

**Adopted
COMMITTEE AMENDMENT NO 1 PROPOSED TO**

House Bill No. 797

BY: Committee

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

142 SECTION 1. (1) The personal use of campaign funds by any
143 elected public office holder or by any candidate for public
144 office, as defined in Mississippi law, is prohibited. For the
145 purposes of this section, "personal use" is defined as any use
146 other than expenditures related to gaining or holding public
147 office and for which the candidate for public office or elected
148 public official would be required to treat the amount of the
149 expenditure as gross income under Section 61 of the Internal
150 Revenue Code of 1986, 26 U.S.C. Section 61, or any subsequent



151 corresponding Internal Revenue Code of the United States, as from
152 time to time amended.

153 (2) Expenditures that are specifically prohibited under this
154 article include:

155 (a) Any residential or household items, supplies or
156 expenditures, including mortgage, rent or utility payments for any
157 part of any residence of a candidate or officeholder or a member
158 of the candidate's or officeholder's family;

159 (b) Mortgage, rent or utility payments for any part of
160 any nonresidential property that is owned by a candidate or
161 officeholder or a member of a candidate's or officeholder's family
162 and used for campaign purposes, to the extent the payments exceed
163 the fair market value of the property usage;

164 (c) Funeral, cremation or burial expenses, including
165 any expenses related to deaths within a candidate's or
166 officeholder's family;

167 (d) Clothing, other than items of de minimis value that
168 are used in the campaign;

169 (e) Automobiles, fuel, vehicle repair and maintenance
170 costs and other expenses;

171 (f) Tuition payments;

172 (g) Dues, fees or gratuities at a country club, health
173 club, recreational facility or other nonpolitical organization,
174 unless they are part of a specific fundraising event that takes
175 place on the organization's premises;



176 (h) Salary payments to a member of a candidate's
177 family, unless the family member is providing bona fide services
178 to the campaign. If a family member provides bona fide services
179 to a campaign, any salary payments in excess of the fair market
180 value of the services provided is personal use;

181 (i) Admission to a sporting event, concert, theater or
182 other form of entertainment, unless part of a specific campaign or
183 officeholder activity;

184 (j) Loans of any type, including loans to candidates;

185 (k) Out-of-state travel expenses;

186 (l) Payment of any fines, fees or penalties assessed
187 pursuant to Mississippi law.

188 (3) Any expense that directly results from campaign or
189 officeholder activity is permitted use of campaign funds. Such
190 expenditures may include:

191 (a) The defrayal of ordinary and necessary expenses of
192 a candidate or officeholder;

193 (b) Campaign office expenses and equipment, provided
194 the expenditures and the use of the equipment can be directly
195 attributable to the campaign;

196 (c) Donations to charitable organizations,
197 not-for-profit organizations or for sponsorships, provided the
198 candidate or officeholder does not personally benefit from the
199 donation or receive compensation from the recipient organization;



200 (d) In-state travel expenses for an officeholder,
201 provided that the travel is undertaken as an ordinary and
202 necessary expense of seeking, holding or maintaining public
203 office, or seeking, holding or maintaining a position within the
204 Legislature or other publicly elected body. If a candidate or
205 officeholder uses campaign funds to pay expenses associated with
206 travel that involves both personal activities and campaign or
207 officeholder activities, the incremental expenses that result from
208 the personal activities are personal use, unless the person(s)
209 benefiting from this use reimburse(s) the campaign account within
210 thirty (30) days for the amount of the incremental expenses;

211 (e) Gifts of nominal value and donations of a nominal
212 amount made on a special occasion such as a holiday, graduation,
213 marriage, retirement or death, unless made to a member of the
214 candidate's or officeholder's family;

215 (f) Meal expenses which are incurred as part of a
216 campaign activity or as a part of a function that is related to
217 the candidate's or officeholder's responsibilities, including
218 meals between and among candidates and/or officeholders that are
219 incurred as an ordinary and necessary expense of seeking, holding
220 or maintaining public office, or seeking holding, or maintaining a
221 position within the Legislature or other publicly elected body;

222 (g) Food and beverages which are purchased as part of a
223 campaign activity;



224 (h) Communication access expenses which are incurred as
225 part of a campaign activity and operation to ensure that deaf and
226 hard of hearing citizens are fully participating, are volunteers,
227 and/or are otherwise maintaining a position with the campaign
228 committee. Examples of communication access expenses include, but
229 are not limited to, the following: captioning on television
230 advertisements; video clips; sign language interpreters;
231 computer-aided real time (CART) services; and assistive listening
232 devices.

233 (4) Any campaign funds not used to pay for the expenses of
234 gaining or holding public office shall:

235 (a) Be maintained in a campaign account(s);

236 (b) Be donated to a political organization, or to a
237 political action committee;

238 (c) Be transferred in whole or in part into a newly
239 established political action committee or ballot question
240 advocate;

241 (d) Be donated to a tax-exempt charitable organization
242 as that term is used in Section 501(c)(3) of the Internal Revenue
243 Code of 1986, 26 U.S.C. Section 501, or any subsequent
244 corresponding Internal Revenue Code of the United States as from
245 time to time amended;

246 (e) Be donated to the State of Mississippi; or

247 (f) Be returned to the donor.



248 (5) Any candidate for public office or any elected official
249 who violates this section shall be guilty of a misdemeanor offense
250 and shall be punished by a fine in the amount of One Thousand
251 Dollars (\$1,000.00) and by a state assessment equal to the amount
252 of misappropriated campaign funds. The state assessment shall be
253 imposed and collected as provided in Section 99-19-73 and shall be
254 deposited into the Public Employee's Retirement System. No fine
255 or assessment imposed under this section shall be paid by a third
256 party.

257 **SECTION 2.** It is unlawful for the Governor, Lieutenant
258 Governor or any member of the Legislature to solicit or receive
259 campaign contributions or hold a political fundraising function
260 during any Regular or Special Legislative Session.

261 **SECTION 3.** Section 23-15-3, Mississippi Code of 1972, is
262 amended as follows:

263 23-15-3. For purposes of this chapter, the term "ballot box"
264 includes any ballot bag or other container of a type that has been
265 approved for use in elections by the Secretary of State, capable
266 of receiving voted paper ballots. Such ballot bags or containers
267 may be used for any purpose for which a ballot box may be used
268 under the provisions of law regulating elections in Mississippi or
269 any other purpose authorized by the rules and regulations adopted
270 by the Secretary of State. * * *

271 **SECTION 4.** Section 23-15-5, Mississippi Code of 1972, is
272 amended as follows:



273 23-15-5. (1) There is created in the State Treasury a
274 special fund to be known as the Elections Support Fund. Monies
275 derived from annual report fees imposed upon limited liability
276 companies under Section 79-29-1203 shall be deposited into the
277 Elections Support Fund. Unexpended amounts remaining in the fund
278 at the end of the fiscal year shall not lapse into the State
279 General Fund, and any interest earned or investment earnings on
280 amounts in the fund shall be disbursed as provided in subsection
281 (2) of this section. The expenditure of monies in the fund shall
282 be under the direction of the Secretary of State as provided by
283 subsection (2) of this section, and such funds shall be paid by
284 the State Treasurer upon warrants issued by the Department of
285 Finance and Administration.

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

287 (i) Fifty percent (50%) of the monies in the
288 special fund shall be distributed annually to the counties, based
289 on the proportion that the population of a county bears to the
290 total population in all counties of the state population according
291 to the most recent information from the United States Census
292 Bureau, and held in a separate fund solely for the purpose of
293 acquiring, upgrading, maintaining or repairing voting equipment,
294 systems and supplies, hiring temporary technical support,
295 conducting elections using such voting equipment or systems,
296 employing such personnel to conduct an election, and training
297 election officials; and



298 (ii) The remaining fifty percent (50%) of the
299 monies in the special fund shall be allocated annually to the
300 Secretary of State and expended for the purpose of upgrading,
301 maintaining * * * or equipping the Statewide Elections Management
302 System, and acquiring, upgrading or maintaining any other
303 election-related site or system or providing technical training to
304 election officials.

305 (b) The Secretary of State shall create standard
306 training guidelines to assist counties in training election
307 officials with the funds authorized under subsection (2)(a)(ii) of
308 this section. Any criteria established by the Secretary of State
309 for the purposes of this section shall be used in addition to any
310 other training or coursework prescribed by the Secretary of State
311 to train circuit clerks, poll managers and any other election
312 officials participating in county elections.

313 (c) Notwithstanding any other provision of law, no
314 monies from the Elections Support Fund shall be used by the
315 Secretary of State or any person associated with the Office of the
316 Secretary of State to provide or otherwise support expert
317 testimony in any manner for any hearing, trial or election
318 contest.

319 **SECTION 5.** Section 23-15-7, Mississippi Code of 1972, is
320 amended as follows:

321 23-15-7. (1) The Secretary of State shall negotiate a
322 Memorandum of Understanding which shall be entered into by the



323 Mississippi Department of Public Safety and the registrar of each
324 county for the purpose of providing a Mississippi Voter
325 Identification Card. Such card shall be valid for the purpose of
326 voter identification purposes under Section 23-15-563 and
327 available only to registered voters of this state. No fee shall
328 be charged or collected for the application for or issuance of a
329 Mississippi Voter Identification Card. Any costs associated with
330 the application for or issuance of a Mississippi Voter
331 Identification Card shall be made payable from the state's General
332 Fund.

333 (2) The registrar of each county shall provide a location in
334 the registrar's office at which he or she shall accept
335 applications for Mississippi Voter Identification Cards in
336 accordance with the Mississippi Constitution; however, in counties
337 having two (2) judicial districts the registrar shall provide a
338 location in the registrar's office in each judicial district at
339 which he or she shall accept applications for Mississippi Voter
340 Identification Cards in accordance with the Mississippi
341 Constitution.

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

346 (4) (a) The Mississippi Voter Identification Card shall be
347 captioned "MISSISSIPPI VOTER IDENTIFICATION CARD" and shall



348 contain a prominent statement that under Mississippi law it is
349 valid only as identification for voting purposes. The
350 identification card shall include the following information
351 regarding the applicant:

- 352 (i) Full legal name;
- 353 (ii) Legal residence address;
- 354 (iii) Mailing address, if different; and
- 355 (iv) Voting information.

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

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

363 (6) The registrar shall require presentation and
364 verification of any of the following information during the
365 application process before issuance of a Mississippi Voter
366 Identification Card:

- 367 (a) A photo identity document; or
- 368 (b) Documentation showing the person's date and place
369 of birth; or
- 370 (c) A social security card; or
- 371 (d) A Medicare card; or
- 372 (e) A Medicaid card; or



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

375 (7) A Mississippi Voter Identification Card shall remain
376 valid for as long as the cardholder * * * remains qualified to
377 vote. It shall be the duty of a person who moves his or her
378 residence within this state to surrender his or her voter
379 identification card to the registrar of the county of his or her
380 new residence and such person may thereafter apply for and receive
381 a new card if such person is eligible under this section. It
382 shall be the duty of a person who moves his or her residence
383 outside this state or who ceases to be qualified to vote to
384 surrender his or her card to the registrar who issued it.

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

388 **SECTION 6.** Section 23-15-15, Mississippi Code of 1972, is
389 amended as follows:

390 23-15-15. It shall be the duty of any and every person who
391 has acquired citizenship by order or decree of naturalization and
392 who is otherwise qualified to register and vote under the laws of
393 the State of Mississippi to present or exhibit to the * * *
394 registrar of the county of his or her residence, at or before the
395 time he or she may offer to register, a certified copy of the
396 final order or decree of naturalization, or a certificate of
397 naturalization or duplicate thereof, or a certified copy of such



398 certificate of naturalization or duplicate; otherwise he shall not
399 be allowed to register or to vote.

400 **SECTION 7.** Section 23-15-19, Mississippi Code of 1972, is
401 amended as follows:

402 23-15-19. Any person who has been convicted of vote fraud
403 or * * * any crime listed in Section 241, Mississippi Constitution
404 of 1890, such crimes defined as "disenfranchising," shall not be
405 registered, or if registered the name of the person shall be * * *
406 removed from the * * * Statewide Elections Management System by
407 the registrar or * * * the election commissioners of the county of
408 his or her residence. Whenever any person shall be convicted in
409 the circuit court of his or her county of * * * a disenfranchising
410 crime, the county registrar shall thereupon * * * remove his or
411 her name from the * * * Statewide Elections Management System; and
412 whenever any person shall be convicted of * * * a disenfranchising
413 crime in any other court of any county, the presiding judge of the
414 court shall, on demand, certify the fact in writing to the
415 registrar of the county of the voter's residence, who shall
416 thereupon * * * remove the name of the person from the * * *
417 Statewide Elections Management System and retain the certificate
418 as a record of his office.

419 **SECTION 8.** Section 23-15-31, Mississippi Code of 1972, is
420 amended as follows:

421 23-15-31. All of the provisions of this subarticle shall be
422 applicable, insofar as possible, to municipal, primary, general



423 and special elections; and wherever therein any duty is imposed or
424 any power or authority is conferred upon the county registrar,
425 county election commissioners or county executive committee with
426 reference to a state and county election, such duty shall likewise
427 be * * * conferred upon the municipal registrar, municipal
428 election commission or municipal executive committee with
429 reference to any municipal election.

430 **SECTION 9.** Section 23-15-33, Mississippi Code of 1972, is
431 amended as follows:

432 23-15-33. (1) Every person entitled to be registered as an
433 elector in compliance with the laws of this state and who has
434 signed his or her name on and properly completed the application
435 for registration to vote shall be registered by the county
436 registrar in the voting precinct of the residence of such person
437 through the Statewide Elections Management System.

438 (2) Every person entitled to be registered as an elector in
439 compliance with the laws of this state and who registers to vote
440 pursuant to the National Voter Registration Act of 1993 shall be
441 registered by the county registrar in the voting precinct of the
442 residence of such person through the Statewide Elections
443 Management System.

444 * * *

445 **SECTION 10.** Section 23-15-35, Mississippi Code of 1972, is
446 amended as follows:



447 23-15-35. (1) The clerk of the municipality shall be the
448 registrar of voters of the municipality, and shall take the oath
449 of office prescribed by Section 268 of the Constitution. The
450 municipal registration shall conform to the county registration
451 which shall be a part of the official record of registered voters
452 as contained in the Statewide Elections Management System. The
453 municipal clerk shall comply with all the provisions of law
454 regarding the registration of voters, including the use of the
455 voter registration applications used by county registrars and
456 prescribed by the Secretary of State under Sections 23-15-39 and
457 23-15-47.

458 (2) The municipal clerk shall be authorized to register
459 applicants as county electors. The municipal clerk shall forward
460 notice of registration, a copy of the application for
461 registration, and any changes to the registration when they occur,
462 either by certified mail to the county registrar or by personal
463 delivery to the county registrar provided that a numbered receipt
464 is signed by the county registrar in return for the described
465 documents. Upon receipt of the copy of the application for
466 registration or changes to the registration, and if a review of
467 the application indicates that the applicant meets all the
468 criteria necessary to qualify as a county elector, then the county
469 registrar shall make a determination of the county voting precinct
470 in which the person making the application shall be required to
471 vote. The county registrar shall send this county voting precinct



472 information by United States first-class mail, postage prepaid, to
473 the person at the address provided on the application. Any and
474 all mailing costs incurred by the municipal clerk or the county
475 registrar in effectuating this subsection shall be paid by the
476 county board of supervisors. If a review of the copy of the
477 application for registration or changes to the registration
478 indicates that the applicant is not qualified to vote in the
479 county, the county registrar shall challenge the application. The
480 county election commissioners shall review any challenge or
481 disqualification, after having notified the applicant by certified
482 mail of the challenge or disqualification.

483 (3) The municipal clerk shall issue to the person making the
484 application a copy of the application and the county registrar
485 shall process the application in accordance with the law regarding
486 the handling of voter registration applications.

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

492 (5) The municipal clerk of each municipality shall provide
493 the * * * county registrar in which the municipality is located
494 the information necessary to conform the municipal registration to
495 the county registration which shall be a part of the official
496 record of registered voters as contained in the Statewide



497 Elections Management System. If any changes to the information
498 occur as a result of redistricting, annexation or other reason, it
499 shall be the responsibility of the municipal clerk to timely
500 provide the changes to the * * * county registrar.

