

By: Representatives Davis, Staples

To: Apportionment and
Elections

HOUSE BILL NO. 1092

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 (7)
286 members. One (1) of the members shall be the mayor, having the
287 qualifications as prescribed by Section 21-3-9, who shall have
288 full rights, powers and privileges of other councilmen. The mayor
289 shall be nominated and elected at large; the remaining councilmen
290 shall be nominated and elected one (1) from each ward into which
291 the city shall be divided. However, if the city be divided into
292 less than six (6) wards, the remaining councilmen shall be
293 nominated and elected at large. The councilmen, including the
294 mayor, shall be elected for a term of four (4) years to serve
295 until their successors are elected and qualified in accordance
296 with the provisions of Section 11 of House Bill No. _____, 2006
297 Regular Session, said term commencing on the first Monday of
298 January after the municipal election first following the adoption
299 of the form of government as provided by this chapter.

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

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

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

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

317 of the municipality at a general or regular municipal election
318 held on the first Tuesday after the first Monday in June as
319 provided in Section 11 of House Bill No. _____, 2006 Regular
320 Session, and shall serve for a term of four (4) years beginning on
321 the first Monday of July next following his election.

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

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

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

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

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

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

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

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

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

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

407 21-15-1. All officers elected at the general or regular
408 municipal election provided for in Section 11 of House Bill No.
409 _____, 2006 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 23-15-153. (1) At the following times the commissioners of
450 election shall meet at the office of the registrar and carefully
451 revise the registration books and the pollbooks of the several
452 voting precincts, and shall erase from those books the names of
453 all persons erroneously on the books, or who have died, removed or
454 become disqualified as electors from any cause; and shall register
455 the names of all persons who have duly applied to be registered
456 and have been illegally denied registration:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

570 (5) The county registrar shall prepare the pollbooks and the
571 county commissioners of election shall prepare the registration
572 books of each municipality located within the county pursuant to
573 an agreement between the county and each municipality in the
574 county. The county commissioners of election and the county
575 registrar shall be paid by each municipality for the actual cost
576 of preparing registration books and pollbooks for the municipality
577 and shall pay each county commissioner of election a per diem in
578 the amount provided for in subsection (2) of this section for each
579 day or period of not less than five (5) hours accumulated over two

580 (2) or more days the commissioners are actually employed in
 581 preparing the registration books for the municipality, not to
 582 exceed five (5) days. The county commissioners of election and
 583 county registrar shall provide copies of the registration books
 584 and pollbooks to the municipal clerk of each municipality in the
 585 county. The municipality shall pay the county registrar for
 586 preparing and printing the pollbooks. A municipality may secure
 587 "read only" access to the Statewide Centralized Voter System and
 588 print its own pollbooks using this information; however, county
 589 commissioners of election shall remain responsible for preparing
 590 registration books for municipalities and shall be paid for this
 591 duty in accordance with this subsection.

592 (6) Every commissioner of election shall sign personally a
 593 certification setting forth the number of hours actually worked in
 594 the performance of the commissioner's official duties and for
 595 which the commissioner seeks compensation. The certification must
 596 be on a form as prescribed in this subsection. The commissioner's
 597 signature is, as a matter of law, made under the commissioner's
 598 oath of office and under penalties of perjury.

599 The certification form shall be as follows:

600 **COUNTY ELECTION COMMISSIONER**

601 **PER DIEM CLAIM FORM**

602 NAME: _____ COUNTY: _____
 603 ADDRESS: _____ DISTRICT: _____
 604 CITY: _____ ZIP: _____

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

611 TOTAL NUMBER OF PER DIEM DAYS EARNED _____
 612 PER DIEM RATE PER DAY EARNED X 70.00

613 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

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

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

619 Signed this the _____day of _____, ____.

620 _____

621 Commissioner's Signature

622 When properly completed and signed, the certification must be
623 filed with the clerk of the county board of supervisors before any
624 payment may be made. The certification will be a public record
625 available for inspection and reproduction immediately upon the
626 oral or written request of any person.

627 Any person may contest the accuracy of the certification in
628 any respect by notifying the chairman of the commission, any
629 member of the board of supervisors or the clerk of the board of
630 supervisors of such contest at any time before or after payment is
631 made. If the contest is made before payment is made, no payment
632 shall be made as to the contested certificate until the contest is
633 finally disposed of. The person filing the contest shall be
634 entitled to a full hearing, and the clerk of the board of
635 supervisors shall issue subpoenas upon request of the contestor
636 compelling the attendance of witnesses and production of documents
637 and things. The contestor shall have the right to appeal de novo
638 to the circuit court of the involved county, which appeal must be
639 perfected within thirty (30) days from a final decision of the
640 commission, the clerk of the board of supervisors or the board of
641 supervisors, as the case may be.

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

646 disposition of the contest before the election commission, board
647 of supervisors, clerk of the board of supervisors, or, in case of
648 an appeal, final disposition by the court. The commissioner
649 against whom the contest is decided shall be liable for the
650 payment of the expenses and attorney's fees, and the county shall
651 be jointly and severally liable for same.

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

654 23-15-173. * * * A general municipal election shall be held
655 in each city, town or village on the first Tuesday after the first
656 Monday of June 1985, and every four (4) years thereafter, for the
657 election of all municipal officers elected by the people.

658 * * *

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

661 23-15-197. (1) Times for holding * * * general elections
662 for congressional offices shall be as prescribed in Sections * * *
663 23-15-1033 and 23-15-1041.

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

667 (3) Times for holding elections for the office of circuit
668 court judge and the office of chancery court judge shall be as
669 prescribed in Sections 23-15-974 through 23-15-985 and Section
670 23-15-1015.

671 (4) Times for holding elections for the office of county
672 election commissioners shall be as prescribed in Section
673 23-15-213.

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

676 23-15-313. If there be any political party, or parties, in
677 any municipality which shall not have a party executive committee
678 for such municipality, such political party, or parties, shall

679 select temporary executive committees to serve until executive
680 committees shall be regularly elected, said selection to be in the
681 following manner, to wit: The chairman of the county executive
682 committee of the party desiring to select a municipal executive
683 committee shall, upon petition of five (5) or more members of that
684 political faith, call a mass meeting of the electors of their
685 political faith, residing in the municipality, to meet at some
686 convenient place within said municipality, at a time to be
687 designated in the call, and at such mass convention the members of
688 that political faith shall select an executive committee which
689 shall serve until the next * * * election. The public shall be
690 given notice of such mass meeting as provided in the next
691 succeeding section.

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

694 23-15-367. (1) Except as otherwise provided by * * *
695 subsection (2) of this section, * * * the size, print and quality
696 of paper of the official ballot is left to the discretion of the
697 officer charged with printing the official ballot * * *.

