

By: Representatives Denny, Campbell, Dixon,
Bell (65th), Reynolds, Sykes, Banks

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 796

1 AN ACT TO CREATE PRE-ELECTION DAY VOTING ACT; TO PROVIDE
2 DEFINITIONS; TO PROVIDE THAT THE PRE-ELECTION DAY VOTING PERIOD
3 SHALL BEGIN FOURTEEN DAYS BEFORE THE ELECTION AND CONTINUE UNTIL
4 NOON ON THE SATURDAY IMMEDIATELY PRECEDING THE ELECTION; TO
5 PROVIDE THAT PRE-ELECTION DAY VOTING SHALL BE FOR EACH PRIMARY,
6 GENERAL, RUNOFF, SPECIAL AND MUNICIPAL ELECTION FOR PUBLIC OFFICE;
7 TO PROVIDE THE HOURS FOR PRE-ELECTION DAY VOTING IN THE
8 REGISTRAR'S OFFICE DURING REGULAR BUSINESS HOURS; TO PROVIDE
9 EXTENDED HOURS TO VOTE DURING THE LAST FULL WEEK PRECEDING AN
10 ELECTION; TO PROVIDE THAT NOTICE OF PRE-ELECTION DAY VOTING SHALL
11 BE PROVIDED IN THREE PUBLIC PLACES EIGHT DAYS BEFORE THE VOTING
12 BEGINS; TO PROVIDE THE PROCEDURES TO FOLLOW WHEN CASTING A BALLOT
13 DURING THE PRE-ELECTION DAY VOTING PERIOD; TO PROVIDE THE MANNER
14 FOR CHALLENGING THE QUALIFICATIONS OF A VOTER DURING THE
15 PRE-ELECTION DAY VOTING PERIOD; TO AMEND SECTIONS 23-15-625,
16 23-15-627, 23-15-629, 23-15-631, 23-15-635, 23-15-637, 23-15-639,
17 23-15-641, 23-15-643, 23-15-647, 23-15-649, 23-15-657, 23-15-713,
18 23-15-715, 23-15-717, 23-15-719, 23-15-721 AND 23-15-735,
19 MISSISSIPPI CODE OF 1972, TO REVISE THE VOTERS WHO ARE ELIGIBLE TO
20 VOTE BY ABSENTEE BALLOT; TO PROHIBIT A VOTER FROM CASTING AN
21 ABSENTEE BALLOT IN PERSON AT THE OFFICE OF THE COUNTY REGISTRAR;
22 TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTIONS
23 23-15-31, 23-15-37, 23-15-43, 23-15-47, 23-15-65, 23-15-125,
24 23-15-127, 23-15-153, 23-15-171, 23-15-173, 23-15-191, 23-15-195,
25 23-15-197, 23-15-231, 23-15-233, 23-15-239, 23-15-241, 23-15-245,
26 23-15-247, 23-15-251, 23-15-255, 23-15-263, 23-15-265, 23-15-267,
27 23-15-303, 23-15-309, 23-15-331, 23-15-333, 23-15-335, 23-15-353,
28 23-15-357, 23-15-359, 23-15-363, 23-15-367, 7-3-39, 23-15-407,
29 23-15-411, 23-15-415, 23-15-417, 23-15-425, 23-15-429, 23-15-437,
30 23-15-469, 23-15-473, 23-15-511, 23-15-515, 23-15-531.4,
31 23-15-531.6, 23-15-531.7, 23-15-545, 23-15-573, 23-15-613,
32 23-15-781, 23-15-785, 23-15-807, 23-15-833, 23-15-843, 23-15-851,
33 23-15-853, 23-15-855, 23-15-857, 23-15-859, 23-15-895, 23-15-913,
34 23-15-963, 23-15-977, 23-15-1031, 23-15-1081, 23-15-1083,



35 23-15-1085, 23-15-1091, 21-3-3, 21-9-17, 37-5-9, 37-5-63, 37-5-7,
36 21-8-7 AND 9-4-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO THE
37 PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.

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

39 **SECTION 1.** The title of Sections 1 through 6 of this chapter
40 shall be known and may be cited as the "Pre-election Day Voting
41 Act."

42 **SECTION 2.** For purposes of this act, these words will have
43 the following meanings, unless their context clearly suggests
44 otherwise:

45 (a) "Election" means the period of time that is
46 available for casting a final vote. References to the time of an
47 election or the duration of the election shall encompass, unless
48 the context clearly indicates otherwise, the fourteen (14) day
49 period that has been designed for pre-election day voting.

50 (b) "Polling place" or "voting precinct" means any
51 place that a qualified elector votes during the pre-election day
52 voting period and on the actual election day.

53 **SECTION 3.** (1) The pre-election day voting period shall
54 begin fourteen (14) days before the date of each primary, general,
55 runoff, special and municipal election for public office and
56 continue until 12:00 p.m. on the Saturday immediately preceding
57 the election day. Any qualified elector may vote during the times
58 established for pre-election day voting in this chapter in the
59 office of the registrar in which the elector is registered to
60 vote.



61 (2) Pre-election day voting shall be conducted in the office
62 of the appropriate registrar during regular business hours.
63 During the last full week preceding an election, the office of the
64 appropriate registrar may extend the office hours to accommodate
65 pre-election day voters to allow voting during the lunch period
66 and until 7:00 p.m. All registrar offices shall remain open from
67 8:00 a.m. until 12:00 p.m. for the two (2) Saturdays immediately
68 preceding each election.

69 (3) Notice of the pre-election day voting hours shall be
70 given by the officials in charge of the election not less than
71 eight (8) days before the day pre-election day voting period
72 begins. Such notice shall be posted in three (3) public places
73 within the county or municipality, with one (1) place being the
74 county courthouse in a county election or city hall in a municipal
75 election.

76 **SECTION 4.** (1) A qualified elector who desires to vote
77 during the pre-election day voting period shall appear at the
78 office of the appropriate registrar in the county or municipality
79 in which the elector is registered to vote and shall present an
80 acceptable form of photo identification. Upon verification of the
81 proper location and identity, the elector shall sign the
82 appropriate receipt book and cast his or her vote in the same
83 manner that such vote would be cast on the day of the election.
84 Except as otherwise provided in Sections 1 through 6 of this act,
85 the election laws that govern the procedures for a person who



86 appears to vote on the day of an election shall apply when a
87 person appears to vote during the pre-election day voting period.

88 (2) All votes cast during the pre-election day voting period
89 shall be final.

90 (3) The votes cast during the pre-election day voting period
91 shall be announced simultaneously with all other votes cast on
92 election day.

93 **SECTION 5.** Each political party, candidate or any
94 representative of a political party or candidate pursuant to
95 Section 23-15-577 shall have the right to be present at the office
96 of the appropriate registrar when it is open for pre-election day
97 voting and to challenge the qualifications of any person offering
98 to vote in the same manner as provided by law for challenging
99 qualifications at the polling place on election day.

100 **SECTION 6.** The Secretary of State shall promulgate rules and
101 regulations necessary to effectuate pre-election day voting.

102 **SECTION 7.** Section 23-15-625, Mississippi Code of 1972, is
103 amended as follows:

104 23-15-625. (1) The registrar shall be responsible for
105 providing applications for absentee voting as provided in this
106 section. At least sixty (60) days prior to any election in which
107 absentee voting is provided for by law, the registrar shall
108 provide a sufficient number of applications. In the event a
109 special election is called and set at a date which makes it
110 impractical or impossible to prepare applications for absent



111 elector's ballot sixty (60) days prior to the election, the
112 registrar shall provide applications as soon as practicable after
113 the election is called. The registrar shall fill in the date of
114 the particular election on the application for which the
115 application will be used.

116 (2) The registrar shall be authorized to disburse
117 applications for absentee ballots to any qualified elector within
118 the county where he serves. Any person who presents to the
119 registrar an oral or written request for an absentee ballot
120 application for a voter entitled to vote absentee by mail, other
121 than the elector who seeks to vote by absentee ballot, shall, in
122 the presence of the registrar, sign the application and print on
123 the application his or her name and address and the name of the
124 elector for whom the application is being requested in the place
125 provided for on the application for that purpose. However, if for
126 any reason such person is unable to write the information
127 required, then the registrar shall write the information on a
128 printed form which has been prescribed by the Secretary of State.
129 The form shall provide a place for such person to place his mark
130 after the form has been filled out by the registrar.

131 (3) It shall be unlawful for any person to solicit absentee
132 ballot applications or absentee ballots for persons staying in any
133 skilled nursing facility as defined in Section 41-7-173 * * *
134 unless the person soliciting the absentee ballot applications or
135 absentee ballots is:



136 (a) A family member of the person staying in the
137 skilled nursing facility; or

138 (b) A person designated in writing by the person for
139 whom the absentee ballot application or absentee ballot is
140 sought * * *.

141 As used in this subsection, "family member" means a spouse,
142 parent, grandparent, sibling, adult child, grandchild or legal
143 guardian.

144 (4) The registrar * * *, upon receiving the envelopes
145 containing the absentee ballots, shall keep an accurate list of
146 all persons preparing such ballots * * *. The list shall be kept
147 in a conspicuous place accessible to the public near the entrance
148 to * * * the registrar's office. The registrar shall also
149 furnish to each * * * poll manager a list of the names of all
150 persons in each respective precinct voting absentee ballots to be
151 posted in a conspicuous place at the polling place for public
152 notice. The application on file with the registrar and the
153 envelopes containing the ballots shall be kept by the registrar
154 and deposited in the proper precinct ballot boxes before such
155 boxes are delivered to the election commissioners or poll
156 managers. At the time such boxes are delivered to the election
157 commissioners or poll managers, the registrar shall also turn over
158 a list of all * * * persons who have voted by absentee ballot and
159 whose ballots are in the box.



160 (5) The registrar shall * * * be authorized to mail one (1)
161 application to any qualified elector of the county, who is
162 eligible to vote by absentee ballot, for use in a particular
163 election.

164 (6) The registrar shall process all applications for
165 absentee ballots by using the Statewide Election Management
166 System. The registrar shall account for all absentee ballots
167 delivered to and received from qualified voters by processing such
168 ballots using the Statewide Election Management System.

169 **SECTION 8.** Section 23-15-627, Mississippi Code of 1972, is
170 amended as follows:

171 23-15-627. The registrar shall be responsible for furnishing
172 an absentee ballot application form to any elector authorized to
173 receive an absentee ballot. Except as otherwise provided in
174 Section 23-15-625, absentee ballot applications shall be furnished
175 to a person only upon the oral or written request of the elector
176 who seeks to vote by absentee ballot; however, the parent, child,
177 spouse, sibling, legal guardian, those empowered with a power of
178 attorney for that elector's affairs or agent of the elector, who
179 is designated in writing and witnessed by a resident of this state
180 who shall write his or her physical address on such designation,
181 may orally request an absentee ballot application on behalf of the
182 elector. The written designation shall be valid for one (1) year
183 after the date of the designation. An absentee ballot application
184 must have the seal of the circuit or municipal clerk affixed to it



185 and be initialed by the registrar or his deputy in order to be
186 utilized to obtain an absentee ballot. A reproduction of an
187 absentee ballot application shall not be valid unless it is a
188 reproduction provided by the office of the registrar of the
189 jurisdiction in which the election is being held and which
190 contains the seal and initials required by this section. Such
191 application shall be substantially in the following form:

192 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

193 I, _____, duly qualified and registered in the ____ Precinct
194 of the County of _____, and State of Mississippi, coming within
195 the purview of the definition 'ABSENT ELECTOR' will be * * *
196 unable to vote in person because (check appropriate reason):

197 () (PRESIDENTIAL APPLICANT ONLY:) I am currently a
198 resident of Mississippi or have moved therefrom within thirty (30)
199 days of the coming presidential election.

200 () I am an enlisted or commissioned member, male or female,
201 of any component of the United States Armed Forces and am a
202 citizen of Mississippi, or spouse or dependent of such member.

203 () I am a member of the Merchant Marine or the American Red
204 Cross and am a citizen of Mississippi or spouse or dependent of
205 such member.

206 () I am a disabled war veteran who is a patient in any
207 hospital and am a citizen of Mississippi or spouse or dependent of
208 such veteran.



209 () I am a civilian attached to and serving outside of the
210 United States with any branch of the Armed Forces or with the
211 Merchant Marine or American Red Cross, and am a citizen of
212 Mississippi or spouse or dependent of such civilian.

213 () I am a citizen of Mississippi temporarily residing
214 outside the territorial limits of the United States and the
215 District of Columbia.

216 * * *

217 () I * * * am a citizen of Mississippi temporarily
218 residing outside of the county of my residence during the
219 pre-election day voting period or on election day.

220 () I am an emergency response provider, deployed due to a
221 state of emergency declared by the President of the United States
222 or Governor of any state within the United States during the time
223 period provided by law for absentee voting, pre-election day
224 voting and election day.

225 () I have a temporary or permanent physical disability.

226 () I am sixty-five (65) years of age or older.

227 () I am the parent, spouse or dependent of a person with a
228 temporary or permanent physical disability who is hospitalized
229 outside his county of residence or more than fifty (50) miles away
230 from his residence, and I will be with such person on election
231 day.

232 () I am a member of the congressional delegation, or spouse
233 or dependent of a member of the congressional delegation.



234 * * *

235 I hereby make application for an official ballot, or ballots,
236 to be voted by me at the election to be held in _____, on _____.

237 Mail 'Absent Elector's Ballot' to me at the following address
238 _____ * * *.

239 I realize that I can be fined up to Five Thousand Dollars
240 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
241 for making a false statement in this application and for selling
242 my vote and violating the Mississippi Absentee Voter Law. (This
243 sentence is to be in bold print.)

244 If you are temporarily or permanently disabled, you are not
245 required to have this application notarized or signed by an
246 official authorized to administer oaths for absentee balloting.
247 You are required to sign this application in the proper place and
248 have a person eighteen (18) years of age or older witness your
249 signature and sign this application in the proper place.

250 DO NOT SIGN WITHOUT READING. (This sentence is to be in bold
251 print.)

252 IN WITNESS WHEREOF I have hereunto set my hand and seal this
253 the _____ day of _____, 2____.

254 _____

255 (Signature of absent elector)

256 SWORN TO AND SUBSCRIBED before me this the _____ day of _____,
257 2____.

258 _____



(Official authorized to administer oaths
for absentee balloting.)

TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
DISABLED:

I HEREBY CERTIFY that this application for an absent
elector's ballot was signed by the above-named disabled elector in
my presence and that I am at least eighteen (18) years of age,
this the _____ day of _____, 2____.

(Signature of witness)

CERTIFICATE OF DELIVERY

I hereby certify that _____ (print name of voter)
has requested that I, _____ (print name of person
delivering application), deliver to the voter this absentee ballot
application.

(Signature of person delivering application)

(Address of person delivering application)"

SECTION 9. Section 23-15-629, Mississippi Code of 1972, is
amended as follows:

23-15-629. (1) The application for an absentee ballot of a
person who is permanently or temporarily physically disabled shall
be accompanied by a statement signed by such person's physician,
or nurse practitioner * * *. The statement * * * must show that



284 the person signing the statement is a licensed, practicing * * *
285 physician or nurse practitioner and must indicate that the person
286 applying for the absentee ballot is permanently or temporarily
287 physically disabled to such a degree that it is difficult for him
288 to vote in person.

289 (2) An application accompanied by the statement provided for
290 in subsection (1) of this section shall entitle such permanently
291 physically disabled person to automatically receive an absentee
292 ballot for all elections on a continuing basis without the
293 necessity for reapplication. The application accompanied by the
294 statement provided in subsection (1) of this section shall entitle
295 such temporarily physically disabled person to receive an absentee
296 ballot by mail for that election and a subsequent corresponding
297 runoff election.

298 (3) The registrar of each county shall keep an accurate list
299 of the names and addresses of all persons whose applications for
300 absentee ballots are accompanied by the statement set forth in
301 subsection (1) of this section. Sixty (60) days prior to each
302 election, the registrar shall deliver such list to the election
303 commissioners * * * who shall examine the list and delete from it
304 the names of all persons listed who are no longer qualified
305 electors of the county. Upon completion of such examination, the
306 election commissioners * * * shall return the list to the
307 registrar by no later than forty-five (45) days prior to the
308 election.



309 (4) The registrar shall send a ballot to all persons who are
310 determined by the election commissioners * * * to be qualified
311 electors pursuant to subsection (3) of this section by no later
312 than forty (40) days prior to the election.

313 **SECTION 10.** Section 23-15-631, Mississippi Code of 1972, is
314 amended as follows:

315 23-15-631. (1) The registrar shall enclose with each ballot
316 provided to an absent elector separate printed instructions
317 furnished by him containing the following:

318 * * *

319 (* * *a) Upon receipt of the enclosed ballot, you will
320 not mark the ballot except in view or sight of the attesting
321 witness. In the sight or view of the attesting witness, mark the
322 ballot according to instructions.

323 (* * *b) After marking the ballot, fill out and sign
324 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that
325 the signature * * * is across the flap of the envelope * * * to
326 insure the integrity of the ballot. All absent electors shall
327 have the attesting witness sign the "ATTESTING WITNESS
328 CERTIFICATE" across the flap on the back of the envelope. Place
329 the necessary postage on the envelope and deposit it in the post
330 office or some government receptacle provided for deposit of mail
331 so that the absent elector's ballot * * * will reach the registrar
332 in which your precinct is located not later than 5:00 p.m. on the
333 day preceding the date of the election.



334 Any notary public, United States postmaster, assistant United
335 States postmaster, United States postal supervisor, clerk in
336 charge of a contract postal station, or * * * other officer having
337 authority to administer an oath or take an acknowledgment may be
338 an attesting witness; provided, however, that in the case of an
339 absent elector who is temporarily or permanently physically
340 disabled, the attesting witness may be any person eighteen (18)
341 years of age or older and such person is not required to have the
342 authority to administer an oath. If a postmaster, assistant
343 postmaster, postal supervisor, or clerk in charge of a contract
344 postal station acts as an attesting witness, his signature on the
345 elector's certificate must be authenticated by the cancellation
346 stamp of their respective post offices. If * * * an officer
347 having authority to administer an oath or take an acknowledgement
348 acts as attesting witness, his signature on the elector's
349 certificate, together with his title and address, but no seal,
350 shall be required. * * *

351 (d) When the application accompanies the ballot it
352 shall not be returned in the same envelope as the ballot but shall
353 be returned in a separate preaddressed envelope provided by the
354 registrar. However, it shall be the preference of the registrar
355 to first send and receive a returned application from the absent
356 elector before mailing the absentee ballot, time permitting.

357 (e) A * * * candidate for public office, or the spouse,
358 parent or child of a candidate for public office, may not be an



359 attesting witness for any absentee ballot upon which the * * *
360 candidate's name appears.

361 (f) Any voter casting an absentee ballot who declares
362 that he requires assistance to vote by reason of blindness,
363 temporary or permanent physical disability or inability to read or
364 write, shall be entitled to receive assistance in the marking of
365 his absentee ballot and in completing the affidavit on the
366 absentee ballot envelope. The voter may be given assistance by
367 anyone of the voter's choice other than a candidate whose name
368 appears on the absentee ballot being marked, the spouse, parent or
369 child of a candidate whose name appears on the absentee ballot
370 being marked or the voter's employer, * * * an agent of that
371 employer or a union representative. In order to ensure the
372 integrity of the ballot, any person who provides assistance to an
373 absentee voter shall be required to sign and complete the
374 "Certificate of Person Providing Voter Assistance" on the absentee
375 ballot envelope.

376 (2) The foregoing instructions required to be provided by
377 the registrar to the elector shall also constitute the substantive
378 law pertaining to the handling of absentee ballots by the elector
379 and registrar.

380 * * *

381 **SECTION 11.** Section 23-15-635, Mississippi Code of 1972, is
382 amended as follows:



383 23-15-635. (1) The form of the elector's certificate,
384 attesting witness certification and certificate of person
385 providing voter assistance on the back of the envelope used by
386 absentee voters * * * not absent voters as defined in Section
387 23-15-673, shall be as follows:

388 "ELECTOR'S CERTIFICATE

389 STATE OF _____

390 COUNTY * * * OF _____

391 I, _____, under penalty of perjury do solemnly swear
392 that this envelope contains the ballot marked by me indicating my
393 choice of the candidates or propositions to be submitted at the
394 election to be held on the ___ day of _____, 2____, and I
395 hereby authorize the registrar to place this envelope in the
396 ballot box on my behalf, and I further authorize the * * * poll
397 managers to open this envelope and place my ballot among the other
398 ballots cast before such ballots are counted, and record my name
399 on the poll list as if I were present in person and voted.

400 I further swear that I marked the enclosed ballot in secret.
401 **Penalties for vote fraud are up to five (5) years in prison and a**
402 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
403 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
404 **to one (1) year in jail and a fine of up to One Thousand Dollars**
405 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

406 _____
407 (Signature of voter)



408

CERTIFICATE OF ATTESTING WITNESS

409

Under penalty of perjury I affirm that the above named voter

410

personally appeared before me, on this the ___ day of _____,

411

2____, and is known by me to be the person named, and who, after

412

being duly sworn or having affirmed, subscribed the foregoing oath

413

or affirmation. That the voter exhibited to me his blank ballot;

414

that the ballot was not marked or voted before the voter exhibited

415

the ballot to me; that the voter was not solicited or advised by

416

me to vote for any candidate, question or issue, and that the

417

voter, after marking his ballot, placed it in the envelope, closed

418

and sealed the envelope in my presence, and signed and swore or

419

affirmed the above certificate.

420

421

(Attesting witness)

(Address)

422

423

(Official title)

(City and State)

424

CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

425

(* * * If the voter has received assistance in marking * * *

426

his or her absentee ballot, the person who provided assistance

427

shall complete the following form.) I, under penalty of perjury,

428

hereby certify that the above-named voter declared to me that he

429

or she is blind, temporarily or permanently physically disabled,

430

or cannot read or write, and that the voter requested that I

431

assist the voter in marking the enclosed absentee ballot. I

432

hereby certify that the ballot preferences on the enclosed ballot



433 are those communicated by the voter to me, and that I have marked
434 the enclosed ballot in accordance with the voter's instructions.
435 **Penalties for vote fraud are up to five (5) years in prison and a**
436 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
437 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
438 **to one (1) year in jail and a fine of up to One Thousand Dollars**
439 **(\$1,000.00). (Miss. Code. Ann. Section 97-13-37.)**

440 _____
441 Signature of person providing assistance

442 _____
443 Printed name of person providing assistance

444 _____
445 Address of person providing assistance

446 _____
447 Date and time assistance provided

448 _____
449 Family relationship to voter (if any)"

450 (2) The envelope used pursuant to this section * * * shall
451 have printed on the flap on the back of the envelope in bold print
452 and in a distinguishing color, the following: **"YOUR VOTE WILL BE**
453 **REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE**
454 **FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

455 **SECTION 12.** Section 23-15-637, Mississippi Code of 1972, is
456 amended as follows:



457 23-15-637. * * * Except as otherwise provided by Section
458 23-15-699, absentee ballots must be received by the registrar by
459 5:00 p.m. on the date preceding the election day; any received
460 after such time shall be handled as provided in Section 23-15-647
461 and shall not be counted. * * * The registrar shall deposit all
462 absentee ballots which have been timely cast in the ballot boxes
463 upon receipt.

464 **SECTION 13.** Section 23-15-639, Mississippi Code of 1972, is
465 amended as follows:

466 23-15-639. (1) In elections in which direct recording
467 electronic voting systems are not utilized, * * * absentee ballots
468 shall be * * * examined and counted as follows:

469 (a) At the close of the time for regular balloting and
470 at the close of the polls, the * * * poll managers of each voting
471 precinct shall first take the envelopes containing the absentee
472 ballots * * * from the box, and the name, address and precinct
473 inscribed on each envelope shall be announced by the * * * poll
474 managers.