501 **SECTION 11.** Section 23-15-37, Mississippi Code of 1972, is
502 amended as follows:

503 23-15-37. (1) The registrar shall * * * register the
504 electors of his or her county at any time during regular office
505 hours.

506 (2) The county registrar may keep his or her office open for
507 registration of voters from 8:00 a.m. until 7:00 p.m., including
508 the noon hour, for the five (5) business days immediately
509 preceding the thirtieth day * * * before any regularly scheduled
510 primary or general election. The county registrar shall also keep
511 his office open from 8:00 a.m. until 12:00 noon on the Saturday
512 immediately preceding the thirtieth day * * * before any regularly
513 scheduled primary or general election, unless such Saturday falls
514 on a legal holiday, in which case registration applications
515 submitted on the Monday immediately following the legal holiday
516 shall be accepted and entered in the Statewide Elections
517 Management System for the purpose of enabling such voters to vote
518 in the next primary or general election.

519 (3) The registrar, or any deputy registrar duly appointed by
520 law, may visit and spend such time as he or she may deem necessary
521 at any location in his or her county, selected by the registrar



522 not less than thirty (30) days before an election, for the purpose
523 of registering voters.

524 (4) A person who is physically disabled and unable to visit
525 the office of the registrar to register to vote due to such
526 disability may contact the registrar and request that the
527 registrar or his or her deputy visit him for the purpose of
528 registering such person to vote. The registrar or his or her
529 deputy shall visit such person as soon as possible after such
530 request and provide such person with an application for
531 registration, if necessary. The completed application for
532 registration shall be executed in the presence of the registrar or
533 his or her deputy.

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

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

544 **SECTION 12.** Section 23-15-39, Mississippi Code of 1972, is
545 amended as follows:



546 23-15-39. (1) Applications for registration as electors of
547 this state, which are sworn to and subscribed before the registrar
548 or deputy registrar authorized by law and which are not made by
549 mail, shall be made upon a form established by rule duly adopted
550 by the Secretary of State.

551 (2) The boards of supervisors shall make proper allowances
552 for office supplies reasonably necessitated by the registration of
553 county electors.

554 (3) If the applicant indicates on the application that he
555 resides within the city limits of a city or town in the county of
556 registration, the county registrar shall process the application
557 for registration or changes to the registration as provided by
558 law.

559 (4) If the applicant indicates on the application that he
560 has previously registered to vote in another county of this state
561 or another state, notice to the voter's previous county of
562 registration in this state shall be provided by the Statewide
563 Elections Management System. If the voter's previous place of
564 registration was in another state, notice shall be provided to the
565 voter's previous state of residence if the Statewide Elections
566 Management System has that capability.

567 (5) The county registrar shall provide to the person making
568 the application a copy of the application upon which has been
569 written the county voting precinct and municipal voting precinct,
570 if any, in which the person shall vote. Upon entry of the voter



571 registration information into the Statewide Elections Management
572 System, the system shall assign a voter registration number to the
573 person, and the county registrar shall mail the applicant a voter
574 registration card to the mailing address provided on the
575 application.

576 (6) Any person desiring an application for registration may
577 secure an application from the registrar of the county of which he
578 is a resident and may take the application with him and secure
579 assistance in completing the application from any person of the
580 applicant's choice. It shall be the duty of all registrars to
581 furnish applications for registration to all persons requesting
582 them, and it shall likewise be his duty to furnish aid and
583 assistance in the completing of the application when requested by
584 an applicant. The application for registration shall be sworn to
585 and subscribed before the registrar or deputy registrar at the
586 municipal clerk's office, the county registrar's office or any
587 other location where the applicant is allowed to register to vote.
588 No fee or cost shall be charged the applicant by the registrar for
589 accepting the application or administering the oath or for any
590 other duty imposed by law regarding the registration of electors.

591 (7) If the person making the application is unable to read
592 or write, for reason of disability or otherwise, he shall not be
593 required to personally complete the application in writing and
594 execute the oath. In such cases, the registrar or deputy
595 registrar shall read to the person the application and oath and



596 the person's answers thereto shall be recorded by the registrar or
597 his deputy. The person shall be registered as an elector if he
598 otherwise meets the requirements to be registered as an elector.
599 The registrar shall record the responses of the person and the
600 recorded responses shall be retained permanently by the registrar.
601 The county registrar shall enter the voter registration
602 information into the Statewide Elections Management System and
603 designate the entry as an assisted filing.

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

608 (9) In any case in which * * * the corporate boundaries of a
609 municipality change, whether by annexation or * * * redistricting,
610 the municipal clerk shall within ten (10) days after * * *
611 approval of the * * * change in corporate boundaries provide to
612 the county registrar * * * conforming geographic data that is
613 compatible with the Statewide Elections Management System. The
614 data shall be developed by the municipality's use of a
615 standardized format specified by the Statewide Elections
616 Management System. The county registrar * * *, county election
617 commissioner or other county official, who has completed an annual
618 training seminar sponsored by the Secretary of State pertaining to
619 the implementation of new boundary lines in the Statewide
620 Elections Management System and received certification therefor,



621 shall update the municipal boundary information * * * into the
622 Statewide Elections Management System. The Statewide Elections
623 Management System * * * updates the municipal voter registration
624 records * * * and assigns electors * * * to * * * their municipal
625 voting precincts. The county registrar shall forward to the
626 municipal clerk written notification of the additions and changes,
627 and the municipal clerk shall forward to the * * * affected
628 municipal electors written notification of the additions and
629 changes. * * *

630 **SECTION 13.** Section 23-15-41, Mississippi Code of 1972, is
631 amended as follows:

632 23-15-41. (1) When an applicant to register to vote has
633 completed the application form as prescribed by administrative
634 rule, the county registrar shall enter the applicant's information
635 into the Statewide Elections Management System * * * in which
636 the * * * applicant's status will be marked as "ACTIVE," "PENDING"
637 or "REJECTED," and the applicant shall be entitled to register
638 upon his request for registration made in person to the registrar,
639 or deputy registrar if a deputy registrar has been appointed. No
640 person other than the registrar, or a deputy registrar, shall
641 register any applicant.

642 (2) If an applicant is not qualified to register to vote,
643 then the registrar shall enter the applicant's information into
644 the Statewide Elections Management System * * * shall be marked as
645 "PENDING" or "REJECTED", * * * with the specific reason or



646 reasons * * * noted; the registrar shall restore the election
647 commission of those applicants rejected.

648 **SECTION 14.** Section 23-15-43, Mississippi Code of 1972, is
649 amended as follows:

650 23-15-43. In the event an applicant is not registered, there
651 shall be an automatic review by the county election commissioners
652 under the procedures provided in Sections 23-15-61 through
653 23-15-79. In addition to the meetings of the election
654 commissioners provided * * * in those sections, the commissioners
655 are required to hold such additional meetings to determine all
656 pending cases of registration on review prior to the election at
657 which the applicant desires to vote.

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

662 **SECTION 15.** Section 23-15-47, Mississippi Code of 1972, is
663 amended as follows:

664 23-15-47. (1) Any person who is qualified to register to
665 vote in the State of Mississippi may register to vote by mail-in
666 application in the manner prescribed in this section.

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

669 (a) Any qualified elector may register to vote by
670 mailing or delivering a completed mail-in application to his



671 county registrar at least thirty (30) days * * * before any
672 election. The postmark date of a mailed application shall be the
673 applicant's date of registration.

674 (b) Upon receipt of a mail-in application, the county
675 registrar shall stamp the application with the date of receipt,
676 and shall verify the application either by * * * matching the
677 applicant's Mississippi driver's license number through the
678 Mississippi Department of Public Safety or by matching the
679 applicant's social security number through the American
680 Association of Motor Vehicle Administrators. * * * Within * * *
681 fourteen (14) days of receipt of a mail-in registration
682 application, the county registrar shall complete action on the
683 application, including any attempts to notify the applicant of the
684 status of his application.

685 (c) If the county registrar determines that the
686 applicant is qualified and his application is legible and
687 complete, he shall mail the applicant written notification that
688 the application has been approved, specifying the county voting
689 precinct, municipal voting precinct, if any, polling place and
690 supervisor district in which the person shall vote. This written
691 notification of approval containing the specified information
692 shall be the voter's registration card. The registration card
693 shall be provided by the county registrar to the applicant in
694 accordance with Section 23-15-39. Upon entry of the voter
695 registration information into the Statewide Elections Management



696 System, the system shall assign a voter registration number to
697 the * * * applicant. The assigned voter registration number shall
698 be clearly shown on the written notification of approval. In
699 mailing the written notification, the county registrar shall note
700 the following on the envelope: "DO NOT FORWARD". If any
701 registration notification form is returned as undeliverable, the
702 voter's registration shall be void.

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

705 (i) An incomplete portion of the application which
706 makes it impossible for the registrar to determine the eligibility
707 of the applicant to register;

708 (ii) A portion of the application which is
709 illegible in the opinion of the county registrar and makes it
710 impossible to determine the eligibility of the applicant to
711 register;

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

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

718 (v) The county registrar determines that the
719 applicant is already registered as a qualified elector of the
720 county;



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

723 (e) If the mail-in application of a person is subject
724 to rejection for any of the reasons set forth in paragraph (d)(i)
725 through (iii) of this subsection, and it appears to the county
726 registrar that the defect or omission is of such a minor nature
727 and that any necessary additional information may be supplied by
728 the applicant over the telephone or by further correspondence, the
729 county registrar may write or call the applicant at the telephone
730 number or address, or both, provided on the application. If the
731 county registrar is able to contact the applicant by mail or
732 telephone, he shall attempt to ascertain the necessary
733 information, and if this information is sufficient for the
734 registrar to complete the application, the applicant shall be
735 registered. If the necessary information cannot be obtained by
736 mail or telephone, or is not sufficient * * * to complete the
737 application within fourteen (14) days of receipt, the county
738 registrar shall give the applicant written notice of the rejection
739 and provide the reason for the rejection. The county registrar
740 shall further inform the applicant that he has a right to attempt
741 to register by appearing in person or by filing another mail-in
742 application.

743 (f) If a mail-in application is subject to rejection
744 for the reason stated in paragraph (d)(v) of this subsection and
745 the "present home address" portion of the application is different



746 from the residence address for the applicant found in the * * *
747 Statewide Elections Management System, the mail-in application
748 shall be deemed a written request to * * * update the voter's
749 registration pursuant to Section 23-15-13. * * * The county
750 registrar or the election commissioners shall * * * update
751 the * * * voter's residence address * * * in the Statewide
752 Elections Management System and, if necessary, * * * advise
753 the * * * voter of a change in the location of his * * *
754 county * * * or municipal * * * polling place * * * by the mailing
755 of a new voter registration card.

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

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

764 (b) The Secretary of State shall distribute without
765 charge sufficient forms for application for voter registration by
766 mail to the Commissioner of Public Safety, who shall distribute
767 such forms to each driver's license examining and renewal station
768 in the state, and shall ensure that the forms are regularly
769 available to the public at such stations.



770 (c) Bulk quantities of forms for application for voter
771 registration by mail shall be furnished by the Secretary of State
772 to any person or organization. The Secretary of State shall
773 charge a person or organization the actual cost he incurs in
774 providing bulk quantities of forms for application for voter
775 registration to such person or organization.

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

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

783 (7) If the applicant indicates on the application that he
784 has previously registered to vote in another county of this state
785 or another state, notice to the voter's previous county of
786 registration in this state shall be provided * * * through the
787 Statewide Elections Management System. If the voter's previous
788 place of registration was in another state, notice shall be
789 provided to the voter's previous state of residence * * *.

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

793 **SECTION 16.** Section 23-15-61, Mississippi Code of 1972, is
794 amended as follows:



795 23-15-61. Any person denied the right to register as a voter
796 may appeal from the decision of the county registrar to the board
797 of election commissioners by filing with the county registrar, on
798 the same day of such denial or within five (5) days thereafter, a
799 written application for appeal.

800 **SECTION 17.** Section 23-15-63, Mississippi Code of 1972, is
801 amended as follows:

802 23-15-63. Any elector of the county may likewise appeal from
803 the decision of the county registrar allowing any other person to
804 be registered as a voter; but before the same can be heard, the
805 party appealing shall give notice to the person whose registration
806 is appealed from, in writing, stating the grounds of the
807 appeal. * * * The notice shall be served by the sheriff or a
808 constable, as process in other courts is required to be served;
809 and the officer may demand and receive for such service, from the
810 person requesting the same, the sum of One Dollar (\$1.00).

811 **SECTION 18.** Section 23-15-65, Mississippi Code of 1972, is
812 amended as follows:

813 23-15-65. The board of election commissioners shall meet at
814 the courthouse of its county on the second Monday in September
815 preceding any general election, and shall remain in session from
816 day to day, so long as business may require. Three (3) election
817 commissioners shall constitute a quorum to do business; but the
818 concurrence of at least three (3) election commissioners shall be
819 necessary in all cases for the rendition of a decision. The



820 election commissioners shall hear and determine all appeals from
821 the decisions of the registrar of their county, allowing or
822 refusing the applications of electors to be registered; and they
823 shall correct illegal or improper registrations, and shall secure
824 the elective franchise, as * * * affected by registration, to
825 those who may be illegally or improperly denied the same.

826 **SECTION 19.** Section 23-15-67, Mississippi Code of 1972, is
827 amended as follows:

828 23-15-67. The election commissioners * * * of each county
829 shall, at the meetings provided for * * * in Sections 23-15-123,
830 23-15-155 and 23-15-157, hear and determine any appeals which may
831 have been perfected and which are pending on the respective dates
832 provided for in said Sections 23-15-123, 23-15-155 and 23-15-157,
833 from the decisions of the registrar of their county allowing or
834 refusing the applications of persons to be registered. The above
835 dates for hearing said appeals are supplemental to the provisions
836 of Section 23-15-65.

837 **SECTION 20.** Section 23-15-69, Mississippi Code of 1972, is
838 amended as follows:

839 23-15-69. All cases on appeal shall be heard by the boards
840 of election commissioners de novo, and oral and documentary
841 evidence may be heard by them; and they are authorized to
842 administer oaths to witnesses before them; and they have power to
843 subpoena witnesses, and to compel their attendance; to send for
844 persons and papers; to require the sheriff and constables to



845 attend them and to execute their process. The decisions of the
846 commissioners in all cases shall be final as to questions of fact,
847 but as to matters of law they may be revised by circuit courts and
848 the Supreme Court. The registrar shall obey the orders of the
849 commissioners in directing a person to be registered, or a name to
850 be stricken from the * * * Statewide Elections Management System.

851 **SECTION 21.** Section 23-15-79, Mississippi Code of 1972, is
852 amended as follows:

853 23-15-79. (1) Unless the application for registration was
854 made pursuant to Section 23-15-47, the date of registration to
855 vote shall be the date * * * the application for registration to
856 vote was initially received by the registrar or, if submitted by
857 mail, the postmark date, regardless of the date on which the
858 county election commission, circuit court or Supreme Court, as the
859 case may be, makes its final determination allowing the
860 registration.

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

866 **SECTION 22.** Section 23-15-95, Mississippi Code of 1972, is
867 amended as follows:

868 23-15-95. In addition to the penalties set forth in Section
869 23-15-93, any applicant aggrieved by any registrar or election



870 commissioner * * * because of their refusal or neglect to perform
871 any of the duties prescribed by this chapter regarding the
872 registration of electors may petition the chancery court of the
873 county of the registrar or election commissioner * * * for an
874 injunction or mandate to enforce the performance of such duties
875 and to secure to such applicant such rights to which he may be
876 entitled under the provisions of said sections.

877 **SECTION 23.** Section 23-15-113, Mississippi Code of 1972, is
878 amended as follows:

879 23-15-113. (1) * * * The voter registration files shall
880 contain copies of the applications for registration completed by
881 electors, which applications shall show the date of registration
882 and signature of elector * * *.

883 (2) * * * All records pertaining to voter registration shall
884 be stored in an electronic format in the Statewide Elections
885 Management System by the county registrar. The scanned
886 applications shall be a legal document of voter registration and
887 shall be retained in the Statewide Elections Management System.

