

By: Representatives Denny, Bell (65th),
Sykes, Hughes

To: Apportionment and
Elections

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 797

1 AN ACT TO AMEND SECTIONS 23-15-3, 23-15-5 AND 23-15-7,
2 MISSISSIPPI CODE OF 1972, TO REVISE THE GENERAL PROVISIONS; TO
3 AMEND SECTIONS 23-15-15 AND 23-15-19, MISSISSIPPI CODE OF 1972, TO
4 REVISE THE PROVISIONS THAT REGULATE THE QUALIFICATIONS OF
5 ELECTORS; TO AMEND SECTIONS 23-15-31, 23-15-33, 23-15-35,
6 23-15-37, 23-15-39, 23-15-41, 23-15-43 AND 23-15-47, MISSISSIPPI
7 CODE OF 1972, TO REVISE THE PROCEDURES FOR REGISTERING TO VOTE; TO
8 AMEND SECTIONS 23-15-61, 23-15-63, 23-15-65, 23-15-67, 23-15-69
9 AND 23-15-79, MISSISSIPPI CODE OF 1972, TO REVISE THE APPEAL
10 PROCEDURE FOR A PERSON WHO HAS BEEN DENIED REGISTRATION; TO AMEND
11 SECTION 23-15-95, MISSISSIPPI CODE OF 1972, TO REVISE CERTAIN
12 PROVISIONS REGARDING THE LIABILITY OF THE REGISTRAR; TO AMEND
13 SECTIONS 23-15-113, 23-15-121, 23-15-123, 23-15-125 AND 23-15-135,
14 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR MAINTAINING
15 REGISTRATION RECORDS; TO AMEND SECTIONS 23-15-151, 23-15-153 AND
16 23-15-161, MISSISSIPPI CODE OF 1972, TO REVISE THE PURGING OF
17 CERTAIN ELECTOR RECORDS; TO AMEND SECTIONS 23-15-163 AND
18 23-15-165, MISSISSIPPI CODE OF 1972, TO REVISE THE STATEWIDE
19 CENTRALIZED VOTER SYSTEM; TO AMEND SECTIONS 23-15-169.1 AND
20 23-15-169.7, MISSISSIPPI CODE OF 1972, TO REVISE THE TASK FORCE
21 AND HELP MISSISSIPPI VOTE FUND; TO AMEND SECTIONS 23-15-171 AND
22 23-15-173, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR
23 HOLDING PRIMARY AND GENERAL MUNICIPAL ELECTIONS; TO AMEND SECTIONS
24 23-15-191 AND 23-15-197, MISSISSIPPI CODE OF 1972, TO REVISE THE
25 PROVISIONS FOR HOLDING OTHER ELECTIONS; TO AMEND SECTIONS
26 23-15-211, 23-15-213, 23-15-215, 23-15-217, 23-15-219, 23-15-221,
27 23-15-223, 23-15-225, 23-15-227, 23-15-229, 23-15-231, 23-15-233,
28 23-15-235, 23-15-237, 23-15-239, 23-15-240, 23-15-241, 23-15-243,
29 23-15-245, 23-15-247, 23-15-249, 23-15-251, 23-15-253, 23-15-255,
30 23-15-259, 23-15-261, 23-15-265, 23-15-267 AND 23-15-271,
31 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR ELECTION
32 OFFICIALS; TO AMEND SECTIONS 23-15-281 AND 23-15-283, MISSISSIPPI
33 CODE OF 1972, TO REVISE THE PROVISIONS FOR SUPERVISOR DISTRICTS
34 AND VOTING PRECINCTS; TO AMEND SECTIONS 23-15-293, 23-15-299,



35 23-15-303, 23-15-307, 23-15-309 AND 23-15-311, MISSISSIPPI CODE OF
36 1972, TO REVISE THE PROVISIONS FOR NOMINATIONS IN PRIMARY
37 ELECTIONS; TO AMEND SECTIONS 23-15-333, 23-15-351, 23-15-353,
38 23-15-355, 23-15-359, 23-15-361, 23-15-365, 23-15-367, 23-15-369,
39 23-15-371, 23-15-373 AND 23-15-375, MISSISSIPPI CODE OF 1972, TO
40 REVISE THE PROVISIONS FOR BALLOTS; TO AMEND SECTIONS 23-15-391,
41 23-15-503, 23-15-505, 23-15-507, 23-15-511, 23-15-513, 23-15-515,
42 23-15-517, 23-15-519, 23-15-521, 23-15-523 AND 23-15-525,
43 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR OPTICAL
44 MARK READING EQUIPMENT; TO AMEND SECTIONS 23-15-531, 23-15-531.1,
45 23-15-531.2, 23-15-531.3, 23-15-531.4, 23-15-531.5, 23-15-531.6,
46 23-15-531.9, 23-15-531.10 AND 23-15-531.12, MISSISSIPPI CODE OF
47 1972, TO REVISE THE PROVISIONS FOR DIRECT RECORDING ELECTRONIC
48 VOTING EQUIPMENT; TO AMEND SECTIONS 23-15-541, 23-15-543,
49 23-15-547, 23-15-551, 23-15-553 AND 23-15-563, MISSISSIPPI CODE OF
50 1972, TO REVISE THE PROVISIONS FOR THE CONDUCT OF ELECTIONS; TO
51 AMEND SECTIONS 23-15-571, 23-15-573, 23-15-575, 23-15-577,
52 23-15-579 AND 23-15-581, MISSISSIPPI CODE OF 1972, TO REVISE THE
53 PROVISIONS REGARDING AFFIDAVIT BALLOTS AND CHALLENGED BALLOTS; TO
54 AMEND SECTIONS 23-15-591, 23-15-593, 23-15-595, 23-15-597,
55 23-15-601, 23-15-603, 23-15-605, 23-15-607, 23-15-609, 23-15-611
56 AND 23-15-613, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS
57 THAT ARE USED TO DETERMINE THE RESULTS OF ELECTIONS; TO AMEND
58 SECTIONS 23-15-801, 23-15-803, 23-15-805, 23-15-807, 23-15-811 AND
59 23-15-813, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS THAT
60 REGULATE THE DISCLOSURE OF CAMPAIGN FINANCES; TO CREATE NEW
61 SECTION 23-15-819, MISSISSIPPI CODE OF 1972, TO REGULATE THE
62 RECEIPT OF CAMPAIGN FUNDS FROM A FOREIGN NATIONAL; TO AMEND
63 SECTIONS 23-15-831, 23-15-833, 23-15-835, 23-15-837, 23-15-839,
64 23-15-843, 23-15-849, 23-15-851, 23-15-853, 23-15-855, 23-15-857
65 AND 23-15-859, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS
66 FOR VACANCIES IN OFFICE; TO AMEND SECTIONS 23-15-873, 23-15-874,
67 23-15-875, 23-15-881, 23-15-891, 23-15-895, 23-15-897, 23-15-903
68 AND 23-15-905, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS
69 FOR REGULATIONS OF ELECTIONS; TO AMEND SECTIONS 23-15-911 AND
70 23-15-913, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR
71 ELECTION CONTESTS IN GENERAL; TO AMEND SECTION 23-15-939,
72 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR PRIMARY
73 ELECTION CONTESTS; TO AMEND SECTION 23-15-977, MISSISSIPPI CODE
74 OF 1972, TO REVISE THE PROVISIONS REGARDING JUDICIAL OFFICES; TO
75 CREATE NEW SECTION 23-15-994, MISSISSIPPI CODE OF 1972, TO PROVIDE
76 FOR THE ELECTIONS OF COURT OF APPEAL JUDGES; TO AMEND SECTIONS
77 23-15-1031, 23-15-1033, 23-15-1039 AND 23-15-1041, MISSISSIPPI
78 CODE OF 1972, TO REVISE THE PROVISIONS FOR MEMBERS OF CONGRESS; TO
79 AMEND SECTIONS 23-15-1051, 23-15-1053, 23-15-1054, 23-15-1057,
80 23-15-1059, 23-15-1061, 23-15-1063, 23-15-1065 AND 23-15-1067,
81 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR POLITICAL
82 PARTIES; TO AMEND SECTIONS 23-15-11, 23-15-17, 23-15-93,
83 23-15-285, 23-15-295, 23-15-317, 23-15-335, 23-15-545, 23-15-549,
84 23-15-871, 23-15-883, 23-15-887, 23-15-889, 21-9-19, 37-65-123,
85 65-1-3, 37-7-229 AND 23-15-631, MISSISSIPPI CODE OF 1972, TO



86 CONFORM; TO REPEAL SECTIONS 23-15-111, 23-15-117, 23-15-119,
87 23-15-127, 23-15-129, 23-15-133, 23-15-137 AND 23-15-160,
88 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE PREPARATION,
89 REVISION AND MAINTENANCE OF REGISTRATION BOOKS AND POLL BOOKS; TO
90 REPEAL SECTION 23-15-167, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
91 FOR THE FUNDING TO PURCHASE COMPUTER HARDWARE OR SOFTWARE FOR THE
92 CENTRALIZED STATEWIDE VOTER SYSTEM; TO REPEAL SECTION 23-15-169.6,
93 MISSISSIPPI CODE OF 1972, WHICH CREATED A TASK FORCE TO STUDY
94 VOTING SYSTEMS THAT COMPLY WITH THE HELP AMERICA VOTE ACT OF 2002
95 AND THEIR SUITABILITY FOR USE IN ELECTIONS IN MISSISSIPPI; TO
96 REPEAL SECTION 23-15-212, MISSISSIPPI CODE OF 1972, WHICH CREATED
97 A STUDY COMMITTEE TO CONDUCT A STUDY TO DETERMINE HOW REGISTRARS,
98 ELECTION COMMISSIONERS, EXECUTIVE COMMITTEE MEMBERS AND POLL
99 WORKERS CAN BE BETTER TRAINED IN THE CONDUCT OF ELECTIONS; TO
100 REPEAL SECTION 23-15-269, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
101 THE PENALTIES FOR AN ELECTION COMMISSIONER, OR ANY OTHER OFFICER
102 OR PERSON ACTING AS SUCH, OR PERFORMING ELECTION DUTY, WHO
103 WILLFULLY REFUSES OR KNOWINGLY FAILS TO PERFORM ANY DUTY REQUIRED
104 OF HIM OR HER BY THE ELECTION LAWS; TO REPEAL SECTIONS 23-15-393,
105 23-15-401, 23-15-403, 23-15-405, 23-15-407, 23-15-409, 23-15-411,
106 23-15-413, 23-15-415, 23-15-417, 23-15-419, 23-15-421, 23-15-423,
107 23-15-425, 23-15-427, 23-15-429, 23-15-431, 23-15-433, 23-15-435,
108 23-15-437, 23-15-439, 23-15-441, 23-15-443, 23-15-445, 23-15-447,
109 23-15-449 AND 23-15-451, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
110 FOR THE USE OF VOTING MACHINES IN ELECTIONS; TO REPEAL SECTIONS
111 23-15-461, 23-15-463, 23-15-465, 23-15-467, 23-15-469, 23-15-471,
112 23-15-473, 23-15-475, 23-15-477, 23-15-479, 23-15-481, 23-15-483,
113 23-15-485 AND 23-15-501, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
114 FOR THE USE OF ELECTRONIC VOTING SYSTEMS; TO REPEAL SECTION
115 23-15-509, MISSISSIPPI CODE OF 1972, WHICH PROVIDES WHEN AND WHERE
116 OMR EQUIPMENT MAY BE USED; TO REPEAL SECTION 23-15-531.7,
117 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DEMONSTRATION OF
118 DRE UNITS; TO REPEAL SECTION 23-15-531.8, MISSISSIPPI CODE OF
119 1972, WHICH PROVIDES FOR THE STORAGE AND SECURITY OF DRE UNITS; TO
120 REPEAL SECTION 23-15-531.11, MISSISSIPPI CODE OF 1972, WHICH
121 PROVIDES FOR THE CODING OF CHALLENGED BALLOTS ON DRE UNITS; TO
122 REPEAL SECTION 23-15-555, MISSISSIPPI CODE OF 1972, WHICH PROVIDES
123 THE PENALTY FOR A VOTER WHO ALLOWS HIS OR HER BALLOT TO BE SEEN BY
124 ANY PERSON; TO REPEAL SECTION 23-15-559, MISSISSIPPI CODE OF 1972,
125 WHICH PROVIDES THE TIMES FOR HOLDING PRIMARY AND GENERAL ELECTION
126 FOR MUNICIPALITIES THAT OPERATE UNDER A SPECIAL OR PRIVATE
127 CHARTER; TO REPEAL SECTION 23-15-841, MISSISSIPPI CODE OF 1972,
128 WHICH PROVIDES FOR THE HOLDING OF A PRIMARY ELECTION IN SPECIAL
129 ELECTIONS FOR COUNTY AND COUNTY DISTRICT SEATS; TO REPEAL SECTION
130 23-15-893, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PENALTY
131 FOR BEING INTOXICATED IN OR ABOUT A POLLING PLACE DURING AN
132 ELECTION; TO REPEAL SECTION 23-15-899, MISSISSIPPI CODE OF 1972,
133 WHICH PROVIDES FOR IDENTIFYING INFORMATION TO BE POSTED ON
134 CAMPAIGN MATERIALS; AND FOR RELATED PURPOSES.

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



136 **SECTION 1.** Section 23-15-3, Mississippi Code of 1972, is
137 amended as follows:

138 23-15-3. For purposes of this chapter, the term "ballot box"
139 includes any ballot bag or other container of a type that has been
140 approved for use in elections by the Secretary of State, capable
141 of receiving voted paper ballots. Such ballot bags or containers
142 may be used for any purpose for which a ballot box may be used
143 under the provisions of law regulating elections in Mississippi or
144 any other purpose authorized by the rules and regulations adopted
145 by the Secretary of State. * * *

146 **SECTION 2.** Section 23-15-5, Mississippi Code of 1972, is
147 amended as follows:

148 23-15-5. (1) There is created in the State Treasury a
149 special fund to be known as the Elections Support Fund. Monies
150 derived from annual report fees imposed upon limited liability
151 companies under Section 79-29-1203 shall be deposited into the
152 Elections Support Fund. Unexpended amounts remaining in the fund
153 at the end of the fiscal year shall not lapse into the State
154 General Fund, and any interest earned or investment earnings on
155 amounts in the fund shall be disbursed as provided in subsection
156 (2) of this section. The expenditure of monies in the fund shall
157 be under the direction of the Secretary of State as provided by
158 subsection (2) of this section, and such funds shall be paid by
159 the State Treasurer upon warrants issued by the Department of
160 Finance and Administration.



161 (2) (a) Monies in the fund shall be used as follows:

162 (i) Fifty percent (50%) of the monies in the
163 special fund shall be distributed annually to the counties, based
164 on the proportion that the population of a county bears to the
165 total population in all counties of the state population according
166 to the most recent information from the United States Census
167 Bureau, and held in a separate fund solely for the purpose of
168 acquiring, upgrading, maintaining or repairing voting equipment,
169 systems and supplies, hiring temporary technical support,
170 conducting elections using such voting equipment or systems,
171 employing such personnel to conduct an election, and training
172 election officials; and

173 (ii) The remaining fifty percent (50%) of the
174 monies in the special fund shall be allocated annually to the
175 Secretary of State and expended for the purpose of upgrading,
176 maintaining * * * or equipping the Statewide Elections Management
177 System, and acquiring, upgrading or maintaining any other
178 election-related site or system or providing technical training to
179 election officials.

180 (b) The Secretary of State shall create standard
181 training guidelines to assist counties in training election
182 officials with the funds authorized under subsection (2)(a)(ii) of
183 this section. Any criteria established by the Secretary of State
184 for the purposes of this section shall be used in addition to any
185 other training or coursework prescribed by the Secretary of State



186 to train circuit clerks, poll managers and any other election
187 officials participating in county elections.

188 (c) Notwithstanding any other provision of law, no
189 monies from the Elections Support Fund shall be used by the
190 Secretary of State or any person associated with the Office of the
191 Secretary of State to provide or otherwise support expert
192 testimony in any manner for any hearing, trial or election
193 contest.

194 **SECTION 3.** Section 23-15-7, Mississippi Code of 1972, is
195 amended as follows:

196 23-15-7. (1) The Secretary of State shall negotiate a
197 Memorandum of Understanding which shall be entered into by the
198 Mississippi Department of Public Safety and the registrar of each
199 county for the purpose of providing a Mississippi Voter
200 Identification Card. Such card shall be valid for the purpose of
201 voter identification purposes under Section 23-15-563 and
202 available only to registered voters of this state. No fee shall
203 be charged or collected for the application for or issuance of a
204 Mississippi Voter Identification Card. Any costs associated with
205 the application for or issuance of a Mississippi Voter
206 Identification Card shall be made payable from the state's General
207 Fund.

208 (2) The registrar of each county shall provide a location in
209 the registrar's office at which he or she shall accept
210 applications for Mississippi Voter Identification Cards in



211 accordance with the Mississippi Constitution; however, in counties
212 having two (2) judicial districts the registrar shall provide a
213 location in the registrar's office in each judicial district at
214 which he or she shall accept applications for Mississippi Voter
215 Identification Cards in accordance with the Mississippi
216 Constitution.

217 (3) No person shall be eligible for a Mississippi Voter
218 Identification Card if the person has a valid unexpired
219 Mississippi driver's license or an identification card issued
220 under Section 45-35-1 et seq.

221 (4) (a) The Mississippi Voter Identification Card shall be
222 captioned "MISSISSIPPI VOTER IDENTIFICATION CARD" and shall
223 contain a prominent statement that under Mississippi law it is
224 valid only as identification for voting purposes. The
225 identification card shall include the following information
226 regarding the applicant:

- 227 (i) Full legal name;
- 228 (ii) Legal residence address;
- 229 (iii) Mailing address, if different; and
- 230 (iv) Voting information.

231 (b) The Mississippi Voter Identification Card shall
232 also contain the date the voter identification card was issued,
233 the county in which the voter is registered and such other
234 information as required by the Secretary of State.



235 (5) The application shall be signed and sworn to by the
236 applicant and any falsification or fraud in the making of the
237 application shall constitute false swearing under Section 97-7-35.

238 (6) The registrar shall require presentation and
239 verification of any of the following information during the
240 application process before issuance of a Mississippi Voter
241 Identification Card:

242 (a) A photo identity document; or

243 (b) Documentation showing the person's date and place
244 of birth; or

245 (c) A social security card; or

246 (d) A Medicare card; or

247 (e) A Medicaid card; or

248 (f) Such other acceptable evidence of verification of
249 residence in the county as determined by the Secretary of State.

250 (7) A Mississippi Voter Identification Card shall remain
251 valid for as long as the cardholder * * * remains qualified to
252 vote. It shall be the duty of a person who moves his or her
253 residence within this state to surrender his or her voter
254 identification card to the registrar of the county of his or her
255 new residence and such person may thereafter apply for and receive
256 a new card if such person is eligible under this section. It
257 shall be the duty of a person who moves his or her residence
258 outside this state or who ceases to be qualified to vote to
259 surrender his or her card to the registrar who issued it.



260 (8) The Secretary of State, in conjunction with the
261 Mississippi Department of Public Safety, shall adopt rules and
262 regulations for the administration of this section.

263 **SECTION 4.** Section 23-15-15, Mississippi Code of 1972, is
264 amended as follows:

265 23-15-15. It shall be the duty of any and every person who
266 has acquired citizenship by order or decree of naturalization and
267 who is otherwise qualified to register and vote under the laws of
268 the State of Mississippi to present or exhibit to the * * *
269 registrar of the county of his or her residence, at or before the
270 time he or she may offer to register, a certified copy of the
271 final order or decree of naturalization, or a certificate of
272 naturalization or duplicate thereof, or a certified copy of such
273 certificate of naturalization or duplicate; otherwise he shall not
274 be allowed to register or to vote.

275 **SECTION 5.** Section 23-15-19, Mississippi Code of 1972, is
276 amended as follows:

277 23-15-19. Any person who has been convicted of vote fraud or
278 * * * any crime listed in Section 241, Mississippi Constitution
279 of 1890, such crimes defined as "disenfranchising," shall not be
280 registered, or if registered the name of the person shall be
281 * * * removed from the * * * Statewide Elections Management
282 System by the registrar or * * * the election commissioners of the
283 county of his or her residence. Whenever any person shall be
284 convicted in the circuit court of his or her county of * * * a



285 disenfranchising crime, the county registrar shall thereupon
286 * * * remove his or her name from the * * * Statewide Elections
287 Management System; and whenever any person shall be convicted
288 of * * * a disenfranchising * * * crime in any other court of any
289 county, the presiding judge of the court shall, on demand, certify
290 the fact in writing to the registrar of the county of the voter's
291 residence, who shall thereupon * * * remove the name of the person
292 from the * * * Statewide Elections Management System and retain
293 the certificate as a record of his office.

294 **SECTION 6.** Section 23-15-31, Mississippi Code of 1972, is
295 amended as follows:

296 23-15-31. All of the provisions of this subarticle shall be
297 applicable, insofar as possible, to municipal, primary, general
298 and special elections; and wherever therein any duty is imposed or
299 any power or authority is conferred upon the county registrar,
300 county election commissioners or county executive committee with
301 reference to a state and county election, such duty shall likewise
302 be * * * conferred upon the municipal registrar, municipal
303 election commission or municipal executive committee with
304 reference to any municipal election.

305 **SECTION 7.** Section 23-15-33, Mississippi Code of 1972, is
306 amended as follows:

307 23-15-33. (1) Every person entitled to be registered as an
308 elector in compliance with the laws of this state and who has
309 signed his or her name on and properly completed the application



310 for registration to vote shall be registered by the county
311 registrar in the voting precinct of the residence of such person
312 through the Statewide Elections Management System.

313 (2) Every person entitled to be registered as an elector in
314 compliance with the laws of this state and who registers to vote
315 pursuant to the National Voter Registration Act of 1993 shall be
316 registered by the county registrar in the voting precinct of the
317 residence of such person through the Statewide Elections
318 Management System.

319 * * *

320 **SECTION 8.** Section 23-15-35, Mississippi Code of 1972, is
321 amended as follows:

322 23-15-35. (1) The clerk of the municipality shall be the
323 registrar of voters of the municipality, and shall take the oath
324 of office prescribed by Section 268 of the Constitution. The
325 municipal registration shall conform to the county registration
326 which shall be a part of the official record of registered voters
327 as contained in the Statewide Elections Management System. The
328 municipal clerk shall comply with all the provisions of law
329 regarding the registration of voters, including the use of the
330 voter registration applications used by county registrars and
331 prescribed by the Secretary of State under Sections 23-15-39 and
332 23-15-47.

333 (2) The municipal clerk shall be authorized to register
334 applicants as county electors. The municipal clerk shall forward



335 notice of registration, a copy of the application for
336 registration, and any changes to the registration when they occur,
337 either by certified mail to the county registrar or by personal
338 delivery to the county registrar provided that a numbered receipt
339 is signed by the county registrar in return for the described
340 documents. Upon receipt of the copy of the application for
341 registration or changes to the registration, and if a review of
342 the application indicates that the applicant meets all the
343 criteria necessary to qualify as a county elector, then the county
344 registrar shall make a determination of the county voting precinct
345 in which the person making the application shall be required to
346 vote. The county registrar shall send this county voting precinct
347 information by United States first-class mail, postage prepaid, to
348 the person at the address provided on the application. Any and
349 all mailing costs incurred by the municipal clerk or the county
350 registrar in effectuating this subsection shall be paid by the
351 county board of supervisors. If a review of the copy of the
352 application for registration or changes to the registration
353 indicates that the applicant is not qualified to vote in the
354 county, the county registrar shall challenge the application. The
355 county election commissioners shall review any challenge or
356 disqualification, after having notified the applicant by certified
357 mail of the challenge or disqualification.

358 (3) The municipal clerk shall issue to the person making the
359 application a copy of the application and the county registrar



360 shall process the application in accordance with the law regarding
361 the handling of voter registration applications.

362 (4) The receipt of a copy of the application for
363 registration sent pursuant to Section 23-15-39(3) shall be
364 sufficient to allow the applicant to be registered as an elector
365 in the municipality, provided that such application is not
366 challenged as provided for therein.

367 (5) The municipal clerk of each municipality shall provide
368 the * * * county registrar in which the municipality is located
369 the information necessary to conform the municipal registration to
370 the county registration which shall be a part of the official
371 record of registered voters as contained in the Statewide
372 Elections Management System. If any changes to the information
373 occur as a result of redistricting, annexation or other reason, it
374 shall be the responsibility of the municipal clerk to timely
375 provide the changes to the * * * county registrar.

376 **SECTION 9.** Section 23-15-37, Mississippi Code of 1972, is
377 amended as follows:

378 23-15-37. (1) The registrar shall * * * register the
379 electors of his or her county at any time during regular office
380 hours.

381 (2) The county registrar may keep his or her office open for
382 registration of voters from 8:00 a.m. until 7:00 p.m., including
383 the noon hour, for the five (5) business days immediately
384 preceding the thirtieth day * * * before any regularly scheduled



385 primary or general election. The county registrar shall also keep
386 his office open from 8:00 a.m. until 12:00 noon on the Saturday
387 immediately preceding the thirtieth day * * * before any regularly
388 scheduled primary or general election, unless such Saturday falls
389 on a legal holiday, in which case registration applications
390 submitted on the Monday immediately following the legal holiday
391 shall be accepted and entered in the Statewide Elections
392 Management System for the purpose of enabling such voters to vote
393 in the next primary or general election.

394 (3) The registrar, or any deputy registrar duly appointed by
395 law, may visit and spend such time as he or she may deem necessary
396 at any location in his or her county, selected by the registrar
397 not less than thirty (30) days before an election, for the purpose
398 of registering voters.

399 (4) A person who is physically disabled and unable to visit
400 the office of the registrar to register to vote due to such
401 disability may contact the registrar and request that the
402 registrar or his or her deputy visit him for the purpose of
403 registering such person to vote. The registrar or his or her
404 deputy shall visit such person as soon as possible after such
405 request and provide such person with an application for
406 registration, if necessary. The completed application for
407 registration shall be executed in the presence of the registrar or
408 his or her deputy.



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

415 (b) Each public school district shall permit access to
416 all public schools of this state for the county registrar or his
417 or her deputy for the purpose of registration of persons eligible
418 to vote and for providing voter education.

419 **SECTION 10.** Section 23-15-39, Mississippi Code of 1972, is
420 amended as follows:

421 23-15-39. (1) Applications for registration as electors of
422 this state, which are sworn to and subscribed before the registrar
423 or deputy registrar authorized by law and which are not made by
424 mail, shall be made upon a form established by rule duly adopted
425 by the Secretary of State.

426 (2) The boards of supervisors shall make proper allowances
427 for office supplies reasonably necessitated by the registration of
428 county electors.

429 (3) If the applicant indicates on the application that he
430 resides within the city limits of a city or town in the county of
431 registration, the county registrar shall process the application
432 for registration or changes to the registration as provided by
433 law.



434 (4) If the applicant indicates on the application that he
435 has previously registered to vote in another county of this state
436 or another state, notice to the voter's previous county of
437 registration in this state shall be provided by the Statewide
438 Elections Management System. If the voter's previous place of
439 registration was in another state, notice shall be provided to the
440 voter's previous state of residence if the Statewide Elections
441 Management System has that capability.

442 (5) The county registrar shall provide to the person making
443 the application a copy of the application upon which has been
444 written the county voting precinct and municipal voting precinct,
445 if any, in which the person shall vote. Upon entry of the voter
446 registration information into the Statewide Elections Management
447 System, the system shall assign a voter registration number to the
448 person, and the county registrar shall mail the applicant a voter
449 registration card to the mailing address provided on the
450 application.

451 (6) Any person desiring an application for registration may
452 secure an application from the registrar of the county of which he
453 is a resident and may take the application with him and secure
454 assistance in completing the application from any person of the
455 applicant's choice. It shall be the duty of all registrars to
456 furnish applications for registration to all persons requesting
457 them, and it shall likewise be his duty to furnish aid and
458 assistance in the completing of the application when requested by



459 an applicant. The application for registration shall be sworn to
460 and subscribed before the registrar or deputy registrar at the
461 municipal clerk's office, the county registrar's office or any
462 other location where the applicant is allowed to register to vote.
463 No fee or cost shall be charged the applicant by the registrar for
464 accepting the application or administering the oath or for any
465 other duty imposed by law regarding the registration of electors.

466 (7) If the person making the application is unable to read
467 or write, for reason of disability or otherwise, he shall not be
468 required to personally complete the application in writing and
469 execute the oath. In such cases, the registrar or deputy
470 registrar shall read to the person the application and oath and
471 the person's answers thereto shall be recorded by the registrar or
472 his deputy. The person shall be registered as an elector if he
473 otherwise meets the requirements to be registered as an elector.
474 The registrar shall record the responses of the person and the
475 recorded responses shall be retained permanently by the registrar.
476 The county registrar shall enter the voter registration
477 information into the Statewide Elections Management System and
478 designate the entry as an assisted filing.

479 (8) The receipt of a copy of the application for
480 registration sent pursuant to Section 23-15-35(2) shall be
481 sufficient to allow the applicant to be registered as an elector
482 of this state, if the application is not challenged.



483 (9) In any case in which * * * the corporate boundaries of a
484 municipality change, whether by annexation or * * * redistricting,
485 the municipal clerk shall within ten (10) days after * * *
486 approval of the * * * change in corporate boundaries provide to
487 the county registrar * * * conforming geographic data that is
488 compatible with the Statewide Elections Management System. The
489 data shall be developed by the municipality's use of a
490 standardized format specified by the Statewide Elections
491 Management System. The county registrar * * *, county election
492 commissioner or other county official, who has completed an annual
493 training seminar sponsored by the Secretary of State pertaining to
494 the implementation of new boundary lines in the Statewide
495 Elections Management System and received certification therefor,
496 shall update the municipal boundary information * * * into the
497 Statewide Elections Management System. The Statewide Elections
498 Management System * * * updates the municipal voter registration
499 records and assigns * * * electors * * * to * * * their municipal
500 voting precincts. The county registrar shall forward to the
501 municipal clerk written notification of the additions and changes,
502 and the municipal clerk shall forward to the * * * affected
503 municipal electors written notification of the additions and
504 changes. * * *

505 **SECTION 11.** Section 23-15-41, Mississippi Code of 1972, is
506 amended as follows:



507 23-15-41. (1) When an applicant to register to vote has
508 completed the application form as prescribed by administrative
509 rule, the county registrar shall enter the applicant's information
510 into the Statewide Elections Management System * * * in which
511 the * * * applicant's status will be marked as "ACTIVE," "PENDING"
512 or "REJECTED," and the applicant shall be entitled to register
513 upon his request for registration made in person to the registrar,
514 or deputy registrar if a deputy registrar has been appointed. No
515 person other than the registrar, or a deputy registrar, shall
516 register any applicant.

517 (2) If an applicant is not qualified to register to vote,
518 then the registrar shall enter the applicant's information into
519 the Statewide Elections Management System * * * shall be marked as
520 "PENDING" or "REJECTED", * * * with the specific * * * reason or
521 reasons * * * noted; * * * the registrar shall * * * restore the
522 election commission of those applicants rejected.

523 **SECTION 12.** Section 23-15-43, Mississippi Code of 1972, is
524 amended as follows:

525 23-15-43. In the event an applicant is not registered, there
526 shall be an automatic review by the county election commissioners
527 under the procedures provided in Sections 23-15-61 through
528 23-15-79. In addition to the meetings of the election
529 commissioners provided * * * in those sections, the commissioners
530 are required to hold such additional meetings to determine all



531 pending cases of registration on review prior to the election at
532 which the applicant desires to vote.

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

537 **SECTION 13.** Section 23-15-47, Mississippi Code of 1972, is
538 amended as follows:

539 23-15-47. (1) Any person who is qualified to register to
540 vote in the State of Mississippi may register to vote by mail-in
541 application in the manner prescribed in this section.

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

544 (a) Any qualified elector may register to vote by
545 mailing or delivering a completed mail-in application to his
546 county registrar at least thirty (30) days * * * before any
547 election. The postmark date of a mailed application shall be the
548 applicant's date of registration.

549 (b) Upon receipt of a mail-in application, the county
550 registrar shall stamp the application with the date of receipt,
551 and shall verify the application either by * * * matching the
552 applicant's Mississippi driver's license number through the
553 Mississippi Department of Public Safety or by matching the
554 applicant's social security number through the American
555 Association of Motor Vehicle Administrators. * * * Within * * *



556 fourteen (14) days of receipt of a mail-in registration
557 application, the county registrar shall complete action on the
558 application, including any attempts to notify the applicant of the
559 status of his application.

560 (c) If the county registrar determines that the
561 applicant is qualified and his application is legible and
562 complete, he shall mail the applicant written notification that
563 the application has been approved, specifying the county voting
564 precinct, municipal voting precinct, if any, polling place and
565 supervisor district in which the person shall vote. This written
566 notification of approval containing the specified information
567 shall be the voter's registration card. The registration card
568 shall be provided by the county registrar to the applicant in
569 accordance with Section 23-15-39. Upon entry of the voter
570 registration information into the Statewide Elections Management
571 System, the system shall assign a voter registration number to
572 the * * * applicant. The assigned voter registration number shall
573 be clearly shown on the written notification of approval. In
574 mailing the written notification, the county registrar shall note
575 the following on the envelope: "DO NOT FORWARD". If any
576 registration notification form is returned as undeliverable, the
577 voter's registration shall be void.

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



580 (i) An incomplete portion of the application which
581 makes it impossible for the registrar to determine the eligibility
582 of the applicant to register;

583 (ii) A portion of the application which is
584 illegible in the opinion of the county registrar and makes it
585 impossible to determine the eligibility of the applicant to
586 register;

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

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

593 (v) The county registrar determines that the
594 applicant is already registered as a qualified elector of the
595 county;

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

598 (e) If the mail-in application of a person is subject
599 to rejection for any of the reasons set forth in paragraph (d)(i)
600 through (iii) of this subsection, and it appears to the county
601 registrar that the defect or omission is of such a minor nature
602 and that any necessary additional information may be supplied by
603 the applicant over the telephone or by further correspondence, the
604 county registrar may write or call the applicant at the telephone



605 number or address, or both, provided on the application. If the
606 county registrar is able to contact the applicant by mail or
607 telephone, he shall attempt to ascertain the necessary
608 information, and if this information is sufficient for the
609 registrar to complete the application, the applicant shall be
610 registered. If the necessary information cannot be obtained by
611 mail or telephone, or is not sufficient * * * to complete the
612 application within fourteen (14) days of receipt, the county
613 registrar shall give the applicant written notice of the rejection
614 and provide the reason for the rejection. The county registrar
615 shall further inform the applicant that he has a right to attempt
616 to register by appearing in person or by filing another mail-in
617 application.

618 (f) If a mail-in application is subject to rejection
619 for the reason stated in paragraph (d)(v) of this subsection and
620 the "present home address" portion of the application is different
621 from the residence address for the applicant found in the * * *
622 Statewide Elections Management System, the mail-in application
623 shall be deemed a written request to * * * update the voter's
624 registration pursuant to Section 23-15-13. * * * The county
625 registrar or the election commissioners shall * * * update
626 the * * * voter's residence address * * * in the Statewide
627 Elections Management System and, if necessary, * * * advise
628 the * * * voter of a change in the location of his * * *



629 county * * * or municipal * * * polling place * * * by the mailing
630 of a new voter registration card.

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

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

639 (b) The Secretary of State shall distribute without
640 charge sufficient forms for application for voter registration by
641 mail to the Commissioner of Public Safety, who shall distribute
642 such forms to each driver's license examining and renewal station
643 in the state, and shall ensure that the forms are regularly
644 available to the public at such stations.

645 (c) Bulk quantities of forms for application for voter
646 registration by mail shall be furnished by the Secretary of State
647 to any person or organization. The Secretary of State shall
648 charge a person or organization the actual cost he incurs in
649 providing bulk quantities of forms for application for voter
650 registration to such person or organization.

651 (5) The originals of completed mail-in applications shall
652 remain on file in the office of the county registrar with copies
653 retained in the Statewide Elections Management System * * *.



654 (6) If the applicant indicates on the application that he
655 resides within the city limits of a city or town in the county of
656 registration, the county registrar shall enter the information
657 into the Statewide Elections Management System. * * *

658 (7) If the applicant indicates on the application that he
659 has previously registered to vote in another county of this state
660 or another state, notice to the voter's previous county of
661 registration in this state shall be provided * * * through the
662 Statewide Elections Management System. If the voter's previous
663 place of registration was in another state, notice shall be
664 provided to the voter's previous state of residence * * *.

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

668 **SECTION 14.** Section 23-15-61, Mississippi Code of 1972, is
669 amended as follows:

670 23-15-61. Any person denied the right to register as a voter
671 may appeal from the decision of the county registrar to the board
672 of election commissioners by filing with the county registrar, on
673 the same day of such denial or within five (5) days thereafter, a
674 written application for appeal.

675 **SECTION 15.** Section 23-15-63, Mississippi Code of 1972, is
676 amended as follows:

677 23-15-63. Any elector of the county may likewise appeal from
678 the decision of the county registrar allowing any other person to



679 be registered as a voter; but before the same can be heard, the
680 party appealing shall give notice to the person whose registration
681 is appealed from, in writing, stating the grounds of the appeal.

682 * * * The notice shall be served by the sheriff or a constable,
683 as process in other courts is required to be served; and the
684 officer may demand and receive for such service, from the person
685 requesting the same, the sum of One Dollar (\$1.00).

686 **SECTION 16.** Section 23-15-65, Mississippi Code of 1972, is
687 amended as follows:

688 23-15-65. The board of election commissioners shall meet at
689 the courthouse of its county on the second Monday in September
690 preceding any general election, and shall remain in session from
691 day to day, so long as business may require. Three (3) election
692 commissioners shall constitute a quorum to do business; but the
693 concurrence of at least three (3) election commissioners shall be
694 necessary in all cases for the rendition of a decision. The
695 election commissioners shall hear and determine all appeals from
696 the decisions of the registrar of their county, allowing or
697 refusing the applications of electors to be registered; and they
698 shall correct illegal or improper registrations, and shall secure
699 the elective franchise, as * * * affected by registration, to
700 those who may be illegally or improperly denied the same.

701 **SECTION 17.** Section 23-15-67, Mississippi Code of 1972, is
702 amended as follows:



703 23-15-67. The election commissioners * * * of each county
704 shall, at the meetings provided for * * * in Sections 23-15-123,
705 23-15-155 and 23-15-157, hear and determine any appeals which may
706 have been perfected and which are pending on the respective dates
707 provided for in said Sections 23-15-123, 23-15-155 and 23-15-157,
708 from the decisions of the registrar of their county allowing or
709 refusing the applications of persons to be registered. The above
710 dates for hearing said appeals are supplemental to the provisions
711 of Section 23-15-65.

712 **SECTION 18.** Section 23-15-69, Mississippi Code of 1972, is
713 amended as follows:

714 23-15-69. All cases on appeal shall be heard by the boards
715 of election commissioners de novo, and oral and documentary
716 evidence may be heard by them; and they are authorized to
717 administer oaths to witnesses before them; and they have power to
718 subpoena witnesses, and to compel their attendance; to send for
719 persons and papers; to require the sheriff and constables to
720 attend them and to execute their process. The decisions of the
721 commissioners in all cases shall be final as to questions of fact,
722 but as to matters of law they may be revised by circuit courts and
723 the Supreme Court. The registrar shall obey the orders of the
724 commissioners in directing a person to be registered, or a name to
725 be stricken from the * * * Statewide Elections Management System.

726 **SECTION 19.** Section 23-15-79, Mississippi Code of 1972, is
727 amended as follows:



728 23-15-79. (1) Unless the application for registration was
729 made pursuant to Section 23-15-47, the date of registration to
730 vote shall be the date * * * the application for registration to
731 vote was initially received by the registrar or, if submitted by
732 mail, the postmark date, regardless of the date on which the
733 county election commission, circuit court or Supreme Court, as the
734 case may be, makes its final determination allowing the
735 registration.

736 (2) In the case of an application for registration which has
737 been made pursuant to Section 23-15-47, the date of registration
738 to vote shall be the date the complete and legible application
739 form is received by the county registrar, or, if mailed, the
740 postmark date of the complete and legible application.

741 **SECTION 20.** Section 23-15-95, Mississippi Code of 1972, is
742 amended as follows:

743 23-15-95. In addition to the penalties set forth in Section
744 23-15-93, any applicant aggrieved by any registrar or election
745 commissioner * * * because of their refusal or neglect to perform
746 any of the duties prescribed by this chapter regarding the
747 registration of electors may petition the chancery court of the
748 county of the registrar or election commissioner * * * for an
749 injunction or mandate to enforce the performance of such duties
750 and to secure to such applicant such rights to which he may be
751 entitled under the provisions of said sections.



752 **SECTION 21.** Section 23-15-113, Mississippi Code of 1972, is
753 amended as follows:

754 23-15-113. (1) * * * The voter registration files shall
755 contain copies of the applications for registration completed by
756 electors, which applications shall show the date of registration
757 and signature of elector * * *.

758 (2) * * * All records pertaining to voter registration shall
759 be stored in an electronic format in the Statewide Elections
760 Management System by the county registrar. The scanned
761 applications shall be a legal document of voter registration and
762 shall be retained in the Statewide Elections Management System.

763 **SECTION 22.** Section 23-15-121, Mississippi Code of 1972, is
764 amended as follows:

765 23-15-121. Should the * * * electronic voting record of any
766 county as maintained by the Statewide Elections Management System
767 be lost or destroyed, the board of supervisors may adjudge the
768 fact, and direct a new registration of the voters to be made; and
769 the county registrar, being so directed, shall make a new
770 registration, as herein provided, of the qualified electors of his
771 county * * *.

772 **SECTION 23.** Section 23-15-123, Mississippi Code of 1972, is
773 amended as follows:

774 23-15-123. If at any time the registration books of the
775 county as maintained by the Statewide Elections Management System
776 be or become in such confusion that a new registration is



777 necessary to determine correctly the names of the qualified
778 electors and the voting precinct of each, the board of supervisors
779 shall order a new registration of voters to be made in like manner
780 as provided for in Section 23-15-121.

781 **SECTION 24.** Section 23-15-125, Mississippi Code of 1972, is
782 amended as follows:

783 23-15-125. The pollbook of each voting precinct shall
784 designate the voting precinct for which it is to be used, and
785 shall be ruled in appropriate columns, with printed or written
786 headings, as follows: date of registration; voter registration
787 number; name of electors; date of birth; and a number of blank
788 columns for the dates of elections. * * * All qualified
789 applicants who register with the registrar shall be entered in the
790 Statewide Elections Management System. Only the names of those
791 qualified applicants who register within thirty (30) days
792 before * * * an election shall * * * appear on the pollbooks * * *
793 of the election * * *; however, if the thirtieth day to register
794 before an election falls on a legal holiday, the registration
795 applications submitted on the business day immediately following
796 the legal holiday shall be accepted and entered in the Statewide
797 Elections Management System for the purpose of enabling voters to
798 vote in the next election. When county election commissioners
799 determine that any elector is disqualified from voting, by reason
800 of death, conviction of a disenfranchising crime, removal from
801 the * * * jurisdiction, or other legal cause, that fact shall be



802 noted * * * in the * * * Statewide Elections Management System
803 and * * * the voter's name shall be * * * removed from the * * *
804 Statewide Elections Management System, the state's voter roll and
805 the county's pollbooks. Nothing in this section shall preclude
806 the use of electronic pollbooks.

807 **SECTION 25.** Section 23-15-135, Mississippi Code of 1972, is
808 amended as follows:

809 * * *

810 23-15-135. (1) The registration books of the several voting
811 precincts of each county and the pollbooks heretofore in use shall
812 be delivered to the registrar of the county, and they, together
813 with the registration books and pollbooks hereafter made, shall be
814 records of his office, and he shall carefully preserve the same as
815 such; and after each election the pollbooks shall be speedily
816 returned to the office of the registrar.

817 (2) The registrar of each county shall provide a location in
818 the registrar's office at which he or she shall accept
819 applications for Mississippi Voter Identification Cards in
820 accordance with the Mississippi Constitution.

821 (3) The registrar of each county shall enter into a
822 Memorandum of Understanding, which is negotiated by the Secretary
823 of State, with the Mississippi Department of Public Safety for the
824 purpose of providing a Mississippi Voter Identification Card.

825 **SECTION 26.** Section 23-15-151, Mississippi Code of 1972, is
826 amended as follows:



827 23-15-151. The circuit clerk of each county is authorized
828 and directed to prepare and keep in his office a full and complete
829 list, in alphabetical order, of persons convicted of vote fraud
830 or * * * any crime listed in Section 241, Mississippi Constitution
831 of 1890. A certified copy of any enrollment by one clerk to
832 another will be sufficient authority for the enrollment of the
833 name, or names, in another county. A list of persons convicted of
834 vote fraud, any crime listed in Section 241, Mississippi
835 Constitution of 1890 or subsequent opinions of the Attorney
836 General, shall also be imported into the Statewide Elections
837 Management System on a quarterly basis. Voters who have been
838 convicted in a Mississippi state court of any disenfranchising
839 crime are not qualified electors as defined by Section 23-15-11
840 and shall be purged or otherwise removed by the county registrar
841 or county election commissioners from the Statewide Elections
842 Management System.