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

- 700 (a) Candidates for national office;
- 701 (b) Candidates for statewide office;
- 702 (c) Candidates for state district office;
- 703 (d) Candidates for legislative office;
- 704 (e) Candidates for countywide office;
- 705 (f) Candidates for county district office.

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

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

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

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

717 23-15-375. Local issue elections may be held on the same
718 date as any regular or general election. A local issue election
719 held on the same date as the regular or general election shall be
720 conducted in the same manner as the regular or general election
721 using the same poll workers and the same equipment. A local issue
722 may be placed on the regular or general election ballot pursuant
723 to the provisions of Section 10 of House Bill No. _____, 2006
724 Regular Session. The provisions of this section and Section 10 of
725 House Bill No. _____, 2006 Regular Session, with regard to local
726 issue elections shall not be construed to affect any statutory
727 requirements specifying the notice procedure and the necessary
728 percentage of qualified electors voting in such an election which
729 is needed for adoption of the local issue. Whether or not a local
730 issue is adopted or defeated at a local issue election held on the
731 same day as a regular or general election shall be determined in
732 accordance with relevant statutory requirements regarding the
733 necessary percentage of qualified electors who voted in such local
734 issue election, and only those persons voting for or against such
735 issue shall be counted in making that determination. As used in
736 this section "local issue elections" include elections regarding
737 the issuance of bonds, local option elections, elections regarding
738 the levy of additional ad valorem taxes and other similar
739 elections authorized by law that are called to consider issues
740 that affect a single local governmental entity. As used in this
741 section "local issue" means any issue that may be voted on in a
742 local issue election.

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

745 23-15-403. The board of supervisors of any county in the
746 State of Mississippi and the governing authorities of any
747 municipality in the State of Mississippi are hereby authorized and
748 empowered, in their discretion, to purchase or rent any voting
749 machine or machines which shall be so constructed as to fulfill
750 the following requirements: It shall secure to the voter secrecy
751 in the act of voting; it shall provide facilities for voting for
752 all candidates of as many political parties or organizations as
753 may make nominations, and for or against as many questions as
754 submitted; it shall * * * permit the voter to vote for * * * as
755 many persons for an office as he is lawfully entitled to vote for,
756 but not more; it shall prevent the voter from voting for the same
757 person more than once for the same office; it shall permit the
758 voter to vote for or against any question he may have the right to
759 vote on, but no other; * * * it shall correctly register or record
760 and accurately count all votes cast for any and all persons and
761 for or against any and all questions; it shall be provided with a
762 "protective counter" or "protective device" whereby any operation
763 of the machine before or after the election will be detected; it
764 shall be provided with a counter which shall show at all times
765 during an election how many persons have voted; it shall be
766 provided with a mechanical model, illustrating the manner of
767 voting on the machine, suitable for the instruction of voters; it
768 may also be provided with one (1) device for each party, for
769 voting for all the presidential electors of that party by one (1)
770 operation, and a ballot therefor containing only the words
771 "Presidential Electors For" preceded by the name of that party and
772 followed by the names of the candidates thereof for the offices of
773 President and Vice President, and a registering device therefor
774 which shall register the vote cast for said electors when thus
775 voted collectively; provided, however, that means shall be
776 furnished whereby the voter can cast a vote for individual
777 electors when permitted to do so by law.

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

780 23-15-411. The officer who furnishes the official ballots
781 for any polling place where a voting machine is to be used, shall
782 also provide two (2) sample ballots or instruction ballots, which
783 sample or instruction ballots shall be arranged in the form of a
784 diagram showing such portion of the front of the voting machine as
785 it will appear after the official ballots are arranged thereon or
786 therein for voting on election day. The sample ballots shall be
787 open to the inspection of all voters on election day, in all
788 preferential and general or regular elections where voting
789 machines are used.

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

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

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

813 23-15-465. No electronic voting system consisting of a
814 marking or voting device in combination with automatic tabulating
815 equipment shall be acquired or used in accordance with Sections
816 23-15-461 through 23-15-485 unless it shall:

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

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

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

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

834 * * *

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

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

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

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

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

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

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

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

854 23-15-507. No optical mark reading system shall be acquired
855 or used in accordance with this chapter unless it shall:

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

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

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

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

872 * * *

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

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

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

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

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

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

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

901 Ballots shall be printed in plain clear type in black ink and
902 upon clear white materials of such size and arrangement as to be
903 compatible with the OMR tabulating equipment. Absentee ballots
904 shall be prepared and printed in the same form and shall be on the
905 same size and texture as the regular official ballots, except that
906 they shall be printed on tinted paper; or the ink used to print
907 the ballots shall be of a color different from that of the ink

908 used to print the regular official ballots. Arrows may be printed
909 on the ballot to indicate the place to mark the ballot, which may
910 be to the right or left of the names of candidates and
911 propositions. The titles of offices may be arranged in vertical
912 columns on the ballot and shall be printed above or at the side of
913 the names of candidates so as to indicate clearly the candidates
914 for each office and the number to be elected. In case there are
915 more candidates for an office than can be printed in one (1)
916 column, the ballot shall be clearly marked that the list of
917 candidates is continued on the following column. The names of
918 candidates for each office shall be printed in vertical columns,
919 grouped by the offices which they seek. * * * The party
920 designation, if any, of each candidate * * * shall be printed
921 following his name, as provided for in Section 10 of House Bill
922 No. _____, 2006 Regular Session.

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

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

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

938 23-15-559. The provisions of Section * * * 23-15-173 fixing
939 the time for the holding of * * * general elections shall not
940 apply to any municipality operating under a special or private

941 charter where the governing board or authority thereof, on or
942 before June 25, 1952, shall have adopted and spread upon its
943 minutes a resolution or ordinance declining to accept such
944 provisions, in which event * * * general elections shall be held
945 at the time fixed by the charter of such municipality.

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

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

957 23-15-561. (1) It shall be unlawful during any * * *
958 election for any candidate for any elective office or any
959 representative of such candidate or any other person to publicly
960 or privately put up or in any way offer any prize, cash award or
961 other item of value to be raffled, drawn for, played for or
962 contested for in order to encourage persons to vote or to refrain
963 from voting in any election.

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

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

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

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

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

977 23-15-573. (1) If any person declares that he is a
978 registered voter in the jurisdiction in which he offers to vote
979 and that he is eligible to vote in the election, but his name does
980 not appear upon the pollbooks, or that he is not able to cast a
981 regular election day ballot under a provision of state or federal
982 law but is otherwise qualified to vote, or that he has been
983 illegally denied registration:

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

986 (b) The person shall be permitted to cast an affidavit
987 ballot at the polling place upon execution of a written affidavit
988 before one (1) of the managers of election stating that the
989 individual:

990 (i) Believes he is a registered voter in the
991 jurisdiction in which he desires to vote and is eligible to vote
992 in the election; or

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

996 (iii) Believes that he has been illegally denied
997 registration.