888 **SECTION 24.** Section 23-15-121, Mississippi Code of 1972, is
889 amended as follows:

890 23-15-121. Should the * * * electronic voting record of any
891 county as maintained by the Statewide Elections Management System
892 be lost or destroyed, the board of supervisors may adjudge the
893 fact, and direct a new registration of the voters to be made; and
894 the county registrar, being so directed, shall make a new



895 registration, as herein provided, of the qualified electors of his
896 county * * *.

897 **SECTION 25.** Section 23-15-123, Mississippi Code of 1972, is
898 amended as follows:

899 23-15-123. If at any time the registration books of the
900 county as maintained by the Statewide Elections Management System
901 be or become in such confusion that a new registration is
902 necessary to determine correctly the names of the qualified
903 electors and the voting precinct of each, the board of supervisors
904 shall order a new registration of voters to be made in like manner
905 as provided for in Section 23-15-121.

906 **SECTION 26.** Section 23-15-125, Mississippi Code of 1972, is
907 amended as follows:

908 23-15-125. The pollbook of each voting precinct shall
909 designate the voting precinct for which it is to be used, and
910 shall be ruled in appropriate columns, with printed or written
911 headings, as follows: date of registration; voter registration
912 number; name of electors; date of birth; and a number of blank
913 columns for the dates of elections. * * * All qualified
914 applicants who register with the registrar shall be entered in the
915 Statewide Elections Management System. Only the names of those
916 qualified applicants who register within thirty (30) days
917 before * * * an election shall * * * appear on the pollbooks * * *
918 of the election * * * ; however, if the thirtieth day to register
919 before an election falls on a legal holiday, the registration



920 applications submitted on the business day immediately following
921 the legal holiday shall be accepted and entered in the Statewide
922 Elections Management System for the purpose of enabling voters to
923 vote in the next election. When county election commissioners
924 determine that any elector is disqualified from voting, by reason
925 of death, conviction of a disenfranchising crime, removal from
926 the * * * jurisdiction, or other legal cause, that fact shall be
927 noted * * * in the * * * Statewide Elections Management System
928 and * * * the voter's name shall be * * * removed from the * * *
929 Statewide Elections Management System, the state's voter roll and
930 the county's pollbooks. Nothing in this section shall preclude
931 the use of electronic pollbooks.

932 **SECTION 27.** Section 23-15-135, Mississippi Code of 1972, is
933 amended as follows:

934 * * *

935 23-15-135. (1) The registration books of the several voting
936 precincts of each county and the pollbooks heretofore in use shall
937 be delivered to the registrar of the county, and they, together
938 with the registration books and pollbooks hereafter made, shall be
939 records of his office, and he shall carefully preserve the same as
940 such; and after each election the pollbooks shall be speedily
941 returned to the office of the registrar.

942 (2) The registrar of each county shall provide a location in
943 the registrar's office at which he or she shall accept



944 applications for Mississippi Voter Identification Cards in
945 accordance with the Mississippi Constitution.

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

950 **SECTION 28.** Section 23-15-151, Mississippi Code of 1972, is
951 amended as follows:

952 23-15-151. The circuit clerk of each county is authorized
953 and directed to prepare and keep in his office a full and complete
954 list, in alphabetical order, of persons convicted of vote fraud
955 or * * * any crime listed in Section 241, Mississippi Constitution
956 of 1890. A certified copy of any enrollment by one clerk to
957 another will be sufficient authority for the enrollment of the
958 name, or names, in another county. A list of persons convicted of
959 vote fraud, any crime listed in Section 241, Mississippi
960 Constitution of 1890 or subsequent opinions of the Attorney
961 General, shall also be imported into the Statewide Elections
962 Management System on a quarterly basis. Voters who have been
963 convicted in a Mississippi state court of any disenfranchising
964 crime are not qualified electors as defined by Section 23-15-11
965 and shall be purged or otherwise removed by the county registrar
966 or county election commissioners from the Statewide Elections
967 Management System.



968 **SECTION 29.** Section 23-15-153, Mississippi Code of 1972, is
969 amended as follows:

970 23-15-153. (1) At least during the following times,
971 the * * * election commissioners shall meet at the office of the
972 registrar * * * or the office of the election commissioners to
973 carefully revise the * * * county voter roll as electronically
974 maintained by the Statewide Elections Management System and remove
975 from the roll the names of all voters who have requested to be
976 purged from the voter roll, died, have been adjudicated non compos
977 mentis, have been convicted of a disenfranchising crime or
978 otherwise become disqualified as electors for any cause, and shall
979 register the names of all persons who have duly applied to be
980 registered but have been illegally denied registration: * * *

981 (a) On the Tuesday after the second Monday in January
982 1987 and every following year;

983 (b) On the first Tuesday in the month immediately
984 preceding the first primary election for congressmen in the years
985 when congressmen are elected;

986 (c) On the first Monday in the month immediately
987 preceding the first primary election for state, state district
988 legislative, county and county district offices in the years in
989 which those offices are elected; and

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



993 Except for the names of those * * * voters who are duly
994 qualified to vote in the election, no name shall be permitted to
995 remain * * * in the * * * Statewide Elections Management System;
996 however, no name shall be * * * purged from the * * * Statewide
997 Elections Management System based on a change in the residence of
998 an elector except in accordance with procedures provided for by
999 the National Voter Registration Act of 1993 * * *. Except as
1000 otherwise provided by Section 23-15-573, no person shall vote at
1001 any election whose name is not on the pollbook.

1002 (2) Except as provided in this section, and subject to the
1003 following annual limitations, the election commissioners * * *
1004 shall be entitled to receive a per diem in the amount of
1005 Eighty-four Dollars (\$84.00), to be paid from the county general
1006 fund, for every day or period of no less than five (5) hours
1007 accumulated over two (2) or more days actually employed in the
1008 performance of their duties in the conduct of an election or
1009 actually employed in the performance of their duties for the
1010 necessary time spent in the revision of the * * * county voter
1011 roll as electronically maintained by the Statewide Elections
1012 Management System as required in subsection (1) of this section:

1013 (a) In counties having less than fifteen thousand
1014 (15,000) residents according to the latest federal decennial
1015 census, not more than fifty (50) days per year, with no more than
1016 fifteen (15) additional days allowed for the conduct of each
1017 election in excess of one (1) occurring in any calendar year;



1018 (b) In counties having fifteen thousand (15,000)
1019 residents according to the latest federal decennial census but
1020 less than thirty thousand (30,000) residents according to the
1021 latest federal decennial census, not more than seventy-five (75)
1022 days per year, with no more than twenty-five (25) additional days
1023 allowed for the conduct of each election in excess of one (1)
1024 occurring in any calendar year;

1025 (c) In counties having thirty thousand (30,000)
1026 residents according to the latest federal decennial census but
1027 less than seventy thousand (70,000) residents according to the
1028 latest federal decennial census, not more than one hundred (100)
1029 days per year, with no more than thirty-five (35) additional days
1030 allowed for the conduct of each election in excess of one (1)
1031 occurring in any calendar year;

1032 (d) In counties having seventy thousand (70,000)
1033 residents according to the latest federal decennial census but
1034 less than ninety thousand (90,000) residents according to the
1035 latest federal decennial census, not more than one hundred
1036 twenty-five (125) days per year, with no more than forty-five (45)
1037 additional days allowed for the conduct of each election in excess
1038 of one (1) occurring in any calendar year;

1039 (e) In counties having ninety thousand (90,000)
1040 residents according to the latest federal decennial census but
1041 less than one hundred seventy thousand (170,000) residents
1042 according to the latest federal decennial census, not more than



1043 one hundred fifty (150) days per year, with no more than
1044 fifty-five (55) additional days allowed for the conduct of each
1045 election in excess of one (1) occurring in any calendar year;

1046 (f) In counties having one hundred seventy thousand
1047 (170,000) residents according to the latest federal decennial
1048 census but less than two hundred thousand (200,000) residents
1049 according to the latest federal decennial census, not more than
1050 one hundred seventy-five (175) days per year, with no more than
1051 sixty-five (65) additional days allowed for the conduct of each
1052 election in excess of one (1) occurring in any calendar year;

1053 (g) In counties having two hundred thousand (200,000)
1054 residents according to the latest federal decennial census but
1055 less than two hundred twenty-five thousand (225,000) residents
1056 according to the latest federal decennial census, not more than
1057 one hundred ninety (190) days per year, with no more than
1058 seventy-five (75) additional days allowed for the conduct of each
1059 election in excess of one (1) occurring in any calendar year;

1060 (h) In counties having two hundred twenty-five thousand
1061 (225,000) residents according to the latest federal decennial
1062 census but less than two hundred fifty thousand (250,000)
1063 residents according to the latest federal decennial census, not
1064 more than two hundred fifteen (215) days per year, with no more
1065 than eighty-five (85) additional days allowed for the conduct of
1066 each election in excess of one (1) occurring in any calendar year;



1067 (i) In counties having two hundred fifty thousand
1068 (250,000) residents according to the latest federal decennial
1069 census but less than two hundred seventy-five thousand (275,000)
1070 residents according to the latest federal decennial census, not
1071 more than two hundred thirty (230) days per year, with no more
1072 than ninety-five (95) additional days allowed for the conduct of
1073 each election in excess of one (1) occurring in any calendar year;

1074 (j) In counties having two hundred seventy-five
1075 thousand (275,000) residents according to the latest federal
1076 decennial census or more, not more than two hundred forty (240)
1077 days per year, with no more than one hundred five (105) additional
1078 days allowed for the conduct of each election in excess of one (1)
1079 occurring in any calendar year.

1080 (3) In addition to the number of days authorized in
1081 subsection (2) of this section, the board of supervisors of a
1082 county may authorize, in its discretion, the election
1083 commissioners * * * to receive a per diem in the amount provided
1084 for in subsection (2) of this section, to be paid from the county
1085 general fund, for every day or period of no less than five (5)
1086 hours accumulated over two (2) or more days actually employed in
1087 the performance of their duties in the conduct of an election or
1088 actually employed in the performance of their duties for the
1089 necessary time spent in the revision of the * * * county voter
1090 roll as electronically maintained by the Statewide Elections



1091 Management System as required in subsection (1) of this section,
1092 for not to exceed five (5) days.

1093 (4) (a) The election commissioners * * * shall be entitled
1094 to receive a per diem in the amount of Eighty-four Dollars
1095 (\$84.00), to be paid from the county general fund, not to exceed
1096 ten (10) days for every day or period of no less than five (5)
1097 hours accumulated over two (2) or more days actually employed in
1098 the performance of their duties for the necessary time spent in
1099 the revision of the * * * county voter roll as electronically
1100 maintained by the Statewide Elections Management System prior to
1101 any special election. For purposes of this paragraph, the regular
1102 special election day shall not be considered a special election.
1103 The annual limitations set forth in subsection (2) of this section
1104 shall not apply to this paragraph.

1105 (b) The election commissioners * * * shall be entitled
1106 to receive a per diem in the amount of One Hundred Fifty Dollars
1107 (\$150.00), to be paid from the county general fund, for the
1108 performance of their duties on the day of any general or special
1109 election. The annual limitations set forth in subsection (2) of
1110 this section shall apply to this paragraph.

1111 (5) The election commissioners * * * shall be entitled to
1112 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
1113 to be paid from the county general fund, not to exceed fourteen
1114 (14) days for every day or period of no less than five (5) hours
1115 accumulated over two (2) or more days actually employed in the



1116 performance of their duties for the necessary time spent in the
1117 revision of the * * * county voter roll as electronically
1118 maintained by the Statewide Elections Management System and in the
1119 conduct of a runoff election following either a general or special
1120 election.

1121 (6) The election commissioners * * * shall be entitled to
1122 receive only one (1) per diem payment for those days when the
1123 election commissioners * * * discharge more than one (1) duty or
1124 responsibility on the same day.

1125 (7) * * * In preparation for a municipal primary, runoff,
1126 general or special election, the county registrar, upon request by
1127 the municipal clerk, shall * * * generate and distribute the
1128 master voter roll and pollbooks * * * from the Statewide Elections
1129 Management System * * * for the municipality located within the
1130 county * * *. The municipality shall pay the * * * county
1131 registrar * * * the actual cost of preparing and printing the
1132 municipal master voter roll and pollbooks. * * * A municipality
1133 may secure "read only" access to the Statewide * * * Elections
1134 Management System and print its own pollbooks using this
1135 information * * *.

1136 (8) County election commissioners * * * who perform the
1137 duties of an executive committee with regard to the conduct of a
1138 primary election under a written agreement authorized by law to be
1139 entered into with an executive committee shall receive per diem as
1140 provided for in subsection (2) of this section. The days that



1141 county election commissioners * * * are employed in the conduct of
1142 a primary election shall be treated the same as days county
1143 election commissioners * * * are employed in the conduct of other
1144 elections.

1145 (9) Every election commissioner * * * shall sign personally
1146 a certification setting forth the number of hours actually worked
1147 in the performance of the election commissioner's official duties
1148 and for which the commissioner seeks compensation. The
1149 certification must be on a form as prescribed in this subsection.
1150 The election commissioner's signature is, as a matter of law, made
1151 under the election commissioner's oath of office and under
1152 penalties of perjury.

1153 The certification form shall be as follows:

1154 **COUNTY ELECTION COMMISSIONER**

1155 **PER DIEM CLAIM FORM**

1156 NAME: _____ COUNTY: _____

1157 ADDRESS: _____ DISTRICT: _____

1158 CITY: _____ ZIP: _____

1159 PURPOSE APPLICABLE ACTUAL PER DIEM

1160 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

1161 WORKED TIME TIME WORK SECTION WORKED EARNED

1162 _____

1163 _____

1164 _____

1165 TOTAL NUMBER OF PER DIEM DAYS EARNED



1166 EXCLUDING ELECTION DAYS _____
 1167 PER DIEM RATE PER DAY EARNED X \$84.00
 1168 TOTAL NUMBER PER DIEM DAYS EARNED _____
 1169 FOR ELECTION DAYS _____
 1170 PER DIEM RATE PER DAY EARNED X \$150.00
 1171 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1172 I understand that I am signing this document under my oath
 1173 as * * * an election commissioner * * * and under penalties of
 1174 perjury.

1175 I understand that I am requesting payment from taxpayer funds
 1176 and that I have an obligation to be specific and truthful as to
 1177 the amount of hours worked and the compensation I am requesting.

1178 Signed this the _____ day of _____, _____.

1179 _____
 1180 Commissioner's Signature

1181 When properly completed and signed, the certification must be
 1182 filed with the clerk of the county board of supervisors before any
 1183 payment may be made. The certification will be a public record
 1184 available for inspection and reproduction immediately upon the
 1185 oral or written request of any person.

1186 Any person may contest the accuracy of the certification in
 1187 any respect by notifying the chairman of the election commission,
 1188 any member of the board of supervisors or the clerk of the board
 1189 of supervisors of such contest at any time before or after payment
 1190 is made. If the contest is made before payment is made, no



1191 payment shall be made as to the contested certificate until the
1192 contest is finally disposed of. The person filing the contest
1193 shall be entitled to a full hearing, and the clerk of the board of
1194 supervisors shall issue subpoenas upon request of the contestor
1195 compelling the attendance of witnesses and production of documents
1196 and things. The contestor shall have the right to appeal de novo
1197 to the circuit court of the involved county, which appeal must be
1198 perfected within thirty (30) days from a final decision of the
1199 election commission, the clerk of the board of supervisors or the
1200 board of supervisors, as the case may be.

1201 Any contestor who successfully contests any certification
1202 will be awarded all expenses incident to his contest, together
1203 with reasonable attorney's fees, which will be awarded upon
1204 petition to the chancery court of the involved county upon final
1205 disposition of the contest before the election commission, board
1206 of supervisors, clerk of the board of supervisors, or, in case of
1207 an appeal, final disposition by the court. The election
1208 commissioner against whom the contest is decided shall be liable
1209 for the payment of the expenses and attorney's fees, and the
1210 county shall be jointly and severally liable for same.

1211 (10) Any election commissioner * * * who has not received a
1212 certificate issued by the Secretary of State pursuant to Section
1213 23-15-211 indicating that the election commissioner * * * has
1214 received the required elections seminar instruction and that the
1215 election commissioner * * * is fully qualified to conduct an



1216 election, shall not receive any compensation authorized by this
1217 section, * * * or Section 23-15-239.

