

**Adopted  
AMENDMENT NO 1 PROPOSED TO**

**Senate Bill No. 2831**

**BY: Senator(s) Bryan, Burton**

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

18           **SECTION 1.** Section 23-15-171, Mississippi Code of 1972, is  
19 amended as follows:  
20           23-15-171. (1) Municipal primary elections shall be held on  
21 the first Tuesday in May preceding the general municipal election  
22 and, in the event a second primary shall be necessary, such second  
23 primary shall be held on the fourth Tuesday in May preceding such  
24 general municipal election. At such primary election the  
25 municipal executive committee shall perform the same duties as are  
26 specified by law and performed by members of the county executive  
27 committee with regard to state and county primary elections. Each  
28 municipal executive committee shall have as many members as there  
29 are elective officers of the municipality, and such members of the  
30 municipal executive committee of each political party shall be  
31 elected in the primary elections held for the nomination of  
32 candidates for municipal offices. The provisions of this section  
33 shall govern all municipal primary elections as far as applicable,  
34 but the officers to prepare the ballots and the managers and other  
35 officials of the primary election shall be appointed by the  
36 municipal executive committee of the party holding such primary,

37 and the returns of such election shall be made to such municipal  
38 executive committee. Vacancies in the executive committee shall  
39 be filled by it.

40 (2) Provided, however, that in municipalities operating  
41 under a special or private charter which fixes a time for holding  
42 elections, other than the time fixed by Chapter 491, Laws of 1950,  
43 the first primary election shall be held exactly four (4) weeks  
44 before the time for holding the general election, as fixed by the  
45 charter, and the second primary election, where necessary, shall  
46 be held three (3) weeks after the first primary election, unless  
47 the charter of any such municipality provides otherwise, in which  
48 event the provisions of the special or private charter shall  
49 prevail as to the time of holding such primary elections.

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

53 **SECTION 2.** Section 23-15-833, Mississippi Code of 1972, is  
54 amended as follows:

55 23-15-833. Except as otherwise provided by law, the first  
56 Tuesday after the first Monday in November of each year shall be  
57 designated the regular special election day, and on that day an  
58 election shall be held to fill any vacancy in county, county  
59 district, and district attorney elective offices.

60 All special elections, or elections to fill vacancies, shall  
61 in all respects be held, conducted and returned in the same manner  
62 as general elections, except that where no candidate receives a  
63 majority of the votes cast in such election, then a runoff  
64 election shall be held three (3) weeks after such election and the  
65 two (2) candidates who receive the highest popular votes for such  
66 office shall have their names submitted as such candidates to the  
67 said runoff and the candidate who leads in such runoff election  
68 shall be elected to the office. When there is a tie in the first

69 election of those receiving next highest vote, these two (2) and  
70 the one receiving the highest vote, none having received a  
71 majority, shall go into the runoff election and whoever leads in  
72 such runoff election shall be entitled to the office.

73 In those years when the regular special election day shall  
74 occur on the same day as the general election, the names of  
75 candidates in any special election and the general election shall  
76 be placed on the same ballot, but shall be clearly distinguished  
77 as general election candidates or special election candidates.

78 At any time a special election is held on the same day as a  
79 party primary election, the names of the candidates in the special  
80 election may be placed on the same ballot, but shall be clearly  
81 distinguished as special election candidates or primary election  
82 candidates.

83 **SECTION 3.** Section 23-15-857, Mississippi Code of 1972, is  
84 amended as follows:

85 23-15-857. (1) When it shall happen that there is any  
86 vacancy in a city, town or village office which is elective, the  
87 unexpired term of which shall not exceed six (6) months, the same  
88 shall be filled by appointment by the governing authority or  
89 remainder of the governing authority of said city, town or  
90 village. The municipal clerk shall certify to the Secretary of  
91 State the fact of such appointment, and the person or persons so  
92 appointed shall be commissioned by the Governor.

93 (2) When it shall happen that there is any vacancy in an  
94 elective office in a city, town or village the unexpired term of  
95 which shall exceed six (6) months, the governing authority or  
96 remainder of the governing authority of said city, town or village  
97 shall make and enter on the minutes an order for an election to be  
98 held in such city, town or village to fill the vacancy and fix a  
99 date upon which such election shall be held. Such order shall be  
100 made and entered upon the minutes at the next regular meeting of

101 the governing authority after such vacancy shall have occurred, or  
102 at a special meeting to be held not later than ten (10) days after  
103 such vacancy shall have occurred, Saturdays, Sundays and legal  
104 holidays excluded, whichever shall occur first. Such election  
105 shall be held on a date not less than thirty (30) days nor more  
106 than forty-five (45) days after the date upon which the order is  
107 adopted.

