of such election year, a
1787 total amount in excess of the average total amount expended for
1788 such labor, in such highway district or supervisors district, as

1789 the case may be, during the corresponding four-month period of the
1790 three (3) years immediately preceding.

1791 It shall be the duty of the Mississippi Transportation
1792 Commission and the board of supervisors of each county,
1793 respectively, to keep sufficient records of the numbers of
1794 employees and expenditures made for labor on the state highways of
1795 each highway district, and the public roads of each supervisors
1796 district, for the months of * * * August, September, October and
1797 November of each year to show the number of persons employed for
1798 such work in each highway district and each supervisors district,
1799 as the case may be, during said four-month period, and the total
1800 amount expended in the payment of salaries and other compensation
1801 to such employees, so that it may be ascertained, from an
1802 examination of such records, whether or not the provisions of this
1803 chapter have been violated.

1804 It is provided, however, because of the abnormal conditions
1805 existing in certain counties of the state due to recent floods in
1806 which roads and bridges have been materially damaged or washed
1807 away and destroyed, if the board of supervisors in any county
1808 passes a resolution as provided in Section 19-9-11, Mississippi
1809 Code of 1972, for the emergency issuance of road and bridge bonds,
1810 the provisions of this section shall not be applicable to or in
1811 force concerning the board of supervisors during the calendar year
1812 1955.

1813 **SECTION 54.** Section 23-15-885, Mississippi Code of 1972, is
1814 amended as follows:

1815 23-15-885. The restrictions imposed in Sections 23-15-881
1816 and 23-15-883 shall likewise apply to the mayor and board of
1817 aldermen, or other governing authority, of each municipality, in
1818 the employment of labor for working and maintaining the streets of
1819 the municipality during the four-month period next preceding the
1820 date of holding the general * * * election in such municipality
1821 for the election of municipal officers.

1822 **SECTION 55.** Section 23-15-891, Mississippi Code of 1972, is
1823 amended as follows:

1824 23-15-891. No common carrier, telegraph company or telephone
1825 company shall give to any candidate, or to any member of any
1826 political committee, or to any person to be used to aid or promote
1827 the success or defeat of any candidate for election for any public
1828 office, free transportation or telegraph or telephone service, as
1829 the case may be, or any reduction thereof that is not made alike
1830 to all other persons. All persons required by the provisions of
1831 this chapter to make and file statements shall make oath that they
1832 have not received or made use of, directly or indirectly, in
1833 connection with any candidacy for election to any public office,
1834 free transportation or telegraph or telephone service.

1835 **SECTION 56.** Section 23-15-899, Mississippi Code of 1972, is
1836 amended as follows:

1837 23-15-899. Every placard, bill, poster, pamphlet or other
1838 printed matter having reference to any election, or to any
1839 candidate, that has not been submitted to, and approved and
1840 subscribed by a candidate or his campaign manager or assistant
1841 manager pursuant to the provisions of Section 23-15-897, shall
1842 bear upon the face thereof the name and the address of the author
1843 and of the printer and publisher thereof, and failure to so
1844 provide shall be a misdemeanor, and it shall be a misdemeanor for
1845 any person to mutilate, or remove, previously to the date of the
1846 election, any placard, poster or picture which has been lawfully
1847 placed or posted.

1848 **SECTION 57.** Section 23-15-911, Mississippi Code of 1972, is
1849 amended as follows:

1850 23-15-911. (1) When the returns for a box and the contents
1851 of the ballot box and the conduct of the election thereat have
1852 been canvassed and reviewed by the county election
1853 commission * * *, all the contents of the box required to be
1854 placed and sealed in the ballot box by the managers shall be

1855 replaced therein by the election commission * * *, and the box
1856 shall be forthwith resealed and delivered to the circuit clerk,
1857 who shall safely keep and secure the same against any tampering
1858 therewith. At any time within twelve (12) days after the canvass
1859 and examination of the box and its contents by the election
1860 commission * * *, any candidate or his representative authorized
1861 in writing by him shall have the right of full examination of said
1862 box and its contents upon three (3) days' notice of his
1863 application therefor served upon the opposing candidate or
1864 candidates, or upon any member of their family over the age of
1865 eighteen (18) years, which examination shall be conducted in the
1866 presence of the circuit clerk or his deputy who shall be charged
1867 with the duty to see that none of the contents of the box are
1868 removed from the presence of the clerk or in any way tampered
1869 with. Upon the completion of said examination the box shall be
1870 resealed with all its contents as theretofore. And if any contest
1871 or complaint before the court shall arise over the box, it shall
1872 be kept intact and sealed until the court hearing and another
1873 ballot box, if necessary, shall be furnished for the precinct
1874 involved.

1875 (2) The provisions of this section allowing the examination
1876 of ballot boxes shall apply in the case of an election contest
1877 regarding the seat of a member of the state Legislature. In such
1878 a case, the results of the examination shall be reported by the
1879 applicable circuit clerk to the Clerk of the House of
1880 Representatives or the Secretary of the Senate, as the case may
1881 be.