843 **SECTION 27.** Section 23-15-153, Mississippi Code of 1972, is
844 amended as follows:

845 23-15-153. (1) At least during the following times, the
846 * * * election commissioners shall meet at the office of the
847 registrar or the office of the election commissioners * * * to
848 carefully revise the * * * county voter roll as electronically
849 maintained by the Statewide Elections Management System and remove
850 from the roll the names of all voters who have requested to be
851 purged from the voter roll, died, have been adjudicated non compos



852 mentis, have been convicted of a disenfranchising crime or
853 otherwise become disqualified as electors for any cause, and shall
854 register the names of all persons who have duly applied to be
855 registered but have been illegally denied registration: * * *

856 (a) On the Tuesday after the second Monday in January
857 1987 and every following year;

858 (b) On the first Tuesday in the month immediately
859 preceding the first primary election for congressmen in the years
860 when congressmen are elected;

861 (c) On the first Monday in the month immediately
862 preceding the first primary election for state, state district
863 legislative, county and county district offices in the years in
864 which those offices are elected; and

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

868 Except for the names of those * * * voters who are duly
869 qualified to vote in the election, no name shall be permitted to
870 remain * * * in the * * * Statewide Elections Management System;
871 however, no name shall be * * * purged from the * * * Statewide
872 Elections Management System based on a change in the residence of
873 an elector except in accordance with procedures provided for by
874 the National Voter Registration Act of 1993 * * *. Except as
875 otherwise provided by Section 23-15-573, no person shall vote at
876 any election whose name is not on the pollbook.



877 (2) Except as provided in this section, and subject to the
878 following annual limitations, the election commissioners * * *
879 shall be entitled to receive a per diem in the amount of
880 Eighty-four Dollars (\$84.00), to be paid from the county general
881 fund, for every day or period of no less than five (5) hours
882 accumulated over two (2) or more days actually employed in the
883 performance of their duties in the conduct of an election or
884 actually employed in the performance of their duties for the
885 necessary time spent in the revision of the * * * county voter
886 roll as electronically maintained by the Statewide Elections
887 Management System as required in subsection (1) of this section:

888 (a) In counties having less than fifteen thousand
889 (15,000) residents according to the latest federal decennial
890 census, not more than fifty (50) days per year, with no more than
891 fifteen (15) additional days allowed for the conduct of each
892 election in excess of one (1) occurring in any calendar year;

893 (b) In counties having fifteen thousand (15,000)
894 residents according to the latest federal decennial census but
895 less than thirty thousand (30,000) residents according to the
896 latest federal decennial census, not more than seventy-five (75)
897 days per year, with no more than twenty-five (25) additional days
898 allowed for the conduct of each election in excess of one (1)
899 occurring in any calendar year;

900 (c) In counties having thirty thousand (30,000)
901 residents according to the latest federal decennial census but



902 less than seventy thousand (70,000) residents according to the
903 latest federal decennial census, not more than one hundred (100)
904 days per year, with no more than thirty-five (35) additional days
905 allowed for the conduct of each election in excess of one (1)
906 occurring in any calendar year;

907 (d) In counties having seventy thousand (70,000)
908 residents according to the latest federal decennial census but
909 less than ninety thousand (90,000) residents according to the
910 latest federal decennial census, not more than one hundred
911 twenty-five (125) days per year, with no more than forty-five (45)
912 additional days allowed for the conduct of each election in excess
913 of one (1) occurring in any calendar year;

914 (e) In counties having ninety thousand (90,000)
915 residents according to the latest federal decennial census but
916 less than one hundred seventy thousand (170,000) residents
917 according to the latest federal decennial census, not more than
918 one hundred fifty (150) days per year, with no more than
919 fifty-five (55) additional days allowed for the conduct of each
920 election in excess of one (1) occurring in any calendar year;

921 (f) In counties having one hundred seventy thousand
922 (170,000) residents according to the latest federal decennial
923 census but less than two hundred thousand (200,000) residents
924 according to the latest federal decennial census, not more than
925 one hundred seventy-five (175) days per year, with no more than



926 sixty-five (65) additional days allowed for the conduct of each
927 election in excess of one (1) occurring in any calendar year;

928 (g) In counties having two hundred thousand (200,000)
929 residents according to the latest federal decennial census but
930 less than two hundred twenty-five thousand (225,000) residents
931 according to the latest federal decennial census, not more than
932 one hundred ninety (190) days per year, with no more than
933 seventy-five (75) additional days allowed for the conduct of each
934 election in excess of one (1) occurring in any calendar year;

935 (h) In counties having two hundred twenty-five thousand
936 (225,000) residents according to the latest federal decennial
937 census but less than two hundred fifty thousand (250,000)
938 residents according to the latest federal decennial census, not
939 more than two hundred fifteen (215) days per year, with no more
940 than eighty-five (85) additional days allowed for the conduct of
941 each election in excess of one (1) occurring in any calendar year;

942 (i) In counties having two hundred fifty thousand
943 (250,000) residents according to the latest federal decennial
944 census but less than two hundred seventy-five thousand (275,000)
945 residents according to the latest federal decennial census, not
946 more than two hundred thirty (230) days per year, with no more
947 than ninety-five (95) additional days allowed for the conduct of
948 each election in excess of one (1) occurring in any calendar year;

949 (j) In counties having two hundred seventy-five
950 thousand (275,000) residents according to the latest federal



951 decennial census or more, not more than two hundred forty (240)
952 days per year, with no more than one hundred five (105) additional
953 days allowed for the conduct of each election in excess of one (1)
954 occurring in any calendar year.

955 (3) In addition to the number of days authorized in
956 subsection (2) of this section, the board of supervisors of a
957 county may authorize, in its discretion, the election
958 commissioners * * * to receive a per diem in the amount provided
959 for in subsection (2) of this section, to be paid from the county
960 general fund, for every day or period of no less than five (5)
961 hours accumulated over two (2) or more days actually employed in
962 the performance of their duties in the conduct of an election or
963 actually employed in the performance of their duties for the
964 necessary time spent in the revision of the * * * county voter
965 roll as electronically maintained by the Statewide Elections
966 Management System as required in subsection (1) of this section,
967 for not to exceed five (5) days.

968 (4) (a) The election commissioners * * * shall be entitled
969 to receive a per diem in the amount of Eighty-four Dollars
970 (\$84.00), to be paid from the county general fund, not to exceed
971 ten (10) days for every day or period of no less than five (5)
972 hours accumulated over two (2) or more days actually employed in
973 the performance of their duties for the necessary time spent in
974 the revision of the * * * county voter roll as electronically
975 maintained by the Statewide Elections Management System prior to



976 any special election. For purposes of this paragraph, the regular
977 special election day shall not be considered a special election.
978 The annual limitations set forth in subsection (2) of this section
979 shall not apply to this paragraph.

980 (b) The election commissioners * * * shall be entitled
981 to receive a per diem in the amount of One Hundred Fifty Dollars
982 (\$150.00), to be paid from the county general fund, for the
983 performance of their duties on the day of any general or special
984 election. The annual limitations set forth in subsection (2) of
985 this section shall apply to this paragraph.

986 (5) The election commissioners * * * shall be entitled to
987 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
988 to be paid from the county general fund, not to exceed fourteen
989 (14) days for every day or period of no less than five (5) hours
990 accumulated over two (2) or more days actually employed in the
991 performance of their duties for the necessary time spent in the
992 revision of the * * * county voter roll as electronically
993 maintained by the Statewide Elections Management System and in the
994 conduct of a runoff election following either a general or special
995 election.

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



1000 (7) * * * In preparation for a municipal primary, runoff,
1001 general or special election, the county registrar, upon request by
1002 the municipal clerk, shall * * * generate and distribute the
1003 master voter roll and pollbooks * * * from the Statewide Elections
1004 Management System * * * for the municipality located within the
1005 county * * *. The municipality shall pay the * * * county
1006 registrar * * * the actual cost of preparing and printing the
1007 municipal master voter roll and pollbooks. * * * A municipality
1008 may secure "read only" access to the Statewide * * * Elections
1009 Management System and print its own pollbooks using this
1010 information * * *.

1011 (8) County election commissioners * * * who perform the
1012 duties of an executive committee with regard to the conduct of a
1013 primary election under a written agreement authorized by law to be
1014 entered into with an executive committee shall receive per diem as
1015 provided for in subsection (2) of this section. The days that
1016 county election commissioners * * * are employed in the conduct of
1017 a primary election shall be treated the same as days county
1018 election commissioners * * * are employed in the conduct of other
1019 elections.

1020 (9) Every election commissioner * * * shall sign personally
1021 a certification setting forth the number of hours actually worked
1022 in the performance of the election commissioner's official duties
1023 and for which the commissioner seeks compensation. The
1024 certification must be on a form as prescribed in this subsection.



1025 The election commissioner's signature is, as a matter of law, made
1026 under the election commissioner's oath of office and under
1027 penalties of perjury.

1028 The certification form shall be as follows:

1029 **COUNTY ELECTION COMMISSIONER**

1030 **PER DIEM CLAIM FORM**

1031 NAME: _____ COUNTY: _____

1032 ADDRESS: _____ DISTRICT: _____

1033 CITY: _____ ZIP: _____

1034		PURPOSE	APPLICABLE	ACTUAL	PER DIEM		
1035	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
1036	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED
1037	_____						
1038	_____						
1039	_____						

1040 TOTAL NUMBER OF PER DIEM DAYS EARNED

1041 EXCLUDING ELECTION DAYS _____

1042 PER DIEM RATE PER DAY EARNED X \$ 84.00

1043 TOTAL NUMBER PER DIEM DAYS EARNED

1044 FOR ELECTION DAYS _____

1045 PER DIEM RATE PER DAY EARNED X \$ 150.00

1046 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1047 I understand that I am signing this document under my oath as
1048 * * * an election commissioner * * * and under penalties of
1049 perjury.



1050 I understand that I am requesting payment from taxpayer funds
1051 and that I have an obligation to be specific and truthful as to
1052 the amount of hours worked and the compensation I am requesting.

1053 Signed this the _____ day of _____, ____.

1054 _____

1055 Commissioner's Signature

1056 When properly completed and signed, the certification must be
1057 filed with the clerk of the county board of supervisors before any
1058 payment may be made. The certification will be a public record
1059 available for inspection and reproduction immediately upon the
1060 oral or written request of any person.

1061 Any person may contest the accuracy of the certification in
1062 any respect by notifying the chairman of the election commission,
1063 any member of the board of supervisors or the clerk of the board
1064 of supervisors of such contest at any time before or after payment
1065 is made. If the contest is made before payment is made, no
1066 payment shall be made as to the contested certificate until the
1067 contest is finally disposed of. The person filing the contest
1068 shall be entitled to a full hearing, and the clerk of the board of
1069 supervisors shall issue subpoenas upon request of the contestor
1070 compelling the attendance of witnesses and production of documents
1071 and things. The contestor shall have the right to appeal de novo
1072 to the circuit court of the involved county, which appeal must be
1073 perfected within thirty (30) days from a final decision of the



1074 election commission, the clerk of the board of supervisors or the
1075 board of supervisors, as the case may be.

1076 Any contestor who successfully contests any certification
1077 will be awarded all expenses incident to his contest, together
1078 with reasonable attorney's fees, which will be awarded upon
1079 petition to the chancery court of the involved county upon final
1080 disposition of the contest before the election commission, board
1081 of supervisors, clerk of the board of supervisors, or, in case of
1082 an appeal, final disposition by the court. The election
1083 commissioner against whom the contest is decided shall be liable
1084 for the payment of the expenses and attorney's fees, and the
1085 county shall be jointly and severally liable for same.

1086 (10) Any election commissioner * * * who has not received a
1087 certificate issued by the Secretary of State pursuant to Section
1088 23-15-211 indicating that the election commissioner * * * has
1089 received the required elections seminar instruction and that the
1090 election commissioner * * * is fully qualified to conduct an
1091 election, shall not receive any compensation authorized by this
1092 section, * * * or Section 23-15-239.

1093 **SECTION 28.** Section 23-15-161, Mississippi Code of 1972, is
1094 amended as follows:

1095 23-15-161. The county registrar shall:

1096 (a) Attend the meetings of the county election
1097 commissioners;



1098 (b) Permit and * * * furnish them access to the
1099 Statewide Elections Management System * * *;

1100 (c) * * * Render them all needed assistance of
1101 which * * * the registrar is capable in the performance of their
1102 duties in revising the list of qualified electors.

1103 **SECTION 29.** Section 23-15-163, Mississippi Code of 1972, is
1104 amended as follows:

1105 23-15-163. The purposes of this subarticle are:

1106 (a) To establish a centralized statewide qualified
1107 voter file that consists of all qualified electors who are
1108 registered to vote;

1109 (b) To enhance the uniformity of the administration of
1110 elections by creating and maintaining a centralized statewide file
1111 of qualified voters;

1112 (c) To increase the efficiency and decrease the cost of
1113 maintaining voter registration records and implementing the
1114 National Voter Registration Act of 1993;

1115 (d) To increase the integrity of the voting process by
1116 compiling a single centralized qualified voter file from county
1117 voter roll data that will permit the name of each citizen of this
1118 state to appear only once;

1119 (e) To apply technology and information gathered by
1120 principal executive departments of state government, state
1121 agencies and local voter registrars in a manner that ensures that
1122 accurate and current records of qualified voters are maintained



1123 and to secure cooperation among all state and county entities to
1124 develop systems and processes that are interfaced with the * * *
1125 Statewide Elections Management System; and

1126 (f) To enable the state to receive federal funds which
1127 may be available to carry out provisions of this subarticle.

1128 **SECTION 30.** Section 23-15-165, Mississippi Code of 1972, is
1129 amended as follows:

1130 23-15-165. (1) * * * The Office of the Secretary of State,
1131 in cooperation with the * * * county registrars and election
1132 commissioners, shall * * * procure, implement and maintain an
1133 electronic information processing system and programs capable of
1134 maintaining a centralized database of all registered voters in the
1135 state. The system shall encompass software and hardware, at both
1136 the state and county level, software development training,
1137 conversion and support and maintenance for the system. This
1138 system shall be known as the "Statewide Elections Management
1139 System" and shall constitute the official record of registered
1140 voters in every county of the state.

1141 (2) The Office of the Secretary of State shall develop and
1142 implement the Statewide Elections Management System so that the
1143 registrar and election commissioners of each county shall:

1144 (a) Verify that an applicant that is registering to
1145 vote in such county is not registered to vote in another county;

1146 (b) Be notified automatically that a registered voter
1147 in its county has registered to vote in another county;



1148 (c) Receive regular reports of death, changes of
1149 address and convictions for disenfranchising crimes that apply to
1150 voters registered in the county; and

1151 (d) Retain all present functionality related to, but
1152 not limited to, the use of voter roll data and to implement such
1153 other functionality as the law requires to enhance the maintenance
1154 of accurate county voter records and related jury selection and
1155 redistricting programs.

1156 (3) As a part of the procurement and implementation of the
1157 system, the Office of the Secretary of State shall, with the
1158 assistance of the advisory committee, procure services necessary
1159 to convert current voter registration records in the counties into
1160 a standard, industry accepted file format that can be used on the
1161 Statewide Elections Management System. Thereafter, all official
1162 voter information shall be maintained on the Statewide Elections
1163 Management System. The standard industry accepted format of data
1164 * * * was reviewed and approved by a majority of the advisory
1165 committee created in subsection (5) of this section after
1166 consultation with the Circuit Clerks Association and the format
1167 may not be changed without * * * consulting the Circuit Clerks
1168 Association.

1169 (4) The Secretary of State may, with the assistance of the
1170 advisory committee, adopt rules and regulations necessary to
1171 administer the Statewide Elections Management System. Such rules
1172 and regulations shall at least:



1173 (a) Provide for the establishment and maintenance of a
1174 centralized database for all voter registration information in the
1175 state;

1176 (b) Provide procedures for integrating data into the
1177 centralized database;

1178 (c) Provide security to insure that only the registrar,
1179 or his designee or other appropriate official, as the law may
1180 require, can add information to, delete information from and
1181 modify information in the system;

1182 (d) Provide the registrar or his designee or other
1183 appropriate official, as the law may require, access to the system
1184 at all times, including the ability to download copies of the
1185 industry standard file, for all purposes related to their official
1186 duties, including, but not limited to, exclusive access for the
1187 purpose of printing of all local pollbooks;

1188 (e) Provide security and protection of all information
1189 in the system and monitor the system to ensure that unauthorized
1190 access is not allowed;

1191 (f) Provide a procedure that will allow the registrar,
1192 or his designee or other appropriate official, as the law may
1193 require, to identify the precinct * * * to which a voter should be
1194 assigned; and

1195 (g) Provide a procedure for phasing in or converting
1196 existing manual and computerized voter registration systems in
1197 counties to the Statewide Elections Management System.



1198 (5) The Secretary of State * * * established an advisory
1199 committee to assist in developing system specifications,
1200 procurement, implementation and maintenance of the Statewide
1201 Elections Management System. The committee * * * included two (2)
1202 representatives from the Circuit Clerks Association, appointed by
1203 the association; two (2) representatives from the Election
1204 Commissioners Association of Mississippi, appointed by the
1205 association; one (1) member of the Mississippi Association of
1206 Supervisors, or its staff, appointed by the association; the
1207 Director of the Stennis Institute of Government at Mississippi
1208 State University, or his designee; the Executive Director of the
1209 Department of Information Technology Services, or his designee;
1210 two (2) persons knowledgeable about elections and information
1211 technology appointed by the Secretary of State; and the Secretary
1212 of State, who shall serve as the chairman of the advisory
1213 committee.

1214 (6) (a) Social security numbers, telephone numbers and date
1215 of birth and age information in statewide, district, county and
1216 municipal voter registration files shall be exempt from and shall
1217 not be subject to inspection, examination, copying or reproduction
1218 under the Mississippi Public Records Act of 1983.

1219 (b) Copies of statewide, district, county or municipal
1220 voter registration files, excluding social security numbers,
1221 telephone numbers and date of birth and age information, shall be
1222 provided to any person in accordance with the Mississippi Public



1223 Records Act of 1983 at a cost not to exceed the actual cost of
1224 production.

1225 **SECTION 31.** Section 23-15-169.1, Mississippi Code of 1972,
1226 is amended as follows:

1227 23-15-169.1. The Secretary of State and the Commissioner of
1228 Public Safety shall enter into an agreement to grant the Secretary
1229 of State's Office "read only" access to the driver's license
1230 database and identification cardholder database for the purpose of
1231 matching information in the database of the * * * Statewide
1232 Elections Management System created in Section 23-15-163 et seq.
1233 to the extent required to enable the Secretary of State to verify
1234 the accuracy of information provided on applications for voter
1235 registration in compliance with the Help America Vote Act of 2002.

1236 **SECTION 32.** Section 23-15-169.7, Mississippi Code of 1972,
1237 is amended as follows:

1238 23-15-169.7. * * * (a) There is created in the State
1239 Treasury a special fund, to be designated the "Help Mississippi
1240 Vote Fund" to the credit of the Secretary of State, which shall be
1241 comprised of the monies required to be deposited into the fund
1242 under Section 7-3-59, and any other funds that may be made
1243 available for the fund by the Legislature.

1244 (b) Monies in the fund shall be expended by the Secretary of
1245 State to support the state's maintenance of efforts as required by
1246 the federal mandates of the Help America Vote Act of 2002 and for



1247 compensation paid to any certified poll manager under Section
1248 23-15-239.

1249 **SECTION 33.** Section 23-15-171, Mississippi Code of 1972, is
1250 amended as follows:

1251 23-15-171. (1) Municipal primary elections shall be held on
1252 the first Tuesday in * * * April preceding the general municipal
1253 election and, in the event a second primary shall be necessary,
1254 such second primary shall be held on the * * * fourth Tuesday
1255 in * * * April preceding such general municipal election. The
1256 candidate receiving a majority of the votes cast in the election
1257 shall be the party nominee. If no candidate shall receive a
1258 majority vote at the election, the two (2) candidates receiving
1259 the highest number of votes shall have their names placed on the
1260 ballot for the second primary election. The candidate receiving
1261 the most votes cast in the second primary election shall be the
1262 party nominee. However, if no candidate shall receive a majority
1263 vote at the first primary, and there is a tie in the election of
1264 those receiving the next highest vote, those candidates receiving
1265 the next highest vote and the candidate receiving the highest vote
1266 shall have their names placed on the ballot for the second primary
1267 election, and whoever receives the most votes cast in the second
1268 primary election shall be the party nominee. At such primary
1269 election the municipal executive committee shall perform the same
1270 duties as are specified by law and performed by members of the
1271 county executive committee with regard to state and county primary



1272 elections. Each municipal executive committee shall have as many
1273 members as there are elective officers of the municipality, and
1274 such members of the municipal executive committee of each
1275 political party shall be elected in the primary elections held for
1276 the nomination of candidates for municipal offices. The
1277 provisions of this section shall govern all municipal primary
1278 elections as far as applicable, but the officers to prepare the
1279 ballots and the poll managers and other officials of the primary
1280 election shall be appointed by the municipal executive committee
1281 of the party holding such primary, and the returns of such
1282 election shall be made to such municipal executive committee.
1283 Vacancies in the executive committee shall be filled by it.

1284 (2) Provided, however, that in municipalities operating
1285 under a special or private charter which fixes a time for holding
1286 elections, other than the time fixed by Chapter 491, Laws of 1950,
1287 the first primary election shall be held * * * on the first
1288 Tuesday, two (2) months before the time for holding the general
1289 election, as fixed by the charter, and the second primary
1290 election, where necessary, shall be held * * * three (3) weeks
1291 after the first primary election, unless the charter of any such
1292 municipality provides otherwise, in which event the provisions of
1293 the special or private charter shall prevail as to the time of
1294 holding such primary elections.



1295 (3) All primary elections in municipalities shall be held
1296 and conducted in the same manner as is provided by law for state
1297 and county primary elections.

1298 **SECTION 34.** Section 23-15-173, Mississippi Code of 1972, is
1299 amended as follows:

1300 23-15-173. (1) A general municipal election shall be held
1301 in each city, town or village on the first Tuesday after the first
1302 Monday of June 1985, and every four (4) years thereafter, for the
1303 election of all municipal officers elected by the people.

1304 (2) All municipal general elections shall be held and
1305 conducted in the same manner as is provided by law for state and
1306 county general elections.

1307 (3) The provisions of Sections 23-15-171 and 23-15-173,
1308 which fix the times to hold primary and general elections, shall
1309 not apply to any municipality operating under a special or private
1310 charter where the governing board or authority thereof, on or
1311 before June 25, 1952, shall have adopted and spread upon its
1312 minutes a resolution or ordinance declining to accept such
1313 provisions, in which event the primary and general elections shall
1314 be held at the time fixed by the charter of such municipality.

1315 **SECTION 35.** Section 23-15-191, Mississippi Code of 1972, is
1316 amended as follows:

1317 23-15-191. The first primary shall be held on the first
1318 Tuesday after the first Monday of August preceding any regular or
1319 general election; and the second primary shall be held three (3)



1320 weeks thereafter. * * * The candidate * * * that receives a
1321 majority of the votes cast in the election shall be the party
1322 nominee. If no candidate shall receive * * * a majority * * *
1323 vote at the election, then the two (2) candidates who receive the
1324 highest * * * number of votes * * * shall have their names * * *
1325 placed on the ballot for the second primary election to be held
1326 three (3) weeks later. * * * The candidate who * * * receives the
1327 most votes in the second primary * * * election shall be the party
1328 nominee. However, if no candidate shall receive a majority vote
1329 at the first primary, and * * * there is a tie in the * * *
1330 election of those receiving the next highest vote, * * * then
1331 those candidates receiving the next highest vote and the candidate
1332 receiving the highest vote * * * shall have their names placed on
1333 the ballot for * * * the second primary election to be held three
1334 (3) weeks later, and whoever * * * receives the most votes cast
1335 in * * * the second primary election shall be * * * the party
1336 nominee.

1337 **SECTION 36.** Section 23-15-197, Mississippi Code of 1972, is
1338 amended as follows:

1339 23-15-197. (1) Times for holding primary and general
1340 elections for congressional offices shall be as prescribed in
1341 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1342 (2) Times for holding elections for the office of judge of
1343 the Supreme Court shall be as prescribed in Section 23-15-991 and
1344 Sections 23-15-974 through 23-15-985, and times for holding



1345 elections for the office of judge of the Court of Appeals shall be
1346 as prescribed in Section 9-4-5.

1347 (3) Times for holding elections for the office of circuit
1348 court judge and the office of chancery court judge shall be as
1349 prescribed in Sections 23-15-974 through 23-15-985, and Section
1350 23-15-1015.

1351 (4) Times for holding elections for the office of county
1352 election commissioners shall be as prescribed in Section
1353 23-15-213.

1354 (5) Times for holding elections for the office of levee
1355 commissioner shall be as prescribed in Laws, 1928, Chapter 12;
1356 Laws, 1968, Chapter 574; Laws, 1930, Chapter 85; Laws, 1983,
1357 Chapter 317; and Laws, 2010, Chapter 438.

1358 **SECTION 37.** Section 23-15-211, Mississippi Code of 1972, is
1359 amended as follows:

1360 23-15-211. (1) There shall be:

1361 (a) A State Board of Election Commissioners, which
1362 shall * * * consist of the Governor, who shall serve as Chairman;

1363 (b) The Secretary of State, who shall serve as
1364 Secretary, maintain minutes of all meetings and accept service of
1365 process on behalf of the board; and

1366 (c) The Attorney General * * *.

1367 Any two (2) of * * * the members of the State Board of
1368 Election Commissioners may perform the duties required of the
1369 board * * *.



1370 * * *

1371 (2) The board of supervisors of each county shall pay
1372 members of the county election commission for attending training
1373 events a per diem in the amount provided in Section 23-15-153;
1374 however, except as otherwise provided in this section, the per
1375 diem shall not be paid to an election commissioner for more than
1376 twelve (12) days of training per year and shall only be paid to
1377 election commissioners who actually attend and complete a training
1378 event and obtain a training certificate.

1379 (3) Included in this twelve (12) days shall be an elections
1380 seminar, conducted and sponsored by the Secretary of State.
1381 Election commissioners and chairpersons of each political party
1382 executive committee, or their designee, shall be required to
1383 attend. An election commissioner shall be certified by the
1384 Secretary of State only after attending the annual elections
1385 seminar.

1386 (4) Each participant shall receive a certificate from the
1387 Secretary of State indicating that the named participant has
1388 received the elections training seminar instruction * * *.
1389 Election commissioners * * * shall annually file the certificate
1390 with the chancery clerk. If any election commissioner * * * shall
1391 fail to file the certificate by April 30 of each year, his office
1392 shall be vacated, absent exigent circumstances as determined by
1393 the board of supervisors and consistent with the facts. The
1394 vacancy shall be declared by the board of supervisors and the



1395 vacancy shall be filled in the manner described by law. Prior to
1396 declaring the office vacant, the board of supervisors shall give
1397 the election commissioner notice and the opportunity for a
1398 hearing.

1399 (5) The Secretary of State, upon approval of the board of
1400 supervisors, may authorize not more than eight (8) additional
1401 training days per year for election commissioners * * * in one or
1402 more counties. The board of supervisors of each county shall pay
1403 members of the county election commission for attending training
1404 on these days a per diem in the amount provided in Section
1405 23-15-153.

1406 * * *

1407 (6) The duties of the board shall include, but not be
1408 limited to:

1409 (a) Rule on a candidate's qualifications for statewide,
1410 Supreme Court, Court of Appeals, congressional district, circuit
1411 and chancery court district and other state district offices;

1412 (b) Approve the state ballot for the offices stated in
1413 subparagraph (a) of this subsection (6);

1414 (c) Remove the candidates' names from the ballot for
1415 failure to comply with campaign finance filing requirements for
1416 the offices stated in subparagraph (a) of this subsection (6) in
1417 prior election cycles; and

1418 (d) Adopt such administrative rules and regulations as
1419 are necessary to carry out the administration of this chapter.



1420 **SECTION 38.** Section 23-15-213, Mississippi Code of 1972, is
1421 amended as follows:

1422 **[Until January 1, 2024, this section shall read as follows:]**

1423 23-15-213. (1) At the general election in 1984 and every
1424 four (4) years thereafter, there shall be elected five (5)
1425 election commissioners * * * for each county whose terms of office
1426 shall commence on the first Monday of January following their
1427 election and who shall serve for a term of four (4) years. Each
1428 of the commissioners shall be required to attend a training
1429 seminar provided by the Secretary of State and satisfactorily
1430 complete a skills assessment, and before acting, shall take and
1431 subscribe the oath of office prescribed by the Constitution * * *.
1432 The oath shall be filed in the office of the clerk of the chancery
1433 court * * *. Upon filing the oath of office, the election
1434 commissioner may be provided access to the Statewide Elections
1435 Management System for the purpose of performing his or her duties.
1436 While engaged in their duties, the commissioners shall be
1437 conservators of the peace in the county, with all the duties and
1438 powers of such.

1439 (2) The qualified electors of each supervisor's district
1440 shall elect, at the general election in * * * 2020 * * *, in their
1441 district one (1) commissioner of election. The election
1442 commissioners from board of supervisors' Districts One, Three and
1443 Five shall serve for a term of four (4) years. The election
1444 commissioners from board of supervisors' Districts Two and Four



1445 shall serve for a term of six (6) years. No more than one (1)
1446 commissioner shall be a resident of and reside in each supervisors
1447 district of the county; it being the purpose of this section that
1448 the county board of election commissioners shall consist of one
1449 (1) person from each supervisors district of the county and that
1450 each commissioner be elected from the supervisors district in
1451 which he resides.

1452 (3) Candidates for county election commissioner shall
1453 qualify by filing with the clerk of the board of supervisors of
1454 their respective counties a petition personally signed by not less
1455 than fifty (50) qualified electors of the supervisors district in
1456 which they reside, requesting that they be a candidate, by 5:00
1457 p.m. not later than the first Monday in June of the year in which
1458 the election occurs and unless the petition is filed within the
1459 required time, their names shall not be placed upon the ballot.
1460 All candidates shall declare in writing their party affiliation,
1461 if any, to the board of supervisors, and such party affiliation
1462 shall be shown on the official ballot.

1463 (4) The petition shall have attached thereto a certificate
1464 of the county registrar showing the number of qualified electors
1465 on each petition, which shall be furnished by the registrar on
1466 request. The board shall determine the sufficiency of the
1467 petition, and if the petition contains the required number of
1468 signatures and is filed within the time required, the president of
1469 the board shall verify that the candidate is a resident of the



1470 supervisors district in which he seeks election and that the
1471 candidate is otherwise qualified as provided by law, and shall
1472 certify that the candidate is qualified to the chairman or
1473 secretary of the county election commission and the names of the
1474 candidates shall be placed upon the ballot for the ensuing
1475 election. No county election commissioner shall serve or be
1476 considered as elected unless and until he has received a majority
1477 of the votes cast for the position or post for which he is a
1478 candidate. If a majority vote is not received in the first
1479 election, then the two (2) candidates receiving the most votes for
1480 each position or post shall be placed upon the ballot for a second
1481 election to be held three (3) weeks later in accordance with
1482 appropriate procedures followed in other elections involving
1483 runoff candidates.

1484 (5) If any election commissioner shall fail to successfully
1485 complete the required training seminar or the skills assessment,
1486 his or her office shall be vacated. The vacancy shall be declared
1487 by the board of supervisors and the vacancy shall be filled in the
1488 manner described by law. Prior to declaring the office vacant,
1489 the board of supervisors shall give the election commissioner
1490 notice and the opportunity for a hearing.

1491 (6) Upon taking office, the county * * * election
1492 commissioners shall organize by electing a chairman and a
1493 secretary.



1494 (7) It shall be the duty of the chairman to have the
1495 official ballot printed and distributed at each general or special
1496 election.

1497 **[From and after January 1, 2024, this section shall read as**
1498 **follows:]**

1499 (1) There shall be elected five (5) election commissioners
1500 for each county whose terms of office shall commence on the first
1501 Monday of January following their election and who shall serve for
1502 a term of four (4) years. Each of the commissioners shall be
1503 required to attend a training seminar provided by the Secretary of
1504 State and satisfactorily complete a skills assessment, and before
1505 acting, shall take and subscribe the oath of office prescribed by
1506 the Constitution. The oath shall be filed in the office of the
1507 clerk of the chancery court. Upon filing the oath of office, the
1508 election commissioner may be provided access to the Statewide
1509 Elections Management System for the purpose of performing his or
1510 her duties. While engaged in their duties, the commissioners
1511 shall be conservators of the peace in the county, with all the
1512 duties and powers of such.

1513 (2) (a) At the general election in 2024 and every four (4)
1514 years thereafter, the qualified electors of the board of
1515 supervisors' Districts One, Three and Five shall elect in their
1516 district one (1) election commissioner.

1517 (b) At the general election in 2026 and every four (4)
1518 years thereafter, the qualified electors of the board of



1519 supervisors' Districts Two and Four shall elect in their district
1520 one (1) election commissioner.

1521 (c) No more than one (1) commissioner shall be a
1522 resident of and reside in each supervisors' district of the
1523 county; it being the purpose of this section that the county board
1524 of election commissioners shall consist of one (1) person from
1525 each supervisors' district of the county and that each
1526 commissioner be elected from the supervisors' district in which he
1527 resides.

1528 (3) Candidates for county election commissioner shall
1529 qualify by filing with the clerk of the board of supervisors of
1530 their respective counties a petition personally signed by not less
1531 than fifty (50) qualified electors of the supervisors' district in
1532 which they reside, requesting that they be a candidate, by 5:00
1533 p.m. not later than the first Monday in June of the year in which
1534 the election occurs and unless the petition is filed within the
1535 required time, their names shall not be placed upon the ballot.
1536 All candidates shall declare in writing their party affiliation,
1537 if any, to the board of supervisors, and such party affiliation
1538 shall be shown on the official ballot.

1539 (4) The petition shall have attached thereto a certificate
1540 of the county registrar showing the number of qualified electors
1541 on each petition, which shall be furnished by the registrar on
1542 request. The board shall determine the sufficiency of the
1543 petition, and if the petition contains the required number of



1544 signatures and is filed within the time required, the president of
1545 the board shall verify that the candidate is a resident of the
1546 supervisors' district in which he seeks election and that the
1547 candidate is otherwise qualified as provided by law, and shall
1548 certify that the candidate is qualified to the chairman or
1549 secretary of the county election commission and the names of the
1550 candidates shall be placed upon the ballot for the ensuing
1551 election. No county election commissioner shall serve or be
1552 considered as elected unless and until he has received a majority
1553 of the votes cast for the position or post for which he is a
1554 candidate. If a majority vote is not received in the first
1555 election, then the two (2) candidates receiving the most votes for
1556 each position or post shall be placed upon the ballot for a second
1557 election to be held three (3) weeks later in accordance with
1558 appropriate procedures followed in other elections involving
1559 runoff candidates.

1560 (5) If any election commissioner shall fail to successfully
1561 complete the required training seminar or the skills assessment,
1562 his or her office shall be vacated. The vacancy shall be declared
1563 by the board of supervisors and the vacancy shall be filled in the
1564 manner described by law. Prior to declaring the office vacant,
1565 the board of supervisors shall give the election commissioner
1566 notice and the opportunity for a hearing.

1567 (6) In the first meeting in January of each year, the county
1568 election commissioners shall organize by electing a chairman and a



1569 secretary, who shall serve a one (1) year term. The county
1570 election commissioners shall provide the names of the chairman and
1571 secretary to the Secretary of State and provide notice of any
1572 change in officers which may occur during the year.

1573 (7) It shall be the duty of the chairman to have the
1574 official ballot printed and distributed at each general or special
1575 election.

1576 **SECTION 39.** Section 23-15-215, Mississippi Code of 1972, is
1577 amended as follows:

1578 23-15-215. If there shall not be election
1579 commissioners * * * in any county, or if they fail to act, the
1580 duties prescribed for them shall be performed by the board of
1581 supervisors. In such case, the president of the board is charged
1582 with the duty of having the official ballot printed and
1583 distributed; and the poll managers * * * shall make returns to the
1584 board, which shall canvass the returns, give certificates of
1585 election, and make report to the Secretary of State, in like
1586 manner as the election commissioners * * * are required to do.

1587 **SECTION 40.** Section 23-15-217, Mississippi Code of 1972, is
1588 amended as follows:

1589 23-15-217. (1) * * * An election commissioner * * * of any
1590 county may be a candidate for any other office at any election
1591 held or to be held during the four-year term for which he or she
1592 has been elected to the office of election commissioner * * *;
1593 provided that he or she has resigned from the office of election



1594 commissioner before he or she * * * files to qualify for the
1595 office which he or she desires to seek. The clerk for the board
1596 of supervisors must have actually received the resignation for it
1597 to be deemed submitted.

1598 (2) In any case involving the election of a county election
1599 commissioner wherein there is a contest of any nature, including,
1600 but not limited to, the right of any person to vote or the
1601 counting of any challenge ballot, all the duties and powers of the
1602 commission in connection with said contest shall be performed by
1603 the board of supervisors, as is contemplated by Section 23-15-215
1604 in cases where there are no election commissioners * * * in the
1605 county.

1606 **SECTION 41.** Section 23-15-219, Mississippi Code of 1972, is
1607 amended as follows:

1608 23-15-219. (1) The board of election commissioners is
1609 hereby authorized and empowered to employ and set or determine the
1610 duties of and determine the compensation of such investigators,
1611 legal counsel, secretaries, technical advisors and any other
1612 employees or persons who or which said board or a majority thereof
1613 may deem necessary to enable them to discharge the duties and
1614 obligations presently or hereafter vested in them. However,
1615 before employing such persons or setting or determining said
1616 compensation, the election commissioners must first have the
1617 approval of the board of supervisors of the county.



1618 (2) The board of supervisors of the county is authorized and
1619 empowered to pay out of the general fund of the county the
1620 salaries and necessary traveling and subsistence expenses of * * *
1621 the employees of * * * the board of election commissioners in such
1622 amounts as may be mutually agreed upon by the * * * board of
1623 supervisors and * * * board of election commissioners, but which
1624 shall be computed on the same basis allowed to state employees
1625 when traveling on state business. All expense accounts of * * *
1626 the employees of * * * the board of election commissioners shall
1627 be approved by * * * the board of election commissioners and * * *
1628 the board of supervisors or, in the discretion of each of * * *
1629 the boards, by one (1) of the members of each of * * * the boards
1630 duly authorized by the respective boards to approve or
1631 disapprove * * * the subsistence, traveling and mileage expense
1632 accounts.

1633 (3) Nothing in this section shall be construed to prohibit a
1634 person who holds the office of election commissioner * * * from
1635 being employed and receiving compensation pursuant to this
1636 section. Any compensation which such a person may receive from
1637 his employment pursuant to this section shall be in addition to
1638 any compensation such person may receive in performing his duties
1639 as * * * an election commissioner * * *.

1640 **SECTION 42.** Section 23-15-221, Mississippi Code of 1972, is
1641 amended as follows:



1642 23-15-221. (1) The governing authorities of municipalities
1643 having a population of less than twenty thousand (20,000)
1644 inhabitants according to the last federal decennial census shall
1645 appoint three (3) election commissioners; the governing
1646 authorities of municipalities having a population of twenty
1647 thousand (20,000) inhabitants or more and less than one hundred
1648 thousand (100,000) inhabitants according to the last federal
1649 decennial census shall appoint five (5) election commissioners;
1650 and the governing authorities of municipalities having a
1651 population of one hundred thousand (100,000) or more according to
1652 the last federal decennial census shall appoint seven (7) election
1653 commissioners. * * * The municipal election commissioners, in
1654 conjunction with the municipal clerk, shall perform all the duties
1655 in respect to the municipal election prescribed by law to be
1656 performed by the county election commissioners where not otherwise
1657 provided. The * * * election commissioners shall, in case there
1658 be but one (1) election precinct in the municipality, act as
1659 * * * poll managers themselves.

1660 (2) The city council or board of aldermen or other governing
1661 authority of any municipality desiring to avail itself of the
1662 provisions of the Mississippi Election Code regarding the duties
1663 of municipal election commissioners shall adopt an ordinance
1664 declaring its intention to enter into an agreement with the
1665 municipality's county to have the county election commissioners
1666 conduct municipal elections and other functions that are performed



1667 by municipal election commissioners for the benefit of the
1668 efficiency and conformity of elections, to be effective on and
1669 after a date fixed in the ordinance which must be at least thirty
1670 (30) days after the ordinance is adopted and on the first day of a
1671 month. If the municipality is located in more than one county,
1672 the municipality shall choose which county it wants to conduct its
1673 elections and other duties of its municipal election commissioners
1674 and enter into an agreement with that county to have that county's
1675 election commissioners conduct the municipal elections and other
1676 functions that are performed by municipal election commissioners
1677 for the benefit of the efficiency and conformity of elections, to
1678 be effective on and after a date fixed in the ordinance which must
1679 be at least thirty (30) days after the ordinance is adopted and on
1680 the first day of a month. A certified copy of this ordinance
1681 shall be immediately forwarded to the Chairman of the State Board
1682 of Election Commissioners. The municipal authorities shall have a
1683 copy of the ordinance published once a week for three (3)
1684 consecutive weeks in at least one (1) newspaper published in the
1685 municipality and having a general circulation therein. The first
1686 publication shall be not less than twenty-eight (28) days before
1687 the effective date fixed in such ordinance, and the last
1688 publication shall be made not less than seven (7) days before such
1689 date. If no newspaper is published in the municipality, then
1690 notice shall be given by publishing the ordinance for the required
1691 time in some newspaper published in the same or an adjoining



1692 county having a general circulation in the municipality. A copy
1693 of the ordinance shall also be posted at three (3) public places
1694 in the municipality for a period of at least twenty-one (21) days
1695 during the time of its publication in a newspaper. The
1696 publication of the ordinance may be made as provided in Section
1697 21-17-19. Proof of publication must also be furnished to the
1698 Chairman of the State Board of Election Commissioners.

1699 (3) If a city council or board of aldermen or other
1700 governing authority of any municipality adopt an ordinance to
1701 abolish municipal election commissioners in the municipality's
1702 county and authorize county election commissioners to conduct the
1703 municipal election commissioners duties, the county election
1704 commissioners shall conduct all of the duties of the municipal
1705 election commissioners including, but not limited to:

1706 (a) Canvass the results of bond elections in a
1707 municipality;

1708 (b) Canvass the returns of special and general
1709 elections for mayor and councilman and within five (5) days after
1710 such special or general election, deliver to each person receiving
1711 the highest number of votes a certificate of election;

1712 (c) Certify to the Secretary of State the name or names
1713 of the person or persons elected at special and general elections
1714 within ten (10) days after any special or general election;

1715 (d) Revise the primary pollbooks for municipalities at
1716 the time and in the manner and in accordance with the laws now



1717 fixed and in force for revising pollbooks, except they shall not
1718 remove from the pollbook any person who is qualified to
1719 participate in primary elections;

1720 (e) Print the pollbooks that are to be used in
1721 municipal elections;

1722 (f) Print and distribute the "official ballots";

1723 (g) Perform the duties of poll managers in the event
1724 there is only one (1) election precinct in the municipality;

1725 (h) Perform any of the duties required of the municipal
1726 executive committee pursuant to Section 23-15-239 if the municipal
1727 executive committee has entered into a written agreement with the
1728 municipal clerk or the municipal or county election commission
1729 that gives such authorization;

1730 (i) Determine whether each party candidate in the
1731 municipal general election is a qualified elector of the
1732 municipality, and of the ward if the office sought is a ward
1733 office, whether each candidate either meets all other
1734 qualifications to hold the office he or she is seeking or presents
1735 absolute proof that he or she will, subject to no contingencies,
1736 meet all qualifications on or before the date of the general or
1737 special election at which he or she could be elected to office,
1738 and whether any candidate has been convicted of any felony in a
1739 court of this state, or has been convicted on or after December 8,
1740 1992, of any offense in another state which is a felony under the



1741 laws of this state, or has been convicted of any felony in a
1742 federal court on or after December 8, 1992;

1743 (j) Declare each candidate elected without opposition,
1744 if the candidate meets all the qualifications to hold the office
1745 as determined pursuant to a review by the commission in accordance
1746 with the provisions of subparagraph (i) of this subsection (2);

1747 (k) Canvass the returns for municipal elections
1748 received from all voting precincts and within ten (10) days after
1749 such election, deliver to each person receiving the highest number
1750 of votes a certificate of election. If it shall appear that any
1751 two (2) or more of the candidates receiving the highest number of
1752 votes shall have received an equal number of votes, the election
1753 shall be decided by the toss of a coin or by lot, fairly and
1754 publicly drawn by the election commissioners.

1755 (l) Transmit the statement provided in Section
1756 23-15-611 to the Secretary of State certifying the name or names
1757 of the person or persons elected at municipal elections, and such
1758 person or persons shall be issued commissions by the Governor.