475 (b) The poll managers shall then compare the signature
476 on the application * * * with the signature on the back of the
477 envelope. If it corresponds and the affidavit, if one is
478 required, is sufficient and * * * the applicant is a registered
479 and qualified voter or otherwise qualified to vote, and * * * the
480 applicant has not appeared in person and voted at the election,
481 the poll managers shall open the envelope * * * and remove the



482 ballot * * *, without * * * unfolding the ballot, or * * *
483 permitting the ballot to be unfolded or examined.

484 (c) Having observed and found the ballot to be regular
485 as far as can be observed from its official endorsement and before
486 counting any ballots, the * * * poll managers shall deposit * * *
487 the absentee ballot in the ballot box with the other ballots * * *
488 and enter the voter's name in the receipt book provided for that
489 purpose and mark "VOTED" in the pollbook or poll list as if * * *
490 the absentee voter had been present and voted in person. If
491 voting machines are used, all absentee ballots shall be placed in
492 the ballot box before any ballots are counted, and the * * * poll
493 managers in each precinct shall immediately count such absentee
494 ballots and add them to the votes cast in the voting machine or
495 device.

496 (2) In elections in which direct recording electronic voting
497 systems are utilized, the * * * absentee ballots shall be * * *
498 examined and counted as follows:

499 (a) At the close of the time for regular balloting and
500 at the close of the polls, the * * * poll managers of each voting
501 precinct shall first take the envelopes containing the absentee
502 ballots * * * from the box, and the name, address and precinct
503 inscribed on each envelope shall be announced by the * * * poll
504 managers.

505 (b) The poll managers shall then compare the signature
506 on the application * * * with the signature on the back of the



507 envelope. If it corresponds and the affidavit, if one is
508 required, is sufficient and * * * the applicant is a registered
509 and qualified voter or otherwise qualified to vote, and * * * the
510 applicant has not appeared in person and voted at the election,
511 the poll managers shall mark the unopened envelope * * *
512 "ACCEPTED" and * * * shall enter the voter's name in the receipt
513 book provided for that purpose and mark "VOTED" in the pollbook or
514 poll list as if he had been present and voted in person.

515 (c) All absentee ballot envelopes shall then be placed
516 in the secure ballot transfer case and delivered to the officials
517 in charge of conducting the election at the central tabulation
518 point of the county. The official in charge of the election shall
519 open the envelopes marked "ACCEPTED" and remove the ballot from
520 the envelope.

521 (d) Having observed the ballot to be regular as far as
522 can be observed from its official endorsement, the absentee ballot
523 shall be processed through the central optical scanner. The
524 scanned totals shall then be combined with the direct recording
525 electronic voting system totals for the unofficial vote count.

526 (3) When there is a conflict between an electronic voting
527 system and a paper record, * * * there is a rebuttable presumption
528 that the paper record is correct. * * *

529 **SECTION 14.** Section 23-15-641, Mississippi Code of 1972, is
530 amended as follows:



531 23-15-641. (1) If * * * a required affidavit or the
532 required certificate of the officer before whom the affidavit is
533 taken * * * is * * * insufficient, * * * the signatures do not
534 correspond, * * * the applicant is not a duly qualified elector in
535 the precinct * * * or otherwise qualified to vote, * * * the
536 ballot envelope is open or has been opened and resealed, or the
537 voter is not eligible to vote absentee * * * and has voted within
538 the precinct where he represents himself to be a qualified
539 elector * * * on the date of the election * * *, the previously
540 cast vote by absentee ballot shall not be allowed. Without
541 opening the voter's envelope, the * * * poll managers * * * shall
542 mark across its face "REJECTED", with the reason * * * the ballot
543 was rejected noted.

544 (2) If the ballot envelope contains more than one (1) ballot
545 of any kind, the ballot shall not be counted but shall be marked
546 "REJECTED", with the reason * * * the ballot was rejected noted.
547 The voter's envelopes and affidavits, * * * when such vote is
548 rejected, without disturbing the contents of the envelope, shall
549 be retained and preserved in the same manner as other ballots at
550 the election. Such votes may be challenged in the same manner and
551 for the same reasons that any other vote cast in such election may
552 be challenged.

553 * * *

554 (* * *3) The ballots marked "REJECTED" shall be placed in a
555 separate envelope in the secure ballot transfer case and delivered



556 to the officials in charge of conducting the election at the
557 central tabulation point of the county.

558 **SECTION 15.** Section 23-15-643, Mississippi Code of 1972, is
559 amended as follows:

560 23-15-643. If an affidavit is required, the appropriate
561 election officials shall examine the affidavit of each absentee
562 ballot envelope. If the officials are satisfied that the
563 affidavit is sufficient and that the absentee voter is otherwise
564 qualified to vote, an official shall announce the name of the
565 voter and shall give any person present an opportunity to
566 challenge in like manner and for the same cause as the voter could
567 have been challenged had he presented himself personally in such
568 precinct to vote. The ineligibility of the voter to vote by
569 absentee ballot shall be a ground for a challenge. Also, the
570 officials shall consider any absentee voter challenged when a
571 person has previously filed a written challenge of such voter's
572 right to vote. The election officials shall handle any such
573 challenge in the same manner as other challenged ballots * * *.

574 **SECTION 16.** Section 23-15-647, Mississippi Code of 1972, is
575 amended as follows:

576 23-15-647. The registrar shall keep safely and unopened all
577 official absentee ballots * * * that are received * * * after the
578 applicable cutoff period * * *. Upon receipt of such ballot, the
579 registrar shall write the day and hour of the receipt of the
580 ballot on its envelope. All * * * absentee ballots * * * received



581 by the registrar after the cutoff time shall be safely kept
582 unopened by the registrar for the period of time required for the
583 preservation of ballots used in the election, and shall then,
584 without being opened, be destroyed in like manner as the used
585 ballots of the election.

586 **SECTION 17.** Section 23-15-649, Mississippi Code of 1972, is
587 amended as follows:

588 23-15-649. For all elections, * * * election officials shall
589 prepare and print, as soon as the deadline for the qualification
590 of candidates has passed or forty-five (45) days * * * before the
591 election, whichever * * * occurs later, official ballots for each
592 voting precinct to be known as absentee voter ballots * * *. Such
593 absentee ballots shall be prepared and printed in the same form
594 and shall be of the same size and texture as the regular official
595 ballot except that they shall be printed on * * * paper of a tint
596 different from that of the regular official ballot.

597 **SECTION 18.** Section 23-15-657, Mississippi Code of 1972, is
598 amended as follows:

599 23-15-657. The registrar is authorized to accept requests
600 for absentee ballots by telephone. * * * The registrar shall
601 ascertain the name and complete address of the person making the
602 telephone request and the person for whom the request is being
603 made if different than the requestor and shall print upon the
604 absentee ballot application the name and complete address of the
605 requestor * * *, the relation of such person to the voter if



606 requested by a person other than the voter, the name and complete
607 address of the voter if requested by a person other than the voter
608 and the date such request was made. Such requests shall be
609 processed through the Statewide Election Management System.

610 **SECTION 19.** Section 23-15-713, Mississippi Code of 1972, is
611 amended as follows:

612 23-15-713. For the purpose of this subarticle, any duly
613 qualified elector may vote by an absentee ballot to be received by
614 the elector and returned by mail to the registrar of the elector's
615 county of residence as provided in this subarticle if he be one
616 who falls within the following categories:

617 * * *

618 (* * *a) Any qualified elector who is required to be
619 away from his place of residence on any election day due to his
620 employment as an employee of a member of the Mississippi
621 congressional delegation and the spouse and dependents of such
622 person if he or she shall be residing with such absentee voter
623 away from the county of the spouse's voting residence * * *;

624 * * *

625 (* * *b) Any person who has a temporary or permanent
626 physical disability and who, because of such disability, is unable
627 to vote in person without substantial hardship to himself or
628 others, or whose attendance at the voting place could reasonably
629 cause danger to himself or others * * *;



630 (* * *c) The parent, spouse or dependent of a person
631 with a temporary or permanent physical disability who is
632 hospitalized outside of his county of residence or more than fifty
633 (50) miles distant from his residence, if the parent, spouse or
634 dependent will be with such person during the pre-election day
635 voting period or on election day * * *;

636 (* * *d) Any person who is sixty-five (65) years of
637 age or older * * *;

638 (* * *e) Any member of the Mississippi congressional
639 delegation absent from Mississippi on election day, and the spouse
640 and dependents of such member of the congressional
641 delegation * * *;

642 (* * *f) Any qualified elector who * * * is * * *
643 temporarily residing outside of the county of residence during the
644 pre-election day voting period or on election day during the times
645 at which the polls will be open.

646 **SECTION 20.** Section 23-15-715, Mississippi Code of 1972, is
647 amended as follows:

648 23-15-715. Any elector described in Section 23-15-713 and
649 desiring an absentee ballot as provided in this subarticle may
650 secure same if * * *, * * * within forty-five (45) days before any
651 election day but not later than seven (7) days before the election
652 day, such elector applies for an absentee ballot as provided in
653 the provisions of this act. * * * All applications, other than
654 those of persons having a temporary or permanent physical



655 disability, shall * * * be sworn to and subscribed before an
656 official who is authorized to administer oaths or other official
657 authorized to witness absentee balloting as provided in this
658 chapter. The application must be accompanied by a verifying
659 affidavit as required by this chapter. The applications of
660 persons having a temporary or permanent physical disability are
661 not required to be accompanied by an affidavit but shall be
662 witnessed and signed by a person eighteen (18) years of age or
663 older. * * *

664 **SECTION 21.** Section 23-15-717, Mississippi Code of 1972, is
665 amended as follows:

666 23-15-717. Any elector enumerated in Section 23-15-713
667 applying for an absentee ballot shall complete an application form
668 as provided in Section 23-15-627, and * * * the elector shall fill
669 in the application as is appropriate for his particular situation.

670 **SECTION 22.** Section 23-15-719, Mississippi Code of 1972, is
671 amended as follows:

672 23-15-719. (1) * * * Upon receipt of a properly completed
673 application form by an elector qualified to vote absentee as
674 provided in this chapter, the registrar shall send the absent
675 voter an absentee ballot within one (1) business day, or as soon
676 as the absentee ballot is prepared and available, containing the
677 names of all the candidates or propositions to be voted on in such
678 election. The registrar shall include with the absentee ballot an
679 official envelope that complies with the provisions of this



680 chapter. * * * The registrar shall not personally hand deliver
681 ballots to voters * * *.

682 After * * * the absentee voter has sealed the envelope, he or
683 she shall subscribe and swear to an affidavit * * * and mail the
684 ballot to the address provided on the application. Ballots
685 requested under Section 23-15-713(f) shall be mailed to the
686 voter's address outside of the county in which he or she is
687 registered. * * *

688 * * *

689 **SECTION 23.** Section 23-15-721, Mississippi Code of 1972, is
690 amended as follows:

691 23-15-721. (1) Electors temporarily residing outside the
692 county and obtaining an absentee ballot under the provisions of
693 * * * Section 23-15-715 shall appear before any official
694 authorized to administer oaths or other official authorized to
695 witness absentee balloting as provided in this chapter. The
696 elector shall exhibit to such official his absentee ballot
697 unmarked and * * * then proceed in secret to fill in * * * such
698 ballot. After the elector has * * * marked the ballot and * * *
699 folded it, * * * the elector shall deposit it in the official
700 envelope * * *. After * * * sealing the envelope * * * the
701 elector shall deliver it to the official before whom he is
702 appearing and shall subscribe and swear to the elector's
703 certificate provided for in Section 23-15-635, which affidavit



704 shall be printed on the back of the envelope as provided for in
705 Section 23-15-635 containing the elector's ballot.

706 (2) Electors who are temporarily or permanently physically
707 disabled shall * * * appear before an attesting witness * * * who
708 must be eighteen (18) years of age or older, but need not be
709 authorized to administer oaths. The elector shall present his
710 unmarked absentee ballot to the attesting witness and then proceed
711 in secret to mark his ballot. After the elector has marked the
712 ballot and folded it, the elector shall deposit it in the
713 envelope. After the envelope has been sealed, the elector shall
714 deliver it to the witness and shall subscribe and swear to the
715 elector's certificate provided for in Section 23-15-635, which
716 affidavit shall be printed on the back of the envelope containing
717 the elector's ballot. The witness shall complete the certificate
718 of the attesting witness.

719 (3) After the completion of the requirements of this
720 section, the elector shall mail the envelope containing the
721 absentee ballot to the registrar in the county * * * where the
722 elector is * * * registered to vote. * * * Absentee ballots must
723 be received by the registrar * * * no later than 5:00 p.m. on the
724 day preceding the election * * * day.

725 **SECTION 24.** Section 23-15-735, Mississippi Code of 1972, is
726 amended as follows:

727 23-15-735. Absentee ballots shall not be delivered in person
728 to an absentee voter or to any other person * * *.



729 **SECTION 25.** Section 23-15-31, Mississippi Code of 1972, is
730 amended as follows:

731 23-15-31. All of the provisions of this subarticle shall be
732 applicable, insofar as possible, to municipal, primary, general
733 and special elections and pre-election day voting; and wherever
734 therein any duty is imposed or any power or authority is conferred
735 upon the county registrar, county election commissioners or county
736 executive committee with reference to a state and county election
737 or pre-election day voting, such duty shall likewise be imposed
738 and such power and authority shall likewise be conferred upon the
739 municipal registrar, municipal election commission or municipal
740 executive committee with reference to any municipal election or
741 pre-election day voting.

742 **SECTION 26.** Section 23-15-37, Mississippi Code of 1972, is
743 amended as follows:

744 23-15-37. (1) The registrar shall keep his books open at
745 his office and shall register the electors of his county at any
746 time during regular office hours.

747 (2) The registrar may keep his office open for registration
748 of voters from 8:00 a.m. until 7:00 p.m., including the noon hour,
749 for the five (5) business days immediately preceding the thirtieth
750 day * * * before the beginning of the pre-election day voting
751 period or any regularly scheduled primary or general election.

752 The registrar shall also keep his office open from 8:00 a.m. until
753 12:00 noon on the Saturday immediately preceding the thirtieth



754 day * * * before the beginning of the pre-election day voting
755 period or any regularly scheduled primary or general election.

756 (3) The registrar, or any deputy registrar duly appointed by
757 law, may visit and spend such time as he may deem necessary at any
758 location in his county, selected by the registrar not less than
759 thirty (30) days before the pre-election day voting period begins
760 or before an election, for the purpose of registering voters.

761 (4) A person who is physically disabled and unable to visit
762 the office of the registrar to register to vote due to such
763 disability may contact the registrar and request that the
764 registrar or his deputy visit him for the purpose of registering
765 such person to vote. The registrar or his deputy shall visit such
766 person as soon as possible after such request and provide such
767 person with an application for registration, if necessary. The
768 completed application for registration shall be executed in the
769 presence of the registrar or his deputy.

770 (5) (a) In the fall and spring of each year the registrar
771 of each county shall furnish all public schools with mail-in voter
772 registration applications. Such applications shall be provided in
773 a reasonable time to enable those students who will be eighteen
774 (18) years of age before a general election to be able to vote in
775 the primary and general elections.

776 (b) Each public school district shall permit access to
777 all public schools of this state for the registrar or his deputy



778 for the purpose of registration of persons eligible to vote and
779 for providing voter education.

780 **SECTION 27.** Section 23-15-43, Mississippi Code of 1972, is
781 amended as follows:

782 23-15-43. In the event applicant is not registered, there
783 shall be an automatic review by the county election commissioners
784 under the procedures provided in Sections 23-15-61 through
785 23-15-79. In addition to the meetings of the election
786 commissioners provided under said sections, the commissioners are
787 required to hold such additional meetings to determine all pending
788 cases of registration on review * * * before the election or
789 pre-election day voting period at which the applicant desires to
790 vote.

791 It is not the purpose of this section to indicate the
792 decision which should be reached by the election commissioners in
793 certain cases but to define which applicants should receive
794 further examination by providing for an automatic review.

795 **SECTION 28.** Section 23-15-47, Mississippi Code of 1972, is
796 amended as follows:

797 23-15-47. (1) Any person who is qualified to register to
798 vote in the State of Mississippi may register to vote by mail-in
799 application in the manner prescribed in this section.

800 (2) The following procedure shall be used in the
801 registration of electors by mail:



802 (a) Any qualified elector may register to vote by
803 mailing or delivering a completed mail-in application to his
804 county registrar at least thirty (30) days * * * before any
805 pre-election day voting period begins if such voter desires to
806 vote during that time or before election. The postmark date of a
807 mailed application shall be the date of registration.

808 (b) Upon receipt of a mail-in application, the county
809 registrar shall stamp the application with the date of receipt,
810 and shall verify the application by contacting the applicant by
811 telephone, by personal contact with the applicant, or by any other
812 method approved by the Secretary of State. Within twenty-five
813 (25) days of receipt of a mail-in application, the county
814 registrar shall complete action on the application, including any
815 attempts to notify the applicant of the status of his application.

816 (c) If the county registrar determines that the
817 applicant is qualified and his application is legible and
818 complete, he shall mail the applicant written notification that
819 the application has been approved, specifying the county voting
820 precinct, municipal voting precinct, if any, polling place and
821 supervisor district in which the person shall vote. This written
822 notification of approval containing the specified information
823 shall be the voter's registration card. The registration cards
824 shall be provided by the county registrar. Upon entry of the
825 voter registration information into the Statewide Elections
826 Management System, the system shall assign a voter registration



827 number to the person. The assigned voter registration number
828 shall be clearly shown on the written notification of approval.
829 In mailing the written notification, the county registrar shall
830 note the following on the envelope: "DO NOT FORWARD". If any
831 registration notification form is returned as undeliverable, the
832 voter's registration shall be void.

833 (d) A mail-in application shall be rejected for any of
834 the following reasons:

835 (i) An incomplete portion of the application which
836 makes it impossible for the registrar to determine the eligibility
837 of the applicant to register;

838 (ii) A portion of the application which is
839 illegible in the opinion of the county registrar and makes it
840 impossible to determine the eligibility of the applicant to
841 register;

842 (iii) The county registrar is unable to determine,
843 from the address and information stated on the application, the
844 precinct in which the voter should be assigned or the supervisor
845 district in which he is entitled to vote;

846 (iv) The applicant is not qualified to register to
847 vote pursuant to Section 23-15-11;

848 (v) The registrar determines that the applicant is
849 registered as a qualified elector of the county;

850 (vi) The county registrar is unable to verify the
851 application pursuant to subsection (2)(b) of this section.



852 (e) If the mail-in application of a person is subject
853 to rejection for any of the reasons set forth in paragraph (d)(i)
854 through (iii) of this subsection, and it appears to the registrar
855 that the defect or omission is of such a minor nature and that any
856 necessary additional information may be supplied by the applicant
857 over the telephone or by further correspondence, the registrar may
858 write or call the applicant at the telephone number provided on
859 the application. If the registrar is able to contact the
860 applicant by mail or telephone, he shall attempt to ascertain the
861 necessary information and if this information is sufficient for
862 the registrar to complete the application, the applicant shall be
863 registered. If the necessary information cannot be obtained by
864 mail or telephone or is not sufficient, the registrar shall give
865 the applicant written notice of the rejection and provide the
866 reason for the rejection. The registrar shall further inform the
867 applicant that he has a right to attempt to register by appearing
868 in person or by filing another mail-in application.

869 (f) If a mail-in application is subject to rejection
870 for the reason stated in paragraph (d)(v) of this subsection and
871 the "present home address" portion of the application is different
872 from the residence address for the applicant found in the
873 registration book, the mail-in application shall be deemed a
874 written request to transfer registration pursuant to Section
875 23-15-13. Subject to the time limits and other provisions of
876 Section 23-15-13, the registrar or the election commissioners



877 shall note the new residence address on his records and, if
878 necessary, transfer the applicant to his new county precinct or
879 municipal precinct, if any, advise the applicant of his new county
880 precinct or municipal precinct, if any, polling place and
881 supervisor district.

882 (3) The instructions and the application form for voter
883 registration by mail shall be in a form established by rule duly
884 adopted by the Secretary of State.

885 (4) (a) The Secretary of State shall prepare and furnish
886 without charge the necessary forms for application for voter
887 registration by mail to each county registrar, municipal clerk,
888 all public schools, each private school that requests such
889 applications, and all public libraries.

890 (b) The Secretary of State shall distribute without
891 charge sufficient forms for application for voter registration by
892 mail to the Commissioner of Public Safety, who shall distribute
893 such forms to each driver's license examining and renewal station
894 in the state, and shall ensure that the forms are regularly
895 available to the public at such stations.

896 (c) Bulk quantities of forms for application for voter
897 registration by mail shall be furnished by the Secretary of State
898 to any person or organization. The Secretary of State shall
899 charge a person or organization the actual cost he incurs in
900 providing bulk quantities of forms for application for voter
901 registration to such person or organization.



902 (5) The originals of completed mail-in applications shall
903 remain on file in the office of the county registrar in accordance
904 with Section 23-15-113. Nothing in this section shall preclude
905 having applications on microfilm, microfiche or as an electronic
906 image.

907 (6) If the applicant indicates on the application that he
908 resides within the city limits of a city or town in the county of
909 registration, the county registrar shall enter the information
910 into the Statewide Elections Management System. The county
911 registrar shall send municipal voting precinct information by
912 United States first-class mail, postage prepaid, to the person at
913 the address provided on the application. Any and all mailing
914 costs incurred by the county registrar or the municipal
915 clerk * * * in effectuating this subsection shall be paid by the
916 governing authority of the municipality. If a review of the
917 application for registration or changes to the registration
918 indicates that the applicant is not qualified to vote in the
919 municipality, the registrar shall notify the applicant of the
920 correct county precinct.

921 (7) If the applicant indicates on the application that he
922 has previously registered to vote in another county of this state
923 or another state, notice to the voter's previous county of
924 registration in this state shall be provided by the Statewide
925 Elections Management System. If the voter's previous place of
926 registration was in another state, notice shall be provided to the



927 voter's previous state of residence if the Statewide Elections
928 Management System has that capability.

929 (8) Any person who attempts to register to vote by mail
930 shall be subject to the penalties for false registration provided
931 for in Section 23-15-17.

932 **SECTION 29.** Section 23-15-65, Mississippi Code of 1972, is
933 amended as follows:

934 23-15-65. The board of commissioners shall meet at the
935 courthouse of its county on the second Monday in September
936 preceding any general election or in a sufficient amount of time
937 to hear appeals before the period for pre-election day voting
938 begins, and shall remain in session from day to day, so long as
939 business may require. Three (3) commissioners shall constitute a
940 quorum to do business; but the concurrence of at least three (3)
941 commissioners shall be necessary in all cases for the rendition of
942 a decision. The commissioners shall hear and determine all
943 appeals from the decisions of the registrar of their county,
944 allowing or refusing the applications of electors to be
945 registered; and they shall correct illegal or improper
946 registrations, and shall secure the elective franchise, as
947 effected by registration, to those who may be illegally or
948 improperly denied the same.

