

By: Senator(s) Browning

To: Elections

SENATE BILL NO. 2164

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 2007 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
286 members. One 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 from each ward into which the
291 city shall be divided. However, if the city be divided into less
292 than six wards, the remaining councilmen shall be nominated and
293 elected at large. The councilmen, including the mayor, shall be
294 elected for a term of four years to serve until their successors
295 are elected and qualified in accordance with the provisions of
296 Section 11, Senate Bill No. 2164, 2005 Regular Session, said term
297 commencing on the first Monday of January after the municipal
298 election first following the adoption of the form of government as
299 provided by this chapter.

300 The compensation for the members of the council shall, for
301 the first four years of operation, under this chapter, be fixed by
302 the board of mayor and aldermen holding office prior to the change
303 in form of government. Thereafter the amount of compensation for
304 each * * * member may be increased or decreased by the council, by
305 council action taken prior to the election of members thereof for
306 the ensuing term, such action to become effective with the ensuing
307 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, Senate Bill No. 2164, 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 paragraph (c)(ii)
348 of this subsection (4), and if the wards have been so changed, any
349 person may qualify as a candidate for councilman, using his

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

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

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

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

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

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

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

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

407 21-15-1. All officers elected at the general or regular
408 municipal election provided for in Section 11, Senate Bill No.
409 2164, 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 under my oath as
598 a commissioner of elections and under penalties of perjury.

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

602 Signed this the _____ day of _____, _____.

603 _____

604 Commissioner's Signature

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

610 Any person may contest the accuracy of the certification in
611 any respect by notifying the chairman of the commission, any
612 member of the board of supervisors or the clerk of the board of

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

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

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

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

646 23-15-153. (1) At the following times the commissioners of
647 election shall meet at the office of the registrar and carefully
648 revise the registration books and the pollbooks of the several
649 voting precincts, and shall erase from those books the names of
650 all persons erroneously on the books, or who have died, removed or
651 become disqualified as electors from any cause; and shall register
652 the names of all persons who have duly applied to be registered
653 and have been illegally denied registration:

654 (a) On the Tuesday after the second Monday in January
655 1987 and every following year;

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

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

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

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

675 (2) Except as provided in subsection (3) of this section,
676 and subject to the following annual limitations, the commissioners
677 of election shall be entitled to receive a per diem in the amount
678 of Seventy Dollars (\$70.00), to be paid from the county general

679 fund, for every day or period of no less than five (5) hours
680 accumulated over two (2) or more days actually employed in the
681 performance of their duties in the conduct of an election or
682 actually employed in the performance of their duties for the
683 necessary time spent in the revision of the registration books and
684 pollbooks as required in subsection (1) of this section:

685 (a) In counties having less than fifteen thousand
686 (15,000) residents according to the latest federal decennial
687 census, not more than fifty (50) days per year, with no more than
688 fifteen (15) additional days allowed for the conduct of each
689 election in excess of one (1) occurring in any calendar year;

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

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

704 (d) In counties having seventy thousand (70,000)
705 residents according to the latest federal decennial census but
706 less than ninety thousand (90,000) residents according to the
707 latest federal decennial census, not more than one hundred
708 twenty-five (125) days per year, with no more than forty-five (45)
709 additional days allowed for the conduct of each election in excess
710 of one (1) occurring in any calendar year;

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

718 (f) In counties having one hundred seventy thousand
719 (170,000) residents according to the latest federal decennial
720 census but less than two hundred thousand (200,000) residents
721 according to the latest federal decennial census, not more than
722 one hundred seventy-five (175) days per year, with no more than
723 sixty-five (65) additional days allowed for the conduct of each
724 election in excess of one (1) occurring in any calendar year;

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

732 (h) In counties having two hundred twenty-five thousand
733 (225,000) residents according to the latest federal decennial
734 census but less than two hundred fifty thousand (250,000)
735 residents according to the latest federal decennial census, not
736 more than two hundred fifteen (215) days per year, with no more
737 than eighty-five (85) additional days allowed for the conduct of
738 each election in excess of one (1) occurring in any calendar year;

739 (i) In counties having two hundred fifty thousand
740 (250,000) residents according to the latest federal decennial
741 census but less than two hundred seventy-five thousand (275,000)
742 residents according to the latest federal decennial census, not
743 more than two hundred thirty (230) days per year, with no more

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

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

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

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

767 (5) The county registrar shall prepare the pollbooks and the
768 county commissioners of election shall prepare the registration
769 books of each municipality located within the county pursuant to
770 an agreement between the county and each municipality in the
771 county. The county commissioners of election and the county
772 registrar shall be paid by each municipality for the actual cost
773 of preparing registration books and pollbooks for the municipality
774 and shall pay each county commissioner of election a per diem in
775 the amount provided for in subsection (2) of this section for each
776 day or period of not less than five (5) hours accumulated over two

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

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

796 The certification form shall be as follows:

797 **COUNTY ELECTION COMMISSIONER**

798 **PER DIEM CLAIM FORM**

799 NAME: _____ COUNTY: _____

800 ADDRESS: _____ DISTRICT: _____

801 CITY: _____ ZIP: _____

802		PURPOSE	APPLICABLE	ACTUAL	PER DIEM
803	DATE	BEGINNING	ENDING	OF	MS CODE
804	WORKED	TIME	TIME	WORK	SECTION
805					
806					
807					
808	TOTAL NUMBER OF PER DIEM DAYS EARNED				_____
809	PER DIEM RATE PER DAY EARNED				X 70.00

810 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

811 I understand that I am signing this document under my oath as
812 a commissioner of elections and under penalties of perjury.

813 I understand that I am requesting payment from taxpayer funds
814 and that I have an obligation to be specific and truthful as to
815 the amount of hours worked and the compensation I am requesting.

816 Signed this the _____day of _____, ____.

817 _____

818 Commissioner's Signature

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

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

839 Any contestor who successfully contests any certification
840 will be awarded all expenses incident to his contest, together
841 with reasonable attorney's fees, which will be awarded upon
842 petition to the chancery court of the involved county upon final

843 disposition of the contest before the election commission, board
844 of supervisors, clerk of the board of supervisors, or, in case of
845 an appeal, final disposition by the court. The commissioner
846 against whom the contest is decided shall be liable for the
847 payment of the expenses and attorney's fees, and the county shall
848 be jointly and severally liable for same.

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

851 23-15-173. * * * A general municipal election shall be held
852 in each city, town or village on the first Tuesday after the first
853 Monday of June 1985, and every four (4) years thereafter, for the
854 election of all municipal officers elected by the people.

855 * * *

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

858 23-15-197. (1) Times for holding * * * general elections
859 for congressional offices shall be as prescribed in Sections * * *
860 23-15-1033 and 23-15-1041.

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

864 (3) Times for holding elections for the office of circuit
865 court judge and the office of chancery court judge shall be as
866 prescribed in Sections 23-15-974 through 23-15-985 and Section
867 23-15-1015.

868 (4) Times for holding elections for the office of county
869 election commissioners shall be as prescribed in Section
870 23-15-213.

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

873 23-15-313. If there be any political party, or parties, in
874 any municipality which shall not have a party executive committee
875 for the municipality, the political party, or parties, shall

876 select temporary executive committees to serve until executive
877 committees shall be regularly elected, the selection to be in the
878 following manner, to wit: The chairman of the county executive
879 committee of the party desiring to select a municipal executive
880 committee shall, upon petition of five (5) or more members of that
881 political faith, call a mass meeting of the electors of their
882 political faith, residing in the municipality, to meet at some
883 convenient place within the municipality, at a time to be
884 designated in the call, and at the mass convention the members of
885 that political faith shall select an executive committee which
886 shall serve until the next * * * election. The public shall be
887 given notice of such mass meeting as provided in the next
888 succeeding section.

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

891 23-15-367. (1) Except as otherwise provided by * * *
892 subsection (2) of this section, * * * the size, print and quality
893 of paper of the official ballot is left to the discretion of the
894 officer charged with printing the official ballot * * *.