1759 (m) Perform the duties required to be performed to
1760 comply with the provisions of absentee ballots and absentee
1761 voting;

1762 (n) Receiving the filed document by any person desiring
1763 to contest the qualifications of another person who has qualified
1764 pursuant to the provisions of Section 23-15-361 as a candidate for
1765 municipal office elected on the date designated by law for regular



1766 municipal elections that specifically sets forth the grounds of
1767 the challenge no later than thirty-one (31) days after the date of
1768 the first primary election set forth in Section 23-15-309; and

1769 (o) Perform all other duties with respect to the
1770 municipal election prescribed by law.

1771 (4) If the city council or board of aldermen or other
1772 governing authority of any municipality do not desire to avail
1773 itself of the provisions of the Mississippi Election Code
1774 regarding the duties of municipal election commissioners, then
1775 nothing in this section shall be construed in any way to affect,
1776 alter or modify the existence of those municipal election
1777 commissioners now operating under the laws relating to municipal
1778 election commissioners provided in Mississippi Code of 1972.
1779 Those municipalities shall continue to enjoy the form of election
1780 commissions and the conduct of the respective elections that are
1781 now enjoyed by them, and each shall be possessed of all rights,
1782 powers, privileges and immunities granted and conferred under the
1783 laws relating to municipal election commissioners provided in
1784 Mississippi Code of 1972.

1785 **SECTION 43.** Section 23-15-223, Mississippi Code of 1972, is
1786 amended as follows:

1787 23-15-223. (1) The State Board of Election Commissioners,
1788 on or before the fifteenth day of February succeeding each general
1789 election, shall appoint in the several counties registrars of
1790 elections, who shall hold office for four (4) years and until



1791 their successors shall be duly qualified. The county registrar
1792 shall be the clerk of the circuit court, unless the State Board of
1793 Election Commissioners finds the circuit clerk to be an improper
1794 person to register the names of the electors in the county. The
1795 State Board of Election Commissioners shall draft rules and
1796 regulations to provide for notice and hearing before removal of
1797 the circuit clerk, if notice and a hearing is practicable under
1798 the circumstances.

1799 (2) The county registrar is empowered to appoint deputy
1800 registrars, with the consent of the board of election
1801 commissioners, who may discharge the duties of the registrar.

1802 The clerk of every municipality shall be appointed as such a
1803 deputy registrar, as contemplated by the National Voter
1804 Registration Act (NVRA).

1805 (3) The county registrar * * * shall not be held liable for
1806 any malfeasance or nonfeasance in office by any deputy registrar
1807 who is a deputy registrar by virtue of his office.

1808 (4) The Secretary of State, in conjunction with the State
1809 Board of Community and Junior Colleges, has developed and made
1810 available online the following computer training courses a
1811 computer skills training course for all newly appointed registrars
1812 that shall be completed within one hundred eighty (180) days of
1813 the commencement of their term of office.

1814 **SECTION 44.** Section 23-15-225, Mississippi Code of 1972, is
1815 amended as follows:



1816 23-15-225. (1) The registrar shall be entitled to such
1817 compensation, payable monthly out of the county treasury, which
1818 the board of supervisors of the county shall allow on an annual
1819 basis in the following amounts:

1820 (a) For counties with a total population of more than
1821 two hundred thousand (200,000), an amount not to exceed
1822 Twenty-nine Thousand Nine Hundred Dollars (\$29,900.00), but not
1823 less than Nine Thousand Two Hundred Dollars (\$9,200.00).

1824 (b) For counties with a total population of more than
1825 one hundred thousand (100,000) and not more than two hundred
1826 thousand (200,000), an amount not to exceed Twenty-five Thousand
1827 Three Hundred Dollars (\$25,300.00), but not less than Nine
1828 Thousand Two Hundred Dollars (\$9,200.00).

1829 (c) For counties with a total population of more than
1830 fifty thousand (50,000) and not more than one hundred thousand
1831 (100,000), an amount not to exceed Twenty-three Thousand Dollars
1832 (\$23,000.00), but not less than Nine Thousand Two Hundred Dollars
1833 (\$9,200.00).

1834 (d) For counties with a total population of more than
1835 thirty-five thousand (35,000) and not more than fifty thousand
1836 (50,000), an amount not to exceed Twenty Thousand Seven Hundred
1837 Dollars (\$20,700.00), but not less than Nine Thousand Two Hundred
1838 Dollars (\$9,200.00).

1839 (e) For counties with a total population of more than
1840 twenty-five thousand (25,000) and not more than thirty-five



1841 thousand (35,000), an amount not to exceed Eighteen Thousand Four
1842 Hundred Dollars (\$18,400.00), but not less than Nine Thousand Two
1843 Hundred Dollars (\$9,200.00).

1844 (f) For counties with a total population of more than
1845 fifteen thousand (15,000) and not more than twenty-five thousand
1846 (25,000), an amount not to exceed Sixteen Thousand One Hundred
1847 Dollars (\$16,100.00), but not less than Nine Thousand Two Hundred
1848 Dollars (\$9,200.00).

1849 (g) For counties with a total population of more than
1850 ten thousand (10,000) and not more than fifteen thousand (15,000),
1851 an amount not to exceed Thirteen Thousand Eight Hundred Dollars
1852 (\$13,800.00), but not less than Eight Thousand Fifty Dollars
1853 (\$8,050.00).

1854 (h) For counties with a total population of more than
1855 six thousand (6,000) and not more than ten thousand (10,000), an
1856 amount not to exceed Eleven Thousand Five Hundred Dollars
1857 (\$11,500.00), but not less than Eight Thousand Fifty Dollars
1858 (\$8,050.00).

1859 (i) For counties with a total population of not more
1860 than six thousand (6,000), an amount not to exceed Nine Thousand
1861 Two Hundred Dollars (\$9,200.00) but not less than Six Thousand
1862 Three Hundred Twenty-five Dollars (\$6,325.00).

1863 (j) For counties having two (2) judicial districts, the
1864 board of supervisors of the county may allow, in addition to the



1865 sums prescribed herein, in its discretion, an amount not to exceed
1866 Eleven Thousand Five Hundred Dollars (\$11,500.00).

1867 (2) In the event of a reregistration within such county, or
1868 a redistricting which necessitates the hiring of additional deputy
1869 registrars, the board of supervisors may by contract compensate
1870 the county registrar amounts in addition to the sums prescribed
1871 herein, in its discretion.

1872 (3) As compensation for their services in assisting the
1873 county election commissioners in performance of their duties in
1874 the revision of the * * * voter roll as electronically maintained
1875 by the Statewide Elections Management System and in assisting the
1876 election commissioners, executive committees or boards of
1877 supervisors in connection with any election, the registrar shall
1878 receive the same daily per diem and limitation on meeting days as
1879 provided for the board of election commissioners as set out in
1880 Sections 23-15-153 and 23-15-227 to be paid from the general fund
1881 of the county.

1882 (4) In any case where an amount has been allowed by the
1883 board of supervisors pursuant to this section, such amount shall
1884 not be reduced or terminated during the term for which the
1885 registrar was elected.

1886 (5) The circuit clerk shall, in addition to any other
1887 compensation provided for by law, be entitled to receive as
1888 compensation from the board of supervisors the amount of Two
1889 Thousand Five Hundred Dollars (\$2,500.00) per year. This payment



1890 shall be for the performance of his duties in regard to the
1891 conduct of elections and the performance of his other duties.

1892 (6) The municipal clerk shall, in addition to any other
1893 compensation for performance of duties, be eligible to receive as
1894 compensation from the municipality's governing authorities a
1895 reasonable amount of additional compensation for reimbursement of
1896 costs and for additional duties associated with mail-in
1897 registration of voters.

1898 (7) The board of supervisors shall not allow any additional
1899 compensation authorized under this section for services as county
1900 registrar to any circuit clerk who is receiving fees as
1901 compensation for his services equal to the limitation on
1902 compensation prescribed in Section 9-1-43.

1903 **SECTION 45.** Section 23-15-227, Mississippi Code of 1972, is
1904 amended as follows:

1905 23-15-227. (1) The poll managers * * * shall be each
1906 entitled to Seventy-five Dollars (\$75.00) for each election;
1907 however, the board of supervisors may, in its discretion, pay the
1908 poll managers * * * an additional amount not to exceed Fifty
1909 Dollars (\$50.00) per election.

1910 (2) The poll manager or other person who shall carry to the
1911 place of voting, away from the courthouse, the official ballots,
1912 ballot boxes, pollbooks and other necessities, shall be allowed
1913 Ten Dollars (\$10.00) for each voting precinct for so doing. The
1914 manager or other person who acts as returning officer shall be



1915 allowed Ten Dollars (\$10.00) for each voting precinct for that
1916 service. If a person who performs the duties described in this
1917 subsection utilizes a privately owned motor vehicle to perform
1918 them, he or she shall receive for each mile actually and
1919 necessarily traveled in excess of ten (10) miles, the mileage
1920 reimbursement rate allowable to federal employees for the use of a
1921 privately owned vehicle while on official travel.

1922 (3) The compensation authorized in this section shall be
1923 allowed by the board of supervisors, and shall be payable out of
1924 the county treasury.

1925 (4) The compensation provided in this section shall
1926 constitute payment in full for the services rendered by the
1927 persons named for any election, whether there be one (1) election
1928 or issue voted upon, or more than one (1) election or issue voted
1929 upon at the same time.

1930 **SECTION 46.** Section 23-15-229, Mississippi Code of 1972, is
1931 amended as follows:

1932 23-15-229. The compensation for * * * poll managers and
1933 other workers in the polling places of a municipality shall be the
1934 same as the compensation paid by the county for such services;
1935 provided, however, that the governing authorities of a
1936 municipality shall not be required to pay any additional
1937 compensation authorized by the board of supervisors. The
1938 governing authorities of a municipality may, in their discretion,
1939 pay clerks and poll managers in the polling places of the



1940 municipality an additional amount of compensation not to exceed
1941 Twenty-five Dollars (\$25.00) per election.

1942 **SECTION 47.** Section 23-15-231, Mississippi Code of 1972, is
1943 amended as follows:

1944 23-15-231. Prior to every election, the election
1945 commissioners * * * shall appoint three (3) persons for each
1946 voting precinct to be poll managers * * *, one (1) of whom shall
1947 be designated by the election commissioners * * * as election
1948 bailiff. * * * For general and special elections, the poll
1949 managers shall not all be of the same political party if suitable
1950 persons of different political parties can be found in the
1951 district. If any person appointed shall fail to attend and serve,
1952 the managers present, if any, may designate someone to fill his
1953 place; and if the election commissioners * * * fail to make the
1954 appointments or in case of the failure of all those appointed to
1955 attend and serve, any three (3) qualified electors present when
1956 the polls should be opened may act as poll managers. Provided,
1957 however, any person appointed to be poll manager or act as poll
1958 manager shall be a qualified elector of the county in which the
1959 polling place is located.

1960 **SECTION 48.** Section 23-15-233, Mississippi Code of 1972, is
1961 amended as follows:

1962 23-15-233. The poll managers shall take care that the
1963 election is conducted fairly and agreeably to law, and they shall
1964 be judges of the qualifications of electors, and may examine, on



1965 oath, any person duly registered and offering to vote touching his
1966 qualifications as an elector, which oath any of the poll managers
1967 may administer.

1968 **SECTION 49.** Section 23-15-235, Mississippi Code of 1972, is
1969 amended as follows:

1970 23-15-235. In addition to the poll managers appointed
1971 pursuant to Section 23-15-231, for the first five hundred (500)
1972 registered voters in each voting precinct, the election
1973 commissioners * * * may, in their discretion, appoint not more
1974 than three (3) persons to serve as poll managers * * * of the
1975 election. The election commissioners * * * may, in their
1976 discretion, appoint three (3) additional persons to serve as * * *
1977 poll managers for each one thousand (1,000) registered voters or
1978 fraction thereof in each voting precinct above the first five
1979 hundred (500), not to exceed six (6) additional poll managers
1980 under this section. Any person appointed as * * * poll manager
1981 shall be a qualified elector of the county in which the voting
1982 precinct is located.

1983 * * *

1984 **SECTION 50.** Section 23-15-237, Mississippi Code of 1972, is
1985 amended as follows:

1986 23-15-237. The poll managers * * * shall be sworn by some
1987 officer present competent to administer oaths, or each may be
1988 sworn by one of the others, faithfully to perform their duties at
1989 the election according to law, and not to attempt to guide, aid,



1990 direct or influence any voter in the exercise of his right to
1991 vote, except as expressly allowed by law. The oath required by
1992 this section shall be recorded in the receipt book and signed by
1993 each manager.

1994 **SECTION 51.** Section 23-15-239, Mississippi Code of 1972, is
1995 amended as follows:

1996 **[Until January 1, 2020, this section shall read as follows:]**

1997 23-15-239. (1) * * * The executive committee of each
1998 county, in the case of a primary election, or the election
1999 commissioners * * * of each county, in the case of all other
2000 elections, in conjunction with the circuit clerk, shall, in the
2001 years in which counties conduct an election, sponsor and conduct,
2002 not less than five (5) days prior to each election, not less than
2003 four (4) hours and not more than eight (8) hours of poll manager
2004 training * * * to instruct poll managers as to their duties in the
2005 proper administration of the election and the operation of the
2006 polling place. Any poll manager who completes the online training
2007 course provided by the Secretary of State's office shall only be
2008 required to complete two (2) hours of in-person poll manager
2009 training. No poll manager shall serve in any election unless he
2010 has received such instructions once during the twelve (12) months
2011 immediately preceding the date upon which such election is held;
2012 however, nothing in this section shall prevent the appointment of
2013 an alternate manager to fill a vacancy in case of an emergency.
2014 The county executive committee or the election



2015 commissioners * * *, as appropriate, shall train a sufficient
2016 number of alternates to serve in the event a poll manager is
2017 unable to serve for any reason.

2018 * * *

2019 (2) (a) If it is eligible under Section 23-15-266, the
2020 county executive committee may enter into a written agreement with
2021 the circuit clerk or the county election commission authorizing
2022 the circuit clerk or the county election commission to perform any
2023 of the duties required of the county executive committee pursuant
2024 to this section. Any agreement entered into pursuant to this
2025 subsection shall be signed by the chairman of the county executive
2026 committee and the circuit clerk or the chairman of the county
2027 election commission, as appropriate. The county executive
2028 committee shall notify the state executive committee and the
2029 Secretary of State of the existence of such agreement.

2030 (b) If it is eligible under Section 23-15-266, the
2031 municipal executive committee may enter into a written agreement
2032 with the municipal clerk or the municipal election commission
2033 authorizing the municipal clerk or the municipal election
2034 commission to perform any of the duties required of the municipal
2035 executive committee pursuant to this section. Any agreement
2036 entered into pursuant to this subsection shall be signed by the
2037 chairman of the municipal executive committee and the municipal
2038 clerk or the chairman of the municipal election commission, as
2039 appropriate. The municipal executive committee shall notify the



2040 state executive committee and the Secretary of State of the
2041 existence of such agreement.

2042 (3) The board of supervisors, in their discretion, may
2043 compensate poll managers who attend such training sessions. The
2044 compensation shall be at a rate of not less than the federal
2045 hourly minimum wage nor more than Twelve Dollars (\$12.00) per
2046 hour. Poll managers shall not be compensated for more than
2047 sixteen (16) hours of attendance at the training sessions
2048 regardless of the actual amount of time that they attended the
2049 training sessions.

2050 (4) The time and location of the training sessions required
2051 pursuant to this section shall be announced to the general public
2052 by posting a notice thereof at the courthouse and by delivering a
2053 copy of the notice to the office of a newspaper having general
2054 circulation in the county five (5) days before the date upon which
2055 the training session is to be conducted. Persons who will serve
2056 as poll watchers for candidates and political parties, as well as
2057 members of the general public, shall be allowed to attend the
2058 sessions.

2059 (5) Subject to the following annual limitations, the
2060 election commissioners * * * shall be entitled to receive a per
2061 diem in the amount of Eighty-four Dollars (\$84.00), to be paid
2062 from the county general fund, for every day or period of no less
2063 than five (5) hours accumulated over two (2) or more days actually



2064 employed in the performance of their duties for the necessary time
2065 spent in conducting training sessions as required by this section:

2066 (a) In counties having less than fifteen thousand
2067 (15,000) residents according to the latest federal decennial
2068 census, not more than five (5) days per year;

2069 (b) In counties having fifteen thousand (15,000)
2070 residents according to the latest federal decennial census but
2071 less than thirty thousand (30,000) residents according to the
2072 latest federal decennial census, not more than eight (8) days per
2073 year;

2074 (c) In counties having thirty thousand (30,000)
2075 residents according to the latest federal decennial census but
2076 less than seventy thousand (70,000) residents according to the
2077 latest federal decennial census, not more than ten (10) days per
2078 year;

2079 (d) In counties having seventy thousand (70,000)
2080 residents according to the latest federal decennial census but
2081 less than ninety thousand (90,000) residents according to the
2082 latest federal decennial census, not more than twelve (12) days
2083 per year;

2084 (e) In counties having ninety thousand (90,000)
2085 residents according to the latest federal decennial census but
2086 less than one hundred seventy thousand (170,000) residents
2087 according to the latest federal decennial census, not more than
2088 fifteen (15) days per year;



2089 (f) In counties having one hundred seventy thousand
2090 (170,000) residents according to the latest federal decennial
2091 census but less than two hundred thousand (200,000) residents
2092 according to the latest federal decennial census, not more than
2093 eighteen (18) days per year;

2094 (g) In counties having two hundred thousand (200,000)
2095 residents according to the latest federal decennial census but
2096 less than two hundred twenty-five thousand (225,000) residents
2097 according to the latest federal decennial census, not more than
2098 nineteen (19) days per year;

2099 (h) In counties having two hundred twenty-five thousand
2100 (225,000) residents or more according to the latest federal
2101 decennial census * * *, not more than twenty-two (22) days per
2102 year;

2103 * * *

2104 (6) Election commissioners * * * shall claim the per diem
2105 authorized in subsection (5) of this section in the manner
2106 provided for in Section 23-15-153(6).

2107 (7) (a) To provide poll manager training, the Secretary of
2108 State has developed a single, comprehensive poll manager training
2109 program to ensure uniform, secure elections throughout the state.
2110 The program includes online training on all state and federal
2111 election laws and procedures and voting machine opening and
2112 closing procedures.



2113 (b) County election commissioners shall designate no
2114 more than two (2) poll managers per precinct, who shall
2115 individually access and complete the online training program,
2116 inclusive of all skills assessments, at least five (5) days prior
2117 to an election. Such poll managers shall be defined as "certified
2118 poll managers," entitling them to a "Certificate of Completion"
2119 and compensation for the successful completion of the training and
2120 skills assessment in the amount of Twenty-five Dollars (\$25.00)
2121 payable from the Help Mississippi Vote Fund. Compensation to any
2122 poll manager under this section shall not exceed Twenty-five
2123 Dollars (\$25.00) per calendar year.

2124 (c) Beginning with every election held after January 1,
2125 2018, at least one (1) certified poll manager shall be appointed
2126 by the county election officials to work in each polling place in
2127 the county during each general election.

2128 **[From and after January 1, 2020, this section shall read as**
2129 **follows:]**

2130 23-15-239. (1) * * * The executive committee of each
2131 county, in the case of a primary election, or the election
2132 commissioners * * * of each county, in the case of all other
2133 elections, in conjunction with the circuit clerk, shall, in the
2134 years in which counties conduct an election, sponsor and conduct,
2135 not less than five (5) days prior to each election, not less than
2136 four (4) hours and not more than eight (8) hours of poll manager
2137 training * * * to instruct poll managers as to their duties in the



2138 proper administration of the election and the operation of the
2139 polling place. Any poll manager who completes the online training
2140 courses provided by the Secretary of State's office shall only be
2141 required to complete two (2) hours of in-person poll manager
2142 training. No poll manager shall serve in any election unless he
2143 has received such instructions once during the twelve (12) months
2144 immediately preceding the date upon which such election is held;
2145 however, nothing in this section shall prevent the appointment of
2146 an alternate manager to fill a vacancy in case of an emergency.
2147 The county executive committee or the election
2148 commissioners * * *, as appropriate, shall train a sufficient
2149 number of alternates to serve in the event a poll manager is
2150 unable to serve for any reason.

2151 * * *

2152 (2) (a) If it is eligible under Section 23-15-266, the
2153 county executive committee may enter into a written agreement with
2154 the circuit clerk or the county election commission authorizing
2155 the circuit clerk or the county election commission to perform any
2156 of the duties required of the county executive committee pursuant
2157 to this section. Any agreement entered into pursuant to this
2158 subsection shall be signed by the chairman of the county executive
2159 committee and the circuit clerk or the chairman of the county
2160 election commission, as appropriate. The county executive
2161 committee shall notify the state executive committee and the
2162 Secretary of State of the existence of such agreement.



2163 (b) If it is eligible under Section 23-15-266, the
2164 municipal executive committee may enter into a written agreement
2165 with the municipal clerk or the municipal election commission
2166 authorizing the municipal clerk or the municipal election
2167 commission to perform any of the duties required of the municipal
2168 executive committee pursuant to this section. Any agreement
2169 entered into pursuant to this subsection shall be signed by the
2170 chairman of the municipal executive committee and the municipal
2171 clerk or the chairman of the municipal election commission, as
2172 appropriate. The municipal executive committee shall notify the
2173 state executive committee and the Secretary of State of the
2174 existence of such agreement.

2175 (3) The board of supervisors, in their discretion, may
2176 compensate poll managers who attend such training sessions. The
2177 compensation shall be at a rate of not less than the federal
2178 hourly minimum wage nor more than Twelve Dollars (\$12.00) per
2179 hour. Poll managers shall not be compensated for more than
2180 sixteen (16) hours of attendance at the training sessions
2181 regardless of the actual amount of time that they attended the
2182 training sessions.

2183 (4) The time and location of the training sessions required
2184 pursuant to this section shall be announced to the general public
2185 by posting a notice thereof at the courthouse and by delivering a
2186 copy of the notice to the office of a newspaper having general
2187 circulation in the county five (5) days before the date upon which



2188 the training session is to be conducted. Persons who will serve
2189 as poll watchers for candidates and political parties, as well as
2190 members of the general public, shall be allowed to attend the
2191 sessions.

2192 (5) Subject to the following annual limitations, the
2193 election commissioners * * * shall be entitled to receive a per
2194 diem in the amount of Eighty-four Dollars (\$84.00), to be paid
2195 from the county general fund, for every day or period of no less
2196 than five (5) hours accumulated over two (2) or more days actually
2197 employed in the performance of their duties for the necessary time
2198 spent in conducting training sessions as required by this section:

2199 (a) In counties having less than fifteen thousand
2200 (15,000) residents according to the latest federal decennial
2201 census, not more than five (5) days per year;

2202 (b) In counties having fifteen thousand (15,000)
2203 residents according to the latest federal decennial census but
2204 less than thirty thousand (30,000) residents according to the
2205 latest federal decennial census, not more than eight (8) days per
2206 year;

2207 (c) In counties having thirty thousand (30,000)
2208 residents according to the latest federal decennial census but
2209 less than seventy thousand (70,000) residents according to the
2210 latest federal decennial census, not more than ten (10) days per
2211 year;



2212 (d) In counties having seventy thousand (70,000)
2213 residents according to the latest federal decennial census but
2214 less than ninety thousand (90,000) residents according to the
2215 latest federal decennial census, not more than twelve (12) days
2216 per year;

2217 (e) In counties having ninety thousand (90,000)
2218 residents according to the latest federal decennial census but
2219 less than one hundred seventy thousand (170,000) residents
2220 according to the latest federal decennial census, not more than
2221 fifteen (15) days per year;

2222 (f) In counties having one hundred seventy thousand
2223 (170,000) residents according to the latest federal decennial
2224 census but less than two hundred thousand (200,000) residents
2225 according to the latest federal decennial census, not more than
2226 eighteen (18) days per year;

2227 (g) In counties having two hundred thousand (200,000)
2228 residents according to the latest federal decennial census but
2229 less than two hundred twenty-five thousand (225,000) residents
2230 according to the latest federal decennial census, not more than
2231 nineteen (19) days per year;

2232 (h) In counties having two hundred twenty-five thousand
2233 (225,000) residents or more according to the latest federal
2234 decennial census * * *, not more than twenty-two (22) days per
2235 year;

2236 * * *



2237 (6) Election commissioners * * * shall claim the per diem
2238 authorized in subsection (5) of this section in the manner
2239 provided for in Section 23-15-153(6).

2240 (7) (a) To provide poll manager training, the Secretary of
2241 State has developed a single, comprehensive poll manager training
2242 program to ensure uniform, secure elections throughout the state.
2243 The program includes online training on all state and federal
2244 election laws and procedures and voting machine opening and
2245 closing procedures.

2246 (b) County poll managers who individually access and
2247 complete the online training program, inclusive of all skills
2248 assessments, at least five (5) days prior to an election shall be
2249 defined as "certified poll manager," entitling them to a
2250 "Certificate of Completion."

2251 (c) At least one (1) certified poll manager shall be
2252 appointed by county election officials to work in each polling
2253 place in the county during each general election.

2254 **SECTION 52.** Section 23-15-240, Mississippi Code of 1972, is
2255 amended as follows:

2256 23-15-240. (1) The officials in charge of the election in a
2257 county or municipality may, in their discretion, appoint not more
2258 than two (2) students for each precinct to serve as student
2259 interns during elections. To be appointed a student intern a
2260 student must:



2261 (a) Be recommended by a principal or other school
2262 official, or the person responsible for the student's legitimate
2263 home instruction program;

2264 (b) Be at least sixteen (16) years of age at the time
2265 of the election for which the appointment is made;

2266 (c) Be a resident of the county or municipality for
2267 which the appointment is made;

2268 (d) Be enrolled in a public high school, an accredited
2269 private high school or a legitimate home instruction program and
2270 be classified as a junior or senior or its equivalent, or be
2271 enrolled in a junior college or a college or university; and

2272 (e) Meet any additional qualifications considered
2273 necessary by the officials in charge of the election in the county
2274 or municipality.

2275 (2) (a) The duties of the student interns appointed
2276 pursuant to this section shall be determined by the officials in
2277 charge of the election in the county or municipality; however,
2278 such duties shall not include:

2279 (i) Determining the qualifications of a voter in
2280 case a voter is challenged;

2281 (ii) The discharge of any duties related to
2282 affidavit ballots;

2283 (iii) The operation and maintenance of any voting
2284 equipment;

2285 (iv) Any duties normally assigned to a bailiff; or



2286 (v) The tallying of votes.

2287 (b) Student interns shall at all times be under the
2288 supervision of the poll managers * * * of the election while
2289 performing their duties at precincts.

2290 (3) Before performing any duties, student interns shall
2291 attend all required training for poll managers * * * of the county
2292 or municipality and any additional training considered necessary
2293 by the officials in charge of the election in the county or
2294 municipality.

2295 (4) As used in this section "officials in charge of the
2296 election" means the county or municipal executive committee, as
2297 appropriate, in primary elections and the county or municipal
2298 election commission, as appropriate, in all other elections.

2299 **SECTION 53.** Section 23-15-241, Mississippi Code of 1972, is
2300 amended as follows:

2301 23-15-241. The poll manager designated an election bailiff
2302 shall, in addition to his other duties, be present during the
2303 election to keep the peace and to protect the voting place, and to
2304 prevent improper intrusion upon the voting place or interference
2305 with the election, and to arrest all persons creating any
2306 disturbance about the voting place, and to enable all qualified
2307 electors who have not voted, and who desire to vote, to have
2308 unobstructed access to the polls for the purpose of voting when
2309 others are not voting.



2310 **SECTION 54.** Section 23-15-243, Mississippi Code of 1972, is
2311 amended as follows:

2312 23-15-243. If the election commissioners * * * fail to
2313 designate a poll manager as the bailiff, or if their designee
2314 fails to serve, the poll managers * * * may select an election
2315 bailiff from among their number.

2316 **SECTION 55.** Section 23-15-245, Mississippi Code of 1972, is
2317 amended as follows:

2318 23-15-245. It shall be the duty of the poll manager
2319 designated as bailiff to be present at the voting place, and to
2320 take such steps as will accomplish the purpose of his appointment,
2321 and he shall have full power to do so, and he may summon to his
2322 aid all persons present at the voting place. A space thirty (30)
2323 feet in every direction from the polls, or the room in which the
2324 election is held, shall be kept open and clear of all persons
2325 except election officials, individuals present to vote and
2326 credentialed poll watchers as defined by Section 23-15-577. * * *

2327 The electors shall approach the polls from one direction, line,
2328 door or passage, and depart in another as nearly opposite as
2329 convenient.

2330 **SECTION 56.** Section 23-15-247, Mississippi Code of 1972, is
2331 amended as follows:

2332 23-15-247. The election commissioners * * * in each county
2333 shall procure, if not already provided, a sufficient number of
2334 ballot boxes, which shall be distributed by them to the voting



2335 precincts of the county before the time for opening the polls. The
2336 boxes shall be * * * securely sealed from the opening of the polls
2337 on election day until the polls close on election day; * * * and
2338 the box shall be kept by one of the managers * * *, and the
2339 manager having the box shall carefully keep it, and neither * * *
2340 open it himself nor permit it to be * * * opened, nor permit any
2341 person to have any access to it * * * throughout the voting period
2342 during an election. The box shall not be removed from the polling
2343 building or place after the polls are opened until the polls close
2344 and the count is complete. * * * After each election the ballot
2345 boxes shall be delivered * * * to the clerk of the circuit court
2346 of the county for preservation; and he or she shall keep them for
2347 future use, and, when called for, deliver them to the election
2348 commissioners * * *.

2349 **SECTION 57.** Section 23-15-249, Mississippi Code of 1972, is
2350 amended as follows:

2351 23-15-249. The failure to distribute to the different voting
2352 places the pollbooks containing the alphabetical list of voters,
2353 or the ballot boxes provided for, shall not prevent the holding of
2354 an election, but in such case the poll managers shall proceed to
2355 hold the election without the books and ballot boxes, and shall
2356 provide some suitable substitute for the ballot boxes, and conform
2357 as nearly as possible to the law in the reception and disposition
2358 of the official ballots.



2359 **SECTION 58.** Section 23-15-251, Mississippi Code of 1972, is
2360 amended as follows:

2361 23-15-251. The election commissioners * * *, in appointing
2362 the poll managers of an election, shall designate one (1) of the
2363 poll managers at each voting place to receive and distribute the
2364 official ballots, and shall deliver to him the proper number of
2365 ballots * * * for his district not less than one (1) day before
2366 the election; and the poll manager receiving the ballots from the
2367 election commissioners shall distribute the same to the electors
2368 of his district in the manner herein provided. It shall be the
2369 duty of * * * the designated poll manager for service at a voting
2370 place other than the courthouse, to carry to the said voting
2371 place, on the day previous to the election, or before 6:00 a.m. on
2372 the morning of the election, the ballot box, the pollbook, the
2373 blank tally sheets, the blank forms to be used in making returns,
2374 the other necessary stationery and supplies and the official
2375 printed ballots aforesaid, and all of the same used and unused
2376 shall be returned by the designated poll manager * * * to the
2377 election commissioners * * * on the day next following the
2378 election.

2379 **SECTION 59.** Section 23-15-253, Mississippi Code of 1972, is
2380 amended as follows:

2381 23-15-253. The election commissioners * * * shall furnish to
2382 the poll managers at each voting place a sufficient quantity of
2383 stationery for use in holding the election, and also blank forms



2384 to be used in making returns of the election, including * * * the
2385 precinct opening and closing log, the election ballot account form
2386 and the electronic vote tally worksheet provided by the Secretary
2387 of State's office.

2388 **SECTION 60.** Section 23-15-255, Mississippi Code of 1972, is
2389 amended as follows:

2390 23-15-255. (1) The supervisor of each respective
2391 supervisors district shall provide at each election place a
2392 sufficient number of voting compartments, shelves and tables for
2393 the use of electors, which shall be so arranged that it will be
2394 impossible for a voter in one compartment to see another voter who
2395 is preparing his ballot. The number of voting compartments and
2396 shelves or tables shall not be less than one (1) to every two
2397 hundred (200) electors in the voting precinct. * * *

2398 (2) The poll managers of each precinct shall publicly post
2399 the following information at the precinct polling place on the day
2400 of any election:

2401 (a) A sample * * * ballot that will be used at the
2402 election;

2403 (b) * * * The hours during which the polling places
2404 will be open;

2405 (c) Instructions on how to vote, including how to cast
2406 a vote and how to cast an affidavit ballot;

2407 (d) Instruction for persons who have registered to vote
2408 by mail and first time voters, if appropriate;



2409 (e) General information on voting rights, including
2410 information on the right of an individual to cast an affidavit
2411 ballot and instructions on how to contact the appropriate
2412 officials if these rights are alleged to have been violated; and

2413 (f) The consequences under federal and state laws
2414 regarding fraud and misrepresentation * * *;

2415 (g) A list of voters in each polling place that have
2416 already cast an absentee ballot; and

2417 (h) The acceptable forms of photo identification that
2418 may be presented in the polling place.

2419 **SECTION 61.** Section 23-15-259, Mississippi Code of 1972, is
2420 amended as follows:

2421 23-15-259. The boards of supervisors of the several counties
2422 are authorized to allow compensation of the officers rendering
2423 services in matters of registration and elections, to provide
2424 ballot boxes, * * * voter rolls as maintained by the Statewide
2425 Elections Management System, and all other things required by law
2426 in registration and elections. * * * The boards are also
2427 authorized, by order spread upon the minutes of the board setting
2428 forth the cost and source of funds therefor, to allow such
2429 reasonable sum as may be expended in supplying voting
2430 compartments, tables or shelves for use at elections.

2431 * * *

2432 **SECTION 62.** Section 23-15-261, Mississippi Code of 1972, is
2433 amended as follows:



2434 23-15-261. The election commissioners * * * shall, after
2435 each election, make out a list of all persons who served as poll
2436 managers * * * at the election, designating for what service each
2437 is entitled to pay, certify to the correctness of the same, and
2438 file it with the clerk of the board of supervisors * * *. An
2439 allowance shall not be made to any such officer unless his service
2440 be so certified.

2441 **SECTION 63.** Section 23-15-265, Mississippi Code of 1972, is
2442 amended as follows:

2443 23-15-265. (1) The county executive committee of each
2444 county shall meet not less than two (2) weeks before the date of
2445 any primary election and appoint the poll managers * * * for same,
2446 all of whom may be members of the same political party. The
2447 number of poll managers * * * appointed by the county executive
2448 committee shall be the same number as election commissioners * * *
2449 are allowed to appoint pursuant to Sections 23-15-231 and
2450 23-15-235. If the county executive committee fails to meet on the
2451 date named, supra, further notice shall be given of the time and
2452 place of meeting.

2453 (2) (a) If it is eligible under Section 23-15-266, the
2454 county executive committee may enter into a written agreement with
2455 the circuit clerk or the county election commission authorizing
2456 the circuit clerk or the county election commission to perform any
2457 of the duties required of the county executive committee pursuant
2458 to this section. Any agreement entered into pursuant to this



2459 subsection shall be signed by the chairman of the county executive
2460 committee and the circuit clerk or the chairman of the county
2461 election commission, as appropriate. The county executive
2462 committee shall notify the state executive committee and the
2463 Secretary of State of the existence of such agreement.

2464 (b) If it is eligible under Section 23-15-266, the
2465 municipal executive committee may enter into a written agreement
2466 with the municipal clerk or the municipal election commission
2467 authorizing the municipal clerk or the municipal election
2468 commission to perform any of the duties required of the municipal
2469 executive committee pursuant to this section. Any agreement
2470 entered into pursuant to this subsection shall be signed by the
2471 chairman of the municipal executive committee and the municipal
2472 clerk or the chairman of the municipal election commission, as
2473 appropriate. The municipal executive committee shall notify the
2474 state executive committee and the Secretary of State of the
2475 existence of such agreement.

2476 **SECTION 64.** Section 23-15-267, Mississippi Code of 1972, is
2477 amended as follows:

2478 23-15-267. (1) The ballot boxes provided by the * * *
2479 election commissioners * * * in each county shall be used in
2480 primary elections, and the county executive committees shall
2481 distribute them to the voting precincts of the county before the
2482 time for opening the polls, in the same manner, as near as may be,
2483 as that provided for in general elections.



2484 (2) * * * The boxes shall be securely sealed and locked
2485 beginning from the start of voting on election day until the end
2486 of voting on election day; and the box shall be kept by one (1) of
2487 the poll managers, and the poll manager having the box shall
2488 carefully keep it, and neither open it himself nor permit it to be
2489 done, nor permit any person to have any access to it throughout
2490 voting during election day. The box shall not be removed from the
2491 polling * * * place after the polls are open until the polls close
2492 and the count is completed * * *.

2493 (3) After each election, the ballot boxes * * * shall be
2494 delivered * * * to the clerk of the circuit court of the county
2495 for preservation; and he shall keep them for future use, and, when
2496 called for, deliver them to the election commissioners.

2497 (4) (a) If it is eligible under Section 23-15-266, the
2498 county executive committee may enter into a written agreement with
2499 the circuit clerk or the county election commission authorizing
2500 the circuit clerk or the county election commission to perform any
2501 of the duties required of the county executive committee pursuant
2502 to this section. Any agreement entered into pursuant to this
2503 subsection shall be signed by the chairman of the county executive
2504 committee and the circuit clerk or the chairman of the county
2505 election commission, as appropriate. The county executive
2506 committee shall notify the State Executive Committee and the
2507 Secretary of State of the existence of such agreement.



2508 (b) If it is eligible under Section 23-15-266, the
2509 municipal executive committee may enter into a written agreement
2510 with the municipal clerk or the municipal election commission
2511 authorizing the municipal clerk or the municipal election
2512 commission to perform any of the duties required of the municipal
2513 executive committee pursuant to this section. Any agreement
2514 entered into pursuant to this subsection shall be signed by the
2515 chairman of the municipal executive committee and the municipal
2516 clerk or the chairman of the municipal election commission, as
2517 appropriate. The municipal executive committee shall notify the
2518 State Executive Committee and the Secretary of State of the
2519 existence of such agreement.

2520 (5) The person, or persons, whose duty it is to comply with
2521 the provisions of this section and who shall fail, or neglect,
2522 from any cause, to deliver said boxes or any of them as herein
2523 provided shall, upon conviction, be fined not less than Two
2524 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
2525 the residence of the person, or persons, who violates any of the
2526 provisions of this section, for a period of not less than thirty
2527 (30) days or more than six (6) months, and fined not more than
2528 Five Hundred Dollars (\$500.00).

2529 **SECTION 65.** Section 23-15-271, Mississippi Code of 1972, is
2530 amended as follows:

2531 23-15-271. (1) The state executive committee of any
2532 political party authorized to conduct political party primaries



2533 shall form an election integrity assurance committee for each
2534 congressional district. The state executive committee shall
2535 appoint three (3) of its members to each congressional district
2536 election integrity assurance committee. The members so appointed
2537 shall be residents of the congressional district for which the
2538 election integrity assurance committee is formed. The state
2539 executive committee shall name a chairman and a secretary from
2540 among the members of each committee. The state executive
2541 committee shall provide to each circuit and municipal clerk a list
2542 of the members of the congressional district integrity assurance
2543 committee for the congressional district in which the county or
2544 municipality of such clerk is located.

2545 (2) If within sixty (60) days of an election, * * * a county
2546 executive committee or a municipal executive committee fails to
2547 attend training or perform in a timely manner any of the duties
2548 specified in Sections 23-15-239, 23-15-265, 23-15-267, 23-15-333,
2549 23-15-335 and 23-15-597 and there is no written agreement in place
2550 between the county or municipal executive committee and the county
2551 or municipal election commission or the circuit or municipal clerk
2552 pursuant to such sections, or there is such an agreement in place
2553 and it is not being executed, the circuit or municipal clerk * * *
2554 shall notify the chairman and secretary of the congressional
2555 district election integrity assurance committee or the Chairman of
2556 the state executive committee of such failure and call upon them
2557 to take immediate and appropriate action to insure that such



2558 duties are performed in order to secure the orderly conduct of the
2559 primary. * * * Upon receiving the notice, the election integrity
2560 assurance committee shall be responsible for conducting any
2561 required training and shall be authorized to contract on behalf of
2562 the county or municipal executive committee with the county or
2563 municipal election commission or the circuit or municipal clerk
2564 for the conduct of the primary election.

2565 (3) Nothing in this section shall be construed to authorize
2566 the state executive committee or a congressional district election
2567 assurance committee to conduct primaries.

2568 **SECTION 66.** Section 23-15-281, Mississippi Code of 1972, is
2569 amended as follows:

2570 23-15-281. (1) Each county shall be divided into
2571 supervisors districts, which shall be the same as those for the
2572 election of members of the board of supervisors, and may be
2573 subdivided thereafter into voting precincts; and there shall be
2574 only one (1) voting place in each voting precinct * * *.
2575 Provided, however, that such boundaries, if altered, shall conform
2576 to visible natural or artificial boundaries such as streets,
2577 highways, railroads, rivers, lakes, bayous or other obvious lines
2578 of demarcation except county lines and municipal corporate limits.
2579 The board of supervisors * * * shall notify the * * * Office of
2580 the Secretary of State of the boundary of each supervisors
2581 district and voting precinct as then fixed and shall provide said
2582 office a legal description and a map of each supervisors district



2583 and voting precinct and shall indicate the voting place in each
2584 such district. The board of supervisors shall also ensure the
2585 legal description and map of each supervisor's district is
2586 available in the circuit clerk's office for public inspection.

2587 (2) The board of supervisors is authorized, by order spread
2588 upon the minutes of the board setting forth the cost and source of
2589 funds therefor, to purchase improved or unimproved property and to
2590 construct, reconstruct, repair, renovate and maintain polling
2591 places, or to pay to private property owners reasonable rental
2592 fees when the property is used as a polling place for a period not
2593 to exceed the day immediately preceding the election, the day of
2594 the election, and the day immediately following the election. On
2595 or before May 1, 2017, the county board of supervisors shall
2596 ensure each polling place is accessible to all voters,
2597 structurally sound, capable of providing air conditioning and
2598 heating and compliant with the Americans with Disabilities Act.

2599 (3) All facilities owned or leased by the state, county,
2600 municipality, or school district may be made available at no cost
2601 to the board of supervisors for use as polling places to such
2602 extent as may be agreed to by the authority having control or
2603 custody of such facilities.

2604 **SECTION 67.** Section 23-15-283, Mississippi Code of 1972, is
2605 amended as follows:

2606 23-15-283. (1) The board of supervisors shall have power to
2607 alter the boundaries of the supervisors districts, voting



2608 precincts and the voting place therein. If the board of
2609 supervisors orders a change in the boundaries, they shall notify
2610 the election commissioners * * *, who shall at once cause
2611 the * * * voter rolls as maintained by the Statewide Elections
2612 Management System of voting precincts affected by the order to be
2613 changed to conform to the change so as to contain only the names
2614 of the qualified electors in the voting precincts as made by the
2615 change of boundaries. Upon the order of change in the boundaries
2616 of any voting precinct or the voting place therein, the board of
2617 supervisors shall notify the Office of the Secretary of State and
2618 provide the Office of the Secretary of State a legal description
2619 and a map of any boundary change. No change shall be implemented
2620 or enforced until the requirements of this section have been met.

2621 (2) Only officials certified by the Secretary of State shall
2622 be authorized to implement boundary line changes in the Statewide
2623 Elections Management System. The training and certification
2624 required under this subsection (2) shall be available to the
2625 circuit clerk, county election commissioners or any other
2626 individual designated by the board of supervisors to be
2627 responsible for implementing boundary line changes into the
2628 Statewide Elections Management System.

2629 (3) Any governmental entity authorized to adopt, amend or
2630 change boundary lines will immediately forward all changed
2631 boundary lines to the appropriate circuit clerk, who shall, if
2632 authorized under subsection (2), implement the boundary line



2633 changes in the Statewide Elections Management System. If the
2634 circuit clerk is not the appropriate person to implement the
2635 boundary line changes, the clerk shall immediately forward a copy
2636 of all materials to the appropriate person. Copies of any
2637 boundary line changes within the county will be maintained in the
2638 office of the circuit clerk and made available for public
2639 inspection. No change shall be implemented or enforced until the
2640 requirements of this section have been met.

2641 **SECTION 68.** Section 23-15-293, Mississippi Code of 1972, is
2642 amended as follows:

2643 23-15-293. Candidates for state * * *, state district * * *
2644 and * * * legislative offices * * * shall be voted for and
2645 nominated by all the counties or parts of counties within their
2646 respective districts, and all said district nominations shall be
2647 under the supervision and control of the state executive committee
2648 of the respective political parties, which committees shall
2649 discharge in respect to such state district nominations all the
2650 powers and duties imposed upon them in connection with nominations
2651 of candidates for other state officers.