998 (c) The manager shall allow the individual to prepare
999 his vote which shall be delivered by him to the proper election
1000 official who shall enclose it in an envelope with the written
1001 affidavit of the voter, seal the envelope and mark plainly upon it
1002 the name of the person offering to vote.

1003 (2) The affidavit shall include:

1004 (a) The complete name, all required addresses and
1005 telephone numbers;

1006 (b) A statement that the affiant believes he is
1007 registered to vote in the jurisdiction in which he offers to vote;

1008 (c) The signature of the affiant; and

1009 (d) The signature of a poll manager at the precinct at
1010 which the affiant offers to vote.

1011 (3) (a) A separate register shall be maintained for
1012 affidavit ballots and the affiant shall sign the register upon
1013 completing the affidavit ballot.

1014 (b) In canvassing the returns of the election, * * *
1015 the election commissioners * * * shall examine the records and
1016 allow the ballot to be counted, or not counted as it appears
1017 legal.

1018 (4) When a person is offered the opportunity to vote by
1019 affidavit ballot, he shall be provided with written information
1020 that informs the person how to ascertain whether his affidavit
1021 ballot was counted and, if the vote was not counted, the reasons
1022 the vote was not counted.

1023 (5) The Secretary of State shall, by rule duly adopted,
1024 establish a uniform affidavit and affidavit ballot envelope which
1025 shall be used in all elections in this state. The Secretary of
1026 State shall print and distribute a sufficient number of affidavits
1027 and affidavit ballot envelopes to the registrar of each county for
1028 use in elections. The registrar shall distribute the affidavits
1029 and affidavit ballot envelopes to municipal and county executive
1030 committees for use in primary elections and to municipal and
1031 county election commissioners for use in other elections.

1032 (6) County registrars and municipal registrars shall
1033 implement a secure free access system that complies with the Help
1034 America Vote Act of 2002, by which persons who vote by affidavit
1035 ballot may determine if their ballots were counted, and if not,
1036 the reasons the ballot was not counted.

1037 (7) Any person who votes in any election as a result of a
1038 federal or state court order or other order extending the time

1039 established by law for closing the polls, may only vote by
1040 affidavit ballot. Any affidavit ballot cast under this subsection
1041 shall be separated and kept apart from other affidavit ballots
1042 cast by voters not affected by the order.

1043 **SECTION 39.** Section 23-15-593, Mississippi Code of 1972, is
1044 amended as follows:

1045 23-15-593. When the ballot box is opened and examined by
1046 the * * * county election commissioners * * * and it is found that
1047 there have been failures in material particulars to comply with
1048 the requirements of Section 23-15-591 and Section 23-15-895 to
1049 such an extent that it is impossible to arrive at the will of the
1050 voters at such precinct, the entire box may be thrown out unless
1051 it be made to appear with reasonable certainty that the
1052 irregularities were not deliberately permitted or engaged in by
1053 the managers at that box, or by one (1) of them responsible for
1054 the wrong or wrongs, for the purpose of electing or defeating a
1055 certain candidate or candidates by manipulating the election or
1056 the returns thereof at that box in such manner as to have it
1057 thrown out; in which latter case * * * the county election
1058 commission * * * shall conduct a hearing and make a determination
1059 in respect to said box as may appear lawfully just, subject to a
1060 judicial review of the matter as elsewhere provided by this
1061 chapter. Or the * * * election commission, or the court upon
1062 review, may order another election to be held at that box
1063 appointing new managers to hold the same.

1064 **SECTION 40.** Section 23-15-595, Mississippi Code of 1972, is
1065 amended as follows:

1066 23-15-595. The box containing the ballots and other records
1067 required by this chapter shall, as soon as practical after the
1068 ballots have been counted, be delivered by one (1) of the precinct
1069 managers to the clerk of the circuit court of the county and said
1070 clerk shall, in the presence of the manager making delivery of the
1071 box, place upon the lock of such box a metal seal similar to the

1072 seal commonly used in sealing the doors of railroad freight cars.
1073 Such seals shall be numbered consecutively to the number of ballot
1074 boxes used in the election in the county, and the clerk shall keep
1075 in a place separate from such boxes a record of the number of the
1076 seal of each separate box in the county. The board of supervisors
1077 of the county shall pay the cost of providing such seals. Upon
1078 demand of a county election commissioner the boxes and their
1079 contents shall be delivered to the county election commission, and
1080 after such commission has finished the work of tabulating returns
1081 and counting ballots as required by law the said commission shall
1082 return all papers and ballots to the box of the precinct where the
1083 election was held, and it shall make redelivery of such boxes and
1084 their contents to the circuit clerk who shall reseal said boxes.
1085 Upon every occasion said boxes shall be reopened and each
1086 resealing shall be done as provided in this chapter.

1087 **SECTION 41.** Section 23-15-601, Mississippi Code of 1972, is
1088 amended as follows:

1089 23-15-601. (1) When the result of the election shall have
1090 been ascertained by the managers they, or one (1) of their number,
1091 or some fit person designated by them, shall, by noon of the * * *
1092 day following the election, deliver to the commissioners of
1093 election, at the courthouse, a statement of the whole number of
1094 votes given for each person and for what office; and the
1095 commissioners of election shall, on the first or second day after
1096 the preferential election and after the general election, canvass
1097 the returns, ascertain and declare the result, and announce the
1098 names of the candidates who have received a majority of the votes
1099 cast for representative in the Legislature of districts composed
1100 of one (1) county or less, or other county office, board of
1101 supervisors, justice court judge and constable, and shall also
1102 announce the names of those candidates for the above mentioned
1103 offices that are to be submitted to the general election.

1104 The vote for state and state district offices shall be
1105 tabulated by precincts and certified to and returned to the state
1106 election commissioners, such returns to be mailed by registered
1107 letter or any safe mode of transportation within thirty-six (36)
1108 hours after the returns are canvassed and the results ascertained.
1109 The state election commissioners shall meet a week from the day
1110 following the preferential election held for state and district
1111 offices, and shall proceed to canvass the returns and to declare
1112 the results and announce the names of the candidates for the
1113 different offices who have received a majority of the votes cast
1114 and the names of those candidates whose names are to be submitted
1115 to the general election. The state election commissioners shall
1116 also meet a week from the day on which the general election is
1117 held and receive and canvass the returns for state and district
1118 offices voted on in such general election. An exact and full
1119 duplicate of all tabulations by precincts, as certified under this
1120 section, shall be filed with the circuit clerk of the county who
1121 shall safely preserve the same in his office.

