

**Adopted  
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

**House Bill No. 221**

**BY: Committee**

**Amend by striking all after the enacting clause and inserting  
in lieu thereof the following:**

19        SECTION 1. (1) In the event a state of emergency is  
20 declared by the Governor pursuant to Section 33-15-11, and the  
21 reasons for which the state of emergency is declared interfere  
22 with the electoral process, the State Board of Election  
23 Commissioners may issue an emergency proclamation:  
24           (a) Mandating and directing the postponement of an  
25 election until a specific date in all or a part of the state;  
26 however, the date must be the same for the entire district in  
27 which the election is being held.  
28           (b) Specifying alternate polling places.  
29           (c) Specifying the use of alternate voting systems.  
30        (2) If emergency circumstances exist and a state of  
31 emergency has not been declared by the Governor, the State Board  
32 of Election Commissioners, upon the request of the board of  
33 supervisors in the county in which the emergency circumstances  
34 exist or the governing authorities of the municipality in which  
35 the emergency circumstances exist, may petition the Circuit Court  
36 of the First Judicial District of Hinds County to take any action

37 necessary to provide a remedy that is in the best interest of, and  
38 protects the integrity of, the electoral process.

39 **SECTION 2.** Section 23-15-171, Mississippi Code of 1972, is  
40 amended as follows:

41 23-15-171. (1) Municipal primary elections shall be held on  
42 the first Tuesday in May preceding the general municipal election  
43 and, in the event a second primary shall be necessary, such second  
44 primary shall be held on the third Tuesday in May preceding such  
45 general municipal election. At such primary election the  
46 municipal executive committee shall perform the same duties as are  
47 specified by law and performed by members of the county executive  
48 committee with regard to state and county primary elections. Each  
49 municipal executive committee shall have as many members as there  
50 are elective officers of the municipality, and such members of the  
51 municipal executive committee of each political party shall be  
52 elected in the primary elections held for the nomination of  
53 candidates for municipal offices. The provisions of this section  
54 shall govern all municipal primary elections as far as applicable,  
55 but the officers to prepare the ballots and the managers and other  
56 officials of the primary election shall be appointed by the  
57 municipal executive committee of the party holding such primary,  
58 and the returns of such election shall be made to such municipal  
59 executive committee. Vacancies in the executive committee shall  
60 be filled by it.

61 (2) Provided, however, that in municipalities operating  
62 under a special or private charter which fixes a time for holding  
63 elections, other than the time fixed by Chapter 491, Laws of 1950,  
64 the first primary election shall be held exactly four (4) weeks  
65 before the time for holding the general election, as fixed by the  
66 charter, and the second primary election, where necessary, shall  
67 be held two (2) weeks after the first primary election, unless the  
68 charter of any such municipality provides otherwise, in which

69 event the provisions of the special or private charter shall  
70 prevail as to the time of holding such primary elections.

71 (3) All primary elections in municipalities shall be held  
72 and conducted in the same manner as is provided by law for state  
73 and county primary elections.

74 (4) The date of a municipal primary election may be  
75 postponed to a specific date as provided in Section 1 of House  
76 Bill No. 221, 2006 Regular Session.

77 **SECTION 3.** Section 23-15-173, Mississippi Code of 1972, is  
78 amended as follows:

79 23-15-173. (1) Except as otherwise provided in Section 1 of  
80 House Bill No. 221, 2006 Regular Session, a general municipal  
81 election shall be held in each city, town or village on the first  
82 Tuesday after the first Monday of June 1985, and every four (4)  
83 years thereafter, for the election of all municipal officers  
84 elected by the people.

85 (2) All municipal general elections shall be held and  
86 conducted in the same manner as is provided by law for state and  
87 county general elections.

88 **SECTION 4.** Section 23-15-191, Mississippi Code of 1972, is  
89 amended as follows:

90 23-15-191. Except as otherwise provided in Section 1 of  
91 House Bill No. 221, 2006 Regular Session, the first primary shall  
92 be held on the first Tuesday after the first Monday of August  
93 preceding any regular or general election; and the second primary  
94 shall be held three (3) weeks thereafter. Any candidate who  
95 receives the highest popular vote cast for the office which he  
96 seeks in the first primary shall thereby become the nominee of the  
97 party for such office; provided also it be a majority of all the  
98 votes cast for that office. If no candidate receive such majority  
99 of popular votes in the first primary, then the two (2) candidates  
100 who receive the highest popular vote for such office shall have

101 their names submitted as such candidates to a second primary, and  
102 the candidate who leads in such second primary shall be nominated  
103 to the office. When there is a tie in the first primary of those  
104 receiving next highest vote, these two (2) and the one (1)  
105 receiving the highest vote, none having received a majority, shall  
106 go into the second primary, and whoever leads in such second  
107 primary shall be entitled to the nomination.