2652 **SECTION 69.** Section 23-15-299, Mississippi Code of 1972, is
2653 amended as follows:

2654 23-15-299. (1) (a) Assessments made pursuant to paragraphs
2655 (a), (b) and (c) of Section 23-15-297 and assessments made
2656 pursuant to paragraph (d) of Section 23-15-297 for legislative
2657 offices shall be paid by each candidate to the secretary of the



2658 state executive committee with which the candidate is affiliated
2659 by 5:00 p.m. on March 1 of the year in which the primary election
2660 for the office is held * * *. If March 1 or the qualifying
2661 deadline provided by statute for the office occurs on a Saturday,
2662 Sunday or legal holiday, then the assessments required by this
2663 subsection shall be due by 5:00 p.m. on the last business day
2664 immediately preceding March 1 or such qualifying deadline.

2665 * * *

2666 (2) Assessments made pursuant to paragraphs (d) and (e) of
2667 Section 23-15-297, other than assessments made for legislative
2668 offices, shall be paid by each candidate to the circuit clerk of
2669 such candidate's county of residence by 5:00 p.m. on March 1 of
2670 the year in which the primary election for the office is held or
2671 on the date of the qualifying deadline provided by statute for the
2672 office, whichever is earlier; however, no such assessments may be
2673 paid before January 1 of the year in which the election for the
2674 office is held. If March 1 or the qualifying deadline provided by
2675 statute for the office occurs on a Saturday, Sunday or legal
2676 holiday, then the assessments required by this subsection shall be
2677 due by 5:00 p.m. on the last business day immediately preceding
2678 March 1 or such qualifying deadline. The circuit clerk shall
2679 forward the fee and all necessary information to the secretary of
2680 the proper county executive committee within two (2) business
2681 days. No candidate may attempt to qualify with any political
2682 party which does not have a duly organized county executive



2683 committee, and the circuit clerk shall not accept any assessments
2684 made pursuant to paragraphs (d) and (e) of Section 23-15-297 for
2685 nonlegislative offices in which the circuit clerk does not have
2686 contact information for the secretary of the county executive
2687 committee.

2688 (3) Assessments made pursuant to paragraphs (f) and (g) of
2689 Section 23-15-297 must be paid by each candidate to the secretary
2690 of the state executive committee with which the candidate is
2691 affiliated by 5:00 p.m. sixty (60) days before the presidential
2692 preference primary in years in which a presidential preference
2693 primary is held; however, no such assessments may be paid before
2694 January 1 of the year in which the primary election for the office
2695 is held. If March 1 or the qualifying deadline provided by
2696 statute for the office occurs on a Saturday, Sunday or legal
2697 holiday, then the assessments required by this subsection shall be
2698 due by 5:00 p.m. on the last business day immediately preceding
2699 March 1 or such qualifying deadline. Assessments made pursuant to
2700 paragraphs (f) and (g) of Section 23-15-297, in years when a
2701 presidential preference primary is not being held, shall be paid
2702 by each candidate to the secretary of the state executive
2703 committee with which the candidate is affiliated by 5:00 p.m. on
2704 March 1 of the year in which the primary election for the office
2705 is held; however, no such assessments may be paid before January 1
2706 of the year in which the primary election for the office is held.



2707 (4) (a) The fees paid pursuant to subsections (1), (2) and
2708 (3) of this section shall be accompanied by a written statement
2709 containing the name and address of the candidate, the party with
2710 which he or she is affiliated, the email address of the candidate,
2711 if any, and the office for which he or she is a candidate.

2712 (b) The state executive committee shall transmit to the
2713 Secretary of State a copy of the written statements accompanying
2714 the fees paid pursuant to subsections (1) and (2) of this section.
2715 All copies must be received by the Office of the Secretary of
2716 State by not later than 6:00 p.m. on the date of the qualifying
2717 deadline; provided, however, the failure of the Office of the
2718 Secretary of State to receive such copies by 6:00 p.m. on the date
2719 of the qualifying deadline shall not affect the qualification of a
2720 person who pays the required fee and files the required statement
2721 by 5:00 p.m. on the date of the qualifying deadline. The name of
2722 any person who pays the required fee and files the required
2723 statement after 5:00 p.m. on the date of the qualifying deadline
2724 shall not be placed on the primary election ballot.

2725 (5) The secretary or circuit clerk to whom such payments are
2726 made shall promptly receipt for same stating the office for which
2727 such candidate making payment is running and the political party
2728 with which he or she is affiliated, and he or she shall keep an
2729 itemized account in detail showing the exact time and date of the
2730 receipt of each payment received by him or her and, where
2731 applicable, the date of the postmark on the envelope containing



2732 the fee and from whom, and for what office the party paying same
2733 is a candidate.

2734 (6) The secretaries of the proper executive committee shall
2735 hold said funds to be finally disposed of by order of their
2736 respective executive committees. Such funds may be used or
2737 disbursed by the executive committee receiving same to pay all
2738 necessary traveling or other necessary expenses of the members of
2739 the executive committee incurred in discharging their duties
2740 as * * * committee members, and of their secretary and may pay the
2741 secretary such salary as may be reasonable.

2742 (7) Upon receipt of the proper fee and all necessary
2743 information, the proper executive committee shall then determine
2744 whether each candidate is a qualified elector of the state, state
2745 district, county or county district which they seek to serve at
2746 the time of the qualifying deadline unless otherwise provided by
2747 law, and whether each candidate meets all other qualifications to
2748 hold the office he is seeking or presents absolute proof that he
2749 will, subject to no contingencies, meet all qualifications on or
2750 before the date of the general or special election at which he
2751 could be elected to office. The executive committee shall
2752 determine whether the candidate has taken the steps necessary to
2753 qualify for more than one (1) office at the election. The
2754 committee also shall determine whether any candidate has been
2755 convicted of any felony in a court of this state, or has been
2756 convicted on or after December 8, 1992, of any offense in another



2757 state which is a felony under the laws of this state, or has been
2758 convicted of any felony in a federal court on or after December 8,
2759 1992. Excepted from the above are convictions of manslaughter and
2760 violations of the United States Internal Revenue Code or any
2761 violations of the tax laws of this state unless the offense also
2762 involved misuse or abuse of his office or money coming into his
2763 hands by virtue of his office. If the proper executive committee
2764 finds that a candidate either (a) is not a qualified elector, (b)
2765 does not meet all qualifications to hold the office he seeks and
2766 fails to provide absolute proof, subject to no contingencies, that
2767 he will meet the qualifications on or before the date of the
2768 general or special election at which he could be elected, or (c)
2769 has been convicted of a felony as described in this subsection,
2770 and not pardoned, then the executive committee shall notify the
2771 candidate and give the candidate an opportunity to be heard. The
2772 executive committee shall mail notice to the candidate at least
2773 three (3) business days before the hearing to the address provided
2774 by the candidate on the qualifying forms, and the committee shall
2775 attempt to contact the candidate by telephone, email and facsimile
2776 if the candidate provided this information on the forms. If the
2777 candidate fails to appear at the hearing or to prove he meets all
2778 qualifications to hold the office subject to no contingencies,
2779 then the name of such candidate shall not be placed upon the
2780 ballot. If the proper executive committee determines that the
2781 candidate has taken the steps necessary to qualify for more than



2782 one (1) office at the election, the action required by Section
2783 23-15-905, shall be taken.

2784 Where there is but one (1) candidate for each office
2785 contested at the primary election, the proper executive committee
2786 when the time has expired within which the names of candidates
2787 shall be furnished shall declare such candidates the nominees.

2788 (8) No candidate may qualify by filing the information
2789 required by this section by using the Internet.

2790 **SECTION 70.** Section 23-15-303, Mississippi Code of 1972, is
2791 amended as follows:

2792 23-15-303. When two (2) or more political parties or
2793 political organizations are holding primary elections, each shall
2794 be conducted entirely independent of the other but at the same
2795 time.

2796 * * *

2797 **SECTION 71.** Section 23-15-307, Mississippi Code of 1972, is
2798 amended as follows:

2799 23-15-307. The name of any candidate shall not be placed
2800 upon the official ballot in general elections as a party nominee
2801 who is not nominated as herein provided, and the election of any
2802 party nominee who shall be nominated otherwise than as provided in
2803 this chapter shall be void and he shall not be entitled to hold
2804 the office to which he may have been elected. * * *

2805 **SECTION 72.** Section 23-15-309, Mississippi Code of 1972, is
2806 amended as follows:



2807 23-15-309. (1) Nominations for all municipal officers which
2808 are elective shall be made at a primary election, or elections, to
2809 be held in the manner prescribed by law. All persons desiring to
2810 be candidates for the nomination in the primary elections shall
2811 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
2812 at least sixty (60) days prior to the first primary election, no
2813 later than 5:00 p.m. on such deadline day.

2814 (2) The fee paid pursuant to subsection (1) of this section
2815 shall be accompanied by a written statement containing the name
2816 and address of the candidate, the party with which he is
2817 affiliated, the email address of the candidate, if any, and the
2818 office for which he is a candidate.

2819 (3) The clerk shall promptly receipt the payment, stating
2820 the office for which the person making the payment is running and
2821 the political party with which such person is affiliated. The
2822 clerk shall keep an itemized account in detail showing the time
2823 and date of the receipt of such payment received by him, from whom
2824 such payment was received, the party with which such person is
2825 affiliated and for what office the person paying the fee is a
2826 candidate. No candidate may attempt to qualify with any political
2827 party which does not have a duly organized municipal executive
2828 committee, and the municipal clerk shall not accept any
2829 assessments made pursuant to paragraph (1) in which the municipal
2830 clerk does not have contact information for the secretary of the
2831 municipal executive committee. The clerk shall promptly supply



2832 all necessary information and pay over all fees so received to the
2833 secretary of the proper municipal executive committee. Such funds
2834 may be used and disbursed in the same manner as is allowed in
2835 Section 23-15-299 in regard to other executive committees.

2836 (4) Upon receipt of the above information, the proper
2837 municipal executive committee shall then determine, at the time of
2838 the qualifying deadline, whether each candidate is a qualified
2839 elector of the municipality, and of the ward if the office sought
2840 is a ward office, shall determine whether each candidate either
2841 meets all other qualifications to hold the office he is seeking or
2842 presents absolute proof that he will, subject to no contingencies,
2843 meet all qualifications on or before the date of the general or
2844 special election at which he could be elected to office. The
2845 executive committee shall determine whether the candidate has
2846 taken the steps necessary to qualify for more than one (1) office
2847 at the election. The committee also shall determine whether any
2848 candidate has been convicted of any felony in a court of this
2849 state, or has been convicted on or after December 8, 1992, of any
2850 offense in another state which is a felony under the laws of this
2851 state, or has been convicted of any felony in a federal court on
2852 or after December 8, 1992. Excepted from the above are
2853 convictions of manslaughter and violations of the United States
2854 Internal Revenue Code or any violations of the tax laws of this
2855 state unless such offense also involved misuse or abuse of his
2856 office or money coming into his hands by virtue of his office. If



2857 the proper municipal executive committee finds that a candidate
2858 either (a) does not meet all qualifications to hold the office he
2859 seeks and fails to provide absolute proof, subject to no
2860 contingencies, that he will meet the qualifications on or before
2861 the date of the general or special election at which he could be
2862 elected, or (b) has been convicted of a felony as described in
2863 this subsection and not pardoned, then the * * * executive
2864 committee shall notify the candidate and give the candidate an
2865 opportunity to be heard. The executive committee shall mail
2866 notice to the candidate at least three (3) business days before
2867 the hearing to the address provided by the candidate on the
2868 qualifying forms, and the committee shall attempt to contact the
2869 candidate by telephone, email and facsimile if the candidate
2870 provided this information on the forms. If the candidate fails to
2871 appear at the hearing or to prove he meets all qualifications to
2872 hold the office subject to no contingencies, then the name of such
2873 candidate shall not be placed upon the ballot. If the executive
2874 committee determines that the candidate has taken the steps
2875 necessary to qualify for more than one (1) office at the election,
2876 the action required by Section 23-15-905, shall be taken.

2877 (5) Where there is but one (1) candidate, the proper
2878 municipal executive committee when the time has expired within
2879 which the names of candidates shall be furnished shall declare
2880 such candidate the nominee.



2881 **SECTION 73.** Section 23-15-311, Mississippi Code of 1972, is
2882 amended as follows:

2883 23-15-311. All the expenses of printing the tickets, paying
2884 the poll managers, clerks and returning officer of a municipal
2885 primary election shall be paid by the municipality from the
2886 general funds thereof, but such officers of primary elections
2887 shall receive only such compensation as is authorized by law or
2888 ordinance to be paid poll managers, clerks and returning officer
2889 for like services rendered in the * * * general elections held in
2890 such municipality.

2891 **SECTION 74.** Section 23-15-333, Mississippi Code of 1972, is
2892 amended as follows:

2893 23-15-333. (1) The county executive committee shall have
2894 printed all necessary ballots, for use in primary elections. The
2895 county executive committee shall have printed all necessary
2896 absentee ballots forty-five (45) days * * * before the election as
2897 required by law. The ballots shall contain the names of all the
2898 candidates to be voted for at such election, and there shall be
2899 left on each ballot one (1) blank space under the title of each
2900 office for which a nominee is to be elected; and in the event of
2901 the death of any candidate whose name shall have been printed on
2902 the ballot, the name of the candidate duly substituted in the
2903 place of the deceased candidate may be written in such blank space
2904 by the voter. Except as otherwise provided in subsection (2) of
2905 this section, the order in which the titles to the various offices



2906 shall be printed, and the size, print and quality of the paper of
2907 the ballot is left to the discretion of the county executive
2908 committee. Provided, however, that in all cases the arrangement
2909 of the names of the candidates for each office shall be
2910 alphabetical. No ballot shall be used except those so printed.

2911 (2) The order in which the titles for the various offices
2912 shall be listed in the following order:

2913 (a) Candidates, electors or delegates for the following
2914 national offices * * *:

2915 (i) President of the United States of America;

2916 (ii) United States Senator or United States
2917 Representative;

2918 (b) Candidates for the following statewide offices:
2919 Governor, Lieutenant Governor, Secretary of State, Attorney
2920 General, State Treasurer, Auditor of Public Accounts, Commissioner
2921 of Agriculture and Commerce, Commissioner of Insurance;

2922 (c) Candidates for the following state district
2923 offices: * * * Mississippi Transportation Commissioner, Public
2924 Service Commissioner, District Attorney;

2925 (d) Candidates for the following legislative
2926 offices * * *: Senator and House of Representatives;

2927 (e) Candidates for countywide office;

2928 (f) Candidates for county district office.

2929 The order in which the titles for the various offices are
2930 listed within each of the categories listed in * * * paragraphs



2931 (e) and (f) * * * are left to the discretion of the county
2932 executive committee. Candidates' names shall be listed
2933 alphabetically under each office by the candidate's last
2934 name. * * *

2935 (3) If after the deadline to qualify as a candidate for an
2936 office, there shall be only one (1) person who has duly qualified
2937 to be a candidate for the office in the primary election, the name
2938 of such person shall be placed on the ballot; provided, however,
2939 that if there shall be not more than one (1) person duly qualified
2940 to be a candidate for each office on the primary election ballot,
2941 the election for all offices on the ballot shall be dispensed with
2942 and the appropriate executive committee shall declare each
2943 candidate as the party nominee if the candidate meets all the
2944 qualifications to hold the office.

2945 (4) (a) If it is eligible under Section 23-15-266, the
2946 county executive committee may enter into a written agreement with
2947 the circuit clerk or the county election commission authorizing
2948 the circuit clerk or the county election commission to perform any
2949 of the duties required of the county executive committee pursuant
2950 to this section. Any agreement entered into pursuant to this
2951 subsection shall be signed by the chairman of the county executive
2952 committee and the circuit clerk or the chairman of the county
2953 election commission, as appropriate. The county executive
2954 committee shall notify the state executive committee and the
2955 Secretary of State of the existence of such agreement.



2956 (b) If it is eligible under Section 23-15-266, the
2957 municipal executive committee may enter into a written agreement
2958 with the municipal clerk or the municipal election commission
2959 authorizing the municipal clerk or the municipal election
2960 commission to perform any of the duties required of the municipal
2961 executive committee pursuant to this section. Any agreement
2962 entered into pursuant to this subsection shall be signed by the
2963 chairman of the municipal executive committee and the municipal
2964 clerk or the chairman of the municipal election commission, as
2965 appropriate. The municipal executive committee shall notify the
2966 state executive committee and the Secretary of State of the
2967 existence of such agreement.

2968 **SECTION 75.** Section 23-15-351, Mississippi Code of 1972, is
2969 amended as follows:

2970 23-15-351. It shall be the duty of the chairman of the
2971 election commission of each county to have printed all necessary
2972 ballots for use in elections, except ballots in municipal
2973 elections which shall be printed as herein provided by the
2974 authorities of the respective municipalities; and the * * *
2975 election commissioner shall cause the official ballot to be
2976 printed by a printer sworn to keep the ballots secret under the
2977 penalties prescribed by law. The printer shall deliver to the
2978 election commissioners for holding elections, a certificate of the
2979 number of ballots printed for each precinct, and shall not print
2980 any additional ballots, except on instruction of proper election



2981 commissioners; and failure to observe either of these requirements
2982 shall be a misdemeanor.

2983 * * *

2984 **SECTION 76.** Section 23-15-353, Mississippi Code of 1972, is
2985 amended as follows:

2986 23-15-353. The officer charged with printing and
2987 distributing the official ballot shall ascertain from the
2988 registrar, at least ten (10) days before the day of election, the
2989 number of registered voters in each voting precinct; and he shall
2990 have printed and distributed a sufficient number of ballots for
2991 use in each precinct. * * *

2992 **SECTION 77.** Section 23-15-355, Mississippi Code of 1972, is
2993 amended as follows:

2994 23-15-355. Ballots in all elections shall be printed and
2995 distributed at public expense and shall be known as "official
2996 ballots." The expense of printing such ballots shall be paid out
2997 of the county treasury, except that in municipal elections such
2998 expenses shall be paid by the respective cities, towns and
2999 villages. * * *

3000 **SECTION 78.** Section 23-15-359, Mississippi Code of 1972, is
3001 amended as follows:

3002 23-15-359. (1) The ballot shall contain the names of all
3003 party nominees certified by the appropriate executive committee,
3004 and independent and special election candidates who have timely
3005 filed petitions containing the required signatures * * *, if the



3006 candidates meet all of the qualifications to hold the office
3007 sought. A petition requesting that an independent or special
3008 election candidate's name be placed on the ballot for any office
3009 shall be filed as provided for in subsection (3) or (4) of this
3010 section, as appropriate, and shall be signed by not less than the
3011 following number of qualified electors:

3012 (a) For an office elected by the state at large, not
3013 less than one thousand (1,000) qualified electors.

3014 (b) For an office elected by the qualified electors of
3015 a Supreme Court district, not less than three hundred (300)
3016 qualified electors.

3017 (c) For an office elected by the qualified electors of
3018 a congressional district, not less than two hundred (200)
3019 qualified electors.

3020 (d) For an office elected by the qualified electors of
3021 a circuit or chancery court district, not less than one hundred
3022 (100) qualified electors.

3023 (e) For an office elected by the qualified electors of
3024 a senatorial or representative district, not less than fifty (50)
3025 qualified electors.

3026 (f) For an office elected by the qualified electors of
3027 a county, not less than fifty (50) qualified electors.

3028 (g) For an office elected by the qualified electors of
3029 a supervisors district or justice court district, not less than
3030 fifteen (15) qualified electors.



3031 (2) (a) Unless the petition required above shall be filed
3032 as provided for in subsection (3) or (4) of this section, as
3033 appropriate, the name of the person requested to be a candidate,
3034 unless nominated by a political party, shall not be placed upon
3035 the ballot. The ballot shall contain the names of each candidate
3036 for each office, and such names shall be listed under the name of
3037 the political party such candidate represents as provided by law
3038 and as certified to the circuit clerk by the state executive
3039 committee of such political party. In the event such candidate
3040 qualifies as an independent as provided in this section, he shall
3041 be listed on the ballot as an independent candidate.

3042 (b) The name of an independent or special election
3043 candidate who dies before the printing of the ballots, shall not
3044 be placed on the ballots.

3045 (3) Petitions for offices described in paragraphs (a), (b),
3046 (c), (d) and (e) of subsection (1) of this section shall be filed
3047 with the State Board of Election Commissioners by no later than
3048 5:00 p.m. on the same date or business day, as applicable, by
3049 which candidates for nominations in the political party primary
3050 elections are required to pay the fee provided for in Section
3051 23-15-297, Mississippi Code of 1972; however, no petition may be
3052 filed before January 1 of the year in which the election for the
3053 office is held.

3054 (4) Petitions for offices described in paragraphs (f) and
3055 (g) of subsection (1) of this section shall be filed with the



3056 proper circuit clerk by no later than 5:00 p.m. on the same date
3057 or business day, as applicable, by which candidates for
3058 nominations in the political party elections are required to pay
3059 the fee provided for in Section 23-15-297; however, no petition
3060 may be filed before January 1 of the year in which the election
3061 for the office is held. The circuit clerk shall notify the county
3062 election commissioners * * * of all persons who have filed
3063 petitions with such clerk. Such notification shall occur within
3064 two (2) business days and shall contain all necessary information.

3065 (5) The election commissioners may also have printed upon
3066 the ballot any local issue election matter that is authorized to
3067 be held on the same date as the regular or general election
3068 pursuant to Section 23-15-375; however, the ballot form of such
3069 local issue must be filed with the election commissioners * * * by
3070 the appropriate governing authority not less than sixty (60) days
3071 * * * before the date of the election.

3072 (6) The provisions of this section shall not apply to
3073 municipal elections or to the election of the offices of justice
3074 of the Supreme Court, judge of the Court of Appeals, circuit
3075 judge, chancellor, county court judge and family court judge.

3076 (7) Nothing in this section shall prohibit special elections
3077 to fill vacancies in either house of the Legislature from being
3078 held as provided in Section 23-15-851. In all elections conducted
3079 under the provisions of Section 23-15-851, there shall be printed
3080 on the ballot the name of any candidate who, not having been



3081 nominated by a political party, shall have been requested to be a
3082 candidate for any office by a petition filed with the State Board
3083 of Election Commissioners and signed by not less than fifty (50)
3084 qualified electors.

3085 (8) The appropriate election commission shall determine
3086 whether each candidate is a qualified elector of the state, state
3087 district, county or county district they seek to serve, and
3088 whether each candidate meets all other qualifications to hold the
3089 office he is seeking or presents absolute proof that he will,
3090 subject to no contingencies, meet all qualifications on or before
3091 the date of the general or special election at which he could be
3092 elected to office. The election commission shall determine
3093 whether the candidate has taken the steps necessary to qualify for
3094 more than one (1) office at the election. The election commission
3095 also shall determine whether any candidate has been convicted of
3096 any felony in a court of this state, or has been convicted on or
3097 after December 8, 1992, of any offense in another state which is a
3098 felony under the laws of this state, or has been convicted of any
3099 felony in a federal court on or after December 8, 1992. Excepted
3100 from the above are convictions of manslaughter and violations of
3101 the United States Internal Revenue Code or any violations of the
3102 tax laws of this state, unless the offense also involved misuse or
3103 abuse of his office or money coming into his hands by virtue of
3104 his office. If the appropriate election commission finds that a
3105 candidate either (a) is not a qualified elector, (b) does not meet



3106 all qualifications to hold the office he seeks and fails to
3107 provide absolute proof, subject to no contingencies, that he will
3108 meet the qualifications on or before the date of the general or
3109 special election at which he could be elected, or (c) has been
3110 convicted of a felony as described in this subsection, and not
3111 pardoned, then the election commission shall notify the candidate
3112 and give the candidate an opportunity to be heard. The election
3113 commission shall mail notice to the candidate at least three (3)
3114 business days before the hearing to the address provided by the
3115 candidate on the qualifying forms, and the committee shall attempt
3116 to contact the candidate by telephone, email and facsimile if the
3117 candidate provided this information on the forms. If the
3118 candidate fails to appear at the hearing or to prove he meets all
3119 qualifications to hold the office subject to no contingencies,
3120 then the name of such candidate shall not be placed upon the
3121 ballot. * * * If the appropriate election commission determines
3122 that the candidate has taken the steps necessary to qualify for
3123 more than one (1) office at the election, the action required by
3124 Section 23-15-905, shall be taken.

3125 (9) If after the deadline to qualify as a candidate for an
3126 office or after the time for holding any party primary for an
3127 office, there shall be only one (1) person who has duly qualified
3128 to be a candidate for the office in the general election, the name
3129 of such person shall be placed on the ballot; provided, however,
3130 that if there shall be not more than one (1) person duly qualified



3131 to be a candidate for each office on the general election ballot,
3132 the election for all offices on the ballot shall be dispensed with
3133 and the appropriate election commission shall declare each
3134 candidate elected without opposition if the candidate meets all
3135 the qualifications to hold the office as determined pursuant to a
3136 review by the election commission in accordance with the
3137 provisions of subsection (8) of this section and if the candidate
3138 has filed all required campaign finance disclosure reports as
3139 required by Section 23-15-807.

3140 (10) The petition required by this section may not be filed
3141 by using the Internet.

3142 **SECTION 79.** Section 23-15-361, Mississippi Code of 1972, is
3143 amended as follows:

3144 23-15-361. (1) The municipal general election ballot shall
3145 contain the names of all candidates who have been put in
3146 nomination by the municipal primary election of any political
3147 party. There shall be printed on the ballots the names of all
3148 persons so nominated, whether the nomination be otherwise known or
3149 not, upon the written request of one or more of the candidates so
3150 nominated, or of any qualified elector who will make oath that he
3151 was a participant in the primary election, and that the person
3152 whose name is presented by him was nominated by such primary
3153 election. The municipal election commissioners * * * who are
3154 required to have the ballots printed, shall also have printed on
3155 the ballot in any municipal general election the name of any



3156 candidate who, not having been nominated by a political party,
3157 shall have been requested to be a candidate for any office by a
3158 petition filed with the clerk of the municipality no later than
3159 5:00 p.m. on the same date by which candidates for nomination in
3160 the municipal primary elections are required to pay the fee
3161 provided for in Section 23-15-309, and signed by not less than the
3162 following number of qualified electors:

3163 (a) For an office elected by the qualified electors of
3164 a municipality or a municipal district having a population of one
3165 thousand (1,000) or more, not less than fifty (50) qualified
3166 electors.

3167 (b) For an office elected by the qualified electors of
3168 a municipality or a municipal district having a population of less
3169 than one thousand (1,000), not less than fifteen (15) qualified
3170 electors.

3171 (2) Unless the petition required above shall be filed no
3172 later than 5:00 p.m. on the same date by which candidates for
3173 nomination in the municipal primary election are required to pay
3174 the fee provided for in Section 23-15-309, the name of the person
3175 requested to be a candidate, unless nominated by a political
3176 party, shall not be placed upon the ballot. The ballot shall
3177 contain the names of each candidate for each municipal office, and
3178 such names shall be listed under the name of the political party
3179 such candidate represents as provided by law and as certified to
3180 the municipal clerk by the municipal executive committee of such



3181 political party. * * * In the event such candidate qualifies as
3182 an independent as herein provided, he shall be listed on the
3183 ballot as an independent candidate.

3184 (3) The clerk of the municipality shall notify the municipal
3185 election commissioners * * * of all persons who have filed
3186 petitions pursuant to subsection (1) of this section within two
3187 (2) business days of the date of filing.

3188 (4) The ballot in elections to fill vacancies in municipal
3189 elective office shall contain the names of all persons who have
3190 qualified as required by Section 23-15-857.

3191 (5) The municipal election commission shall determine
3192 whether each party candidate in the municipal general election is
3193 a qualified elector of the municipality, and of the ward if the
3194 office sought is a ward office and shall determine whether each
3195 candidate either meets all other qualifications to hold the office
3196 he is seeking or presents absolute proof that he will, subject to
3197 no contingencies, meet all qualifications on or before the date of
3198 the general or special election at which he could be elected to
3199 office. The municipal election commission also shall determine
3200 whether any candidate has been convicted of any felony in a court
3201 of this state, or has been convicted on or after December 8, 1992,
3202 of any offense in another state which is a felony under the laws
3203 of this state, or has been convicted of any felony in a federal
3204 court on or after December 8, 1992. Excepted from the above are
3205 convictions of manslaughter and violations of the United States



3206 Internal Revenue Code or any violations of the tax laws of this
3207 state unless such offense also involved misuse or abuse of his
3208 office or money coming into his hands by virtue of his office. If
3209 the municipal election commission finds that a candidate either
3210 (a) is not a qualified elector, (b) does not meet all
3211 qualifications to hold the office he seeks and fails to provide
3212 absolute proof, subject to no contingencies, that he will meet the
3213 qualifications on or before the date of the general or special
3214 election at which he could be elected, or (c) has been convicted
3215 of a felony as described above and not pardoned, then the election
3216 commission shall notify the candidate and give the candidate an
3217 opportunity to be heard. The election commission shall mail
3218 notice to the candidate at least three (3) business days before
3219 the hearing to the address provided by the candidate on the
3220 qualifying forms, and the committee shall attempt to contact the
3221 candidate by telephone, email and facsimile if the candidate
3222 provided this information on the forms. If the candidate fails to
3223 appear at the hearing or to prove he meets all qualifications to
3224 hold the office subject to no contingencies, then the name of the
3225 candidate shall not be placed upon the ballot.

3226 (6) If after the deadline to qualify as a candidate for an
3227 office or after the time for holding any party primary election
3228 for an office, there shall be only one (1) person who has duly
3229 qualified to be a candidate for the office in the general election
3230 the name of such person shall be placed on the ballot; provided,



3231 however, that if there shall be not more than one (1) person duly
3232 qualified to be a candidate for each office on the general
3233 election ballot, the election for all offices on the ballot shall
3234 be dispensed with and the municipal election commission shall
3235 declare each candidate elected without opposition if the candidate
3236 meets all the qualifications to hold the office as determined
3237 pursuant to a review by the election commission in accordance with
3238 the provisions of subsection (5) of this section and if the
3239 candidate has filed all required campaign finance disclosure
3240 reports as required by Section 23-15-807.

3241 **SECTION 80.** Section 23-15-365, Mississippi Code of 1972, is
3242 amended as follows:

3243 23-15-365. (1) * * * (a) In general and special elections,
3244 there shall be left on each ballot one (1) blank space under the
3245 title of each office to be voted for, and in the event of the
3246 death, resignation, withdrawal or removal of any candidate whose
3247 name shall have been printed on the official ballot, the name of
3248 the candidate duly substituted in the place of such candidate who
3249 is qualified to hold the office may be written in such blank space
3250 by the voter.

3251 (b) In all primary elections, there shall be left on
3252 each ballot one (1) blank space under the title of each office to
3253 be voted for, and in the event of the death, resignation, or
3254 withdrawal of a candidate, the name of any individual who is



3255 qualified to hold the office may be written in such blank space by
3256 the voter.

3257 (2) The provisions of subsection (1) of this section shall
3258 not apply to elections conducted under the Nonpartisan Judicial
3259 Election Act.

3260 **SECTION 81.** Section 23-15-367, Mississippi Code of 1972, is
3261 amended as follows:

3262 23-15-367. (1) Except as otherwise provided by Sections
3263 23-15-974 through 23-15-985 and subsection (2) of this section,
3264 * * * the size, print and quality of paper of the official ballot
3265 is left to the discretion of the officer charged with printing the
3266 official ballot.

3267 (2) The titles for the various offices shall be listed in
3268 the following order:

3269 (a) Candidates, electors or delegates for the following
3270 national offices * * *:

3271 (i) President;

3272 (ii) United States Senator or United States
3273 Representative;

3274 (b) Candidates for the following statewide
3275 office * * *: Governor, Lieutenant Governor, Secretary of State,
3276 Attorney General, State Treasurer, Auditor of Public Accounts,
3277 Commissioner of Agriculture and Commerce, Commissioner of
3278 Insurance;



3279 (c) Candidates for the following state district
3280 offices * * *: Mississippi Transportation Commissioner, Public
3281 Service Commissioner, District Attorney;

3282 (d) Candidates for the following legislative
3283 offices * * *: Senator and House of Representatives;

3284 (e) Candidates for countywide office;

3285 (f) Candidates for county district office.

3286 The order in which the titles for the various offices are
3287 listed within * * * paragraphs (e) and (f) is left to the
3288 discretion of the * * * county election commissioners. Nominees
3289 of the political parties, qualified to conduct primary elections
3290 as defined in Section 23-15-291, shall be listed first
3291 alphabetically by the candidate's last name, followed by any other
3292 candidates listed alphabetically by last name.

3293 (3) It is the duty of the Secretary of State, with the
3294 approval of the Governor, to furnish the designated election
3295 commissioner of each county a sample of the official ballot, not
3296 less than fifty-five (55) days * * * before the election, the
3297 general form of which shall be followed as nearly as practicable.

3298 **SECTION 82.** Section 23-15-369, Mississippi Code of 1972, is
3299 amended as follows:

3300 23-15-369. (1) (a) Whenever a constitutional amendment is
3301 submitted to the vote of the people, the substance of * * * the
3302 amendment shall be printed in clear and unambiguous language on
3303 the ballot after the list of candidates, if any, followed by the



3304 word "YES" and also by the word "NO", and shall be styled in such
3305 a manner that a "YES" vote will indicate approval of the proposal
3306 and a "NO" vote will indicate rejection.

3307 (b) The substance of the amendment shall be an
3308 explanatory statement not exceeding seventy-five (75) words in
3309 length of the chief purpose of the measure. Such statement shall
3310 be prepared by the Legislature and included in the concurrent
3311 resolution proposing the amendment to the Constitution. The
3312 statement shall avoid, whenever possible, the use of legal
3313 terminology or jargon and shall use instead, simple, ordinary,
3314 everyday language. The Secretary of State shall give each
3315 proposed constitutional amendment a designating number for
3316 convenient reference specific to the election in which the
3317 amendment appears on the ballot. This number designation shall
3318 appear on the ballot. Designating numbers shall be assigned in
3319 the order of filing or certification of the amendments. The
3320 Secretary of State shall furnish the designating number and the
3321 substance of each amendment to the circuit clerk of each county in
3322 which such amendment is to be voted on.

3323 (c) The full text of each proposed constitutional
3324 amendment shall be published by the Secretary of State as provided
3325 for in Section 7-3-39, * * *, and shall be posted prominently in
3326 all polling places, with copies of said proposed amendment to be
3327 otherwise available at each polling place.



3328 (2) Except as may be otherwise provided in subsection (1) of
3329 this section, whenever any public measure, question or matter that
3330 requires an affirmative or negative vote is submitted to a vote of
3331 the electors, the measure or matter shall be printed on the ballot
3332 and also the words "FOR" or "AGAINST" to be so arranged by the
3333 proper officer so that the voter can intelligently vote his or her
3334 preference.

3335 **SECTION 83.** Section 23-15-371, Mississippi Code of 1972, is
3336 amended as follows:

3337 23-15-371. In case the official ballots prepared shall be
3338 lost or destroyed, the election commissioners * * * shall have
3339 like ballots furnished in place of those lost or destroyed, if
3340 time remain therefor. If from any cause there should be no
3341 official ballots or an insufficient number at a voting place, and
3342 not sufficient time in which to have them printed, the ballots may
3343 be written; but, if written by anyone except the voter alone for
3344 himself or herself, the names of all candidates shall be written
3345 thereon, without any mark or device by which one name may be
3346 distinguished from another, and such ballots shall be marked by
3347 the voter as provided for printed ballots. If the poll manager
3348 designated fails to have the ballots at the voting place at the
3349 proper time, or if he fails to distribute them, the poll managers,
3350 or those of them present at the election, shall provide ballots,
3351 and select some suitable person to distribute them, who shall take



3352 the oath required of the poll managers, and distribute the ballots
3353 according to law.

3354 **SECTION 84.** Section 23-15-373, Mississippi Code of 1972, is
3355 amended as follows:

3356 23-15-373. Within one (1) day after election day, the poll
3357 managers * * * shall report to the election commissioners, under
3358 oath, as to the loss of official ballots, the number lost, and all
3359 facts connected therewith, which report the commissioners may
3360 deliver to the grand jury, if deemed advisable.

3361 **SECTION 85.** Section 23-15-375, Mississippi Code of 1972, is
3362 amended as follows:

3363 23-15-375. Local issue elections may be held on the same
3364 date as any regular or general election. A local issue election
3365 held on the same date as the regular or general election shall be
3366 conducted in the same manner as the regular or general election
3367 using the same poll workers and the same equipment. A local issue
3368 may be placed on the regular or general election ballot pursuant
3369 to the provisions of Section 23-15-359 * * *. The provisions of
3370 this section and Section 23-15-359 with regard to local issue
3371 elections shall not be construed to affect any statutory
3372 requirements specifying the notice procedure and the necessary
3373 percentage of qualified electors voting in such an election which
3374 is needed for adoption of the local issue. Whether or not a local
3375 issue is adopted or defeated at a local issue election held on the
3376 same day as a regular or general election shall be determined in



3377 accordance with relevant statutory requirements regarding the
3378 necessary percentage of qualified electors who voted in * * * the
3379 local issue election, and only those persons voting for or against
3380 such issue shall be counted in making that determination. As used
3381 in this section "local issue elections" include elections
3382 regarding the issuance of bonds, local option elections, elections
3383 regarding the levy of additional ad valorem taxes and other
3384 similar elections authorized by law that are called to consider
3385 issues that affect a single local governmental entity. As used in
3386 this section "local issue" means any issue that may be voted on in
3387 a local issue election.

3388 **SECTION 86.** Section 23-15-391, Mississippi Code of 1972, is
3389 amended as follows:

3390 23-15-391. The board of supervisors of each county * * * and
3391 the governing authorities of each municipality shall utilize * * *
3392 optical mark reading equipment or direct recording electronic
3393 voting equipment which shall comply with the specifications
3394 provided by law. The election commissioners may * * * conduct
3395 special and municipal elections, as well as runoff elections that
3396 result, * * * by paper ballot * * * when the election
3397 commissioners determine that administration of an election by
3398 paper ballot will be less expensive than administration of the
3399 same election by * * * optical mark reading equipment or direct
3400 recording electronic voting equipment.



3401 **SECTION 87.** Section 23-15-503, Mississippi Code of 1972, is
3402 amended as follows:

3403 23-15-503. As used in this subarticle, unless otherwise
3404 specified:

3405 (a) "Optimal mark reading (OMR)" means * * * a method
3406 of capturing data electronically into a computer system.

3407 (b) "Optical mark reading equipment (OMR)" means * * *
3408 an apparatus that reads pen and pencil marks made in pre-defined
3409 positions on paper ballots * * * to automatically examine and
3410 count votes * * *.

3411 (c) "Counting center" means one or more locations used
3412 for the automatic counting of ballots.

3413 * * *

3414 (* * * d) "Marking device" means a pen or pencil * * *
3415 that the voters use to record their * * * paper ballots, readable
3416 by the OMR equipment.

3417 (* * * e) "Ballot" means a paper ballot on which votes
3418 are recorded by means of marking the ballot with a marking device.

3419 **SECTION 88.** Section 23-15-505, Mississippi Code of 1972, is
3420 amended as follows:

3421 23-15-505. The board of supervisors of any county * * * and
3422 the governing authorities of any municipality * * * are hereby
3423 authorized and empowered, in their discretion, to purchase or
3424 rent * * * OMR equipment * * * which meets the requirements of
3425 Section 23-15-507 and may use such system in all or a part of the



3426 precincts within its boundaries. * * * The provisions of this
3427 chapter shall be controlling with respect to elections * * * in
3428 which OMR * * * equipment is used, and shall be liberally
3429 construed so as to carry out the purpose of this chapter. The
3430 provisions of the election law relating to the conduct of
3431 elections with paper ballots, * * * insofar as they are
3432 applicable, * * * shall apply.

3433 **SECTION 89.** Section 23-15-507, Mississippi Code of 1972, is
3434 amended as follows:

3435 23-15-507. No * * * OMR equipment * * * shall be acquired or
3436 used in accordance with this chapter unless it shall:

3437 (a) Permit * * * eligible voters to vote at any
3438 election for all persons * * * for whom * * * they are lawfully
3439 entitled to vote; to vote for as many persons for an office as
3440 they are lawfully entitled to vote * * *; to vote for or against
3441 any ballot initiative, measure or other local issue * * * upon
3442 which they are lawfully entitled to vote;

3443 (b) The OMR * * * equipment shall be capable of
3444 rejecting choices * * * marked on the ballot if the number of
3445 choices exceeds the number which the voter is entitled to vote for
3446 the office or on the measure;

3447 (c) Permit each voter, * * * in presidential elections,
3448 by one (1) mark to vote for the candidates of that party for
3449 President, Vice President, and their presidential electors, or to



3450 vote individually for the electors of their choice when permitted
3451 by law;

3452 (d) Permit each voter, * * * in other than primary
3453 elections, to vote for the nominees of one or more parties and for
3454 independent * * * candidates;

3455 (e) Permit each voter to vote for candidates only in
3456 the primary in which * * * he or she is qualified to vote;

3457 (f) Permit each voter to vote for persons whose names
3458 are not on the printed ballot;

3459 (g) Be suitably designed for the purpose used, of
3460 durable construction, and may be used safely, efficiently and
3461 accurately in the conduct of elections and the counting of
3462 ballots;

3463 (h) Be provided with means for sealing the ballots
3464 after the close of the polls * * *;

3465 (i) When properly operated, record correctly and count
3466 accurately all votes cast; and

3467 (j) Provide the voter with a set of instructions that
3468 will be * * * displayed in such a way that a voter may readily
3469 learn the method of voting.

3470 **SECTION 90.** Section 23-15-511, Mississippi Code of 1972, is
3471 amended as follows:

3472 23-15-511. The ballots shall, as far as practicable, * * *
3473 be in the same order of arrangement as provided for paper ballots
3474 that are to be counted manually, except that * * * the information



3475 may be printed in vertical or horizontal rows. Nothing in this
3476 chapter shall be construed as prohibiting the information being
3477 presented to the voters from being printed on both sides of a
3478 single ballot. In those years when a special election shall occur
3479 on the same day as the general election, the names of candidates
3480 in any special election and the general election shall be placed
3481 on the same ballot by the election commissioners * * * or
3482 officials in charge of the election, but the general election
3483 candidates shall be clearly distinguished from the special
3484 election candidates. At any time a special election is held on
3485 the same day as a party primary election, the names of the
3486 candidates in the special election may be placed on the same
3487 ballot by the officials in charge of the election, but shall be
3488 clearly distinguished as special election candidates or primary
3489 election candidates.

3490 Ballots shall be printed in plain clear type in black ink and
3491 upon clear white materials of such size and arrangement as to be
3492 compatible with the OMR * * * equipment. * * * Arrows may be
3493 printed on the ballot to indicate the place to mark the ballot,
3494 which may be to the right or left of the names of candidates and
3495 propositions. The titles of offices may be arranged in vertical
3496 columns on the ballot and shall be printed above or at the side of
3497 the names of candidates so as to indicate clearly the candidates
3498 for each office and the number to be elected. In case there are
3499 more candidates for an office * * * than can be printed in one (1)



3500 column, the ballot shall be clearly marked that the list of
3501 candidates is continued on the following column. The names of
3502 candidates for each office shall be printed in vertical columns,
3503 grouped by the offices which they seek. In partisan elections,
3504 the party designation of each candidate, which may be abbreviated,
3505 shall be printed following his name.

3506 * * * One (1) sample * * * ballot, which shall be a
3507 facsimile * * * of the official ballot and instructions to the
3508 voters, shall be provided for each precinct and shall be posted in
3509 each polling place on election day.

3510 A separate ballot security envelope or suitable equivalent in
3511 which the voter can place his ballot after voting, shall be
3512 provided to conceal the choices the voter has made. * * *

3513 **SECTION 91.** Section 23-15-513, Mississippi Code of 1972, is
3514 amended as follows:

3515 23-15-513. (1) The official ballots, sample ballots and
3516 other necessary forms and supplies of the forms and description
3517 required by this chapter or required for the conduct of elections
3518 with an electronic voting system shall be prepared and furnished
3519 by the same official, in the same manner and time, and delivered
3520 to the same officials as provided by law with respect to paper
3521 ballots that are to be counted manually.

3522 (2) For each primary * * * election, the number of official
3523 ballots that shall be printed by each executive committee shall
3524 be * * * not less than one hundred twenty-five percent (125%) of



3525 the highest number of votes cast in a comparable primary election
3526 conducted by the same political party in the preceding ten (10)
3527 years.

3528 (3) For each general election, the number of official
3529 ballots that shall be printed shall be a number equal to not less
3530 than sixty percent (60%) of the registered voters eligible to vote
3531 in the election.