1122 **SECTION 42.** Section 23-15-605, Mississippi Code of 1972, is
1123 amended as follows:

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

1137 list, and not elected, have an equal number of votes, the election
1138 shall be forthwith decided between the candidates having an equal
1139 number of votes by lot, fairly and publicly drawn, under the
1140 direction of the Governor and Secretary of State.

1141 **SECTION 43.** Section 23-15-673, Mississippi Code of 1972, is
1142 amended as follows:

1143 23-15-673. (1) For the purposes of this subarticle, the
1144 term "absent voter" shall mean and include the following:

1145 (a) Any enlisted or commissioned members, male or
1146 female, of the United States Army, or any of its respective
1147 components or various divisions thereof; any enlisted or
1148 commissioned members, male or female, of the United States Navy,
1149 or any of its respective components or various divisions thereof;
1150 any enlisted or commissioned members, male or female, of the
1151 United States Air Force, or any of its respective components or
1152 various divisions thereof; any enlisted or commissioned members,
1153 male or female, of the United States Marines, or any of its
1154 respective components or various divisions thereof; or any persons
1155 in any division of the armed services of the United States, who
1156 are citizens of Mississippi;

1157 (b) Any member of the Merchant Marine and the American
1158 Red Cross who is a citizen of Mississippi;

1159 (c) Any disabled war veteran who is a patient in any
1160 hospital and who is a citizen of Mississippi;

1161 (d) Any civilian attached to and serving outside of the
1162 United States with any branch of the Armed Forces or with the
1163 Merchant Marine or American Red Cross, and who is a citizen of
1164 Mississippi;

1165 (e) Any citizen of Mississippi temporarily residing
1166 outside the territorial limits of the United States and the
1167 District of Columbia;

1168 (f) Any citizen of Mississippi enrolled as a student at
1169 a United States Military Academy.

1170 (2) The spouse and dependents of any absent voter as set out
1171 in paragraphs (a), (b), (c) and (d) of subsection (1) of this
1172 section shall also be included in the meaning of absent voter and
1173 may vote an absentee ballot as provided in this subarticle if also
1174 absent from the county of their residence on the date of the
1175 election and otherwise qualified to vote in Mississippi.

1176 (3) For the purpose of this subarticle, the term "election"
1177 shall mean and include the following sets of elections: special
1178 and runoff special elections, preferential and general
1179 elections, * * * or general elections without preferential
1180 elections, whichever * * * is applicable.

1181 **SECTION 44.** Section 23-15-713, Mississippi Code of 1972, is
1182 amended as follows:

1183 23-15-713. For the purpose of this subarticle, any duly
1184 qualified elector may vote as provided in this subarticle if
1185 he * * * falls within the following categories:

1186 (a) Any qualified elector who is a bona fide student,
1187 teacher or administrator at any college, university, junior
1188 college, high, junior high, or elementary grade school whose
1189 studies or employment at such institution necessitates his absence
1190 from the county of his voting residence on the date of any * * *
1191 election, or the spouse and dependents of said student, teacher or
1192 administrator if such spouse or dependent(s) maintain a common
1193 domicile, outside of the county of his voting residence, with such
1194 student, teacher or administrator.

1195 (b) Any qualified elector who is required to be away
1196 from his place of residence on any election day due to his
1197 employment as an employee of a member of the Mississippi
1198 congressional delegation and the spouse and dependents of such
1199 person if he or she shall be residing with such absentee voter
1200 away from the county of the spouse's voting residence.

1201 (c) Any qualified elector who is away from his county
1202 of residence on election day for any reason.

1203 (d) Any person who has a temporary or permanent
1204 physical disability and who, because of such disability, is unable
1205 to vote in person without substantial hardship to himself or
1206 others, or whose attendance at the voting place could reasonably
1207 cause danger to himself or others.

1208 (e) The parent, spouse or dependent of a person with a
1209 temporary or permanent physical disability who is hospitalized
1210 outside of his county of residence or more than fifty (50) miles
1211 distant from his residence, if the parent, spouse or dependent
1212 will be with such person on election day.

1213 (f) Any person who is sixty-five (65) years of age or
1214 older.

1215 (g) Any member of the Mississippi congressional
1216 delegation absent from Mississippi on election day, and the spouse
1217 and dependents of such member of the congressional delegation.

1218 (h) Any qualified elector who will be unable to vote in
1219 person because he is required to be at work on election day during
1220 the times at which the polls will be open.

1221 **SECTION 45.** Section 23-15-755, Mississippi Code of 1972, is
1222 amended as follows:

1223 23-15-755. All of the provisions of Sections 23-15-621
1224 through 23-15-735 shall be applicable, insofar as possible, to
1225 municipal, * * * preferential, general and special elections, and
1226 wherever herein any duty is imposed or any power or authority is
1227 conferred upon the county registrar or county election
1228 commissioners, * * * with reference to a state and county
1229 election, such duty shall likewise be imposed and such power and
1230 authority shall likewise be conferred upon the municipal registrar
1231 or municipal election commission * * * with reference to any
1232 municipal election. * * *

1233 **SECTION 46.** Section 23-15-771, Mississippi Code of 1972, is
1234 amended as follows:

1235 23-15-771. At the state convention, a slate of electors
1236 composed of the number of electors allotted to this state, which
1237 said electors announce a clearly expressed design and purpose to
1238 support the candidates for President and Vice President of the
1239 national political party with which the said party of this state
1240 has had an affiliation and identity of purpose heretofore, shall
1241 be designated and selected for a place upon the * * * election
1242 ballot to be held as herein provided.

1243 **SECTION 47.** Section 23-15-801, Mississippi Code of 1972, is
1244 amended as follows:

1245 23-15-801. (a) "Election" shall mean a preferential,
1246 general or special * * * election.

1247 (b) "Candidate" shall mean an individual who seeks * * *
1248 election, or election, to any elective office other than a federal
1249 elective office. For purposes of this article, an individual
1250 shall be deemed to seek * * * election:

1251 (i) If such individual has received contributions
1252 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
1253 expenditures aggregating in excess of Two Hundred Dollars
1254 (\$200.00) or for a candidate for the Legislature or any statewide
1255 or state district office, by the qualifying deadlines specified in
1256 Sections 23-15-299 and 23-15-977, whichever occurs first; or

1257 (ii) If such individual has given his or her consent to
1258 another person to receive contributions or make expenditures on
1259 behalf of such individual and if such person has received such
1260 contributions aggregating in excess of Two Hundred Dollars
1261 (\$200.00) during a calendar year, or has made such expenditures
1262 aggregating in excess of Two Hundred Dollars (\$200.00) during a
1263 calendar year.