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

- 897 (a) Candidates for national office;
- 898 (b) Candidates for statewide office;
- 899 (c) Candidates for state district office;
- 900 (d) Candidates for legislative office;
- 901 (e) Candidates for countywide office;
- 902 (f) Candidates for county district office.

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

907 (3) It is the duty of the Secretary of State, with the
908 approval of the Governor, to furnish the election commission of

909 each county a sample of the official ballot, not less than fifty
910 (50) days prior to the election, the general form of which shall
911 be followed as nearly as practicable.

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

914 23-15-375. Local issue elections may be held on the same
915 date as any regular or general election. A local issue election
916 held on the same date as the regular or general election shall be
917 conducted in the same manner as the regular or general election
918 using the same poll workers and the same equipment. A local issue
919 may be placed on the regular or general election ballot pursuant
920 to the provisions of Section 10 of Senate Bill No. 2164, 2005
921 Regular Session. The provisions of this section and Section 10 of
922 Senate Bill No. 2164, 2005 Regular Session, with regard to local
923 issue elections shall not be construed to affect any statutory
924 requirements specifying the notice procedure and the necessary
925 percentage of qualified electors voting in such an election which
926 is needed for adoption of the local issue. Whether or not a local
927 issue is adopted or defeated at a local issue election held on the
928 same day as a regular or general election shall be determined in
929 accordance with relevant statutory requirements regarding the
930 necessary percentage of qualified electors who voted in such local
931 issue election, and only those persons voting for or against such
932 issue shall be counted in making that determination. As used in
933 this section "local issue elections" include elections regarding
934 the issuance of bonds, local option elections, elections regarding
935 the levy of additional ad valorem taxes and other similar
936 elections authorized by law that are called to consider issues
937 that affect a single local governmental entity. As used in this
938 section "local issue" means any issue that may be voted on in a
939 local issue election.

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

942 23-15-403. The board of supervisors of any county in the
943 State of Mississippi and the governing authorities of any
944 municipality in the State of Mississippi are hereby authorized and
945 empowered, in their discretion, to purchase or rent any voting
946 machine or machines which shall be so constructed as to fulfill
947 the following requirements: It shall secure to the voter secrecy
948 in the act of voting; it shall provide facilities for voting for
949 all candidates of as many political parties or organizations as
950 may make nominations, and for or against as many questions as
951 submitted; it shall * * * permit the voter to vote for * * * as
952 many persons for an office as he is lawfully entitled to vote for,
953 but not more; it shall prevent the voter from voting for the same
954 person more than once for the same office; it shall permit the
955 voter to vote for or against any question he may have the right to
956 vote on, but no other; * * * it shall correctly register or record
957 and accurately count all votes cast for any and all persons and
958 for or against any and all questions; it shall be provided with a
959 "protective counter" or "protective device" whereby any operation
960 of the machine before or after the election will be detected; it
961 shall be provided with a counter which shall show at all times
962 during an election how many persons have voted; it shall be
963 provided with a mechanical model, illustrating the manner of
964 voting on the machine, suitable for the instruction of voters; it
965 may also be provided with one (1) device for each party for voting
966 for all the presidential electors of that party by one (1)
967 operation, and a ballot therefor containing only the words
968 "Presidential Electors For" preceded by the name of that party and
969 followed by the names of the candidates thereof for the offices of
970 President and Vice President, and a registering device therefor
971 which shall register the vote cast for said electors when thus
972 voted collectively; provided, however, that means shall be
973 furnished whereby the voter can cast a vote for individual
974 electors when permitted to do so by law.

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

977 23-15-411. The officer who furnishes the official ballots
978 for any polling place where a voting machine is to be used shall
979 also provide two (2) sample ballots or instruction ballots, which
980 sample or instruction ballots shall be arranged in the form of a
981 diagram showing such portion of the front of the voting machine as
982 it will appear after the official ballots are arranged thereon or
983 therein for voting on election day. The sample ballots shall be
984 open to the inspection of all voters on election day in all
985 preferential and general or regular elections where voting
986 machines are used.

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

989 23-15-463. The board of supervisors of any county in the
990 State of Mississippi and the governing authorities of any
991 municipality in the State of Mississippi are * * * authorized and
992 empowered, in their discretion, to purchase or rent voting devices
993 and automatic tabulating equipment used in an electronic voting
994 system which meets the requirements of Section 23-15-465, and may
995 use such system in all or a part of the precincts within its
996 boundaries or in combination with paper ballots in any
997 election * * *. It may enlarge, consolidate or alter the
998 boundaries of precincts where an electronic voting system is used.
999 The provisions of Sections 23-15-461 through 23-15-485 shall be
1000 controlling with respect to elections where an electronic voting
1001 system is used, and shall be liberally construed so as to carry
1002 out the purpose of this chapter. The provisions of the election
1003 law relating to the conduct of elections with paper ballots,
1004 insofar as they are applicable and not inconsistent with the
1005 efficient conduct of elections with electronic voting systems,
1006 shall apply. Absentee ballots shall be voted as now provided by
1007 law.

1008 **SECTION 33.** Section 23-15-465, Mississippi Code of 1972, is
1009 amended as follows:

1010 23-15-465. No electronic voting system consisting of a
1011 marking or voting device in combination with automatic tabulating
1012 equipment shall be acquired or used in accordance with Sections
1013 23-15-461 through 23-15-485 unless it shall:

1014 (a) Provide for voting in secrecy when used with voting
1015 booths;

1016 (b) Permit each voter to vote at any election for all
1017 persons and offices for whom and for which he is lawfully entitled
1018 to vote; to vote for as many persons for an office as he is
1019 entitled to vote for; to vote for or against any question upon
1020 which he is entitled to vote; and the automatic tabulating
1021 equipment shall reject choices recorded on his ballot card or
1022 paper ballot if the number of choices exceeds the number which he
1023 is entitled to vote for the office or on the measure;

1024 (c) Permit each voter at presidential elections by one
1025 (1) mark or punch to vote for the candidates of that party for
1026 President, Vice President and their presidential electors, or to
1027 vote individually for the electors of his choice when permitted by
1028 law;

1029 (d) Permit each voter * * * to vote for the candidates
1030 of one or more parties and for independent candidates;

1031 * * *

1032 (e) Permit each voter to vote for persons whose names
1033 are not on the printed ballot or ballot labels;

1034 (f) Prevent the voter from voting for the same person
1035 more than once for the same office;

1036 (g) Be suitably designed for the purpose used, of
1037 durable construction, and may be used safely, efficiently and
1038 accurately in the conduct of elections and counting ballots;

1039 (h) Be provided with means for sealing the voting or
1040 marking device against any further voting after the close of the
1041 polls and the last voter has voted;

1042 (i) When properly operated, record correctly and count
1043 accurately every vote cast;

1044 (j) Be provided with a mechanical model for instructing
1045 voters, and be so constructed that a voter may readily learn the
1046 method of operating it; and

1047 (k) Be safely transportable, and include a light to
1048 enable voters to read the ballot labels and instructions.

1049 **SECTION 34.** Section 23-15-507, Mississippi Code of 1972, is
1050 amended as follows:

1051 23-15-507. No optical mark reading system shall be acquired
1052 or used in accordance with this chapter unless it shall:

1053 (a) Permit each voter to vote at any election for all
1054 persons and no others for whom and for which they are lawfully
1055 entitled to vote; to vote for as many persons for an office as
1056 they are entitled to vote for; to vote for or against any
1057 questions upon which they are entitled to vote;

1058 (b) The OMR tabulating equipment shall be capable of
1059 rejecting choices recorded on the ballot if the number of choices
1060 exceeds the number which the voter is entitled to vote for the
1061 office or on the measure;

1062 (c) Permit each voter at presidential elections by one
1063 (1) mark to vote for the candidates of that party for President,
1064 Vice President and their presidential electors, or to vote
1065 individually for the electors of their choice when permitted by
1066 law;

1067 (d) Permit each voter * * * to vote for the candidates
1068 of one or more parties and for independent candidates;

1069 * * *

1070 (e) Permit each voter to vote for persons whose names
1071 are not on the printed ballot;

1072 (f) Be suitably designed for the purpose used, of
1073 durable construction, and may be used safely, efficiently and
1074 accurately in the conduct of elections and the counting of
1075 ballots;

1076 (g) Be provided with means for sealing the ballots
1077 after the close of the polls and the last voter has voted;

1078 (h) When properly operated, record correctly and count
1079 accurately all votes cast; and

1080 (i) Provide the voter with a set of instructions that
1081 will be so displayed that a voter may readily learn the method of
1082 voting.