3532 **SECTION 92.** Section 23-15-515, Mississippi Code of 1972, is
3533 amended as follows:

3534 23-15-515. The circuit * * * clerk shall be the custodian of
3535 OMR * * * equipment acquired by the county, who shall be charged
3536 with the proper storage, maintenance and repair of the OMR
3537 equipment * * *. The municipal clerk shall be the custodian of
3538 the OMR equipment acquired by the municipality, and shall be
3539 charged with the proper storage, maintenance and repair of the OMR
3540 equipment. The custodian or the officials in charge of the
3541 election shall repair or replace any * * * OMR equipment which
3542 fails to function properly on election day. * * *

3543 **SECTION 93.** Section 23-15-517, Mississippi Code of 1972, is
3544 amended as follows:

3545 23-15-517. At least * * * one (1) hour before the opening of
3546 the polls, the * * * officials in charge of the election shall
3547 arrive at the polling place and set up the voting booths so that
3548 they will be in clear view of the * * * poll managers; the * * *
3549 poll managers shall examine the ballots to verify that they have



3550 the correct ballots for their precinct and check the supplies,
3551 records and forms, and post the sample ballots and instructions to
3552 the voters. They shall also inspect the ballot boxes to insure
3553 they * * * contain only voted absentee ballots in their envelopes
3554 with the required applications, and then seal the box for voting.

3555 Each voter shall receive written and/or verbal instructions
3556 by the * * * poll managers instructing the voter how to properly
3557 vote the paper ballot before * * * the voter enters the voting
3558 booth. If any voter needs additional instructions after entering
3559 the voting booth, two (2) * * * poll managers may, if necessary,
3560 enter the booth and give him or her such additional instructions.
3561 If any voter spoils a ballot * * * the voter may obtain others,
3562 one (1) at a time, not exceeding three (3) in all, upon returning
3563 each spoiled ballot. The word "SPOILED" shall be written across
3564 the face of the ballot and it shall be * * * deposited into the
3565 sealed ballot box. * * * When the polls close once the last
3566 ballot has been cast or at 7:00 p.m., whichever is later, and the
3567 poll managers break the seal on the ballot box to process the
3568 absentee ballots, ballots marked as spoiled shall be bundled
3569 together and placed in an envelope designated for spoiled ballots.
3570 Once the polls have officially closed, the envelope that contains
3571 the spoiled ballots and the unused ballots * * * shall be placed
3572 in * * * the ballot box or other container provided for that
3573 purpose which shall be sealed and returned to the officials in
3574 charge of the election.



3575 **SECTION 94.** Section 23-15-519, Mississippi Code of 1972, is
3576 amended as follows:
3577 23-15-519. The poll managers shall prepare a ballot
3578 accounting report * * * that documents * * * the number of voters
3579 who have voted, as indicated by the * * * receipt book and the
3580 number of ballots used in the election. * * * The report shall be
3581 placed in the ballot box, with the seal logs, receipt books,
3582 absentee ballots, affidavit ballots, challenged ballots, curbside
3583 ballots, emergency ballots, spoiled ballots and unused ballots,
3584 which thereupon shall be sealed with a * * * tamper-evident
3585 seal * * *, which is a seal that has been designed in such a way
3586 to allow someone to easily detect any tampering, so that no
3587 additional ballots may be deposited or removed from the ballot
3588 box. The poll managers, while they have possession of the
3589 election materials, and the officials in charge of the election,
3590 once the poll managers have delivered the ballot box to the
3591 counting center or other designated place, shall be required to
3592 keep a seal log to document each time a tamper-evident seal for a
3593 ballot box is opened or changed. The seal log shall require the
3594 name of the person who opened the seal, the old seal number, the
3595 new seal number, the date the seal was opened and the purpose for
3596 opening the seal. The receiving and returning poll manager * * *
3597 shall * * * deliver the ballot box to the counting center or other
3598 designated place and receive a signed, numbered receipt therefor.
3599 The poll * * * books and other records and supplies * * * shall be



3600 returned as directed by the officials in charge of the election.
3601 Failure to strictly comply with the provisions of this section
3602 shall not result in a presumption of fraud.

3603 **SECTION 95.** Section 23-15-521, Mississippi Code of 1972, is
3604 amended as follows:

3605 23-15-521. * * * Before starting to count * * * the ballots,
3606 the election commissioners, or their designees, * * * shall have
3607 the OMR * * * equipment tested to ascertain that it will
3608 accurately count the votes cast for all offices and on all
3609 measures. Representatives of the political parties, candidates,
3610 the press and the general public may witness the test conducted on
3611 the OMR * * * equipment. The test shall be conducted by
3612 processing a preaudited group of ballots so marked as to record a
3613 predetermined number of valid votes for each candidate and on each
3614 measure, and shall include for each office one or more ballots
3615 which have votes in excess of the number allowed by law in order
3616 to test the ability of the OMR * * * equipment to reject such
3617 votes. If any error is detected, the cause therefor shall be
3618 ascertained and corrected and an errorless count shall be made and
3619 certified to by the officials in charge before the count is
3620 started. On completion of the count, the programs, test materials
3621 and ballots shall be sealed and retained as provided for paper
3622 ballots.

3623 **SECTION 96.** Section 23-15-523, Mississippi Code of 1972, is
3624 amended as follows:



3625 23-15-523. (1) All proceedings at the counting center shall
3626 be under the direction of the election commissioners * * * and
3627 shall be conducted under the observations of the public, but no
3628 persons except those authorized for the purpose shall touch any
3629 ballot. All persons who are engaged in processing and counting of
3630 the ballots shall * * * take the oath provided in Section 268,
3631 Mississippi Constitution of 1890.

3632 (2) The election commissioners * * * shall appoint qualified
3633 electors who have received the training required by subsection
3634 (11) of this section to serve as * * * members of the "resolution
3635 board." An odd number of not less than three (3) members shall be
3636 appointed to the resolution board. The members of the board shall
3637 take the oath provided in Section 268, Mississippi Constitution of
3638 1890. All ballots that have been rejected by the OMR * * *
3639 equipment and that are damaged or defective, blank or overvoted
3640 will be reviewed by * * * the board. Election
3641 commissioners * * *, candidates who are on the ballot * * * and
3642 the spouse, parents, siblings or children of * * * a candidate
3643 shall not be appointed to the resolution board. * * * In general
3644 and special elections, members of the party executive committees
3645 shall not be appointed to the resolution board unless members of
3646 all of the party executive committees who have a candidate on the
3647 ballot are appointed to the resolution board.

3648 (3) (a) If any ballot is damaged or defective so that it
3649 cannot be properly counted by the OMR * * * equipment, the ballot



3650 will be deposited in an envelope provided for that purpose marked
3651 "RESOLUTION BOARD." All such ballots shall be carefully handled
3652 so as to avoid altering, removing or adding any mark on the
3653 ballot.

3654 (b) The election commissioners * * * shall have
3655 the * * * members of the resolution board ascertain the intent of
3656 the voter, if possible, and, if so, manually count any damaged or
3657 defective ballots. * * *

3658 (c) * * * The resolution board * * * shall prepare a
3659 duplicate to the damaged or defective ballot in the following
3660 manner:

3661 (i) The resolution board shall prepare a duplicate
3662 to the original damaged or defective ballot marked identically to
3663 the original.

3664 (ii) The resolution board shall mark the first
3665 original they examine as "Original #1" and the duplicate of this
3666 original as "Duplicate #1." Subsequent originals and duplicates
3667 shall be likewise marked and numbered consecutively so the
3668 duplicate of each original can be identified. Duplicate ballots
3669 shall be stamped in a different manner from the original ballots
3670 so that they may be easily distinguished from the originals.

3671 (iii) The duplicate ballots prepared pursuant to
3672 this paragraph shall be counted by the OMR * * * equipment.

3673 (4) Ballots that have been rejected by the OMR * * *
3674 equipment for appearing to be "blank" shall be examined by the



3675 resolution board to verify if they are blank or were marked with a
3676 "nondetectable" marking device. If it is determined that the
3677 ballot was marked with a nondetectable device, the resolution
3678 board shall prepare a duplicate to the original blank ballot in
3679 the same manner and in accordance with the same process provided
3680 in subsection (3) (c). * * *

3681 (5) All ballots that are rejected by the OMR * * * equipment
3682 and which contain overvotes shall be inspected by the resolution
3683 board. * * * If the rejected ballots upon which an overvote
3684 appears and voter intent cannot be determined by * * * the
3685 resolution board exist, the officials in charge of the election
3686 may use the OMR * * * equipment in determining the vote in the
3687 races which are unaffected by the overvote. All other ballots
3688 which are overvoted shall be counted manually following the
3689 provisions of this section at the direction of the officials in
3690 charge of the election. * * * The return printed by the OMR * * *
3691 equipment to which have been added the manually tallied ballots,
3692 which shall be duly certified by the officials in charge of the
3693 election, shall constitute the official return of each voting
3694 precinct. Unofficial and incomplete returns may be released
3695 during the count. Upon the completion of the counting, the
3696 official returns shall be open to the public.

3697 (6) When the resolution board reviews any OMR ballot in
3698 which the voter has failed to fill in the arrow, oval, circle or
3699 square for a candidate or a ballot measure * * *, the resolution



3700 board shall, if the intent of the voter can be ascertained, count
3701 the vote if:

3702 (a) The voter marks the ballot with a "cross" (X) or
3703 "checkmark" (✓) and the lines that form the mark intersect within
3704 or on the line of the arrow, oval, circle or square by the ballot
3705 measure or the name of the candidate.

3706 (b) The voter blackens the arrow, oval, circle or
3707 square adjacent to the ballot measure or the name of the candidate
3708 in pencil or ink and the blackened portion extends beyond the
3709 boundaries of the arrow, oval, circle or square.

3710 (c) The voter marks the ballot with a "cross" (X) or
3711 "checkmark" (✓) and the lines that form the mark intersect
3712 adjacent to the ballot measure or the name of the candidate.

3713 (d) The voter underlines the ballot measure or the name
3714 of a candidate.

3715 (e) The voter draws a line from the arrow, oval, circle
3716 or square to a ballot measure or the name of a candidate.

3717 (f) The voter draws a circle or oval around the ballot
3718 measure or the name of the candidate.

3719 (g) The voter draws a circle or oval around the arrow,
3720 oval, circle or square adjacent to the ballot measure or the name
3721 of the candidate.

3722 (7) The resolution board, when inspecting an OMR ballot
3723 which contains or appears to contain one or more overvotes,
3724 appears to be damaged or defective, or is rejected by the OMR



3725 * * * equipment for any reason or cannot be counted by the OMR
3726 * * * equipment, shall make its determination in accordance with
3727 the following:

3728 (a) When an elector casts more votes for any office or
3729 measure than he or she is entitled to cast at an election, all the
3730 elector's votes for that office or measure are invalid and the
3731 elector is deemed to have voted for none of them. * * * If an
3732 elector casts less votes for any office or measure than he or she
3733 is entitled to cast at an election, all votes cast by the elector
3734 shall be counted but no vote shall be counted more than once.

3735 (b) If an elector casts more than one (1) vote for the
3736 same candidate for the same office, the first vote is valid and
3737 the remaining votes for that candidate are invalid.

3738 (c) No write-in vote for a candidate whose name is
3739 printed on the ballot shall be regarded as * * * invalid due to
3740 misspelling a candidate's name, or by abbreviation, addition or
3741 omission or use of a wrong initial in the name, as long as the
3742 intent of the voter can be ascertained.

3743 (d) In any case where a voter writes in the name of a
3744 candidate for President of the United States whose name is printed
3745 on the general election ballot, the failure by the voter to write
3746 in the name of a candidate for the Office of Vice President of the
3747 United States on the general election ballot does not invalidate
3748 the elector's vote for the slate of electors for any candidate



3749 whose name is written in for the Office of President of the United
3750 States.

3751 (e) For any ballot measure in which the words "for" or
3752 "against" are printed on a ballot, if the voter shall write the
3753 word "for" or the word "against" instead of or in addition to
3754 marking the ballot in accordance with the ballot instruction in
3755 the space adjacent to the preprinted words "for" or "against," the
3756 resolution board shall, in reviewing such ballot, count the vote
3757 in accordance with the voter's handwritten preference, unless the
3758 voter marks the ballot in the space adjacent to the preprinted
3759 words "for" or "against" contrary to the handwritten preference,
3760 in which case no vote shall be recorded for such ballot in regard
3761 to the ballot measure.

3762 (f) For any ballot measure in which the words "yes" or
3763 "no" are printed on a ballot, if the voter shall write the word
3764 "yes" or the word "no" instead of or in addition to marking the
3765 ballot in accordance with the ballot instructions in the space
3766 adjacent to the preprinted words "yes" or "no," the resolution
3767 board shall, in reviewing such ballot, count the vote in
3768 accordance with the voter's handwritten preference, unless the
3769 voter marks the ballot in the space adjacent to the preprinted
3770 words "yes" or "no" contrary to the handwritten preference, in
3771 which case no vote shall be recorded for such ballot in regard to
3772 the ballot measure.



3773 (8) OMR * * * equipment shall be programmed, calibrated,
3774 adjusted and set up to reject ballots that appear * * * to be
3775 damaged or defective. Any switch, lever or feature on OMR * * *
3776 equipment that enables or permits the OMR * * * equipment to
3777 override the rejection of damaged or defective ballots so
3778 that such * * * ballots will not be reviewed by the resolution
3779 board, shall not be utilized.

3780 (9) Ballots shall be manually counted by the resolution
3781 board only when the ballots are:

3782 (a) Properly before the resolution board due to being
3783 rejected by the OMR * * * equipment because the ballots appear to
3784 be damaged or defective or are rejected by the OMR equipment for
3785 any other reason; or

3786 (b) Properly before the resolution board due to a
3787 malfunction in the OMR * * * equipment.

3788 (10) The resolution board shall make and keep a record
3789 regarding the handling and counting of all ballots inspected under
3790 this section.

3791 (11) * * * The executive committee of each county or
3792 municipality, in the case of a primary election, or the election
3793 commissioners of each county or municipality, in the case of all
3794 other elections, in conjunction with the circuit or municipal
3795 clerk respectively, shall sponsor and conduct, a training session
3796 for up to two (2) hours, not less than five (5) days before each
3797 election, to instruct those qualified electors who are appointed



3798 to serve as members of the resolution board as to their specific
3799 duties in the election. No member appointed to serve on the
3800 resolution board shall serve in any election unless he or she has
3801 received such instruction once during the twelve (12) months
3802 immediately preceding the date upon which the election is held.
3803 Online training courses developed by the Secretary of State,
3804 though not sponsored or conducted by the executive committee or
3805 the election commissioners, may be utilized to meet the
3806 requirements of this subsection (11).

3807 **SECTION 97.** Section 23-15-525, Mississippi Code of 1972, is
3808 amended as follows:

3809 23-15-525. (1) The Secretary of State shall have the power
3810 to issue supplementary instructions and procedures for the safe
3811 and efficient use of OMR * * * equipment within the State of
3812 Mississippi and to carry out the purpose of the chapter. Subject
3813 to such instructions and procedures provided by the Secretary of
3814 State and the provisions of this chapter, the election
3815 commissioners * * * shall have the power to make * * * additional
3816 provisions for the conduct of elections with * * * the OMR
3817 equipment.

3818 (2) If for any reason the OMR equipment shall become
3819 inoperable, the poll managers shall direct voters to operating OMR
3820 equipment or to cast emergency paper ballots. Such paper ballots
3821 shall be administered in accordance with the laws concerning paper
3822 ballots.



3823 **SECTION 98.** Section 23-15-531, Mississippi Code of 1972, is
3824 amended as follows:

3825 23-15-531. * * *

3826 "Direct recording electronic voting equipment (DRE-unit)"
3827 means a computer driven unit for casting and counting votes on
3828 which an elector touches a video screen or a button adjacent to a
3829 video screen to cast his or her vote.

3830 **SECTION 99.** Section 23-15-531.1, Mississippi Code of 1972,
3831 is amended as follows:

3832 23-15-531.1. * * *

3833 (1) The board of supervisors of each county and the
3834 governing authorities of each municipality are hereby authorized
3835 and empowered, in their discretion, to purchase or rent DRE voting
3836 equipment which meets the requirements of subsection (2) of this
3837 section and may use such system in all or a part of the precincts
3838 within its boundaries. The provisions of this chapter shall be
3839 controlling with respect to elections in which a DRE unit is used,
3840 and shall be liberally construed so as to carry out the purpose of
3841 this chapter. The provisions of the election law relating to the
3842 conduct of elections with paper ballots, insofar as they are
3843 applicable, shall apply.

3844 (2) No DRE unit shall be acquired or used in accordance with
3845 this chapter unless it shall:



3846 (a) Permit the voter to verify, in a private and
3847 independent manner, the votes selected by the voter on the ballot
3848 before the ballot is cast and counted;

3849 (b) Provide the voter with the opportunity, in a
3850 private and independent manner, to change the ballot or correct
3851 any error before the ballot is cast and counted, including, but
3852 not limited to, the opportunity to correct the error through the
3853 issuance of a replacement ballot if the voter is otherwise unable
3854 to change the ballot or correct any error;

3855 (c) If the voter * * * votes for more candidates for a
3856 single office than are eligible for election:

3857 (i) Notify the voter that he or she has selected
3858 more candidates for that office than are eligible for election;

3859 (ii) Notify the voter before his or her vote is
3860 cast and counted of the effect of casting multiple votes for such
3861 an office; and

3862 (iii) Provide the voter with the opportunity to
3863 correct the ballot before the ballot is cast and counted * * *;

3864 (d) Produce a permanent paper record with a manual
3865 audit * * * capability;

3866 (e) Have the capability to print the ballots cast by
3867 electors * * *;

3868 (f) Be accessible for individuals with disabilities,
3869 including, but not limited to, nonvisual accessibility for the
3870 blind and visually impaired, in a manner that provides the same



3871 opportunity for access and participation, including privacy and
3872 independence, as for other voters. This requirement may be
3873 satisfied through the use of at least one (1) DRE unit or other
3874 voting unit equipped for individuals with disabilities at each
3875 polling place;

3876 (g) Provide alternative language accessibility pursuant
3877 to the requirements of the Voting Rights Act of 1965; and

3878 (h) Have a residual vote rate in counting ballots
3879 attributable to the voting system and not to voter error that
3880 complies with error rate standards established under the voting
3881 system standards issued by the Federal Election Commission * * *
3882 in effect as of October 29, 2002.

3883 **SECTION 100.** Section 23-15-531.2, Mississippi Code of 1972,
3884 is amended as follows:

3885 23-15-531.2. * * * DRE units shall be arranged in the
3886 polling place in such a manner as to:

3887 (a) Ensure the privacy of the elector while voting
3888 on * * * the units;

3889 (b) Allow monitoring of the units by the poll managers
3890 while the polls are open; and

3891 (c) Permit the public and lawful poll watchers to
3892 observe the voting without affecting the privacy of the electors
3893 as they vote.

3894 **SECTION 101.** Section 23-15-531.3, Mississippi Code of 1972,
3895 is amended as follows:



3896 23-15-531.3. (1) The ballots for * * * DRE units shall be
3897 of such size and arrangement as will suit the construction of the
3898 DRE screen and shall be in plain, clear type that is easily
3899 readable by persons with normal vision.

3900 (2) (a) If the * * * DRE unit has the capacity for color
3901 display, the names of all candidates in a particular race shall be
3902 displayed in the same color, font and size, and the political
3903 party or affiliation of candidates may be displayed in a color
3904 different from that used to display the names of the candidates,
3905 but all political * * * parties or affiliations shall be displayed
3906 in the same color. All political party names shall be displayed
3907 in the same size and font.

3908 (b) All ballot questions, local options, referenda and
3909 constitutional amendments shall be displayed in the same color.

3910 **SECTION 102.** Section 23-15-531.4, Mississippi Code of 1972,
3911 is amended as follows:

3912 23-15-531.4. * * *

3913 (* * * 1) The circuit clerk shall be the custodian of the
3914 DRE units acquired by the county.

3915 * * *

3916 (* * * 2) On or before the third day preceding any election,
3917 except runoff elections, the officials in charge of the election
3918 shall be charged with the proper storage, maintenance and repair
3919 of the DRE unit. The municipal clerk shall be the custodian of
3920 the DRE unit acquired by the municipality, who shall be charged



3921 with the proper storage, maintenance and repair of the DRE
3922 unit. * * *

3923 * * *

3924 (3) The custodian shall provide compensation for the safe
3925 storage and care of the DRE units and related equipment if the
3926 same are stored and secured by a person or entity other than the
3927 circuit or municipal clerk.

3928 **SECTION 103.** Section 23-15-531.5, Mississippi Code of 1972,
3929 is amended as follows:

3930 23-15-531.5. (1) The arrangement of offices, names of
3931 candidates and ballot questions upon the DRE ballots shall conform
3932 as nearly as practicable to the arrangement of offices, names of
3933 candidates and ballot questions on paper ballots.

3934 * * *

3935 (2) The officials in charge of the election of each county
3936 or municipality shall cause the creation of the database for each
3937 DRE unit which is to be used in any precinct within the county or
3938 municipality.

3939 **SECTION 104.** Section 23-15-531.6, Mississippi Code of 1972,
3940 is amended as follows:

3941 23-15-531.6. (1) For each primary or general election, the
3942 officials in charge of the election shall utilize at least
3943 seventy-five percent (75%) of all * * * DRE * * * units available
3944 to the county or municipality, as the case may be. For all other
3945 elections in which the officials in charge of the election choose



3946 to utilize DRE units, at least one-third (33.3%) of all DRE units
3947 available to the county or municipality, as the case may be, shall
3948 be used in such elections.

3949 (2) The officials in charge of the election shall ensure the
3950 delivery of the proper DRE units to the polling places of the
3951 respective precincts at least one (1) hour before the time for
3952 opening the polls at each election and shall cause each unit to be
3953 set up in the proper manner for use in voting.

3954 (3) (a) On or before the second day preceding any election,
3955 the election commissioners or their designee(s) shall cause each
3956 DRE unit to be tested for logic and accuracy to ascertain that the
3957 units will correctly count the votes cast for all offices and on
3958 all questions, in a manner the Secretary of State may further
3959 prescribe by rule or regulation.

3960 (b) Public notice of the time and place of the test
3961 shall be made at least five (5) days before the date of the test.
3962 Representatives of candidates, political parties, news media and
3963 the public shall be permitted to observe the testing of the DRE
3964 units.

3965 (4) The election commissioners or their designee(s) shall
3966 test all memory cards and encoders to be used in any election.

3967 (5) The officials in charge of the election shall require
3968 that each DRE unit be * * * inspected and sealed * * * before the
3969 delivery of each DRE unit to the polling place. * * * Before
3970 opening the polls each day on which the DRE units will be used in



3971 an election, the poll manager shall break the seal on each unit,
3972 turn on each unit, certify that each unit is operating properly
3973 and is set to zero, and print a zero tape certifying that each
3974 unit is set to zero and shall keep or record such certification on
3975 each unit.

3976 (* * * 6) The * * * election commissioners and poll managers
3977 shall provide ample protection against molestation of and injury
3978 to the DRE units, and, for that purpose, the * * * election
3979 commissioners and poll managers may call upon any law enforcement
3980 officer to furnish any assistance that may be necessary. It shall
3981 be the duty of any law enforcement officer to furnish assistance
3982 when so requested by the * * * election commissioner or poll
3983 manager.

3984 (* * * 7) The officials in charge of the election, in
3985 conjunction with the governing authorities, shall, at least one
3986 (1) hour prior to the opening of the polls:

3987 (a) Provide sufficient lighting to enable electors to
3988 read the ballot and * * * to enable poll managers * * * to examine
3989 the booth and * * * conduct their responsibilities;

3990 (b) Provide directions for voting on the DRE units
3991 which shall be prominently posted within each voting booth and
3992 provide at least * * * one (1) sample * * * ballot for * * * each
3993 primary or general election which shall be prominently posted
3994 outside the enclosed space within the polling place;



3995 (c) Ensure that each DRE * * * unit and its tabulating
3996 mechanism is secure throughout the day * * *; and

3997 (d) Provide such other materials and supplies as may be
3998 necessary or required by law.

3999 **SECTION 105.** Section 23-15-531.9, Mississippi Code of 1972,
4000 is amended as follows:

4001 23-15-531.9. (1) A duly qualified elector shall cast his or
4002 her vote on a DRE unit by touching the screen or pressing the
4003 appropriate button on the DRE unit for the candidate or * * *
4004 ballot measure of the elector's choice. After pressing the
4005 appropriate button on the DRE unit or location on the screen to
4006 cast the ballot, the elector's vote shall be final and shall not
4007 be subsequently altered.

4008 (2) If an elector leaves the voting booth without having
4009 pressed the appropriate button on the DRE unit or location on the
4010 screen to finally cast his or her ballot and cannot be located to
4011 return to the booth to complete the voting process, then a poll
4012 manager shall take the steps necessary to void the ballot that was
4013 not completed by the elector and an appropriate record shall be
4014 made of the event, or the DRE unit shall be allowed to time-out,
4015 thereby voiding the ballot.

4016 **SECTION 106.** Section 23-15-531.10, Mississippi Code of 1972,
4017 is amended as follows:

4018 23-15-531.10. (1) In elections in which DRE voting
4019 equipment is used, the ballots shall be counted at the precinct



4020 under the direction of the officials in charge of the election.
4021 All persons who perform any duties at the precinct shall * * *
4022 take the * * * oath provided in * * * Section 268 Mississippi
4023 Constitution of 1890 * * * and only those persons * * * shall
4024 touch any ballot, container, paper or machine utilized in the
4025 conduct of the count or be permitted * * * in the immediate
4026 area * * * where the ballots are counted.

4027 (2) All proceedings at the precincts shall be open to the
4028 view of the public, but no person except one employed and
4029 designated for the purpose by the officials in charge of the
4030 election shall touch any ballot, any DRE unit or the tabulating
4031 equipment.

4032 (3) After the polls have closed and all voting in the
4033 precinct has ceased, the poll manager shall shut down the DRE
4034 units and extract the election results from each unit as follows:

4035 (a) The poll manager shall obtain the results tape from
4036 each DRE unit and verify that the number of ballots cast as
4037 recorded on the tape matches the public count number as displayed
4038 on the DRE unit; and

4039 (b) * * * The poll manager shall * * * extract the
4040 memory card, if applicable, from each DRE unit.

4041 (4) (a) Upon completion of shutting down each DRE unit and
4042 extracting the election results, the poll manager shall cause to
4043 be completed and signed a ballot recap form, in sufficient
4044 counterparts, showing:



4045 (i) The number of valid ballots;
4046 (ii) The number of spoiled * * * ballots;
4047 (iii) The number of affidavit ballots; * * *
4048 (iv) The number of accepted and rejected absentee
4049 ballots;
4050 (v) The number of challenged and rejected ballots;
4051 and
4052 (vi) The number of unused * * * paper
4053 ballots * * *.
4054 (b) The poll manager shall cause to be placed in the
4055 ballot box or supply container, should the supply container be
4056 capable of being sealed and secured, one (1) copy of the recap
4057 form * * *, affidavit ballots, absentee ballots, spoiled * * *
4058 ballots, challenged and rejected ballots and any unused paper
4059 ballots.
4060 (5) The poll manager shall collect and retain the zero tape
4061 and the results tape for each DRE unit and place the tapes with
4062 the memory card, if any, for each unit and enclose all such items
4063 for all of the DRE units used in the precinct in * * * the memory
4064 card transport bag which shall be sealed and initialed by the poll
4065 manager so that it cannot be opened without breaking the seal.
4066 The memory card transport bag shall be placed in the ballot box.
4067 (6) The receiving and returning poll manager shall then
4068 deliver the * * * sealed ballot box to the tabulating center for
4069 the county or municipality or to such other place designated by



4070 the officials in charge of the election and shall receive a
4071 receipt therefor. The copies of the recap forms, unused ballots,
4072 records and other materials shall be returned to the designated
4073 location and retained as provided by law.

4074 (7) Upon receipt of the sealed * * * ballot box and memory
4075 card transport bag therein containing the zero tapes, results
4076 tapes and memory cards, the officials in charge of the election
4077 shall * * * break the seal of the * * * memory card transport bag
4078 and remove its contents. The officials in charge of the election
4079 shall then download the results stored on the memory card from
4080 each DRE unit into the election management system located at the
4081 central tabulation point of the county in order to obtain election
4082 results for certification.

4083 **SECTION 107.** Section 23-15-531.12, Mississippi Code of 1972,
4084 is amended as follows:

4085 23-15-531.12. If for any reason any * * * DRE unit shall
4086 become inoperable, the poll managers, or the officials in charge
4087 of the election, shall direct voters to * * * an operating * * *
4088 DRE unit or to cast * * * emergency paper ballots. Such paper
4089 ballots shall be administered * * * in accordance with the laws
4090 concerning paper ballots.

4091 **SECTION 108.** Section 23-15-541, Mississippi Code of 1972, is
4092 amended as follows:

4093 23-15-541. (1) At all elections, the polls shall be opened
4094 promptly at * * * 7:00 a.m. and be kept open until the last



4095 qualified voter, who was standing in line at the polling place at
4096 7:00 p.m., has cast his or her ballot, or 7:00 p.m., whichever is
4097 later. * * * One (1) hour before opening * * * the polls, and not
4098 before, the poll managers * * * shall designate two (2) of their
4099 number, other than the poll manager * * * who was designated as
4100 the receiving and returning poll manager * * *, who shall * * * be
4101 known respectively as the initialing poll manager and the
4102 alternate initialing poll manager. The alternate initialing poll
4103 manager, in the absence of the initialing poll manager, shall
4104 perform all of the duties and undertake all of the
4105 responsibilities of the initialing poll manager. When any person
4106 entitled to vote shall appear to vote, the poll managers shall
4107 located the name of the voter in the pollbook, identify the voter
4108 by requiring the voter to submit acceptable photo identification
4109 as required by Section 23-15-563, and then allow the voter * * *
4110 to sign his or her name in a receipt book or booklet provided for
4111 that purpose and to be used at that election only. * * * After
4112 the voter has signed the receipt book or booklet, the initialing
4113 poll manager or, in his or her absence, the alternate initialing
4114 poll manager shall endorse his or her initials on the back of an
4115 official blank ballot, prepared in accordance with law, and at
4116 such place on the back of the ballot that the initials may be seen
4117 after the ballot has been marked and folded, and when so endorsed
4118 he or she shall deliver it to the voter, which ballot the voter
4119 shall mark in the manner provided by law, which when done the



4120 voter shall deliver the ballot to the initialing poll manager or,
4121 in his or her absence, to the alternate initialing poll manager,
4122 in the presence of the others, and the poll manager shall see that
4123 the ballot so delivered bears on the back thereof the genuine
4124 initials of the initialing poll manager, or alternate initialing
4125 poll manager, and if so, but not otherwise, the ballot shall be
4126 put into the ballot box; and when so done one (1) of the poll
4127 managers * * * mark the pollbook "VOTED" across from the name of
4128 the voter and in the appropriate column. If the voter is unable to
4129 write his or her name on the receipt book, a poll manager * * *
4130 shall note on the back of the ballot that it was receipted for
4131 by * * * the poll manager's assistance.

4132 (2) * * * A poll manager shall be authorized to allow a
4133 physically disabled person to vote curbside during the hours in
4134 which the polls are open as described in this section.

4135 (a) Where the poll managers of an election, exercising
4136 their sound discretion, determine that a physically disabled
4137 person has arrived at the polls in a motor vehicle to vote, two
4138 (2) * * * poll managers shall carry the pollbook, the receipt
4139 book, and a ballot or voting device to the motor vehicle. * * *
4140 After determining * * * the disabled person is a qualified elector
4141 as provided by law by locating the disabled elector's name in the
4142 pollbook, the poll managers shall identify the disabled elector by
4143 requiring the elector to submit acceptable photo identification as
4144 required by Section 23-15-563 and then allow the elector to sign



4145 his or her name in the receipt book and * * * cast his or her
4146 ballot in secret. To ensure the secrecy of the vote of the
4147 disabled elector, other passengers in the motor vehicle, except
4148 the disabled elector and any other disabled persons in the motor
4149 vehicle, shall exit the motor vehicle until the disabled elector
4150 has completed the casting of his or her ballot. After the
4151 disabled elector casts his or her ballot, the managers shall mark
4152 * * * "VOTED" by the elector's name and in the appropriate column
4153 in the pollbook.

4154 (b) If the ballot that is provided to the disabled
4155 elector is a paper ballot, the initialing poll manager shall
4156 initial the ballot as provided by law, and the disabled elector,
4157 after marking his or her ballot shall fold the ballot or place it
4158 in the ballot sleeve. The initialing poll manager or alternate
4159 initialing poll manager shall determine whether the initials on
4160 the ballot are genuine, and upon a determination that the initials
4161 are genuine, mark "VOTED" by the elector's name and in the
4162 appropriate column in the pollbook. The initialing poll manager
4163 or alternate initialing poll manager shall without delay place the
4164 ballot in the ballot box.

4165 (c) If, while a voter is voting by curbside, there are
4166 less than three (3) poll managers immediately present within the
4167 polling place conducting an election * * *, all voting at the
4168 polls shall stop until the poll managers conducting the curbside
4169 voting * * * return to the polls so that there are at least three



4170 (3) poll managers immediately present within the polling place to
4171 conduct the election * * *, and until a minimum of three (3) poll
4172 managers are present, the remaining poll manager or poll managers
4173 shall ensure the security of the ballot box, the voting devices,
4174 and any ballots and election materials.

4175 (3) Nothing in this section shall prevent a voter from
4176 requesting voter assistance as provided in Section 23-15-549.

4177 **SECTION 109.** Section 23-15-543, Mississippi Code of 1972, is
4178 amended as follows:

4179 23-15-543. The receipt booklet, mentioned in Section
4180 23-15-541, shall not be taken out of the polling place at any time
4181 until finally * * * enclosed in the ballot box, except in case of
4182 any adjournment, when the receipt * * * book shall be * * * sealed
4183 in the ballot box.

4184 **SECTION 110.** Section 23-15-547, Mississippi Code of 1972, is
4185 amended as follows:

4186 23-15-547. * * * Instead of placing the signatures of voters
4187 in a paper receipt book, the signatures of voters may be
4188 electronically captured in the * * * polling place and a paper
4189 version of the signatures of voters may be generated after
4190 the * * * close of the * * * polling place, which shall * * * be
4191 sealed in the ballot box.

4192 **SECTION 111.** Section 23-15-551, Mississippi Code of 1972, is
4193 amended as follows:



4194 23-15-551. On receiving his or her ballot, the voter
4195 shall * * * go without undue delay into one (1) of the voting
4196 compartments * * * and shall there prepare his or her ballot by
4197 marking with ink or indelible pencil on the appropriate margin or
4198 place a cross (X) opposite the name of the candidate of his choice
4199 for each office * * * or by * * * writing in the name of * * * a
4200 candidate * * * in the blank space provided * * *, and marking a
4201 cross (X) opposite thereto, and likewise a cross (X) opposite the
4202 answer he desires to give in case of an election on a
4203 constitutional amendment, local option election, referenda or any
4204 other question or matter. As an alternative method, a voter may,
4205 at his or her option, prepare * * * a ballot by marking with ink
4206 or indelible pencil in the appropriate margin or place a check, in
4207 the form of and similar to a "V", opposite the name of the
4208 candidate of his or her choice for each office * * * or by * * *
4209 writing in the name of * * * a candidate * * * in the blank space
4210 provided * * * and marking a check * * * in the form of and
4211 similar to a "V", opposite thereto, and likewise a check, in the
4212 form of and similar to a "V", opposite the answer he or she
4213 desires to give in case of an election on a constitutional
4214 amendment, local option election, referenda or other question or
4215 matter, either of which methods of marking, whether by a cross (X)
4216 or by a check in the form of and similar to a "V", is authorized.
4217 Before leaving the voting compartment, the voter shall fold his or
4218 her ballot without displaying * * * its markings * * *, but so



4219 that the words "OFFICIAL BALLOT," followed by the designation of
4220 the voting precinct and the date of the election, shall be visible
4221 to the * * * poll managers * * *, then deposit * * * his or her
4222 ballot directly into the ballot box * * *. This * * * shall * * *
4223 be done without undue delay, and as soon as * * * the voter has
4224 voted he or she shall * * * promptly exit the * * * polling
4225 place * * *. A voter shall not be allowed to occupy a voting
4226 compartment already occupied by another voter, nor any compartment
4227 longer than ten (10) minutes, if other voters * * * are not
4228 waiting, nor longer than five (5) minutes if other voters * * *
4229 are waiting. A person shall not be allowed in the room in which
4230 the ballot boxes, compartments, tables and shelves are, except the
4231 officers of the election, and those appointed by them to assist
4232 therein, and those authorized by Section 23-15-577.

4233 **SECTION 112.** Section 23-15-553, Mississippi Code of 1972, is
4234 amended as follows:

4235 23-15-553. A person shall not take or remove any ballot from
4236 the polling place before the close of the polls. If any voter
4237 spoils a ballot he or she may obtain others, one (1) at a time,
4238 not exceeding three (3) in all, upon returning each spoiled
4239 ballot. The word "SPOILED" shall be written across the face of
4240 the ballot and each shall be deposited into the sealed ballot box.
4241 When the polls have closed upon the casting of the last ballot or
4242 7:00 p.m., whichever is later, and the poll managers break the
4243 seal upon the ballot box to begin closing procedures, those



4244 ballots marked as "SPOILED" shall be bundled together and placed
4245 in a separate strong envelope provided for spoiled ballots. The
4246 envelope containing all spoiled ballots shall be sealed in the
4247 ballot box once the poll managers have completed the closing
4248 procedures and returned the materials to the officials in charge
4249 of the election.

4250 **SECTION 113.** Section 23-15-563, Mississippi Code of 1972, is
4251 amended as follows:

4252 23-15-563. (1) Each person who shall appear to vote in
4253 person at a polling place or the registrar's office shall be
4254 required to identify himself or herself to * * * poll manager or
4255 the registrar by presenting current and valid photo identification
4256 before such person shall be allowed to vote.

4257 (2) The identification required by subsection (1) of this
4258 section shall include, but not be limited to, the following:

4259 (a) A current and valid Mississippi driver's license;

4260 (b) A current and valid identification card issued by a
4261 branch, department, agency or entity of the State of Mississippi;

4262 (c) A current and valid United States passport;

4263 (d) A current and valid employee identification card
4264 containing a photograph of the elector and issued by any branch,
4265 department, agency or entity of the United States government, the
4266 State of Mississippi, or any county, municipality, board,
4267 authority or other entity of this state;



4268 (e) A current and valid Mississippi license to carry a
4269 pistol or revolver;

4270 (f) A valid tribal identification card containing a
4271 photograph of the elector;

4272 (g) A current and valid United States military
4273 identification card;

4274 (h) A current and valid student identification card,
4275 containing a photograph of the elector, issued by any accredited
4276 college, university or community or junior college in the State of
4277 Mississippi; and

4278 (i) An official Mississippi voter identification card
4279 containing a photograph of the elector.

4280 (3) (a) A person who appears to vote in person at a polling
4281 place and does not have identification as required by this section
4282 may vote by affidavit ballot. The affidavit ballot shall then be
4283 counted if the person shall present acceptable photo
4284 identification to the registrar within five (5) days.

4285 (b) An elector who has a religious objection to being
4286 photographed may vote by affidavit ballot, and the elector, within
4287 five (5) days after the election, shall execute an affidavit in
4288 the registrar's office affirming that the exemption applies.

4289 * * *

4290 (* * *4) The intentional failure of an election official to
4291 require a voter to present identification as required by this
4292 section shall be considered corrupt conduct under Section 97-13-19



4293 and shall be reported to the Secretary of State and the Attorney
4294 General.

4295 **SECTION 114.** Section 23-15-571, Mississippi Code of 1972, is
4296 amended as follows:

4297 23-15-571. (1) The following persons shall be designated as
4298 authorized challengers and shall be allowed to challenge the
4299 qualifications of any person offering to vote:

4300 (a) Any candidate whose name is on the ballot in the
4301 precinct in which the challenge is made;

4302 (b) Any official poll watcher of a candidate whose name
4303 is on the ballot in the precinct in which the challenge is made;

4304 (c) Any official poll watcher of a political party for
4305 the precinct in which the challenge is made;

4306 (d) Any qualified elector from the precinct in which
4307 the challenge is made; or

4308 (e) Any poll manager * * * or poll worker in the
4309 polling place where the person whose qualifications are challenged
4310 is offering to vote.

4311 (2) The challenge of any authorized challenger shall be
4312 considered and acted upon by the poll managers of the election.

4313 (3) A person offering to vote may be challenged upon the
4314 following grounds:

4315 (a) That * * * the voter is not a registered voter in
4316 the precinct;



4317 (b) That * * * the voter is not the registered voter
4318 under whose name * * * the voter has applied to vote;

4319 (c) That * * * the voter has already voted in the
4320 election;

4321 (d) That * * * the voter is not a resident in the
4322 precinct where * * * the voter is registered;

4323 (e) That * * * the voter has illegally registered to
4324 vote;

4325 (f) That * * * the voter has removed his or her ballot
4326 from the polling place; or

4327 (g) That * * * the voter is otherwise disqualified by
4328 law.

4329 **SECTION 115.** Section 23-15-573, Mississippi Code of 1972, is
4330 amended as follows:

4331 23-15-573. (1) If any person declares that he or she is a
4332 registered voter in the jurisdiction in which he or she offers to
4333 vote and that he or she is eligible to vote in the election, but
4334 his or her name does not appear upon the pollbooks, or that he or
4335 she is not able to cast a regular election day ballot under a
4336 provision of state or federal law but is otherwise qualified to
4337 vote, or that he or she has been illegally denied registration, or
4338 that he or she is unable to present an acceptable form of photo
4339 identification:

4340 (a) A poll manager shall notify the person that he or
4341 she may cast an affidavit ballot at the election.



4342 (b) The person shall be permitted to cast an affidavit
4343 ballot at the polling place upon execution of a written affidavit
4344 before one (1) of the poll managers * * * stating that the
4345 individual:

4346 (i) Believes he or she is a registered voter in
4347 the jurisdiction in which he or she desires to vote and is
4348 eligible to vote in the election; or

4349 (ii) Is not able to cast a regular election day
4350 ballot under a provision of state or federal law but is otherwise
4351 qualified to vote; or

4352 (iii) Believes that he or she has been illegally
4353 denied registration; or

4354 (iv) Is unable to present an acceptable form of
4355 photo identification.

4356 (c) The poll manager shall allow the individual
4357 to * * * mark a paper ballot properly endorsed by the initialing
4358 poll manager or alternate initialing poll manager in accordance
4359 with Section 23-15-541, which shall be delivered by him or her to
4360 the proper election official who shall enclose it in an affidavit
4361 ballot envelope, with the written and signed affidavit of the
4362 voter affixed to the envelope, seal the envelope and mark plainly
4363 upon it the name of the person offering to vote.

4364 (2) The affidavit ballot envelope shall include:

4365 (a) The complete name * * * of the voter;



4366 (b) A present and previous physical and mailing address
4367 of the voter;

4368 (c) Telephone numbers where the voter may be contacted;

4369 (* * * d) A statement that the affiant believes he or
4370 she is registered to vote in the jurisdiction in which he or she
4371 offers to vote;

4372 (* * * e) The signature of the affiant; and

4373 (* * * f) The signature of * * * the poll manager at
4374 the * * * polling place at which the affiant offers to vote.

4375 (3) (a) A separate * * * receipt book shall be maintained
4376 for affidavit * * * voters and the * * * affidavit voters shall
4377 sign the * * * receipt book upon completing the affidavit ballot.

4378 (b) If the affidavit voter is casting an affidavit
4379 ballot because the voter is unable to present an acceptable form
4380 of photo identification and the voter's name appears in the
4381 pollbook, then the poll manager shall write "NO ID" across from
4382 the voter's name and in the appropriate column in the pollbook.

4383 (* * * c) In canvassing the returns of the election,
4384 the executive committee in primary elections, or the election
4385 commissioners in other elections, shall examine the records and
4386 allow the ballot to be counted, or not counted as it appears
4387 legal.

4388 (d) An affidavit ballot of a voter who was unable to
4389 present an acceptable form of photo identification shall not be



4390 rejected for this reason if the voter does either of the
4391 following:

4392 (i) Returns to the circuit clerk's office within
4393 five (5) business days after the date of the election and presents
4394 an acceptable form of photo identification;

4395 (ii) Returns to the circuit clerk's office within
4396 five (5) business days after the date of the election to obtain
4397 the Mississippi Voter Identification Card; or

4398 (iii) Returns to the circuit clerk's office within
4399 five (5) business days after the date of the election to execute a
4400 separate Affidavit of Religious Objection.

4401 (4) When a person is offered the opportunity to vote by
4402 affidavit ballot, he or she shall be provided with written
4403 information that informs the person how to ascertain whether his
4404 or her affidavit ballot was counted and, if the vote was not
4405 counted, the reasons the vote was not counted.

4406 (5) The officials in charge of the election shall process
4407 all affidavit ballots by using the Statewide Elections Management
4408 System. The officials in charge of the election shall account for
4409 all affidavit ballots cast in each election, categorizing the
4410 affidavit ballots cast by reason and recording the total number of
4411 affidavit ballots counted and not counted in each such category in
4412 the Statewide Elections Management System.

4413 (* * *6) The Secretary of State shall, by rule duly
4414 adopted, establish a uniform * * * affidavit ballot envelope which



4415 shall be used in all elections in this state. The Secretary of
4416 State shall print and distribute a sufficient number of * * *
4417 affidavit ballot envelopes to the registrar of each county for use
4418 in elections. The registrar shall distribute the * * * affidavit
4419 ballot envelopes to municipal and county executive committees for
4420 use in primary elections and to municipal and county election
4421 commissioners for use in all other elections.