108 Notice of such election shall be given by the municipal clerk  
109 by notice published in a newspaper published in the municipality.  
110 Such notice shall be published once each week for three (3)  
111 successive weeks preceding the date of such election. The first  
112 notice to be published at least thirty (30) days before the date  
113 of such election. Notice shall also be given by posting a copy of  
114 such notice at three (3) public places in such municipality not  
115 less than twenty-one (21) days prior to the date of such election.  
116 One (1) of such notices shall be posted at the city, town or  
117 village hall. In the event that there is no newspaper published  
118 in the municipality, then such notice shall be published as  
119 provided for above in a newspaper which has a general circulation  
120 within the municipality and by posting as provided for above. In  
121 addition, the governing authority may publish such notice in such  
122 newspaper for such additional times as may be deemed necessary by  
123 the governing authority.

124 Each candidate shall qualify by petition filed with the  
125 municipal clerk by 5:00 p.m. at least twenty (20) days before the  
126 date of the election and such petition shall be signed by not less  
127 than the following number of qualified electors:

128 (a) For an office of a city, town or village having a  
129 population of one thousand (1,000) or more, not less than fifty  
130 (50) qualified electors.

131 (b) For an office of a city, town or village having a  
132 population of less than one thousand (1,000), not less than  
133 fifteen (15) qualified electors.

134 No qualifying fee shall be required of any candidate, and the  
135 election provided for herein shall be held as far as practicable  
136 in the same manner as municipal general elections.

137 The candidate receiving a majority of the votes cast in a  
138 said election shall be elected. If no candidate shall receive a  
139 majority vote at the election, the two (2) candidates receiving  
140 the highest number of votes shall have their names placed on the  
141 ballot for the election to be held three (3) weeks thereafter.

142 The candidate receiving a majority of the votes cast in said  
143 election shall be elected. However, if no candidate shall receive  
144 a majority and there is a tie in the election of those receiving  
145 the next highest vote, those receiving the next highest vote and  
146 the candidate receiving the highest vote shall have their names  
147 placed on the ballot for the election to be held three (3) weeks  
148 thereafter, and whoever receives the most votes cast in such  
149 election shall be elected.

150 Should the election to be held three (3) weeks thereafter  
151 result in a tie vote, the candidate to prevail shall be decided by  
152 lot, fairly and publicly drawn under the supervision by the  
153 election commission with the aid of two (2) or more qualified  
154 electors of the municipality.

155 The clerk of the election commission shall then give a  
156 certificate of election to the person elected, and shall return to  
157 the Secretary of State a copy of the order of holding the election  
158 and runoff election showing the results thereof, certified by the  
159 clerk of the governing authority. The person elected shall be  
160 commissioned by the Governor.

161 However, if nineteen (19) days prior to the date of the  
162 election only one (1) person shall have qualified as a candidate,

163 the governing authority, or remainder of the governing authority,  
164 shall dispense with the election and appoint that one (1)  
165 candidate in lieu of an election. In the event no person shall  
166 have qualified by 5:00 p.m. at least twenty (20) days prior to the  
167 date of the election, the governing authority or remainder of the  
168 governing authority shall dispense with the election and fill the  
169 vacancy by appointment. The clerk of the governing authority  
170 shall certify to the Secretary of State the fact of the  
171 appointment, and the person so appointed shall be commissioned by  
172 the Governor.

173       **SECTION 4.** Section 23-15-981, Mississippi Code of 1972, is  
174 amended as follows:

175       23-15-981. If two (2) or more candidates qualify for  
176 judicial office, the names of those candidates shall be placed on  
177 the general election ballot. If any candidate for such an office  
178 receives a majority of the votes cast for such office in the  
179 general election, he shall be declared elected. If no candidate  
180 for such office receives a majority of the votes cast for such  
181 office in the general election, the names of the two (2)  
182 candidates receiving the highest number of votes for such office  
183 shall be placed on the ballot for a second election to be held  
184 three (3) weeks later in accordance with appropriate procedures  
185 followed in other elections involving runoff candidates.