108       **SECTION 5.** Section 23-15-193, Mississippi Code of 1972, is  
109 amended as follows:

110       23-15-193. Except as otherwise provided in Section 1 of  
111 House Bill No. 221, 2006 Regular Session, at the election in 1995,  
112 and every four (4) years thereafter, there shall be elected a  
113 Governor, Lieutenant Governor, Secretary of State, Auditor of  
114 Public Accounts, State Treasurer, Attorney General, three (3)  
115 public service commissioners, three (3) Mississippi Transportation  
116 Commissioners, Commissioner of Insurance, Commissioner of  
117 Agriculture and Commerce, Senators and members of the House of  
118 Representatives in the Legislature, district attorneys for the  
119 several districts, clerks of the circuit and chancery courts of  
120 the several counties, as well as sheriffs, coroners, assessors,  
121 surveyors and members of the boards of supervisors, justice court  
122 judges and constables, and all other officers to be elected by the  
123 people at the general state election. All such officers shall  
124 hold their offices for a term of four (4) years, and until their  
125 successors are elected and qualified. The state officers shall be  
126 elected in the manner prescribed in Section 140 of the  
127 Constitution.

128       **SECTION 6.** Section 23-15-197, Mississippi Code of 1972, is  
129 amended as follows:

130       23-15-197. (1) Times for holding primary and general  
131 elections for congressional offices shall be as prescribed in  
132 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

133 (2) Times for holding elections for the Office of Judge of  
134 the Supreme Court shall be as prescribed in Section 23-15-991 and  
135 Sections 23-15-974 through 23-15-985.

136 (3) Times for holding elections for the office of circuit  
137 court judge and the office of chancery court judge shall be as  
138 prescribed in Sections 23-15-974 through 23-15-985, and Section  
139 23-15-1015.

140 (4) Times for holding elections for the office of county  
141 election commissioners shall be as prescribed in Section  
142 23-15-213.

143 (5) The times for holding elections for the offices listed  
144 in this section may be postponed to a specific date as provided in  
145 Section 1 of House Bill No. 221, 2006 Regular Session.

146 **SECTION 7.** The Attorney General of the State of Mississippi  
147 shall submit this act, immediately upon approval by the Governor,  
148 or upon approval by the Legislature subsequent to a veto, to the  
149 Attorney General of the United States or to the United States  
150 District Court for the District of Columbia in accordance with the  
151 provisions of the Voting Rights Act of 1965, as amended and  
152 extended.

153 **SECTION 8.** This act shall take effect and be in force from  
154 and after the date it is effectuated under Section 5 of the Voting  
155 Rights Act of 1965, as amended and extended.

**Further, amend by striking the title in its entirety and  
inserting in lieu thereof the following:**

1 AN ACT TO AUTHORIZE THE STATE BOARD OF ELECTION COMMISSIONERS  
2 TO POSTPONE ELECTIONS TO A SPECIFIC DATE, SPECIFY ALTERNATE  
3 POLLING PLACES AND SPECIFY ALTERNATE VOTING SYSTEMS IN THE EVENT A  
4 STATE OF EMERGENCY IS DECLARED BY THE GOVERNOR AND THE REASONS FOR  
5 WHICH THE STATE OF EMERGENCY IS DECLARED INTERFERE WITH THE  
6 ELECTORAL PROCESS; TO PROVIDE THAT IF EMERGENCY CIRCUMSTANCES  
7 EXIST AND A STATE OF EMERGENCY HAS NOT BEEN DECLARED BY THE  
8 GOVERNOR, THE STATE BOARD OF ELECTION COMMISSIONERS, UPON THE  
9 REQUEST OF THE BOARD OF SUPERVISORS IN THE COUNTY IN WHICH THE  
10 EMERGENCY CIRCUMSTANCES EXIST OR THE GOVERNING AUTHORITIES OF THE  
11 MUNICIPALITY IN WHICH THE EMERGENCY CIRCUMSTANCES EXIST, MAY  
12 PETITION THE CIRCUIT COURT OF THE FIRST JUDICIAL DISTRICT OF HINDS  
13 COUNTY TO TAKE ANY ACTION NECESSARY TO PROVIDE A REMEDY THAT IS IN

14 THE BEST INTEREST OF, AND PROTECTS THE INTEGRITY OF, THE ELECTORAL  
15 PROCESS; TO AMEND SECTIONS 23-15-171, 23-15-173, 23-15-191,  
16 23-15-193 AND 23-15-197, MISSISSIPPI CODE OF 1972, IN CONFORMITY  
17 THERETO; AND FOR RELATED PURPOSES.