949 **SECTION 30.** Section 23-15-125, Mississippi Code of 1972, is
950 amended as follows:



951 23-15-125. The pollbook of each voting precinct shall
952 designate the voting precinct for which it is to be used, and
953 shall be ruled in appropriate columns, with printed or written
954 headings, as follows: date of registration; voter registration
955 number; name of electors; date of birth; and a number of blank
956 columns for the dates of elections. Except as otherwise provided
957 in Section 23-15-692, all who register within thirty (30) days
958 before any regular election or pre-election day voting period
959 shall be entered on the pollbooks immediately after such election,
960 and not before, so that the pollbooks will show only the names of
961 those qualified to vote at such election. When election
962 commissioners determine that any elector is disqualified from
963 voting, by reason of removal from the supervisors district, or
964 other cause, that fact shall be noted on the registration book and
965 his name shall be erased from the pollbook. Nothing in this
966 section shall preclude the use of electronic pollbooks.

967 **SECTION 31.** Section 23-15-127, Mississippi Code of 1972, is
968 amended as follows:

969 23-15-127. (1) It shall be the duty of the registrar of the
970 county or municipality to prepare and furnish to the appropriate
971 election commissioner pollbooks for each voting precinct in which
972 the election is to be conducted or to the appropriate registrar
973 pollbooks for each registrar's office in which pre-election day
974 voting is to be conducted, in which shall be entered the name,
975 residence, date of birth and date of registration of each person



976 duly registered in such voting precinct as now provided by law,
977 and which pollbooks shall be known as "primary election pollbooks"
978 and shall be used only in holding primary elections.

979 (2) The election commissioners of the county or
980 municipality shall revise the primary pollbooks at the time and in
981 the manner and in accordance with the laws now fixed and in force
982 for revising pollbooks now provided for under the law, except they
983 shall not remove from the pollbook any person who is qualified to
984 participate in primary elections; however, upon the written
985 request of the municipal election commission, the county
986 commissioners of election shall revise the primary pollbooks of
987 the municipality as provided in this subsection.

988 (3) All laws applicable to the revision of pollbooks now in
989 use shall be applicable to the revision of pollbooks for primary
990 elections, and all rights of voters to be heard and to appeal to
991 the executive committee of his party from the action of the
992 election commissioners now provided by law shall be available to
993 the voter in the revisions of the pollbooks for primary elections
994 provided for in this section.

995 **SECTION 32.** Section 23-15-153, Mississippi Code of 1972, is
996 amended as follows:

997 23-15-153. (1) At the following times, the election
998 commissioners * * * shall meet at the office of the registrar and
999 carefully revise the registration books and the pollbooks of the
1000 several voting precincts, and shall erase from those books the



1001 names of all persons erroneously on the books, or who have died,
1002 removed or become disqualified as electors from any cause; and
1003 shall register the names of all persons who have duly applied to
1004 be registered and have been illegally denied registration:

1005 (a) On the Tuesday after the second Monday in January
1006 1987 and every following year;

1007 (b) On the first Tuesday in the month immediately
1008 preceding the pre-election day voting period for the first primary
1009 election for congressmen in the years when congressmen are
1010 elected;

1011 (c) On the first Monday in the month immediately
1012 preceding the pre-election day voting period for the first primary
1013 election for state, state district legislative, county and county
1014 district offices in the years in which those offices are elected;
1015 and

1016 (d) On the second Monday of September preceding the
1017 pre-election day voting period for the general election or regular
1018 special election day in years in which a general election is not
1019 conducted.

1020 Except for the names of those persons who are duly qualified
1021 to vote in the election, no name shall be permitted to remain on
1022 the registration books and pollbooks; however, no name shall be
1023 erased from the registration books or pollbooks based on a change
1024 in the residence of an elector except in accordance with
1025 procedures provided for by the National Voter Registration Act of



1026 1993 that are in effect at the time of such erasure. Except as
1027 otherwise provided by Section 23-15-573, no person shall vote at
1028 any election whose name is not on the pollbook.

1029 (2) Except as provided in this section, and subject to the
1030 following annual limitations, the election commissioners * * *
1031 shall be entitled to receive a per diem in the amount of
1032 Eighty-four Dollars (\$84.00), to be paid from the county general
1033 fund, for every day or period of no less than five (5) hours
1034 accumulated over two (2) or more days actually employed in the
1035 performance of their duties in the conduct of an election or
1036 actually employed in the performance of their duties for the
1037 necessary time spent in the revision of the registration books and
1038 pollbooks as required in subsection (1) of this section:

1039 (a) In counties having less than fifteen thousand
1040 (15,000) residents according to the latest federal decennial
1041 census, not more than fifty (50) days per year, with no more than
1042 fifteen (15) additional days allowed for the conduct of each
1043 election in excess of one (1) occurring in any calendar year;

1044 (b) In counties having fifteen thousand (15,000)
1045 residents according to the latest federal decennial census but
1046 less than thirty thousand (30,000) residents according to the
1047 latest federal decennial census, not more than seventy-five (75)
1048 days per year, with no more than twenty-five (25) additional days
1049 allowed for the conduct of each election in excess of one (1)
1050 occurring in any calendar year;



1051 (c) In counties having thirty thousand (30,000)
1052 residents according to the latest federal decennial census but
1053 less than seventy thousand (70,000) residents according to the
1054 latest federal decennial census, not more than one hundred (100)
1055 days per year, with no more than thirty-five (35) additional days
1056 allowed for the conduct of each election in excess of one (1)
1057 occurring in any calendar year;

1058 (d) In counties having seventy thousand (70,000)
1059 residents according to the latest federal decennial census but
1060 less than ninety thousand (90,000) residents according to the
1061 latest federal decennial census, not more than one hundred
1062 twenty-five (125) days per year, with no more than forty-five (45)
1063 additional days allowed for the conduct of each election in excess
1064 of one (1) occurring in any calendar year;

1065 (e) In counties having ninety thousand (90,000)
1066 residents according to the latest federal decennial census but
1067 less than one hundred seventy thousand (170,000) residents
1068 according to the latest federal decennial census, not more than
1069 one hundred fifty (150) days per year, with no more than
1070 fifty-five (55) additional days allowed for the conduct of each
1071 election in excess of one (1) occurring in any calendar year;

1072 (f) In counties having one hundred seventy thousand
1073 (170,000) residents according to the latest federal decennial
1074 census but less than two hundred thousand (200,000) residents
1075 according to the latest federal decennial census, not more than



1076 one hundred seventy-five (175) days per year, with no more than
1077 sixty-five (65) additional days allowed for the conduct of each
1078 election in excess of one (1) occurring in any calendar year;

1079 (g) In counties having two hundred thousand (200,000)
1080 residents according to the latest federal decennial census but
1081 less than two hundred twenty-five thousand (225,000) residents
1082 according to the latest federal decennial census, not more than
1083 one hundred ninety (190) days per year, with no more than
1084 seventy-five (75) additional days allowed for the conduct of each
1085 election in excess of one (1) occurring in any calendar year;

1086 (h) In counties having two hundred twenty-five thousand
1087 (225,000) residents according to the latest federal decennial
1088 census but less than two hundred fifty thousand (250,000)
1089 residents according to the latest federal decennial census, not
1090 more than two hundred fifteen (215) days per year, with no more
1091 than eighty-five (85) additional days allowed for the conduct of
1092 each election in excess of one (1) occurring in any calendar year;

1093 (i) In counties having two hundred fifty thousand
1094 (250,000) residents according to the latest federal decennial
1095 census but less than two hundred seventy-five thousand (275,000)
1096 residents according to the latest federal decennial census, not
1097 more than two hundred thirty (230) days per year, with no more
1098 than ninety-five (95) additional days allowed for the conduct of
1099 each election in excess of one (1) occurring in any calendar year;



1100 (j) In counties having two hundred seventy-five
1101 thousand (275,000) residents according to the latest federal
1102 decennial census or more, not more than two hundred forty (240)
1103 days per year, with no more than one hundred five (105) additional
1104 days allowed for the conduct of each election in excess of one (1)
1105 occurring in any calendar year.

1106 (3) In addition to the number of days authorized in
1107 subsection (2) of this section, the board of supervisors of a
1108 county may authorize, in its discretion, the election
1109 commissioners * * * to receive a per diem in the amount provided
1110 for in subsection (2) of this section, to be paid from the county
1111 general fund, for every day or period of no less than five (5)
1112 hours accumulated over two (2) or more days actually employed in
1113 the performance of their duties in the conduct of an election or
1114 actually employed in the performance of their duties for the
1115 necessary time spent in the revision of the registration books and
1116 pollbooks as required in subsection (1) of this section, for not
1117 to exceed five (5) days.

1118 (4) (a) The commissioners of election shall be entitled to
1119 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
1120 to be paid from the county general fund, not to exceed ten (10)
1121 days for every day or period of no less than five (5) hours
1122 accumulated over two (2) or more days actually employed in the
1123 performance of their duties for the necessary time spent in the
1124 revision of the registration books and pollbooks prior to any



1125 special election. For purposes of this paragraph, the regular
1126 special election day shall not be considered a special election.
1127 The annual limitations set forth in subsection (2) of this section
1128 shall not apply to this paragraph.

1129 (b) The commissioners of election shall be entitled to
1130 receive a per diem in the amount of One Hundred Fifty Dollars
1131 (\$150.00), to be paid from the county general fund, for the
1132 performance of their duties on the day of any general or special
1133 election. The annual limitations set forth in subsection (2) of
1134 this section shall apply to this paragraph.

1135 (5) The commissioners of election shall be entitled to
1136 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
1137 to be paid from the county general fund, not to exceed fourteen
1138 (14) days for every day or period of no less than five (5) hours
1139 accumulated over two (2) or more days actually employed in the
1140 performance of their duties for the necessary time spent in the
1141 revision of the registration books, pollbooks and in the conduct
1142 of a runoff election following either a general or special
1143 election.

1144 (6) The election commissioners * * * shall be entitled to
1145 receive only one (1) per diem payment for those days when the
1146 election commissioners * * * discharge more than one (1) duty or
1147 responsibility on the same day.

1148 (7) The county registrar shall prepare the pollbooks and the
1149 county election commissioners * * * shall prepare the registration



1150 books of each municipality located within the county pursuant to
1151 an agreement between the county and each municipality in the
1152 county. The county election commissioners * * * and the county
1153 registrar shall be paid by each municipality for the actual cost
1154 of preparing registration books and pollbooks for the municipality
1155 and shall pay each county election commissioner * * * a per diem
1156 in the amount provided for in subsection (2) of this section for
1157 each day or period of not less than five (5) hours accumulated
1158 over two (2) or more days the commissioners are actually employed
1159 in preparing the registration books for the municipality, not to
1160 exceed five (5) days. The county election commissioners * * * and
1161 county registrar shall provide copies of the registration books
1162 and pollbooks to the municipal clerk of each municipality in the
1163 county. The municipality shall pay the county registrar for
1164 preparing and printing the pollbooks. A municipality may secure
1165 "read only" access to the Statewide Centralized Voter System and
1166 print its own pollbooks using this information; however, county
1167 election commissioners * * * shall remain responsible for
1168 preparing registration books for municipalities and shall be paid
1169 for this duty in accordance with this subsection.

1170 (8) County election commissioners * * * who perform the
1171 duties of an executive committee with regard to the conduct of a
1172 primary election under a written agreement authorized by law to be
1173 entered into with an executive committee shall receive per diem as
1174 provided for in subsection (2) of this section. The days that



1175 county election commissioners * * * are employed in the conduct of
 1176 a primary election shall be treated the same as days county
 1177 election commissioners * * * are employed in the conduct of other
 1178 elections.

1179 (9) Every election commissioner * * * shall sign personally
 1180 a certification setting forth the number of hours actually worked
 1181 in the performance of the commissioner's official duties and for
 1182 which the commissioner seeks compensation. The certification must
 1183 be on a form as prescribed in this subsection. The commissioner's
 1184 signature is, as a matter of law, made under the commissioner's
 1185 oath of office and under penalties of perjury.

1186 The certification form shall be as follows:

1187 **COUNTY ELECTION COMMISSIONER**

1188 **PER DIEM CLAIM FORM**

1189 NAME: _____ COUNTY: _____
 1190 ADDRESS: _____ DISTRICT: _____
 1191 CITY: _____ ZIP: _____

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

1198 TOTAL NUMBER OF PER DIEM DAYS EARNED
 1199 EXCLUDING ELECTION DAYS _____



1200 PER DIEM RATE PER DAY EARNED X 84.00
 1201 TOTAL NUMBER PER DIEM DAYS EARNED
 1202 FOR ELECTION DAYS _____
 1203 PER DIEM RATE PER DAY EARNED X 150.00
 1204 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1205 I understand that I am signing this document under my oath
 1206 as * * * an election commissioner * * * and under penalties of
 1207 perjury.

1208 I understand that I am requesting payment from taxpayer funds
 1209 and that I have an obligation to be specific and truthful as to
 1210 the amount of hours worked and the compensation I am requesting.

1211 Signed this the _____ day of _____, ____.

1212 _____

1213 Commissioner's Signature

1214 When properly completed and signed, the certification must be
 1215 filed with the clerk of the county board of supervisors before any
 1216 payment may be made. The certification will be a public record
 1217 available for inspection and reproduction immediately upon the
 1218 oral or written request of any person.

1219 Any person may contest the accuracy of the certification in
 1220 any respect by notifying the chairman of the commission, any
 1221 member of the board of supervisors or the clerk of the board of
 1222 supervisors of such contest at any time before or after payment is
 1223 made. If the contest is made before payment is made, no payment
 1224 shall be made as to the contested certificate until the contest is



1225 finally disposed of. The person filing the contest shall be
1226 entitled to a full hearing, and the clerk of the board of
1227 supervisors shall issue subpoenas upon request of the contestor
1228 compelling the attendance of witnesses and production of documents
1229 and things. The contestor shall have the right to appeal de novo
1230 to the circuit court of the involved county, which appeal must be
1231 perfected within thirty (30) days from a final decision of the
1232 commission, the clerk of the board of supervisors or the board of
1233 supervisors, as the case may be.

1234 Any contestor who successfully contests any certification
1235 will be awarded all expenses incident to his contest, together
1236 with reasonable attorney's fees, which will be awarded upon
1237 petition to the chancery court of the involved county upon final
1238 disposition of the contest before the election commission, board
1239 of supervisors, clerk of the board of supervisors, or, in case of
1240 an appeal, final disposition by the court. The commissioner
1241 against whom the contest is decided shall be liable for the
1242 payment of the expenses and attorney's fees, and the county shall
1243 be jointly and severally liable for same.

1244 (10) Any election commissioner * * * who has not received a
1245 certificate issued by the Secretary of State pursuant to Section
1246 23-15-211 indicating that the election commissioner * * * has
1247 received the required elections seminar instruction and that the
1248 election commissioner * * * is fully qualified to conduct an



1249 election, shall not receive any compensation authorized by this
1250 section, Section 23-15-491 or Section 23-15-239.

1251 **SECTION 33.** Section 23-15-171, Mississippi Code of 1972, is
1252 amended as follows:

1253 23-15-171. (1) Except as otherwise provided in Section 3 of
1254 this act, municipal primary elections shall be held on the first
1255 Tuesday in May preceding the general municipal election and, in
1256 the event a second primary shall be necessary, such second primary
1257 shall be held on the third Tuesday in May preceding such general
1258 municipal election. At such primary election the municipal
1259 executive committee shall perform the same duties as are specified
1260 by law and performed by members of the county executive committee
1261 with regard to state and county primary elections. Each municipal
1262 executive committee shall have as many members as there are
1263 elective officers of the municipality, and such members of the
1264 municipal executive committee of each political party shall be
1265 elected in the primary elections held for the nomination of
1266 candidates for municipal offices. The provisions of this section
1267 shall govern all municipal primary elections as far as applicable,
1268 but the officers to prepare the ballots and the managers and other
1269 officials of the primary election shall be appointed by the
1270 municipal executive committee of the party holding such primary,
1271 and the returns of such election shall be made to such municipal
1272 executive committee. Vacancies in the executive committee shall
1273 be filled by it.



1274 (2) Provided, however, that in municipalities operating
1275 under a special or private charter which fixes a time for holding
1276 elections, other than the time fixed by Chapter 491, Laws of 1950,
1277 the first primary election shall be held exactly four (4) weeks
1278 before the time for holding the general election, as fixed by the
1279 charter, and the second primary election, where necessary, shall
1280 be held two (2) weeks after the first primary election, unless the
1281 charter of any such municipality provides otherwise, in which
1282 event the provisions of the special or private charter shall
1283 prevail as to the time of holding such primary elections.

1284 (3) All primary elections in municipalities shall be held
1285 and conducted in the same manner as is provided by law for state
1286 and county primary elections.

1287 **SECTION 34.** Section 23-15-173, Mississippi Code of 1972, is
1288 amended as follows:

1289 23-15-173. (1) A general municipal election shall be held
1290 in each city, town or village on the first Tuesday after the first
1291 Monday of June 1985, and every four (4) years thereafter, for the
1292 election of all municipal officers elected by the people.
1293 Pre-election day voting for such general municipal elections shall
1294 be conducted as provided in Section 3 of this act.

1295 (2) All municipal general elections shall be held and
1296 conducted in the same manner as is provided by law for state and
1297 county general elections.



1298 **SECTION 35.** Section 23-15-191, Mississippi Code of 1972, is
1299 amended as follows:

1300 23-15-191. The first primary shall be held on the first
1301 Tuesday after the first Monday of August preceding any regular or
1302 general election; and the second primary shall be held three (3)
1303 weeks thereafter. Pre-election day voting for such primary
1304 election shall be conducted as provided for in Section 3 of this
1305 act. Any candidate who receives the highest popular vote cast for
1306 the office which he seeks in the first primary shall thereby
1307 become the nominee of the party for such office; provided also it
1308 be a majority of all the votes cast for that office. If no
1309 candidate receive such majority of popular votes in the first
1310 primary, then the two (2) candidates who receive the highest
1311 popular vote for such office shall have their names submitted as
1312 such candidates to a second primary, and the candidate who leads
1313 in such second primary shall be nominated to the office. When
1314 there is a tie in the first primary of those receiving next
1315 highest vote, these two (2) and the one (1) receiving the highest
1316 vote, none having received a majority, shall go into the second
1317 primary, and whoever leads in such second primary shall be
1318 entitled to the nomination.

1319 **SECTION 36.** Section 23-15-195, Mississippi Code of 1972, is
1320 amended as follows:



1321 23-15-195. Except as otherwise provided in Sections 1
1322 through 7 of this act, all elections by the people shall be by
1323 ballot, and shall be concluded in one (1) day.

1324 **SECTION 37.** Section 23-15-197, Mississippi Code of 1972, is
1325 amended as follows:

1326 23-15-197. (1) Times for holding primary and general
1327 elections for congressional offices shall be as prescribed in
1328 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1329 (2) Times for holding elections for the office of judge of
1330 the Supreme Court shall be as prescribed in Section 23-15-991 and
1331 Sections 23-15-974 through 23-15-985.

1332 (3) Times for holding elections for the office of circuit
1333 court judge and the office of chancery court judge shall be as
1334 prescribed in Sections 23-15-974 through 23-15-985, and Section
1335 23-15-1015.

1336 (4) Times for holding elections for the office of county
1337 election commissioners shall be as prescribed in Section
1338 23-15-213.

1339 (5) Times for holding pre-election day voting shall be as
1340 prescribed in Sections 1 through 7 of this act.

1341 **SECTION 38.** Section 23-15-231, Mississippi Code of 1972, is
1342 amended as follows:

1343 23-15-231. Prior to every election or pre-election day
1344 voting period, the election commissioners * * * shall appoint
1345 three (3) persons for each voting precinct to be managers of the



1346 election, one (1) of whom shall be designated by the election
1347 commissioners * * * as election bailiff. Such managers shall not
1348 all be of the same political party if suitable persons of
1349 different political parties can be found in the district. If any
1350 person appointed shall fail to attend and serve, the managers
1351 present, if any, may designate someone to fill his place; and if
1352 the election commissioners * * * fail to make the appointments or
1353 in case of the failure of all those appointed to attend and serve,
1354 any three (3) qualified electors present when the polls should be
1355 opened may act as managers. Provided, however, any person
1356 appointed to be manager or act as manager shall be a qualified
1357 elector of the county in which the polling place is located.

1358 **SECTION 39.** Section 23-15-233, Mississippi Code of 1972, is
1359 amended as follows:

1360 23-15-233. The managers shall take care that the
1361 election * * * and the pre-election day voting are conducted
1362 fairly and agreeably to law, and they shall be judges of the
1363 qualifications of electors, and may examine, on oath, any person
1364 duly registered and offering to vote touching his qualifications
1365 as an elector, which oath any of the managers may administer.

1366 **SECTION 40.** Section 23-15-239, Mississippi Code of 1972, is
1367 amended as follows:

1368 23-15-239. (1) (a) The executive committee of each county,
1369 in the case of a primary election, or the election
1370 commissioners * * * of each county, in the case of all other



1371 elections, in conjunction with the circuit clerk, shall sponsor
1372 and conduct, not less than five (5) days * * * before the
1373 pre-election day voting period for each election, training
1374 sessions to instruct managers as to their duties in the proper
1375 administration of the election and the operation of the polling
1376 place. No manager shall serve in any election unless he has
1377 received such instructions once during the twelve (12) months
1378 immediately preceding the date upon which such election is held;
1379 however, nothing in this section shall prevent the appointment of
1380 an alternate manager to fill a vacancy in case of an emergency.
1381 The county executive committee or the election
1382 commissioners * * *, as appropriate, shall train a sufficient
1383 number of alternates to serve in the event a manager is unable to
1384 serve for any reason.

1385 (b) The executive committee of each county, in the case
1386 of a primary election, or the election commissioners * * * of each
1387 county, in the case of all other elections, in conjunction with
1388 the circuit clerk, shall sponsor and conduct annually an
1389 eight-hour training course for managers that meets criteria that
1390 the Secretary of State shall prescribe. Managers shall be
1391 required to attend this course every four (4) years from August 7,
1392 2008. The Secretary of State shall develop a version of the
1393 course that may be taken by managers over the Internet. Training
1394 courses, including, but not limited to, online training courses,
1395 that meet criteria prescribed by the Secretary of State and are



1396 not sponsored or conducted by the executive committee or the
1397 election commissioners * * *, may be utilized to meet the
1398 requirements of this paragraph if the training course is approved
1399 by the Secretary of State.

1400 (2) (a) If it is eligible under Section 23-15-266, the
1401 county executive committee may enter into a written agreement with
1402 the circuit clerk or the county election commission authorizing
1403 the circuit clerk or the county election commission to perform any
1404 of the duties required of the county executive committee pursuant
1405 to this section. Any agreement entered into pursuant to this
1406 subsection shall be signed by the chairman of the county executive
1407 committee and the circuit clerk or the chairman of the county
1408 election commission, as appropriate. The county executive
1409 committee shall notify the state executive committee and the
1410 Secretary of State of the existence of such agreement.

1411 (b) If it is eligible under Section 23-15-266, the
1412 municipal executive committee may enter into a written agreement
1413 with the municipal clerk or the municipal election commission
1414 authorizing the municipal clerk or the municipal election
1415 commission to perform any of the duties required of the municipal
1416 executive committee pursuant to this section. Any agreement
1417 entered into pursuant to this subsection shall be signed by the
1418 chairman of the municipal executive committee and the municipal
1419 clerk or the chairman of the municipal election commission, as
1420 appropriate. The municipal executive committee shall notify the



1421 state executive committee and the Secretary of State of the
1422 existence of such agreement.

1423 (3) The board of supervisors, in their discretion, may
1424 compensate managers who attend such training sessions. The
1425 compensation shall be at a rate of not less than the federal
1426 hourly minimum wage nor more than Twelve Dollars (\$12.00) per
1427 hour. Managers shall not be compensated for more than sixteen
1428 (16) hours of attendance at the training sessions regardless of
1429 the actual amount of time that they attended the training
1430 sessions.