1083 **SECTION 35.** Section 23-15-511, Mississippi Code of 1972, is
1084 amended as follows:

1085 23-15-511. The ballots shall, as far as practicable, be in
1086 the same order of arrangement as provided for paper ballots that
1087 are to be counted manually, except that such information may be
1088 printed in vertical or horizontal rows. Nothing in this chapter
1089 shall be construed as prohibiting the information being presented
1090 to the voters from being printed on both sides of a single ballot.
1091 In those years when a special election shall occur on the same day
1092 as the general election, the names of candidates in any special
1093 election and the general election shall be placed on the same
1094 ballot by the commissioners of elections or officials in charge of
1095 the election, but the general election candidates shall be clearly
1096 distinguished from the special election candidates * * *.

1097 Ballots shall be printed in plain clear type in black ink and
1098 upon clear white materials of such size and arrangement as to be
1099 compatible with the OMR tabulating equipment. Absentee ballots
1100 shall be prepared and printed in the same form and shall be on the
1101 same size and texture as the regular official ballots, except that
1102 they shall be printed on tinted paper; or the ink used to print
1103 the ballots shall be of a color different from that of the ink
1104 used to print the regular official ballots. Arrows may be printed

1105 on the ballot to indicate the place to mark the ballot, which may
1106 be to the right or left of the names of candidates and
1107 propositions. The titles of offices may be arranged in vertical
1108 columns on the ballot and shall be printed above or at the side of
1109 the names of candidates so as to indicate clearly the candidates
1110 for each office and the number to be elected. In case there are
1111 more candidates for an office than can be printed in one (1)
1112 column, the ballot shall be clearly marked that the list of
1113 candidates is continued on the following column. The names of
1114 candidates for each office shall be printed in vertical columns,
1115 grouped by the offices which they seek. * * * The party
1116 designation, if any, of each candidate * * * shall be printed
1117 following his name, as provided for in Section 10, Senate Bill No.
1118 2164, 2005 Regular Session.

1119 Two (2) sample ballots, which shall be facsimile ballots of
1120 the official ballot and instructions to the voters, shall be
1121 provided for each precinct and shall be posted in each polling
1122 place on election day.

1123 A separate ballot security envelope or suitable equivalent in
1124 which the voter can place his ballot after voting shall be
1125 provided to conceal the choices the voter has made. Absentee
1126 voters will receive a similar ballot security envelope provided by
1127 the county in which the absentee voter will insert their voted
1128 ballot, which then can be inserted into a return envelope to be
1129 mailed back to the election official. Absentee ballots will not
1130 be required to be folded when a ballot security envelope is
1131 provided.

1132 **SECTION 36.** Section 23-15-559, Mississippi Code of 1972, is
1133 amended as follows:

1134 23-15-559. The provisions of Section * * * 23-15-173 fixing
1135 the time for the holding of * * * general elections shall not
1136 apply to any municipality operating under a special or private
1137 charter where the governing board or authority thereof, on or

1138 before June 25, 1952, shall have adopted and spread upon its
1139 minutes a resolution or ordinance declining to accept such
1140 provisions, in which event * * * general elections shall be held
1141 at the time fixed by the charter of such municipality.

1142 The provisions of Section 23-15-859 shall be applicable to
1143 all municipalities of this state, whether operating under a code
1144 charter, special charter or the commission form of government,
1145 except in cases of conflicts between the provisions of such
1146 section and the provisions of the special charter of a
1147 municipality or the law governing the commission form of
1148 government, in which cases of conflict the provisions of the
1149 special charter or the statutes relative to the commission form of
1150 government shall apply.

1151 **SECTION 37.** Section 23-15-561, Mississippi Code of 1972, is
1152 amended as follows:

1153 23-15-561. (1) It shall be unlawful during any * * *
1154 election for any candidate for any elective office or any
1155 representative of such candidate or any other person to publicly
1156 or privately put up or in any way offer any prize, cash award or
1157 other item of value to be raffled, drawn for, played for or
1158 contested for in order to encourage persons to vote or to refrain
1159 from voting in any election.

1160 (2) Any person who shall violate the provisions of
1161 subsection (1) of this section shall, upon conviction thereof, be
1162 punished by a fine in an amount not to exceed Five Thousand
1163 Dollars (\$5,000.00).

1164 (3) Any candidate who shall violate the provisions of
1165 subsection (1) of this section shall, upon conviction thereof, in
1166 addition to the fine prescribed above, be punished by:

1167 (a) Disqualification as a candidate in the race for the
1168 elective office; or

1169 (b) Removal from the elective office, if the offender
1170 has been elected thereto.

1171 **SECTION 38.** Section 23-15-573, Mississippi Code of 1972, is
1172 amended as follows:

1173 23-15-573. (1) If any person declares that he is a
1174 registered voter in the jurisdiction in which he offers to vote
1175 and that he is eligible to vote in the election, but his name does
1176 not appear upon the pollbooks, or that he is not able to cast a
1177 regular election day ballot under a provision of state or federal
1178 law but is otherwise qualified to vote, or that he has been
1179 illegally denied registration:

1180 (a) A poll manager shall notify the person that he may
1181 cast an affidavit ballot at the election.

1182 (b) The person shall be permitted to cast an affidavit
1183 ballot at the polling place upon execution of a written affidavit
1184 before one (1) of the managers of election stating that the
1185 individual:

1186 (i) Believes he is a registered voter in the
1187 jurisdiction in which he desires to vote and is eligible to vote
1188 in the election; or

1189 (ii) Is not able to cast a regular election day
1190 ballot under a provision of state or federal law but is otherwise
1191 qualified to vote; or

1192 (iii) Believes that he has been illegally denied
1193 registration.

1194 (c) The manager shall allow the individual to prepare
1195 his vote which shall be delivered by him to the proper election
1196 official who shall enclose it in an envelope with the written
1197 affidavit of the voter, seal the envelope and mark plainly upon it
1198 the name of the person offering to vote.

1199 (2) The affidavit shall include:

1200 (a) The complete name, all required addresses and
1201 telephone numbers;

1202 (b) A statement that the affiant believes he is
1203 registered to vote in the jurisdiction in which he offers to vote;

1204 (c) The signature of the affiant; and
1205 (d) The signature of a poll manager at the precinct at
1206 which the affiant offers to vote.

1207 (3) (a) A separate register shall be maintained for
1208 affidavit ballots and the affiant shall sign the register upon
1209 completing the affidavit ballot.

1210 (b) In canvassing the returns of the election, * * *
1211 the election commissioners * * * shall examine the records and
1212 allow the ballot to be counted, or not counted as it appears
1213 legal.

1214 (4) When a person is offered the opportunity to vote by
1215 affidavit ballot, he shall be provided with written information
1216 that informs the person how to ascertain whether his affidavit
1217 ballot was counted and, if the vote was not counted, the reasons
1218 the vote was not counted.

1219 (5) The Secretary of State shall, by rule duly adopted,
1220 establish a uniform affidavit and affidavit ballot envelope which
1221 shall be used in all elections in this state. The Secretary of
1222 State shall print and distribute a sufficient number of affidavits
1223 and affidavit ballot envelopes to the registrar of each county for
1224 use in elections. The registrar shall distribute the affidavits
1225 and affidavit ballot envelopes to * * * municipal and county
1226 election commissioners for use in * * * elections.