1218 **SECTION 30.** Section 23-15-161, Mississippi Code of 1972, is
1219 amended as follows:

1220 23-15-161. The county registrar shall:

1221 (a) Attend the meetings of the county election
1222 commissioners;

1223 (b) Permit and * * * furnish them access to the
1224 Statewide Elections Management System * * *;

1225 (c) * * * Render them all needed assistance of
1226 which * * * the registrar is capable in the performance of their
1227 duties in revising the list of qualified electors.

1228 **SECTION 31.** Section 23-15-163, Mississippi Code of 1972, is
1229 amended as follows:

1230 23-15-163. The purposes of this subarticle are:

1231 (a) To establish a centralized statewide qualified
1232 voter file that consists of all qualified electors who are
1233 registered to vote;

1234 (b) To enhance the uniformity of the administration of
1235 elections by creating and maintaining a centralized statewide file
1236 of qualified voters;

1237 (c) To increase the efficiency and decrease the cost of
1238 maintaining voter registration records and implementing the
1239 National Voter Registration Act of 1993;



1240 (d) To increase the integrity of the voting process by
1241 compiling a single centralized qualified voter file from county
1242 voter roll data that will permit the name of each citizen of this
1243 state to appear only once;

1244 (e) To apply technology and information gathered by
1245 principal executive departments of state government, state
1246 agencies and local voter registrars in a manner that ensures that
1247 accurate and current records of qualified voters are maintained
1248 and to secure cooperation among all state and county entities to
1249 develop systems and processes that are interfaced with the * * *
1250 Statewide Elections Management System; and

1251 (f) To enable the state to receive federal funds which
1252 may be available to carry out provisions of this subarticle.

1253 **SECTION 32.** Section 23-15-165, Mississippi Code of 1972, is
1254 amended as follows:

1255 23-15-165. (1) * * * The Office of the Secretary of State,
1256 in cooperation with the * * * county registrars and election
1257 commissioners, shall * * * procure, implement and maintain an
1258 electronic information processing system and programs capable of
1259 maintaining a centralized database of all registered voters in the
1260 state. The system shall encompass software and hardware, at both
1261 the state and county level, software development training,
1262 conversion and support and maintenance for the system. This
1263 system shall be known as the "Statewide Elections Management



1264 System" and shall constitute the official record of registered
1265 voters in every county of the state.

1266 (2) The Office of the Secretary of State shall develop and
1267 implement the Statewide Elections Management System so that the
1268 registrar and election commissioners of each county shall:

1269 (a) Verify that an applicant that is registering to
1270 vote in such county is not registered to vote in another county;

1271 (b) Be notified automatically that a registered voter
1272 in its county has registered to vote in another county;

1273 (c) Receive regular reports of death, changes of
1274 address and convictions for disenfranchising crimes that apply to
1275 voters registered in the county; and

1276 (d) Retain all present functionality related to, but
1277 not limited to, the use of voter roll data and to implement such
1278 other functionality as the law requires to enhance the maintenance
1279 of accurate county voter records and related jury selection and
1280 redistricting programs.

1281 (3) As a part of the procurement and implementation of the
1282 system, the Office of the Secretary of State shall, with the
1283 assistance of the advisory committee, procure services necessary
1284 to convert current voter registration records in the counties into
1285 a standard, industry accepted file format that can be used on the
1286 Statewide Elections Management System. Thereafter, all official
1287 voter information shall be maintained on the Statewide Elections
1288 Management System. The standard industry accepted format of



1289 data * * * was reviewed and approved by a majority of the advisory
1290 committee created in subsection (5) of this section after
1291 consultation with the Circuit Clerks Association and the format
1292 may not be changed without * * * consulting the Circuit Clerks
1293 Association.

1294 (4) The Secretary of State may, with the assistance of the
1295 advisory committee, adopt rules and regulations necessary to
1296 administer the Statewide Elections Management System. Such rules
1297 and regulations shall at least:

1298 (a) Provide for the establishment and maintenance of a
1299 centralized database for all voter registration information in the
1300 state;

1301 (b) Provide procedures for integrating data into the
1302 centralized database;

1303 (c) Provide security to insure that only the registrar,
1304 or his designee or other appropriate official, as the law may
1305 require, can add information to, delete information from and
1306 modify information in the system;

1307 (d) Provide the registrar or his designee or other
1308 appropriate official, as the law may require, access to the system
1309 at all times, including the ability to download copies of the
1310 industry standard file, for all purposes related to their official
1311 duties, including, but not limited to, exclusive access for the
1312 purpose of printing of all local pollbooks;



1313 (e) Provide security and protection of all information
1314 in the system and monitor the system to ensure that unauthorized
1315 access is not allowed;

1316 (f) Provide a procedure that will allow the registrar,
1317 or his designee or other appropriate official, as the law may
1318 require, to identify the precinct * * * to which a voter should be
1319 assigned; and

1320 (g) Provide a procedure for phasing in or converting
1321 existing manual and computerized voter registration systems in
1322 counties to the Statewide Elections Management System.

1323 (5) The Secretary of State * * * established an advisory
1324 committee to assist in developing system specifications,
1325 procurement, implementation and maintenance of the Statewide
1326 Elections Management System. The committee * * * included two (2)
1327 representatives from the Circuit Clerks Association, appointed by
1328 the association; two (2) representatives from the Election
1329 Commissioners Association of Mississippi, appointed by the
1330 association; one (1) member of the Mississippi Association of
1331 Supervisors, or its staff, appointed by the association; the
1332 Director of the Stennis Institute of Government at Mississippi
1333 State University, or his designee; the Executive Director of the
1334 Department of Information Technology Services, or his designee;
1335 two (2) persons knowledgeable about elections and information
1336 technology appointed by the Secretary of State; and the Secretary



1337 of State, who shall serve as the chairman of the advisory
1338 committee.

1339 (6) (a) Social security numbers, telephone numbers and date
1340 of birth and age information in statewide, district, county and
1341 municipal voter registration files shall be exempt from and shall
1342 not be subject to inspection, examination, copying or reproduction
1343 under the Mississippi Public Records Act of 1983.

1344 (b) Copies of statewide, district, county or municipal
1345 voter registration files, excluding social security numbers,
1346 telephone numbers and date of birth and age information, shall be
1347 provided to any person in accordance with the Mississippi Public
1348 Records Act of 1983 at a cost not to exceed the actual cost of
1349 production.

1350 **SECTION 33.** Section 23-15-169.1, Mississippi Code of 1972,
1351 is amended as follows:

1352 23-15-169.1. The Secretary of State and the Commissioner of
1353 Public Safety shall enter into an agreement to grant the Secretary
1354 of State's Office "read only" access to the driver's license
1355 database and identification cardholder database for the purpose of
1356 matching information in the database of the * * * Statewide
1357 Elections Management System created in Section 23-15-163 et seq.
1358 to the extent required to enable the Secretary of State to verify
1359 the accuracy of information provided on applications for voter
1360 registration in compliance with the Help America Vote Act of 2002.



1361 **SECTION 34.** Section 23-15-169.7, Mississippi Code of 1972,
1362 is amended as follows:

1363 23-15-169.7. * * * (a) There is created in the State
1364 Treasury a special fund, to be designated the "Help Mississippi
1365 Vote Fund" to the credit of the Secretary of State, which shall be
1366 comprised of the monies required to be deposited into the fund
1367 under Section 7-3-59, and any other funds that may be made
1368 available for the fund by the Legislature.

1369 (b) Monies in the fund shall be expended by the Secretary of
1370 State to support the state's maintenance of efforts as required by
1371 the federal mandates of the Help America Vote Act of 2002 and for
1372 compensation paid to any certified poll manager under Section
1373 23-15-239.

1374 **SECTION 35.** Section 23-15-171, Mississippi Code of 1972, is
1375 amended as follows:

1376 23-15-171. (1) Municipal primary elections shall be held on
1377 the first Tuesday in * * * April preceding the general municipal
1378 election and, in the event a second primary shall be necessary,
1379 such second primary shall be held on the * * * fourth Tuesday
1380 in * * * April preceding such general municipal election. The
1381 candidate receiving a majority of the votes cast in the election
1382 shall be the party nominee. If no candidate shall receive a
1383 majority vote at the election, the two (2) candidates receiving
1384 the highest number of votes shall have their names placed on the
1385 ballot for the second primary election. The candidate receiving



1386 the most votes cast in the second primary election shall be the
1387 party nominee. However, if no candidate shall receive a majority
1388 vote at the first primary, and there is a tie in the election of
1389 those receiving the next highest vote, those candidates receiving
1390 the next highest vote and the candidate receiving the highest vote
1391 shall have their names placed on the ballot for the second primary
1392 election, and whoever receives the most votes cast in the second
1393 primary election shall be the party nominee. At such primary
1394 election the municipal executive committee shall perform the same
1395 duties as are specified by law and performed by members of the
1396 county executive committee with regard to state and county primary
1397 elections. Each municipal executive committee shall have as many
1398 members as there are elective officers of the municipality, and
1399 such members of the municipal executive committee of each
1400 political party shall be elected in the primary elections held for
1401 the nomination of candidates for municipal offices. The
1402 provisions of this section shall govern all municipal primary
1403 elections as far as applicable, but the officers to prepare the
1404 ballots and the poll managers and other officials of the primary
1405 election shall be appointed by the municipal executive committee
1406 of the party holding such primary, and the returns of such
1407 election shall be made to such municipal executive committee.
1408 Vacancies in the executive committee shall be filled by it.

1409 (2) Provided, however, that in municipalities operating
1410 under a special or private charter which fixes a time for holding



1411 elections, other than the time fixed by Chapter 491, Laws of 1950,
1412 the first primary election shall be held * * * on the first
1413 Tuesday, two (2) months before the time for holding the general
1414 election, as fixed by the charter, and the second primary
1415 election, where necessary, shall be held * * * three (3) weeks
1416 after the first primary election, unless the charter of any such
1417 municipality provides otherwise, in which event the provisions of
1418 the special or private charter shall prevail as to the time of
1419 holding such primary elections.

1420 (3) All primary elections in municipalities shall be held
1421 and conducted in the same manner as is provided by law for state
1422 and county primary elections.

1423 **SECTION 36.** Section 23-15-173, Mississippi Code of 1972, is
1424 amended as follows:

1425 23-15-173. (1) A general municipal election shall be held
1426 in each city, town or village on the first Tuesday after the first
1427 Monday of June 1985, and every four (4) years thereafter, for the
1428 election of all municipal officers elected by the people.

1429 (2) All municipal general elections shall be held and
1430 conducted in the same manner as is provided by law for state and
1431 county general elections.

1432 (3) The provisions of Sections 23-15-171 and 23-15-173,
1433 which fix the times to hold primary and general elections, shall
1434 not apply to any municipality operating under a special or private
1435 charter where the governing board or authority thereof, on or



1436 before June 25, 1952, shall have adopted and spread upon its
1437 minutes a resolution or ordinance declining to accept such
1438 provisions, in which event the primary and general elections shall
1439 be held at the time fixed by the charter of such municipality.

1440 **SECTION 37.** Section 23-15-191, Mississippi Code of 1972, is
1441 amended as follows:

1442 23-15-191. The first primary shall be held on the first
1443 Tuesday after the first Monday of August preceding any regular or
1444 general election; and the second primary shall be held three (3)
1445 weeks thereafter. * * * The candidate * * * that receives a
1446 majority of the votes cast in the election shall be the party
1447 nominee. If no candidate shall receive * * * a majority * * *
1448 vote at the election, then the two (2) candidates who receive the
1449 highest * * * number of votes * * * shall have their names * * *
1450 placed on the ballot for the second primary election to be held
1451 three (3) weeks later. * * * The candidate who * * * receives the
1452 most votes in the second primary * * * election shall be the party
1453 nominee. However, if no candidate shall receive a majority vote
1454 at the first primary, and * * * there is a tie in the * * *
1455 election of those receiving the next highest vote, * * * then
1456 those candidates receiving the next highest vote * * * and the
1457 candidate receiving the highest vote shall have their names placed
1458 on the ballot for * * * the second primary election to be held
1459 three (3) weeks later, and whoever * * * receives the most votes



1460 cast in * * * the second primary election shall be * * * the party
1461 nominee.

1462 **SECTION 38.** Section 23-15-197, Mississippi Code of 1972, is
1463 amended as follows:

1464 23-15-197. (1) Times for holding primary and general
1465 elections for congressional offices shall be as prescribed in
1466 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1467 (2) Times for holding elections for the office of judge of
1468 the Supreme Court shall be as prescribed in Section 23-15-991 and
1469 Sections 23-15-974 through 23-15-985, and times for holding
1470 elections for the office of judge of the Court of Appeals shall be
1471 as prescribed in Section 9-4-5.

1472 (3) Times for holding elections for the office of circuit
1473 court judge and the office of chancery court judge shall be as
1474 prescribed in Sections 23-15-974 through 23-15-985, and Section
1475 23-15-1015.

1476 (4) Times for holding elections for the office of county
1477 election commissioners shall be as prescribed in Section
1478 23-15-213.

1479 (5) Times for holding elections for the office of levee
1480 commissioner shall be as prescribed in Laws, 1928, Chapter 12;
1481 Laws, 1968, Chapter 574; Laws, 1930, Chapter 85; Laws, 1983,
1482 Chapter 317; and Laws, 2010, Chapter 438.

1483 **SECTION 39.** Section 23-15-211, Mississippi Code of 1972, is
1484 amended as follows:



1485 23-15-211. (1) There shall be:

1486 (a) A State Board of Election Commissioners, which
1487 shall * * * consist of the Governor, who shall serve as Chairman;

1488 (b) The Secretary of State, who shall serve as
1489 Secretary, maintain minutes of all meetings and accept service of
1490 process on behalf of the board; and

1491 (c) The Attorney General * * *.

1492 Any two (2) of * * * the members of the State Board of
1493 Election Commissioners may perform the duties required of the
1494 board * * *.

1495 * * *

1496 (2) The board of supervisors of each county shall pay
1497 members of the county election commission for attending training
1498 events a per diem in the amount provided in Section 23-15-153;
1499 however, except as otherwise provided in this section, the per
1500 diem shall not be paid to an election commissioner for more than
1501 twelve (12) days of training per year and shall only be paid to
1502 election commissioners who actually attend and complete a training
1503 event and obtain a training certificate.

1504 (3) Included in this twelve (12) days shall be an elections
1505 seminar, conducted and sponsored by the Secretary of State.
1506 Election commissioners and chairpersons of each political party
1507 executive committee, or their designee, shall be required to
1508 attend. An election commissioner shall be certified by the



1509 Secretary of State only after attending the annual elections
1510 seminar.

1511 (4) Each participant shall receive a certificate from the
1512 Secretary of State indicating that the named participant has
1513 received the elections training seminar instruction * * *.
1514 Election commissioners * * * shall annually file the certificate
1515 with the chancery clerk. If any election commissioner * * * shall
1516 fail to file the certificate by April 30 of each year, his office
1517 shall be vacated, absent exigent circumstances as determined by
1518 the board of supervisors and consistent with the facts. The
1519 vacancy shall be declared by the board of supervisors and the
1520 vacancy shall be filled in the manner described by law. Prior to
1521 declaring the office vacant, the board of supervisors shall give
1522 the election commissioner notice and the opportunity for a
1523 hearing.

1524 (5) The Secretary of State, upon approval of the board of
1525 supervisors, may authorize not more than eight (8) additional
1526 training days per year for election commissioners * * * in one or
1527 more counties. The board of supervisors of each county shall pay
1528 members of the county election commission for attending training
1529 on these days a per diem in the amount provided in Section
1530 23-15-153.

1531 * * *

1532 (6) The duties of the board shall include, but not be
1533 limited to:



1534 (a) Rule on a candidate's qualifications for statewide,
1535 Supreme Court, Court of Appeals, congressional district, circuit
1536 and chancery court district and other state district offices;

1537 (b) Approve the state ballot for the offices stated in
1538 subparagraph (a) of this subsection (6);

1539 (c) Remove the candidates' names from the ballot for
1540 failure to comply with campaign finance filing requirements for
1541 the offices stated in subparagraph (a) of this subsection (6) in
1542 prior election cycles; and

1543 (d) Adopt such administrative rules and regulations as
1544 are necessary to carry out the administration of this chapter.