1264 (c) "Political committee" shall mean any committee, party,
1265 club, association, political action committee, campaign committee
1266 or other groups of persons or affiliated organizations which
1267 receives contributions aggregating in excess of Two Hundred

1268 Dollars (\$200.00) during a calendar year or which makes
1269 expenditures aggregating in excess of Two Hundred Dollars
1270 (\$200.00) during a calendar year for the purpose of influencing or
1271 attempting to influence the action of voters for or against
1272 the * * * election of one or more candidates, or balloted measures
1273 and shall, in addition, include each political party registered
1274 with the Secretary of State.

1275 (d) "Affiliated organization" shall mean any organization
1276 which is not a political committee, but which directly or
1277 indirectly establishes, administers or financially supports a
1278 political committee.

1279 (e) (i) "Contribution" shall include any gift,
1280 subscription, loan, advance or deposit of money or anything of
1281 value made by any person or political committee for the purpose of
1282 influencing any election for elective office or balloted measure;

1283 (ii) "Contribution" shall not include the value of
1284 services provided without compensation by any individual who
1285 volunteers on behalf of a candidate or political committee; or the
1286 cost of any food or beverage for use in any candidate's campaign
1287 or for use by or on behalf of any political committee of a
1288 political party;

1289 (iii) "Contribution to a political party" includes any
1290 gift, subscription, loan, advance or deposit of money or anything
1291 of value made by any person, political committee, or other
1292 organization to a political party and to any committee,
1293 subcommittee, campaign committee, political committee and other
1294 groups of persons and affiliated organizations of the political
1295 party;

1296 (iv) "Contribution to a political party" shall not
1297 include the value of services provided without compensation by any
1298 individual who volunteers on behalf of a political party or a
1299 candidate of a political party.

1300 (f) (i) "Expenditure" shall include any purchase, payment,
1301 distribution, loan, advance, deposit, gift of money or anything of
1302 value, made by any person or political committee for the purpose
1303 of influencing any balloted measure or election for elective
1304 office; and a written contract, promise, or agreement to make an
1305 expenditure;

1306 (ii) "Expenditure" shall not include any news story,
1307 commentary or editorial distributed through the facilities of any
1308 broadcasting station, newspaper, magazine, or other periodical
1309 publication, unless such facilities are owned or controlled by any
1310 political party, political committee, or candidate; or nonpartisan
1311 activity designed to encourage individuals to vote or to register
1312 to vote;

1313 (iii) "Expenditure by a political party" includes 1.
1314 any purchase, payment, distribution, loan, advance, deposit, gift
1315 of money or anything of value, made by any political party and by
1316 any contractor, subcontractor, agent, and consultant to the
1317 political party; and 2. a written contract, promise, or agreement
1318 to make such an expenditure.

1319 (g) The term "identification" shall mean:

1320 (i) In the case of any individual, the name, the
1321 mailing address, and the occupation of such individual, as well as
1322 the name of his or her employer; and

1323 (ii) In the case of any other person, the full name and
1324 address of such person.

1325 (h) The term "political party" shall mean an association,
1326 committee or organization which nominates a candidate for election
1327 to any elective office whose name appears on the election ballot
1328 as the candidate of such association, committee or organization.

1329 (i) The term "person" shall mean any individual, family,
1330 firm, corporation, partnership, association or other legal entity.

1331 (j) The term "independent expenditure" shall mean an
1332 expenditure by a person expressly advocating the election or

1333 defeat of a clearly identified candidate which is made without
1334 cooperation or consultation with any candidate or any authorized
1335 committee or agent of such candidate, and which is not made in
1336 concert with or at the request or suggestion of any candidate or
1337 any authorized committee or agent of such candidate.

1338 (k) The term "clearly identified" shall mean that:

1339 (i) The name of the candidate involved appears; or

1340 (ii) A photograph or drawing of the candidate appears;

1341 or

1342 (iii) The identity of the candidate is apparent by
1343 unambiguous reference.

1344 **SECTION 48.** Section 23-15-807, Mississippi Code of 1972, is
1345 amended as follows:

1346 23-15-807. (a) Each candidate or political committee shall
1347 file reports of contributions and disbursements in accordance with
1348 the provisions of this section. All candidates or political
1349 committees required to report may terminate its obligation to
1350 report only upon submitting a final report that it will no longer
1351 receive any contributions or make any disbursement and that such
1352 candidate or committee has no outstanding debts or obligations.
1353 The candidate, treasurer or chief executive officer shall sign
1354 each such report.

1355 (b) Candidates who are seeking election * * * and political
1356 committees that make expenditures for the purpose of influencing
1357 or attempting to influence the action of voters for or against
1358 the * * * election of one or more candidates or balloted measures
1359 at such election, shall file the following reports:

1360 (i) In any calendar year during which there is a
1361 regularly scheduled election, a preelection report, which shall be
1362 filed no later than the seventh day before any election in which
1363 such candidate or political committee has accepted contributions
1364 or made expenditures and which shall be complete as of the tenth
1365 day before such election;

1366 (ii) In 1987 and every fourth year thereafter, periodic
1367 reports, which shall be filed no later than the tenth day after
1368 April 30, May 31, June 30, September 30 and December 31, and which
1369 shall be complete as of the last day of each period; and

1370 (iii) In any calendar years except 1987 and except
1371 every fourth year thereafter, a report covering the calendar year
1372 which shall be filed no later than January 31 of the following
1373 calendar year.

1374 (c) All candidates for judicial office as defined in Section
1375 23-15-975, or their political committees, shall file in the year
1376 in which they are to be elected, periodic reports which shall be
1377 filed no later than the tenth day after April 30, May 31, June 30,
1378 September 30 and December 31.

1379 (d) Contents of reports. Each report under this article
1380 shall disclose:

1381 (i) For the reporting period and the calendar year, the
1382 total amount of all contributions and the total amount of all
1383 expenditures of the candidate or reporting committee which shall
1384 include those required to be identified pursuant to paragraph (ii)
1385 of this subsection as well as the total of all other contributions
1386 and expenditures during the calendar year. Such reports shall be
1387 cumulative during the calendar year to which they relate;

1388 (ii) The identification of:

1389 1. Each person or political committee who makes a
1390 contribution to the reporting candidate or political committee
1391 during the reporting period, whose contribution or contributions
1392 within the calendar year have an aggregate amount or value in
1393 excess of Two Hundred Dollars (\$200.00) when made to a political
1394 committee or to a candidate for an office other than statewide
1395 office or office elected by Supreme Court district, or in excess
1396 of Five Hundred Dollars (\$500.00) when made to a candidate for
1397 statewide office or office elected by Supreme Court district,
1398 together with the date and amount of any such contribution;