1431 (4) The time and location of the training sessions required
1432 pursuant to this section shall be announced to the general public
1433 by posting a notice thereof at the courthouse and by delivering a
1434 copy of the notice to the office of a newspaper having general
1435 circulation in the county five (5) days before the date upon which
1436 the training session is to be conducted. Persons who will serve
1437 as poll watchers for candidates and political parties, as well as
1438 members of the general public, shall be allowed to attend the
1439 sessions.

1440 (5) Subject to the following annual limitations, the
1441 election commissioners * * * shall be entitled to receive a per
1442 diem in the amount of Eighty-four Dollars (\$84.00), to be paid
1443 from the county general fund, for every day or period of no less
1444 than five (5) hours accumulated over two (2) or more days actually



1445 employed in the performance of their duties for the necessary time
1446 spent in conducting training sessions as required by this section:

1447 (a) In counties having less than fifteen thousand
1448 (15,000) residents according to the latest federal decennial
1449 census, not more than five (5) days per year;

1450 (b) In counties having fifteen thousand (15,000)
1451 residents according to the latest federal decennial census but
1452 less than thirty thousand (30,000) residents according to the
1453 latest federal decennial census, not more than eight (8) days per
1454 year;

1455 (c) In counties having thirty thousand (30,000)
1456 residents according to the latest federal decennial census but
1457 less than seventy thousand (70,000) residents according to the
1458 latest federal decennial census, not more than ten (10) days per
1459 year;

1460 (d) In counties having seventy thousand (70,000)
1461 residents according to the latest federal decennial census but
1462 less than ninety thousand (90,000) residents according to the
1463 latest federal decennial census, not more than twelve (12) days
1464 per year;

1465 (e) In counties having ninety thousand (90,000)
1466 residents according to the latest federal decennial census but
1467 less than one hundred seventy thousand (170,000) residents
1468 according to the latest federal decennial census, not more than
1469 fifteen (15) days per year;



1470 (f) In counties having one hundred seventy thousand
1471 (170,000) residents according to the latest federal decennial
1472 census but less than two hundred thousand (200,000) residents
1473 according to the latest federal decennial census, not more than
1474 eighteen (18) days per year;

1475 (g) In counties having two hundred thousand (200,000)
1476 residents according to the latest federal decennial census but
1477 less than two hundred twenty-five thousand (225,000) residents
1478 according to the latest federal decennial census, not more than
1479 nineteen (19) days per year;

1480 (h) In counties having two hundred twenty-five thousand
1481 (225,000) residents according to the latest federal decennial
1482 census but less than two hundred fifty thousand (250,000)
1483 residents according to the latest federal decennial census, not
1484 more than twenty-two (22) days per year;

1485 (i) In counties having two hundred fifty thousand
1486 (250,000) residents according to the latest federal decennial
1487 census but less than two hundred seventy-five thousand (275,000)
1488 residents according to the latest federal decennial census, not
1489 more than thirteen (13) days per year;

1490 (j) In counties having two hundred seventy-five
1491 thousand (275,000) residents according to the latest federal
1492 decennial census or more, not more than fourteen (14) days per
1493 year.



1494 (6) Election commissioners * * * shall claim the per diem
1495 authorized in subsection (5) of this section in the manner
1496 provided for in Section 23-15-153(6).

1497 **SECTION 41.** Section 23-15-241, Mississippi Code of 1972, is
1498 amended as follows:

1499 23-15-241. The manager designated an election bailiff shall,
1500 in addition to his other duties, be present during the
1501 pre-election day voting period and on election day to keep the
1502 peace and to protect the voting place, and to prevent improper
1503 intrusion upon the voting place or interference with the election,
1504 and to arrest all persons creating any disturbance about the
1505 voting place, and to enable all qualified electors who have not
1506 voted, and who desire to vote, to have unobstructed access to the
1507 polls for the purpose of voting when others are not voting.

1508 **SECTION 42.** Section 23-15-245, Mississippi Code of 1972, is
1509 amended as follows:

1510 23-15-245. It shall be the duty of the manager designated as
1511 bailiff to be present at the voting place, and to take such steps
1512 as will accomplish the purpose of his appointment, and he shall
1513 have full power to do so, and he may summon to his aid all persons
1514 present at the voting place. A space thirty (30) feet in every
1515 direction from the polls, or the room in which the * * * voting is
1516 held, shall be kept open and clear of all persons except the
1517 election officers and two (2) challengers of good conduct and
1518 behavior, selected by each party to detect and challenge illegal



1519 voters; and the electors shall approach the polls from one
1520 direction, line, door or passage, and depart in another as nearly
1521 opposite as convenient.

1522 **SECTION 43.** Section 23-15-247, Mississippi Code of 1972, is
1523 amended as follows:

1524 23-15-247. The election commissioners * * * in each county
1525 shall procure, if not already provided, a sufficient number of
1526 ballot boxes, which shall be distributed by them to the voting
1527 precincts of the county before the time for opening the polls. The
1528 boxes shall be secured by good and substantial locks, and, if an
1529 adjournment shall take place after the opening of the polls and
1530 before all the votes shall be counted, the box shall be securely
1531 locked, so as to prevent the admission of anything into it, or the
1532 taking of anything from it, during the time of adjournment; and
1533 the box shall be kept by one of the managers and the key by
1534 another of the managers, and the manager having the box shall
1535 carefully keep it, and neither unlock or open it himself nor
1536 permit it to be done, nor permit any person to have any access to
1537 it during the time of adjournment. The box shall not be removed
1538 from the polling building or place after the polls are opened
1539 until the count is complete, if as many as three (3) qualified
1540 electors object. After each election the ballot boxes shall be
1541 delivered, with the keys thereof, to the clerk of the circuit
1542 court of the county for preservation; and he shall keep them for



1543 future use, and, when called for, deliver them to the
1544 commissioners of election.

1545 **SECTION 44.** Section 23-15-251, Mississippi Code of 1972, is
1546 amended as follows:

1547 23-15-251. The election commissioners * * *, in appointing
1548 the managers of election, shall designate one (1) of the managers
1549 at each voting place to receive and distribute the official
1550 ballots, and shall deliver to him the proper number of ballots and
1551 cards of instruction for his district not less than one (1) day
1552 before the election; and the manager receiving the ballots from
1553 the commissioners shall distribute the same to the electors of his
1554 district in the manner herein provided. It shall be the duty of
1555 said person so designated as aforesaid for service at a voting
1556 place other than the courthouse, to carry to the said voting
1557 place, on the day previous to the election, the ballot box, the
1558 pollbook, the blank tally sheets, the blank forms to be used in
1559 making returns, the other necessary stationery and supplies and
1560 the official printed ballots aforesaid, and all of the same used
1561 and unused shall be returned by the manager designated as
1562 aforesaid to the commissioners of election on the day next
1563 following the election.

1564 **SECTION 45.** Section 23-15-255, Mississippi Code of 1972, is
1565 amended as follows:

1566 23-15-255. (1) The supervisor of each respective
1567 supervisors district shall provide at each election place a



1568 sufficient number of voting compartments, shelves and tables for
1569 the use of electors, which shall be so arranged that it will be
1570 impossible for a voter in one compartment to see another voter who
1571 is preparing his ballot. The number of voting compartments and
1572 shelves or tables shall not be less than one (1) to every two
1573 hundred (200) electors in the voting precinct. Each compartment
1574 shall be supplied and have posted up in it a card of instructions,
1575 and be furnished with other conveniences for marking the ballots.

1576 (2) The managers of each precinct shall publicly post the
1577 following information at the precinct polling place * * * during
1578 any election:

1579 (a) A sample version of the ballot that will be used at
1580 the election;

1581 (b) Information on the date of the election and
1582 pre-election day voting and the hours during which the polling
1583 places will be open;

1584 (c) Instructions on how to vote, including how to cast
1585 a vote and how to cast an affidavit ballot;

1586 (d) Instruction for persons who have registered to vote
1587 by mail and first time voters, if appropriate;

1588 (e) General information on voting rights, including
1589 information on the right of an individual to cast an affidavit
1590 ballot and instructions on how to contact the appropriate
1591 officials if these rights are alleged to have been violated; and



1592 (f) The consequences under federal and state laws
1593 regarding fraud and misrepresentation.

1594 **SECTION 46.** Section 23-15-263, Mississippi Code of 1972, is
1595 amended as follows:

1596 23-15-263. (1) Unless otherwise provided in this chapter,
1597 the county executive committee at primary elections shall perform
1598 all duties that relate to the qualification of candidates for
1599 primary elections, print ballots for the pre-election day voting
1600 period for primary elections and for primary * * * election day,
1601 appoint the primary election officers, resolve contests in regard
1602 to primary elections, and perform all other duties required by law
1603 to be performed by the county executive committee; however, each
1604 house of the Legislature shall rule on the qualifications of the
1605 membership of its respective body in contests involving the
1606 qualifications of such members. The executive committee shall be
1607 subject to all the penalties to which county election
1608 commissioners are subject, except that Section 23-15-217 shall not
1609 apply to members of the county executive committee who seek
1610 elective office.

1611 (2) A member of a county executive committee shall be
1612 automatically disqualified to serve on the county executive
1613 committee, and shall be considered to have resigned therefrom,
1614 upon his qualification as a candidate for any elective office.
1615 The provisions of this subsection shall not apply to a member of a



1616 county executive committee who qualifies as a candidate for a
1617 municipal elective office.

1618 (3) The primary election officers appointed by the executive
1619 committee of the party shall have the powers and perform the
1620 duties, where not otherwise provided, required of such officers in
1621 a general election, and any and every act or omission which by law
1622 is an offense when committed in or about or in respect to such
1623 general elections, shall be an offense if committed in or about or
1624 in respect to a primary election; and the same shall be indictable
1625 and punishable in the same way as if the election was a general
1626 election for the election of state and county officers, except as
1627 specially modified or otherwise provided in this chapter.

1628 **SECTION 47.** Section 23-15-265, Mississippi Code of 1972, is
1629 amended as follows:

1630 23-15-265. (1) The county executive committee of each
1631 county shall meet not less than two (2) weeks before the
1632 date * * * the period for pre-election day voting begins for any
1633 primary election and appoint the managers and clerks for same, all
1634 of whom may be members of the same political party. The number of
1635 managers and clerks appointed by the county executive committee
1636 shall be the same number as election commissioners * * * are
1637 allowed to appoint pursuant to Sections 23-15-231 and 23-15-235.
1638 If the county executive committee fails to meet on the date named,
1639 supra, further notice shall be given of the time and place of
1640 meeting.



1641 (2) (a) If it is eligible under Section 23-15-266, the
1642 county executive committee may enter into a written agreement with
1643 the circuit clerk or the county election commission authorizing
1644 the circuit clerk or the county election commission to perform any
1645 of the duties required of the county executive committee pursuant
1646 to this section. Any agreement entered into pursuant to this
1647 subsection shall be signed by the chairman of the county executive
1648 committee and the circuit clerk or the chairman of the county
1649 election commission, as appropriate. The county executive
1650 committee shall notify the state executive committee and the
1651 Secretary of State of the existence of such agreement.

1652 (b) If it is eligible under Section 23-15-266, the
1653 municipal executive committee may enter into a written agreement
1654 with the municipal clerk or the municipal election commission
1655 authorizing the municipal clerk or the municipal election
1656 commission to perform any of the duties required of the municipal
1657 executive committee pursuant to this section. Any agreement
1658 entered into pursuant to this subsection shall be signed by the
1659 chairman of the municipal executive committee and the municipal
1660 clerk or the chairman of the municipal election commission, as
1661 appropriate. The municipal executive committee shall notify the
1662 state executive committee and the Secretary of State of the
1663 existence of such agreement.

1664 **SECTION 48.** Section 23-15-267, Mississippi Code of 1972, is
1665 amended as follows:



1666 23-15-267. (1) The ballot boxes provided by the regular
1667 election commissioners * * * in each county shall be used in
1668 primary elections, and the county executive committees shall
1669 distribute them to the voting precincts of the county before the
1670 time for opening the polls, in the same manner, as near as may be,
1671 as that provided for in general elections.

1672 (2) If an adjournment shall take place after the polls are
1673 open and before all votes are counted, the ballot box shall be
1674 securely locked so as to prevent the admission into it or the
1675 taking of anything from it during the time of adjournment; and the
1676 box shall be kept by one of the managers, and the key by another
1677 of the managers, and the manager having the box shall carefully
1678 keep it, and neither undertake to open it himself or permit it to
1679 be done, or to permit any person to have access to it during the
1680 time of adjournment. The box shall not be removed from the
1681 polling building or place after the polls are open until the count
1682 is completed if as many as three (3) electors qualified to vote at
1683 the election object.

1684 (3) After each election, the ballot boxes of those provided
1685 by the regular election commissioner * * * shall be delivered,
1686 with the keys thereof immediately and as soon thereafter as
1687 possible, and without delay to the clerk of the circuit court of
1688 the county.

1689 (4) (a) If it is eligible under Section 23-15-266, the
1690 county executive committee may enter into a written agreement with



1691 the circuit clerk or the county election commission authorizing
1692 the circuit clerk or the county election commission to perform any
1693 of the duties required of the county executive committee pursuant
1694 to this section. Any agreement entered into pursuant to this
1695 subsection shall be signed by the chairman of the county executive
1696 committee and the circuit clerk or the chairman of the county
1697 election commission, as appropriate. The county executive
1698 committee shall notify the State Executive Committee and the
1699 Secretary of State of the existence of such agreement.

1700 (b) If it is eligible under Section 23-15-266, the
1701 municipal executive committee may enter into a written agreement
1702 with the municipal clerk or the municipal election commission
1703 authorizing the municipal clerk or the municipal election
1704 commission to perform any of the duties required of the municipal
1705 executive committee pursuant to this section. Any agreement
1706 entered into pursuant to this subsection shall be signed by the
1707 chairman of the municipal executive committee and the municipal
1708 clerk or the chairman of the municipal election commission, as
1709 appropriate. The municipal executive committee shall notify the
1710 State Executive Committee and the Secretary of State of the
1711 existence of such agreement.

1712 (5) The person, or persons, whose duty it is to comply with
1713 the provisions of this section and who shall fail, or neglect,
1714 from any cause, to deliver said boxes or any of them as herein
1715 provided shall, upon conviction, be fined not less than Two



1716 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1717 the residence of the person, or persons, who violates any of the
1718 provisions of this section, for a period of not less than thirty
1719 (30) days or more than six (6) months, and fined not more than
1720 Five Hundred Dollars (\$500.00).

1721 **SECTION 49.** Section 23-15-303, Mississippi Code of 1972, is
1722 amended as follows:

1723 23-15-303. When two (2) or more political parties or
1724 political organizations are holding primary elections, each shall
1725 be conducted entirely independent of the other but at the same
1726 time.

1727 Except as otherwise provided in Sections 1 through 6 of this
1728 act, the board of supervisors or the supervisor of the district in
1729 which the voting precinct is located shall have authority, and it
1730 is made its and his duty when requested, to specifically designate
1731 the respective places where the precinct election of each party
1732 shall be held where there may be a dispute as to the room or exact
1733 place for holding such precinct elections.

1734 **SECTION 50.** Section 23-15-309, Mississippi Code of 1972, is
1735 amended as follows:

1736 23-15-309. (1) Nominations for all municipal officers which
1737 are elective shall be made * * * during the days for conducting a
1738 primary election, or elections, to be held in the manner
1739 prescribed by law. All persons desiring to be candidates for the
1740 nomination in the primary elections shall first pay Ten Dollars



1741 (\$10.00) to the clerk of the municipality, at least sixty (60)
1742 days * * * before the date the pre-election day voting period
1743 begins for the first primary election, no later than 5:00 p.m. on
1744 such deadline day.

1745 (2) The fee paid pursuant to subsection (1) of this section
1746 shall be accompanied by a written statement containing the name
1747 and address of the candidate, the party with which he is
1748 affiliated, and the office for which he is a candidate.

1749 (3) The clerk shall promptly receipt the payment, stating
1750 the office for which the person making the payment is running and
1751 the political party with which such person is affiliated. The
1752 clerk shall keep an itemized account in detail showing the time
1753 and date of the receipt of such payment received by him, from whom
1754 such payment was received, the party with which such person is
1755 affiliated and for what office the person paying the fee is a
1756 candidate. The clerk shall promptly supply all necessary
1757 information and pay over all fees so received to the secretary of
1758 the proper municipal executive committee. Such funds may be used
1759 and disbursed in the same manner as is allowed in Section
1760 23-15-299 in regard to other executive committees.

1761 (4) Upon receipt of the above information, the proper
1762 municipal executive committee shall then determine whether each
1763 candidate is a qualified elector of the municipality, and of the
1764 ward if the office sought is a ward office, shall determine
1765 whether each candidate either meets all other qualifications to



1766 hold the office he is seeking or presents absolute proof that he
1767 will, subject to no contingencies, meet all qualifications on or
1768 before the date of the general or special election at which he
1769 could be elected to office. The executive committee shall
1770 determine whether the candidate has taken the steps necessary to
1771 qualify for more than one (1) office at the election. The
1772 committee also shall determine whether any candidate has been
1773 convicted of any felony in a court of this state, or has been
1774 convicted on or after December 8, 1992, of any offense in another
1775 state which is a felony under the laws of this state, or has been
1776 convicted of any felony in a federal court on or after December 8,
1777 1992. Excepted from the above are convictions of manslaughter and
1778 violations of the United States Internal Revenue Code or any
1779 violations of the tax laws of this state unless such offense also
1780 involved misuse or abuse of his office or money coming into his
1781 hands by virtue of his office. If the proper municipal executive
1782 committee finds that a candidate either (a) does not meet all
1783 qualifications to hold the office he seeks and fails to provide
1784 absolute proof, subject to no contingencies, that he will meet the
1785 qualifications on or before the date of the general or special
1786 election at which he could be elected, or (b) has been convicted
1787 of a felony as described in this subsection and not pardoned, then
1788 the name of such candidate shall not be placed upon the ballot.
1789 If the executive committee determines that the candidate has taken
1790 the steps necessary to qualify for more than one (1) office at the



1791 election, the action required by Section 23-15-905, shall be
1792 taken.

1793 (5) Where there is but one (1) candidate, the proper
1794 municipal executive committee when the time has expired within
1795 which the names of candidates shall be furnished shall declare
1796 such candidate the nominee.

1797 **SECTION 51.** Section 23-15-331, Mississippi Code of 1972, is
1798 amended as follows:

1799 23-15-331. It shall be the duty of the state executive
1800 committee of each political party to furnish to each county
1801 executive committee, not less than fifty (50) days * * * before
1802 the * * * period for pre-election day voting begins the names of
1803 all state and state district candidates and all candidates for
1804 legislative districts composed of more than one county or parts of
1805 more than one county who have qualified as provided by law, and in
1806 accordance with the requirements of Section 23-15-333 a sample of
1807 the official ballot to be used in the primary, the general form of
1808 which shall be followed as nearly as practicable.

1809 **SECTION 52.** Section 23-15-333, Mississippi Code of 1972, is
1810 amended as follows:

1811 23-15-333. (1) The county executive committee shall have
1812 printed all necessary ballots, for use in primary elections. The
1813 county executive committee shall have printed all necessary
1814 absentee ballots forty-five (45) days * * * before the
1815 pre-election day voting period begins for the election as required



1816 by law. The ballots shall contain the names of all the candidates
1817 to be voted for at such election, and there shall be left on each
1818 ballot one (1) blank space under the title of each office for
1819 which a nominee is to be elected; and in the event of the death of
1820 any candidate whose name shall have been printed on the ballot,
1821 the name of the candidate duly substituted in the place of the
1822 deceased candidate may be written in such blank space by the
1823 voter. Except as otherwise provided in subsection (2) of this
1824 section, the order in which the titles to the various offices
1825 shall be printed, and the size, print and quality of the paper of
1826 the ballot is left to the discretion of the county executive
1827 committee. Provided, however, that in all cases the arrangement
1828 of the names of the candidates for each office shall be
1829 alphabetical. No ballot shall be used except those so printed.

1830 (2) The titles for the various offices shall be listed in
1831 the following order:

- 1832 (a) Candidates for national office;
- 1833 (b) Candidates for statewide office;
- 1834 (c) Candidates for state district office;
- 1835 (d) Candidates for legislative office;
- 1836 (e) Candidates for countywide office;
- 1837 (f) Candidates for county district office.

1838 The order in which the titles for the various offices are
1839 listed within each of the categories listed in this subsection is
1840 left to the discretion of the county executive committee.



1841 (3) The county executive committee shall also prepare full
1842 instructions for the guidance of electors at elections as to
1843 obtaining ballots, the manner of marking them, and the mode of
1844 obtaining new ballots in the place of those spoiled by accident.
1845 The instructions shall be printed in large, clear type on "Cards
1846 of Instruction," and the county executive committee shall furnish
1847 the same in sufficient numbers for the use of electors. The cards
1848 shall be preserved by the officers of election and returned by
1849 them to the county executive committee and they may be used, if
1850 applicable, in subsequent elections.

1851 (4) (a) If it is eligible under Section 23-15-266, the
1852 county executive committee may enter into a written agreement with
1853 the circuit clerk or the county election commission authorizing
1854 the circuit clerk or the county election commission to perform any
1855 of the duties required of the county executive committee pursuant
1856 to this section. Any agreement entered into pursuant to this
1857 subsection shall be signed by the chairman of the county executive
1858 committee and the circuit clerk or the chairman of the county
1859 election commission, as appropriate. The county executive
1860 committee shall notify the state executive committee and the
1861 Secretary of State of the existence of such agreement.

1862 (b) If it is eligible under Section 23-15-266, the
1863 municipal executive committee may enter into a written agreement
1864 with the municipal clerk or the municipal election commission
1865 authorizing the municipal clerk or the municipal election



1866 commission to perform any of the duties required of the municipal
1867 executive committee pursuant to this section. Any agreement
1868 entered into pursuant to this subsection shall be signed by the
1869 chairman of the municipal executive committee and the municipal
1870 clerk or the chairman of the municipal election commission, as
1871 appropriate. The municipal executive committee shall notify the
1872 state executive committee and the Secretary of State of the
1873 existence of such agreement.

1874 **SECTION 53.** Section 23-15-335, Mississippi Code of 1972, is
1875 amended as follows:

1876 23-15-335. (1) The county executive committee shall
1877 designate a person whose duty it shall be to distribute all
1878 necessary ballots for use * * * during a primary election, and
1879 shall designate one (1) among the managers at each polling place
1880 to receive and receipt for the blank ballots to be used at that
1881 place. When the blank ballots are delivered to a local manager,
1882 the distributor shall take from the local manager a receipt
1883 therefor signed in duplicate by both the distributor and the
1884 manager, one of which receipts the distributor shall deliver to
1885 the circuit clerk and the other shall be retained by the local
1886 manager and said last mentioned duplicate receipt shall be
1887 enclosed in the ballot box with the voted ballots when the polls
1888 have been closed and the votes have been counted. The printer of
1889 the ballots shall take a receipt from the distributor of the
1890 ballots for the total number of the blank ballots delivered to the



1891 distributor. The printer shall secure all ballots printed by him
1892 in such a safe manner that no person can procure them or any of
1893 them, and he shall deliver no blank ballot or ballots to any
1894 person except the distributor above mentioned, and then only upon
1895 his receipt therefor as above specified. The distributor of the
1896 blank ballots shall so securely hold the same that no person can
1897 obtain any of them, and he shall not deliver any of them to any
1898 person other than to the authorized local managers and upon their
1899 respective receipts therefor. The executive committee shall see
1900 to it that the total blank ballots delivered to the distributor,
1901 shall correspond with the total of the receipts executed by the
1902 local managers.