1545 **SECTION 40.** Section 23-15-213, Mississippi Code of 1972, is
1546 amended as follows:

1547 **[Until January 1, 2024, this section shall read as follows:]**

1548 23-15-213. (1) At the general election in 1984 and every
1549 four (4) years thereafter, there shall be elected five (5)
1550 election commissioners * * * for each county whose terms of office
1551 shall commence on the first Monday of January following their
1552 election and who shall serve for a term of four (4) years. Each
1553 of the commissioners shall be required to attend a training
1554 seminar provided by the Secretary of State and satisfactorily
1555 complete a skills assessment, and before acting, shall take and
1556 subscribe the oath of office prescribed by the Constitution * * *.
1557 The oath shall be filed in the office of the clerk of the chancery
1558 court * * *. Upon filing the oath of office, the election



1559 commissioner may be provided access to the Statewide Elections
1560 Management System for the purpose of performing his or her duties.
1561 While engaged in their duties, the commissioners shall be
1562 conservators of the peace in the county, with all the duties and
1563 powers of such.

1564 (2) The qualified electors of each supervisor's district
1565 shall elect, at the general election in * * * 2020, in their
1566 district one (1) commissioner of election. The election
1567 commissioners from board of supervisors' Districts One, Three and
1568 Five shall serve for a term of four (4) years. The election
1569 commissioners from board of supervisors' Districts Two and Four
1570 shall serve for a term of six (6) years. No more than one (1)
1571 commissioner shall be a resident of and reside in each supervisors
1572 district of the county; it being the purpose of this section that
1573 the county board of election commissioners shall consist of one
1574 (1) person from each supervisors district of the county and that
1575 each commissioner be elected from the supervisors district in
1576 which he resides.

1577 (3) Candidates for county election commissioner shall
1578 qualify by filing with the clerk of the board of supervisors of
1579 their respective counties a petition personally signed by not less
1580 than fifty (50) qualified electors of the supervisors district in
1581 which they reside, requesting that they be a candidate, by 5:00
1582 p.m. not later than the first Monday in June of the year in which
1583 the election occurs and unless the petition is filed within the



1584 required time, their names shall not be placed upon the ballot.
1585 All candidates shall declare in writing their party affiliation,
1586 if any, to the board of supervisors, and such party affiliation
1587 shall be shown on the official ballot.

1588 (4) The petition shall have attached thereto a certificate
1589 of the county registrar showing the number of qualified electors
1590 on each petition, which shall be furnished by the registrar on
1591 request. The board shall determine the sufficiency of the
1592 petition, and if the petition contains the required number of
1593 signatures and is filed within the time required, the president of
1594 the board shall verify that the candidate is a resident of the
1595 supervisors district in which he seeks election and that the
1596 candidate is otherwise qualified as provided by law, and shall
1597 certify that the candidate is qualified to the chairman or
1598 secretary of the county election commission and the names of the
1599 candidates shall be placed upon the ballot for the ensuing
1600 election. No county election commissioner shall serve or be
1601 considered as elected unless and until he has received a majority
1602 of the votes cast for the position or post for which he is a
1603 candidate. If a majority vote is not received in the first
1604 election, then the two (2) candidates receiving the most votes for
1605 each position or post shall be placed upon the ballot for a second
1606 election to be held three (3) weeks later in accordance with
1607 appropriate procedures followed in other elections involving
1608 runoff candidates.



1609 (5) If any election commissioner shall fail to successfully
1610 complete the required training seminar or the skills assessment,
1611 his or her office shall be vacated. The vacancy shall be declared
1612 by the board of supervisors and the vacancy shall be filled in the
1613 manner described by law. Prior to declaring the office vacant,
1614 the board of supervisors shall give the election commissioner
1615 notice and the opportunity for a hearing.

1616 (6) Upon taking office, the county * * * election
1617 commissioners shall organize by electing a chairman and a
1618 secretary.

1619 (7) It shall be the duty of the chairman to have the
1620 official ballot printed and distributed at each general or special
1621 election.

1622 **[From and after January 1, 2024, this section shall read as**
1623 **follows:]**

1624 (1) There shall be elected five (5) election commissioners
1625 for each county whose terms of office shall commence on the first
1626 Monday of January following their election and who shall serve for
1627 a term of four (4) years. Each of the commissioners shall be
1628 required to attend a training seminar provided by the Secretary of
1629 State and satisfactorily complete a skills assessment, and before
1630 acting, shall take and subscribe the oath of office prescribed by
1631 the Constitution. The oath shall be filed in the office of the
1632 clerk of the chancery court. Upon filing the oath of office, the
1633 election commissioner may be provided access to the Statewide



1634 Elections Management System for the purpose of performing his or
1635 her duties. While engaged in their duties, the commissioners
1636 shall be conservators of the peace in the county, with all the
1637 duties and powers of such.

1638 (2) (a) At the general election in 2024 and every four (4)
1639 years thereafter, the qualified electors of the board of
1640 supervisors' Districts One, Three and Five shall elect in their
1641 district one (1) election commissioner.

1642 (b) At the general election in 2026 and every four (4)
1643 years thereafter, the qualified electors of the board of
1644 supervisors' Districts Two and Four shall elect in their district
1645 one (1) election commissioner.

1646 (c) No more than one (1) commissioner shall be a
1647 resident of and reside in each supervisors' district of the
1648 county; it being the purpose of this section that the county board
1649 of election commissioners shall consist of one (1) person from
1650 each supervisors' district of the county and that each
1651 commissioner be elected from the supervisors' district in which he
1652 resides.

1653 (3) Candidates for county election commissioner shall
1654 qualify by filing with the clerk of the board of supervisors of
1655 their respective counties a petition personally signed by not less
1656 than fifty (50) qualified electors of the supervisors' district in
1657 which they reside, requesting that they be a candidate, by 5:00
1658 p.m. not later than the first Monday in June of the year in which



1659 the election occurs and unless the petition is filed within the
1660 required time, their names shall not be placed upon the ballot.
1661 All candidates shall declare in writing their party affiliation,
1662 if any, to the board of supervisors, and such party affiliation
1663 shall be shown on the official ballot.

1664 (4) The petition shall have attached thereto a certificate
1665 of the county registrar showing the number of qualified electors
1666 on each petition, which shall be furnished by the registrar on
1667 request. The board shall determine the sufficiency of the
1668 petition, and if the petition contains the required number of
1669 signatures and is filed within the time required, the president of
1670 the board shall verify that the candidate is a resident of the
1671 supervisors' district in which he seeks election and that the
1672 candidate is otherwise qualified as provided by law, and shall
1673 certify that the candidate is qualified to the chairman or
1674 secretary of the county election commission and the names of the
1675 candidates shall be placed upon the ballot for the ensuing
1676 election. No county election commissioner shall serve or be
1677 considered as elected unless and until he has received a majority
1678 of the votes cast for the position or post for which he is a
1679 candidate. If a majority vote is not received in the first
1680 election, then the two (2) candidates receiving the most votes for
1681 each position or post shall be placed upon the ballot for a second
1682 election to be held three (3) weeks later in accordance with



1683 appropriate procedures followed in other elections involving
1684 runoff candidates.

1685 (5) If any election commissioner shall fail to successfully
1686 complete the required training seminar or the skills assessment,
1687 his or her office shall be vacated. The vacancy shall be declared
1688 by the board of supervisors and the vacancy shall be filled in the
1689 manner described by law. Prior to declaring the office vacant,
1690 the board of supervisors shall give the election commissioner
1691 notice and the opportunity for a hearing.

1692 (6) In the first meeting in January of each year, the county
1693 election commissioners shall organize by electing a chairman and a
1694 secretary, who shall serve a one (1) year term. The county
1695 election commissioners shall provide the names of the chairman and
1696 secretary to the Secretary of State and provide notice of any
1697 change in officers which may occur during the year.

1698 (7) It shall be the duty of the chairman to have the
1699 official ballot printed and distributed at each general or special
1700 election.

1701 **SECTION 41.** Section 23-15-215, Mississippi Code of 1972, is
1702 amended as follows:

1703 23-15-215. If there shall not be election
1704 commissioners * * * in any county, or if they fail to act, the
1705 duties prescribed for them shall be performed by the board of
1706 supervisors. In such case, the president of the board is charged
1707 with the duty of having the official ballot printed and



1708 distributed; and the poll managers * * * shall make returns to the
1709 board, which shall canvass the returns, give certificates of
1710 election, and make report to the Secretary of State, in like
1711 manner as the election commissioners * * * are required to do.

1712 **SECTION 42.** Section 23-15-217, Mississippi Code of 1972, is
1713 amended as follows:

1714 23-15-217. (1) * * * An election commissioner * * * of any
1715 county may be a candidate for any other office at any election
1716 held or to be held during the four-year term for which he or she
1717 has been elected to the office of election commissioner * * *;
1718 provided that he or she has resigned from the office of election
1719 commissioner before he or she * * * files to qualify for the
1720 office which he or she desires to seek. The clerk for the board
1721 of supervisors must have actually received the resignation for it
1722 to be deemed submitted.

1723 (2) In any case involving the election of a county election
1724 commissioner wherein there is a contest of any nature, including,
1725 but not limited to, the right of any person to vote or the
1726 counting of any challenge ballot, all the duties and powers of the
1727 commission in connection with said contest shall be performed by
1728 the board of supervisors, as is contemplated by Section 23-15-215
1729 in cases where there are no election commissioners * * * in the
1730 county.

1731 **SECTION 43.** Section 23-15-219, Mississippi Code of 1972, is
1732 amended as follows:



1733 23-15-219. (1) The board of election commissioners is
1734 hereby authorized and empowered to employ and set or determine the
1735 duties of and determine the compensation of such investigators,
1736 legal counsel, secretaries, technical advisors and any other
1737 employees or persons who or which said board or a majority thereof
1738 may deem necessary to enable them to discharge the duties and
1739 obligations presently or hereafter vested in them. However,
1740 before employing such persons or setting or determining said
1741 compensation, the election commissioners must first have the
1742 approval of the board of supervisors of the county.

1743 (2) The board of supervisors of the county is authorized and
1744 empowered to pay out of the general fund of the county the
1745 salaries and necessary traveling and subsistence expenses of * * *
1746 the employees of * * * the board of election commissioners in such
1747 amounts as may be mutually agreed upon by the * * * board of
1748 supervisors and * * * board of election commissioners, but which
1749 shall be computed on the same basis allowed to state employees
1750 when traveling on state business. All expense accounts of * * *
1751 the employees of * * * the board of election commissioners shall
1752 be approved by * * * the board of election commissioners and * * *
1753 the board of supervisors or, in the discretion of each of * * *
1754 the boards, by one (1) of the members of each of * * * the boards
1755 duly authorized by the respective boards to approve or
1756 disapprove * * * the subsistence, traveling and mileage expense
1757 accounts.



1758 (3) Nothing in this section shall be construed to prohibit a
1759 person who holds the office of election commissioner * * * from
1760 being employed and receiving compensation pursuant to this
1761 section. Any compensation which such a person may receive from
1762 his employment pursuant to this section shall be in addition to
1763 any compensation such person may receive in performing his duties
1764 as * * * an election commissioner * * *.

1765 **SECTION 44.** Section 23-15-221, Mississippi Code of 1972, is
1766 amended as follows:

1767 23-15-221. (1) The governing authorities of municipalities
1768 having a population of less than twenty thousand (20,000)
1769 inhabitants according to the last federal decennial census shall
1770 appoint three (3) election commissioners; the governing
1771 authorities of municipalities having a population of twenty
1772 thousand (20,000) inhabitants or more and less than one hundred
1773 thousand (100,000) inhabitants according to the last federal
1774 decennial census shall appoint five (5) election commissioners;
1775 and the governing authorities of municipalities having a
1776 population of one hundred thousand (100,000) or more according to
1777 the last federal decennial census shall appoint seven (7) election
1778 commissioners. * * * The municipal election commissioners, in
1779 conjunction with the municipal clerk, shall perform all the duties
1780 in respect to the municipal election prescribed by law to be
1781 performed by the county election commissioners where not otherwise
1782 provided. The * * * election commissioners shall, in case there



1783 be but one (1) election precinct in the municipality, act as * * *
1784 poll managers themselves.

1785 (2) The city council or board of aldermen or other governing
1786 authority of any municipality desiring to avail itself of the
1787 provisions of the Mississippi Election Code regarding the duties
1788 of municipal election commissioners shall adopt an ordinance
1789 declaring its intention to enter into an agreement with the
1790 municipality's county to have the county election commissioners
1791 conduct municipal elections and other functions that are performed
1792 by municipal election commissioners for the benefit of the
1793 efficiency and conformity of elections, to be effective on and
1794 after a date fixed in the ordinance which must be at least thirty
1795 (30) days after the ordinance is adopted and on the first day of a
1796 month. If the municipality is located in more than one county,
1797 the municipality shall choose which county it wants to conduct its
1798 elections and other duties of its municipal election commissioners
1799 and enter into an agreement with that county to have that county's
1800 election commissioners conduct the municipal elections and other
1801 functions that are performed by municipal election commissioners
1802 for the benefit of the efficiency and conformity of elections, to
1803 be effective on and after a date fixed in the ordinance which must
1804 be at least thirty (30) days after the ordinance is adopted and on
1805 the first day of a month. A certified copy of this ordinance
1806 shall be immediately forwarded to the Chairman of the State Board
1807 of Election Commissioners. The municipal authorities shall have a



1808 copy of the ordinance published once a week for three (3)
1809 consecutive weeks in at least one (1) newspaper published in the
1810 municipality and having a general circulation therein. The first
1811 publication shall be not less than twenty-eight (28) days before
1812 the effective date fixed in such ordinance, and the last
1813 publication shall be made not less than seven (7) days before such
1814 date. If no newspaper is published in the municipality, then
1815 notice shall be given by publishing the ordinance for the required
1816 time in some newspaper published in the same or an adjoining
1817 county having a general circulation in the municipality. A copy
1818 of the ordinance shall also be posted at three (3) public places
1819 in the municipality for a period of at least twenty-one (21) days
1820 during the time of its publication in a newspaper. The
1821 publication of the ordinance may be made as provided in Section
1822 21-17-19. Proof of publication must also be furnished to the
1823 Chairman of the State Board of Election Commissioners.

1824 (3) If a city council or board of aldermen or other
1825 governing authority of any municipality adopt an ordinance to
1826 abolish municipal election commissioners in the municipality's
1827 county and authorize county election commissioners to conduct the
1828 municipal election commissioners duties, the county election
1829 commissioners shall conduct all of the duties of the municipal
1830 election commissioners including, but not limited to:

1831 (a) Canvass the results of bond elections in a
1832 municipality;



1833 (b) Canvass the returns of special and general
1834 elections for mayor and councilman and within five (5) days after
1835 such special or general election, deliver to each person receiving
1836 the highest number of votes a certificate of election;

1837 (c) Certify to the Secretary of State the name or names
1838 of the person or persons elected at special and general elections
1839 within ten (10) days after any special or general election;

1840 (d) Revise the primary pollbooks for municipalities at
1841 the time and in the manner and in accordance with the laws now
1842 fixed and in force for revising pollbooks, except they shall not
1843 remove from the pollbook any person who is qualified to
1844 participate in primary elections;

1845 (e) Print the pollbooks that are to be used in
1846 municipal elections;

1847 (f) Print and distribute the "official ballots";

1848 (g) Perform the duties of poll managers in the event
1849 there is only one (1) election precinct in the municipality;

1850 (h) Perform any of the duties required of the municipal
1851 executive committee pursuant to Section 23-15-239 if the municipal
1852 executive committee has entered into a written agreement with the
1853 municipal clerk or the municipal or county election commission
1854 that gives such authorization;

1855 (i) Determine whether each party candidate in the
1856 municipal general election is a qualified elector of the
1857 municipality, and of the ward if the office sought is a ward



1858 office, whether each candidate either meets all other
1859 qualifications to hold the office he or she is seeking or presents
1860 absolute proof that he or she will, subject to no contingencies,
1861 meet all qualifications on or before the date of the general or
1862 special election at which he or she could be elected to office,
1863 and whether any candidate has been convicted of any felony in a
1864 court of this state, or has been convicted on or after December 8,
1865 1992, of any offense in another state which is a felony under the
1866 laws of this state, or has been convicted of any felony in a
1867 federal court on or after December 8, 1992;

1868 (j) Declare each candidate elected without opposition,
1869 if the candidate meets all the qualifications to hold the office
1870 as determined pursuant to a review by the commission in accordance
1871 with the provisions of subparagraph (i) of this subsection (2);

1872 (k) Canvass the returns for municipal elections
1873 received from all voting precincts and within ten (10) days after
1874 such election, deliver to each person receiving the highest number
1875 of votes a certificate of election. If it shall appear that any
1876 two (2) or more of the candidates receiving the highest number of
1877 votes shall have received an equal number of votes, the election
1878 shall be decided by the toss of a coin or by lot, fairly and
1879 publicly drawn by the election commissioners.