186       **SECTION 5.** Section 23-15-153, Mississippi Code of 1972, is  
187 amended as follows:

188       23-15-153. (1) At the following times the commissioners of  
189 election shall meet at the office of the registrar and carefully  
190 revise the registration books and the pollbooks of the several  
191 voting precincts, and shall erase from those books the names of  
192 all persons erroneously on the books, or who have died, removed or  
193 become disqualified as electors from any cause; and shall register

194 the names of all persons who have duly applied to be registered  
195 and have been illegally denied registration:

196 (a) On the Tuesday after the second Monday in January  
197 1987 and every following year;

198 (b) On the first Tuesday in the month immediately  
199 preceding the first primary election for congressmen in the years  
200 when congressmen are elected;

201 (c) On the first Monday in the month immediately  
202 preceding the first primary election for state, state district  
203 legislative, county and county district offices in the years in  
204 which those offices are elected; and

205 (d) On the second Monday of September preceding the  
206 general election or regular special election day in years in which  
207 a general election is not conducted.

208 Except for the names of those persons who are duly qualified  
209 to vote in the election, no name shall be permitted to remain on  
210 the registration books and pollbooks; however, no name shall be  
211 erased from the registration books or pollbooks based on a change  
212 in the residence of an elector except in accordance with  
213 procedures provided for by the National Voter Registration Act of  
214 1993 that are in effect at the time of such erasure. Except as  
215 otherwise provided by Section 23-15-573, no person shall vote at  
216 any election whose name is not on the pollbook.

217 (2) Except as provided in subsection (3) of this section,  
218 and subject to the following annual limitations, the commissioners  
219 of election shall be entitled to receive a per diem in the amount  
220 of Eighty-four Dollars (\$84.00), to be paid from the county  
221 general fund, for every day or period of no less than five (5)  
222 hours accumulated over two (2) or more days actually employed in  
223 the performance of their duties in the conduct of an election or  
224 actually employed in the performance of their duties for the

225 necessary time spent in the revision of the registration books and  
226 pollbooks as required in subsection (1) of this section:

227           (a) In counties having less than fifteen thousand  
228 (15,000) residents according to the latest federal decennial  
229 census, not more than fifty (50) days per year, with no more than  
230 fifteen (15) additional days allowed for the conduct of each  
231 election in excess of one (1) occurring in any calendar year;

232           (b) In counties having fifteen thousand (15,000)  
233 residents according to the latest federal decennial census but  
234 less than thirty thousand (30,000) residents according to the  
235 latest federal decennial census, not more than seventy-five (75)  
236 days per year, with no more than twenty-five (25) additional days  
237 allowed for the conduct of each election in excess of one (1)  
238 occurring in any calendar year;

239           (c) In counties having thirty thousand (30,000)  
240 residents according to the latest federal decennial census but  
241 less than seventy thousand (70,000) residents according to the  
242 latest federal decennial census, not more than one hundred (100)  
243 days per year, with no more than thirty-five (35) additional days  
244 allowed for the conduct of each election in excess of one (1)  
245 occurring in any calendar year;

246           (d) In counties having seventy thousand (70,000)  
247 residents according to the latest federal decennial census but  
248 less than ninety thousand (90,000) residents according to the  
249 latest federal decennial census, not more than one hundred  
250 twenty-five (125) days per year, with no more than forty-five (45)  
251 additional days allowed for the conduct of each election in excess  
252 of one (1) occurring in any calendar year;

253           (e) In counties having ninety thousand (90,000)  
254 residents according to the latest federal decennial census but  
255 less than one hundred seventy thousand (170,000) residents  
256 according to the latest federal decennial census, not more than



257 one hundred fifty (150) days per year, with no more than  
258 fifty-five (55) additional days allowed for the conduct of each  
259 election in excess of one (1) occurring in any calendar year;

260 (f) In counties having one hundred seventy thousand  
261 (170,000) residents according to the latest federal decennial  
262 census but less than two hundred thousand (200,000) residents  
263 according to the latest federal decennial census, not more than  
264 one hundred seventy-five (175) days per year, with no more than  
265 sixty-five (65) additional days allowed for the conduct of each  
266 election in excess of one (1) occurring in any calendar year;

267 (g) In counties having two hundred thousand (200,000)  
268 residents according to the latest federal decennial census but  
269 less than two hundred twenty-five thousand (225,000) residents  
270 according to the latest federal decennial census, not more than  
271 one hundred ninety (190) days per year, with no more than  
272 seventy-five (75) additional days allowed for the conduct of each  
273 election in excess of one (1) occurring in any calendar year;

274 (h) In counties having two hundred twenty-five thousand  
275 (225,000) residents according to the latest federal decennial  
276 census but less than two hundred fifty thousand (250,000)  
277 residents according to the latest federal decennial census, not  
278 more than two hundred fifteen (215) days per year, with no more  
279 than eighty-five (85) additional days allowed for the conduct of  
280 each election in excess of one (1) occurring in any calendar year;