4422 (* * *7) County registrars and municipal registrars shall
4423 * * * maintain a secure free access system that complies with the
4424 Help America Vote Act of 2002, by which persons who vote by
4425 affidavit ballot may determine if their ballots were counted, and
4426 if not, the reasons the ballot was not counted.

4427 (* * *8) Any person who votes in any election as a result
4428 of a federal or state court order or other order extending the
4429 time established by law for closing the polls on an election day,
4430 may only vote by affidavit ballot. Any affidavit ballot cast
4431 under this subsection shall be separated and kept apart from other
4432 affidavit ballots cast by voters not affected by the order.

4433 **SECTION 116.** Section 23-15-575, Mississippi Code of 1972, is
4434 amended as follows:

4435 23-15-575. * * * No person shall vote or attempt to vote in
4436 the primary election of one (1) party when he or she has voted on
4437 the same date in the primary election of another party. No person
4438 shall vote or attempt to vote in the second primary election of



4439 one (1) party when he or she has voted in the first primary
4440 election of another party.

4441 **SECTION 117.** Section 23-15-577, Mississippi Code of 1972, is
4442 amended as follows:

4443 23-15-577. (1) Each candidate on the ballot shall have the
4444 right, either in person or by a * * * credentialed poll watcher,
4445 to be present at the polling place * * *. In general and special
4446 elections, each political party having a candidate on the ballot
4447 shall have the right to be represented at the polling place by two
4448 (2) credentialed poll watchers.

4449 (2) A credentialed poll watcher means a poll watcher of good
4450 conduct and behavior, authorized in writing to act as the
4451 representative of a candidate on the ballot or political party
4452 having a candidate on the ballot. The written authorization of
4453 the candidate or political party must be presented to a poll
4454 manager by the certified poll watcher upon arrival at the polling
4455 place. * * *

4456 (3) * * * Poll managers shall provide * * * candidates and
4457 credentialed poll watchers with a suitable position from
4458 which * * * they may be able to * * * clearly see and hear the
4459 manner in which the election is held. Candidates and credentialed
4460 poll watchers shall be authorized to bring their own poolbooks,
4461 whether in a print or electronic form, to the polling place during
4462 each general and special election.



4463 (4) * * * Candidates and credentialed poll watchers shall be
4464 allowed to challenge the qualifications of any person offering to
4465 vote, and * * * their challenge shall be considered and acted upon
4466 by the poll managers. However, candidates and credentialed poll
4467 watchers shall not be allowed to interfere in the election
4468 process, which shall include, but not be limited to:

4469 (a) Communicating with any voter;

4470 (b) Physically touching or handling any ballot,
4471 absentee ballot envelope, absentee ballot application or
4472 affidavit ballot envelope;

4473 (c) Viewing or photographing the pollbooks while at
4474 the polling place; or

4475 (d) Photographing the receipt books while at the
4476 polling place.

4477 **SECTION 118.** Section 23-15-579, Mississippi Code of 1972, is
4478 amended as follows:

4479 23-15-579. (1) All votes, which shall be challenged at the
4480 polls, whether the question be raised by a poll manager or * * *
4481 another authorized challenger, shall be * * * considered by * * *
4482 the poll managers * * * at that time.

4483 (2) When it shall so clearly appear in the unanimous opinion
4484 of the poll managers, either by the admissions or statements of
4485 the person challenged or from * * * documentary evidence, or * * *
4486 oral evidence then presented to the poll managers, that the
4487 challenge is well taken, the vote shall be rejected entirely and



4488 shall not be counted * * *. * * * In such case, the * * *
4489 challenged voter shall mark his choices and cast his vote by paper
4490 ballot. After the ballot has been marked by the challenged voter,
4491 it shall be marked by the poll manager on the back "REJECTED" and
4492 the name of the voter and the reason the ballot of the challenged
4493 voter was rejected shall also be written on the back * * * of the
4494 ballot. All rejected ballots shall be placed in the ballot box
4495 until the close of the polls at which time, upon the opening of
4496 the ballot box, all rejected * * * ballots shall be placed in a
4497 separate strong envelope * * * and returned * * * to the box.

4498 * * *

4499 (3) When it shall so clearly appear in the * * * unanimous
4500 opinion of the poll managers, either by the admissions or
4501 statements of the person challenged or from documentary evidence,
4502 or oral evidence then presented to the poll managers, that the
4503 challenge is frivolous and not made in good faith, * * * the poll
4504 managers shall disregard * * * the challenge and * * * the voter
4505 shall cast his or her vote as other voters in the polling place as
4506 though not challenged.

4507 (4) When it shall not so clearly appear whether the
4508 challenge is well taken or frivolous and no unanimous decision can
4509 be made by the poll managers, the challenged voter shall mark his
4510 choices and cast his vote by paper ballot. After the ballot has
4511 been marked by the challenged voter, it shall be marked by the
4512 poll managers on the back "CHALLENGED," and the name of the voter



4513 and the reason the challenge of the voter was made shall also be
4514 written on the back of the ballot. All challenged ballots shall
4515 be placed in the ballot box until the close of the polls at which
4516 time, upon the opening of the ballot box, all challenged ballots
4517 shall be removed therefrom and separately counted, tallied and
4518 totaled with a separate return made of the challenged votes.
4519 Challenged ballots shall be placed in a separate strong envelope,
4520 and returned to the ballot box.

4521 **SECTION 119.** Section 23-15-581, Mississippi Code of 1972, is
4522 amended as follows:

4523 23-15-581. When the * * * last qualified voter, who was
4524 standing in line at the polling place at 7:00 p.m., has cast his
4525 or her ballot, or 7:00 p.m., whichever is later, the poll managers
4526 shall proclaim that the polls are closed and * * * publicly break
4527 the seal and open the ballot box * * * to immediately proceed to
4528 count the ballots, at the same time reading aloud the names of the
4529 persons voted for, which shall be taken down * * *. During the
4530 holding of the election and the counting of the ballots, the whole
4531 proceedings shall be in fair and full view of the voting public,
4532 candidates or their duly authorized representatives and other
4533 authorized poll watchers, without unnecessary interference, delay
4534 or encroachment upon the good order of the duties and proceedings
4535 of the poll managers and other officers of the election. * * *
4536 There shall be no unnecessary delay and no adjournment except as
4537 provided by law.



4538 **SECTION 120.** Section 23-15-591, Mississippi Code of 1972, is
4539 amended as follows:

4540 23-15-591. When the votes have been completely and correctly
4541 counted and tallied by the poll managers they shall publicly
4542 proclaim the result of the election at their box and shall certify
4543 in duplicate a statement of the * * * result, * * * the
4544 certificate to be signed by the poll managers * * *, one (1) of
4545 the certificates to be * * * enclosed in the ballot box, and the
4546 other to be delivered to and to be kept by one (1) of the poll
4547 managers and to be inspected at any time by any voter who so
4548 requests. When the count of the votes and the tally * * * of the
4549 votes have been completed, the poll managers shall lock and seal
4550 the ballot box, having first placed therein all ballots voted, all
4551 spoiled ballots and all unused ballots. There shall * * * also be
4552 enclosed one (1) of the duplicate receipts given by the poll
4553 manager who received the blank ballots received for that box; and
4554 the total ballots voted, and the spoiled ballots, and the unused
4555 ballots must correspond in total with the * * * duplicate receipt
4556 or else the failure thereof must be perfectly accounted for by a
4557 written statement, under oath of the poll managers, which
4558 statement must be * * * enclosed in the ballot box. There
4559 shall * * * also * * * be enclosed in * * * the box the tally
4560 list, the receipt * * * book containing the signed names of the
4561 voters who voted; and the number of ballots voted must correspond
4562 with the number of names signed in * * * the receipt * * * book.



4563 **SECTION 121.** Section 23-15-593, Mississippi Code of 1972, is
4564 amended as follows:

4565 23-15-593. When the ballot box is opened and examined by the
4566 county executive committee in the case of a primary election, or
4567 county election commissioners in the case of other elections, and
4568 it is found that there have been failures in material particulars
4569 to comply with the requirements of Section 23-15-591 and Section
4570 23-15-895 to such an extent that it is impossible to arrive at the
4571 will of the voters at such precinct, the entire box may be thrown
4572 out unless it be made to appear with reasonable certainty that the
4573 irregularities were not deliberately permitted or engaged in by
4574 the poll managers at that box, or by one (1) of them responsible
4575 for the wrong or wrongs, for the purpose of electing or defeating
4576 a certain candidate or candidates by manipulating the election or
4577 the returns thereof at that box in such manner as to have it
4578 thrown out; in which latter case the county executive committee,
4579 or the county election commission, as appropriate, shall conduct
4580 such hearing and make such determination in respect to * * * the
4581 box as may appear lawfully just, subject to a judicial review
4582 of * * * the matter as elsewhere provided by this chapter. Or the
4583 executive committee, or the election commission, or the court upon
4584 review, may order another election to be held at that box
4585 appointing new poll managers to hold the same.

4586 **SECTION 122.** Section 23-15-595, Mississippi Code of 1972, is
4587 amended as follows:



4588 23-15-595. The box containing the ballots and other records
4589 required by this chapter shall, * * * immediately after the
4590 ballots have been counted, be delivered by one (1) of the * * *
4591 poll managers to the clerk of the circuit court of the county
4592 and * * * the clerk shall, in the presence of the poll manager
4593 making delivery of the box, place upon the lock of such box a
4594 * * * tamper-evident * * *. * * * The seals shall be numbered
4595 consecutively to the number of ballot boxes used in the election
4596 in the county, and the clerk shall keep in a place separate from
4597 such boxes a record of the number of the seal of each separate box
4598 in the county. The board of supervisors of the county shall pay
4599 the cost of providing * * * the seals. Upon demand of the
4600 chairman of the county executive committee in the case of primary
4601 elections, or the county election commissioner in the case of
4602 other elections, the boxes and their contents shall be delivered
4603 to the county executive committee, or the county election
4604 commission, as appropriate, and after such committee or
4605 commission, as appropriate, has finished the work of tabulating
4606 returns and counting ballots as required by law, the * * *
4607 committee or commission, as appropriate, shall return all papers
4608 and ballots to the box of the precinct where * * * the election
4609 was held, and it shall make redelivery of * * * the boxes and
4610 their contents to the circuit clerk who shall reseal * * * the
4611 boxes. Upon every occasion * * * the boxes shall be reopened and
4612 each resealing shall be done as provided in this chapter.



4613 **SECTION 123.** Section 23-15-597, Mississippi Code of 1972, is
4614 amended as follows:

4615 23-15-597. (1) The county executive committee shall meet
4616 * * * no later than one (1) week from the day * * * following
4617 each primary election * * * to receive and canvass the returns
4618 which must be made within the time fixed by law for returns of
4619 general elections and declare the result, and announce the name of
4620 the nominees for county and county district offices and the names
4621 of those candidates to be submitted to the second primary. The
4622 vote for state, state district offices and legislative offices
4623 shall be tabulated by precincts and certified to and returned to
4624 the State Executive Committee, such returns to be mailed by
4625 registered letter or any safe mode of transmission within
4626 thirty-six (36) hours after the returns are canvassed and the
4627 result ascertained. The State Executive Committee shall
4628 meet * * * one (1) week from the day following the first primary
4629 election held for state, state district offices and legislative
4630 offices, and shall proceed to canvass the returns and to declare
4631 the result, and announce the names of those nominated for the
4632 different offices in the first primary and the names of those
4633 candidates whose names are to be submitted to the second primary
4634 election. The State Executive Committee shall also meet * * * one
4635 (1) week from the day on which the second primary election was
4636 held and receive and canvass the returns for state and district
4637 offices, if any, and legislative offices, if any, voted on



4638 in * * * the second primary. An exact and full duplicate of all
4639 tabulations by precincts as certified under this section shall be
4640 filed with the circuit clerk of the county who shall safely
4641 preserve the same in his office.

4642 (2) (a) If it is eligible under Section 23-15-266, the
4643 county executive committee may enter into a written agreement with
4644 the circuit clerk or the county election commission authorizing
4645 the circuit clerk or the county election commission to perform any
4646 of the duties required of the county executive committee pursuant
4647 to this section. Any agreement entered into pursuant to this
4648 subsection shall be signed by the chairman of the county executive
4649 committee and the circuit clerk or the chairman of the county
4650 election commission, as appropriate. The county executive
4651 committee shall notify the State Executive Committee and the
4652 Secretary of State of the existence of * * * the agreement.

4653 (b) If it is eligible under Section 23-15-266, the
4654 municipal executive committee may enter into a written agreement
4655 with the municipal clerk or the municipal election commission
4656 authorizing the municipal clerk or the municipal election
4657 commission to perform any of the duties required of the municipal
4658 executive committee pursuant to this section. Any agreement
4659 entered into pursuant to this subsection shall be signed by the
4660 chairman of the municipal executive committee and the municipal
4661 clerk or the chairman of the municipal election commission, as
4662 appropriate. The municipal executive committee shall notify the



4663 State Executive Committee and the Secretary of State of the
4664 existence of such agreement.

4665 **SECTION 124.** Section 23-15-601, Mississippi Code of 1972, is
4666 amended as follows:

4667 23-15-601. (1) When the result of the election shall have
4668 been ascertained by the poll managers they, or one (1) of their
4669 number, or some fit person designated by them, shall, * * * as
4670 soon as practicable after the election, but in no event to exceed
4671 eight (8) days, deliver to the election commissioners * * *, at
4672 the courthouse, a statement of the whole number of votes given for
4673 each person and for what office; and the election
4674 commissioners * * * shall canvass the returns, ascertain and
4675 declare the result, and, within ten (10) days after the day of the
4676 election, shall deliver a certificate of * * * the election to the
4677 person having the greatest number of votes for representative in
4678 the Legislature of districts composed of one (1) county or less,
4679 or other county office, board of supervisors, justice court judge
4680 and constable. If it appears that two (2) or more candidates for
4681 Representative of the county, or part of the county, or for any
4682 county office, board of supervisors, justice court judge or
4683 constable standing highest on the list, and not elected, have an
4684 equal number of votes, the interested candidates shall appear
4685 before the election commissioners within two (2) days after the
4686 canvass and the tie shall be * * * determined by a toss of a coin
4687 or by lot fairly and publicly drawn * * *, and a certificate of



4688 election shall be given accordingly. The foregoing provisions
4689 shall apply to Senators, if the county be a senatorial district.

4690 (2) The election commissioners * * * shall transmit to the
4691 Secretary of State, on such forms and by such methods as may be
4692 required by rules and regulations promulgated by the Secretary of
4693 State, a statement of the total number of votes cast in the county
4694 for each candidate for each office and the total number of votes
4695 cast for such candidates in each precinct in the district in which
4696 the candidate ran.

4697 **SECTION 125.** Section 23-15-603, Mississippi Code of 1972, is
4698 amended as follows:

4699 23-15-603. (1) The election commissioners * * * shall,
4700 within ten (10) days after the general election, transmit to the
4701 Secretary of State, to be filed in his office, a statement of the
4702 whole number of votes given in their county and the whole number
4703 of votes given in each precinct in their county, for each
4704 candidate for any office at the election; but the returns of every
4705 election for Governor, Lieutenant Governor, Secretary of State,
4706 Attorney General, Auditor of Public Accounts, State Treasurer,
4707 Commissioner of Insurance and other state officers, shall each be
4708 made out separately, sealed up together and transmitted to the
4709 seat of government, directed to the Secretary of State, and
4710 endorsed the "VOTE FOR STATE OFFICERS," to be delivered by the
4711 Secretary of State to the Speaker of the House of Representatives
4712 at the next ensuing session of the Legislature. In addition to



4713 the other information required pursuant to this subsection, the
4714 returns for state officers shall contain a statement of the whole
4715 number of votes given in each House of Representative district or
4716 portion thereof for each candidate for state office at the
4717 election.

4718 (2) Constitutional amendments shall be voted for at the time
4719 fixed by the concurrent resolution. The election, whether held
4720 separately or with other elections, shall be conducted, in all
4721 respects, as required for elections generally. The election
4722 commissioners * * * shall, within ten (10) days after the
4723 election, transmit to the Secretary of State a statement of the
4724 whole number of votes given in their county and the whole number
4725 of votes given in each precinct in their county for or against
4726 constitutional amendments.

4727 (3) The statements certified by the election commissioners
4728 and transmitted to the Secretary of State, as required by this
4729 section, shall be tabulated by the Secretary of State and
4730 submitted to each branch of the Legislature, at the session next
4731 ensuing. Certified county vote totals shall represent the final
4732 results of the election.

4733 (4) The statements required by this section shall contain a
4734 certification, signed and dated by a majority of the election
4735 commissioners * * *, which shall read as follows:

4736 "We, the undersigned election commissioners * * *, do
4737 hereby certify that this statement of the whole number of



4738 votes contains the official vote for the election reflected
4739 therein."

4740 (5) The statements required by this section shall be
4741 transmitted to the Secretary of State on such forms and by such
4742 methods as may be required by rules and regulations promulgated by
4743 the Secretary of State.

4744 **SECTION 126.** Section 23-15-605, Mississippi Code of 1972, is
4745 amended as follows:

4746 23-15-605. The Secretary of State, immediately after
4747 receiving the returns of an election, not longer than thirty (30)
4748 days after the election, shall sum up the whole number of votes
4749 given for each candidate other than candidates for state offices,
4750 legislative offices composed of one (1) county or less, county
4751 offices and county district offices, according to the statements
4752 of the votes certified to him and ascertain the person or persons
4753 having the largest number of votes for each office, and declare
4754 such person or persons to be duly elected; and thereupon all
4755 persons chosen to any office at the election shall be commissioned
4756 by the Governor; but if it appears that two (2) or more candidates
4757 for any district office where the district is composed of two (2)
4758 or more counties, standing highest on the list, and not elected,
4759 have an equal number of votes, the election shall be forthwith
4760 decided between the candidates having an equal number of votes by
4761 * * * each candidate individually drawing one (1) of the two (2)
4762 sealed containers from an opaque bag, under the direction of the



4763 Governor and Secretary of State. The containers shall consist of
4764 a straw of conspicuous length, and the candidate drawing the
4765 container with the longer of the two (2) straws shall be declared
4766 the winner.

4767 **SECTION 127.** Section 23-15-607, Mississippi Code of 1972, is
4768 amended as follows:

4769 23-15-607. (1) The election commissioners * * * shall,
4770 within ten (10) days after an election for judges of the Supreme
4771 Court or Court of Appeals, transmit to the Secretary of State, to
4772 be filed in his office, a statement of the whole number of votes
4773 given in their county, and the whole number of votes given in each
4774 precinct in their county, for each candidate for the Office of
4775 Judge of the Supreme Court or Court of Appeals, and the Secretary
4776 of State shall immediately notify each member of the State Board
4777 of Election Commissioners in writing to assemble at his office on
4778 a day to be fixed by him, to be within ten (10) days after the
4779 receipt by him of such statement, and when assembled pursuant to
4780 such notice the State Board of Election Commissioners shall sum up
4781 the whole number of votes given for each candidate for judge of
4782 the Supreme Court or Court of Appeals according to the total
4783 number of votes in each county for each candidate as certified to
4784 the Secretary of State, ascertain the person or persons to be
4785 elected; and thereupon all persons chosen to such office at the
4786 election shall be commissioned by the Governor; but if it appears
4787 that two (2) or more candidates for judge of the Supreme Court or



4788 Court of Appeals standing highest on the list, and not elected,
4789 have an equal number of votes, the election shall be forthwith
4790 decided between the candidates having an equal number of votes
4791 by * * * each candidate individually drawing one (1) of the two
4792 (2) sealed containers from an opaque bag, under the direction of
4793 the Governor and Secretary of State. The containers shall consist
4794 of a straw of conspicuous length, and the candidate drawing the
4795 container with the longer of the two (2) straws shall be declared
4796 the winner.

4797 (2) The statements required by this section shall contain a
4798 certification, signed and dated by a majority of the election
4799 commissioners * * *, which shall read as follows:

4800 "We, the undersigned election commissioners * * *, do
4801 hereby certify that this statement of the whole number of
4802 votes contain the official vote for the election reflected
4803 therein."

4804 (3) The statements required by this section shall be
4805 transmitted to the Secretary of State on such forms and by such
4806 methods as may be required by rules and regulations promulgated by
4807 the Secretary of State.

4808 **SECTION 128.** Section 23-15-609, Mississippi Code of 1972, is
4809 amended as follows:

4810 23-15-609. When a city or part of a county is entitled to
4811 separate representation in the Legislature, the election
4812 commissioners * * * shall prepare for the election, and shall



4813 receive and canvass the returns, declare the result, and transmit
4814 it to the Secretary of State, and act in all respects as in other
4815 elections.

4816 **SECTION 129.** Section 23-15-611, Mississippi Code of 1972, is
4817 amended as follows:

4818 23-15-611. (1) In municipal elections, poll managers * * *
4819 shall, immediately upon the closing of the polls, count the
4820 ballots and ascertain the number of votes cast in each voting
4821 precinct for each of the candidates or ballot measures and make a
4822 return thereof to the municipal election commissioners. On the
4823 day following the election, the election commissioners shall
4824 canvass the returns so received from all voting precincts and
4825 shall, within * * * six (6) days after * * * the election, deliver
4826 to each person receiving the highest number of votes a certificate
4827 of election. If it shall appear that any two (2) or more of the
4828 candidates receiving the highest number of votes shall have
4829 received an equal number of votes, the election shall be decided
4830 by a toss of a coin or by lot * * * fairly and publicly
4831 drawn * * * under the direction of the election
4832 commissioners * * *.

4833 (2) (a) Within * * * ten (10) days after any election, the
4834 municipal election commissioners shall transmit a statement to the
4835 Secretary of State certifying the name or names of the person or
4836 persons elected * * *, and such person or persons shall be issued
4837 commissions by the Governor. The statement shall also include



4838 vote totals for each candidate for each office and vote totals for
4839 and against ballot measures, if any, including the vote totals for
4840 each candidate a ballot measure in each precinct in the
4841 municipality.

4842 (b) The statements required by this subsection shall
4843 contain a certification, signed and dated by a majority of the
4844 municipal election commissioners, which shall read as follows:

4845 "We, the undersigned municipal election commissioners, do
4846 hereby certify that this statement contains the official vote for
4847 the election reflected therein."

4848 (c) The statements required by this subsection shall be
4849 transmitted to the Secretary of State on such forms and by such
4850 methods as may be required by rules and regulations promulgated by
4851 the Secretary of State.

4852 (d) If the statement certifying the names of the
4853 persons elected is not transmitted to the Secretary of State as
4854 required by this subsection, the Secretary of State may issue a
4855 show cause order directing the municipal election commissioners to
4856 provide to the Secretary of State written response containing the
4857 reasons for their failure to transmit the statement. The
4858 municipal election commissioners shall file their response to the
4859 show cause order with the Secretary of State within five (5)
4860 working days after the issuance of the show cause order. If the
4861 statement certifying the names of the persons elected is not
4862 transmitted to the Secretary of State within five (5) working days



4863 after the issuance of the show cause order, the Secretary of State
4864 may petition a court of competent jurisdiction to compel the
4865 municipal election commissioners to comply with this subsection.
4866 If the statement certifying the names of the persons elected is
4867 received by the Secretary of State within five (5) days after the
4868 issuance of the show cause order, a response to the show cause
4869 order shall not be required.

4870 **SECTION 130.** Section 23-15-613, Mississippi Code of 1972, is
4871 amended as follows:

4872 23-15-613. (1) As used in this section "residual votes"
4873 means overvotes, undervotes and any other vote not counted for any
4874 reason.

4875 (2) For every election, election commissions and county and
4876 municipal executive committees shall report to the Secretary of
4877 State residual vote information; however, if the voting devices
4878 utilized in the election do not produce a ballot, other
4879 information shall be reported as required in this section.

4880 (3) For every election, election commissions and county and
4881 municipal executive committees responsible for the conduct of
4882 elections in which ballots are generated that are counted by hand
4883 or by * * * OMR equipment or the tabulating mechanism of a DRE
4884 unit shall report to the Secretary of State all residual votes for
4885 all candidates and ballot measures in the elections for which they
4886 are responsible for conducting. Such residual vote reports shall:



4887 (a) Be received by the Secretary of State no later than
4888 December 15 of the year in which the election is held;

4889 (b) Include any suggested explanation or suspected
4890 cause of the residual votes;

4891 (c) Include a copy of a voided official ballot for the
4892 election as such ballot appeared to voters at the election and
4893 copies of voided affidavit and absentee ballots if they are
4894 different from the official ballot;

4895 (d) Include the total voter turnout for each election
4896 to be determined by totaling the number of persons signing the
4897 receipt book at each precinct, absentee voters and persons who
4898 voted by affidavit ballot and persons whose ballots were
4899 challenged and rejected; and

4900 (e) Include a copy of any printed voting instructions
4901 given or visible to voters in the election and a description of
4902 any verbal instructions and any other evidence of voter education
4903 that was utilized in the election.

4904 (4) For every election, election commissions and county and
4905 municipal executive committees responsible for the conduct of
4906 election in which voting devices are used that do not generate
4907 ballots that are counted by hand or by * * * OMR equipment or the
4908 tabulating mechanism of a DRE unit, shall file a report with the
4909 Secretary of State which shall:

4910 (a) Be received by the Secretary of State no later than
4911 December 15 of the year in which the election is held;



4912 (b) Include the total voter turnout for each election
4913 to be determined by totaling the number of persons signing the
4914 receipt book at each precinct, absentee voters and persons who
4915 voted by affidavit ballot and persons whose ballots were
4916 challenged and rejected;

4917 (c) Include in the report any anecdotal information
4918 obtained concerning voter problems with the voting equipment or
4919 ballot layout;

4920 (d) Include in the report any suggested explanation or
4921 suspected cause of any difference in the amount of total voter
4922 turnout and the number of counted votes for candidates for various
4923 offices; and

4924 (e) Include a copy of any printed voting instructions
4925 given or visible to voters in the election and a description of
4926 any verbal instructions and any other evidence of voter education
4927 that was utilized in the election.

4928 (5) Not later than January 31 of the year following the
4929 election, the Secretary of State shall submit a report to the
4930 Governor, Lieutenant Governor and Speaker of the House of
4931 Representatives analyzing the reports required to be filed
4932 pursuant to this section. The analysis shall include the
4933 following:

4934 (a) The performance of each voting device type used in
4935 the election;



4936 (b) Any problems with voter or poll worker instructions
4937 or ballot design and layout that have been identified as a result
4938 of analyzing the reports received;

4939 (c) Recommendations for reducing the number of residual
4940 votes reported; and

4941 (d) Such other information as the Secretary of State
4942 deems beneficial.

4943 (6) The reports required pursuant to this section shall be
4944 in such form as may be required by rules and regulations
4945 promulgated by the Secretary of State.

4946 **SECTION 131.** Section 23-15-801, Mississippi Code of 1972, is
4947 amended as follows:

4948 23-15-801. (a) "Election" shall mean a general, special,
4949 primary or runoff election.

4950 (b) "Candidate" shall mean an individual who seeks
4951 nomination for election, or election, to any elective office other
4952 than a federal elective office. * * * For purposes of this
4953 article, an individual shall be deemed to seek nomination for
4954 election, or election:

4955 (i) If such individual has received contributions
4956 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
4957 expenditures aggregating in excess of Two Hundred Dollars
4958 (\$200.00) or for a candidate for the Legislature or any statewide
4959 or state district office, by the qualifying deadlines specified in
4960 Sections 23-15-299 and 23-15-977, whichever occurs first; or



4961 (ii) If such individual has given his or her consent to
4962 another person to receive contributions or make expenditures on
4963 behalf of such individual and if such person has received such
4964 contributions aggregating in excess of Two Hundred Dollars
4965 (\$200.00) during a calendar year, or has made such expenditures
4966 aggregating in excess of Two Hundred Dollars (\$200.00) during a
4967 calendar year.

4968 (c) "Political committee" shall mean any committee, party,
4969 club, association, political action committee, campaign committee
4970 or other groups of persons or affiliated organizations which
4971 receives contributions aggregating in excess of Two Hundred
4972 Dollars (\$200.00) during a calendar year or which makes
4973 expenditures aggregating in excess of Two Hundred Dollars
4974 (\$200.00) during a calendar year for the purpose of influencing or
4975 attempting to influence the action of voters for or against the
4976 nomination for election, or election, of one or more candidates,
4977 or balloted measures and shall, in addition, include each
4978 political party registered with the Secretary of State.

4979 (d) "Affiliated organization" shall mean any organization
4980 which is not a political committee, but which directly or
4981 indirectly establishes, administers or financially supports a
4982 political committee.

4983 (e) (i) "Contribution" shall include any gift,
4984 subscription, loan, advance or deposit of money or anything of



4985 value made by any person or political committee for the purpose of
4986 influencing any election for elective office or balloted measure;

4987 (ii) "Contribution" shall not include the value of
4988 services provided without compensation by any individual who
4989 volunteers on behalf of a candidate or political committee; or the
4990 cost of any food or beverage for use in any candidate's campaign
4991 or for use by or on behalf of any political committee of a
4992 political party;

4993 (iii) "Contribution to a political party" includes any
4994 gift, subscription, loan, advance or deposit of money or anything
4995 of value made by any person, political committee, or other
4996 organization to a political party and to any committee,
4997 subcommittee, campaign committee, political committee and other
4998 groups of persons and affiliated organizations of the political
4999 party * * *;

5000 (iv) "Contribution to a political party" shall not
5001 include the value of services provided without compensation by any
5002 individual who volunteers on behalf of a political party or a
5003 candidate of a political party.

5004 (f) (i) "Expenditure" shall include any purchase, payment,
5005 distribution, loan, advance, deposit, gift of money or anything of
5006 value, made by any person or political committee for the purpose
5007 of influencing any balloted measure or election for elective
5008 office; and a written contract, promise, or agreement to make an
5009 expenditure;



5010 (ii) "Expenditure" shall not include any news story,
5011 commentary or editorial distributed through the facilities of any
5012 broadcasting station, newspaper, magazine, or other periodical
5013 publication, unless such facilities are owned or controlled by any
5014 political party, political committee, or candidate; or nonpartisan
5015 activity designed to encourage individuals to vote or to register
5016 to vote;

5017 (iii) "Expenditure by a political party" includes 1.
5018 any purchase, payment, distribution, loan, advance, deposit, gift
5019 of money or anything of value, made by any political party and by
5020 any contractor, subcontractor, agent, and consultant to the
5021 political party; and 2. a written contract, promise, or agreement
5022 to make such an expenditure.

5023 (g) The term "identification" shall mean:

5024 (i) In the case of any individual, the name, the
5025 mailing address, and the occupation of such individual, as well as
5026 the name of his or her employer; and

5027 (ii) In the case of any other person, the full name and
5028 address of such person.

5029 (h) The term "political party" shall mean an association,
5030 committee or organization which nominates a candidate for election
5031 to any elective office whose name appears on the election ballot
5032 as the candidate of such association, committee or organization.

5033 (i) The term "person" shall mean any individual, family,
5034 firm, corporation, partnership, association or other legal entity.



5035 (j) The term "independent expenditure" shall mean an
5036 expenditure by a person expressly advocating the election or
5037 defeat of a clearly identified candidate which is made without
5038 cooperation or consultation with any candidate or any authorized
5039 committee or agent of such candidate, and which is not made in
5040 concert with or at the request or suggestion of any candidate or
5041 any authorized committee or agent of such candidate.

5042 (k) The term "clearly identified" shall mean that:

5043 (i) The name of the candidate involved appears; or

5044 (ii) A photograph or drawing of the candidate appears;

5045 or

5046 (iii) The identity of the candidate is apparent by
5047 unambiguous reference.

5048 **SECTION 132.** Section 23-15-803, Mississippi Code of 1972, is
5049 amended as follows:

5050 23-15-803. (* * *1) * * * Each political committee shall
5051 file a statement of organization which must be received by the
5052 Secretary of State no later than * * * forty-eight (48) hours
5053 after:

5054 (a) Receipt of contributions aggregating in excess of
5055 Two Hundred Dollars (\$200.00), or * * *

5056 (b) Having made expenditures aggregating in excess of
5057 Two Hundred Dollars (\$200.00).

5058 (* * *2) * * * The content of the statement of organization
5059 of a political committee shall include:



5060 (* * *a) The name, * * * address, officers, and
5061 members of the committee * * *;

5062 (* * *b) Designation of a * * * chairman of the * * *
5063 organization and a custodian of the financial books, records and
5064 accounts of the * * * organization, who shall be designated
5065 treasurer; and

5066 (* * *c) If the committee is authorized by a
5067 candidate, the name, address, office sought, and party affiliation
5068 of the candidate.

5069 (* * *3) * * * Any change in information previously
5070 submitted in a statement of organization shall be reported and
5071 noted on the next regularly scheduled report.

5072 (4) In addition to any other penalties provided by law, the
5073 Secretary of State may impose administrative penalties against any
5074 political committee that fails to comply with the requirements of
5075 this section in an amount not to exceed Five Thousand Dollars
5076 (\$5,000.00) per violation. The notice, hearing and appeals
5077 provisions of Section 23-15-813 shall apply to any action taken
5078 pursuant to this subsection (4). The Secretary of State may
5079 pursue judicial enforcement of any penalties issued pursuant to
5080 this section.

5081 **SECTION 133.** Section 23-15-805, Mississippi Code of 1972, is
5082 amended as follows:

5083 23-15-805. (a) Candidates for state, state district, and
5084 legislative district offices, and every political committee, which



5085 makes reportable contributions to or expenditures in support of or
5086 in opposition to a candidate for any such office or makes
5087 reportable contributions to or expenditures in support of or in
5088 opposition to a statewide ballot measure, shall file all reports
5089 required under this article with the Office of the Secretary of
5090 State.

5091 (b) Candidates for county or county district office, and
5092 every political committee which makes reportable contributions to
5093 or expenditures in support of or in opposition to a candidate for
5094 such office or makes reportable contributions to or expenditures
5095 in support of or in opposition to a countywide ballot measure or a
5096 ballot measure affecting part of a county, excepting a municipal
5097 ballot measure, shall file all reports required by this section in
5098 the office of the circuit clerk of the county in which the
5099 election occurs, or directly to the Office of the Secretary of
5100 State via facsimile, electronic mail, postal mail or hand
5101 delivery. The circuit clerk shall forward copies of all reports
5102 to the Office of the Secretary of State.

5103 (c) Candidates for municipal office, and every political
5104 committee which makes reportable contributions to or expenditures
5105 in support of or in opposition to a candidate for such office, or
5106 makes reportable contributions to or expenditures in support of or
5107 in opposition to a municipal ballot measure shall file all reports
5108 required by this article in the office of the municipal clerk of
5109 the municipality in which the election occurs, or directly to the



5110 Office of the Secretary of State via facsimile, electronic mail,
5111 postal mail or hand delivery. The municipal clerk shall forward
5112 copies of all reports to the Office of the Secretary of State.

5113 (d) The Secretary of State, the circuit clerks and the
5114 municipal clerks shall make all reports received under this
5115 subsection available for public inspection and copying and shall
5116 preserve such reports for a period of five (5) years.

5117 * * *

5118 **SECTION 134.** Section 23-15-807, Mississippi Code of 1972, is
5119 amended as follows:

5120 23-15-807. (a) Each candidate or political committee shall
5121 file reports of contributions and disbursements in accordance with
5122 the provisions of this section. All candidates or political
5123 committees required to report such contributions and disbursements
5124 may terminate * * * the obligation to report only upon submitting
5125 a final report that contributions * * * will no longer * * * be
5126 received or * * * disbursements made and that such candidate or
5127 committee has no outstanding debts or obligations. The candidate,
5128 treasurer, or chief executive officer shall sign * * * such
5129 report.

5130 (b) Candidates * * * seeking election, or nomination for
5131 election, and political committees * * * making expenditures * * *
5132 to influence * * * or attempt to influence voters for or against
5133 the nomination for election * * * of one or more candidates or



5134 balloted measures at such election, shall file the following
5135 reports:

5136 (i) In any calendar year during which there is a
5137 regularly scheduled election, a pre-election report, which shall
5138 be filed no later than the seventh day before any election in
5139 which such candidate or political committee has accepted
5140 contributions or made expenditures and which shall be complete as
5141 of the tenth day before such election;

5142 (ii) In 1987 and every fourth year * * * after,
5143 periodic reports, which shall be filed no later than the tenth day
5144 after April 30, May 31, June 30, September 30 and December 31, and
5145 which shall be complete as of the last day of each period; and

5146 (iii) In any calendar years except 1987 and except
5147 every fourth year thereafter, a report covering the calendar year
5148 which shall be filed no later than January 31 of the following
5149 calendar year.

5150 (iv) Except as otherwise provided in the requirements
5151 of subparagraph (i) of this paragraph (b), unopposed candidates
5152 are not required to file pre-election reports but must file all
5153 other reports required by subparagraphs (ii) and (iii) of this
5154 paragraph (b).

5155 (c) All candidates for judicial office as defined in Section
5156 23-15-975, or their political committees, shall file in the year
5157 in which they are to be elected, periodic reports which shall be



5158 filed no later than the tenth day after April 30, May 31, June 30,
5159 September 30 and December 31.

5160 (d) Contents of reports. Each report under this article
5161 shall disclose:

5162 (i) For the reporting period and the calendar year, the
5163 total amount of all contributions and the total amount of all
5164 expenditures of the candidate or reporting committee, * * *
5165 including those required to be identified pursuant to * * *
5166 subparagraph (ii) of this paragraph (d) as well as the total of
5167 all other contributions and expenditures during the calendar year.
5168 Such reports shall be cumulative during the calendar year to which
5169 they relate;

5170 (ii) The identification of:

5171 1. Each person or political committee who makes a
5172 contribution to the reporting candidate or political committee
5173 during the reporting period, whose contribution or contributions
5174 within the calendar year have an aggregate amount or value in
5175 excess of Two Hundred Dollars (\$200.00) together with the date and
5176 amount of any such contribution;

5177 2. Each person or organization, candidate or
5178 political committee who receives an expenditure, payment or other
5179 transfer from the reporting candidate, political committee or its
5180 agent, employee, designee, contractor, consultant or other person
5181 or persons acting in its behalf during the reporting period when
5182 the expenditure, payment or other transfer to such person,



5183 organization, candidate or political committee within the calendar
5184 year have an aggregate value or amount in excess of Two Hundred
5185 Dollars (\$200.00) together with the date and amount of such
5186 expenditure * * *;

5187 (iii) The total amount of cash on hand of each
5188 reporting candidate and reporting political committee;

5189 (iv) In addition to the contents of reports specified
5190 in * * * subparagraphs (i), (ii) and (iii) of this paragraph (d),
5191 each political party shall disclose:

5192 1. Each person or political committee who makes a
5193 contribution to a political party during the reporting period and
5194 whose contribution or contributions to a political party within
5195 the calendar year have an aggregate amount or value in excess of
5196 Two Hundred Dollars (\$200.00), together with the date and amount
5197 of the contribution;

5198 2. Each person or organization who receives an
5199 expenditure by a political party or expenditures by a political
5200 party during the reporting period when the expenditure or
5201 expenditures to the person or organization within the calendar
5202 year have an aggregate value or amount in excess of Two Hundred
5203 Dollars (\$200.00), together with the date and amount of the
5204 expenditure.

5205 (v) Disclosure required under this section of an
5206 expenditure to a credit card issuer, financial institution or
5207 business allowing payments and money transfers to be made over the



5208 Internet must include, by way of detail or separate entity, the
5209 amount of funds passing to each person, business entity or
5210 organization receiving funds from the expenditure.

5211 (e) The appropriate office specified in Section 23-15-805
5212 must be in actual receipt of the reports specified in this article
5213 by 5:00 p.m. on the dates specified in paragraph (b) of this
5214 section. If the date specified in paragraph (b) of this section
5215 shall fall on a weekend or legal holiday then the report shall be
5216 due in the appropriate office at 5:00 p.m. on the first working
5217 day before the date specified in paragraph (b) of this section.
5218 The reporting candidate or reporting political committee shall
5219 ensure that the reports are delivered to the appropriate office by
5220 the filing deadline. The Secretary of State may approve specific
5221 means of electronic transmission of completed campaign finance
5222 disclosure reports, which may include, but not be limited to,
5223 transmission by electronic facsimile (FAX) devices.

5224 (f) (i) If any contribution of more than Two Hundred
5225 Dollars (\$200.00) is received by a candidate or candidate's
5226 political committee after the tenth day, but more than forty-eight
5227 (48) hours before 12:01 a.m. of the day of the election, the
5228 candidate or political committee shall notify the appropriate
5229 office designated in Section 23-15-805, within forty-eight (48)
5230 hours of receipt of the contribution. The notification shall
5231 include:

5232 1. The name of the receiving candidate;



- 5233 2. The name of the receiving candidate's political
5234 committee, if any;
- 5235 3. The office sought by the candidate;
- 5236 4. The identification of the contributor;
- 5237 5. The date of receipt;
- 5238 6. The amount of the contribution;
- 5239 7. If the contribution is in-kind, a description
5240 of the in-kind contribution; and
- 5241 8. The signature of the candidate or the treasurer
5242 or * * * chairman of the candidate's political * * * organization.

5243 (ii) The notification shall be in writing, and may be
5244 transmitted by overnight mail, courier service, or other reliable
5245 means, including electronic facsimile (FAX), but the candidate or
5246 candidate's committee shall ensure that the notification shall in
5247 fact be received in the appropriate office designated in Section
5248 23-15-805 within forty-eight (48) hours of the contribution.

5249 **SECTION 135.** Section 23-15-811, Mississippi Code of 1972, is
5250 amended as follows:

5251 23-15-811. (a) Any candidate or any other person who shall
5252 * * * willfully violate the provisions and prohibitions of this
5253 article shall be guilty of a misdemeanor and upon conviction * * *
5254 shall be punished by a fine in a sum not to exceed Three Thousand
5255 Dollars (\$3,000.00) or imprisoned for not longer than six (6)
5256 months or by both fine and imprisonment.



5257 (b) In addition to the penalties provided in paragraph (a)
5258 of this section and Chapter 13, Title 97, Mississippi Code of
5259 1972, any candidate or political committee which is required to
5260 file a statement or report which fails to file such statement or
5261 report on the date * * * it is due may be compelled to file such
5262 statement or report by an action in the nature of a mandamus
5263 brought by the Secretary of State or Attorney General.

5264 (c) No candidate shall be certified as nominated for
5265 election or as elected to office * * * until he files all reports
5266 required by this article due as of the date of certification.

5267 (d) No candidate who is elected to office shall receive any
5268 salary or other remuneration for the office * * * until he files
5269 all reports required by this article due as of the date * * * the
5270 salary or remuneration is payable.

5271 (e) In the event that a candidate fails to timely file any
5272 report required pursuant to this article but subsequently files a
5273 report or reports containing all of the information required to be
5274 reported * * *, such candidate shall not be subject to the
5275 sanctions of said paragraphs (c) and (d).

5276 **SECTION 136.** Section 23-15-813, Mississippi Code of 1972, is
5277 amended as follows:

5278 23-15-813. (a) In addition to any other penalty permitted
5279 by law, the Secretary of State shall require any candidate or
5280 political committee, as identified in Section 23-15-805(a), and
5281 any other political committee registered with the Secretary of



5282 State, who fails to file a campaign finance disclosure report as
5283 required under Sections 23-15-801 through 23-15-813, or Sections
5284 23-17-47 through 23-17-53, or who shall file a report which fails
5285 to substantially comply with the requirements of Sections
5286 23-15-801 through 23-15-813, or Sections 23-17-47 through
5287 23-17-53, to be assessed a civil penalty as follows:

5288 (i) Within five (5) calendar days after any deadline
5289 for filing a report pursuant to Sections 23-15-801 through
5290 23-15-813, or Sections 23-17-47 through 23-17-53, the Secretary of
5291 State shall compile a list of those candidates and political
5292 committees who have failed to file a report. The Secretary of
5293 State shall provide each candidate or political committee, who has
5294 failed to file a report, notice of the failure by first-class
5295 mail.

5296 (ii) Beginning with the tenth calendar day after which
5297 any report shall be due, the Secretary of State shall assess the
5298 delinquent candidate and political committee a civil penalty of
5299 Fifty Dollars (\$50.00) for each day or part of any day until a
5300 valid report is delivered to the Secretary of State, up to a
5301 maximum of ten (10) days. * * * In the discretion of the
5302 Secretary of State, the assessing of the fine may be waived in
5303 whole or in part if the Secretary of State determines that
5304 unforeseeable mitigating circumstances, such as the health of the
5305 candidate, interfered with timely filing of a report. Failure of
5306 a candidate or political committee to receive notice of failure to



5307 file a report from the Secretary of State is not an unforeseeable
5308 mitigating circumstance, and failure to receive the notice shall
5309 not result in removal or reduction of any assessed civil penalty.