1227 (6) County registrars and municipal registrars shall
1228 implement a secure free access system that complies with the Help
1229 America Vote Act of 2002, by which persons who vote by affidavit
1230 ballot may determine if their ballots were counted, and if not,
1231 the reasons the ballot was not counted.

1232 (7) Any person who votes in any election as a result of a
1233 federal or state court order or other order extending the time
1234 established by law for closing the polls, may only vote by
1235 affidavit ballot. Any affidavit ballot cast under this subsection

1236 shall be separated and kept apart from other affidavit ballots
1237 cast by voters not affected by the order.

1238 **SECTION 39.** Section 23-15-593, Mississippi Code of 1972, is
1239 amended as follows:

1240 23-15-593. When the ballot box is opened and examined by
1241 the * * * county election commissioners * * * and it is found that
1242 there have been failures in material particulars to comply with
1243 the requirements of Section 23-15-591 and Section 23-15-895 to
1244 such an extent that it is impossible to arrive at the will of the
1245 voters at a precinct, the entire box may be thrown out unless it
1246 be made to appear with reasonable certainty that the
1247 irregularities were not deliberately permitted or engaged in by
1248 the managers at that box, or by one (1) of them responsible for
1249 the wrong or wrongs, for the purpose of electing or defeating a
1250 certain candidate or candidates by manipulating the election or
1251 the returns thereof at that box in such manner as to have it
1252 thrown out; in which latter case * * * the county election
1253 commission * * * shall conduct a hearing and make a determination
1254 in respect to said box as may appear lawfully just, subject to a
1255 judicial review of the matter as elsewhere provided by this
1256 chapter. Or the * * * election commission, or the court upon
1257 review, may order another election to be held at that box
1258 appointing new managers to hold the same.

1259 **SECTION 40.** Section 23-15-595, Mississippi Code of 1972, is
1260 amended as follows:

1261 23-15-595. The box containing the ballots and other records
1262 required by this chapter shall, as soon as practical after the
1263 ballots have been counted, be delivered by one (1) of the precinct
1264 managers to the clerk of the circuit court of the county and said
1265 clerk shall, in the presence of the manager making delivery of the
1266 box, place upon the lock of such box a metal seal similar to the
1267 seal commonly used in sealing the doors of railroad freight cars.
1268 Such seals shall be numbered consecutively to the number of ballot

1269 boxes used in the election in the county, and the clerk shall keep
1270 in a place separate from such boxes a record of the number of the
1271 seal of each separate box in the county. The board of supervisors
1272 of the county shall pay the cost of providing such seals. Upon
1273 demand of a county election commissioner, the boxes and their
1274 contents shall be delivered to the county election commission, and
1275 after such commission has finished the work of tabulating returns
1276 and counting ballots as required by law, the commission shall
1277 return all papers and ballots to the box of the precinct where the
1278 election was held, and it shall make redelivery of the boxes and
1279 their contents to the circuit clerk who shall reseal the boxes.
1280 Upon every occasion said boxes shall be reopened and each
1281 resealing shall be done as provided in this chapter.

1282 **SECTION 41.** Section 23-15-601, Mississippi Code of 1972, is
1283 amended as follows:

1284 23-15-601. (1) When the result of the election shall have
1285 been ascertained by the managers they, or one (1) of their number,
1286 or some fit person designated by them, shall, by noon of the * * *
1287 day following the election, deliver to the commissioners of
1288 election, at the courthouse, a statement of the whole number of
1289 votes given for each person and for what office; and the
1290 commissioners of election shall, on the first or second day after
1291 the preferential election and after the general election, canvass
1292 the returns, ascertain and declare the result, and announce the
1293 names of the candidates who have received a majority of the votes
1294 cast for representative in the Legislature of districts composed
1295 of one (1) county or less, or other county office, board of
1296 supervisors, justice court judge and constable, and shall also
1297 announce the names of those candidates for the above mentioned
1298 offices that are to be submitted to the general election.

1299 The vote for state and state district offices shall be
1300 tabulated by precincts and certified to and returned to the state
1301 election commissioners, such returns to be mailed by registered

1302 letter or any safe mode of transportation within thirty-six (36)
1303 hours after the returns are canvassed and the results ascertained.
1304 The state election commissioners shall meet a week from the day
1305 following the preferential election held for state and state
1306 district offices, and shall proceed to canvass the returns and to
1307 declare the results and announce the names of the candidates for
1308 the different offices who have received a majority of the votes
1309 cast and the names of those candidates whose names are to be
1310 submitted to the general election. The state election
1311 commissioners shall also meet a week from the day on which the
1312 general election is held and receive and canvass the returns for
1313 state and state district offices voted on in such general
1314 election. An exact and full duplicate of all tabulations by
1315 precincts, as certified under this section, shall be filed with
1316 the circuit clerk of the county who shall safely preserve the same
1317 in his office.

1318 (2) The commissioners of election shall transmit to the
1319 Secretary of State, on such forms and by such methods as may be
1320 required by rules and regulations promulgated by the Secretary of
1321 State, a statement of the total number of votes cast in the county
1322 for each candidate for each office and the total number of votes
1323 cast for such candidates in each precinct in the district in which
1324 the candidate ran.

1325 **SECTION 42.** Section 23-15-605, Mississippi Code of 1972, is
1326 amended as follows:

1327 23-15-605. The Secretary of State, immediately after
1328 receiving the returns of a general election, not longer than
1329 thirty (30) days after the election, shall sum up the whole number
1330 of votes given for each candidate other than candidates for state
1331 offices, legislative offices composed of one (1) county or less,
1332 county offices and county district offices, according to the
1333 statements of the votes certified to him and ascertain the person
1334 or persons having the largest number of votes for each office, and

1335 declare such person or persons to be duly elected; and thereupon
1336 all persons chosen to any office at the election shall be
1337 commissioned by the Governor; but if it appears that two (2) or
1338 more candidates for any district office where the district is
1339 composed of two (2) or more counties, standing highest on the
1340 list, and not elected, have an equal number of votes, the election
1341 shall be forthwith decided between the candidates having an equal
1342 number of votes by lot, fairly and publicly drawn, under the
1343 direction of the Governor and Secretary of State.

1344 **SECTION 43.** Section 23-15-673, Mississippi Code of 1972, is
1345 amended as follows:

1346 23-15-673. (1) For the purposes of this subarticle, the
1347 term "absent voter" shall mean and include the following:

1348 (a) Any enlisted or commissioned members, male or
1349 female, of the United States Army, or any of its respective
1350 components or various divisions thereof; any enlisted or
1351 commissioned members, male or female, of the United States Navy,
1352 or any of its respective components or various divisions thereof;
1353 any enlisted or commissioned members, male or female, of the
1354 United States Air Force, or any of its respective components or
1355 various divisions thereof; any enlisted or commissioned members,
1356 male or female, of the United States Marines, or any of its
1357 respective components or various divisions thereof; or any persons
1358 in any division of the armed services of the United States, who
1359 are citizens of Mississippi;

1360 (b) Any member of the Merchant Marine and the American
1361 Red Cross who is a citizen of Mississippi;

1362 (c) Any disabled war veteran who is a patient in any
1363 hospital and who is a citizen of Mississippi;

1364 (d) Any civilian attached to and serving outside of the
1365 United States with any branch of the Armed Forces or with the
1366 Merchant Marine or American Red Cross, and who is a citizen of
1367 Mississippi;

1368 (e) Any citizen of Mississippi temporarily residing
1369 outside the territorial limits of the United States and the
1370 District of Columbia;

1371 (f) Any citizen of Mississippi enrolled as a student at
1372 a United States Military Academy.

1373 (2) The spouse and dependents of any absent voter as set out
1374 in paragraphs (a), (b), (c) and (d) of subsection (1) of this
1375 section shall also be included in the meaning of absent voter and
1376 may vote an absentee ballot as provided in this subarticle if also
1377 absent from the county of their residence on the date of the
1378 election and otherwise qualified to vote in Mississippi.