281 (i) In counties having two hundred fifty thousand  
282 (250,000) residents according to the latest federal decennial  
283 census but less than two hundred seventy-five thousand (275,000)  
284 residents according to the latest federal decennial census, not  
285 more than two hundred thirty (230) days per year, with no more  
286 than ninety-five (95) additional days allowed for the conduct of  
287 each election in excess of one (1) occurring in any calendar year;

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

294           (3) The commissioners of election shall be entitled to  
295 receive a per diem in the amount of Eighty-four Dollars (\$84.00),  
296 to be paid from the county general fund, not to exceed ten (10)  
297 days for every day or period of no less than five (5) hours  
298 accumulated over two (2) or more days actually employed in the  
299 performance of their duties for the necessary time spent in the  
300 revision of the registration books and pollbooks prior to any  
301 special election. For purposes of this subsection, the regular  
302 special election day shall not be considered a special election.  
303 The annual limitations set forth in subsection (2) of this section  
304 shall not apply to this subsection.

305           (4) The commissioners of election shall be entitled to  
306 receive a per diem in the amount of Eighty-four Dollars (\$84.00),  
307 to be paid from the county general fund, not to exceed fourteen  
308 (14) days for every day or period of no less than five (5) hours  
309 accumulated over two (2) or more days actually employed in the  
310 performance of their duties for the necessary time spent in the  
311 revision of the registration books, pollbooks and in the conduct  
312 of a run-off election following either a general or special  
313 election.

314           (5) The commissioners of election shall be entitled to  
315 receive only one (1) per diem payment for those days when the  
316 commissioners of election discharge more than one (1) duty or  
317 responsibility on the same day.

318           (6) The county registrar shall prepare the pollbooks and the  
319 county commissioners of election shall prepare the registration

320 books of each municipality located within the county pursuant to  
321 an agreement between the county and each municipality in the  
322 county. The county commissioners of election and the county  
323 registrar shall be paid by each municipality for the actual cost  
324 of preparing registration books and pollbooks for the municipality  
325 and shall pay each county commissioner of election a per diem in  
326 the amount provided for in subsection (2) of this section for each  
327 day or period of not less than five (5) hours accumulated over two  
328 (2) or more days the commissioners are actually employed in  
329 preparing the registration books for the municipality, not to  
330 exceed five (5) days. The county commissioners of election and  
331 county registrar shall provide copies of the registration books  
332 and pollbooks to the municipal clerk of each municipality in the  
333 county. The municipality shall pay the county registrar for  
334 preparing and printing the pollbooks. A municipality may secure  
335 "read only" access to the Statewide Centralized Voter System and  
336 print its own pollbooks using this information; however, county  
337 commissioners of election shall remain responsible for preparing  
338 registration books for municipalities and shall be paid for this  
339 duty in accordance with this subsection.

340 (7) Every commissioner of election shall sign personally a  
341 certification setting forth the number of hours actually worked in  
342 the performance of the commissioner's official duties and for  
343 which the commissioner seeks compensation. The certification must  
344 be on a form as prescribed in this subsection. The commissioner's  
345 signature is, as a matter of law, made under the commissioner's  
346 oath of office and under penalties of perjury.

347 The certification form shall be as follows:

348 **COUNTY ELECTION COMMISSIONER**

349 **PER DIEM CLAIM FORM**

350 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

351 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

352 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

356 \_\_\_\_\_

357 \_\_\_\_\_

358 \_\_\_\_\_

359 TOTAL NUMBER OF PER DIEM DAYS EARNED \_\_\_\_\_

360 PER DIEM RATE PER DAY EARNED X 84.00

361 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

362 I understand that I am signing this document under my oath as  
363 a commissioner of election and under penalties of perjury.

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

367 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

368 \_\_\_\_\_

369 Commissioner's Signature

370 When properly completed and signed, the certification must be  
371 filed with the clerk of the county board of supervisors before any  
372 payment may be made. The certification will be a public record  
373 available for inspection and reproduction immediately upon the  
374 oral or written request of any person.

375 Any person may contest the accuracy of the certification in  
376 any respect by notifying the chairman of the commission, any  
377 member of the board of supervisors or the clerk of the board of  
378 supervisors of such contest at any time before or after payment is  
379 made. If the contest is made before payment is made, no payment  
380 shall be made as to the contested certificate until the contest is  
381 finally disposed of. The person filing the contest shall be  
382 entitled to a full hearing, and the clerk of the board of  
383 supervisors shall issue subpoenas upon request of the contestor

384 compelling the attendance of witnesses and production of documents  
385 and things. The contestor shall have the right to appeal de novo  
386 to the circuit court of the involved county, which appeal must be  
387 perfected within thirty (30) days from a final decision of the  
388 commission, the clerk of the board of supervisors or the board of  
389 supervisors, as the case may be.