5310 (iii) Filing of the required report and payment of the
5311 fine within ten (10) calendar days of notice by the Secretary of
5312 State that a required statement has not been filed * * *
5313 constitutes compliance with Sections 23-15-801 through 23-15-813,
5314 or Sections 23-17-47 through 23-17-53.

5315 (iv) Payment of the fine without filing the required
5316 report does not * * * excuse or exempt any person * * * from the
5317 filing requirements of Sections 23-15-801 through 23-15-813, and
5318 Sections 23-17-47 through 23-17-53.

5319 (v) If any candidate or political committee is assessed
5320 a civil penalty, and the penalty is not subsequently waived by the
5321 Secretary of State, the candidate or political committee shall pay
5322 the fine to the Secretary of State within ninety (90) days of the
5323 date of the assessment of the fine. If, after one hundred twenty
5324 (120) days of the assessment of the fine the payment for the
5325 entire amount of the assessed fine has not been received by the
5326 Secretary of State, the Secretary of State shall notify the
5327 Attorney General of the delinquency, and the Attorney General
5328 shall file, where necessary, a suit to compel payment of the civil
5329 penalty.

5330 (b) (i) Upon the sworn application, made within sixty (60)
5331 calendar days of the date upon which the required report is due,



5332 of a candidate or political committee against whom a civil penalty
5333 has been assessed pursuant to paragraph (a), the Secretary of
5334 State shall forward the application to the State Board of Election
5335 Commissioners. The State Board of Election Commissioners shall
5336 appoint one or more hearing officers who shall be former
5337 chancellors, circuit court judges, judges of the Court of Appeals
5338 or justices of the Supreme Court, * * * to conduct hearings held
5339 pursuant to this article. The hearing officer shall fix a time
5340 and place for a hearing and shall cause a written notice
5341 specifying the civil penalties that have been assessed against the
5342 candidate or political committee and notice of the time and place
5343 of the hearing to be served upon the candidate or political
5344 committee at least twenty (20) calendar days before the hearing
5345 date. The notice may be served by mailing a copy * * * of the
5346 notice by certified mail, postage prepaid, to the last known
5347 business address of the candidate or political committee.

5348 (ii) The hearing officer may issue subpoenas for the
5349 attendance of witnesses and the production of * * * documents at
5350 the hearing. Process issued by the hearing officer shall extend
5351 to all parts of the state and shall be served by any person
5352 designated by the hearing officer for the service.

5353 (iii) The candidate or political committee has the
5354 right to appear either personally, by counsel or both, to produce
5355 witnesses or evidence in his behalf, to cross-examine witnesses
5356 and to have subpoenas issued by the hearing officer.



5357 (iv) At the hearing, the hearing officer shall
5358 administer oaths as may be necessary for the proper conduct of the
5359 hearing. All hearings shall be conducted by the hearing officer,
5360 who shall not be bound by strict rules of procedure or by the laws
5361 of evidence * * *, but the determination shall be based upon
5362 sufficient evidence to sustain it. The scope of review at the
5363 hearing shall be limited to making a determination of whether
5364 failure to file a required report was due to an unforeseeable
5365 mitigating circumstance.

5366 (v) Where, in any proceeding before the hearing
5367 officer, any witness fails or refuses to attend upon a subpoena
5368 issued by the commission, refuses to testify, or refuses to
5369 produce any * * * documents called for by a subpoena, the
5370 attendance of the witness, the giving of his testimony or the
5371 production of the * * * documents shall be enforced by any court
5372 of competent jurisdiction of this state in the manner provided for
5373 the enforcement of attendance and testimony of witnesses in civil
5374 cases in the courts of this state.

5375 (vi) Within fifteen (15) calendar days after conclusion
5376 of the hearing, the hearing officer shall reduce his or her
5377 decision to writing and forward an attested true copy of the
5378 decision to the last known business address of the candidate or
5379 political committee by way of United States first-class, certified
5380 mail, postage prepaid.



5381 (c) (i) The right to appeal from the decision of the
5382 hearing officer in an administrative hearing concerning the
5383 assessment of civil penalties authorized pursuant to this section
5384 is granted. The appeal shall be to the Circuit Court of Hinds
5385 County and shall include a verbatim transcript of the testimony at
5386 the hearing. The appeal shall be taken within thirty (30)
5387 calendar days after notice of the decision of the commission
5388 following an administrative hearing. The appeal shall be
5389 perfected upon filing notice of the appeal and by the prepayment
5390 of all costs, including the cost of the preparation of the record
5391 of the proceedings by the hearing officer, and the filing of a
5392 bond in the sum of Two Hundred Dollars (\$200.00), conditioned that
5393 if the decision of the hearing officer be affirmed by the court,
5394 the candidate or political committee will pay the costs of the
5395 appeal and the action in court. If the decision is reversed by
5396 the court, the Secretary of State will pay the costs of the appeal
5397 and the action in court.

5398 (ii) If there is an appeal, the appeal shall act as a
5399 supersedeas. The court shall dispose of the appeal and enter its
5400 decision promptly. The hearing on the appeal may be tried in
5401 vacation, in the court's discretion. The scope of review of the
5402 court shall be limited to a review of the record made before the
5403 hearing officer to determine if the action of the hearing officer
5404 is unlawful for the reason that it was 1. not supported by
5405 substantial evidence, 2. arbitrary or capricious, 3. beyond the



5406 power of the hearing officer to make, or 4. in violation of some
5407 statutory or constitutional right of the appellant. The decision
5408 of the court may be appealed to the Supreme Court in the manner
5409 provided by law.

5410 (d) If, after forty-five (45) calendar days of the date of
5411 the administrative hearing procedure set forth in paragraph (b),
5412 the candidate or political committee identified in paragraph (a)
5413 of this section fails to pay the monetary civil penalty imposed by
5414 the hearing officer, the Secretary of State shall notify the
5415 Attorney General of the delinquency. The Attorney General shall
5416 investigate the offense in accordance with the provisions of this
5417 chapter, and where necessary, file suit to compel payment of the
5418 unpaid civil penalty.

5419 (e) If, after twenty (20) calendar days of the date upon
5420 which a campaign finance disclosure report is due, a candidate or
5421 political committee identified in paragraph (a) of this section
5422 shall not have filed a valid report with the Secretary of State,
5423 the Secretary of State shall notify the Attorney General of those
5424 candidates and political committees who have not filed a valid
5425 report, and the Attorney General shall * * * prosecute the
5426 delinquent candidates and political committees.

5427 **SECTION 137.** The following shall be codified as Section
5428 23-15-819, Mississippi Code of 1972:

5429 23-15-819. (1) It shall be unlawful for a foreign national,
5430 directly or through any other person, to make any contribution or



5431 any expenditure of money or other thing of value, or to promise
5432 expressly or impliedly to make any such contribution or
5433 expenditure, in connection with an election to any political
5434 office or in connection with any primary election, convention or
5435 caucus held to select candidates for any political office.

5436 (2) No person shall solicit, accept or receive any such
5437 contribution from a foreign national.

5438 (3) The term "foreign national" means:

5439 (a) A foreign national as defined in 22 USCS 611(b),
5440 except that the terms "foreign national" does not include any
5441 individual who is a citizen of the United States; or

5442 (b) An individual who is not a citizen of the United
5443 States and who is not lawfully admitted for permanent residence.

5444 **SECTION 138.** Section 23-15-831, Mississippi Code of 1972, is
5445 amended as follows:

5446 23-15-831. When a vacancy other than in the
5447 Legislature * * * occurs by * * * by death, resignation or otherwise,
5448 in any state or state district elected office, * * * and there is
5449 no special provision of law for * * * filling * * * the vacancy,
5450 the same shall be filled for the unexpired term by appointment by
5451 the Governor.

5452 **SECTION 139.** Section 23-15-833, Mississippi Code of 1972, is
5453 amended as follows:

5454 23-15-833. Except as otherwise provided by law, the first
5455 Tuesday after the first Monday in November of each year shall be



5456 designated the regular special election day, and on that day an
5457 election shall be held to fill any vacancy in county, county
5458 district, and district attorney elective offices, and any vacancy
5459 in the office of circuit judge or chancellor.

5460 All special elections * * * or elections to fill vacancies,
5461 shall in all respects be held, conducted and returned in the same
5462 manner as general elections, except that where no candidate
5463 receives a majority of the votes cast in * * * the election, * * *
5464 a runoff election shall be held three (3) weeks after * * * the
5465 election * * * . The two (2) candidates who receive the highest
5466 popular votes for * * * the office shall have their names
5467 submitted as * * * the candidates to the * * * runoff and the
5468 candidate who leads in * * * the runoff election shall be elected
5469 to the office. When there is a tie in the first election of those
5470 receiving the next highest vote, these two (2) and the one
5471 receiving the highest vote, none having received a majority, shall
5472 go into the runoff election and whoever leads in * * * the runoff
5473 election shall be entitled to the office.

5474 In those years when the regular special election day shall
5475 occur on the same day as the general election, the names of
5476 candidates in any special election and the general election shall
5477 be placed on the same ballot, but shall be clearly distinguished
5478 as general election candidates or special election candidates. At
5479 any time a special election is held on the same day as a party
5480 primary election, the names of the candidates in the special



5481 election may be placed on the same ballot, but shall be clearly
5482 distinguished as special election candidates or primary election
5483 candidates.

5484 **SECTION 140.** Section 23-15-835, Mississippi Code of 1972, is
5485 amended as follows:

5486 23-15-835. The election commissioners * * * of the several
5487 counties to whom the writ of election may be directed shall * * *
5488 immediately * * * upon receipt * * * of the writ, give notice
5489 of * * * the special election to fill a vacancy in * * * the
5490 county or county district office by posting notices at the
5491 courthouse and in each supervisor's district in the county for
5492 ninety (90) days * * * the election; and * * * the election shall
5493 be prepared for and held as in case of a general election.

5494 **SECTION 141.** Section 23-15-837, Mississippi Code of 1972, is
5495 amended as follows:

5496 23-15-837. (1) When a special election * * * is called to
5497 fill any state district office or legislative office and where
5498 only one (1) person has duly qualified with the State Board of
5499 Election Commissioners to be a candidate in * * * the special
5500 election within the time prescribed by law for qualifying as * * *
5501 a candidate, the State Board of Election Commissioners shall make
5502 a finding and determination of * * * that fact, which shall be
5503 duly entered upon its official minutes.



5504 (2) A finding and determination and certification to office
5505 by the State Board of Election Commissioners, as herein provided,
5506 shall dispense with the holding of the special election.

5507 (3) A certified copy of the finding and determination of the
5508 State Board of Election Commissioners shall be * * * filed with
5509 the Governor, and the Governor shall appoint the candidate so
5510 certified to fill the unexpired term.

5511 **SECTION 142.** Section 23-15-839, Mississippi Code of 1972, is
5512 amended as follows:

5513 23-15-839. (1) When a vacancy * * * occurs in any county or
5514 county district office, the same shall be filled by appointment by
5515 the board of supervisors of the county, by order entered upon its
5516 minutes, where the vacancy occurs, or by appointment of the
5517 president of the board of supervisors, by and with the consent of
5518 the majority of the board of supervisors, if such vacancy occurs
5519 when * * * the board is not in session, and the clerk of the board
5520 shall certify to the Secretary of State the * * * appointment, and
5521 the * * * appointed person shall be commissioned by the Governor;
5522 and if the unexpired term be longer than six (6) months, such
5523 appointee shall serve until a successor is elected as hereinafter
5524 provided, unless the regular special election day on which the
5525 vacancy should be filled occurs in a year in which an election
5526 would normally be held for that office as provided by law, in
5527 which case the person so appointed shall serve the unexpired
5528 portion of the term. Such vacancies shall be filled for the



5529 unexpired term by the qualified electors at the next regular
5530 special election day occurring more than ninety (90) days after
5531 the occurrence of the vacancy. The board of supervisors of the
5532 county shall, within ten (10) days after the * * * vacancy occurs,
5533 make an order, in writing, directed to the election
5534 commissioners * * *, commanding an election to be held on the next
5535 regular special election day to fill the vacancy. The election
5536 commissioners shall require each candidate to qualify at least
5537 sixty (60) days before the date of the election, and shall give a
5538 certificate of election to the person elected, and shall return to
5539 the Secretary of State a copy of the order of holding the
5540 election, showing the election results * * *, certified by the
5541 clerk of the board of supervisors. The person elected shall be
5542 commissioned by the Governor to take office once the election is
5543 certified.

5544 (2) In any election ordered pursuant to this section where
5545 only one (1) person * * * qualifies with the election
5546 commissioners * * * to be a candidate within the time provided by
5547 law, the election commissioners * * * shall certify to the board
5548 of supervisors that there is * * * only one (1) candidate.
5549 Thereupon, the board of supervisors shall dispense with the
5550 election and * * * appoint the certified candidate * * * to fill
5551 the unexpired term. The clerk of the board shall certify the
5552 appointed candidate to the Secretary of State and the
5553 candidate * * * shall be commissioned to serve by the Governor.



5554 In the event * * * no person * * * qualifies by 5:00 p.m. sixty
5555 (60) days * * * before the date of the election, the election
5556 commissioners * * * shall certify that fact to the board of
5557 supervisors which shall dispense with the election and fill the
5558 vacancy by appointment. The clerk of the board of supervisors
5559 shall certify the appointment to the Secretary of State * * *, and
5560 the * * * appointed person shall be commissioned to serve by the
5561 Governor.

5562 **SECTION 143.** Section 23-15-843, Mississippi Code of 1972, is
5563 amended as follows:

5564 23-15-843. In case of death, resignation or vacancy from any
5565 cause in the office of district attorney, the unexpired term of
5566 which shall exceed six (6) months, the Governor shall within ten
5567 (10) days after * * * the occurrence of * * * the vacancy
5568 issue * * * a proclamation calling an election to fill a vacancy
5569 in the office of district attorney to be held on the next regular
5570 special election day in the district * * * where the vacancy * * *
5571 occurred unless the vacancy shall occur before ninety (90)
5572 days * * * before the general election in a year in which an
5573 election would normally be held for that office as provided by
5574 law, in which case the * * * appointed person shall serve the
5575 unexpired portion of the term. Candidates in such a special
5576 election shall qualify in the same manner and * * * be subject to
5577 the same time limitations as set forth in Section 23-15-839.
5578 Pending the holding of * * * a special election, the Governor



5579 shall make an emergency appointment to fill the vacancy until the
5580 same shall be filled by election as aforesaid.

5581 **SECTION 144.** Section 23-15-849, Mississippi Code of 1972, is
5582 amended as follows:

5583 23-15-849. (1) Vacancies in the office of circuit judge or
5584 chancellor shall be filled for the unexpired term by the qualified
5585 electors at the next regular special election occurring more than
5586 nine (9) months after the * * * occurrence of the vacancy to be
5587 filled, and the term of office of the person elected to fill a
5588 vacancy shall commence on the first Monday in January following
5589 * * * the election. Upon the * * * occurrence of * * * a
5590 vacancy, the Governor shall appoint a qualified person from the
5591 district in which the vacancy exists to hold the office and
5592 discharge the duties thereof until the vacancy * * * is filled by
5593 election as provided in this subsection.

5594 (2) (a) If half or more than half of the term remains,
5595 vacancies in the office of * * * justice of the Supreme Court or
5596 judge of the Court of Appeals shall be filled for the unexpired
5597 term by the qualified electors at the next regular election for
5598 state officers or for representatives in Congress occurring more
5599 than nine (9) months after the * * * occurrence of the vacancy to
5600 be filled, and the term of office of the person elected to fill a
5601 vacancy shall commence on the first Monday in January
5602 following * * * the election. If less than half of the term
5603 remains, vacancies in the office of * * * justice of the Supreme



5604 Court or judge of the Court of Appeals shall be filled for the
5605 remaining unexpired term solely by appointment as provided in this
5606 subsection.

5607 (b) Upon occurrence of a vacancy, the Governor shall
5608 appoint a qualified person from the district in which the vacancy
5609 exists to hold the office and discharge the duties thereof as
5610 follows:

5611 (i) If less than half of the term remains, the
5612 appointee shall serve until expiration of the term;

5613 (ii) If half or more than half of the term
5614 remains, the appointee shall serve until the vacancy * * * is
5615 filled by election as provided in subsection (1) of this section
5616 for judges of the circuit and chancery courts. Elections to fill
5617 vacancies in the office of * * * justice of the Supreme Court or
5618 judge of the Court of Appeals shall be held, conducted, returned
5619 and the persons elected commissioned in accordance with the law
5620 governing regular elections for * * * justices of the Supreme
5621 Court or judges of the Court of Appeals * * * to the extent
5622 applicable.

5623 * * *

5624 **SECTION 145.** Section 23-15-851, Mississippi Code of 1972, is
5625 amended as follows:

5626 23-15-851. (1) Except as otherwise provided in subsection
5627 (2) of this section, within thirty (30) days after vacancies occur
5628 in either house of the Legislature, the Governor shall issue writs



5629 of election to fill the vacancies on a day specified in the writ
5630 of election. At least * * * sixty (60) days' notice shall be
5631 given of the election in each county or part of a county in which
5632 the election shall be held. The qualifying deadline for the
5633 election shall be * * * fifty (50) days * * * the election.
5634 Notice of the election shall be posted at the courthouse and in
5635 each supervisors district in the county or part of county in which
5636 such election shall be held for as near * * * sixty (60) days as
5637 may be practicable. The election shall be prepared for and held
5638 as in the case of a general election.

5639 (2) If a vacancy occurs * * * in a calendar year in which
5640 the general election for state officers is held, the Governor may
5641 elect not to issue a writ of election to fill the vacancy.

5642 **SECTION 146.** Section 23-15-853, Mississippi Code of 1972, is
5643 amended as follows:

5644 23-15-853. (1) If a vacancy * * * occurs in the
5645 representation in Congress, the vacancy shall be filled for the
5646 unexpired term by a special election, to be ordered by the
5647 Governor, within sixty (60) days after * * * the vacancy occurs,
5648 and * * * held at a time fixed by his order, and which time shall
5649 be not less than sixty (60) days after the issuance of the order
5650 of the Governor, which shall be directed to the election
5651 commissioners * * * of the several counties of the district, who
5652 shall, immediately on the receipt of the order, give notice of the
5653 election by publishing the same in * * * a newspaper having a



5654 general circulation in the county and by posting the notice * * *
5655 at the front door of the courthouse. The order shall also be
5656 directed to the State Board of Election Commissioners. The
5657 election shall be prepared for and conducted, and returns shall be
5658 made, in all respects as provided for a special election to fill
5659 vacancies.

5660 (2) Candidates for the office in such an election must
5661 qualify with the Secretary of State by 5:00 p.m. not less
5662 than * * * fifty (50) days * * * before the date of the election.
5663 The election commissioners * * * shall have printed on the ballot
5664 in such special election the name of any candidate who shall have
5665 been requested to be a candidate for the office by a petition
5666 filed with the Secretary of State and personally signed by not
5667 less than one thousand (1,000) qualified electors of the district.
5668 The petition shall be filed by 5:00 p.m. not less than * * * fifty
5669 (50) days * * * before the date of the election.

5670 There shall be attached to each petition above provided for,
5671 upon the time of filing with * * * the Secretary of State, a
5672 certificate from the appropriate registrar or registrars showing
5673 the number of qualified electors appearing upon each * * *
5674 petition which the registrar shall furnish to the petitioner upon
5675 request.

5676 **SECTION 147.** Section 23-15-855, Mississippi Code of 1972, is
5677 amended as follows:



5678 23-15-855. (1) If a vacancy shall occur in the office of
5679 United States Senator from Mississippi by death, resignation or
5680 otherwise, the Governor shall, within ten (10) days after
5681 receiving official notice of * * * the vacancy, issue * * * a
5682 proclamation for an election to be held in the state to elect a
5683 Senator to fill * * * the remaining unexpired term * * *, provided
5684 the unexpired term is more than twelve (12) months and the
5685 election shall be held within ninety (90) days from the time the
5686 proclamation is issued and the returns of such election shall be
5687 certified to the Governor in the manner set out above for regular
5688 elections, unless the vacancy * * * occurs in a year * * * in
5689 which a general state or congressional election is held, in which
5690 event the Governor's proclamation shall designate the general
5691 election day as the time for electing a Senator, and the vacancy
5692 shall be filled by appointment as hereinafter provided.

5693 (2) In case of a vacancy in the office of United States
5694 Senator, the Governor may appoint a Senator to fill * * * the
5695 vacancy temporarily, and if the United States Senate be in session
5696 at the time the vacancy occurs the Governor shall appoint a
5697 Senator within ten (10) days after receiving official notice
5698 thereof, and the * * * appointed Senator shall serve until * * * a
5699 successor is elected and commissioned as provided for in
5700 subsection (1) of this section, provided that such unexpired term
5701 as he may be appointed to fill shall be for a longer time than one
5702 (1) year, but if for a shorter time than one (1) year, he shall



5703 serve for the full time of the unexpired term and no special
5704 election shall be called by the Governor but * * * a successor
5705 shall be elected at the regular election.

5706 **SECTION 148.** Section 23-15-857, Mississippi Code of 1972, is
5707 amended as follows:

5708 23-15-857. (1) When * * * there is * * * a vacancy in an
5709 elective office in a city, town or village * * *, the unexpired
5710 term of which shall not exceed six (6) months, the same shall be
5711 filled by appointment by the governing authority or remainder of
5712 the governing authority of * * * the city, town or village. The
5713 municipal clerk shall certify the appointment to the Secretary of
5714 State * * * and the appointed person or persons * * * shall be
5715 commissioned by the Governor.

5716 (2) When * * * there is * * * a vacancy in an elective
5717 office in a city, town or village, the unexpired term of which
5718 shall exceed six (6) months, the governing authority or remainder
5719 of the governing authority of * * * the city, town or village
5720 shall make and enter on the minutes an order for an election to be
5721 held in * * * the city, town or village to fill the vacancy and
5722 fix a date upon which * * * the election shall be held. Such
5723 order shall be made and entered upon the minutes at the next
5724 regular meeting of the governing authority after * * * the
5725 occurrence of the vacancy * * *, or at a special meeting to be
5726 held not later than ten (10) days after the occurrence of the
5727 vacancy * * *, Saturdays, Sundays and legal holidays excluded,



5728 whichever shall occur first. * * * The election shall be held on
5729 a date not less than thirty (30) days nor more than forty-five
5730 (45) days after the date upon which the order is adopted.

5731 Notice of * * * the election shall be given by the municipal
5732 clerk by notice published in a newspaper published in the
5733 municipality. * * * The notice shall be published once each week
5734 for three (3) successive weeks preceding the date of * * * the
5735 election. The first notice * * * shall be published at least
5736 thirty (30) days before the date of * * * the election. Notice
5737 shall also be given by posting a copy of * * * the notice at three
5738 (3) public places in * * * the municipality not less than
5739 twenty-one (21) days * * * before the date of * * * the election.
5740 One (1) of * * * the notices shall be posted at the city, town or
5741 village hall. In the event that there is no newspaper published
5742 in the municipality, * * * such notice shall be published as
5743 provided for above in a newspaper which has a general circulation
5744 within the municipality and by posting as provided for above.

5745 * * * Additionally, the governing authority may publish * * * the
5746 notice in * * * the newspaper for * * * as many additional times
5747 as may be deemed necessary by the governing authority.

5748 Each candidate shall qualify by petition filed with the
5749 municipal clerk by 5:00 p.m. at least twenty (20) days before the
5750 date of the election and * * * the petition shall be signed by not
5751 less than the following number of qualified electors:



5752 (a) For an office of a city, town * * *, village or
5753 municipal district having a population of one thousand (1,000) or
5754 more, not less than fifty (50) qualified electors.

5755 (b) For an office of a city, town * * *, village or
5756 municipal district having a population of less than one thousand
5757 (1,000), not less than fifteen (15) qualified electors.

5758 No qualifying fee shall be required of any candidate, and the
5759 election * * * shall be held as far as practicable in the same
5760 manner as municipal general elections.

5761 The candidate receiving a majority of the votes cast in
5762 * * * the election shall be elected. If no candidate * * *
5763 receives a majority vote at the election, the two (2) candidates
5764 receiving the highest number of votes shall have their names
5765 placed on the ballot for the election to be held * * * three (3)
5766 weeks thereafter. The candidate receiving a majority of the votes
5767 cast in * * * the election shall be elected. However, if no
5768 candidate * * * receives a majority and there is a tie in the
5769 election of those receiving the next highest vote, those receiving
5770 the next highest vote and the candidate receiving the highest vote
5771 shall have their names placed on the ballot for the election to be
5772 held * * * three (3) weeks thereafter, and whoever receives the
5773 most votes cast in * * * the election shall be elected.

5774 Should the election * * * held * * * three (3) weeks
5775 thereafter result in a tie vote, the prevailing candidate * * *
5776 shall be decided by a toss of a coin or by lot * * * fairly and



5777 publicly drawn under the supervision * * * of the election
5778 commission with the aid of two (2) or more qualified electors of
5779 the municipality.

5780 The clerk of the election commission shall then give a
5781 certificate of election to the person elected, and * * * return to
5782 the Secretary of State a copy of the order of holding the election
5783 and runoff election * * * results * * *, certified by the clerk of
5784 the governing authority. The person elected shall be commissioned
5785 by the Governor.

5786 However, if nineteen (19) days * * * before the date of the
5787 election only one (1) person shall have qualified as a candidate,
5788 the governing authority, or remainder of the governing authority,
5789 shall dispense with the election and appoint that one (1)
5790 candidate in lieu of an election. In the event no person shall
5791 have qualified by 5:00 p.m. at least twenty (20) days * * * before
5792 the date of the election, the governing authority or remainder of
5793 the governing authority shall dispense with the election and fill
5794 the vacancy by appointment. The clerk of the governing authority
5795 shall certify the appointment to the Secretary of State * * *, and
5796 the appointed person * * * shall be commissioned by the Governor.

5797 **SECTION 149.** Section 23-15-859, Mississippi Code of 1972, is
5798 amended as follows:

5799 23-15-859. Whenever under any statute a special election is
5800 required or authorized to be held in any municipality, and the
5801 statute authorizing or requiring * * * the election does not



5802 specify the time within which * * * the election shall be called,
5803 or the notice which shall be given * * *, the governing
5804 authorities of the municipality shall, by resolution, fix a date
5805 upon which * * * the election shall be held. * * * The date shall
5806 not be less than twenty-one (21) nor more than thirty (30) days
5807 after the date upon which such resolution is adopted, and not less
5808 than three (3) weeks' notice of such election shall be given by
5809 the clerk by a notice published in a newspaper published in the
5810 municipality once each week for three (3) weeks next preceding the
5811 date of * * * the election, and by posting a copy of * * * the
5812 notice at three (3) public places in * * * the municipality.
5813 Nothing herein, however, shall be applicable to elections on the
5814 question of the issuance of the bonds of a municipality or to
5815 general or primary elections for the election of municipal
5816 officers.

5817 The provisions of this section shall be applicable to all
5818 municipalities of this state, whether operating under a code
5819 charter, special charter or the commission form of government,
5820 except in cases of conflicts between the provisions of the section
5821 and the provisions of the special charter of a municipality, or
5822 the law governing the commission form of government, in which
5823 cases of conflict the provisions of the special charter or the
5824 statutes relative to the commission form of government shall
5825 apply.



5826 **SECTION 150.** Section 23-15-873, Mississippi Code of 1972, is
5827 amended as follows:

5828 23-15-873. (1) No person, whether an officer or not, shall,
5829 in order to promote his own candidacy, or that of any other
5830 person, to be a candidate for public office in this state,
5831 directly or indirectly, himself or through another person, promise
5832 to appoint, or promise to secure or assist in securing the
5833 appointment, nomination or election of another person to any
5834 public position or employment, or to secure or assist in securing
5835 any public contract or the employment of any person under any
5836 public contractor, or to secure or assist in securing the
5837 expenditure of any public funds in the personal behalf of any
5838 particular person or group of persons, except that the candidate
5839 may publicly announce what is his choice or purpose in relation to
5840 an election in which he may be called on to take part if elected.

5841 (2) It shall be unlawful for any person to directly or
5842 indirectly solicit or receive any promise by this section
5843 prohibited * * *, but this does not apply to * * * any person when
5844 it comes to their office force.

5845 (3) Any violation of this section shall constitute a
5846 violation of Section 97-13-37 and shall be referred to the
5847 district attorney for prosecution.

5848 **SECTION 151.** Section 23-15-874, Mississippi Code of 1972, is
5849 amended as follows:



5850 23-15-874. A candidate for judicial office shall not use
5851 court administrators, deputy court administrators, court
5852 reporters, deputy court reporters, judges' secretaries or law
5853 clerks as workers in his campaign activities. Violations of this
5854 section shall be referred to the Commission on Judicial
5855 Performance.

5856 **SECTION 152.** Section 23-15-875, Mississippi Code of 1972, is
5857 amended as follows:

5858 23-15-875. No person, including a candidate, shall publicly
5859 or privately make, in a campaign then in progress, any charge or
5860 charges reflecting upon the honesty, integrity or moral character
5861 of any candidate, so far as his private life is concerned, unless
5862 the charge be in fact true and actually capable of proof; and any
5863 person who makes any such charge shall have the burden of proof to
5864 show the truth thereof when called to account therefor under any
5865 affidavit or indictment against him for a violation of this
5866 section. Any language deliberately uttered or published which,
5867 when fairly and reasonably construed and as commonly understood,
5868 would clearly and unmistakably imply any such charge, shall be
5869 deemed and held to be the equivalent of a direct charge. * * *

5870 * * *

5871 **SECTION 153.** Section 23-15-881, Mississippi Code of 1972, is
5872 amended as follows:

5873 23-15-881. It shall be unlawful for the * * * Mississippi
5874 Transportation Commission or any member of the * * * Mississippi



5875 Transportation Commission, or the board of supervisors of any
5876 county or any member of the board of supervisors of such county,
5877 to employ, during the months of May, June, July and August of any
5878 year in which a general primary election is held for the
5879 nomination and election of members of the * * * Mississippi
5880 Transportation Commission and members of the boards of
5881 supervisors, a greater number of persons to work and maintain the
5882 state highways, in any highway district, or the public roads, in
5883 any supervisors district of the county, as the case may be, than
5884 the average number of persons employed for similar purposes in
5885 such highway district or supervisors district, as the case may be,
5886 during the months of May, June, July and August of the three (3)
5887 years immediately preceding the year in which such general primary
5888 election is held. It shall be unlawful for the * * * Mississippi
5889 Transportation Commission, or the board of supervisors of any
5890 county, to expend out of the state highway funds, or the road
5891 funds of the county or any supervisors district thereof, as the
5892 case may be, in the payment of wages or other compensation for
5893 labor performed in working and maintaining the highways of any
5894 highway district, or the public roads of any supervisors district
5895 of the county, as the case may be, during the months of May, June,
5896 July and August of such election year, a total amount in excess of
5897 the average total amount expended for such labor, in such highway
5898 district or supervisors district, as the case may be, during the



5899 corresponding four * * * -month period of the three (3) years
5900 immediately preceding.

5901 It shall be the duty of the * * * Mississippi Transportation
5902 Commission and the board of supervisors of each county,
5903 respectively, to keep sufficient records of the numbers of
5904 employees and expenditures made for labor on the state highways of
5905 each highway district, and the public roads of each supervisors
5906 district, for the months of May, June, July and August of each
5907 year, to show the number of persons employed for such work in each
5908 highway district and each supervisors district, as the case may
5909 be, during said four * * * -month period, and the total amount
5910 expended in the payment of salaries and other compensation to such
5911 employees, so that it may be ascertained, from an examination of
5912 such records, whether or not the provisions of this chapter have
5913 been violated.

5914 * * *

5915 **SECTION 154.** Section 23-15-891, Mississippi Code of 1972, is
5916 amended as follows:

5917 23-15-891. No common carrier, * * * Internet service
5918 provider or telephone company shall give to any candidate, or to
5919 any member of any political committee, or to any person to be used
5920 to aid or promote the success or defeat of any candidate for
5921 election for any public office, free transportation or * * *
5922 Internet service or telephone service, as the case may be, or any
5923 reduction thereof that is not made alike to all other persons.



5924 All persons required by the provisions of this chapter to make and
5925 file statements shall make oath that they have not received or
5926 made use of, directly or indirectly, in connection with any
5927 candidacy for nomination to any public office, free transportation
5928 or * * * Internet or telephone service.

5929 **SECTION 155.** Section 23-15-895, Mississippi Code of 1972, is
5930 amended as follows:

5931 23-15-895. * * * No candidate for an elective office, or any
5932 representative of such candidate, or for any proponent or opponent
5933 of any constitutional amendment, local issue or other measure
5934 printed on the ballot * * * may post or distribute cards, posters
5935 or other campaign literature within one hundred fifty (150) feet
5936 of any entrance of the building wherein any election is being
5937 held. * * * No candidate or a representative named by him in
5938 writing * * * may appear at any polling place while armed or
5939 uniformed, * * * or display any badge or credentials except as may
5940 be issued by the manager of the polling place. As used in this
5941 section, the term "local issue" shall have the meaning ascribed to
5942 such term in Section 23-15-375. This section shall be enforced by
5943 election officials and law enforcement officials.

5944 **SECTION 156.** Section 23-15-897, Mississippi Code of 1972, is
5945 amended as follows:

5946 23-15-897. * * *

5947 (1) "Campaign materials" include any materials designed to
5948 influence voters for or against any candidate, party or measure to



5949 be voted on at any election, or containing information about any
5950 candidate, party or measure paid for by a candidate, political
5951 committee, or independent expenditure which requires disclosure
5952 under campaign finance laws.

5953 (a) "Publish" means the act or instance of making
5954 campaign material available to the public, or to a list of
5955 subscribers, by mail, telephone, electronic communications
5956 platforms, Internet, software applications, printed materials or
5957 any other means of distribution.

5958 (b) "Printed material" shall include, but not be
5959 limited to, any notice, placard, bill, poster, dodger, pamphlet,
5960 advertisement, sign or any other form of printed publication,
5961 except notices, posters and the like, which simply announce a
5962 speaking date and invite attendance thereon.

5963 (2) No candidate, political committee or other person shall
5964 publish, or knowingly cause to be published, any campaign
5965 materials unless it contains the following information:

5966 (a) The name of the candidate along with a statement
5967 that the message is approved by the candidate; or

5968 (b) If the message has not been approved by a specific
5969 candidate, the name of the person, political committee or
5970 organization paying for the publication of the message; or

5971 (c) If the message has not been approved by the
5972 candidate and no person, political committee or organization is



5973 identified as having paid for the publication, the entity
5974 producing the campaign materials must be identified.

5975 (3) Publication of campaign materials through an electronic
5976 platform shall be deemed to comply with the requirements of this
5977 section if the home page of the candidate or political committee
5978 provides the information required by subsection (2), and each
5979 electronic publication provides a link to that home page.

5980 **SECTION 157.** Section 23-15-903, Mississippi Code of 1972, is
5981 amended as follows:

5982 23-15-903. In addition to any other procedure provided by
5983 law, any person who has reason to believe that any election law
5984 has been violated may file a written complaint with the election
5985 commissioners * * * of the county in which the alleged violation
5986 occurred. * * * If the election commissioners * * * determine the
5987 allegations in the complaint, if true, would be a violation * * *
5988 of this chapter or Section 97-13-1, et seq., the election
5989 commissioners shall refer the complaint to the district
5990 attorney * * * for prosecution.

5991 **SECTION 158.** Section 23-15-905, Mississippi Code of 1972, is
5992 amended as follows:

5993 23-15-905. (1) * * * No person may qualify as a candidate
5994 for more than one (1) office if the election for those offices
5995 occurs on the same day. If a person takes the steps necessary to
5996 qualify for more than one (1) office, the appropriate executive
5997 committee or election commissioner shall determine the last office



5998 for which the person qualified and the person shall be considered
5999 to be qualified as a candidate for that office only and the person
6000 shall be notified of this determination. The provisions of this
6001 subsection shall not apply to elections for municipal office.

6002 (2) * * * No person may qualify as a candidate for more than
6003 one (1) municipal office if the election for those offices occurs
6004 on the same day. If a person takes the steps necessary to qualify
6005 for more than one (1) office, the appropriate executive committee
6006 or election commissioner shall determine the last office for which
6007 the person qualified and the person shall be considered to be
6008 qualified as a candidate for that office only and the person shall
6009 be notified of this determination.

6010 **SECTION 159.** Section 23-15-911, Mississippi Code of 1972, is
6011 amended as follows:

6012 23-15-911. (1) (a) When the returns for a box and the
6013 contents of the ballot box and the conduct of the election * * *
6014 have been canvassed and reviewed by the county election commission
6015 in the case of general elections or the county executive committee
6016 in the case of primary elections, all the contents of the box
6017 required to be placed and sealed in the ballot box by the poll
6018 managers shall be replaced therein by the election commission or
6019 executive committee, as the case may be, and the box shall be
6020 forthwith resealed and delivered to the circuit clerk, who shall
6021 safely keep and secure the same against any tampering * * *. At
6022 any time within twelve (12) days after the canvass and examination



6023 of the box and its contents by the election commission or
6024 executive committee, as the case may be, any candidate or his
6025 representative authorized in writing by him shall have the right
6026 of full examination of said box and its contents upon three (3)
6027 days' notice of his application therefor served upon the opposing
6028 candidates. * * * The service of notice shall be provided to each
6029 opposing candidate by delivering a copy personally to each
6030 candidate, or by performing two (2) of the following:

6031 (i) By leaving a copy at each candidate's usual
6032 place of residence with a family member, who shall be no less than
6033 sixteen (16) years of age and, who resides in the candidate's
6034 residence;

6035 (ii) By email or other electronic means, with
6036 receipt deemed upon transmission; or

6037 (iii) By mailing a copy of the notice by
6038 registered or certified mail that is addressed to each opposing
6039 candidate at such candidate's residence with receipt deemed
6040 mailing.

6041 (b) If service of notice cannot be made to any opposing
6042 candidate, then notice may be posted on the door of each
6043 candidate's usual place of abode. If any candidate's usual place
6044 of residence is a multi-family dwelling, a copy of the notice must
6045 be mailed to the candidate or candidates by United States first
6046 class mail, postage prepaid, return receipt requested thereon.
6047 Proof of service of notice upon any opposing candidate shall be



6048 made to the circuit clerk within three (3) days before a full
6049 examination of the ballot box may be conducted.

6050 (c) The examination shall be conducted in the presence
6051 of the circuit clerk or his deputy who shall be charged with the
6052 duty to see that none of the contents of the box are removed from
6053 the presence of the clerk or in any way tampered with. Upon the
6054 completion of * * * the examination the box shall be resealed with
6055 all its original contents * * * inside. And if any contest or
6056 complaint before the court shall arise over * * * the box, it
6057 shall be kept intact and sealed until the court hearing and
6058 another ballot box, if necessary, shall be furnished for the
6059 precinct involved.

6060 (2) The provisions of this section allowing the examination
6061 of ballot boxes shall apply in the case of an election contest
6062 regarding the seat of a member of the state Legislature. In such
6063 a case, the results of the examination shall be reported by the
6064 applicable circuit clerk to the Clerk of the House of
6065 Representatives or the Secretary of the Senate, as the case may
6066 be.

6067 **SECTION 160.** Section 23-15-913, Mississippi Code of 1972, is
6068 amended as follows:

6069 23-15-913. The judges listed and selected to hear election
6070 disputes, as provided in Section 23-15-951, shall be available on
6071 election day to immediately hear and resolve any election day
6072 disputes. The rules for filing pleadings shall be relaxed to



6073 carry out the purposes of this section. The judges selected shall
6074 perform no other judicial duties on election day. The Supreme
6075 Court shall make judges available to hear disputes in the county
6076 in which the disputes occur but no judge shall hear disputes in
6077 the district * * * or county in which he was elected nor shall any
6078 judge hear any dispute in which any potential conflict may arise.
6079 Each judge shall be fair and impartial and shall be assigned on
6080 that basis.

6081 **SECTION 161.** Section 23-15-939, Mississippi Code of 1972, is
6082 amended as follows:

6083 23-15-939. The reasonable traveling expenses of the judge or
6084 chancellor shall be paid by order of the board of supervisors of
6085 the county or counties in which a contest or complaint is heard,
6086 upon an itemized certificate thereof by the judge or chancellor.
6087 The election commissioners shall be compensated for their services
6088 rendered under this section as is provided in Section 23-15-227.

6089 **SECTION 162.** Section 23-15-977, Mississippi Code of 1972, is
6090 amended as follows:

6091 23-15-977. (1) Except as otherwise provided in this
6092 section, all candidates for judicial office as defined in Section
6093 23-15-975 of this subarticle shall file their intent to be a
6094 candidate with the proper officials not later than 5:00 p.m. on
6095 the first Friday after the first Monday in May prior to the
6096 general election for judicial office and shall pay to the proper
6097 officials the following amounts:



6098 (a) Candidates for Supreme Court judge and Court of
6099 Appeals, the sum of Two Hundred Dollars (\$200.00).

6100 (b) Candidates for circuit judge and chancellor, the
6101 sum of One Hundred Dollars (\$100.00).

6102 (c) Candidates for county judge and family court judge,
6103 the sum of Fifteen Dollars (\$15.00).

6104 Candidates for judicial office may not file their intent to
6105 be a candidate and pay the proper assessment before January 1 of
6106 the year in which the election for the judicial office is held.

6107 (2) Candidates for judicial offices listed in paragraphs (a)
6108 and (b) of subsection (1) of this section shall file their intent
6109 to be a candidate with, and pay the proper assessment made
6110 pursuant to subsection (1) of this section to, the State Board of
6111 Election Commissioners.

6112 (3) Candidates for judicial offices listed in paragraph (c)
6113 of subsection (1) of this section shall file their intent to be a
6114 candidate with, and pay the proper assessment made pursuant to
6115 subsection (1) of this section to, the circuit clerk of the proper
6116 county. The circuit clerk shall notify the county election
6117 commissioners * * * of all persons who have filed their intent to
6118 be a candidate with, and paid the proper assessment to, such
6119 clerk. Such notification shall occur within two (2) business days
6120 and shall contain all necessary information.

6121 (4) If only one (1) person files his intent to be a
6122 candidate for a judicial office and that person subsequently dies,



6123 resigns or is otherwise disqualified from holding the judicial
6124 office after the deadline provided for in subsection (1) of this
6125 section but more than seventy (70) days before the date of the
6126 general election, the Governor, upon notification of the death,
6127 resignation or disqualification of the person, shall issue a
6128 proclamation authorizing candidates to file their intent to be a
6129 candidate for that judicial office for a period of not less than
6130 seven (7) nor more than ten (10) days from the date of the
6131 proclamation.

6132 (5) If only one (1) person qualifies as a candidate for a
6133 judicial office and that person subsequently dies, resigns or is
6134 otherwise disqualified from holding the judicial office within
6135 seventy (70) days before the date of the general election, the
6136 judicial office shall be considered vacant for the new term and
6137 the vacancy shall be filled as provided in by law.

6138 **SECTION 163.** The following shall be codified as Section
6139 23-15-994, Mississippi Code of 1972:

6140 23-15-994. Elections for the office of judge of the Court of
6141 Appeals shall be as prescribed in Section 9-4-1, et seq.

6142 **SECTION 164.** Section 23-15-1031, Mississippi Code of 1972,
6143 is amended as follows:

6144 23-15-1031. Except as * * * provided by Section 23-15-1081,
6145 the first primary election for Congressmen shall be held on the
6146 first Tuesday in June of the years in which congressmen are
6147 elected, and * * * a second primary, * * * if necessary, shall be



6148 held three (3) weeks thereafter. Each year in which a
6149 presidential election is held, the congressional primary shall be
6150 held as provided in Section 23-15-1081. The election shall be
6151 held in all districts of the state on the same day. Candidates
6152 for United States Senator shall be nominated at the congressional
6153 primary next preceding the general election at which a senator is
6154 to be elected and in the same manner that congressmen are
6155 nominated * * *. The chairman and secretary of the state
6156 executive committee shall certify the vote for United States
6157 Senator to the Secretary of State in the same manner that county
6158 executive committees certify the returns of counties in general
6159 state and county primary elections.

6160 **SECTION 165.** Section 23-15-1033, Mississippi Code of 1972,
6161 is amended as follows:

6162 23-15-1033. Representatives in the Congress of the United
6163 States shall be chosen by districts on the first Tuesday after the
6164 first Monday of November in the year 1986, and every two (2) years
6165 thereafter. * * * The laws regulating general elections shall
6166 * * * apply to and govern elections for representatives in
6167 Congress; and the Governor shall issue a commission to the person
6168 elected in each * * * district.

6169 **SECTION 166.** Section 23-15-1039, Mississippi Code of 1972,
6170 is amended as follows:

6171 23-15-1039. Should an election of representatives in
6172 Congress occur after the number of representatives to which the



6173 state is entitled * * * changes, and before the districts shall
6174 have been changed to conform to the new apportionment,
6175 representatives shall be chosen as follows: * * * If the number
6176 of representatives * * * is * * * increased, then one (1) member
6177 shall be chosen in each district as organized, and the additional
6178 member or members shall be chosen by the electors of the state at
6179 large; and if the number of representatives * * * is decreased,
6180 then the whole number shall be chosen by the electors of the state
6181 at large.