1880 (l) Transmit the statement provided in Section
1881 23-15-611 to the Secretary of State certifying the name or names



1882 of the person or persons elected at municipal elections, and such
1883 person or persons shall be issued commissions by the Governor.

1884 (m) Perform the duties required to be performed to
1885 comply with the provisions of absentee ballots and absentee
1886 voting;

1887 (n) Receiving the filed document by any person desiring
1888 to contest the qualifications of another person who has qualified
1889 pursuant to the provisions of Section 23-15-361 as a candidate for
1890 municipal office elected on the date designated by law for regular
1891 municipal elections that specifically sets forth the grounds of
1892 the challenge no later than thirty-one (31) days after the date of
1893 the first primary election set forth in Section 23-15-309; and

1894 (o) Perform all other duties with respect to the
1895 municipal election prescribed by law.

1896 (4) If the city council or board of aldermen or other
1897 governing authority of any municipality do not desire to avail
1898 itself of the provisions of the Mississippi Election Code
1899 regarding the duties of municipal election commissioners, then
1900 nothing in this section shall be construed in any way to affect,
1901 alter or modify the existence of those municipal election
1902 commissioners now operating under the laws relating to municipal
1903 election commissioners provided in Mississippi Code of 1972.
1904 Those municipalities shall continue to enjoy the form of election
1905 commissions and the conduct of the respective elections that are
1906 now enjoyed by them, and each shall be possessed of all rights,



1907 powers, privileges and immunities granted and conferred under the
1908 laws relating to municipal election commissioners provided in
1909 Mississippi Code of 1972.

1910 **SECTION 45.** Section 23-15-223, Mississippi Code of 1972, is
1911 amended as follows:

1912 23-15-223. (1) The State Board of Election Commissioners,
1913 on or before the fifteenth day of February succeeding each general
1914 election, shall appoint in the several counties registrars of
1915 elections, who shall hold office for four (4) years and until
1916 their successors shall be duly qualified. The county registrar
1917 shall be the clerk of the circuit court, unless the State Board of
1918 Election Commissioners finds the circuit clerk to be an improper
1919 person to register the names of the electors in the county. The
1920 State Board of Election Commissioners shall draft rules and
1921 regulations to provide for notice and hearing before removal of
1922 the circuit clerk, if notice and a hearing is practicable under
1923 the circumstances.

1924 (2) The county registrar is empowered to appoint deputy
1925 registrars, with the consent of the board of election
1926 commissioners, who may discharge the duties of the registrar.

1927 The clerk of every municipality shall be appointed as such a
1928 deputy registrar, as contemplated by the National Voter
1929 Registration Act (NVRA).



1930 (3) The county registrar * * * shall not be held liable for
1931 any malfeasance or nonfeasance in office by any deputy registrar
1932 who is a deputy registrar by virtue of his office.

1933 (4) The Secretary of State, in conjunction with the State
1934 Board of Community and Junior Colleges, has developed and made
1935 available online the following computer training courses a
1936 computer skills training course for all newly appointed registrars
1937 that shall be completed within one hundred eighty (180) days of
1938 the commencement of their term of office.

1939 **SECTION 46.** Section 23-15-225, Mississippi Code of 1972, is
1940 amended as follows:

1941 23-15-225. (1) The registrar shall be entitled to such
1942 compensation, payable monthly out of the county treasury, which
1943 the board of supervisors of the county shall allow on an annual
1944 basis in the following amounts:

1945 (a) For counties with a total population of more than
1946 two hundred thousand (200,000), an amount not to exceed
1947 Twenty-nine Thousand Nine Hundred Dollars (\$29,900.00), but not
1948 less than Nine Thousand Two Hundred Dollars (\$9,200.00).

1949 (b) For counties with a total population of more than
1950 one hundred thousand (100,000) and not more than two hundred
1951 thousand (200,000), an amount not to exceed Twenty-five Thousand
1952 Three Hundred Dollars (\$25,300.00), but not less than Nine
1953 Thousand Two Hundred Dollars (\$9,200.00).



1954 (c) For counties with a total population of more than
1955 fifty thousand (50,000) and not more than one hundred thousand
1956 (100,000), an amount not to exceed Twenty-three Thousand Dollars
1957 (\$23,000.00), but not less than Nine Thousand Two Hundred Dollars
1958 (\$9,200.00).

1959 (d) For counties with a total population of more than
1960 thirty-five thousand (35,000) and not more than fifty thousand
1961 (50,000), an amount not to exceed Twenty Thousand Seven Hundred
1962 Dollars (\$20,700.00), but not less than Nine Thousand Two Hundred
1963 Dollars (\$9,200.00).

1964 (e) For counties with a total population of more than
1965 twenty-five thousand (25,000) and not more than thirty-five
1966 thousand (35,000), an amount not to exceed Eighteen Thousand Four
1967 Hundred Dollars (\$18,400.00), but not less than Nine Thousand Two
1968 Hundred Dollars (\$9,200.00).

1969 (f) For counties with a total population of more than
1970 fifteen thousand (15,000) and not more than twenty-five thousand
1971 (25,000), an amount not to exceed Sixteen Thousand One Hundred
1972 Dollars (\$16,100.00), but not less than Nine Thousand Two Hundred
1973 Dollars (\$9,200.00).

1974 (g) For counties with a total population of more than
1975 ten thousand (10,000) and not more than fifteen thousand (15,000),
1976 an amount not to exceed Thirteen Thousand Eight Hundred Dollars
1977 (\$13,800.00), but not less than Eight Thousand Fifty Dollars
1978 (\$8,050.00).



1979 (h) For counties with a total population of more than
1980 six thousand (6,000) and not more than ten thousand (10,000), an
1981 amount not to exceed Eleven Thousand Five Hundred Dollars
1982 (\$11,500.00), but not less than Eight Thousand Fifty Dollars
1983 (\$8,050.00).

1984 (i) For counties with a total population of not more
1985 than six thousand (6,000), an amount not to exceed Nine Thousand
1986 Two Hundred Dollars (\$9,200.00) but not less than Six Thousand
1987 Three Hundred Twenty-five Dollars (\$6,325.00).

1988 (j) For counties having two (2) judicial districts, the
1989 board of supervisors of the county may allow, in addition to the
1990 sums prescribed herein, in its discretion, an amount not to exceed
1991 Eleven Thousand Five Hundred Dollars (\$11,500.00).

1992 (2) In the event of a reregistration within such county, or
1993 a redistricting which necessitates the hiring of additional deputy
1994 registrars, the board of supervisors may by contract compensate
1995 the county registrar amounts in addition to the sums prescribed
1996 herein, in its discretion.

1997 (3) As compensation for their services in assisting the
1998 county election commissioners in performance of their duties in
1999 the revision of the * * * voter roll as electronically maintained
2000 by the Statewide Elections Management System and in assisting the
2001 election commissioners, executive committees or boards of
2002 supervisors in connection with any election, the registrar shall
2003 receive the same daily per diem and limitation on meeting days as



2004 provided for the board of election commissioners as set out in
2005 Sections 23-15-153 and 23-15-227 to be paid from the general fund
2006 of the county.

2007 (4) In any case where an amount has been allowed by the
2008 board of supervisors pursuant to this section, such amount shall
2009 not be reduced or terminated during the term for which the
2010 registrar was elected.

2011 (5) The circuit clerk shall, in addition to any other
2012 compensation provided for by law, be entitled to receive as
2013 compensation from the board of supervisors the amount of Two
2014 Thousand Five Hundred Dollars (\$2,500.00) per year. This payment
2015 shall be for the performance of his duties in regard to the
2016 conduct of elections and the performance of his other duties.

2017 (6) The municipal clerk shall, in addition to any other
2018 compensation for performance of duties, be eligible to receive as
2019 compensation from the municipality's governing authorities a
2020 reasonable amount of additional compensation for reimbursement of
2021 costs and for additional duties associated with mail-in
2022 registration of voters.

2023 (7) The board of supervisors shall not allow any additional
2024 compensation authorized under this section for services as county
2025 registrar to any circuit clerk who is receiving fees as
2026 compensation for his services equal to the limitation on
2027 compensation prescribed in Section 9-1-43.



2028 **SECTION 47.** Section 23-15-227, Mississippi Code of 1972, is
2029 amended as follows:

2030 23-15-227. (1) The poll managers * * * shall be each
2031 entitled to Seventy-five Dollars (\$75.00) for each election;
2032 however, the board of supervisors may, in its discretion, pay the
2033 poll managers * * * an additional amount not to exceed Fifty
2034 Dollars (\$50.00) per election.

2035 (2) The poll manager or other person who shall carry to the
2036 place of voting, away from the courthouse, the official ballots,
2037 ballot boxes, pollbooks and other necessities, shall be allowed
2038 Ten Dollars (\$10.00) for each voting precinct for so doing. The
2039 manager or other person who acts as returning officer shall be
2040 allowed Ten Dollars (\$10.00) for each voting precinct for that
2041 service. If a person who performs the duties described in this
2042 subsection utilizes a privately owned motor vehicle to perform
2043 them, he or she shall receive for each mile actually and
2044 necessarily traveled in excess of ten (10) miles, the mileage
2045 reimbursement rate allowable to federal employees for the use of a
2046 privately owned vehicle while on official travel.

2047 (3) The compensation authorized in this section shall be
2048 allowed by the board of supervisors, and shall be payable out of
2049 the county treasury.

2050 (4) The compensation provided in this section shall
2051 constitute payment in full for the services rendered by the
2052 persons named for any election, whether there be one (1) election



2053 or issue voted upon, or more than one (1) election or issue voted
2054 upon at the same time.

2055 **SECTION 48.** Section 23-15-229, Mississippi Code of 1972, is
2056 amended as follows:

2057 23-15-229. The compensation for * * * poll managers and
2058 other workers in the polling places of a municipality shall be the
2059 same as the compensation paid by the county for such services;
2060 provided, however, that the governing authorities of a
2061 municipality shall not be required to pay any additional
2062 compensation authorized by the board of supervisors. The
2063 governing authorities of a municipality may, in their discretion,
2064 pay clerks and poll managers in the polling places of the
2065 municipality an additional amount of compensation not to exceed
2066 Twenty-five Dollars (\$25.00) per election.

2067 **SECTION 49.** Section 23-15-231, Mississippi Code of 1972, is
2068 amended as follows:

2069 23-15-231. Prior to every election, the election
2070 commissioners * * * shall appoint three (3) persons for each
2071 voting precinct to be poll managers * * *, one (1) of whom shall
2072 be designated by the election commissioners * * * as election
2073 bailiff. * * * For general and special elections, the poll
2074 managers shall not all be of the same political party if suitable
2075 persons of different political parties can be found in the
2076 district. If any person appointed shall fail to attend and serve,
2077 the managers present, if any, may designate someone to fill his



2078 place; and if the election commissioners * * * fail to make the
2079 appointments or in case of the failure of all those appointed to
2080 attend and serve, any three (3) qualified electors present when
2081 the polls should be opened may act as poll managers. Provided,
2082 however, any person appointed to be poll manager or act as poll
2083 manager shall be a qualified elector of the county in which the
2084 polling place is located.

2085 **SECTION 50.** Section 23-15-233, Mississippi Code of 1972, is
2086 amended as follows:

2087 23-15-233. The poll managers shall take care that the
2088 election is conducted fairly and agreeably to law, and they shall
2089 be judges of the qualifications of electors, and may examine, on
2090 oath, any person duly registered and offering to vote touching his
2091 qualifications as an elector, which oath any of the poll managers
2092 may administer.

2093 **SECTION 51.** Section 23-15-235, Mississippi Code of 1972, is
2094 amended as follows:

2095 23-15-235. In addition to the poll managers appointed
2096 pursuant to Section 23-15-231, for the first five hundred (500)
2097 registered voters in each voting precinct, the election
2098 commissioners * * * may, in their discretion, appoint not more
2099 than three (3) persons to serve as poll managers * * * of the
2100 election. The election commissioners * * * may, in their
2101 discretion, appoint three (3) additional persons to serve as * * *
2102 poll managers for each one thousand (1,000) registered voters or



2103 fraction thereof in each voting precinct above the first five
2104 hundred (500), not to exceed six (6) additional poll managers
2105 under this section. Any person appointed as * * * poll manager
2106 shall be a qualified elector of the county in which the voting
2107 precinct is located.

2108 * * *

2109 **SECTION 52.** Section 23-15-237, Mississippi Code of 1972, is
2110 amended as follows:

2111 23-15-237. The poll managers * * * shall be sworn by some
2112 officer present competent to administer oaths, or each may be
2113 sworn by one of the others, faithfully to perform their duties at
2114 the election according to law, and not to attempt to guide, aid,
2115 direct or influence any voter in the exercise of his right to
2116 vote, except as expressly allowed by law. The oath required by
2117 this section shall be recorded in the receipt book and signed by
2118 each manager.

2119 **SECTION 53.** Section 23-15-239, Mississippi Code of 1972, is
2120 amended as follows:

2121 **[Until January 1, 2020, this section shall read as follows:]**

2122 23-15-239. (1) * * * The executive committee of each
2123 county, in the case of a primary election, or the election
2124 commissioners * * * of each county, in the case of all other
2125 elections, in conjunction with the circuit clerk, shall, in the
2126 years in which counties conduct an election, sponsor and conduct,
2127 not less than five (5) days prior to each election, not less than



2128 four (4) hours and not more than eight (8) hours of poll manager
2129 training * * * to instruct poll managers as to their duties in the
2130 proper administration of the election and the operation of the
2131 polling place. Any poll manager who completes the online training
2132 course provided by the Secretary of State's office shall only be
2133 required to complete two (2) hours of in-person poll manager
2134 training. No poll manager shall serve in any election unless he
2135 has received such instructions once during the twelve (12) months
2136 immediately preceding the date upon which such election is held;
2137 however, nothing in this section shall prevent the appointment of
2138 an alternate manager to fill a vacancy in case of an emergency.
2139 The county executive committee or the election
2140 commissioners * * *, as appropriate, shall train a sufficient
2141 number of alternates to serve in the event a poll manager is
2142 unable to serve for any reason.

2143 * * *

2144 (2) (a) If it is eligible under Section 23-15-266, the
2145 county executive committee may enter into a written agreement with
2146 the circuit clerk or the county election commission authorizing
2147 the circuit clerk or the county election commission to perform any
2148 of the duties required of the county executive committee pursuant
2149 to this section. Any agreement entered into pursuant to this
2150 subsection shall be signed by the chairman of the county executive
2151 committee and the circuit clerk or the chairman of the county
2152 election commission, as appropriate. The county executive



2153 committee shall notify the state executive committee and the
2154 Secretary of State of the existence of such agreement.

2155 (b) If it is eligible under Section 23-15-266, the
2156 municipal executive committee may enter into a written agreement
2157 with the municipal clerk or the municipal election commission
2158 authorizing the municipal clerk or the municipal election
2159 commission to perform any of the duties required of the municipal
2160 executive committee pursuant to this section. Any agreement
2161 entered into pursuant to this subsection shall be signed by the
2162 chairman of the municipal executive committee and the municipal
2163 clerk or the chairman of the municipal election commission, as
2164 appropriate. The municipal executive committee shall notify the
2165 state executive committee and the Secretary of State of the
2166 existence of such agreement.