1399 2. Each person or organization, candidate or
1400 political committee who receives an expenditure, payment or other
1401 transfer from the reporting candidate, political committee or its
1402 agent, employee, designee, contractor, consultant or other person
1403 or persons acting in its behalf during the reporting period when
1404 the expenditure, payment or other transfer to such person,
1405 organization, candidate or political committee within the calendar
1406 year have an aggregate value or amount in excess of Two Hundred
1407 Dollars (\$200.00) when received from a political committee or
1408 candidate for an office other than statewide office or office
1409 elected by Supreme Court district, or in excess of Five Hundred
1410 Dollars (\$500.00) when received from a candidate for statewide
1411 office or office elected by the Supreme Court district, together
1412 with the date and amount of such expenditure;

1413 (iii) The total amount of cash on hand of each
1414 reporting candidate and reporting political committee;

1415 (iv) In addition to the contents of reports specified
1416 in paragraphs (i), (ii) and (iii) of this subsection, each
1417 political party shall disclose:

1418 1. Each person or political committee who makes a
1419 contribution to a political party during the reporting period and
1420 whose contribution or contributions to a political party within
1421 the calendar year have an aggregate amount or value in excess of
1422 Two Hundred Dollars (\$200.00), together with the date and amount
1423 of the contribution;

1424 2. Each person or organization who receives an
1425 expenditure by a political party or expenditures by a political
1426 party during the reporting period when the expenditure or
1427 expenditures to the person or organization within the calendar
1428 year have an aggregate value or amount in excess of Two Hundred
1429 Dollars (\$200.00), together with the date and amount of the
1430 expenditure.

1431 (e) The appropriate office specified in Section
1432 23-15-805 must be in actual receipt of the reports specified in
1433 this article by 5:00 p.m. on the dates specified in subsection (b)
1434 of this section. If the date specified in subsection (b) of this
1435 section shall fall on a weekend or legal holiday then the report
1436 shall be due in the appropriate office at 5:00 p.m. on the first
1437 working day before the date specified in subsection (b) of this
1438 section. The reporting candidate or reporting political committee
1439 shall ensure that the reports are delivered to the appropriate
1440 office by the filing deadline. The Secretary of State may approve
1441 specific means of electronic transmission of completed campaign
1442 finance disclosure reports, which may include, but not be limited
1443 to, transmission by electronic facsimile (FAX) devices.

1444 (f) (i) If any contribution of more than Two Hundred
1445 Dollars (\$200.00) is received by a candidate or candidate's
1446 political committee after the tenth day, but more than forty-eight
1447 (48) hours before 12:01 a.m. of the day of the election, the
1448 candidate or political committee shall notify the appropriate
1449 office designated in Section 23-15-805, within forty-eight (48)
1450 hours of receipt of the contribution. The notification shall
1451 include:

- 1452 1. The name of the receiving candidate;
- 1453 2. The name of the receiving candidate's political
1454 committee, if any;
- 1455 3. The office sought by the candidate;
- 1456 4. The identification of the contributor;
- 1457 5. The date of receipt;
- 1458 6. The amount of the contribution;
- 1459 7. If the contribution is in-kind, a description
1460 of the in-kind contribution; and
- 1461 8. The signature of the candidate or the treasurer
1462 or director of the candidate's political committee.

1463 (ii) The notification shall be in writing, and may be
1464 transmitted by overnight mail, courier service, or other reliable
1465 means, including electronic facsimile (FAX), but the candidate or
1466 candidate's committee shall ensure that the notification shall in
1467 fact be received in the appropriate office designated in Section
1468 23-15-805 within forty-eight (48) hours of the contribution.

1469 **SECTION 49.** Section 23-15-811, Mississippi Code of 1972, is
1470 amended as follows:

1471 23-15-811. (a) Any candidate or any other person who shall
1472 wilfully and deliberately and substantially violate the provisions
1473 and prohibitions of this article shall be guilty of a misdemeanor
1474 and upon conviction thereof shall be punished by a fine in a sum
1475 not to exceed Three Thousand Dollars (\$3,000.00) or imprisoned for
1476 not longer than six (6) months or by both fine and imprisonment.

1477 (b) In addition to the penalties provided in subsection
1478 (a) of this section, any candidate or political committee which is
1479 required to file a statement or report which fails to file such
1480 statement or report on the date in which it is due may be
1481 compelled to file such statement or report by an action in the
1482 nature of a mandamus.

1483 (c) No candidate shall be certified * * * as elected to
1484 office unless and until he files all reports required by this
1485 article due as of the date of certification.

1486 (d) No candidate who is elected to office shall receive
1487 any salary or other remuneration for the office unless and until
1488 he files all reports required by this article due as of the date
1489 such salary or remuneration is payable.

1490 (e) In the event that a candidate fails to timely file
1491 any report required pursuant to this article but subsequently
1492 files a report or reports containing all of the information
1493 required to be reported by him as of the date on which the
1494 sanctions of subsections (c) and (d) of this section would be

1495 applied to him, such candidate shall not be subject to the
1496 sanctions of said subsections (c) and (d).

1497 **SECTION 50.** Section 23-15-833, Mississippi Code of 1972, is
1498 amended as follows:

1499 23-15-833. Except as otherwise provided by law, the first
1500 Tuesday after the first Monday in November of each year shall be
1501 designated the regular special election day, and on that day an
1502 election shall be held to fill any vacancy in county, county
1503 district, and district attorney elective offices.

1504 All special elections, or elections to fill vacancies, shall
1505 in all respects be held, conducted and returned in the same manner
1506 as general elections, except that where no candidate receives a
1507 majority of the votes cast in such election, then a runoff
1508 election shall be held two (2) weeks after such election and the
1509 two (2) candidates who receive the highest popular votes for such
1510 office shall have their names submitted as the candidates to the
1511 said runoff and the candidate who leads in the runoff election
1512 shall be elected to the office. When there is a tie in the first
1513 election of those receiving next highest vote, these two (2) and
1514 the one receiving the highest vote, none having received a
1515 majority, shall go into the runoff election and whoever leads in
1516 such runoff election shall be entitled to the office.

1517 In those years when the regular special election day shall
1518 occur on the same day as the general election, the names of
1519 candidates in any special election and the general election shall
1520 be placed on the same ballot, but shall be clearly distinguished
1521 as general election candidates or special election candidates.

1522 * * *

1523 **SECTION 51.** Section 23-15-859, Mississippi Code of 1972, is
1524 amended as follows:

1525 23-15-859. Whenever under any statute a special election is
1526 required or authorized to be held in any municipality, and the
1527 statute authorizing or requiring such election does not specify

1528 the time within which such election shall be called, or the notice
1529 which shall be given thereof, the governing authorities of the
1530 municipality shall, by resolution, fix a date upon which such
1531 election shall be held. Such date shall not be less than
1532 twenty-one (21) nor more than thirty (30) days after the date upon
1533 which such resolution is adopted, and not less than three (3)
1534 weeks' notice of such election shall be given by the clerk by a
1535 notice published in a newspaper published in the municipality once
1536 each week for three (3) weeks next preceding the date of such
1537 election, and by posting a copy of such notice at three (3) public
1538 places in such municipality. Nothing herein, however, shall be
1539 applicable to elections on the question of the issuance of the
1540 bonds of a municipality or to preferential or general * * *
1541 elections for the election of municipal officers.