1379 (3) For the purpose of this subarticle, the term "election"
1380 shall mean and include the following sets of elections: special
1381 and runoff special elections, preferential and general
1382 elections, * * * or general elections without preferential
1383 elections, whichever * * * is applicable.

1384 **SECTION 44.** Section 23-15-713, Mississippi Code of 1972, is
1385 amended as follows:

1386 23-15-713. For the purpose of this subarticle, any duly
1387 qualified elector may vote as provided in this subarticle if
1388 he * * * falls within the following categories:

1389 (a) Any qualified elector who is a bona fide student,
1390 teacher or administrator at any college, university, junior
1391 college, high, junior high, or elementary grade school whose
1392 studies or employment at an institution necessitates his absence
1393 from the county of his voting residence on the date of any * * *
1394 election, or the spouse and dependents of the student, teacher or
1395 administrator if such spouse or dependent(s) maintain a common
1396 domicile, outside of the county of his voting residence, with the
1397 student, teacher or administrator.

1398 (b) Any qualified elector who is required to be away
1399 from his place of residence on any election day due to his
1400 employment as an employee of a member of the Mississippi

1401 congressional delegation and the spouse and dependents of the
1402 person if he or she shall be residing with such absentee voter
1403 away from the county of the spouse's voting residence.

1404 (c) Any qualified elector who is away from his county
1405 of residence on election day for any reason.

1406 (d) Any person who has a temporary or permanent
1407 physical disability and who, because of a disability, is unable to
1408 vote in person without substantial hardship to himself or others,
1409 or whose attendance at the voting place could reasonably cause
1410 danger to himself or others.

1411 (e) The parent, spouse or dependent of a person with a
1412 temporary or permanent physical disability who is hospitalized
1413 outside of his county of residence or more than fifty (50) miles
1414 distant from his residence, if the parent, spouse or dependent
1415 will be with such person on election day.

1416 (f) Any person who is sixty-five (65) years of age or
1417 older.

1418 (g) Any member of the Mississippi congressional
1419 delegation absent from Mississippi on election day, and the spouse
1420 and dependents of such member of the congressional delegation.

1421 (h) Any qualified elector who will be unable to vote in
1422 person because he is required to be at work on election day during
1423 the times at which the polls will be open.

1424 **SECTION 45.** Section 23-15-755, Mississippi Code of 1972, is
1425 amended as follows:

1426 23-15-755. All of the provisions of Sections 23-15-621
1427 through 23-15-735 shall be applicable, insofar as possible, to
1428 municipal, * * * preferential, general and special elections, and
1429 wherever herein any duty is imposed or any power or authority is
1430 conferred upon the county registrar or county election
1431 commissioners, * * * with reference to a state and county
1432 election, such duty shall likewise be imposed and such power and
1433 authority shall likewise be conferred upon the municipal registrar

1434 or municipal election commission * * * with reference to any
1435 municipal election. * * *

1436 **SECTION 46.** Section 23-15-771, Mississippi Code of 1972, is
1437 amended as follows:

1438 23-15-771. At the state convention, a slate of electors
1439 composed of the number of electors allotted to this state, which
1440 those electors announce a clearly expressed design and purpose to
1441 support the candidates for President and Vice President of the
1442 national political party with which the * * * party of this state
1443 has had an affiliation and identity of purpose heretofore, shall
1444 be designated and selected for a place upon the * * * election
1445 ballot to be held as herein provided.

1446 **SECTION 47.** Section 23-15-801, Mississippi Code of 1972, is
1447 amended as follows:

1448 23-15-801. (a) "Election" shall mean a preferential,
1449 general or special * * * election.

1450 (b) "Candidate" shall mean an individual who seeks * * *
1451 election to any elective office other than a federal elective
1452 office. For purposes of this article, an individual shall be
1453 deemed to seek * * * election:

1454 (i) If the individual has received contributions
1455 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
1456 expenditures aggregating in excess of Two Hundred Dollars
1457 (\$200.00) or for a candidate for the Legislature or any statewide
1458 or state district office, by the qualifying deadlines specified in
1459 Sections 23-15-299 and 23-15-977, whichever occurs first; or

1460 (ii) If such individual has given his or her consent to
1461 another person to receive contributions or make expenditures on
1462 behalf of such individual and if such person has received such
1463 contributions aggregating in excess of Two Hundred Dollars
1464 (\$200.00) during a calendar year, or has made such expenditures
1465 aggregating in excess of Two Hundred Dollars (\$200.00) during a
1466 calendar year.

1467 (c) "Political committee" shall mean any committee, party,
1468 club, association, political action committee, campaign committee
1469 or other groups of persons or affiliated organizations which
1470 receives contributions aggregating in excess of Two Hundred
1471 Dollars (\$200.00) during a calendar year or which makes
1472 expenditures aggregating in excess of Two Hundred Dollars
1473 (\$200.00) during a calendar year for the purpose of influencing or
1474 attempting to influence the action of voters for or against
1475 the * * * election of one or more candidates, or balloted measures
1476 and shall, in addition, include each political party registered
1477 with the Secretary of State.

1478 (d) "Affiliated organization" shall mean any organization
1479 which is not a political committee, but which directly or
1480 indirectly establishes, administers or financially supports a
1481 political committee.

1482 (e) (i) "Contribution" shall include any gift,
1483 subscription, loan, advance or deposit of money or anything of
1484 value made by any person or political committee for the purpose of
1485 influencing any election for elective office or balloted measure;

1486 (ii) "Contribution" shall not include the value of
1487 services provided without compensation by any individual who
1488 volunteers on behalf of a candidate or political committee; or the
1489 cost of any food or beverage for use in any candidate's campaign
1490 or for use by or on behalf of any political committee of a
1491 political party;

1492 (iii) "Contribution to a political party" includes any
1493 gift, subscription, loan, advance or deposit of money or anything
1494 of value made by any person, political committee, or other
1495 organization to a political party and to any committee,
1496 subcommittee, campaign committee, political committee and other
1497 groups of persons and affiliated organizations of the political
1498 party;

1499 (iv) "Contribution to a political party" shall not
1500 include the value of services provided without compensation by any
1501 individual who volunteers on behalf of a political party or a
1502 candidate of a political party.

1503 (f) (i) "Expenditure" shall include any purchase, payment,
1504 distribution, loan, advance, deposit, gift of money or anything of
1505 value, made by any person or political committee for the purpose
1506 of influencing any balloted measure or election for elective
1507 office; and a written contract, promise, or agreement to make an
1508 expenditure;

1509 (ii) "Expenditure" shall not include any news story,
1510 commentary or editorial distributed through the facilities of any
1511 broadcasting station, newspaper, magazine, or other periodical
1512 publication, unless such facilities are owned or controlled by any
1513 political party, political committee, or candidate; or nonpartisan
1514 activity designed to encourage individuals to vote or to register
1515 to vote;

1516 (iii) "Expenditure by a political party" includes 1.
1517 any purchase, payment, distribution, loan, advance, deposit, gift
1518 of money or anything of value, made by any political party and by
1519 any contractor, subcontractor, agent, and consultant to the
1520 political party; and 2. a written contract, promise, or agreement
1521 to make such an expenditure.

1522 (g) The term "identification" shall mean:

1523 (i) In the case of any individual, the name, the
1524 mailing address, and the occupation of such individual, as well as
1525 the name of his or her employer; and

1526 (ii) In the case of any other person, the full name and
1527 address of such person.

1528 (h) The term "political party" shall mean an association,
1529 committee or organization which nominates a candidate for election
1530 to any elective office whose name appears on the election ballot
1531 as the candidate of such association, committee or organization.

1532 (i) The term "person" shall mean any individual, family,
1533 firm, corporation, partnership, association or other legal entity.