2167 (3) The board of supervisors, in their discretion, may
2168 compensate poll managers who attend such training sessions. The
2169 compensation shall be at a rate of not less than the federal
2170 hourly minimum wage nor more than Twelve Dollars (\$12.00) per
2171 hour. Poll managers shall not be compensated for more than
2172 sixteen (16) hours of attendance at the training sessions
2173 regardless of the actual amount of time that they attended the
2174 training sessions.

2175 (4) The time and location of the training sessions required
2176 pursuant to this section shall be announced to the general public
2177 by posting a notice thereof at the courthouse and by delivering a



2178 copy of the notice to the office of a newspaper having general
2179 circulation in the county five (5) days before the date upon which
2180 the training session is to be conducted. Persons who will serve
2181 as poll watchers for candidates and political parties, as well as
2182 members of the general public, shall be allowed to attend the
2183 sessions.

2184 (5) Subject to the following annual limitations, the
2185 election commissioners * * * shall be entitled to receive a per
2186 diem in the amount of Eighty-four Dollars (\$84.00), to be paid
2187 from the county general fund, for every day or period of no less
2188 than five (5) hours accumulated over two (2) or more days actually
2189 employed in the performance of their duties for the necessary time
2190 spent in conducting training sessions as required by this section:

2191 (a) In counties having less than fifteen thousand
2192 (15,000) residents according to the latest federal decennial
2193 census, not more than five (5) days per year;

2194 (b) In counties having fifteen thousand (15,000)
2195 residents according to the latest federal decennial census but
2196 less than thirty thousand (30,000) residents according to the
2197 latest federal decennial census, not more than eight (8) days per
2198 year;

2199 (c) In counties having thirty thousand (30,000)
2200 residents according to the latest federal decennial census but
2201 less than seventy thousand (70,000) residents according to the



2202 latest federal decennial census, not more than ten (10) days per
2203 year;

2204 (d) In counties having seventy thousand (70,000)
2205 residents according to the latest federal decennial census but
2206 less than ninety thousand (90,000) residents according to the
2207 latest federal decennial census, not more than twelve (12) days
2208 per year;

2209 (e) In counties having ninety thousand (90,000)
2210 residents according to the latest federal decennial census but
2211 less than one hundred seventy thousand (170,000) residents
2212 according to the latest federal decennial census, not more than
2213 fifteen (15) days per year;

2214 (f) In counties having one hundred seventy thousand
2215 (170,000) residents according to the latest federal decennial
2216 census but less than two hundred thousand (200,000) residents
2217 according to the latest federal decennial census, not more than
2218 eighteen (18) days per year;

2219 (g) In counties having two hundred thousand (200,000)
2220 residents according to the latest federal decennial census but
2221 less than two hundred twenty-five thousand (225,000) residents
2222 according to the latest federal decennial census, not more than
2223 nineteen (19) days per year;

2224 (h) In counties having two hundred twenty-five thousand
2225 (225,000) residents or more according to the latest federal



2226 decennial census * * *, not more than twenty-two (22) days per
2227 year;

2228 * * *

2229 (6) Election commissioners * * * shall claim the per diem
2230 authorized in subsection (5) of this section in the manner
2231 provided for in Section 23-15-153(6).

2232 (7) (a) To provide poll manager training, the Secretary of
2233 State has developed a single, comprehensive poll manager training
2234 program to ensure uniform, secure elections throughout the state.
2235 The program includes online training on all state and federal
2236 election laws and procedures and voting machine opening and
2237 closing procedures.

2238 (b) County election commissioners shall designate no
2239 more than two (2) poll managers per precinct, who shall
2240 individually access and complete the online training program,
2241 inclusive of all skills assessments, at least five (5) days prior
2242 to an election. Such poll managers shall be defined as "certified
2243 poll managers," entitling them to a "Certificate of Completion"
2244 and compensation for the successful completion of the training and
2245 skills assessment in the amount of Twenty-five Dollars (\$25.00)
2246 payable from the Help Mississippi Vote Fund. Compensation to any
2247 poll manager under this section shall not exceed Twenty-five
2248 Dollars (\$25.00) per calendar year.

2249 (c) Beginning with every election held after January 1,
2250 2018, at least one (1) certified poll manager shall be appointed



2251 by the county election officials to work in each polling place in
2252 the county during each general election.

2253 **[From and after January 1, 2020, this section shall read as**
2254 **follows:]**

2255 23-15-239. (1) * * * The executive committee of each
2256 county, in the case of a primary election, or the election
2257 commissioners * * * of each county, in the case of all other
2258 elections, in conjunction with the circuit clerk, shall, in the
2259 years in which counties conduct an election, sponsor and conduct,
2260 not less than five (5) days prior to each election, not less than
2261 four (4) hours and not more than eight (8) hours of poll manager
2262 training * * * to instruct poll managers as to their duties in the
2263 proper administration of the election and the operation of the
2264 polling place. Any poll manager who completes the online training
2265 courses provided by the Secretary of State's office shall only be
2266 required to complete two (2) hours of in-person poll manager
2267 training. No poll manager shall serve in any election unless he
2268 has received such instructions once during the twelve (12) months
2269 immediately preceding the date upon which such election is held;
2270 however, nothing in this section shall prevent the appointment of
2271 an alternate manager to fill a vacancy in case of an emergency.
2272 The county executive committee or the election
2273 commissioners * * *, as appropriate, shall train a sufficient
2274 number of alternates to serve in the event a poll manager is
2275 unable to serve for any reason.



2276 * * *

2277 (2) (a) If it is eligible under Section 23-15-266, the
2278 county executive committee may enter into a written agreement with
2279 the circuit clerk or the county election commission authorizing
2280 the circuit clerk or the county election commission to perform any
2281 of the duties required of the county executive committee pursuant
2282 to this section. Any agreement entered into pursuant to this
2283 subsection shall be signed by the chairman of the county executive
2284 committee and the circuit clerk or the chairman of the county
2285 election commission, as appropriate. The county executive
2286 committee shall notify the state executive committee and the
2287 Secretary of State of the existence of such agreement.

2288 (b) If it is eligible under Section 23-15-266, the
2289 municipal executive committee may enter into a written agreement
2290 with the municipal clerk or the municipal election commission
2291 authorizing the municipal clerk or the municipal election
2292 commission to perform any of the duties required of the municipal
2293 executive committee pursuant to this section. Any agreement
2294 entered into pursuant to this subsection shall be signed by the
2295 chairman of the municipal executive committee and the municipal
2296 clerk or the chairman of the municipal election commission, as
2297 appropriate. The municipal executive committee shall notify the
2298 state executive committee and the Secretary of State of the
2299 existence of such agreement.



2300 (3) The board of supervisors, in their discretion, may
2301 compensate poll managers who attend such training sessions. The
2302 compensation shall be at a rate of not less than the federal
2303 hourly minimum wage nor more than Twelve Dollars (\$12.00) per
2304 hour. Poll managers shall not be compensated for more than
2305 sixteen (16) hours of attendance at the training sessions
2306 regardless of the actual amount of time that they attended the
2307 training sessions.

2308 (4) The time and location of the training sessions required
2309 pursuant to this section shall be announced to the general public
2310 by posting a notice thereof at the courthouse and by delivering a
2311 copy of the notice to the office of a newspaper having general
2312 circulation in the county five (5) days before the date upon which
2313 the training session is to be conducted. Persons who will serve
2314 as poll watchers for candidates and political parties, as well as
2315 members of the general public, shall be allowed to attend the
2316 sessions.

2317 (5) Subject to the following annual limitations, the
2318 election commissioners * * * shall be entitled to receive a per
2319 diem in the amount of Eighty-four Dollars (\$84.00), to be paid
2320 from the county general fund, for every day or period of no less
2321 than five (5) hours accumulated over two (2) or more days actually
2322 employed in the performance of their duties for the necessary time
2323 spent in conducting training sessions as required by this section:



2324 (a) In counties having less than fifteen thousand
2325 (15,000) residents according to the latest federal decennial
2326 census, not more than five (5) days per year;

2327 (b) In counties having fifteen thousand (15,000)
2328 residents according to the latest federal decennial census but
2329 less than thirty thousand (30,000) residents according to the
2330 latest federal decennial census, not more than eight (8) days per
2331 year;

2332 (c) In counties having thirty thousand (30,000)
2333 residents according to the latest federal decennial census but
2334 less than seventy thousand (70,000) residents according to the
2335 latest federal decennial census, not more than ten (10) days per
2336 year;

2337 (d) In counties having seventy thousand (70,000)
2338 residents according to the latest federal decennial census but
2339 less than ninety thousand (90,000) residents according to the
2340 latest federal decennial census, not more than twelve (12) days
2341 per year;

2342 (e) In counties having ninety thousand (90,000)
2343 residents according to the latest federal decennial census but
2344 less than one hundred seventy thousand (170,000) residents
2345 according to the latest federal decennial census, not more than
2346 fifteen (15) days per year;

2347 (f) In counties having one hundred seventy thousand
2348 (170,000) residents according to the latest federal decennial



2349 census but less than two hundred thousand (200,000) residents
2350 according to the latest federal decennial census, not more than
2351 eighteen (18) days per year;

2352 (g) In counties having two hundred thousand (200,000)
2353 residents according to the latest federal decennial census but
2354 less than two hundred twenty-five thousand (225,000) residents
2355 according to the latest federal decennial census, not more than
2356 nineteen (19) days per year;

2357 (h) In counties having two hundred twenty-five thousand
2358 (225,000) residents or more according to the latest federal
2359 decennial census * * *, not more than twenty-two (22) days per
2360 year;

2361 * * *

2362 (6) Election commissioners * * * shall claim the per diem
2363 authorized in subsection (5) of this section in the manner
2364 provided for in Section 23-15-153(6).

2365 (7) (a) To provide poll manager training, the Secretary of
2366 State has developed a single, comprehensive poll manager training
2367 program to ensure uniform, secure elections throughout the state.
2368 The program includes online training on all state and federal
2369 election laws and procedures and voting machine opening and
2370 closing procedures.

2371 (b) County poll managers who individually access and
2372 complete the online training program, inclusive of all skills
2373 assessments, at least five (5) days prior to an election shall be



2374 defined as "certified poll manager," entitling them to a
2375 "Certificate of Completion."

2376 (c) At least one (1) certified poll manager shall be
2377 appointed by county election officials to work in each polling
2378 place in the county during each general election.

2379 **SECTION 54.** Section 23-15-240, Mississippi Code of 1972, is
2380 amended as follows:

2381 23-15-240. (1) The officials in charge of the election in a
2382 county or municipality may, in their discretion, appoint not more
2383 than two (2) students for each precinct to serve as student
2384 interns during elections. To be appointed a student intern a
2385 student must:

2386 (a) Be recommended by a principal or other school
2387 official, or the person responsible for the student's legitimate
2388 home instruction program;

2389 (b) Be at least sixteen (16) years of age at the time
2390 of the election for which the appointment is made;

2391 (c) Be a resident of the county or municipality for
2392 which the appointment is made;

2393 (d) Be enrolled in a public high school, an accredited
2394 private high school or a legitimate home instruction program and
2395 be classified as a junior or senior or its equivalent, or be
2396 enrolled in a junior college or a college or university; and



2397 (e) Meet any additional qualifications considered
2398 necessary by the officials in charge of the election in the county
2399 or municipality.

2400 (2) (a) The duties of the student interns appointed
2401 pursuant to this section shall be determined by the officials in
2402 charge of the election in the county or municipality; however,
2403 such duties shall not include:

2404 (i) Determining the qualifications of a voter in
2405 case a voter is challenged;

2406 (ii) The discharge of any duties related to
2407 affidavit ballots;

2408 (iii) The operation and maintenance of any voting
2409 equipment;

2410 (iv) Any duties normally assigned to a bailiff; or

2411 (v) The tallying of votes.

2412 (b) Student interns shall at all times be under the
2413 supervision of the poll managers * * * of the election while
2414 performing their duties at precincts.

2415 (3) Before performing any duties, student interns shall
2416 attend all required training for poll managers * * * of the county
2417 or municipality and any additional training considered necessary
2418 by the officials in charge of the election in the county or
2419 municipality.

2420 (4) As used in this section "officials in charge of the
2421 election" means the county or municipal executive committee, as



2422 appropriate, in primary elections and the county or municipal
2423 election commission, as appropriate, in all other elections.

2424 **SECTION 55.** Section 23-15-241, Mississippi Code of 1972, is
2425 amended as follows:

2426 23-15-241. The poll manager designated an election bailiff
2427 shall, in addition to his other duties, be present during the
2428 election to keep the peace and to protect the voting place, and to
2429 prevent improper intrusion upon the voting place or interference
2430 with the election, and to arrest all persons creating any
2431 disturbance about the voting place, and to enable all qualified
2432 electors who have not voted, and who desire to vote, to have
2433 unobstructed access to the polls for the purpose of voting when
2434 others are not voting.

2435 **SECTION 56.** Section 23-15-243, Mississippi Code of 1972, is
2436 amended as follows:

2437 23-15-243. If the election commissioners * * * fail to
2438 designate a poll manager as the bailiff, or if their designee
2439 fails to serve, the poll managers * * * may select an election
2440 bailiff from among their number.

2441 **SECTION 57.** Section 23-15-245, Mississippi Code of 1972, is
2442 amended as follows:

2443 23-15-245. It shall be the duty of the poll manager
2444 designated as bailiff to be present at the voting place, and to
2445 take such steps as will accomplish the purpose of his appointment,
2446 and he shall have full power to do so, and he may summon to his



2447 aid all persons present at the voting place. A space thirty (30)
2448 feet in every direction from the polls, or the room in which the
2449 election is held, shall be kept open and clear of all persons
2450 except election officials, individuals present to vote and
2451 credentialed poll watchers as defined by Section 23-15-577. * * *

2452 The electors shall approach the polls from one direction, line,
2453 door or passage, and depart in another as nearly opposite as
2454 convenient.

2455 **SECTION 58.** Section 23-15-247, Mississippi Code of 1972, is
2456 amended as follows:

2457 23-15-247. The election commissioners * * * in each county
2458 shall procure, if not already provided, a sufficient number of
2459 ballot boxes, which shall be distributed by them to the voting
2460 precincts of the county before the time for opening the polls. The
2461 boxes shall be * * * securely sealed from the opening of the polls
2462 on election day until the polls close on election day; * * * and
2463 the box shall be kept by one of the managers * * *, and the
2464 manager having the box shall carefully keep it, and neither * * *
2465 open it himself nor permit it to be * * * opened, nor permit any
2466 person to have any access to it * * * throughout the voting period
2467 during an election. The box shall not be removed from the polling
2468 building or place after the polls are opened until the polls close
2469 and the count is complete. * * * After each election the ballot
2470 boxes shall be delivered * * * to the clerk of the circuit court
2471 of the county for preservation; and he or she shall keep them for



2472 future use, and, when called for, deliver them to the election
2473 commissioners * * *.

2474 **SECTION 59.** Section 23-15-249, Mississippi Code of 1972, is
2475 amended as follows:

2476 23-15-249. The failure to distribute to the different voting
2477 places the pollbooks containing the alphabetical list of voters,
2478 or the ballot boxes provided for, shall not prevent the holding of
2479 an election, but in such case the poll managers shall proceed to
2480 hold the election without the books and ballot boxes, and shall
2481 provide some suitable substitute for the ballot boxes, and conform
2482 as nearly as possible to the law in the reception and disposition
2483 of the official ballots.

2484 **SECTION 60.** Section 23-15-251, Mississippi Code of 1972, is
2485 amended as follows:

2486 23-15-251. The election commissioners * * *, in appointing
2487 the poll managers of an election, shall designate one (1) of the
2488 poll managers at each voting place to receive and distribute the
2489 official ballots, and shall deliver to him the proper number of
2490 ballots * * * for his district not less than one (1) day before
2491 the election; and the poll manager receiving the ballots from the
2492 election commissioners shall distribute the same to the electors
2493 of his district in the manner herein provided. It shall be the
2494 duty of * * * the designated poll manager for service at a voting
2495 place other than the courthouse, to carry to the said voting
2496 place, on the day previous to the election, or before 6:00 a.m. on



2497 the morning of the election, the ballot box, the pollbook, the
2498 blank tally sheets, the blank forms to be used in making returns,
2499 the other necessary stationery and supplies and the official
2500 printed ballots aforesaid, and all of the same used and unused
2501 shall be returned by the designated poll manager * * * to the
2502 election commissioners * * * on the day next following the
2503 election.