390 Any contestor who successfully contests any certification  
391 will be awarded all expenses incident to his contest, together  
392 with reasonable attorney's fees, which will be awarded upon  
393 petition to the chancery court of the involved county upon final  
394 disposition of the contest before the election commission, board  
395 of supervisors, clerk of the board of supervisors, or, in case of  
396 an appeal, final disposition by the court. The commissioner  
397 against whom the contest is decided shall be liable for the  
398 payment of the expenses and attorney's fees, and the county shall  
399 be jointly and severally liable for same.

400 (8) Any commissioner of election who has not received a  
401 certificate issued by the Secretary of State pursuant to Section  
402 23-15-211 indicating that the commissioner of election has  
403 received the required elections seminar instruction and that the  
404 commissioner of election is fully qualified to conduct an  
405 election, shall not receive any compensation authorized by this  
406 section, Section 23-15-491 or Section 23-15-239.

407 **SECTION 6.** Section 23-15-227, Mississippi Code of 1972, is  
408 amended as follows:

409 23-15-227. The managers and clerks shall be each entitled to  
410 Seventy-five Dollars (\$75.00) for each election; \* \* \*  
411 however, \* \* \* the board of supervisors may, in its discretion,  
412 pay the managers and clerks an additional amount not to exceed  
413 Fifty Dollars (\$50.00) per election. The manager or other person  
414 who shall carry to the place of voting, away from the courthouse,  
415 the official ballots, ballot boxes, pollbooks and other

416 necessities, shall be allowed Ten Dollars (\$10.00) for each voting  
417 precinct for so doing. The manager or other person who acts as  
418 returning officer shall be allowed Ten Dollars (\$10.00) for each  
419 voting precinct for that service. The compensation authorized in  
420 this section shall be allowed by the board of supervisors, and  
421 shall be payable out of the county treasury.

422 The compensation provided in this section shall constitute  
423 payment in full for the services rendered by the persons named for  
424 any election, whether there be one (1) election or issue voted  
425 upon, or more than one (1) election or issue voted upon at the  
426 same time.

427 **SECTION 7.** The Attorney General of the State of Mississippi  
428 shall submit this act, immediately upon approval by the Governor,  
429 or upon approval by the Legislature subsequent to a veto, to the  
430 Attorney General of the United States or to the United States  
431 District Court for the District of Columbia in accordance with the  
432 provisions of the Voting Rights Act of 1965, as amended and  
433 extended.

434 **SECTION 8.** This act shall take effect and be in force from  
435 and after the date it is effectuated under Section 5 of the Voting  
436 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 AMEND SECTIONS 23-15-171, 23-15-833, 23-15-857 AND  
2 23-15-981, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT THE SECOND  
3 MUNICIPAL PRIMARY ELECTION, IF NECESSARY, SHALL BE HELD THREE  
4 WEEKS AFTER THE FIRST MUNICIPAL PRIMARY ELECTION; TO PROVIDE THAT  
5 THE RUNOFF ELECTION FOR VACANCIES IN COUNTY OFFICE, COUNTY  
6 DISTRICT OFFICE AND MUNICIPAL OFFICE, IF NECESSARY, SHALL BE HELD  
7 THREE WEEKS AFTER THE DATE DESIGNATED FOR THE INITIAL ELECTION; TO  
8 PROVIDE THAT THE SECOND ELECTION FOR JUDICIAL OFFICE, IF  
9 NECESSARY, SHALL BE HELD THREE WEEKS AFTER THE FIRST ELECTION; TO  
10 AMEND SECTION 23-15-153, MISSISSIPPI CODE OF 1972, TO AUTHORIZE  
11 THE PAYMENT OF PER DIEM TO ELECTION COMMISSIONERS, FROM THE COUNTY  
12 GENERAL FUND, FOR THE PERFORMANCE OF CERTAIN DUTIES IN A RUN-OFF  
13 ELECTION FOLLOWING EITHER A GENERAL OR SPECIAL ELECTION; TO AMEND  
14 SECTION 23-15-227, MISSISSIPPI CODE OF 1972, TO INCREASE THE  
15 COMPENSATION PAID TO MANAGERS AND CLERKS OF THE ELECTION; AND FOR  
16 RELATED PURPOSES.