1534 (j) The term "independent expenditure" shall mean an
1535 expenditure by a person expressly advocating the election or
1536 defeat of a clearly identified candidate which is made without
1537 cooperation or consultation with any candidate or any authorized
1538 committee or agent of such candidate, and which is not made in
1539 concert with or at the request or suggestion of any candidate or
1540 any authorized committee or agent of the candidate.

1541 (k) The term "clearly identified" shall mean that:

1542 (i) The name of the candidate involved appears; or

1543 (ii) A photograph or drawing of the candidate appears;

1544 or

1545 (iii) The identity of the candidate is apparent by
1546 unambiguous reference.

1547 **SECTION 48.** Section 23-15-807, Mississippi Code of 1972, is
1548 amended as follows:

1549 23-15-807. (a) Each candidate or political committee shall
1550 file reports of contributions and disbursements in accordance with
1551 the provisions of this section. All candidates or political
1552 committees required to report may terminate its obligation to
1553 report only upon submitting a final report that it will no longer
1554 receive any contributions or make any disbursement and that such
1555 candidate or committee has no outstanding debts or obligations.
1556 The candidate, treasurer or chief executive officer shall sign
1557 each such report.

1558 (b) Candidates who are seeking election * * * and political
1559 committees that make expenditures for the purpose of influencing
1560 or attempting to influence the action of voters for or against
1561 the * * * election of one or more candidates or balloted measures
1562 at such election, shall file the following reports:

1563 (i) In any calendar year during which there is a
1564 regularly scheduled election, a preelection report, which shall be

1565 filed no later than the seventh day before any election in which
1566 the candidate or political committee has accepted contributions or
1567 made expenditures and which shall be complete as of the tenth day
1568 before such election;

1569 (ii) In 1987 and every fourth year thereafter, periodic
1570 reports, which shall be filed no later than the tenth day after
1571 April 30, May 31, June 30, September 30 and December 31, and which
1572 shall be complete as of the last day of each period; and

1573 (iii) In any calendar years except 1987 and except
1574 every fourth year thereafter, a report covering the calendar year
1575 which shall be filed no later than January 31 of the following
1576 calendar year.

1577 (c) All candidates for judicial office as defined in Section
1578 23-15-975, or their political committees, shall file in the year
1579 in which they are to be elected, periodic reports which shall be
1580 filed no later than the tenth day after April 30, May 31, June 30,
1581 September 30 and December 31.

1582 (d) Contents of reports. Each report under this article
1583 shall disclose:

1584 (i) For the reporting period and the calendar year, the
1585 total amount of all contributions and the total amount of all
1586 expenditures of the candidate or reporting committee which shall
1587 include those required to be identified pursuant to item (ii) of
1588 this paragraph as well as the total of all other contributions and
1589 expenditures during the calendar year. Such reports shall be
1590 cumulative during the calendar year to which they relate;

1591 (ii) The identification of:

1592 1. Each person or political committee who makes a
1593 contribution to the reporting candidate or political committee
1594 during the reporting period, whose contribution or contributions
1595 within the calendar year have an aggregate amount or value in
1596 excess of Two Hundred Dollars (\$200.00) when made to a political
1597 committee or to a candidate for an office other than statewide

1598 office or office elected by Supreme Court district, or in excess
1599 of Five Hundred Dollars (\$500.00) when made to a candidate for
1600 statewide office or office elected by Supreme Court district,
1601 together with the date and amount of any such contribution;

1602 2. Each person or organization, candidate or
1603 political committee who receives an expenditure, payment or other
1604 transfer from the reporting candidate, political committee or its
1605 agent, employee, designee, contractor, consultant or other person
1606 or persons acting in its behalf during the reporting period when
1607 the expenditure, payment or other transfer to such person,
1608 organization, candidate or political committee within the calendar
1609 year have an aggregate value or amount in excess of Two Hundred
1610 Dollars (\$200.00) when received from a political committee or
1611 candidate for an office other than statewide office or office
1612 elected by Supreme Court district, or in excess of Five Hundred
1613 Dollars (\$500.00) when received from a candidate for statewide
1614 office or office elected by the Supreme Court district, together
1615 with the date and amount of such expenditure;

1616 (iii) The total amount of cash on hand of each
1617 reporting candidate and reporting political committee;

1618 (iv) In addition to the contents of reports specified
1619 in items (i), (ii) and (iii) of this paragraph, each political
1620 party shall disclose:

1621 1. Each person or political committee who makes a
1622 contribution to a political party during the reporting period and
1623 whose contribution or contributions to a political party within
1624 the calendar year have an aggregate amount or value in excess of
1625 Two Hundred Dollars (\$200.00), together with the date and amount
1626 of the contribution;

1627 2. Each person or organization who receives an
1628 expenditure by a political party or expenditures by a political
1629 party during the reporting period when the expenditure or
1630 expenditures to the person or organization within the calendar

1631 year have an aggregate value or amount in excess of Two Hundred
1632 Dollars (\$200.00), together with the date and amount of the
1633 expenditure.

1634 (e) The appropriate office specified in Section 23-15-805
1635 must be in actual receipt of the reports specified in this article
1636 by 5:00 p.m. on the dates specified in paragraph (b) of this
1637 section. If the date specified in paragraph (b) of this section
1638 shall fall on a weekend or legal holiday then the report shall be
1639 due in the appropriate office at 5:00 p.m. on the first working
1640 day before the date specified in paragraph (b) of this section.
1641 The reporting candidate or reporting political committee shall
1642 ensure that the reports are delivered to the appropriate office by
1643 the filing deadline. The Secretary of State may approve specific
1644 means of electronic transmission of completed campaign finance
1645 disclosure reports, which may include, but not be limited to,
1646 transmission by electronic facsimile (FAX) devices.

1647 (f) (i) If any contribution of more than Two Hundred
1648 Dollars (\$200.00) is received by a candidate or candidate's
1649 political committee after the tenth day, but more than forty-eight
1650 (48) hours before 12:01 a.m. of the day of the election, the
1651 candidate or political committee shall notify the appropriate
1652 office designated in Section 23-15-805, within forty-eight (48)
1653 hours of receipt of the contribution. The notification shall
1654 include:

- 1655 1. The name of the receiving candidate;
- 1656 2. The name of the receiving candidate's political
1657 committee, if any;
- 1658 3. The office sought by the candidate;
- 1659 4. The identification of the contributor;
- 1660 5. The date of receipt;
- 1661 6. The amount of the contribution;
- 1662 7. If the contribution is in-kind, a description
1663 of the in-kind contribution; and

1664 8. The signature of the candidate or the treasurer
1665 or director of the candidate's political committee.

1666 (ii) The notification shall be in writing, and may be
1667 transmitted by overnight mail, courier service, or other reliable
1668 means, including electronic facsimile (FAX), but the candidate or
1669 candidate's committee shall ensure that the notification shall in
1670 fact be received in the appropriate office designated in Section
1671 23-15-805 within forty-eight (48) hours of the contribution.

1672 **SECTION 49.** Section 23-15-811, Mississippi Code of 1972, is
1673 amended as follows:

1674 23-15-811. (a) Any candidate or any other person who shall
1675 willfully and deliberately and substantially violate the
1676 provisions and prohibitions of this article shall be guilty of a
1677 misdemeanor and upon conviction thereof shall be punished by a
1678 fine in a sum not to exceed Three Thousand Dollars (\$3,000.00) or
1679 imprisoned for not longer than six (6) months or by both fine and
1680 imprisonment.

1681 (b) In addition to the penalties provided in paragraph (a)
1682 of this section, any candidate or political committee which is
1683 required to file a statement or report which fails to file such
1684 statement or report on the date in which it is due may be
1685 compelled to file such statement or report by an action in the
1686 nature of a mandamus.

1687 (c) No candidate shall be certified * * * as elected to
1688 office unless and until he files all reports required by this
1689 article due as of the date of certification.

1690 (d) No candidate who is elected to office shall receive any
1691 salary or other remuneration for the office unless and until he
1692 files all reports required by this article due as of the date such
1693 salary or remuneration is payable.