6182 **SECTION 167.** Section 23-15-1041, Mississippi Code of 1972,
6183 is amended as follows:

6184 23-15-1041. There shall be elected, by the qualified
6185 electors of Mississippi, * * * one (1) United States Senator at
6186 the same time and in the same manner that members of the lower
6187 house of Congress are elected in 1988, and every six (6) years
6188 thereafter; and in the same manner there shall be one (1) United
6189 States Senator elected at the congressional election in 1990, and
6190 every six (6) years thereafter; and the person elected shall be
6191 commissioned by the Governor.

6192 **SECTION 168.** Section 23-15-1051, Mississippi Code of 1972,
6193 is amended as follows:

6194 23-15-1051. All duties in regard to senatorial or other
6195 districts of more than one (1) county shall be performed by the
6196 State Executive Committee * * *. * * * All candidates for any



6197 such office * * * shall qualify with the State Executive
6198 Committee * * * in the time and manner established by law.

6199 **SECTION 169.** Section 23-15-1053, Mississippi Code of 1972,
6200 is amended as follows:

6201 23-15-1053. Subject to federal law and national party rules,
6202 the State Executive Committee of each political party shall
6203 determine the method and procedures * * * for the selection of
6204 county executive committees and the State Executive
6205 Committees * * *. The State Executive Committee of the political
6206 party shall establish * * * procedures for the selection of county
6207 and State Executive Committees at least ninety (90) days * * *
6208 before the implementation * * * of the procedures * * *. A copy
6209 of any rule or regulation adopted by the State Executive Committee
6210 shall be sent to the Secretary of State within seven (7) days
6211 after its adoption to become a public record.

6212 **SECTION 170.** Section 23-15-1054, Mississippi Code of 1972,
6213 is amended as follows:

6214 23-15-1054. (1) If there be any political party * * * or
6215 parties * * * in any county * * * without a party executive
6216 committee * * *, such political party * * * or parties * * * shall
6217 select qualified electors of that county and of that party's
6218 political faith to serve on a temporary county executive committee
6219 until members of a county executive committee are elected at the
6220 next regular election for executive committees. The selection of
6221 qualified electors to serve on the temporary county executive



6222 committee shall occur thirty (30) days before the date for which a
6223 candidate for a county office is required to qualify. The
6224 temporary county executive committee shall be selected in the
6225 following manner: Upon petition of five (5) or more members of
6226 that political faith, the chairman of the State Executive
6227 Committee * * * desiring to select a temporary county executive
6228 committee * * * shall call a mass meeting of the qualified
6229 electors of their political faith who reside in * * * the county
6230 to meet at some convenient place within * * * the county, at a
6231 time to be designated in the call * * *. * * * At the mass
6232 convention, the members of that political faith shall select a
6233 temporary county executive committee. * * * The temporary county
6234 executive committee shall serve until members of a county
6235 executive committee are elected at the next regular election for
6236 executive committees. The public shall be given notice of * * *
6237 the mass meeting as provided in subsection (4) of this section.
6238 The chairman of the State Executive Committee shall authorize the
6239 call within five (5) calendar days of receipt of the petition. If
6240 the chairman of the State Executive Committee is either
6241 incapacitated, unavailable or nonresponsive and does not authorize
6242 the mass call within five (5) calendar days of receipt of the
6243 petition, any elected officer of the State Executive Committee may
6244 authorize the call within five (5) calendar days. If no elected
6245 officer of the State Executive Committee acts to approve such



6246 petition after an additional five (5) calendar days * * * the
6247 petitioners shall be authorized to produce the call * * *.

6248 (2) If no county executive committee is selected or
6249 otherwise formed before an election, the State Executive Committee
6250 may serve as the temporary county executive committee and exercise
6251 all of the duties of the county executive committee for the county
6252 election. After a State Executive Committee has fulfilled its
6253 duties as the temporary county executive committee * * * it shall
6254 select a county executive committee * * * before the next county
6255 election.

6256 (3) A person * * * convicted of a felony in a court of this
6257 state, * * * any other state, or * * * of the United States shall
6258 be barred from serving as a member of a county executive
6259 committee.

6260 (4) The State Executive Committee shall publish a copy of
6261 its call for a meeting in some newspaper published in the * * *
6262 affected county for three (3) weeks preceding the date set for the
6263 mass convention * * *. If no newspaper is published in the
6264 county, then a copy of the call shall be published in * * * a
6265 newspaper having general circulation in the county and by posting
6266 notices in three (3) public places in the county, one (1) of which
6267 shall be the county courthouse or the location where the county
6268 board of supervisors meets to conduct business. The publication
6269 shall occur not less than three (3) weeks before the date for the
6270 mass convention.



6271 **SECTION 171.** Section 23-15-1057, Mississippi Code of 1972,
6272 is amended as follows:

6273 23-15-1057. * * * (1) In the event sufficient cause should
6274 arise, and a majority of the membership of the State Executive
6275 Committee deems * * * it necessary for the best interest of * * *
6276 the political party and the state, the State Executive
6277 Committee * * * shall be authorized * * * to reconvene the state
6278 convention that selected them as members of the state executive
6279 committee at any time after the adjournment of * * * the
6280 convention, but not later than the last day of the year in which
6281 * * * the convention was held.

6282 (2) The delegates chosen from the respective counties to a
6283 state convention in accordance with Section 23-15-1055 shall
6284 continue to be delegates from * * * the county to * * * the
6285 convention for a period not later than the last day of the year in
6286 which * * * the convention was held.

6287 (3) * * * A convention may be reconvened upon the call of
6288 the chairman of the State Executive Committee * * * only * * *
6289 with the approval of a majority of the State Executive Committee.
6290 At least ten (10) days notice shall be given by the chairman of
6291 the State Executive Committee of the reconvening of the state
6292 convention. * * * The notice * * * shall be given by publication
6293 of the call of the chairman in any newspaper or newspapers having
6294 general circulation throughout the state.



6295 (4) In the event a state convention is reconvened as * * *
6296 provided * * * in this section, the state convention may exercise
6297 all the power and authority conferred upon * * * the convention by
6298 Section 23-15-1055, and * * * may revise or rescind any action
6299 taken at its previous regular session.

6300 **SECTION 172.** Section 23-15-1059, Mississippi Code of 1972,
6301 is amended as follows:

6302 23-15-1059. (1) The chairman or secretary of the State
6303 Executive Committee of each political party chosen as provided in
6304 Section 23-15-1053 shall register the name of the political party
6305 it represents, and the names of all organizations officially
6306 sanctioned by the political party, with the Secretary of State
6307 within thirty (30) days after * * * the political party is
6308 organized. Thereafter, no political party shall use or register
6309 any name which is the same as or deceptively similar to the name
6310 of a political party or officially sanctioned organization which
6311 has already been registered with the Secretary of State by any
6312 other political party. No political party or officially
6313 sanctioned organization shall use any name in any campaign
6314 literature listing or describing its candidates which does not
6315 correspond with the name of * * * the political party or
6316 officially sanctioned organization registered with the Secretary
6317 of State.

6318 (2) * * * The chairman or secretary of the State Executive
6319 Committee of a political party * * * shall * * * update the



6320 registration of the name of the political party it represents and
6321 the names of all organizations officially sanctioned by the
6322 political party with the Secretary of State * * * on an annual
6323 basis, disclosing any revisions or additions to the information to
6324 be provided by affidavit in accordance with Section 25-15-1061.

6325 **SECTION 173.** Section 23-15-1061, Mississippi Code of 1972,
6326 is amended as follows:

6327 23-15-1061. (1) The application for registration of the
6328 political party and any officially sanctioned organizations named
6329 to be presented to the Secretary of State shall be accompanied by
6330 an affidavit of the chairman or secretary of the political party
6331 seeking * * * the registration. * * * The affidavit shall contain
6332 a list of the names of the members of the State Executive
6333 Committee, showing the chairman and secretary, * * * the names of
6334 the national committeeman and committeewoman, and * * * the
6335 officers of * * * the party, * * * setting forth that * * * the
6336 executive committee and other officers of * * * the party have
6337 been elected in accordance with the provisions of Section
6338 23-15-1053, or any laws supplementary or amendatory thereof * * *.

6339 * * * The Secretary of State is authorized to require further
6340 proof as to the compliance with the provisions of * * * Section
6341 23-15-1053 when * * * it is reasonable to do so.

6342 (2) The chairman or secretary of the district and county
6343 executive committees of each political party, chosen as * * *
6344 provided in Section 23-15-1053, shall register the name of the



6345 political party it represents with the chairman or secretary of
6346 the State Executive Committee of * * * that political party within
6347 thirty (30) days after * * * December 31, 2016. * * * The
6348 application for registration shall be accompanied by an affidavit
6349 of the chairman or secretary of the party seeking such
6350 registration listing the names of the members of the district
6351 executive committee and of the State Executive Committee, * * *
6352 showing the chairman and secretary and other officers of * * *
6353 the party, * * * setting forth that * * * the executive committee
6354 of * * * the party has been elected in accordance with the
6355 provisions of Section 23-15-1053, or any laws supplementary or
6356 amendatory thereof * * * . * * * The chairman or the secretary of
6357 the State Executive Committee is authorized to require further
6358 proof * * * of compliance with the provisions of * * * Section
6359 23-15-1053 when * * * it is reasonable to do so. Thereafter, no
6360 political party shall use or register any name which is the same
6361 as or deceptively similar to the name of a political party or
6362 officially sanctioned organization which has already been
6363 registered with the chairman or secretary of the State Executive
6364 Committee by any other political party. No political party or
6365 officially sanctioned organization shall use any name in any
6366 campaign literature listing or describing its candidates which
6367 does not correspond with the name of * * * the political party or
6368 officially sanctioned organization registered with the secretary
6369 or chairman of the State Executive Committee.



6370 **SECTION 174.** Section 23-15-1063, Mississippi Code of 1972,
6371 is amended as follows:

6372 23-15-1063. No political party in the State of Mississippi
6373 shall conduct primaries or enter candidates in any election
6374 unless * * * the party * * * has been duly organized under the
6375 provisions of this chapter, and the name of * * * the party * * *
6376 has been registered as provided in this chapter.

6377 **SECTION 175.** Section 23-15-1065, Mississippi Code of 1972,
6378 is amended as follows:

6379 23-15-1065. * * * A person shall be barred from
6380 participating in any primary election held by a political party if
6381 that person claims * * * or represents himself in any manner to be
6382 a member of any state, district or county executive committee of
6383 any political party in this state, or claims to be the national
6384 committeeman or national committeewoman or any other officer or
6385 representative of * * * the political party without having been
6386 lawfully elected or chosen as such in the manner provided by the
6387 laws of this state, or by * * * the political party in the manner
6388 provided by the laws of this state, or * * * claims to be the
6389 nominee of any political party authorized by the laws of this
6390 state to hold primary elections and choose party nominees, when in
6391 fact such person has not been declared the nominee of such
6392 political party for such office by such political party operating
6393 under the laws of this state * * *. Any person or persons
6394 who * * * violate the provisions of this section, in addition to



6395 other measures or penalties provided by law, may be enjoined
6396 therefrom upon application to the courts by any person or persons,
6397 or any political party, official or representative of * * * the
6398 political party aggrieved * * *.

6399 **SECTION 176.** Section 23-15-1067, Mississippi Code of 1972,
6400 is amended as follows:

6401 23-15-1067. It shall be unlawful for any person or group of
6402 persons to set up or establish any political party in this state
6403 except in the manner provided by the laws of this state, and it
6404 shall be unlawful for any person or group of persons not lawful
6405 members * * * of a political party to use, * * * attempt to use or
6406 to operate under the name of any other political party * * *
6407 lawfully existing and operating under the laws of this
6408 state * * *. Any person * * * or persons violating this section,
6409 in addition to such other measures or penalties provided by law,
6410 may be enjoined therefrom upon application to the courts by any
6411 person, or persons, or any political party, official or
6412 representative of * * * the political party aggrieved * * *.

6413 **SECTION 177.** Section 23-15-11, Mississippi Code of 1972, is
6414 amended as follows:

6415 23-15-11. Every inhabitant of this state, except persons
6416 adjudicated to be non compos mentis, who is a citizen of the
6417 United States of America, eighteen (18) years old and upwards, who
6418 has resided in this state for thirty (30) days and for thirty (30)
6419 days in the county in which he seeks to vote, and for thirty (30)



6420 days in the incorporated municipality in which he or she seeks to
6421 vote, and who has been duly registered as an elector under Section
6422 23-15-33, and who has never been convicted of vote fraud or of any
6423 crime listed in Section 241, Mississippi Constitution of 1890,
6424 shall be a qualified elector in and for the county, municipality
6425 and voting precinct of his or her residence, and shall be entitled
6426 to vote at any election upon compliance with Section 23-15-563.
6427 If the thirtieth day to register before an election falls on a
6428 legal holiday, the registration applications submitted on the
6429 business day immediately following the legal holiday shall be
6430 accepted and entered in the Statewide Elections Management System
6431 for the purpose of enabling voters to vote in the next election.
6432 Any person who will be eighteen (18) years of age or older on or
6433 before the date of the general election and who is duly registered
6434 to vote not less than thirty (30) days before the primary election
6435 associated with the general election, may vote in the primary
6436 election even though the person has not reached his or her
6437 eighteenth birthday at the time that the person seeks to vote at
6438 the primary election. No others than those specified in this
6439 section shall be entitled, or shall be allowed, to vote at any
6440 election.

6441 **SECTION 178.** Section 23-15-17, Mississippi Code of 1972, is
6442 amended as follows:

6443 23-15-17. * * * Any person who has reasonable cause to
6444 suspect that such a false registration as provided in Section



6445 97-13-25 has occurred may notify any authorized law enforcement
6446 officer with proper jurisdiction. Upon such notification, said
6447 law enforcement officer shall be required to conduct an
6448 investigation into the matter and file a report with the registrar
6449 and the appropriate district attorney. The registrar shall,
6450 within twenty-four (24) hours of receipt of the investigating
6451 officer's report, accept or reject the registration. Any person
6452 who so notifies an authorized law enforcement officer shall be
6453 presumed to be acting in good faith and shall be immune from any
6454 liability, civil or criminal, that might otherwise be incurred or
6455 imposed.

6456 **SECTION 179.** Section 23-15-93, Mississippi Code of 1972, is
6457 amended as follows:

6458 23-15-93. If any * * * elections commissioner shall refuse
6459 or neglect to perform any of the duties imposed upon him by this
6460 chapter regarding the registration of electors, or shall knowingly
6461 permit any person to sign a false affidavit or otherwise knowingly
6462 permit any person to violate any provision of this chapter
6463 regarding the registration of electors, or shall violate any of
6464 the provisions of this chapter regarding the registration of
6465 electors, or if any officer taking the affidavits as provided in
6466 this chapter regarding registration of electors shall make any
6467 false statement in his certificate thereto attached, he shall be
6468 deemed guilty of a crime and shall be punished by a fine not
6469 exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in



6470 the penitentiary not exceeding one (1) year, and shall be removed
6471 from office.

6472 **SECTION 180.** Section 23-15-285, Mississippi Code of 1972, is
6473 amended as follows:

6474 23-15-285. The board of supervisors shall cause an entry to
6475 be made on the minutes of the board at some meeting, as early as
6476 convenient, defining the boundaries of the several supervisors
6477 districts and voting precincts in the county, and designating the
6478 voting place in each voting precinct; and as soon as practicable
6479 after any change is made in any supervisors district, voting
6480 precinct or any voting place, the board of supervisors shall
6481 cause * * * the change to be entered on the minutes of the board
6482 in such manner as to be easily understood. The changed boundaries
6483 shall conform to visible natural or artificial boundaries such as
6484 streets, highways, railroads, rivers, lakes, bayous or other
6485 obvious lines of demarcation, with the exception of county lines
6486 and municipal corporate limits.

6487 No voting precinct shall have more than five hundred (500)
6488 qualified electors residing in its boundaries. Subject to the
6489 provisions of this section, each board of supervisors of the
6490 various counties of this state shall as soon as practical after
6491 January 1, 1987, alter or change the boundaries of the various
6492 voting precincts to comply herewith and shall from time to time
6493 make such changes in the boundaries of voting precincts so that
6494 there shall never be more than five hundred (500) qualified



6495 electors within the boundaries of the various voting precincts of
6496 this state; provided further, this limitation shall not apply to
6497 voting precincts that are so divided, alphabetically or otherwise,
6498 so as to have less than five hundred (500) qualified electors in
6499 any one (1) box within a voting precinct. However, the limitation
6500 of five hundred (500) qualified electors to the voting precinct
6501 shall not apply to voting precincts in which voting machines are
6502 used at all elections held in that voting precinct. No change in
6503 any supervisors district or voting precinct shall take effect less
6504 than thirty (30) days before the qualifying deadline for the
6505 office of county supervisor. Any change in any boundary of a
6506 supervisors district or voting precinct that is approved under the
6507 Voting Rights Act of 1965 less than thirty (30) days before such
6508 qualifying deadline shall be effective only for an election for
6509 county supervisor held in a year following the year in which such
6510 change is approved under the Voting Rights Act of 1965. Provided,
6511 however, that, with the exception of county lines and municipal
6512 corporate limits, such altered boundaries shall conform to visible
6513 natural or artificial boundaries such as streets, highways,
6514 railroads, rivers, lakes, bayous or other obvious lines of
6515 demarcation.

6516 **SECTION 181.** Section 23-15-295, Mississippi Code of 1972, is
6517 amended as follows:

6518 23-15-295. When any person has qualified in the manner
6519 provided by law as a candidate for party nomination in any primary



6520 election, such person shall have the right to withdraw his name as
6521 a candidate by giving notice of his or her withdrawal in writing
6522 to the secretary of the proper executive committee at any time
6523 prior to the printing of the official ballots, and in the event of
6524 such withdrawal the name of * * * the candidate shall not be
6525 printed on the ballot. When a candidate for party nomination for
6526 a state or district office who has qualified with the state
6527 executive committee withdraws as a candidate as is herein set
6528 forth after the sample of the official ballot has been approved
6529 and certified by the state executive committee the secretary or
6530 chairman of the state executive committee shall forthwith notify
6531 the county executive committee of each county affected or involved
6532 of the fact of * * * the withdrawal and such notification shall
6533 authorize * * * the county executive committees to omit the name
6534 of the withdrawn candidate from the ballot if such notification is
6535 received * * * before the printing of the ballot. In the case of
6536 the withdrawal of any candidate, the fee paid by * * * the
6537 candidate shall be retained by the state or county executive
6538 committee, as the case may be.

6539 **SECTION 182.** Section 23-15-317, Mississippi Code of 1972, is
6540 amended as follows:

6541 23-15-317. If any person nominated for office in a primary
6542 election shall die, be removed after his or her nomination or
6543 withdraw or resign from his candidacy for a legitimate
6544 nonpolitical reason as defined in this section, and * * * the



6545 vacancy in nomination shall occur between the primary election and
6546 the ensuing general election, then the municipal, county or state
6547 executive committee with which the original nominee qualified as a
6548 candidate in the primary election shall nominate a nominee for
6549 such office. Where such a party nominee is unopposed each
6550 political party registered with the State Board of Election
6551 Commissioners shall have the privilege of nominating a candidate
6552 for the office involved. Such nominee shall be duly certified by
6553 the respective executive committee chairman. Within two (2) days
6554 after such nomination is made by the appropriate executive
6555 committee, such committee shall formally notify the Secretary of
6556 State of the name of the nominee. The Secretary of State shall
6557 thereupon officially notify the appropriate officials charged with
6558 conducting the election for the office wherein the vacancy
6559 occurred of the name of the nominee. All nominations made pursuant
6560 to the provisions of this section shall have the same force and
6561 effect and shall entitle the nominees to all rights and privileges
6562 that would accrue to them as if they had been nominated in the
6563 regular primary election.

6564 "Legitimate nonpolitical reason" as used in this section
6565 shall be limited to the following:

6566 (a) Reasons of health, which shall include any health
6567 condition which, in the written opinion of a medical doctor, would
6568 be harmful to the health of the candidate if he continued.



6569 (b) Family crises, which shall include circumstances
6570 which would substantially alter the duties and responsibilities of
6571 the candidate to the family or to a family business.

6572 (c) Substantial business conflict, which shall include
6573 the policy of an employer prohibiting employees being candidates
6574 for public offices and an employment change which would result in
6575 the ineligibility of the candidate or which would impair his
6576 capability to properly carry out the functions of the office being
6577 sought.

6578 Any candidate who withdraws based upon a "legitimate
6579 nonpolitical reason" which is not covered by the above definition
6580 shall have the strict burden of proof for his reason.

6581 A candidate who wishes to withdraw for a legitimate
6582 nonpolitical reason shall submit his reason by sworn affidavit.
6583 Such affidavit shall be filed with the state party chairman of the
6584 nominee's party and the State Board of Election Commissioners. No
6585 substitution of candidates shall be authorized, except for death
6586 or disqualification, unless the State Board of Election
6587 Commissioners approves the affidavit as constituting a "legitimate
6588 nonpolitical reason" for the candidate's resignation within five
6589 (5) days of the date the affidavit is submitted to the board.

6590 Immediately upon approval or disapproval of such affidavit,
6591 the State Board of Election Commissioners shall notify the
6592 respective executive committee of same.



6593 **SECTION 183.** Section 23-15-335, Mississippi Code of 1972, is
6594 amended as follows:

6595 23-15-335. (1) The county executive committee shall
6596 designate a person whose duty it shall be to distribute all
6597 necessary ballots for use in a primary election, and shall
6598 designate one (1) among the poll managers at each polling place to
6599 receive and receipt for the blank ballots to be used at that
6600 place. When the blank ballots are delivered to a local poll
6601 manager, the distributor shall take from the local poll manager a
6602 receipt therefor signed in duplicate by both the distributor and
6603 the poll manager, one of which receipts the distributor shall
6604 deliver to the circuit clerk and the other shall be retained by
6605 the local poll manager and said last mentioned duplicate receipt
6606 shall be enclosed in the ballot box with the voted ballots when
6607 the polls have been closed and the votes have been counted. The
6608 printer of the ballots shall take a receipt from the distributor
6609 of the ballots for the total number of the blank ballots delivered
6610 to the distributor. The printer shall secure all ballots printed
6611 by him in such a safe manner that no person can procure them or
6612 any of them, and he shall deliver no blank ballot or ballots to
6613 any person except the distributor above mentioned, and then only
6614 upon his receipt therefor as above specified. The distributor of
6615 the blank ballots shall so securely hold the same that no person
6616 can obtain any of them, and he shall not deliver any of them to
6617 any person other than to the authorized local poll managers and



6618 upon their respective receipts therefor. The executive committee
6619 shall see to it that the total blank ballots delivered to the
6620 distributor, shall correspond with the total of the receipts
6621 executed by the local poll managers.

6622 (2) (a) If it is eligible under Section 23-15-266, the
6623 county executive committee may enter into a written agreement with
6624 the circuit clerk or the county election commission authorizing
6625 the circuit clerk or the county election commission to perform any
6626 of the duties required of the county executive committee pursuant
6627 to this section. Any agreement entered into pursuant to this
6628 subsection shall be signed by the chairman of the county executive
6629 committee and the circuit clerk or the chairman of the county
6630 election commission, as appropriate. The county executive
6631 committee shall notify the state executive committee and the
6632 Secretary of State of the existence of such agreement.

6633 (b) If it is eligible under Section 23-15-266, the
6634 municipal executive committee may enter into a written agreement
6635 with the municipal clerk or the municipal election commission
6636 authorizing the municipal clerk or the municipal election
6637 commission to perform any of the duties required of the municipal
6638 executive committee pursuant to this section. Any agreement
6639 entered into pursuant to this subsection shall be signed by the
6640 chairman of the municipal executive committee and the municipal
6641 clerk or the chairman of the municipal election commission, as
6642 appropriate. The municipal executive committee shall notify the



6643 state executive committee and the Secretary of State of the
6644 existence of such agreement.

6645 (3) Any person charged with any of the duties prescribed in
6646 this section who shall willfully or with culpable carelessness
6647 violate the same shall be guilty of a misdemeanor.

6648 **SECTION 184.** Section 23-15-545, Mississippi Code of 1972, is
6649 amended as follows:

6650 23-15-545. (1) At each election, * * * at least one (1)
6651 poll manager shall * * * be charged with writing in the pollbook
6652 the word "VOTED," in the column having at its head the date of the
6653 election, opposite the name of each elector * * * upon return of a
6654 marked paper ballot by the elector with the initials of the
6655 initialing poll manager or alternate initialing poll manager
6656 affixed thereon. When a DRE unit is used in the polling place,
6657 the word "VOTED" shall be marked by at least one (1) poll manager
6658 in the pollbook in the column having at its head the date of the
6659 election, opposite the name of the elector.

6660 **SECTION 185.** Section 23-15-549, Mississippi Code of 1972, is
6661 amended as follows:

6662 23-15-549. Any voter who declares to the poll managers of
6663 the election that he or she requires assistance to vote by reason
6664 of blindness, disability or inability to read or write may be
6665 given assistance by a person of the voter's choice * * *, except
6666 that voter assistance shall not be provided by a candidate whose
6667 name is on the ballot, or by a spouse, parent, sibling or child of



6668 a candidate whose name is on the ballot, or by a poll watcher who
6669 is observing the polling place on election day, or the voter's
6670 employer, or agent of that employer, or officer or agent of the
6671 voter's union.

6672 **SECTION 186.** Section 23-15-871, Mississippi Code of 1972, is
6673 amended as follows:

6674 23-15-871. * * * (1) No corporation or any officer or
6675 employee thereof, or any member of a firm, or trustee or any
6676 member of any association, or any other employer, * * * may direct
6677 or coerce, directly or indirectly, any employee to vote or not to
6678 vote for any particular person or group of persons in any
6679 election, or to discharge or to threaten to discharge any such
6680 employee, or to increase or decrease the salary or wages of an
6681 employee, or otherwise promote or demote * * * the employee,
6682 because of his or her vote or failure to vote for any particular
6683 candidate or group of candidates * * * .

6684 (2) No employer, or employee having the authority to employ
6685 or discharge other employees, * * * may make any statement public
6686 or private, or * * * give out or circulate any report or
6687 statement, calculated to intimidate or coerce or otherwise
6688 influence any * * * vote of an employee, and when any such
6689 statement has * * * been circulated, it shall be the duty of * * *
6690 the employer to publicly repudiate it * * * or the employer shall
6691 be deemed by way of ratification to have made it himself. * * *



6692 (3) No employee may be requested, directed or permitted to
6693 canvass for or against any candidate or render any other services
6694 for or against any candidate or group of candidates, during any of
6695 the hours within which the salary of said employee as an employee
6696 is being paid or agreed to be paid * * *. No employee may be
6697 allowed any vacation or leave of absence at the expense of the
6698 employer to render any service or services for or against any
6699 candidate or group of candidates, or to take any active part in
6700 any election campaign whatsoever * * *, except the necessary time
6701 to cast his vote.

6702 (4) The prohibitions of this section shall apply to all
6703 state, state district, county and county district officers, and to
6704 any board or commission and the members thereof by whatever name
6705 designated and whether elective or appointive, and to each and
6706 every one of those employed by them or any of them. * * *

6707 (5) No state, state district, county or county district
6708 officer, or any employee * * * who directly or indirectly has the
6709 control, or * * *, or who asserts * * * that he or she has such
6710 power, over the expenditure of any public funds in this
6711 state * * * shall state, suggest or intimate, publicly or
6712 privately, or in any manner or form, that any such expenditure
6713 shall * * * depend upon or be influenced by the vote of any
6714 person, group of persons, or community or group of communities,
6715 whether for or against any candidate or group of candidates at any
6716 election.



6717 (6) This section and every part of it shall apply also to
6718 all federal officers, agents, employees, boards and
6719 commissions * * * as to any interference * * * contrary to the
6720 provisions of this chapter, in the elections of this state.

6721 (7) Any violation of this section shall be a violation of
6722 Section 97-13-37 and shall be referred to a district attorney for
6723 prosecution.

6724 **SECTION 187.** Section 23-15-883, Mississippi Code of 1972, is
6725 amended as follows:

6726 23-15-883. The restriction imposed upon the * * *
6727 Mississippi Transportation Commission and the boards of
6728 supervisors of the several counties in the employment of labor to
6729 work and maintain the state highways and the public roads of the
6730 several supervisors' districts of the county, as provided in
6731 Section 23-15-881, shall not apply to road contractors or bridge
6732 contractors engaged in the construction or maintenance of state
6733 highways or county roads under contracts awarded by the * * *
6734 Mississippi Transportation Commission, or the board of
6735 supervisors, as the case may be, where such contracts shall have
6736 been awarded to the lowest responsible bidder, after legal
6737 advertisement, as provided by law; nor shall the restriction
6738 imposed in Section 23-15-881 apply to the labor employed by such
6739 road contractors or bridge contractors in carrying out such
6740 contracts. Nor shall the provisions of this chapter apply to the
6741 employment by the * * * Mississippi Transportation Commission, or



6742 the board of supervisors, as the case may be, of extra labor
6743 employed to make repairs upon the state highways or highway
6744 bridges, or upon the county roads or bridges, in cases where such
6745 state highways or highway bridges, or such county roads or
6746 bridges, have been damaged or destroyed by severe storms, floods
6747 or other unforeseen disasters.

6748 **SECTION 188.** Section 23-15-887, Mississippi Code of 1972, is
6749 amended as follows:

6750 23-15-887. If any member of the * * * Mississippi
6751 Transportation Commission, and any member of the board of
6752 supervisors, or the mayor or any member of the board of aldermen
6753 or other governing authority of any municipality, shall violate
6754 the provisions of this article, he shall be guilty of a
6755 misdemeanor, and upon conviction thereof, shall be punished by a
6756 fine of not less than One Hundred Dollars (\$100.00) nor more than
6757 Five Hundred Dollars (\$500.00), or by imprisonment in the county
6758 jail for a term not to exceed six (6) months, or by both such fine
6759 and imprisonment.

6760 **SECTION 189.** Section 23-15-889, Mississippi Code of 1972, is
6761 amended as follows:

6762 23-15-889. It shall be unlawful for any person to sell or
6763 offer to sell his or her vote and it shall be likewise unlawful
6764 for any person to offer money or anything of substantial value to
6765 anyone for his vote. Anyone violating the provisions of this
6766 section shall be guilty of a misdemeanor and upon conviction shall



6767 be fined not less than Fifty Dollars (\$50.00) nor more than Five
6768 Hundred Dollars (\$500.00), or imprisoned not more than six (6)
6769 months, or both.

6770 **SECTION 190.** Section 21-9-19, Mississippi Code of 1972, is
6771 amended as follows:

6772 21-9-19. At all elections held to choose a mayor and
6773 councilmen, or any of them, the choice of the person or persons
6774 voting shall be indicated and the ballots shall be marked in like
6775 manner as is provided by law for general state and county
6776 elections. In all cases in which two (2) or more persons are to
6777 be elected to the same office, the failure on the part of any
6778 elector to indicate his choice for as many candidates as there are
6779 officers to be elected to such office, shall render his ballot
6780 void as to any candidate voted for by him for such office.

6781 The poll managers * * * at all special and general elections
6782 for mayor and councilmen, or any of them, shall immediately, upon
6783 the closing of the polls, count the ballots and ascertain the
6784 number of votes cast in each voting precinct for each of the
6785 candidates and make return thereof to the municipal election
6786 commissioners. On the day following any special or general
6787 election, the * * * municipal election commissioners shall canvass
6788 said returns so received from all the voting precincts, and shall
6789 within * * * six (6) business days after such special or general
6790 election, deliver to each person receiving the highest number of
6791 votes a certificate of election. If it shall appear by the



6792 returns that any two (2) candidates for mayor or councilmen, have
6793 received an equal number of votes, the election shall be decided
6794 by a toss of a coin or by lot, fairly and publicly drawn * * *
6795 under the direction of the election commissioners, with the aid of
6796 a friend of each such candidates, and a certificate of election
6797 shall be given accordingly.

6798 The election commissioners shall, within * * * ten (10)
6799 business days after any special or general election, certify to
6800 the Secretary of State the name or names of the person or persons
6801 elected at such special or general election, and the Secretary of
6802 State shall, immediately upon receiving such certificates, deliver
6803 the same to the Governor, who shall immediately issue commissions
6804 to the persons mentioned in certificate.

6805 **SECTION 191.** Section 37-65-123, Mississippi Code of 1972, is
6806 amended as follows:

6807 37-65-123. The words "qualified elector" or "qualified
6808 electors" for the purposes of this article, shall in addition to
6809 the provisions of the first paragraph of Section 37-65-119, mean:

6810 A person, who on the day he signs any petition provided for
6811 in said section, is properly registered and qualified to vote in a
6812 county wide election of the county if such were then held,
6813 according to the * * * voter roll as maintained in the Statewide
6814 Elections Management System in the office of the circuit clerk and
6815 registrar of the county, in which all or any part of the school
6816 district is located, and who is a resident of the school district



6817 in which one or more schools have been closed, and who (a) is
6818 qualified to vote in an election of a trustee of that school
6819 district, if any be elective and (b) if the school district be a
6820 municipal separate school district or a special municipal separate
6821 school district and such person lives within the corporate limits
6822 of the municipality then such person must be qualified to vote in
6823 a city wide election if such were held on the day he signs any
6824 petition herein provided for.

6825 **SECTION 192.** Section 65-1-3, Mississippi Code of 1972, is
6826 amended as follows:

6827 65-1-3. There shall be a * * * Mississippi Transportation
6828 Commission which shall consist of three (3) members, one (1) from
6829 each of the three (3) Supreme Court districts of the state. Only
6830 qualified electors who are citizens of the Supreme Court district
6831 in which he or she offers for election shall be eligible for such
6832 office.

6833 On Tuesday after the first Monday in November of the year
6834 1951, and every four (4) years thereafter, * * * Mississippi
6835 Transportation Commissioners shall be elected at the same time and
6836 in the same manner as the Governor is chosen; and the laws
6837 governing primary elections and the holding of general elections
6838 in this state shall apply to and govern the nomination and
6839 election of * * * Mississippi Transportation Commissioners.
6840 The * * * Mississippi Transportation Commissioners so elected
6841 shall enter upon the discharge of the duties of their respective



6842 offices on the first Monday of January in the year next succeeding
6843 the date of their election, and they shall serve for a term of
6844 four (4) years and until their successors shall have been duly
6845 elected and qualified.

6846 If any one or more of the * * * Mississippi Transportation
6847 Commissioners elected under the provisions of this chapter shall
6848 die, resign or be removed from office, the Governor shall fill the
6849 vacancy by appointment for the unexpired term, provided such
6850 unexpired term shall not exceed twelve (12) months. If such
6851 unexpired term shall exceed twelve (12) months, the Governor
6852 shall, within fifteen (15) days from the date of such vacancy, by
6853 proclamation duly made, call an election in the Supreme Court
6854 district in which such vacancy exists, to be held within sixty
6855 (60) days from the date of the issuance of such proclamation, at
6856 which election a * * * Mississippi Transportation Commissioner
6857 shall be elected to fill such vacancy for the remaining portion of
6858 such unexpired term. Such special election shall be held in the
6859 manner provided for holding general elections in this state, as
6860 far as practicable.

6861 Each of * * * the Mississippi Transportation Commissioners,
6862 before entering upon the discharge of the duties of his office,
6863 shall take and subscribe the oath of office required of other
6864 state officials and shall execute bond in the sum of Fifty
6865 Thousand Dollars (\$50,000.00), with some surety company authorized
6866 to do business in this state as surety, conditioned for the



6867 faithful performance of the duties of his office and for the
6868 faithful and true accounting of all funds or monies or property
6869 coming into his hands by virtue of his office, and conditioned
6870 further that all such funds, monies and property will be expended
6871 and used by him only for purposes authorized by law, said bond to
6872 be approved by the Governor or Attorney General and to be filed in
6873 the Office of the Secretary of State. The premium on such bonds
6874 shall be paid out of the funds of the Mississippi Department of
6875 Transportation.

6876 From and after July 1, 1992, the State Highway Commission
6877 shall be the Mississippi Transportation Commission and the members
6878 thereof shall be the Mississippi Transportation Commissioners.

6879 **SECTION 193.** Section 37-7-229, Mississippi Code of 1972, is
6880 amended as follows:

6881 37-7-229. For the purpose of holding such election, it shall
6882 be the duty of the county election commissioners to prepare from
6883 the records in the office of the county registrar a list of the
6884 qualified electors of the school district in which such election
6885 is to be held who are eligible to participate in such election.
6886 Such list shall be furnished to the election poll managers in each
6887 precinct, together with the ballots and other election supplies.

6888 In the event that any election precinct embraces parts of two
6889 (2) or more school districts it shall be the duty of the county
6890 election commissioners to prepare from the records in the office
6891 of the county registrar separate lists of the qualified electors



6892 of each school district who reside in said precinct and who are
6893 eligible to participate in such election. * * * The election
6894 commissioners shall furnish to the * * * poll managers in said
6895 precinct separate ballots and separate ballot boxes and separate
6896 voting lists for each school district.

6897 For each day spent in carrying out the provisions of Sections
6898 37-7-225 through 37-7-229 the county election commissioners shall
6899 be paid at the rate prescribed by law.

6900 **SECTION 194.** Section 23-15-631, Mississippi Code of 1972, is
6901 amended as follows:

6902 23-15-631. (1) The registrar shall enclose with each ballot
6903 provided to an absent elector separate printed instructions
6904 furnished by him containing the following:

6905 (a) All absentee voters, excepting those with temporary
6906 or permanent physical disabilities or those who are sixty-five
6907 (65) years of age or older, who mark their ballots in the county
6908 of the residence shall use the registrar of that county as the
6909 witness. The absentee voter shall come to the office of the
6910 registrar and neither the registrar nor his deputy shall be
6911 required to go out of the registrar's office to serve as an
6912 attesting witness.

6913 (b) Upon receipt of the enclosed ballot, you will not
6914 mark the ballot except in view or sight of the attesting witness.
6915 In the sight or view of the attesting witness, mark the ballot
6916 according to instructions.



6917 (c) After marking the ballot, fill out and sign the
6918 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the
6919 signature * * * is across the flap of the envelope * * * to insure
6920 the integrity of the ballot. All absent electors shall have the
6921 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
6922 the flap on the back of the envelope. Place the necessary postage
6923 on the envelope and deposit it in the post office or some
6924 government receptacle provided for deposit of mail so that the
6925 absent elector's ballot, excepting presidential absentee ballots,
6926 will reach the registrar in which your precinct is located not
6927 later than 5:00 p.m. on the day preceding the date of the
6928 election.

6929 Any notary public, United States postmaster, assistant United
6930 States postmaster, United States postal supervisor, clerk in
6931 charge of a contract postal station, or * * * other officer having
6932 authority to administer an oath or take an acknowledgment may be
6933 an attesting witness; provided, however, that in the case of an
6934 absent elector who is temporarily or permanently physically
6935 disabled, the attesting witness may be any person eighteen (18)
6936 years of age or older and such person is not required to have the
6937 authority to administer an oath. If a postmaster, assistant
6938 postmaster, postal supervisor, or clerk in charge of a contract
6939 postal station acts as an attesting witness, his signature on the
6940 elector's certificate must be authenticated by the cancellation
6941 stamp of their respective post offices. If * * * an officer



6942 having authority to administer an oath or take an acknowledgement
6943 acts as attesting witness, his signature on the elector's
6944 certificate, together with his title and address, but no seal,
6945 shall be required. Any affidavits made by an absent elector who
6946 is in the Armed Forces may be executed before a commissioned
6947 officer, warrant officer, or noncommissioned officer not lower in
6948 grade than sergeant rating or any person authorized to administer
6949 oaths.

6950 (d) When the application accompanies the ballot it
6951 shall not be returned in the same envelope as the ballot but shall
6952 be returned in a separate preaddressed envelope provided by the
6953 registrar.

6954 (e) A * * * candidate for public office, or the spouse,
6955 parent or child of a candidate for public office, may not be an
6956 attesting witness for any absentee ballot upon which the * * *
6957 candidate's name appears.

6958 (f) Any voter casting an absentee ballot who declares
6959 that he requires assistance to vote by reason of blindness,
6960 temporary or permanent physical disability or inability to read or
6961 write, shall be entitled to receive assistance in the marking of
6962 his absentee ballot and in completing the affidavit on the
6963 absentee ballot envelope. The voter may be given assistance by
6964 anyone of the voter's choice other than a candidate whose name
6965 appears on the absentee ballot being marked, the spouse, parent or
6966 child of a candidate whose name appears on the absentee ballot



6967 being marked or the voter's employer, * * * an agent of that
6968 employer or a union representative. In order to ensure the
6969 integrity of the ballot, any person who provides assistance to an
6970 absentee voter shall be required to sign and complete the
6971 "Certificate of Person Providing Voter Assistance" on the absentee
6972 ballot envelope.

6973 (2) The foregoing instructions required to be provided by
6974 the registrar to the elector shall also constitute the substantive
6975 law pertaining to the handling of absentee ballots by the elector
6976 and registrar.

6977 (3) The Secretary of State shall prepare instructions on how
6978 absent voters may comply with the identification requirements of
6979 Section 23-15-563.

6980 **SECTION 195.** Sections 23-15-111, 23-15-117, 23-15-119,
6981 23-15-127, 23-15-129, 23-15-133, 23-15-137 and 23-15-160,
6982 Mississippi Code of 1972, which provide for the preparation,
6983 revision and maintenance of registration books and poll books, are
6984 repealed.

6985 **SECTION 196.** Section 23-15-167, Mississippi Code of 1972,
6986 which provides for the funding to purchase computer hardware or
6987 software for the Centralized Statewide Voter System, is repealed.

6988 **SECTION 197.** Section 23-15-169.6, Mississippi Code of 1972,
6989 which created a task force to study voting systems that comply
6990 with the Help America Vote Act of 2002 and their suitability for
6991 use in elections in Mississippi, is repealed.



6992 **SECTION 198.** Section 23-15-212, Mississippi Code of 1972,
6993 which created a study committee to conduct a study to determine
6994 how registrars, election commissioners, executive committee
6995 members and poll workers can be better trained in the conduct of
6996 elections, is repealed.

6997 **SECTION 199.** Section 23-15-269, Mississippi Code of 1972,
6998 which provides the penalties for an election commissioner, or any
6999 other officer or person acting as such, or performing election
7000 duty, who willfully refuse or knowingly fail to perform any duty
7001 required of him or her by the election laws, is repealed.

7002 **SECTION 200.** Sections 23-15-393, 23-15-401, 23-15-403,
7003 23-15-405, 23-15-407, 23-15-409, 23-15-411, 23-15-413, 23-15-415,
7004 23-15-417, 23-15-419, 23-15-421, 23-15-423, 23-15-425, 23-15-427,
7005 23-15-429, 23-15-431, 23-15-433, 23-15-435, 23-15-437, 23-15-439,
7006 23-15-441, 23-15-443, 23-15-445, 23-15-447, 23-15-449 and
7007 23-15-451, Mississippi Code of 1972, which provide for the use of
7008 voting machines in elections, are repealed.

7009 **SECTION 201.** Sections 23-15-461, 23-15-463, 23-15-465,
7010 23-15-467, 23-15-469, 23-15-471, 23-15-473, 23-15-475, 23-15-477,
7011 23-15-479, 23-15-481, 23-15-483, 23-15-485 and 23-15-501,
7012 Mississippi Code of 1972, which provide for the use of electronic
7013 voting systems, are repealed.

7014 **SECTION 202.** Section 23-15-509, Mississippi Code of 1972,
7015 which provides when and where OMR equipment may be used, is
7016 repealed.



7017 **SECTION 203.** Section 23-15-531.7, Mississippi Code of 1972,
7018 which provides for the demonstration of DRE units, is repealed.

7019 **SECTION 204.** Section 23-15-531.8, Mississippi Code of 1972,
7020 which provides for the storage and security of DRE units, is
7021 repealed.

7022 **SECTION 205.** Section 23-15-531.11, Mississippi Code of 1972,
7023 which provides for the coding of challenged ballots on DRE units,
7024 is repealed.

7025 **SECTION 206.** Section 23-15-555, Mississippi Code of 1972,
7026 which provides the penalty for a voter who allows his or her
7027 ballot to be seen by any person, is repealed.

7028 **SECTION 207.** Section 23-15-559, Mississippi Code of 1972,
7029 which provides the times for holding primary and general election
7030 for municipalities that operate under a special or private
7031 charter, is repealed.

7032 **SECTION 208.** Section 23-15-841, Mississippi Code of 1972,
7033 which provides for the holding of a primary election in special
7034 elections for county and county district seats, is repealed.

7035 **SECTION 209.** Section 23-15-893, Mississippi Code of 1972,
7036 which provides the penalty for being intoxicated in or about a
7037 polling place during an election, is repealed.

7038 **SECTION 210.** Section 23-15-899, Mississippi Code of 1972,
7039 which provides for identifying information to be posted on
7040 campaign materials, is repealed.



7041 **SECTION 211.** This act shall take effect and be in force from
7042 and after December 31, 2016.