1542 **SECTION 52.** Section 23-15-873, Mississippi Code of 1972, is
1543 amended as follows:

1544 23-15-873. No person, whether an officer or not, shall, in
1545 order to promote his own candidacy, or that of any other person,
1546 to be a candidate for public office in this state, directly or
1547 indirectly, himself or through another person, promise to appoint,
1548 or promise to secure or assist in securing the appointment * * *
1549 or election of another person to any public position or
1550 employment, or to secure or assist in securing any public contract
1551 or the employment of any person under any public contractor, or to
1552 secure or assist in securing the expenditure of any public funds
1553 in the personal behalf of any particular person or group of
1554 persons, except that the candidate may publicly announce what is
1555 his choice or purpose in relation to an election in which he may
1556 be called on to take part if elected. It shall be unlawful for
1557 any person to directly or indirectly solicit or receive any
1558 promise by this section prohibited. But this does not apply to a
1559 sheriff, chancery clerk, circuit clerk, or any other person, of
1560 the state or county when it comes to their office force.

1561 **SECTION 53.** Section 23-15-881, Mississippi Code of 1972, is
1562 amended as follows:

1563 23-15-881. It shall be unlawful for the Mississippi
1564 Transportation Commission or any member of the Mississippi
1565 Transportation Commission, or the board of supervisors of any
1566 county or any member of the board of supervisors of such county,
1567 to employ, during the months of * * * August, September, October
1568 and November of any year in which a general * * * election is held
1569 for the * * * election of members of the Mississippi
1570 Transportation Commission and members of the boards of
1571 supervisors, a greater number of persons to work and maintain the
1572 state highways in any highway district, or the public roads in any
1573 supervisors district of the county, as the case may be, than the
1574 average number of persons employed for similar purposes in such
1575 highway district or supervisors district, as the case may be,
1576 during the months of * * * August, September, October and November
1577 of the three (3) years immediately preceding the year in which
1578 such general * * * election is held. It shall be unlawful for the
1579 Mississippi Transportation Commission, or the board of supervisors
1580 of any county, to expend out of the state highway funds, or the
1581 road funds of the county or any supervisors district thereof, as
1582 the case may be, in the payment of wages or other compensation for
1583 labor performed in working and maintaining the highways of any
1584 highway district, or the public roads of any supervisors district
1585 of the county, as the case may be, during the months of * * *
1586 August, September, October and November of such election year, a
1587 total amount in excess of the average total amount expended for
1588 such labor, in such highway district or supervisors district, as
1589 the case may be, during the corresponding four-month period of the
1590 three (3) years immediately preceding.

1591 It shall be the duty of the Mississippi Transportation
1592 Commission and the board of supervisors of each county,
1593 respectively, to keep sufficient records of the numbers of

1594 employees and expenditures made for labor on the state highways of
1595 each highway district, and the public roads of each supervisors
1596 district, for the months of * * * August, September, October and
1597 November of each year to show the number of persons employed for
1598 such work in each highway district and each supervisors district,
1599 as the case may be, during said four-month period, and the total
1600 amount expended in the payment of salaries and other compensation
1601 to such employees, so that it may be ascertained, from an
1602 examination of such records, whether or not the provisions of this
1603 chapter have been violated.

1604 It is provided, however, because of the abnormal conditions
1605 existing in certain counties of the state due to recent floods in
1606 which roads and bridges have been materially damaged or washed
1607 away and destroyed, if the board of supervisors in any county
1608 passes a resolution as provided in Section 19-9-11, Mississippi
1609 Code of 1972, for the emergency issuance of road and bridge bonds,
1610 the provisions of this section shall not be applicable to or in
1611 force concerning the board of supervisors during the calendar year
1612 1955.

1613 **SECTION 54.** Section 23-15-885, Mississippi Code of 1972, is
1614 amended as follows:

1615 23-15-885. The restrictions imposed in Sections 23-15-881
1616 and 23-15-883 shall likewise apply to the mayor and board of
1617 aldermen, or other governing authority, of each municipality, in
1618 the employment of labor for working and maintaining the streets of
1619 the municipality during the four-month period next preceding the
1620 date of holding the general * * * election in such municipality
1621 for the election of municipal officers.

1622 **SECTION 55.** Section 23-15-891, Mississippi Code of 1972, is
1623 amended as follows:

1624 23-15-891. No common carrier, telegraph company or telephone
1625 company shall give to any candidate, or to any member of any
1626 political committee, or to any person to be used to aid or promote

1627 the success or defeat of any candidate for election for any public
1628 office, free transportation or telegraph or telephone service, as
1629 the case may be, or any reduction thereof that is not made alike
1630 to all other persons. All persons required by the provisions of
1631 this chapter to make and file statements shall make oath that they
1632 have not received or made use of, directly or indirectly, in
1633 connection with any candidacy for election to any public office,
1634 free transportation or telegraph or telephone service.

1635 **SECTION 56.** Section 23-15-899, Mississippi Code of 1972, is
1636 amended as follows:

1637 23-15-899. Every placard, bill, poster, pamphlet or other
1638 printed matter having reference to any election, or to any
1639 candidate, that has not been submitted to, and approved and
1640 subscribed by a candidate or his campaign manager or assistant
1641 manager pursuant to the provisions of Section 23-15-897, shall
1642 bear upon the face thereof the name and the address of the author
1643 and of the printer and publisher thereof, and failure to so
1644 provide shall be a misdemeanor, and it shall be a misdemeanor for
1645 any person to mutilate, or remove, previously to the date of the
1646 election, any placard, poster or picture which has been lawfully
1647 placed or posted.

1648 **SECTION 57.** Section 23-15-911, Mississippi Code of 1972, is
1649 amended as follows:

1650 23-15-911. (1) When the returns for a box and the contents
1651 of the ballot box and the conduct of the election thereat have
1652 been canvassed and reviewed by the county election
1653 commission * * *, all the contents of the box required to be
1654 placed and sealed in the ballot box by the managers shall be
1655 replaced therein by the election commission * * *, and the box
1656 shall be forthwith resealed and delivered to the circuit clerk,
1657 who shall safely keep and secure the same against any tampering
1658 therewith. At any time within twelve (12) days after the canvass
1659 and examination of the box and its contents by the election

1660 commission * * *, any candidate or his representative authorized
1661 in writing by him shall have the right of full examination of said
1662 box and its contents upon three (3) days' notice of his
1663 application therefor served upon the opposing candidate or
1664 candidates, or upon any member of their family over the age of
1665 eighteen (18) years, which examination shall be conducted in the
1666 presence of the circuit clerk or his deputy who shall be charged
1667 with the duty to see that none of the contents of the box are
1668 removed from the presence of the clerk or in any way tampered
1669 with. Upon the completion of said examination the box shall be
1670 resealed with all its contents as theretofore. And if any contest
1671 or complaint before the court shall arise over the box, it shall
1672 be kept intact and sealed until the court hearing and another
1673 ballot box, if necessary, shall be furnished for the precinct
1674 involved.