1694 (e) In the event that a candidate fails to timely file any
1695 report required under this article but subsequently files a report
1696 or reports containing all of the information required to be

1697 reported by him as of the date on which the sanctions of
1698 paragraphs (c) and (d) of this section would be applied to him,
1699 such candidate shall not be subject to the sanctions of * * *
1700 paragraphs (c) and (d).

1701 **SECTION 50.** Section 23-15-833, Mississippi Code of 1972, is
1702 amended as follows:

1703 23-15-833. Except as otherwise provided by law, the first
1704 Tuesday after the first Monday in November of each year shall be
1705 designated the regular special election day, and on that day an
1706 election shall be held to fill any vacancy in county, county
1707 district and district attorney elective offices.

1708 All special elections, or elections to fill vacancies, shall
1709 in all respects be held, conducted and returned in the same manner
1710 as general elections, except that where no candidate receives a
1711 majority of the votes cast in such election, then a runoff
1712 election shall be held two (2) weeks after such election and the
1713 two (2) candidates who receive the highest popular votes for such
1714 office shall have their names submitted as the candidates to
1715 the * * * runoff and the candidate who leads in the runoff
1716 election shall be elected to the office. When there is a tie in
1717 the first election of those receiving the next highest vote, these
1718 two (2) and the one receiving the highest vote, none having
1719 received a majority, shall go into the runoff election and whoever
1720 leads in such runoff election shall be entitled to the office.

1721 In those years when the regular special election day shall
1722 occur on the same day as the general election, the names of
1723 candidates in any special election and the general election shall
1724 be placed on the same ballot, but shall be clearly distinguished
1725 as general election candidates or special election candidates.

1726 * * *

1727 **SECTION 51.** Section 23-15-859, Mississippi Code of 1972, is
1728 amended as follows:

1729 23-15-859. Whenever under any statute a special election is
1730 required or authorized to be held in any municipality, and the
1731 statute authorizing or requiring such election does not specify
1732 the time within which such election shall be called, or the notice
1733 which shall be given thereof, the governing authorities of the
1734 municipality shall, by resolution, fix a date upon which such
1735 election shall be held. Such date shall not be less than
1736 twenty-one (21) nor more than thirty (30) days after the date upon
1737 which such resolution is adopted, and not less than three (3)
1738 weeks' notice of such election shall be given by the clerk by a
1739 notice published in a newspaper published in the municipality once
1740 each week for three (3) weeks next preceding the date of such
1741 election and by posting a copy of such notice at three (3) public
1742 places in such municipality. Nothing in this section, however,
1743 shall be applicable to elections on the question of the issuance
1744 of the bonds of a municipality or to preferential or general * * *
1745 elections for the election of municipal officers.

1746 **SECTION 52.** Section 23-15-873, Mississippi Code of 1972, is
1747 amended as follows:

1748 23-15-873. No person, whether an officer or not, shall, in
1749 order to promote his own candidacy, or that of any other person,
1750 to be a candidate for public office in this state, directly or
1751 indirectly, himself or through another person, promise to appoint,
1752 or promise to secure or assist in securing the appointment * * *
1753 or election of another person to any public position or
1754 employment, or to secure or assist in securing any public contract
1755 or the employment of any person under any public contractor, or to
1756 secure or assist in securing the expenditure of any public funds
1757 on the personal behalf of any particular person or group of
1758 persons, except that the candidate may publicly announce what is
1759 his choice or purpose in relation to an election in which he may
1760 be called on to take part if elected. It shall be unlawful for
1761 any person to directly or indirectly solicit or receive any

1762 promise by this section prohibited. But this does not apply to a
1763 sheriff, chancery clerk, circuit clerk or any other person of the
1764 state or county when it comes to their office force.

1765 **SECTION 53.** Section 23-15-881, Mississippi Code of 1972, is
1766 amended as follows:

1767 23-15-881. It shall be unlawful for the Mississippi
1768 Transportation Commission or any member of the Mississippi
1769 Transportation Commission, or the board of supervisors of any
1770 county or any member of the board of supervisors of such county,
1771 to employ, during the months of * * * August, September, October
1772 and November of any year in which a general * * * election is held
1773 for the * * * election of members of the Mississippi
1774 Transportation Commission and members of the boards of
1775 supervisors, a greater number of persons to work and maintain the
1776 state highways in any highway district, or the public roads in any
1777 supervisors district of the county, as the case may be, than the
1778 average number of persons employed for similar purposes in such
1779 highway district or supervisors district, as the case may be,
1780 during the months of * * * August, September, October and November
1781 of the three (3) years immediately preceding the year in which
1782 such general * * * election is held. It shall be unlawful for the
1783 Mississippi Transportation Commission, or the board of supervisors
1784 of any county, to expend out of the state highway funds, or the
1785 road funds of the county or any supervisors district thereof, as
1786 the case may be, in the payment of wages or other compensation for
1787 labor performed in working and maintaining the highways of any
1788 highway district, or the public roads of any supervisors district
1789 of the county, as the case may be, during the months of * * *
1790 August, September, October and November of such election year, a
1791 total amount in excess of the average total amount expended for
1792 such labor, in such highway district or supervisors district, as
1793 the case may be, during the corresponding four-month period of the
1794 three (3) years immediately preceding.

1795 It shall be the duty of the Mississippi Transportation
1796 Commission and the board of supervisors of each county,
1797 respectively, to keep sufficient records of the numbers of
1798 employees and expenditures made for labor on the state highways of
1799 each highway district, and the public roads of each supervisors
1800 district, for the months of * * * August, September, October and
1801 November of each year to show the number of persons employed for
1802 such work in each highway district and each supervisors district,
1803 as the case may be, during said four-month period, and the total
1804 amount expended in the payment of salaries and other compensation
1805 to such employees, so that it may be ascertained, from an
1806 examination of such records, whether or not the provisions of this
1807 chapter have been violated.

1808 It is provided, however, because of the abnormal conditions
1809 existing in certain counties of the state due to recent floods in
1810 which roads and bridges have been materially damaged or washed
1811 away and destroyed, if the board of supervisors in any county
1812 passes a resolution as provided in Section 19-9-11, Mississippi
1813 Code of 1972, for the emergency issuance of road and bridge bonds,
1814 the provisions of this section shall not be applicable to or in
1815 force concerning the board of supervisors during the calendar year
1816 1955.

1817 **SECTION 54.** Section 23-15-885, Mississippi Code of 1972, is
1818 amended as follows:

1819 23-15-885. The restrictions imposed in Sections 23-15-881
1820 and 23-15-883 shall likewise apply to the mayor and board of
1821 aldermen, or other governing authority, of each municipality, in
1822 the employment of labor for working and maintaining the streets of
1823 the municipality during the four-month period next preceding the
1824 date of holding the general * * * election in such municipality
1825 for the election of municipal officers.

1826 **SECTION 55.** Section 23-15-891, Mississippi Code of 1972, is
1827 amended as follows:

1828 23-15-891. No common carrier, telegraph company or telephone
1829 company shall give to any candidate, or to any member of any
1830 political committee, or to any person to be used to aid or promote
1831 the success or defeat of any candidate for election for any public
1832 office, free transportation or telegraph or telephone service, as
1833 the case may be, or any reduction thereof that is not made alike
1834 to all other persons. All persons required by the provisions of
1835 this chapter to make and file statements shall make oath that they
1836 have not received or made use of, directly or indirectly, in
1837 connection with any candidacy for election to any public office,
1838 free transportation or telegraph or telephone service.

1839 **SECTION 56.** Section 23-15-899, Mississippi Code of 1972, is
1840 amended as follows:

1841 23-15-899. Every placard, bill, poster, pamphlet or other
1842 printed matter having reference to any election, or to any
1843 candidate, that has not been submitted to and approved and
1844 subscribed by a candidate or his campaign manager or assistant
1845 manager pursuant to the provisions of Section 23-15-897, shall
1846 bear upon the face thereof the name and the address of the author
1847 and of the printer and publisher thereof, and failure to so
1848 provide shall be a misdemeanor, and it shall be a misdemeanor for
1849 any person to mutilate or remove, previously to the date of the
1850 election, any placard, poster or picture which has been lawfully
1851 placed or posted.