1903 (2) (a) If it is eligible under Section 23-15-266, the
1904 county executive committee may enter into a written agreement with
1905 the circuit clerk or the county election commission authorizing
1906 the circuit clerk or the county election commission to perform any
1907 of the duties required of the county executive committee pursuant
1908 to this section. Any agreement entered into pursuant to this
1909 subsection shall be signed by the chairman of the county executive
1910 committee and the circuit clerk or the chairman of the county
1911 election commission, as appropriate. The county executive
1912 committee shall notify the state executive committee and the
1913 Secretary of State of the existence of such agreement.

1914 (b) If it is eligible under Section 23-15-266, the
1915 municipal executive committee may enter into a written agreement



1916 with the municipal clerk or the municipal election commission
1917 authorizing the municipal clerk or the municipal election
1918 commission to perform any of the duties required of the municipal
1919 executive committee pursuant to this section. Any agreement
1920 entered into pursuant to this subsection shall be signed by the
1921 chairman of the municipal executive committee and the municipal
1922 clerk or the chairman of the municipal election commission, as
1923 appropriate. The municipal executive committee shall notify the
1924 state executive committee and the Secretary of State of the
1925 existence of such agreement.

1926 (3) Any person charged with any of the duties prescribed in
1927 this section who shall willfully or with culpable carelessness
1928 violate the same shall be guilty of a misdemeanor.

1929 **SECTION 54.** Section 23-15-353, Mississippi Code of 1972, is
1930 amended as follows:

1931 23-15-353. The officer charged with printing and
1932 distributing the official ballot shall ascertain from the
1933 registrar, at least ten (10) days before the day * * *
1934 pre-election day voting for that election begins, the number of
1935 registered voters in each voting precinct; and he shall have
1936 printed and distributed a sufficient number of ballots for use in
1937 each precinct. He shall also prepare full instructions for the
1938 guidance of electors at elections as to obtaining ballots, the
1939 manner of marking them, and the mode of obtaining new ballots in
1940 the place of those spoiled by accident. The instructions shall be



1941 printed in large, clear type, on "cards of instruction," and the
1942 officer shall furnish the same in sufficient numbers for the use
1943 of electors. The cards shall be preserved by the officers of
1944 election and returned by them to the election commissioners * * *;
1945 and they may be used, if applicable, in subsequent elections.

1946 **SECTION 55.** Section 23-15-357, Mississippi Code of 1972, is
1947 amended as follows:

1948 23-15-357. On the back and outside of the ballot shall be
1949 printed the words "OFFICIAL BALLOT," the name of the voting
1950 precinct or place for which the ballot is prepared, * * * the date
1951 of the election and the date the voter cast his or her ballot if
1952 such ballot was cast during the period for pre-election day
1953 voting.

1954 **SECTION 56.** Section 23-15-359, Mississippi Code of 1972, is
1955 amended as follows:

1956 23-15-359. (1) The ballot shall contain the names of all
1957 party nominees certified by the appropriate executive committee,
1958 and independent and special election candidates who have timely
1959 filed petitions containing the required signatures. A petition
1960 requesting that an independent or special election candidate's
1961 name be placed on the ballot for any office shall be filed as
1962 provided for in subsection (3) or (4) of this section, as
1963 appropriate, and shall be signed by not less than the following
1964 number of qualified electors:



1965 (a) For an office elected by the state at large, not
1966 less than one thousand (1,000) qualified electors.

1967 (b) For an office elected by the qualified electors of
1968 a Supreme Court district, not less than three hundred (300)
1969 qualified electors.

1970 (c) For an office elected by the qualified electors of
1971 a congressional district, not less than two hundred (200)
1972 qualified electors.

1973 (d) For an office elected by the qualified electors of
1974 a circuit or chancery court district, not less than one hundred
1975 (100) qualified electors.

1976 (e) For an office elected by the qualified electors of
1977 a senatorial or representative district, not less than fifty (50)
1978 qualified electors.

1979 (f) For an office elected by the qualified electors of
1980 a county, not less than fifty (50) qualified electors.

1981 (g) For an office elected by the qualified electors of
1982 a supervisors district or justice court district, not less than
1983 fifteen (15) qualified electors.

1984 (2) (a) Unless the petition required above shall be filed
1985 as provided for in subsection (3) or (4) of this section, as
1986 appropriate, the name of the person requested to be a candidate,
1987 unless nominated by a political party, shall not be placed upon
1988 the ballot. The ballot shall contain the names of each candidate
1989 for each office, and such names shall be listed under the name of



1990 the political party such candidate represents as provided by law
1991 and as certified to the circuit clerk by the state executive
1992 committee of such political party. In the event such candidate
1993 qualifies as an independent as provided in this section, he shall
1994 be listed on the ballot as an independent candidate.

1995 (b) The name of an independent or special election
1996 candidate who dies before the printing of the ballots, shall not
1997 be placed on the ballots.

1998 (3) Petitions for offices described in paragraphs (a), (b),
1999 (c), (d) and (e) of subsection (1) of this section shall be filed
2000 with the State Board of Election Commissioners by no later than
2001 5:00 p.m. on the same date by which candidates for nominations in
2002 the political party primary elections are required to pay the fee
2003 provided for in Section 23-15-297, Mississippi Code of 1972;
2004 however, no petition may be filed before January 1 of the year in
2005 which the election for the office is held.

2006 (4) Petitions for offices described in paragraphs (f) and
2007 (g) of subsection (1) of this section shall be filed with the
2008 proper circuit clerk by no later than 5:00 p.m. on the same date
2009 by which candidates for nominations in the political party
2010 elections are required to pay the fee provided for in Section
2011 23-15-297; however, no petition may be filed before January 1 of
2012 the year in which the election for the office is held. The
2013 circuit clerk shall notify the county election commissioners * * *
2014 of all persons who have filed petitions with such clerk. Such



2015 notification shall occur within two (2) business days and shall
2016 contain all necessary information.

2017 (5) The commissioners may also have printed upon the ballot
2018 any local issue election matter that is authorized to be * * *
2019 voted on * * * during the regular or general election pursuant to
2020 Section 23-15-375; however, the ballot form of such local issue
2021 must be filed with the election commissioners * * * by the
2022 appropriate governing authority not less than sixty (60) days
2023 previous to the date * * * the pre-election day voting period
2024 begins for the election.

2025 (6) The provisions of this section shall not apply to
2026 municipal elections or to the election of the offices of justice
2027 of the Supreme Court, judge of the Court of Appeals, circuit
2028 judge, chancellor, county court judge and family court judge.

2029 (7) Nothing in this section shall prohibit special elections
2030 to fill vacancies in either house of the Legislature from being
2031 held as provided in Section 23-15-851. In all elections conducted
2032 under the provisions of Section 23-15-851, there shall be printed
2033 on the ballot the name of any candidate who, not having been
2034 nominated by a political party, shall have been requested to be a
2035 candidate for any office by a petition filed with the State Board
2036 of Election Commissioners and signed by not less than fifty (50)
2037 qualified electors.

2038 (8) The appropriate election commission shall determine
2039 whether each candidate is a qualified elector of the state, state



2040 district, county or county district they seek to serve, and
2041 whether each candidate meets all other qualifications to hold the
2042 office he is seeking or presents absolute proof that he will,
2043 subject to no contingencies, meet all qualifications on or before
2044 the date of the general or special election at which he could be
2045 elected to office. The election commission shall determine
2046 whether the candidate has taken the steps necessary to qualify for
2047 more than one (1) office at the election. The election commission
2048 also shall determine whether any candidate has been convicted of
2049 any felony in a court of this state, or has been convicted on or
2050 after December 8, 1992, of any offense in another state which is a
2051 felony under the laws of this state, or has been convicted of any
2052 felony in a federal court on or after December 8, 1992. Excepted
2053 from the above are convictions of manslaughter and violations of
2054 the United States Internal Revenue Code or any violations of the
2055 tax laws of this state, unless the offense also involved misuse or
2056 abuse of his office or money coming into his hands by virtue of
2057 his office. If the appropriate election commission finds that a
2058 candidate either (a) is not a qualified elector, (b) does not meet
2059 all qualifications to hold the office he seeks and fails to
2060 provide absolute proof, subject to no contingencies, that he will
2061 meet the qualifications on or before the date of the general or
2062 special election at which he could be elected, or (c) has been
2063 convicted of a felony as described in this subsection, and not
2064 pardoned, then the name of such candidate shall not be placed upon



2065 the ballot. If the appropriate election commission determines
2066 that the candidate has taken the steps necessary to qualify for
2067 more than one (1) office at the election, the action required by
2068 Section 23-15-905, shall be taken.

2069 (9) If after the deadline to qualify as a candidate for an
2070 office or after the time for holding any party primary for an
2071 office, there shall be only one (1) person who has duly qualified
2072 to be a candidate for the office in the general election, the name
2073 of such person shall be placed on the ballot; provided, however,
2074 that if there shall be not more than one (1) person duly qualified
2075 to be a candidate for each office on the general election ballot,
2076 the election for all offices on the ballot shall be dispensed with
2077 and the appropriate election commission shall declare each
2078 candidate elected without opposition if the candidate meets all
2079 the qualifications to hold the office as determined pursuant to a
2080 review by the commission in accordance with the provisions of
2081 subsection (8) of this section and if the candidate has filed all
2082 required campaign finance disclosure reports as required by
2083 Section 23-15-807.

2084 (10) The petition required by this section may not be filed
2085 by using the Internet.

2086 **SECTION 57.** Section 23-15-363, Mississippi Code of 1972, is
2087 amended as follows:

2088 23-15-363. After the proper officer has knowledge of or has
2089 been notified of the nomination, as provided, of any candidate for



2090 office, the officer shall not omit his name from the ballot,
2091 unless upon the written request of the candidate nominated, made
2092 at least ten (10) days before the pre-election day voting for the
2093 election begins, and in no case after such ballot has been
2094 printed; and every ballot shall contain the names of all
2095 candidates nominated as specified, and not duly withdrawn.

2096 **SECTION 58.** Section 23-15-367, Mississippi Code of 1972, is
2097 amended as follows:

2098 23-15-367. (1) Except as otherwise provided by Sections
2099 23-15-974 through 23-15-985 and subsection (2) of this section,
2100 the arrangement of the names of the candidates, and the order in
2101 which the titles of the various offices shall be printed, and the
2102 size, print and quality of paper of the official ballot is left to
2103 the discretion of the officer charged with printing the official
2104 ballot; but the arrangement need not be uniform.

2105 (2) The titles for the various offices shall be listed in
2106 the following order:

- 2107 (a) Candidates for national office;
- 2108 (b) Candidates for statewide office;
- 2109 (c) Candidates for state district office;
- 2110 (d) Candidates for legislative office;
- 2111 (e) Candidates for countywide office;
- 2112 (f) Candidates for county district office.

2113 The order in which the titles for the various offices are
2114 listed within each of the categories listed in this subsection is



2115 left to the discretion of the officer charged with printing the
2116 official ballot.

2117 (3) It is the duty of the Secretary of State, with the
2118 approval of the Governor, to furnish the designated commissioner
2119 of each county a sample of the official ballot, not less than
2120 fifty-five (55) days * * * before the pre-election day voting
2121 period begins for the election, the general form of which shall be
2122 followed as nearly as practicable.

2123 **SECTION 59.** Section 7-3-39, Mississippi Code of 1972, is
2124 amended as follows:

2125 7-3-39. The Secretary of State shall have published in full
2126 each constitutional amendment two (2) weeks previous to * * * the
2127 period for pre-election day voting for the election, if
2128 pre-election day voting is authorized for such election, at which
2129 the qualified electors shall vote on said amendments, in each
2130 county in each newspaper having a general circulation in the
2131 county, as defined in Section 13-3-31; or he shall have each
2132 amendment posted in three (3) public places in the county if all
2133 such newspapers in the county refuse to publish same at the price
2134 provided in Section 7-3-41.

2135 **SECTION 60.** Section 23-15-407, Mississippi Code of 1972, is
2136 amended as follows:

2137 23-15-407. The board of supervisors of any county or the
2138 governing authorities of any municipality may provide for each
2139 voting precinct one or more voting machines in complete working



2140 order, and thereafter the circuit clerk where machines are
2141 purchased or rented by the board of supervisors, and clerk of the
2142 municipalities where purchased by the governing authorities of a
2143 municipality, shall preserve and keep them in repair, and shall
2144 have custody thereof when not in use at an election or during the
2145 period for pre-election day voting.

2146 **SECTION 61.** Section 23-15-411, Mississippi Code of 1972, is
2147 amended as follows:

2148 23-15-411. The officer who furnishes the official ballots
2149 for any polling place where a voting machine is to be used, shall
2150 also provide two (2) sample ballots or instruction ballots, which
2151 sample or instruction ballots shall be arranged in the form of a
2152 diagram showing such portion of the front of the voting machine as
2153 it will appear after the official ballots are arranged thereon or
2154 therein for voting on election day and during the pre-election day
2155 voting period. Such sample ballots shall be open to the
2156 inspection of all voters on election day and during the
2157 pre-election day voting period, in all primaries and general
2158 elections where voting machines are used.

2159 **SECTION 62.** Section 23-15-415, Mississippi Code of 1972, is
2160 amended as follows:

2161 23-15-415. It shall be the duty of the authorities in charge
2162 of any election where a voting machine is to be used, to have the
2163 machine at the proper polling place or places before the time
2164 fixed for opening of the polls, and the counters set at zero, and



2165 otherwise in good and proper order for use at such election. For
2166 the purpose of placing ballots in the ballot frames of the
2167 machine, putting it in order, setting, testing and adjusting and
2168 delivering the machine, the authorities in charge of elections may
2169 employ one or more competent persons, to be known as custodian or
2170 custodians of voting machines, who shall be fully competent,
2171 thoroughly instructed, and sworn to perform his duties honestly
2172 and faithfully, and for such purpose shall be appointed and
2173 instructed at least thirty (30) days before pre-election day
2174 voting begins for the election. All voting machines to be used in
2175 an election shall be properly prepared at least three (3)
2176 days * * * before pre-election day voting begins for the
2177 election * * *. When a voting machine has been properly prepared
2178 for election, it shall be locked against voting and sealed; and
2179 the keys thereof shall be delivered to the registrar, together
2180 with a written report made by the custodian or official preparing
2181 the machine, stating that it is in every way properly prepared for
2182 the election. After the voting machine has been transferred to
2183 the polling place, it shall be the duty of the managers to provide
2184 ample protection against molestation or injury to the machine.
2185 All voting machines used in any election shall be provided with a
2186 screen, hood or curtain which shall be so made and adjusted as to
2187 conceal the voter and his action while voting.

2188 **SECTION 63.** Section 23-15-417, Mississippi Code of 1972, is
2189 amended as follows:



2190 23-15-417. At least twenty-one (21) days before pre-election
2191 day voting begins for each election, the officials in charge of
2192 the elections shall appoint one or more persons to instruct the
2193 managers and clerks that are to serve in a voting precinct in the
2194 use of the machine, and in their duties in connection therewith;
2195 and he shall give to each manager and clerk, who has received such
2196 instruction and is fully qualified to properly conduct the
2197 election with the machine, a certificate to that effect. For the
2198 purpose of giving such instruction, the person or persons
2199 appointed as instructors shall call such meeting or meetings of
2200 the managers and clerks as shall be necessary. Such person shall,
2201 within five (5) days, file a report with the officials in charge
2202 of the elections, stating that he has instructed the managers and
2203 clerks, giving the names of such officers, and the time and place
2204 where such instruction was given. The managers and clerks of each
2205 voting precinct in which a voting machine is to be used shall
2206 attend such meeting, or meetings, as shall be called for the
2207 purpose of receiving such instruction concerning their duties as
2208 shall be necessary for the proper conduct of the election with the
2209 machine. No manager or clerk shall serve in any election at which
2210 a voting machine is used, unless he shall have received such
2211 instruction and is fully qualified to perform the duties in
2212 connection with the machine, and has received a certificate to
2213 that effect, provided, however, that this shall not prevent the



2214 appointment of a person as a manager or clerk to fill a vacancy in
2215 an emergency.

2216 **SECTION 64.** Section 23-15-425, Mississippi Code of 1972, is
2217 amended as follows:

2218 23-15-425. If the official ballots for a voting precinct, at
2219 which a voting machine is to be used, shall not be delivered in
2220 time for use during pre-election day voting or for use on election
2221 day or after delivery shall be lost, destroyed or stolen, the
2222 official or officials, whose duty it now is, in such case, to
2223 provide other ballots for use at such elections in lieu of those
2224 lost, destroyed or stolen, shall cause other ballots to be
2225 prepared, printed or written, as nearly as may be, of the form and
2226 description of the official ballots, and officials in charge of
2227 the election shall cause the ballots so substituted to be
2228 used * * * during the election in the same manner, as nearly as
2229 may be, as the official ballots would have been.

2230 **SECTION 65.** Section 23-15-429, Mississippi Code of 1972, is
2231 amended as follows:

2232 23-15-429. Prior to the opening of the polls, the managers
2233 and clerks of each voting precinct shall meet at the polling place
2234 at the time set for opening of the polls, for pre-election day
2235 voting and at each election, and shall proceed to arrange the
2236 furniture, stationery and voting machine for the conduct of the
2237 pre-election day voting and the election. The keys to the voting
2238 machines shall be delivered to the managers before the time set



2239 for opening the polls, in a sealed envelope, on which shall be
2240 written or printed the number and location of the voting machine,
2241 and the number of the seal and the number registered on the
2242 protective counter or device, as reported by the custodian or
2243 official preparing the machine. Before opening the envelope, all
2244 managers and clerks present shall examine the number on the seal
2245 on the machine, also the number registered on the protective
2246 counter, and shall see if they are the same as the number written
2247 on the envelope; and if they are not the same, the machine must
2248 not be opened until the custodian, or other authorized person,
2249 shall have been notified and shall have presented himself at the
2250 polling place for the purpose of re-examining such machine and
2251 shall certify that it is properly arranged.

2252 If the numbers on the envelope are the same as those on the
2253 machine, the election officers shall proceed to open the doors
2254 concealing the counters, and each officer shall carefully examine
2255 every counter and see that it registers zero, and the same shall
2256 be subject to the inspection of official watchers. The machine
2257 shall remain locked against voting until the polls are formally
2258 opened, and shall not be operated except by voters in voting. If
2259 any counter is found not to register zero, the manager shall
2260 immediately notify the officials in charge of the election or the
2261 custodian, who shall, if practicable, adjust the counters at zero;
2262 but if it shall be impracticable to so adjust such counters before
2263 the time set for opening the polls, the managers shall immediately



2264 make a written statement of the designating letter and number of
2265 such counter, together with the number registered thereon, and
2266 shall sign and post same upon the wall of the polling room, where
2267 it shall remain throughout the period for pre-election day voting
2268 and election day, and, in filling out the statement of canvass,
2269 they shall subtract such number from the number then registered
2270 thereon.

2271 **SECTION 66.** Section 23-15-437, Mississippi Code of 1972, is
2272 amended as follows:

2273 23-15-437. For the instruction of voters during pre-election
2274 day voting and on any election days, there shall, so far as
2275 practicable, be provided for each polling place a mechanically
2276 operated model of a portion of the face of the machine. Such
2277 model, if furnished, shall, during the times for the election, be
2278 located on the clerk's table, or in some other place which the
2279 voters must pass to reach the machine, and each voter shall,
2280 before entering the machine, be instructed regarding its operation
2281 and such instruction illustrated on the model, and the voter given
2282 opportunity to personally operate the model. The voter's
2283 attention shall also be called to the diagram of the face of the
2284 machine so that the voter can become familiar with the location of
2285 the questions and the names of the offices and candidates. In
2286 case any voter, after entering the voting machine, shall ask for
2287 further instructions concerning the manner of voting, two (2)
2288 election officers may, if necessary, enter the booth and give him



2289 such instructions, but no manager or person assisting a voter
2290 shall, in any manner request, suggest or seek to persuade or
2291 induce any such voter to vote any particular ticket, or for any
2292 particular ticket, or for any particular candidate, or for or
2293 against any particular ticket, or for or against any particular
2294 candidate, or for or against any particular amendment, question or
2295 proposition. After giving such instructions and before such voter
2296 shall have registered his vote, the officers or person assisting
2297 him shall retire and such voter shall then register his vote in
2298 secret as he may desire.

2299 **SECTION 67.** Section 23-15-469, Mississippi Code of 1972, is
2300 amended as follows:

2301 23-15-469. Ballots and ballot labels shall, as far as
2302 practicable, be in the same order of arrangement as provided for
2303 paper ballots, except that such information may be printed in
2304 vertical or horizontal rows, or in a number of separate pages
2305 which are placed on the voting device. Ballot labels shall be
2306 printed in plain clear type in black ink and upon clear white
2307 materials of such size and arrangement as to fit the construction
2308 of the voting device. Arrows may be printed on the ballot labels
2309 to indicate the place to punch the ballot card, which may be to
2310 the right or left of the names of candidates and propositions. The
2311 titles of offices may be arranged in vertical columns or on a
2312 series of separate pages, and shall be printed above or at the
2313 side of the names of candidates so as to indicate clearly the



2314 candidates for each office and the number to be elected. In case
2315 there are more candidates for an office than can be printed in one
2316 (1) column or on one (1) ballot page, the ballot or ballot label
2317 shall be clearly marked that the list of candidates is continued
2318 on the following column or page, and, so far as possible, the same
2319 number of names shall be printed on each column or page. The
2320 names of candidates for each office shall be printed in vertical
2321 columns or on separate pages, grouped by the offices which they
2322 seek. In partisan elections, the party designation of each
2323 candidate, which may be abbreviated, shall be printed following
2324 his name.

2325 Two (2) sample ballots, which shall be facsimile copies of
2326 the official ballot or ballot labels, and instructions to voters,
2327 shall be provided for each precinct and shall be posted in each
2328 polling place during the pre-election day voting and on election
2329 day.

2330 Sample ballots may be printed on a single page or on a number
2331 of pages stapled together. A separate write-in ballot, which may
2332 be in the form of a paper ballot, card or envelope in which the
2333 voter places his ballot card after voting, shall be provided if
2334 required to permit voters to write in the title of the office and
2335 the name of a person not on the printed ballot for whom he wishes
2336 to vote.

2337 **SECTION 68.** Section 23-15-473, Mississippi Code of 1972, is
2338 amended as follows:



2339 23-15-473. The circuit court clerk shall be the custodian of
2340 voting devices acquired by a county, who shall be charged with the
2341 proper storage, maintenance and repair of voting devices, and the
2342 preparation of them for voting * * * before elections. After they
2343 have been prepared for an election or pre-election day voting
2344 period and at least three (3) days * * * before such period for
2345 voting begins, the voting devices shall be available for public
2346 inspection at a time and place designated by the custodian.
2347 Thereafter they shall be locked or sealed before delivery to the
2348 managers of the election. The custodian shall immediately repair,
2349 replace or remove any voting device which fails to function
2350 properly during pre-election day voting or on election day. The
2351 clerk of any municipality which acquires voting devices shall be
2352 the custodian of such voting devices and perform the same
2353 functions.

2354 If a voting device at a polling place malfunctions and cannot
2355 be repaired or replaced quickly and there is no other device in
2356 the polling place that can be used to perform the function of the
2357 device that malfunctions, unofficial ballots made as nearly as
2358 possible in the form of the official ballot may be used until the
2359 voting device is repaired or replaced. Such ballots shall be
2360 received by the managers and placed by them in a receptacle in
2361 such case to be provided by the managers, and counted with the
2362 votes registered on the voting device; and the result shall be
2363 declared the same as though there had been no accident to the



2364 voting device; the ballots thus voted shall be preserved and
2365 returned as herein directed, with a certificate or statement
2366 setting forth how and why the same were voted.