1675 (2) The provisions of this section allowing the examination
1676 of ballot boxes shall apply in the case of an election contest
1677 regarding the seat of a member of the state Legislature. In such
1678 a case, the results of the examination shall be reported by the
1679 applicable circuit clerk to the Clerk of the House of
1680 Representatives or the Secretary of the Senate, as the case may
1681 be.

1682 **SECTION 58.** Section 23-15-973, Mississippi Code of 1972, is
1683 amended as follows:

1684 23-15-973. It shall be the duty of the judges of the circuit
1685 court to give a reasonable time and opportunity to the candidates
1686 for the office of judge of the Supreme Court, judges of the Court
1687 of Appeals, circuit judge and chancellor to address the people
1688 during court terms. In order to give further and every possible
1689 emphasis to the fact that the said judicial offices are not
1690 political but are to be held without favor and with absolute
1691 impartiality as to all persons, and because of the jurisdiction
1692 conferred upon the courts by this chapter, the judges thereof

1693 should be as far removed as possible from any political
1694 affiliations or obligations. It shall be unlawful for any
1695 candidate for any of the offices mentioned in this section to
1696 align himself with any candidate or candidates for any other
1697 office or with any political faction or any political party at any
1698 time during any * * * election campaign. Likewise, it shall be
1699 unlawful for any candidate for any other office * * * wherein any
1700 candidate for any of the judicial offices in this section
1701 mentioned, is or are to be elected, to align himself with any one
1702 or more of the candidates for said offices or to take any part
1703 whatever in any election for any one or more of said judicial
1704 offices, except to cast his individual vote. If any candidate for
1705 any office, whether elected with or without opposition, at any
1706 election wherein a candidate for any one (1) of the judicial
1707 offices in this section is to be elected, shall deliberately,
1708 knowingly and willfully violate the provisions of this
1709 section * * *, his election shall be void.

1710 **SECTION 59.** Section 23-15-1065, Mississippi Code of 1972, is
1711 amended as follows:

1712 23-15-1065. No person shall claim, or represent himself in
1713 any manner to be a member of any state, district or county
1714 executive committee of any political party in this state, or claim
1715 to be the national committeeman or national committeewoman or any
1716 other officer or representative of such political party without
1717 having been lawfully elected or chosen as such in the manner
1718 provided by the laws of this state, or by such political party in
1719 the manner provided by the laws of this state * * *.

1720 Any person who violates the provisions of this section, in
1721 addition to other measures or penalties provided by law, may be
1722 enjoined therefrom upon application to the courts by any person or
1723 persons, or any political party, official or representative of
1724 such political party aggrieved thereby.

1725 **SECTION 60.** Section 23-15-1085, Mississippi Code of 1972, is
1726 amended as follows:

1727 23-15-1085. The chairman of a party's state executive
1728 committee shall notify the Secretary of State if the party intends
1729 to hold a presidential preference primary. The Secretary of State
1730 shall be notified prior to December 1 of the year preceding the
1731 year in which a presidential preference primary may be held
1732 pursuant to Section 23-15-1081. * * *

1733 **SECTION 61.** Section 23-15-1087, Mississippi Code of 1972, is
1734 amended as follows:

1735 23-15-1087. Except as otherwise provided in this chapter,
1736 the laws regulating * * * elections shall in so far as practical
1737 apply to and govern presidential preference primary elections.

1738 **SECTION 62.** Section 23-15-127, Mississippi Code of 1972,
1739 which provides for the preparation, use and revision of primary
1740 election pollbooks, is repealed.

1741 **SECTION 63.** Section 23-15-171, Mississippi Code of 1972,
1742 which provides for the dates of municipal primary elections, is
1743 repealed.

1744 **SECTION 64.** Section 23-15-191, Mississippi Code of 1972,
1745 which provides for the date of state, district and county primary
1746 elections, is repealed.

1747 **SECTION 65.** Sections 23-15-263, 23-15-265, 23-15-267,
1748 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,
1749 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,
1750 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of
1751 1972, which provide for the duties of the state executive
1752 committee and county executive committees in primary elections,
1753 provide for the qualification of candidates for party primary
1754 elections, and provide for the conduct of party primary elections,
1755 are repealed.

1756 **SECTION 66.** Sections 23-15-359, 23-15-361 and 23-15-363,
1757 Mississippi Code of 1972, which provide for the contents of
1758 general election ballots, are repealed.

1759 **SECTION 67.** Sections 23-15-597 and 23-15-599, Mississippi
1760 Code of 1972, which provide for the canvass of returns and
1761 announcement of vote by the county executive committees in primary
1762 elections, and require the state executive committee to transmit
1763 to the Secretary of State a tabulated statement of the party vote
1764 for certain offices, are repealed.

1765 **SECTION 68.** Section 23-15-841, Mississippi Code of 1972,
1766 which provides for primary elections for nominations of candidates
1767 to fill vacancies in county and county district offices, is
1768 repealed.

1769 **SECTION 69.** Sections 23-15-921, 23-15-923, 23-15-925,
1770 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
1771 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
1772 procedures for contests of primary elections, are repealed.

1773 **SECTION 70.** Section 23-15-1031, Mississippi Code of 1972,
1774 which provides for the date of primary elections for Congressmen
1775 and United States Senators, is repealed.

1776 **SECTION 71.** Section 23-15-1063, Mississippi Code of 1972,
1777 which prohibits unregistered political parties from conducting
1778 primary elections, is repealed.

1779 **SECTION 72.** Section 23-15-1083, Mississippi Code of 1972,
1780 which requires that certain congressional primaries be held on the
1781 same day as the presidential preference primary, is repealed.

1782 **SECTION 73.** The Attorney General of the State of Mississippi
1783 shall submit this act, immediately upon approval by the Governor,
1784 or upon approval by the Legislature subsequent to a veto, to the
1785 Attorney General of the United States or to the United States
1786 District Court for the District of Columbia in accordance with the
1787 provisions of the Voting Rights Act of 1965, as amended and
1788 extended.

1789 **SECTION 74.** This act shall take effect and be in force from
1790 and after the date it is effectuated under Section 5 of the Voting
1791 Rights Act of 1965, as amended and extended.