1852 **SECTION 57.** Section 23-15-911, Mississippi Code of 1972, is
1853 amended as follows:

1854 23-15-911. (1) When the returns for a box and the contents
1855 of the ballot box and the conduct of the election * * * have been
1856 canvassed and reviewed by the county election commission * * *,
1857 all the contents of the box required to be placed and sealed in
1858 the ballot box by the managers shall be replaced therein by the
1859 election commission * * *, and the box shall be * * * resealed and
1860 delivered to the circuit clerk, who shall safely keep and secure

1861 the same against any tampering therewith. At any time within
1862 twelve (12) days after the canvass and examination of the box and
1863 its contents by the election commission * * *, any candidate or
1864 his representative authorized in writing by him shall have the
1865 right of full examination of the box and its contents upon three
1866 (3) days' notice of his application therefor served upon the
1867 opposing candidate or candidates, or upon any member of their
1868 family over the age of eighteen (18) years, which examination
1869 shall be conducted in the presence of the circuit clerk or his
1870 deputy who shall be charged with the duty to see that none of the
1871 contents of the box are removed from the presence of the clerk or
1872 in any way tampered with. Upon the completion of the examination
1873 the box shall be resealed with all its contents as theretofore.
1874 And if any contest or complaint before the court shall arise over
1875 the box, it shall be kept intact and sealed until the court
1876 hearing and another ballot box, if necessary, shall be furnished
1877 for the precinct involved.

1878 (2) The provisions of this section allowing the examination
1879 of ballot boxes shall apply in the case of an election contest
1880 regarding the seat of a member of the State Legislature. In such
1881 a case, the results of the examination shall be reported by the
1882 applicable circuit clerk to the Clerk of the House of
1883 Representatives or the Secretary of the Senate, as the case may
1884 be.

1885 **SECTION 58.** Section 23-15-973, Mississippi Code of 1972, is
1886 amended as follows:

1887 23-15-973. It shall be the duty of the judges of the circuit
1888 court to give a reasonable time and opportunity to the candidates
1889 for the office of judge of the Supreme Court, judges of the Court
1890 of Appeals, circuit judge and chancellor to address the people
1891 during court terms. In order to give further and every possible
1892 emphasis to the fact that the said judicial offices are not
1893 political but are to be held without favor and with absolute

1894 impartiality as to all persons, and because of the jurisdiction
1895 conferred upon the courts by this chapter, the judges thereof
1896 should be as far removed as possible from any political
1897 affiliations or obligations. It shall be unlawful for any
1898 candidate for any of the offices mentioned in this section to
1899 align himself with any candidate or candidates for any other
1900 office or with any political faction or any political party at any
1901 time during any * * * election campaign. Likewise, it shall be
1902 unlawful for any candidate for any other office * * * wherein any
1903 candidate for any of the judicial offices in this section
1904 mentioned, is or are to be elected, to align himself with any one
1905 or more of the candidates for said offices or to take any part
1906 whatever in any election for any one or more of said judicial
1907 offices, except to cast his individual vote. If any candidate for
1908 any office, whether elected with or without opposition, at any
1909 election wherein a candidate for any one of the judicial offices
1910 in this section mentioned is to be elected, shall deliberately,
1911 knowingly and willfully violate the provisions of this
1912 section * * *, his election shall be void.

1913 **SECTION 59.** Section 23-15-1065, Mississippi Code of 1972, is
1914 amended as follows:

1915 23-15-1065. No person shall claim or represent himself in
1916 any manner to be a member of any state, district or county
1917 executive committee of any political party in this state, or claim
1918 to be the national committeeman or national committeewoman or any
1919 other officer or representative of a political party without
1920 having been lawfully elected or chosen as such in the manner
1921 provided by the laws of this state, or by such political party in
1922 the manner provided by the laws of this state * * *.

1923 Any person who violates the provisions of this section, in
1924 addition to other measures or penalties provided by law, may be
1925 enjoined therefrom upon application to the courts by any person or

1926 persons, or any political party, official or representative of
1927 such political party aggrieved thereby.

1928 **SECTION 60.** Section 23-15-1085, Mississippi Code of 1972, is
1929 amended as follows:

1930 23-15-1085. The chairman of a party's state executive
1931 committee shall notify the Secretary of State if the party intends
1932 to hold a presidential preference primary. The Secretary of State
1933 shall be notified prior to December 1 of the year preceding the
1934 year in which a presidential preference primary may be held
1935 pursuant to Section 23-15-1081. * * *

1936 **SECTION 61.** Section 23-15-1087, Mississippi Code of 1972, is
1937 amended as follows:

1938 23-15-1087. Except as otherwise provided in this chapter,
1939 the laws regulating * * * elections shall, insofar as practical,
1940 apply to and govern presidential preference primary elections.

1941 **SECTION 62.** Section 23-15-127, Mississippi Code of 1972,
1942 which provides for the preparation, use and revision of primary
1943 election pollbooks, is hereby repealed.

1944 **SECTION 63.** Section 23-15-171, Mississippi Code of 1972,
1945 which provides for the dates of municipal primary elections, is
1946 hereby repealed.

1947 **SECTION 64.** Section 23-15-191, Mississippi Code of 1972,
1948 which provides for the date of state, district and county primary
1949 elections, is hereby repealed.

1950 **SECTION 65.** Sections 23-15-263, 23-15-265, 23-15-267,
1951 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,
1952 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,
1953 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of
1954 1972, which provide for the duties of the state executive
1955 committee and county executive committees in primary elections,
1956 provide for the qualification of candidates for party primary
1957 elections, and provide for the conduct of party primary elections,
1958 are hereby repealed.

1959 **SECTION 66.** Sections 23-15-359, 23-15-361 and 23-15-363,
1960 Mississippi Code of 1972, which provide for the contents of
1961 general election ballots, are hereby repealed.

1962 **SECTION 67.** Sections 23-15-597 and 23-15-599, Mississippi
1963 Code of 1972, which provide for the canvass of returns and
1964 announcement of vote by the county executive committees in primary
1965 elections, and require the state executive committee to transmit
1966 to the Secretary of State a tabulated statement of the party vote
1967 for certain offices, are hereby repealed.

1968 **SECTION 68.** Section 23-15-841, Mississippi Code of 1972,
1969 which provides for primary elections for nominations of candidates
1970 to fill vacancies in county and county district offices, is hereby
1971 repealed.

1972 **SECTION 69.** Sections 23-15-921, 23-15-923, 23-15-925,
1973 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
1974 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
1975 procedures for contests of primary elections, are hereby repealed.

1976 **SECTION 70.** Section 23-15-1031, Mississippi Code of 1972,
1977 which provides for the date of primary elections for Congressmen
1978 and United States Senators, is hereby repealed.

1979 **SECTION 71.** Section 23-15-1063, Mississippi Code of 1972,
1980 which prohibits unregistered political parties from conducting
1981 primary elections, is hereby repealed.

1982 **SECTION 72.** Section 23-15-1083, Mississippi Code of 1972,
1983 which requires that certain congressional primaries be held on the
1984 same day as the presidential preference primary, is hereby
1985 repealed.

1986 **SECTION 73.** The Attorney General of the State of Mississippi
1987 shall submit this act, immediately upon approval by the Governor,
1988 or upon approval by the Legislature subsequent to a veto, to the
1989 Attorney General of the United States or to the United States
1990 District Court for the District of Columbia in accordance with the

1991 provisions of the Voting Rights Act of 1965, as amended and
1992 extended.

1993 **SECTION 74.** This act shall take effect and be in force from
1994 and after the date it is effectuated under Section 5 of the Voting
1995 Rights Act of 1965, as amended and extended.