2367 **SECTION 69.** Section 23-15-511, Mississippi Code of 1972, is
2368 amended as follows:

2369 23-15-511. The ballots shall, as far as practicable, to be
2370 in the same order of arrangement as provided for paper ballots
2371 that are to be counted manually, except that such information may
2372 be printed in vertical or horizontal rows. Nothing in this
2373 chapter shall be construed as prohibiting the information being
2374 presented to the voters from being printed on both sides of a
2375 single ballot. In those years when a special election shall occur
2376 on the same day as the general election, the names of candidates
2377 in any special election and the general election shall be placed
2378 on the same ballot by the election commissioners * * * or
2379 officials in charge of the election, but the general election
2380 candidates shall be clearly distinguished from the special
2381 election candidates. At any time a special election is held on
2382 the same day as a party primary election, the names of the
2383 candidates in the special election may be placed on the same
2384 ballot, but shall be clearly distinguished as special election
2385 candidates or primary election candidates.

2386 Ballots shall be printed in plain clear type in black ink and
2387 upon clear white materials of such size and arrangement as to be
2388 compatible with the OMR tabulating equipment. Absentee ballots



2389 shall be prepared and printed in the same form and shall be on the
2390 same size and texture as the regular official ballots, except that
2391 they shall be printed on tinted paper; or the ink used to print
2392 the ballots shall be of a color different from that of the ink
2393 used to print the regular official ballots. Arrows may be printed
2394 on the ballot to indicate the place to mark the ballot, which may
2395 be to the right or left of the names of candidates and
2396 propositions. The titles of offices may be arranged in vertical
2397 columns on the ballot and shall be printed above or at the side of
2398 the names of candidates so as to indicate clearly the candidates
2399 for each office and the number to be elected. In case there are
2400 more candidates for an office than can be printed in one (1)
2401 column, the ballot shall be clearly marked that the list of
2402 candidates is continued on the following column. The names of
2403 candidates for each office shall be printed in vertical columns,
2404 grouped by the offices which they seek. In partisan elections,
2405 the party designation of each candidate, which may be abbreviated,
2406 shall be printed following his name.

2407 Two (2) sample ballots, which shall be facsimile ballots of
2408 the official ballot and instructions to the voters, shall be
2409 provided for each precinct and shall be posted in each polling
2410 place during pre-election day voting and on election day.

2411 A separate ballot security envelope or suitable equivalent in
2412 which the voter can place his ballot after voting, shall be
2413 provided to conceal the choices the voter has made. Absentee



2414 voters will receive a similar ballot security envelope provided by
2415 the county in which the absentee voter will insert their voted
2416 ballot, which then can be inserted into a return envelope to be
2417 mailed back to the election official. Absentee ballots will not
2418 be required to be folded when a ballot security envelope is
2419 provided.

2420 **SECTION 70.** Section 23-15-515, Mississippi Code of 1972, is
2421 amended as follows:

2422 23-15-515. The circuit court clerk shall be the custodian of
2423 OMR tabulating equipment acquired by the county, who shall be
2424 charged with the proper storage, maintenance and repair of the OMR
2425 equipment and preparation of them for tabulating prior to
2426 elections. The custodian shall repair or replace any tabulating
2427 equipment which fails to function properly during pre-election day
2428 voting or on election day. The clerk of any municipality which
2429 acquires OMR tabulating equipment shall be the custodian of such
2430 equipment and perform the same functions.

2431 **SECTION 71.** Section 23-15-531.4, Mississippi Code of 1972,
2432 is amended as follows:

2433 23-15-531.4. (1) The officials in charge of the election of
2434 each county or municipality shall:

2435 (a) Cause the proper number of DRE units to be
2436 delivered;



2437 (b) Cause the proper ballot design and style to be
2438 programmed for each DRE unit which is to be used in any precinct
2439 within the county or municipality;

2440 (c) Cause each DRE unit to be placed in proper order
2441 for voting;

2442 (d) Examine each unit before it is sent to a polling
2443 place;

2444 (e) Verify that each registering mechanism is set at
2445 zero; and

2446 (f) Properly secure each unit so that the counting
2447 machinery cannot be operated until later authorized.

2448 (2) The circuit clerk shall be the custodian of the DRE
2449 units acquired by the county.

2450 (3) The officials in charge of the election shall be
2451 responsible for the preparation of the units to be used in the
2452 county or municipality at the primaries and other elections in the
2453 county or municipality.

2454 (4) (a) On or before the third day preceding the period for
2455 pre-election day voting or any election, except runoff elections,
2456 the officials in charge of the election shall have each DRE unit
2457 tested to ascertain that it will correctly count the votes cast
2458 for all offices and on all questions in a manner that the
2459 Secretary of State may prescribe by rule or regulation.

2460 (b) On or before the third day preceding pre-election
2461 day voting period for runoff elections or any runoff election, the



2462 officials in charge of the election shall test a number of DRE
2463 units at random to ascertain that the units will correctly count
2464 the votes cast for all offices. If the total number of DRE units
2465 in the county is thirty (30) units or less, all of the units shall
2466 be tested. If the total number of DRE units in the county is more
2467 than thirty (30) but not more than one hundred (100), then at
2468 least one-half (1/2) of the units shall be tested at random. If
2469 there are more than one hundred (100) DRE units in the county, the
2470 officials in charge of the election shall test at least fifteen
2471 percent (15%) of the units at random. In no event shall the
2472 officials in charge of the election test less than one (1) DRE
2473 unit per precinct. All memory cards to be used in the runoff
2474 shall be tested. Public notice of the time and place of the test
2475 shall be made at least five (5) days * * * before the test is
2476 conducted. Representatives of candidates, political parties, news
2477 media and the public shall be permitted to observe such tests.

2478 (5) In every primary or general election, the officials in
2479 charge of the election shall furnish, at the expense of the county
2480 or municipality, all ballots, forms of certificates and other
2481 papers and supplies required under this subarticle which are not
2482 furnished by the Secretary of State, all of which shall be in the
2483 form and according to any specifications prescribed from time to
2484 time by the Secretary of State.

2485 **SECTION 72.** Section 23-15-531.6, Mississippi Code of 1972,
2486 is amended as follows:



2487 23-15-531.6. (1) For each primary or general election, the
2488 officials in charge of the election shall utilize at least
2489 seventy-five percent (75%) of all the DRE units that are available
2490 to the county or municipality, as the case may be.

2491 (2) The officials in charge of the election shall ensure the
2492 delivery of the proper DRE units to the polling places of the
2493 respective precincts at least one (1) hour before the time for
2494 opening the polls at each election or pre-election day voting
2495 period and shall cause each unit to be set up in the proper manner
2496 for use in voting.

2497 (3) The officials in charge of the election shall require
2498 that each DRE unit be thoroughly tested, inspected and sealed
2499 prior to the delivery of each DRE unit to the polling place.

2500 * * * Before the polls open each day on which the units will be
2501 used in an election, the manager shall break the seal on each
2502 unit, turn on each unit, certify that each unit is operating
2503 properly and is set to zero, and print a zero tape certifying that
2504 each unit is set to zero and shall keep or record such
2505 certification on each unit.

2506 (4) The officials in charge of the election and poll
2507 managers shall provide ample protection against molestation of and
2508 injury to the DRE units, and, for that purpose, the officials in
2509 charge of the election and poll managers may call upon any law
2510 enforcement officer to furnish any assistance that may be
2511 necessary. It shall be the duty of any law enforcement officer to



2512 furnish assistance when so requested by the officials in charge of
2513 the election or poll manager.

2514 (5) The officials in charge of the election, in conjunction
2515 with the governing authorities, shall, at least one (1) hour * * *
2516 before the * * * polls open:

2517 (a) Provide sufficient lighting to enable electors to
2518 read the ballot and which shall be suitable for the use of the
2519 poll managers in examining the booth and conducting their
2520 responsibilities;

2521 (b) Provide directions for voting on the DRE units
2522 which shall be prominently posted within each voting booth and at
2523 least two (2) sample ballots for the primary or general election
2524 which shall be prominently posted outside the enclosed space
2525 within the polling place;

2526 (c) Ensure that each DRE unit's tabulating mechanism is
2527 secure throughout the days for pre-election day voting and the day
2528 during the primary or general election; and

2529 (d) Provide such other materials and supplies as may be
2530 necessary or required by law.

2531 **SECTION 73.** Section 23-15-531.7, Mississippi Code of 1972,
2532 is amended as follows:

2533 23-15-531.7. The officials in charge of the election shall
2534 place on public exhibition and demonstrate the use of the DRE
2535 units throughout the county or municipality during the month
2536 preceding the pre-election day voting period for each primary and



2537 general election. At least during the initial year in which DRE
2538 equipment is used in a county or municipality, all officials in
2539 charge of the election shall offer a series of demonstrations and
2540 organized voter education initiatives to educate electors in the
2541 use of such equipment in voting.

2542 **SECTION 74.** Section 23-15-545, Mississippi Code of 1972, is
2543 amended as follows:

2544 23-15-545. At each election, the managers shall cause one
2545 (1) of the clerks to write in the pollbook the word "VOTED," in
2546 the column having at its head the date of the election and the
2547 date the vote was cast if the voter cast his or her ballot during
2548 the pre-election day voting period, opposite the name of each
2549 elector as he votes.

2550 **SECTION 75.** Section 23-15-573, Mississippi Code of 1972, is
2551 amended as follows:

2552 23-15-573. (1) If any person declares that he is a
2553 registered voter in the jurisdiction in which he offers to vote
2554 and that he is eligible to vote in the election, but his name does
2555 not appear upon the pollbooks, or that he is not able to cast a
2556 regular election * * * ballot under a provision of state or
2557 federal law but is otherwise qualified to vote, or that he has
2558 been illegally denied registration:

2559 (a) A poll manager shall notify the person that he may
2560 cast an affidavit ballot at the election.



2561 (b) The person shall be permitted to cast an affidavit
2562 ballot at the polling place upon execution of a written affidavit
2563 before one (1) of the managers of election stating that the
2564 individual:

2565 (i) Believes he is a registered voter in the
2566 jurisdiction in which he desires to vote and is eligible to vote
2567 in the election; or

2568 (ii) Is not able to cast a regular election * * *
2569 ballot under a provision of state or federal law but is otherwise
2570 qualified to vote; or

2571 (iii) Believes that he has been illegally denied
2572 registration.

2573 (c) The manager shall allow the individual to prepare
2574 his vote which shall be delivered by him to the proper election
2575 official who shall enclose it in an envelope with the written
2576 affidavit of the voter, seal the envelope and mark plainly upon it
2577 the name of the person offering to vote.

2578 (2) The affidavit shall include:

2579 (a) The complete name, all required addresses and
2580 telephone numbers;

2581 (b) A statement that the affiant believes he is
2582 registered to vote in the jurisdiction in which he offers to vote;

2583 (c) The signature of the affiant; and

2584 (d) The signature of a poll manager at the precinct at
2585 which the affiant offers to vote.



2586 (3) (a) A separate register shall be maintained for
2587 affidavit ballots and the affiant shall sign the register upon
2588 completing the affidavit ballot.

2589 (b) In canvassing the returns of the election, the
2590 executive committee in primary elections, or the election
2591 commissioners in other elections, shall examine the records and
2592 allow the ballot to be counted, or not counted as it appears
2593 legal.

2594 (4) When a person is offered the opportunity to vote by
2595 affidavit ballot, he shall be provided with written information
2596 that informs the person how to ascertain whether his affidavit
2597 ballot was counted and, if the vote was not counted, the reasons
2598 the vote was not counted.

2599 (5) The Secretary of State shall, by rule duly adopted,
2600 establish a uniform affidavit and affidavit ballot envelope which
2601 shall be used in all elections in this state. The Secretary of
2602 State shall print and distribute a sufficient number of affidavits
2603 and affidavit ballot envelopes to the registrar of each county for
2604 use in elections. The registrar shall distribute the affidavits
2605 and affidavit ballot envelopes to municipal and county executive
2606 committees for use in primary elections and to municipal and
2607 county election commissioners for use in other elections.

2608 (6) County registrars and municipal registrars shall
2609 implement a secure free access system that complies with the Help
2610 America Vote Act of 2002, by which persons who vote by affidavit



2611 ballot may determine if their ballots were counted, and if not,
2612 the reasons the ballot was not counted.

2613 (7) Any person who votes in any election as a result of a
2614 federal or state court order or other order extending the time
2615 established by law for closing the polls, may only vote by
2616 affidavit ballot. Any affidavit ballot cast under this subsection
2617 shall be separated and kept apart from other affidavit ballots
2618 cast by voters not affected by the order.

2619 **SECTION 76.** Section 23-15-613, Mississippi Code of 1972, is
2620 amended as follows:

2621 23-15-613. (1) As used in this section "residual votes"
2622 means overvotes, undervotes and any other vote not counted for any
2623 reason.

2624 (2) For every election, election commissions and county and
2625 municipal executive committees shall report to the Secretary of
2626 State residual vote information; however, if the voting
2627 devices * * * used for the election do not produce a ballot, other
2628 information shall be reported as required in this section.

2629 (3) For every election, election commissions and county and
2630 municipal executive committees responsible for the conduct of
2631 elections in which ballots are generated that are counted by hand
2632 or by an electronic or automatic tabulating device shall report to
2633 the Secretary of State all residual votes for all candidates and
2634 ballot measures in the elections for which they are responsible
2635 for conducting. Such residual vote reports shall:



2636 (a) Be received by the Secretary of State no later than
2637 December 15 of the year in which the election is held;

2638 (b) Include any suggested explanation or suspected
2639 cause of the residual votes;

2640 (c) Include a copy of a voided official ballot for the
2641 election as such ballot appeared to voters * * * during the
2642 election and copies of voided affidavit and absentee ballots if
2643 they are different from the official ballot;

2644 (d) Include the total voter turnout for each election,
2645 including the period for pre-election day voting, to be
2646 determined by totaling the number of persons signing the receipt
2647 book at each precinct, absentee voters and persons who voted by
2648 affidavit ballot and persons whose ballots were challenged and
2649 rejected; and

2650 (e) Include a copy of any printed voting instructions
2651 given or visible to voters * * * during the election and a
2652 description of any verbal instructions and any other evidence of
2653 voter education that was * * * used during the election.

2654 (4) For every election, election commissions and county and
2655 municipal executive committees responsible for the conduct of
2656 election in which voting devices are used that do not generate
2657 ballots that are counted by hand or by electronic or automatic
2658 tabulating devices, shall file a report with the Secretary of
2659 State which shall:



2660 (a) Be received by the Secretary of State no later than
2661 December 15 of the year in which the election is held;

2662 (b) Include the total voter turnout for each election,
2663 including the period for pre-election day voting, to be determined
2664 by totaling the number of persons signing the receipt book at each
2665 precinct, absentee voters and persons who voted by affidavit
2666 ballot and persons whose ballots were challenged and rejected;

2667 (c) Include in the report any anecdotal information
2668 obtained concerning voter problems with the voting equipment or
2669 ballot layout;

2670 (d) Include in the report any suggested explanation or
2671 suspected cause of any difference in the amount of total voter
2672 turnout and the number of counted votes for candidates for various
2673 offices; and

2674 (e) Include a copy of any printed voting instructions
2675 given or visible to voters * * * during the election and a
2676 description of any verbal instructions and any other evidence of
2677 voter education that was * * * used during the election.

2678 (5) Not later than January 31 of the year following the
2679 election, the Secretary of State shall submit a report to the
2680 Governor, Lieutenant Governor and Speaker of the House of
2681 Representatives analyzing the reports required to be filed
2682 pursuant to this section. The analysis shall include the
2683 following:



2684 (a) The performance of each voting device type
2685 used * * * during the election;
2686 (b) Any problems with voter or poll worker instructions
2687 or ballot design and layout that have been identified as a result
2688 of analyzing the reports received;
2689 (c) Recommendations for reducing the number of residual
2690 votes reported; and
2691 (d) Such other information as the Secretary of State
2692 deems beneficial.
2693 (6) The reports required pursuant to this section shall be
2694 in such form as may be required by rules and regulations
2695 promulgated by the Secretary of State.

2696 **SECTION 77.** Section 23-15-781, Mississippi Code of 1972, is
2697 amended as follows:

2698 23-15-781. The number of electors of President and Vice
2699 President of the United States to which this state may be
2700 entitled, shall be chosen by the qualified electors of the state
2701 at large, on the first Tuesday after the first Monday of November
2702 in the year in which an election of President and Vice President
2703 shall occur and during the pre-election day voting period.

2704 **SECTION 78.** Section 23-15-785, Mississippi Code of 1972, is
2705 amended as follows:

2706 23-15-785. (1) When presidential electors are to be chosen,
2707 the Secretary of State of Mississippi shall certify to the circuit
2708 clerks of the several counties the names of all candidates for



2709 President and Vice President who are nominated by any national
2710 convention or other like assembly of any political party or by
2711 written petition signed by at least one thousand (1,000) qualified
2712 voters of this state.

2713 (2) The certificate of nomination by a political party
2714 convention must be signed by the presiding officer and secretary
2715 of the convention and by the chairman of the state executive
2716 committee of the political party making the nomination. Any
2717 nominating petition, to be valid, must contain the signatures as
2718 well as the addresses of the petitioners. The certificates and
2719 petitions must be filed with the State Board of Election
2720 Commissioners by filing them in the Office of the Secretary of
2721 State by 5:00 p.m. not less than sixty (60) days previous to the
2722 day * * * pre-election day voting begins for the election.

2723 (3) Each certificate of nomination and nominating petition
2724 must be accompanied by a list of the names and addresses of
2725 persons, who shall be qualified voters of this state, equal in
2726 number to the number of presidential electors to be chosen. Each
2727 person so listed shall execute the following statement which shall
2728 be attached to the certificate or petition when it is filed with
2729 the State Board of Election Commissioners: "I do hereby consent
2730 and do hereby agree to serve as elector for President and Vice
2731 President of the United States, if elected to that position, and
2732 do hereby agree that, if so elected, I shall cast my ballot as
2733 such for _____ for President and _____ for Vice President of



2734 the United States" (inserting in said blank spaces the respective
2735 names of the persons named as nominees for said respective offices
2736 in the certificate to which this statement is attached).

2737 (4) The State Board of Election Commissioners and any other
2738 official charged with the preparation of official ballots shall
2739 place on such official ballots the words "PRESIDENTIAL ELECTORS
2740 FOR (here insert the name of the candidate for President, the word
2741 'AND' and the name of the candidate for Vice President)" in lieu
2742 of placing the names of such presidential electors on the official
2743 ballots, and a vote cast therefor shall be counted and shall be in
2744 all respects effective as a vote for each of the presidential
2745 electors representing those candidates for President and Vice
2746 President of the United States. In the case of unpledged
2747 electors, the State Board of Election Commissioners and any other
2748 official charged with the preparation of official ballots shall
2749 place on such official ballots the words "UNPLEDGED ELECTOR(S)
2750 (here insert the name(s) of individual unpledged elector(s) if
2751 placed upon the ballot based upon a petition granted in the manner
2752 provided by law stating the individual name(s) of the elector(s)
2753 rather than a slate of electors)."

2754 **SECTION 79.** Section 23-15-807, Mississippi Code of 1972, is
2755 amended as follows:

2756 23-15-807. (a) Each candidate or political committee shall
2757 file reports of contributions and disbursements in accordance with
2758 the provisions of this section. All candidates or political



2759 committees required to report may terminate its obligation to
2760 report only upon submitting a final report that it will no longer
2761 receive any contributions or make any disbursement and that such
2762 candidate or committee has no outstanding debts or obligations.
2763 The candidate, treasurer or chief executive officer shall sign
2764 each such report.

2765 (b) Candidates who are seeking election, or nomination for
2766 election, and political committees that make expenditures for the
2767 purpose of influencing or attempting to influence the action of
2768 voters for or against the nomination for election, or election, of
2769 one or more candidates or balloted measures at such election,
2770 shall file the following reports:

2771 (i) In any calendar year during which there is a
2772 regularly scheduled election, a pre-election report, which shall
2773 be filed no later than the seventh day before pre-election day
2774 voting begins for any election in which such candidate or
2775 political committee has accepted contributions or made
2776 expenditures and which shall be complete as of the tenth day
2777 before such * * * pre-election day voting begins;

2778 (ii) In 1987 and every fourth year thereafter, periodic
2779 reports, which shall be filed no later than the tenth day after
2780 April 30, May 31, June 30, September 30 and December 31, and which
2781 shall be complete as of the last day of each period; and

2782 (iii) In any calendar years except 1987 and except
2783 every fourth year thereafter, a report covering the calendar year



2784 which shall be filed no later than January 31 of the following
2785 calendar year.

2786 (c) All candidates for judicial office as defined in Section
2787 23-15-975, or their political committees, shall file in the year
2788 in which they are to be elected, periodic reports which shall be
2789 filed no later than the tenth day after April 30, May 31, June 30,
2790 September 30 and December 31.

2791 (d) Contents of reports. Each report under this article
2792 shall disclose:

2793 (i) For the reporting period and the calendar year, the
2794 total amount of all contributions and the total amount of all
2795 expenditures of the candidate or reporting committee which shall
2796 include those required to be identified pursuant to item (ii) of
2797 this paragraph as well as the total of all other contributions and
2798 expenditures during the calendar year. Such reports shall be
2799 cumulative during the calendar year to which they relate;

2800 (ii) The identification of:

2801 1. Each person or political committee who makes a
2802 contribution to the reporting candidate or political committee
2803 during the reporting period, whose contribution or contributions
2804 within the calendar year have an aggregate amount or value in
2805 excess of Two Hundred Dollars (\$200.00) together with the date and
2806 amount of any such contribution;

2807 2. Each person or organization, candidate or
2808 political committee who receives an expenditure, payment or other



2809 transfer from the reporting candidate, political committee or its
2810 agent, employee, designee, contractor, consultant or other person
2811 or persons acting in its behalf during the reporting period when
2812 the expenditure, payment or other transfer to such person,
2813 organization, candidate or political committee within the calendar
2814 year have an aggregate value or amount in excess of Two Hundred
2815 Dollars (\$200.00) together with the date and amount of such
2816 expenditure.

2817 (iii) The total amount of cash on hand of each
2818 reporting candidate and reporting political committee;

2819 (iv) In addition to the contents of reports specified
2820 in items (i), (ii) and (iii) of this paragraph, each political
2821 party shall disclose:

2822 1. Each person or political committee who makes a
2823 contribution to a political party during the reporting period and
2824 whose contribution or contributions to a political party within
2825 the calendar year have an aggregate amount or value in excess of
2826 Two Hundred Dollars (\$200.00), together with the date and amount
2827 of the contribution;

2828 2. Each person or organization who receives an
2829 expenditure by a political party or expenditures by a political
2830 party during the reporting period when the expenditure or
2831 expenditures to the person or organization within the calendar
2832 year have an aggregate value or amount in excess of Two Hundred



2833 Dollars (\$200.00), together with the date and amount of the
2834 expenditure.

2835 (e) The appropriate office specified in Section 23-15-805
2836 must be in actual receipt of the reports specified in this article
2837 by 5:00 p.m. on the dates specified in paragraph (b) of this
2838 section. If the date specified in paragraph (b) of this section
2839 shall fall on a weekend or legal holiday then the report shall be
2840 due in the appropriate office at 5:00 p.m. on the first working
2841 day before the date specified in paragraph (b) of this section.
2842 The reporting candidate or reporting political committee shall
2843 ensure that the reports are delivered to the appropriate office by
2844 the filing deadline. The Secretary of State may approve specific
2845 means of electronic transmission of completed campaign finance
2846 disclosure reports, which may include, but not be limited to,
2847 transmission by electronic facsimile (FAX) devices.