1882 **SECTION 58.** Section 23-15-973, Mississippi Code of 1972, is
1883 amended as follows:

1884 23-15-973. It shall be the duty of the judges of the circuit
1885 court to give a reasonable time and opportunity to the candidates
1886 for the office of judge of the Supreme Court, judges of the Court
1887 of Appeals, circuit judge and chancellor to address the people

1888 during court terms. In order to give further and every possible
1889 emphasis to the fact that the said judicial offices are not
1890 political but are to be held without favor and with absolute
1891 impartiality as to all persons, and because of the jurisdiction
1892 conferred upon the courts by this chapter, the judges thereof
1893 should be as far removed as possible from any political
1894 affiliations or obligations. It shall be unlawful for any
1895 candidate for any of the offices mentioned in this section to
1896 align himself with any candidate or candidates for any other
1897 office or with any political faction or any political party at any
1898 time during any * * * election campaign. Likewise, it shall be
1899 unlawful for any candidate for any other office * * * wherein any
1900 candidate for any of the judicial offices in this section
1901 mentioned, is or are to be elected, to align himself with any one
1902 or more of the candidates for said offices or to take any part
1903 whatever in any election for any one or more of said judicial
1904 offices, except to cast his individual vote. If any candidate for
1905 any office, whether elected with or without opposition, at any
1906 election wherein a candidate for any one (1) of the judicial
1907 offices in this section is to be elected, shall deliberately,
1908 knowingly and willfully violate the provisions of this
1909 section * * *, his election shall be void.

1910 **SECTION 59.** Section 23-15-1065, Mississippi Code of 1972, is
1911 amended as follows:

1912 23-15-1065. No person shall claim, or represent himself in
1913 any manner to be a member of any state, district or county
1914 executive committee of any political party in this state, or claim
1915 to be the national committeeman or national committeewoman or any
1916 other officer or representative of such political party without
1917 having been lawfully elected or chosen as such in the manner
1918 provided by the laws of this state, or by such political party in
1919 the manner provided by the laws of this state * * *.

1920 Any person who violates the provisions of this section, in
1921 addition to other measures or penalties provided by law, may be
1922 enjoined therefrom upon application to the courts by any person or
1923 persons, or any political party, official or representative of
1924 such political party aggrieved thereby.

1925 **SECTION 60.** Section 23-15-1085, Mississippi Code of 1972, is
1926 amended as follows:

1927 23-15-1085. The chairman of a party's state executive
1928 committee shall notify the Secretary of State if the party intends
1929 to hold a presidential preference primary. The Secretary of State
1930 shall be notified prior to December 1 of the year preceding the
1931 year in which a presidential preference primary may be held
1932 pursuant to Section 23-15-1081. * * *

1933 **SECTION 61.** Section 23-15-1087, Mississippi Code of 1972, is
1934 amended as follows:

1935 23-15-1087. Except as otherwise provided in this chapter,
1936 the laws regulating * * * elections shall in so far as practical
1937 apply to and govern presidential preference primary elections.

1938 **SECTION 62.** Section 23-15-127, Mississippi Code of 1972,
1939 which provides for the preparation, use and revision of primary
1940 election pollbooks, is repealed.

1941 **SECTION 63.** Section 23-15-171, Mississippi Code of 1972,
1942 which provides for the dates of municipal primary elections, is
1943 repealed.

1944 **SECTION 64.** Section 23-15-191, Mississippi Code of 1972,
1945 which provides for the date of state, district and county primary
1946 elections, is repealed.

1947 **SECTION 65.** Sections 23-15-263, 23-15-265, 23-15-267,
1948 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,
1949 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,
1950 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of
1951 1972, which provide for the duties of the state executive
1952 committee and county executive committees in primary elections,

1953 provide for the qualification of candidates for party primary
1954 elections, and provide for the conduct of party primary elections,
1955 are repealed.

1956 **SECTION 66.** Sections 23-15-359, 23-15-361 and 23-15-363,
1957 Mississippi Code of 1972, which provide for the contents of
1958 general election ballots, are repealed.

1959 **SECTION 67.** Sections 23-15-597 and 23-15-599, Mississippi
1960 Code of 1972, which provide for the canvass of returns and
1961 announcement of vote by the county executive committees in primary
1962 elections, and require the state executive committee to transmit
1963 to the Secretary of State a tabulated statement of the party vote
1964 for certain offices, are repealed.

1965 **SECTION 68.** Section 23-15-841, Mississippi Code of 1972,
1966 which provides for primary elections for nominations of candidates
1967 to fill vacancies in county and county district offices, is
1968 repealed.

1969 **SECTION 69.** Sections 23-15-921, 23-15-923, 23-15-925,
1970 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
1971 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
1972 procedures for contests of primary elections, are repealed.

1973 **SECTION 70.** Section 23-15-1031, Mississippi Code of 1972,
1974 which provides for the date of primary elections for Congressmen
1975 and United States Senators, is repealed.

1976 **SECTION 71.** Section 23-15-1063, Mississippi Code of 1972,
1977 which prohibits unregistered political parties from conducting
1978 primary elections, is repealed.

1979 **SECTION 72.** Section 23-15-1083, Mississippi Code of 1972,
1980 which requires that certain congressional primaries be held on the
1981 same day as the presidential preference primary, is repealed.

1982 **SECTION 73.** The Attorney General of the State of Mississippi
1983 shall submit this act, immediately upon approval by the Governor,
1984 or upon approval by the Legislature subsequent to a veto, to the
1985 Attorney General of the United States or to the United States

1986 District Court for the District of Columbia in accordance with the
1987 provisions of the Voting Rights Act of 1965, as amended and
1988 extended.

1989 **SECTION 74.** This act shall take effect and be in force from
1990 and after the date it is effectuated under Section 5 of the Voting
1991 Rights Act of 1965, as amended and extended.