2848 (f) (i) If any contribution of more than Two Hundred
2849 Dollars (\$200.00) is received by a candidate or candidate's
2850 political committee after the tenth day, but more than forty-eight
2851 (48) hours before 12:01 a.m. of the day of the election, the
2852 candidate or political committee shall notify the appropriate
2853 office designated in Section 23-15-805, within forty-eight (48)
2854 hours of receipt of the contribution. The notification shall
2855 include:

2856 1. The name of the receiving candidate;



- 2857 2. The name of the receiving candidate's political
2858 committee, if any;
- 2859 3. The office sought by the candidate;
- 2860 4. The identification of the contributor;
- 2861 5. The date of receipt;
- 2862 6. The amount of the contribution;
- 2863 7. If the contribution is in-kind, a description
2864 of the in-kind contribution; and
- 2865 8. The signature of the candidate or the treasurer
2866 or director of the candidate's political committee.

2867 (ii) The notification shall be in writing, and may be
2868 transmitted by overnight mail, courier service, or other reliable
2869 means, including electronic facsimile (FAX), but the candidate or
2870 candidate's committee shall ensure that the notification shall in
2871 fact be received in the appropriate office designated in Section
2872 23-15-805 within forty-eight (48) hours of the contribution.

2873 **SECTION 80.** Section 23-15-833, Mississippi Code of 1972, is
2874 amended as follows:

2875 23-15-833. Except as otherwise provided by law, the first
2876 Tuesday after the first Monday in November of each year shall be
2877 designated the regular special election day, and on that day and
2878 during the period established for pre-election day voting an
2879 election shall be held to fill any vacancy in county, county
2880 district, and district attorney elective offices, and any vacancy
2881 in the office of circuit judge or chancellor.



2882 All special elections, or elections to fill vacancies, shall
2883 in all respects be held, conducted and returned in the same manner
2884 as general elections, except that where no candidate receives a
2885 majority of the votes cast in such election, then a runoff
2886 election shall be held three (3) weeks after such election and the
2887 two (2) candidates who receive the highest popular votes for such
2888 office shall have their names submitted as such candidates to the
2889 said runoff and the candidate who leads in such runoff election
2890 shall be elected to the office. When there is a tie in the first
2891 election of those receiving the next highest vote, these two (2)
2892 and the one receiving the highest vote, none having received a
2893 majority, shall go into the runoff election and whoever leads in
2894 such runoff election shall be entitled to the office.

2895 In those years when the regular special election day shall
2896 occur * * * during the same * * * period of time as the general
2897 election, the names of candidates in any special election and the
2898 general election shall be placed on the same ballot, but shall be
2899 clearly distinguished as general election candidates or special
2900 election candidates.

2901 At any time a special election is held * * * during the
2902 same * * * period of time as a party primary election, the names
2903 of the candidates in the special election may be placed on the
2904 same ballot, but shall be clearly distinguished as special
2905 election candidates or primary election candidates.



2906 **SECTION 81.** Section 23-15-843, Mississippi Code of 1972, is
2907 amended as follows:

2908 23-15-843. In case of death, resignation or vacancy from any
2909 cause in the office of district attorney, the unexpired term of
2910 which shall exceed six (6) months, the Governor shall within ten
2911 (10) days after happening of such vacancy issue his proclamation
2912 calling an election to fill a vacancy in the office of district
2913 attorney to be held * * * during the next regular special
2914 election * * * time period in the district wherein such vacancy
2915 shall have occurred unless the vacancy shall occur before ninety
2916 (90) days * * * before the general election in a year in which an
2917 election would normally be held for that office as provided by
2918 law, in which case the person so appointed shall serve the
2919 unexpired portion of the term. Candidates in such a special
2920 election shall qualify in the same manner and shall be subject to
2921 the same time limitations as set forth in Section 23-15-839.
2922 Pending the holding of such special election, the Governor shall
2923 make an emergency appointment to fill the vacancy until the same
2924 shall be filled by election as aforesaid.

2925 **SECTION 82.** Section 23-15-851, Mississippi Code of 1972, is
2926 amended as follows:

2927 23-15-851. (1) Except as otherwise provided in subsection
2928 (2) of this section, within thirty (30) days after vacancies occur
2929 in either house of the Legislature, the Governor shall issue writs
2930 of election to fill the vacancies on a day specified in the writ



2931 of election. At least forty (40) days' notice shall be given of
2932 the election in each county or part of a county in which the
2933 election shall be held. The qualifying deadline for the election
2934 shall be thirty (30) days * * * before the pre-election day voting
2935 begins for the election. Notice of the election shall be posted
2936 at the courthouse and in each supervisors district in the county
2937 or part of county in which such election shall be held for as near
2938 forty (40) days as may be practicable. The election shall be
2939 prepared for and held as in the case of a general election.

2940 (2) If a vacancy occurs on or after June 1 of a year in
2941 which the general election for state officers is held, the
2942 Governor may elect not to issue a writ of election to fill the
2943 vacancy.

2944 **SECTION 83.** Section 23-15-853, Mississippi Code of 1972, is
2945 amended as follows:

2946 23-15-853. (1) If a vacancy happens in the representation
2947 in Congress, the vacancy shall be filled for the unexpired term by
2948 a special election, to be ordered by the Governor, within sixty
2949 (60) days after such vacancy occurs, and to be held at a time
2950 fixed by his order, and which time shall be not less than sixty
2951 (60) days after the issuance of the order of the Governor, which
2952 shall be directed to the commissioners of election of the several
2953 counties of the district, who shall, immediately on the receipt of
2954 the order, give notice of the election by publishing the same in
2955 some newspaper having a general circulation in the county and by



2956 posting notice thereof at the front door of the courthouse. The
2957 order shall also be directed to the State Board of Election
2958 Commissioners. The election shall be prepared for and conducted,
2959 and returns shall be made, in all respects as provided for a
2960 special election to fill vacancies.

2961 (2) Candidates for the office in such an election must
2962 qualify with the Secretary of State by 5:00 p.m. not less than
2963 forty-five (45) days * * * before the * * * pre-election day
2964 voting period begins for the election. The commissioners of
2965 election shall have printed on the ballot in such special election
2966 the name of any candidate who shall have been requested to be a
2967 candidate for the office by a petition filed with the Secretary of
2968 State and personally signed by not less than one thousand (1,000)
2969 qualified electors of the district. The petition shall be filed
2970 by 5:00 p.m. not less than forty-five (45) days * * * before
2971 the * * * pre-election day voting period begins for the election.

2972 There shall be attached to each petition above provided for,
2973 upon the time of filing with said Secretary of State, a
2974 certificate from the appropriate registrar or registrars showing
2975 the number of qualified electors appearing upon each such petition
2976 which the registrar shall furnish to the petitioner upon request.

2977 **SECTION 84.** Section 23-15-855, Mississippi Code of 1972, is
2978 amended as follows:

2979 23-15-855. (1) If a vacancy shall occur in the office of
2980 United States Senator from Mississippi by death, resignation or



2981 otherwise, the Governor shall, within ten (10) days after
2982 receiving official notice of such vacancy, issue his proclamation
2983 for an election to be held in the state to elect a Senator to fill
2984 such unexpired term as may remain, provided the unexpired term is
2985 more than twelve (12) months and the election shall be held within
2986 ninety (90) days from the time the proclamation is issued and the
2987 returns of such election shall be certified to the Governor in the
2988 manner set out above for regular elections, unless the vacancy
2989 shall occur in a year that there shall be held a general state or
2990 congressional election, in which event the Governor's proclamation
2991 shall designate the period for conducting the general election day
2992 as the time for electing a Senator, and the vacancy shall be
2993 filled by appointment as hereinafter provided.

2994 (2) In case of a vacancy in the office of United States
2995 Senator, the Governor may appoint a Senator to fill such vacancy
2996 temporarily, and if the United States Senate be in session at the
2997 time the vacancy occurs the Governor shall appoint a Senator
2998 within ten (10) days after receiving official notice thereof, and
2999 the Senator so appointed shall serve until his successor is
3000 elected and commissioned as provided for in subsection (1) of this
3001 section, provided that such unexpired term as he may be appointed
3002 to fill shall be for a longer time than one (1) year, but if for a
3003 shorter time than one (1) year he shall serve for the full time of
3004 the unexpired term and no special election shall be called by the



3005 Governor but his successor shall be elected * * * during the
3006 regular election.

3007 **SECTION 85.** Section 23-15-857, Mississippi Code of 1972, is
3008 amended as follows:

3009 23-15-857. (1) When it shall happen that there is any
3010 vacancy in a city, town or village office which is elective, the
3011 unexpired term of which shall not exceed six (6) months, the same
3012 shall be filled by appointment by the governing authority or
3013 remainder of the governing authority of said city, town or
3014 village. The municipal clerk shall certify to the Secretary of
3015 State the fact of such appointment, and the person or persons so
3016 appointed shall be commissioned by the Governor.

3017 (2) When it shall happen that there is any vacancy in an
3018 elective office in a city, town or village the unexpired term of
3019 which shall exceed six (6) months, the governing authority or
3020 remainder of the governing authority of said city, town or village
3021 shall make and enter on the minutes an order for an election to be
3022 held in such city, town or village to fill the vacancy and fix
3023 a * * * time period upon which such election shall be held. Such
3024 order shall be made and entered upon the minutes at the next
3025 regular meeting of the governing authority after such vacancy
3026 shall have occurred, or at a special meeting to be held not later
3027 than ten (10) days after such vacancy shall have occurred,
3028 Saturdays, Sundays and legal holidays excluded, whichever shall
3029 occur first. Such election shall be held on a date not less than



3030 thirty (30) days nor more than forty-five (45) days after the date
3031 upon which the order is adopted.

3032 Notice of such election shall be given by the municipal clerk
3033 by notice published in a newspaper published in the municipality.
3034 Such notice shall be published once each week for three (3)
3035 successive weeks preceding the date of such election. The first
3036 notice to be published at least thirty (30) days before the * * *
3037 pre-election day voting period begins for such election. Notice
3038 shall also be given by posting a copy of such notice at three (3)
3039 public places in such municipality not less than twenty-one (21)
3040 days * * * before the * * * period for pre-election day voting
3041 begins for such election. One (1) of such notices shall be posted
3042 at the city, town or village hall. In the event that there is no
3043 newspaper published in the municipality, then such notice shall be
3044 published as provided for above in a newspaper which has a general
3045 circulation within the municipality and by posting as provided for
3046 above. In addition, the governing authority may publish such
3047 notice in such newspaper for such additional times as may be
3048 deemed necessary by the governing authority.

3049 Each candidate shall qualify by petition filed with the
3050 municipal clerk by 5:00 p.m. at least twenty (20) days before
3051 the * * * pre-election day voting period begins for the election
3052 and such petition shall be signed by not less than the following
3053 number of qualified electors:



3054 (a) For an office of a city, town or village having a
3055 population of one thousand (1,000) or more, not less than fifty
3056 (50) qualified electors.

3057 (b) For an office of a city, town or village having a
3058 population of less than one thousand (1,000), not less than
3059 fifteen (15) qualified electors.

3060 No qualifying fee shall be required of any candidate, and the
3061 election provided for herein shall be held as far as practicable
3062 in the same manner as municipal general elections.

3063 The candidate receiving a majority of the votes cast in said
3064 election shall be elected. If no candidate shall receive a
3065 majority vote at the election, the two (2) candidates receiving
3066 the highest number of votes shall have their names placed on the
3067 ballot for the election to be held two (2) weeks thereafter. The
3068 candidate receiving a majority of the votes cast in said election
3069 shall be elected. However, if no candidate shall receive a
3070 majority and there is a tie in the election of those receiving the
3071 next highest vote, those receiving the next highest vote and the
3072 candidate receiving the highest vote shall have their names placed
3073 on the ballot for the election to be held two (2) weeks
3074 thereafter, and whoever receives the most votes cast in such
3075 election shall be elected.

3076 Should the election to be held two (2) weeks thereafter
3077 result in a tie vote, the candidate to prevail shall be decided by
3078 lot, fairly and publicly drawn under the supervision by the



3079 election commission with the aid of two (2) or more qualified
3080 electors of the municipality.

3081 The clerk of the election commission shall then give a
3082 certificate of election to the person elected, and shall return to
3083 the Secretary of State a copy of the order of holding the election
3084 and runoff election showing the results thereof, certified by the
3085 clerk of the governing authority. The person elected shall be
3086 commissioned by the Governor.

3087 However, if nineteen (19) days prior to the date of the
3088 election only one (1) person shall have qualified as a candidate,
3089 the governing authority, or remainder of the governing authority,
3090 shall dispense with the election and appoint that one (1)
3091 candidate in lieu of an election. In the event no person shall
3092 have qualified by 5:00 p.m. at least twenty (20) days * * *
3093 before the * * * pre-election day voting period begins for the
3094 election, the governing authority or remainder of the governing
3095 authority shall dispense with the election and fill the vacancy by
3096 appointment. The clerk of the governing authority shall certify
3097 to the Secretary of State the fact of the appointment, and the
3098 person so appointed shall be commissioned by the Governor.

3099 **SECTION 86.** Section 23-15-859, Mississippi Code of 1972, is
3100 amended as follows:

3101 23-15-859. Whenever under any statute a special election is
3102 required or authorized to be held in any municipality, and the
3103 statute authorizing or requiring such election does not specify



3104 the time within which such election shall be called, or the notice
3105 which shall be given thereof, the governing authorities of the
3106 municipality shall, by resolution, fix a date upon which such
3107 election shall be held. Such date shall not be less than
3108 twenty-one (21) nor more than thirty (30) days after the date upon
3109 which such resolution is adopted, and not less than three (3)
3110 weeks' notice of such election shall be given by the clerk by a
3111 notice published in a newspaper published in the municipality once
3112 each week for three (3) weeks next preceding the date * * *
3113 pre-election day voting begins for such election, and by posting a
3114 copy of such notice at three (3) public places in such
3115 municipality. Nothing herein, however, shall be applicable to
3116 elections on the question of the issuance of the bonds of a
3117 municipality or to general or primary elections for the election
3118 of municipal officers.

3119 **SECTION 87.** Section 23-15-895, Mississippi Code of 1972, is
3120 amended as follows:

3121 23-15-895. It shall be unlawful for any candidate for an
3122 elective office, or any representative of such candidate, or for
3123 any proponent or opponent of any constitutional amendment, local
3124 issue or other measure printed on the ballot to post or distribute
3125 cards, posters or other campaign literature within one hundred
3126 fifty (150) feet of any entrance of the building wherein
3127 pre-election day voting or any election is being held. It shall
3128 be unlawful for any candidate or a representative named by him in



3129 writing to appear at any polling place while armed or uniformed,
3130 nor shall he display any badge or credentials except as may be
3131 issued by the manager of the polling place. As used in this
3132 section, the term "local issue" shall have the meaning ascribed to
3133 such term in Section 23-15-375.

3134 **SECTION 88.** Section 23-15-913, Mississippi Code of 1972, is
3135 amended as follows:

3136 23-15-913. The judges selected to hear election disputes
3137 shall be available on election day and during the pre-election day
3138 voting period to immediately hear and resolve any election * * *
3139 disputes. The rules for filing pleadings shall be relaxed to
3140 carry out the purposes of this section. The judges selected shall
3141 perform no other judicial duties * * * during the election * * *
3142 periods. The Supreme Court shall make judges available to hear
3143 disputes in the county in which the disputes occur but no judge
3144 shall hear disputes in the district, subdistrict or county in
3145 which he was elected nor shall any judge hear any dispute in which
3146 any potential conflict may arise. Each judge shall be fair and
3147 impartial and shall be assigned on that basis.

3148 **SECTION 89.** Section 23-15-963, Mississippi Code of 1972, is
3149 amended as follows:

3150 23-15-963. (1) Any person desiring to contest the
3151 qualifications of another person who has qualified pursuant to the
3152 provisions of Section 23-15-359, Mississippi Code of 1972, as a
3153 candidate for any office elected at a general election, shall file



3154 a petition specifically setting forth the grounds of the challenge
3155 not later than thirty-one (31) days after the date of the first
3156 primary election set forth in Section 23-15-191, Mississippi Code
3157 of 1972. Such petition shall be filed with the same body with
3158 whom the candidate in question qualified pursuant to Section
3159 23-15-359, Mississippi Code of 1972.

3160 (2) Any person desiring to contest the qualifications of
3161 another person who has qualified pursuant to the provisions of
3162 Section 23-15-213, Mississippi Code of 1972, as a candidate for
3163 county election commissioner elected at a general election, shall
3164 file a petition specifically setting forth the grounds of the
3165 challenge no later than sixty (60) days * * * before the period
3166 for pre-election day voting begins for the general election. Such
3167 petition shall be filed with the county board of supervisors,
3168 being the same body with whom the candidate in question qualified
3169 pursuant to Section 23-15-213, Mississippi Code of 1972.

3170 (3) Any person desiring to contest the qualifications of
3171 another person who has qualified pursuant to the provisions of
3172 Section 23-15-361, Mississippi Code of 1972, as a candidate for
3173 municipal office elected on the date designated by law for regular
3174 municipal elections, shall file a petition specifically setting
3175 forth the grounds of the challenge no later than thirty-one (31)
3176 days after the date of the first primary election set forth in
3177 Section 23-15-309, Mississippi Code of 1972. Such petition shall
3178 be filed with the municipal commissioners of election, being the



3179 same body with whom the candidate in question qualified pursuant
3180 to Section 23-15-361, Mississippi Code of 1972.

3181 (4) Within ten (10) days of receipt of the petition
3182 described in subsections (1), (2) and (3) of this section, the
3183 appropriate election officials shall meet and rule upon the
3184 petition. At least two (2) days before the hearing to consider
3185 the petition, the appropriate election officials shall give notice
3186 to both the petitioner and the contested candidate of the time and
3187 place of the hearing on the petition. Each party shall be given
3188 an opportunity to be heard at such meeting and present evidence in
3189 support of his position.

3190 (5) If the appropriate election officials fail to rule upon
3191 the petition within the time required above, such inaction shall
3192 be interpreted as a denial of the request for relief contained in
3193 the petition.

3194 (6) Any party aggrieved by the action or inaction of the
3195 appropriate election officials may file a petition for judicial
3196 review to the circuit court of the county in which the election
3197 officials whose decision is being reviewed sits. Such petition
3198 must be filed no later than fifteen (15) days after the date the
3199 petition was originally filed with the appropriate election
3200 officials. Such person filing for judicial review shall give a
3201 cost bond in the sum of Three Hundred Dollars (\$300.00) with two
3202 (2) or more sufficient sureties conditioned to pay all costs in
3203 case his petition be dismissed, and an additional bond may be



3204 required, by the court, if necessary, at any subsequent stage of
3205 the proceedings.

3206 (7) The circuit court with whom such a petition for judicial
3207 review has been filed shall at the earliest possible date set the
3208 matter for hearing. Notice shall be given the interested parties
3209 of the time set for hearing by the circuit clerk. The hearing
3210 before the circuit court shall be de novo. The matter shall be
3211 tried to the circuit judge, without a jury. After hearing the
3212 evidence, the circuit judge shall determine whether the candidate
3213 whose qualifications have been challenged is legally qualified to
3214 have his name placed upon the ballot in question. The circuit
3215 judge may, upon disqualification of any such candidate, order that
3216 such candidate shall bear the court costs of the proceedings.

3217 (8) Within three (3) days after judgment is rendered by the
3218 circuit court, the contestant or contestee, or both, may file an
3219 appeal in the Supreme Court upon giving a cost bond in the sum of
3220 Three Hundred Dollars (\$300.00), together with a bill of
3221 exceptions which shall state the point or points of law at issue
3222 with a sufficient synopsis of the facts to fully disclose the
3223 bearing and relevancy of such points of law. The bill of
3224 exceptions shall be signed by the trial judge, or in case of his
3225 absence, refusal or disability, by two (2) disinterested
3226 attorneys, as is provided by law in other cases of bills of
3227 exception. The filing of such appeals shall automatically suspend
3228 the decision of the circuit court and the appropriate election



3229 officials are entitled to proceed based upon their decision unless
3230 and until the Supreme Court, in its discretion, stays further
3231 proceedings in the matter. The appeal shall be immediately
3232 docketed in the Supreme Court and referred to the court en banc
3233 upon briefs without oral argument unless the court shall call for
3234 oral argument, and shall be decided at the earliest possible date,
3235 as a preference case over all others. The Supreme Court shall
3236 have the authority to grant such relief as is appropriate under
3237 the circumstances.

3238 (9) The procedure set forth above shall be the sole and only
3239 manner in which the qualifications of a candidate seeking public
3240 office who qualified pursuant to the provisions of Sections
3241 23-15-359, 23-15-213 and 23-15-361, Mississippi Code of 1972, may
3242 be challenged prior to the time of his election. After any such
3243 person has been elected to public office, the election may be
3244 challenged as otherwise provided by law. After any person assumes
3245 an elective office, his qualifications to hold that office may be
3246 contested as otherwise provided by law.

3247 **SECTION 90.** Section 23-15-977, Mississippi Code of 1972, is
3248 amended as follows:

3249 23-15-977. (1) Except as otherwise provided in this
3250 section, all candidates for judicial office as defined in Section
3251 23-15-975 of this subarticle shall file their intent to be a
3252 candidate with the proper officials not later than 5:00 p.m. on
3253 the first Friday after the first Monday in May prior to the



3254 general election for judicial office and shall pay to the proper
3255 officials the following amounts:

3256 (a) Candidates for Supreme Court judge and Court of
3257 Appeals, the sum of Two Hundred Dollars (\$200.00).

3258 (b) Candidates for circuit judge and chancellor, the
3259 sum of One Hundred Dollars (\$100.00).

3260 (c) Candidates for county judge and family court judge,
3261 the sum of Fifteen Dollars (\$15.00).

3262 Candidates for judicial office may not file their intent to
3263 be a candidate and pay the proper assessment before January 1 of
3264 the year in which the election for the judicial office is held.

3265 (2) Candidates for judicial offices listed in paragraphs (a)
3266 and (b) of subsection (1) of this section shall file their intent
3267 to be a candidate with, and pay the proper assessment made
3268 pursuant to subsection (1) of this section to, the State Board of
3269 Election Commissioners.

3270 (3) Candidates for judicial offices listed in paragraph (c)
3271 of subsection (1) of this section shall file their intent to be a
3272 candidate with, and pay the proper assessment made pursuant to
3273 subsection (1) of this section to, the circuit clerk of the proper
3274 county. The circuit clerk shall notify the county commissioners
3275 of election of all persons who have filed their intent to be a
3276 candidate with, and paid the proper assessment to, such clerk.
3277 Such notification shall occur within two (2) business days and
3278 shall contain all necessary information.



3279 (4) If only one (1) person files his intent to be a
3280 candidate for a judicial office and that person subsequently dies,
3281 resigns or is otherwise disqualified from holding the judicial
3282 office after the deadline provided for in subsection (1) of this
3283 section but more than seventy (70) days before the date * * * that
3284 pre-election day voting begins for the general election, the
3285 Governor, upon notification of the death, resignation or
3286 disqualification of the person, shall issue a proclamation
3287 authorizing candidates to file their intent to be a candidate for
3288 that judicial office for a period of not less than seven (7) nor
3289 more than ten (10) days from the date of the proclamation.

3290 (5) If only one (1) person qualifies as a candidate for a
3291 judicial office and that person subsequently dies, resigns or is
3292 otherwise disqualified from holding the judicial office within
3293 seventy (70) days before the date * * * that pre-election day
3294 voting begins for the general election, the judicial office shall
3295 be considered vacant for the new term and the vacancy shall be
3296 filled as provided in by law.

3297 **SECTION 91.** Section 23-15-1031, Mississippi Code of 1972, is
3298 amended as follows:

3299 23-15-1031. Except as may be otherwise provided by Section
3300 23-15-1081, the first primary election for congressmen shall be
3301 held on the first Tuesday in June of the years in which
3302 congressmen are elected, and the second primary, when one is
3303 necessary, shall be held three (3) weeks thereafter. Each year in



3304 which a presidential election is held, the congressional primary
3305 shall be held as provided in Section 23-15-1081. The election
3306 shall be held in all districts of the state during the same period
3307 for pre-election day voting and on the same day. Candidates for
3308 United States Senator shall be nominated at the congressional
3309 primary next preceding the general election at which a senator is
3310 to be elected and in the same manner that congressmen are
3311 nominated, and the chairman and secretary of the state executive
3312 committee shall certify the vote for United States Senator to the
3313 Secretary of State in the same manner that county executive
3314 committees certify the returns of counties in general state and
3315 county primary elections.

3316 **SECTION 92.** Section 23-15-1081, Mississippi Code of 1972, is
3317 amended as follows:

3318 23-15-1081. A presidential preference primary may be held on
3319 the second Tuesday in March of each year in which a President of
3320 the United States is to be elected and during the pre-election day
3321 voting period established in this act. Each political party which
3322 has cast for its candidates for President and Vice President in
3323 the previous presidential election more than twenty percent (20%)
3324 of the total vote cast for President and Vice President in the
3325 state, may conduct a presidential preference primary. No elector
3326 shall vote in the primary of more than one (1) political party in
3327 the same presidential preference primary.



3328 **SECTION 93.** Section 23-15-1083, Mississippi Code of 1972, is
3329 amended as follows:

3330 23-15-1083. Beginning in 1988, as an alternative to the
3331 congressional primary election date set forth in Section
3332 23-15-1031, when a political party elects to conduct a
3333 presidential preference primary, the first primary election for
3334 congressmen, and senators, if senators are to be elected, shall be
3335 held on the second Tuesday in March and during the pre-election
3336 day voting period established in this act, and the second primary,
3337 when one is necessary, shall be held three (3) weeks thereafter,
3338 and the election shall be held in all districts of the state on
3339 the same day.

3340 **SECTION 94.** Section 23-15-1085, Mississippi Code of 1972, is
3341 amended as follows:

3342 23-15-1085. The chairman of a party's state executive
3343 committee shall notify the Secretary of State if the party intends
3344 to hold a presidential preference primary. The Secretary of State
3345 shall be notified prior to December 1 of the year preceding the
3346 year in which a presidential preference primary may be held
3347 pursuant to Section 23-15-1081. Upon such notification, the
3348 Secretary of State shall issue a proclamation setting every
3349 party's congressional and senatorial primary elections, including
3350 the period for pre-election day voting, that are to be held in the
3351 year in which the presidential preference primary is to be held on
3352 the date provided for in Section 23-15-1083. Once the Secretary of



3353 State has issued a proclamation pursuant to this section, the
3354 dates of the congressional and senatorial primary elections shall
3355 not be changed.

3356 **SECTION 95.** Section 23-15-1091, Mississippi Code of 1972, is
3357 amended as follows:

3358 23-15-1091. When the Secretary of State decides to place the
3359 name of a candidate on the ballot pursuant to Section 23-15-1089,
3360 he shall notify the candidate that his name will appear on the
3361 ballot of this state in the presidential preference primary
3362 election.

3363 The secretary shall also notify the candidate that he may
3364 withdraw his name from the ballot by filing with the Secretary of
3365 State an affidavit pursuant to Section 23-15-1095 no later than
3366 the sixtieth day before the period for pre-election day voting
3367 begins for that election.

3368 **SECTION 96.** Section 21-3-3, Mississippi Code of 1972, is
3369 amended as follows:

3370 21-3-3. The elective officers of all municipalities
3371 operating under a code charter shall be the mayor, the aldermen,
3372 municipal judge, the marshal or chief of police, the tax
3373 collector, the tax assessor, and the city or town clerk. However,
3374 the governing authorities of the municipality shall have the
3375 power, by ordinance, to combine the office of clerk or marshal
3376 with the office of tax collector and/or tax assessor. Such
3377 governing authorities shall have the further power to provide that



3378 all or any of such officers, except those of mayor and aldermen,
3379 shall be appointive, in which case the marshal or chief of police,
3380 the tax collector, the tax assessor, and the city or town clerk,
3381 or such of such officers as may be made appointive, shall be
3382 appointed by the said governing authorities. Any action taken by
3383 the governing authorities to make any of such offices appointive
3384 shall be by ordinance of such municipality, and no such ordinance
3385 shall be adopted within ninety (90) days * * * before the period
3386 for pre-election day voting begins for any regular general
3387 election for the election of municipal officers. No such
3388 ordinance shall become effective during the term of office of any
3389 officer whose office shall be affected thereby. If any such
3390 office is made appointive, the person appointed thereto shall hold
3391 office at the pleasure of the governing authorities and may be
3392 discharged by such governing authorities at any time, either with
3393 or without cause, and it shall be discretionary with the governing
3394 authorities whether or not to require such person appointed
3395 thereto to reside within the corporate limits of the municipality
3396 in order to hold such office.

3397 **SECTION 97.** Section 21-9-17, Mississippi Code of 1972, is
3398 amended as follows:

3399 21-9-17. Except as otherwise provided, all candidates for
3400 mayor and councilmen, or any of them, to be voted for * * * during
3401 the periods for holding any general or special municipal election,
3402 shall be nominated by party primary election, and no other name or



3403 names shall be placed on the official ballot at such general or
3404 special election than those selected in the manner prescribed
3405 herein. Such primary election or elections, shall be held not
3406 less than ten, nor more than thirty days, preceding the general or
3407 special election, and such primary election or elections shall be
3408 held and conducted in the manner as near as may be as is provided
3409 by law for state and county primary elections.

3410 **SECTION 98.** Section 37-5-9, Mississippi Code of 1972, is
3411 amended as follows:

3412 37-5-9. The name of any qualified elector who is a candidate
3413 for the county board of education shall be placed on the ballot
3414 used in the general elections by the county election
3415 commissioners, provided that the candidate files with the county
3416 election commissioners, not more than ninety (90) days and not
3417 less than sixty (60) days * * * before the date * * * pre-election
3418 day voting begins for such general election, a petition of
3419 nomination signed by not less than fifty (50) qualified electors
3420 of the county residing within each supervisors district. Where
3421 there are less than one hundred (100) qualified electors in said
3422 supervisors district, it shall only be required that said petition
3423 of nomination be signed by at least twenty percent (20%) of the
3424 qualified electors of such supervisors district. The candidate in
3425 each supervisors district who receives the highest number of votes
3426 cast in the district shall be declared elected.



3427 When any member of the county board of education is to be
3428 elected from the county at large under the provisions of this
3429 chapter, then the petition required by the preceding paragraph
3430 hereof shall be signed by the required number of qualified
3431 electors residing in any part of the county outside of the
3432 territory embraced within a municipal separate school district or
3433 special municipal separate school district. The candidate who
3434 receives the highest number of votes cast in the election shall be
3435 declared elected.

3436 In no case shall any qualified elector residing within a
3437 municipal separate school district or special municipal separate
3438 school district be eligible to sign a petition of nomination for
3439 any candidate for the county board of education under any of the
3440 provisions of this section.

3441 **SECTION 99.** Section 37-5-63, Mississippi Code of 1972, is
3442 amended as follows:

3443 37-5-63. Notwithstanding the provisions of Section 37-5-61,
3444 the office of county superintendent of education may be made
3445 appointive in any county in the manner herein provided. Upon the
3446 filing of a petition signed by not less than twenty percent (20%)
3447 of the qualified electors of such county, it shall be the duty of
3448 the board of supervisors of such county, within sixty (60) days
3449 after the filing of such petition, to call a special election at
3450 which there shall be submitted to the qualified electors of such
3451 county the question of whether the office of county superintendent



3452 of education of said county shall continue to be elective or shall
3453 be filled by appointment by the county board of education of said
3454 county. However, where a Class 3 county having an area in excess
3455 of eight hundred twenty-five (825) square miles has a county unit
3456 school system comprising less than an entire county, the petition
3457 shall only be signed by electors residing within the county unit
3458 school district and only electors of said district shall vote on
3459 the proposition of appointing the county superintendent of
3460 education.

3461 The order calling such special election shall designate the
3462 dates upon which * * * the special election and the period for
3463 pre-election day voting for the special election shall be held and
3464 a notice of such election, signed by the clerk of the board of
3465 supervisors, shall be published once a week for at least three (3)
3466 consecutive weeks in at least one newspaper published in such
3467 county. The first publication of such notice shall be made not
3468 less than twenty-one (21) days * * * before the dates fixed for
3469 such election and the last publication shall be made not more than
3470 seven (7) days * * * before such dates. If no newspaper is
3471 published in such county then such notice shall be given by
3472 publication of same for the required time in some newspaper having
3473 a general circulation in such county and, in addition, by posting
3474 a copy of such notice for at least twenty-one (21) days next
3475 preceding the date pre-election day voting begins for such
3476 election at three (3) public places in such county, one of which



3477 shall be at the door of the county courthouse in each judicial
3478 district.

3479 Said election shall be held, as far as is practicable, in the
3480 same manner as other elections are held in such county and all
3481 qualified electors of the county may vote therein. If a majority
3482 of such qualified electors who vote in such election shall vote in
3483 favor of the appointment of the county superintendent of education
3484 by the county board of education then, at the expiration of the
3485 term of the county superintendent of education then in office, the
3486 county superintendent of education of said county shall not be
3487 elected but shall thereafter be appointed by the county board of
3488 education for a term of not more than four (4) years; otherwise,
3489 said office shall remain elective.

3490 No special election shall be held in any county under the
3491 provisions of this section more often than once in every four (4)
3492 years, and no change from the elective to the appointive method of
3493 the selection of the county superintendent of education shall
3494 become effective except at the expiration of the term of the
3495 county superintendent of education in office at the time such
3496 election is held.

3497 **SECTION 100.** Section 37-5-7, Mississippi Code of 1972, is
3498 amended as follows:

3499 37-5-7. (1) On the first Tuesday after the first Monday in
3500 May, 1954, an election shall be held in each county in this state
3501 in the same manner, including the provisions for pre-election day



3502 voting established in this act, as general state and county
3503 elections are held and conducted, which election shall be held for
3504 the purpose of electing the county boards of education established
3505 under the provisions of this chapter. At such election, the
3506 members of the said board from Supervisors Districts One and Two
3507 shall be elected for the term expiring on the first Monday of
3508 January, 1957; members of the board from Supervisors Districts
3509 Three and Four shall be elected for a term expiring on the first
3510 Monday of January, 1959; and the member of the board from
3511 Supervisors District Five shall be elected for a term expiring on
3512 the first Monday of January, 1955. Except as otherwise provided
3513 in subsection (2), all subsequent members of the board shall be
3514 elected for a term of six (6) years at the regular general
3515 election held on the first Monday in November next preceding the
3516 expiration of the term of office of the respective member or
3517 members of such board. All members of the county board of
3518 education as herein constituted, shall take office on the first
3519 Monday of January following the date of their election.

3520 (2) On the first Tuesday after the first Monday in November,
3521 in any year in which any county shall elect to utilize the
3522 authority contained in Section 37-5-1(2), an election shall be
3523 held in each such county in this state for the purpose of electing
3524 the county boards of education in such counties. At said election
3525 the members of the said county board of education from Districts
3526 One and Two shall be elected for a term of four (4) years, the



3527 members from Districts Three and Four shall be elected for a term
3528 of six (6) years, and the member from District Five shall be
3529 elected for a term of (2) years. Thereafter, members shall be
3530 elected at general elections as vacancies occur for terms of six
3531 (6) years each. All members of the county board of education
3532 shall take office on the first Monday of January following the
3533 date of their election.

3534 **SECTION 101.** Section 21-8-7, Mississippi Code of 1972, is
3535 amended as follows:

3536 21-8-7. (1) Each municipality operating under the
3537 mayor-council form of government shall be governed by an elected
3538 council and an elected mayor. Other officers and employees shall
3539 be duly appointed pursuant to this chapter, general law or
3540 ordinance.

3541 (2) Except as otherwise provided in subsection (4) of this
3542 section, the mayor and council members shall be elected by the
3543 voters of the municipality at a regular municipal election held on
3544 the first Tuesday after the first Monday in June as provided in
3545 Section 21-11-7, and shall serve for a term of four (4) years
3546 beginning on the first day of July next following the election
3547 that is not on a weekend. Votes for mayor and council members may
3548 also be cast during the period for pre-election day voting as
3549 provided for in this act.

3550 (3) The terms of the initial mayor and council members shall
3551 commence at the expiration of the terms of office of the elected



3552 officials of the municipality serving at the time of adoption of
3553 the mayor-council form.

3554 (4) (a) The council shall consist of five (5), seven (7) or
3555 nine (9) members. In the event there are five (5) council
3556 members, the municipality shall be divided into either five (5) or
3557 four (4) wards. In the event there are seven (7) council members,
3558 the municipality shall be divided into either seven (7), six (6)
3559 or five (5) wards. In the event there are nine (9) council
3560 members, the municipality shall be divided into seven (7) or nine
3561 (9) wards. If the municipality is divided into fewer wards than
3562 it has council members, the other council member or members shall
3563 be elected from the municipality at large. The total number of
3564 council members and the number of council members elected from
3565 wards shall be established by the petition or petitions presented
3566 pursuant to Section 21-8-3. One (1) council member shall be
3567 elected from each ward by the voters of that ward. Council
3568 members elected to represent wards must be residents of their
3569 wards at the time of qualification for election, and any council
3570 member who removes the member's residence from the municipality or
3571 from the ward from which elected shall vacate that office.
3572 However, any candidate for council member who is properly
3573 qualified as a candidate under applicable law shall be deemed to
3574 be qualified as a candidate in whatever ward the member resides if
3575 the ward has changed after the council has redistricted the
3576 municipality as provided in paragraph (c)(ii) of this subsection



3577 (4), and if the wards have been so changed, any person may qualify
3578 as a candidate for council member, using the person's existing
3579 residence or by changing the person's residence, not less than
3580 fifteen (15) days before the period for pre-election day voting
3581 begins for the first party primary or special party primary, as
3582 the case may be, notwithstanding any other residency or
3583 qualification requirements to the contrary.

3584 (b) The council or board existing at the time of the
3585 adoption of the mayor-council form of government shall designate
3586 the geographical boundaries of the wards within one hundred twenty
3587 (120) days after the election in which the mayor-council form of
3588 government is selected. In designating the geographical
3589 boundaries of the wards, each ward shall contain, as nearly as
3590 possible, the population factor obtained by dividing the
3591 municipality's population as shown by the most recent decennial
3592 census by the number of wards into which the municipality is to be
3593 divided.

3594 (c) (i) It shall be the mandatory duty of the council
3595 to redistrict the municipality by ordinance, which ordinance may
3596 not be vetoed by the mayor, within six (6) months after the
3597 official publication by the United States of the population of the
3598 municipality as enumerated in each decennial census, and within
3599 six (6) months after the effective date of any expansion of
3600 municipal boundaries; however, if the publication of the most
3601 recent decennial census or effective date of an expansion of the



3602 municipal boundaries occurs six (6) months or more before the
3603 first party primary of a general municipal election, then the
3604 council shall redistrict the municipality by ordinance not less
3605 than sixty (60) days before the period for pre-election day voting
3606 begins for the first party primary.

3607 (ii) If the publication of the most recent
3608 decennial census occurs less than six (6) months before the first
3609 primary of a general municipal election, the election shall be
3610 held with regard to the existing defined wards; reapportioned
3611 wards based on the census shall not serve as the basis for
3612 representation until the next regularly scheduled election in
3613 which council members shall be elected.

3614 (d) If annexation of additional territory into the
3615 municipal corporate limits of the municipality occurs less than
3616 six (6) months before the first party primary of a general
3617 municipal election, the council shall, by ordinance adopted within
3618 three (3) days of the effective date of the annexation, assign the
3619 annexed territory to an adjacent ward or wards so as to maintain
3620 as nearly as possible substantial equality of population between
3621 wards; any subsequent redistricting of the municipality by
3622 ordinance, as required by this chapter, shall not serve as the
3623 basis for representation until the next regularly scheduled
3624 election for municipal council members.

3625 (5) Vacancies occurring in the council shall be filled as
3626 provided in Section 23-15-857.



3627 (6) The mayor shall maintain an office at the city hall.
3628 The council members shall not maintain individual offices at the
3629 city hall; however, in a municipality having a population of one
3630 hundred thousand (100,000) and above according to the latest
3631 federal decennial census, council members may have individual
3632 offices in the city hall. Clerical work of council members in the
3633 performance of the duties of their office shall be performed by
3634 municipal employees or at municipal expense, and council members
3635 shall be reimbursed for the reasonable expenses incurred in the
3636 performance of the duties of their office.

3637 **SECTION 102.** Section 9-4-5, Mississippi Code of 1972, is
3638 amended as follows:

3639 9-4-5. (1) The term of office of judges of the Court of
3640 Appeals shall be eight (8) years. An election shall be held on
3641 the first Tuesday after the first Monday in November 1994, to
3642 elect the ten (10) judges of the Court of Appeals, two (2) from
3643 each congressional district; provided, however, judges of the
3644 Court of Appeals who are elected to take office after the first
3645 Monday of January 2002, shall be elected from the Court of Appeals
3646 Districts described in subsection (5) of this section. The judges
3647 of the Court of Appeals shall begin service on the first Monday of
3648 January 1995. Votes for judges of the Court of Appeals may be
3649 cast, if applicable, during the period for pre-election day voting
3650 provided for in this act.



3651 (2) (a) In order to provide that the offices of not more
3652 than a majority of the judges of said court shall become vacant at
3653 any one (1) time, the terms of office of six (6) of the judges
3654 first to be elected shall expire in less than eight (8) years.
3655 For the purpose of all elections of members of the court, each of
3656 the ten (10) judges of the Court of Appeals shall be considered a
3657 separate office. The two (2) offices in each of the five (5)
3658 districts shall be designated Position Number 1 and Position
3659 Number 2, and in qualifying for office as a candidate for any
3660 office of judge of the Court of Appeals each candidate shall state
3661 the position number of the office to which he aspires and the
3662 election ballots shall so indicate.

3663 (i) In Congressional District Number 1, the judge
3664 of the Court of Appeals for Position Number 1 shall be that office
3665 for which the term ends January 1, 1999, and the judge of the
3666 Court of Appeals for Position Number 2 shall be that office for
3667 which the term ends January 1, 2003.

3668 (ii) In Congressional District Number 2, the judge
3669 of the Court of Appeals for Position Number 1 shall be that office
3670 for which the term ends on January 1, 2003, and the judge of the
3671 Court of Appeals for Position Number 2 shall be that office for
3672 which the term ends January 1, 2001.

3673 (iii) In Congressional District Number 3, the
3674 judge of the Court of Appeals for Position Number 1 shall be that
3675 office for which the term ends on January 1, 2001, and the judge



3676 of the Court of Appeals for Position Number 2 shall be that office
3677 for which the term ends January 1, 1999.

3678 (iv) In Congressional District Number 4, the judge
3679 of the Court of Appeals for Position Number 1 shall be that office
3680 for which the term ends on January 1, 1999, and the judge of the
3681 Court of Appeals for Position Number 2 shall be that office for
3682 which the term ends January 1, 2003.

3683 (v) In Congressional District Number 5, the judge
3684 of the Court of Appeals for Position Number 1 shall be that office
3685 for which the term ends on January 1, 2003, and the judge of the
3686 Court of Appeals for Position Number 2 shall be that office for
3687 which the term ends January 1, 2001.

3688 (b) The laws regulating the general elections shall
3689 apply to and govern the elections of judges of the Court of
3690 Appeals except as otherwise provided in Sections 23-15-974 through
3691 23-15-985.

3692 (c) In the year prior to the expiration of the term of
3693 an incumbent, and likewise each eighth year thereafter, an
3694 election shall be held in the manner provided in this section in
3695 the district from which the incumbent Court of Appeals judge was
3696 elected at which there shall be elected a successor to the
3697 incumbent, whose term of office shall thereafter begin on the
3698 first Monday of January of the year in which the term of the
3699 incumbent he succeeds expires.



3700 (3) No person shall be eligible for the office of judge of
3701 the Court of Appeals who has not attained the age of thirty (30)
3702 years at the time of his election and who has not been a
3703 practicing attorney and citizen of the state for five (5) years
3704 immediately preceding such election.

3705 (4) Any vacancy on the Court of Appeals shall be filled by
3706 appointment of the Governor for that portion of the unexpired term
3707 prior to the election to fill the remainder of said term according
3708 to provisions of Section 23-15-849, Mississippi Code of 1972.

3709 (5) (a) The State of Mississippi is hereby divided into
3710 five (5) Court of Appeals Districts as follows:

3711 **FIRST DISTRICT.** The First Court of Appeals District shall be
3712 composed of the following counties and portions of counties:
3713 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3714 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3715 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3716 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3717 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3718 Nations and Poplar Creek; in Panola County the precincts of East
3719 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3720 Springport, South Springport, Eureka, Williamson, East Batesville
3721 4, West Batesville 4, Fern Hill, North Batesville A, East
3722 Batesville 5 and West Batesville 5; and in Tallahatchie County the
3723 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,



3724 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3725 Murphreesboro and Rosebloom.

3726 **SECOND DISTRICT.** The Second Court of Appeals District shall
3727 be composed of the following counties and portions of counties:
3728 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3729 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
3730 Tunica, Warren, Washington and Yazoo; in Attala County the
3731 precincts of Northeast, Hesterville, Possomneck, North Central,
3732 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3733 County not included in the First Court of Appeals District; in
3734 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3735 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3736 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3737 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3738 precincts of Conway, West Carthage, Wiggins, Thomastown and
3739 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3740 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3741 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3742 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3743 Canton Precinct 1 and Canton Precinct 4; that portion of
3744 Montgomery County not included in the First Court of Appeals
3745 District; that portion of Panola County not included in the First
3746 Court of Appeals District; and that portion of Tallahatchie County
3747 not included in the First Court of Appeals District.



3748 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3749 composed of the following counties and portions of counties:
3750 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3751 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3752 portion of Attala County not included in the Second Court of
3753 Appeals District; in Jones County the precincts of Northwest High
3754 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
3755 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3756 Antioch and Landrum; that portion of Leake County not included in
3757 the Second Court of Appeals District; that portion of Madison
3758 County not included in the Second Court of Appeals District; and
3759 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3760 Diamond, Chaparral, Matherville, Coit and Eucutta.

3761 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3762 be composed of the following counties and portions of counties:
3763 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3764 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3765 that portion of Hinds County not included in the Second Court of
3766 Appeals District; and that portion of Jones county not included in
3767 the Third Court of Appeals District.

3768 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3769 composed of the following counties and portions of counties:
3770 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3771 River, Perry and Stone; and that portion of Wayne County not
3772 included in the Third Court of Appeals District.



3773 (b) The boundaries of the Court of Appeals Districts
3774 described in paragraph (a) of this subsection shall be the
3775 boundaries of the counties and precincts listed in paragraph (a)
3776 of this subsection as such boundaries existed on October 1, 1990.

3777 **SECTION 103.** This act shall take effect and be in force from
3778 and after July 1, 2016.