2504 **SECTION 61.** Section 23-15-253, Mississippi Code of 1972, is
2505 amended as follows:

2506 23-15-253. The election commissioners * * * shall furnish to
2507 the poll managers at each voting place a sufficient quantity of
2508 stationery for use in holding the election, and also blank forms
2509 to be used in making returns of the election, including * * * the
2510 precinct opening and closing log, the election ballot account form
2511 and the electronic vote tally worksheet provided by the Secretary
2512 of State's office.

2513 **SECTION 62.** Section 23-15-255, Mississippi Code of 1972, is
2514 amended as follows:

2515 23-15-255. (1) The supervisor of each respective
2516 supervisors district shall provide at each election place a
2517 sufficient number of voting compartments, shelves and tables for
2518 the use of electors, which shall be so arranged that it will be
2519 impossible for a voter in one compartment to see another voter who
2520 is preparing his ballot. The number of voting compartments and



2521 shelves or tables shall not be less than one (1) to every two
2522 hundred (200) electors in the voting precinct. * * *

2523 (2) The poll managers of each precinct shall publicly post
2524 the following information at the precinct polling place on the day
2525 of any election:

2526 (a) A sample * * * ballot that will be used at the
2527 election;

2528 (b) * * * The hours during which the polling places
2529 will be open;

2530 (c) Instructions on how to vote, including how to cast
2531 a vote and how to cast an affidavit ballot;

2532 (d) Instruction for persons who have registered to vote
2533 by mail and first time voters, if appropriate;

2534 (e) General information on voting rights, including
2535 information on the right of an individual to cast an affidavit
2536 ballot and instructions on how to contact the appropriate
2537 officials if these rights are alleged to have been violated; and

2538 (f) The consequences under federal and state laws
2539 regarding fraud and misrepresentation * * *;

2540 (g) A list of voters in each polling place that have
2541 already cast an absentee ballot; and

2542 (h) The acceptable forms of photo identification that
2543 may be presented in the polling place.

2544 **SECTION 63.** Section 23-15-259, Mississippi Code of 1972, is
2545 amended as follows:



2546 23-15-259. The boards of supervisors of the several counties
2547 are authorized to allow compensation of the officers rendering
2548 services in matters of registration and elections, to provide
2549 ballot boxes, * * * voter rolls as maintained by the Statewide
2550 Elections Management System, and all other things required by law
2551 in registration and elections. * * * The boards are also
2552 authorized, by order spread upon the minutes of the board setting
2553 forth the cost and source of funds therefor, to allow such
2554 reasonable sum as may be expended in supplying voting
2555 compartments, tables or shelves for use at elections.

2556 * * *

2557 **SECTION 64.** Section 23-15-261, Mississippi Code of 1972, is
2558 amended as follows:

2559 23-15-261. The election commissioners * * * shall, after
2560 each election, make out a list of all persons who served as poll
2561 managers * * * at the election, designating for what service each
2562 is entitled to pay, certify to the correctness of the same, and
2563 file it with the clerk of the board of supervisors * * *. An
2564 allowance shall not be made to any such officer unless his service
2565 be so certified.

2566 **SECTION 65.** Section 23-15-265, Mississippi Code of 1972, is
2567 amended as follows:

2568 23-15-265. (1) The county executive committee of each
2569 county shall meet not less than two (2) weeks before the date of
2570 any primary election and appoint the poll managers * * * for same,



2571 all of whom may be members of the same political party. The
2572 number of poll managers * * * appointed by the county executive
2573 committee shall be the same number as election commissioners * * *
2574 are allowed to appoint pursuant to Sections 23-15-231 and
2575 23-15-235. If the county executive committee fails to meet on the
2576 date named, supra, further notice shall be given of the time and
2577 place of meeting.

2578 (2) (a) If it is eligible under Section 23-15-266, the
2579 county executive committee may enter into a written agreement with
2580 the circuit clerk or the county election commission authorizing
2581 the circuit clerk or the county election commission to perform any
2582 of the duties required of the county executive committee pursuant
2583 to this section. Any agreement entered into pursuant to this
2584 subsection shall be signed by the chairman of the county executive
2585 committee and the circuit clerk or the chairman of the county
2586 election commission, as appropriate. The county executive
2587 committee shall notify the state executive committee and the
2588 Secretary of State of the existence of such agreement.

2589 (b) If it is eligible under Section 23-15-266, the
2590 municipal executive committee may enter into a written agreement
2591 with the municipal clerk or the municipal election commission
2592 authorizing the municipal clerk or the municipal election
2593 commission to perform any of the duties required of the municipal
2594 executive committee pursuant to this section. Any agreement
2595 entered into pursuant to this subsection shall be signed by the



2596 chairman of the municipal executive committee and the municipal
2597 clerk or the chairman of the municipal election commission, as
2598 appropriate. The municipal executive committee shall notify the
2599 state executive committee and the Secretary of State of the
2600 existence of such agreement.

2601 **SECTION 66.** Section 23-15-267, Mississippi Code of 1972, is
2602 amended as follows:

2603 23-15-267. (1) The ballot boxes provided by the * * *
2604 election commissioners * * * in each county shall be used in
2605 primary elections, and the county executive committees shall
2606 distribute them to the voting precincts of the county before the
2607 time for opening the polls, in the same manner, as near as may be,
2608 as that provided for in general elections.

2609 (2) * * * The boxes shall be securely sealed and locked
2610 beginning from the start of voting on election day until the end
2611 of voting on election day; and the box shall be kept by one (1) of
2612 the poll managers, and the poll manager having the box shall
2613 carefully keep it, and neither open it himself nor permit it to be
2614 done, nor permit any person to have any access to it throughout
2615 voting during election day. The box shall not be removed from the
2616 polling * * * place after the polls are open until the polls close
2617 and the count is completed * * *.

2618 (3) After each election, the ballot boxes * * * shall be
2619 delivered * * * to the clerk of the circuit court of the county



2620 for preservation; and he shall keep them for future use, and, when
2621 called for, deliver them to the election commissioners.

2622 (4) (a) If it is eligible under Section 23-15-266, the
2623 county executive committee may enter into a written agreement with
2624 the circuit clerk or the county election commission authorizing
2625 the circuit clerk or the county election commission to perform any
2626 of the duties required of the county executive committee pursuant
2627 to this section. Any agreement entered into pursuant to this
2628 subsection shall be signed by the chairman of the county executive
2629 committee and the circuit clerk or the chairman of the county
2630 election commission, as appropriate. The county executive
2631 committee shall notify the State Executive Committee and the
2632 Secretary of State of the existence of such agreement.

2633 (b) If it is eligible under Section 23-15-266, the
2634 municipal executive committee may enter into a written agreement
2635 with the municipal clerk or the municipal election commission
2636 authorizing the municipal clerk or the municipal election
2637 commission to perform any of the duties required of the municipal
2638 executive committee pursuant to this section. Any agreement
2639 entered into pursuant to this subsection shall be signed by the
2640 chairman of the municipal executive committee and the municipal
2641 clerk or the chairman of the municipal election commission, as
2642 appropriate. The municipal executive committee shall notify the
2643 State Executive Committee and the Secretary of State of the
2644 existence of such agreement.



2645 (5) The person, or persons, whose duty it is to comply with
2646 the provisions of this section and who shall fail, or neglect,
2647 from any cause, to deliver said boxes or any of them as herein
2648 provided shall, upon conviction, be fined not less than Two
2649 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
2650 the residence of the person, or persons, who violates any of the
2651 provisions of this section, for a period of not less than thirty
2652 (30) days or more than six (6) months, and fined not more than
2653 Five Hundred Dollars (\$500.00).

2654 **SECTION 67.** Section 23-15-271, Mississippi Code of 1972, is
2655 amended as follows:

2656 23-15-271. (1) The state executive committee of any
2657 political party authorized to conduct political party primaries
2658 shall form an election integrity assurance committee for each
2659 congressional district. The state executive committee shall
2660 appoint three (3) of its members to each congressional district
2661 election integrity assurance committee. The members so appointed
2662 shall be residents of the congressional district for which the
2663 election integrity assurance committee is formed. The state
2664 executive committee shall name a chairman and a secretary from
2665 among the members of each committee. The state executive
2666 committee shall provide to each circuit and municipal clerk a list
2667 of the members of the congressional district integrity assurance
2668 committee for the congressional district in which the county or
2669 municipality of such clerk is located.



2670 (2) If within sixty (60) days of an election, * * * a county
2671 executive committee or a municipal executive committee fails to
2672 attend training or perform in a timely manner any of the duties
2673 specified in Sections 23-15-239, 23-15-265, 23-15-267, 23-15-333,
2674 23-15-335 and 23-15-597 and there is no written agreement in place
2675 between the county or municipal executive committee and the county
2676 or municipal election commission or the circuit or municipal clerk
2677 pursuant to such sections, or there is such an agreement in place
2678 and it is not being executed, the circuit or municipal clerk * * *
2679 shall notify the chairman and secretary of the congressional
2680 district election integrity assurance committee or the Chairman of
2681 the state executive committee of such failure and call upon them
2682 to take immediate and appropriate action to insure that such
2683 duties are performed in order to secure the orderly conduct of the
2684 primary. * * * Upon receiving the notice, the election integrity
2685 assurance committee shall be responsible for conducting any
2686 required training and shall be authorized to contract on behalf of
2687 the county or municipal executive committee with the county or
2688 municipal election commission or the circuit or municipal clerk
2689 for the conduct of the primary election.

2690 (3) Nothing in this section shall be construed to authorize
2691 the state executive committee or a congressional district election
2692 assurance committee to conduct primaries.

2693 **SECTION 68.** Section 23-15-281, Mississippi Code of 1972, is
2694 amended as follows:



2695 23-15-281. (1) Each county shall be divided into
2696 supervisors districts, which shall be the same as those for the
2697 election of members of the board of supervisors, and may be
2698 subdivided thereafter into voting precincts; and there shall be
2699 only one (1) voting place in each voting precinct * * *.
2700 Provided, however, that such boundaries, if altered, shall conform
2701 to visible natural or artificial boundaries such as streets,
2702 highways, railroads, rivers, lakes, bayous or other obvious lines
2703 of demarcation except county lines and municipal corporate limits.
2704 The board of supervisors * * * shall notify the Office of the
2705 Secretary of State of the boundary of each supervisors district
2706 and voting precinct as then fixed and shall provide said office a
2707 legal description and a map of each supervisors district and
2708 voting precinct and shall indicate the voting place in each such
2709 district. The board of supervisors shall also ensure the legal
2710 description and map of each supervisor's district is available in
2711 the circuit clerk's office for public inspection.

2712 (2) The board of supervisors is authorized, by order spread
2713 upon the minutes of the board setting forth the cost and source of
2714 funds therefor, to purchase improved or unimproved property and to
2715 construct, reconstruct, repair, renovate and maintain polling
2716 places, or to pay to private property owners reasonable rental
2717 fees when the property is used as a polling place for a period not
2718 to exceed the day immediately preceding the election, the day of
2719 the election, and the day immediately following the election. On



2720 or before May 1, 2017, the county board of supervisors shall
2721 ensure each polling place is accessible to all voters,
2722 structurally sound, capable of providing air conditioning and
2723 heating and compliant with the Americans with Disabilities Act.

2724 (3) All facilities owned or leased by the state, county,
2725 municipality, or school district may be made available at no cost
2726 to the board of supervisors for use as polling places to such
2727 extent as may be agreed to by the authority having control or
2728 custody of such facilities.

2729 **SECTION 69.** Section 23-15-283, Mississippi Code of 1972, is
2730 amended as follows:

2731 23-15-283. (1) The board of supervisors shall have power to
2732 alter the boundaries of the supervisors districts, voting
2733 precincts and the voting place therein. If the board of
2734 supervisors orders a change in the boundaries, they shall notify
2735 the election commissioners * * *, who shall at once cause
2736 the * * * voter rolls as maintained by the Statewide Elections
2737 Management System of voting precincts affected by the order to be
2738 changed to conform to the change so as to contain only the names
2739 of the qualified electors in the voting precincts as made by the
2740 change of boundaries. Upon the order of change in the boundaries
2741 of any voting precinct or the voting place therein, the board of
2742 supervisors shall notify the Office of the Secretary of State and
2743 provide the Office of the Secretary of State a legal description



2744 and a map of any boundary change. No change shall be implemented
2745 or enforced until the requirements of this section have been met.

2746 (2) Only officials certified by the Secretary of State shall
2747 be authorized to implement boundary line changes in the Statewide
2748 Elections Management System. The training and certification
2749 required under this subsection (2) shall be available to the
2750 circuit clerk, county election commissioners or any other
2751 individual designated by the board of supervisors to be
2752 responsible for implementing boundary line changes into the
2753 Statewide Elections Management System.

2754 (3) Any governmental entity authorized to adopt, amend or
2755 change boundary lines will immediately forward all changed
2756 boundary lines to the appropriate circuit clerk, who shall, if
2757 authorized under subsection (2), implement the boundary line
2758 changes in the Statewide Elections Management System. If the
2759 circuit clerk is not the appropriate person to implement the
2760 boundary line changes, the clerk shall immediately forward a copy
2761 of all materials to the appropriate person. Copies of any
2762 boundary line changes within the county will be maintained in the
2763 office of the circuit clerk and made available for public
2764 inspection. No change shall be implemented or enforced until the
2765 requirements of this section have been met.

2766 **SECTION 70.** Section 23-15-293, Mississippi Code of 1972, is
2767 amended as follows:



2768 23-15-293. Candidates for state * * *, state district * * *
2769 and * * * legislative offices * * * shall be voted for and
2770 nominated by all the counties or parts of counties within their
2771 respective districts, and all said district nominations shall be
2772 under the supervision and control of the state executive committee
2773 of the respective political parties, which committees shall
2774 discharge in respect to such state district nominations all the
2775 powers and duties imposed upon them in connection with nominations
2776 of candidates for other state officers.

2777 **SECTION 71.** Section 23-15-299, Mississippi Code of 1972, is
2778 amended as follows:

2779 23-15-299. (1) (a) Assessments made pursuant to paragraphs
2780 (a), (b) and (c) of Section 23-15-297 and assessments made
2781 pursuant to paragraph (d) of Section 23-15-297 for legislative
2782 offices shall be paid by each candidate to the secretary of the
2783 state executive committee with which the candidate is affiliated
2784 by 5:00 p.m. on March 1 of the year in which the primary election
2785 for the office is held * * *. If March 1 or the qualifying
2786 deadline provided by statute for the office occurs on a Saturday,
2787 Sunday or legal holiday, then the assessments required by this
2788 subsection shall be due by 5:00 p.m. on the last business day
2789 immediately preceding March 1 or such qualifying deadline.

2790 * * *

2791 (2) Assessments made pursuant to paragraphs (d) and (e) of
2792 Section 23-15-297, other than assessments made for legislative



2793 offices, shall be paid by each candidate to the circuit clerk of
2794 such candidate's county of residence by 5:00 p.m. on March 1 of
2795 the year in which the primary election for the office is held or
2796 on the date of the qualifying deadline provided by statute for the
2797 office, whichever is earlier; however, no such assessments may be
2798 paid before January 1 of the year in which the election for the
2799 office is held. If March 1 or the qualifying deadline provided by
2800 statute for the office occurs on a Saturday, Sunday or legal
2801 holiday, then the assessments required by this subsection shall be
2802 due by 5:00 p.m. on the last business day immediately preceding
2803 March 1 or such qualifying deadline. The circuit clerk shall
2804 forward the fee and all necessary information to the secretary of
2805 the proper county executive committee within two (2) business
2806 days. No candidate may attempt to qualify with any political
2807 party which does not have a duly organized county executive
2808 committee, and the circuit clerk shall not accept any assessments
2809 made pursuant to paragraphs (d) and (e) of Section 23-15-297 for
2810 nonlegislative offices in which the circuit clerk does not have
2811 contact information for the secretary of the county executive
2812 committee.

2813 (3) Assessments made pursuant to paragraphs (f) and (g) of
2814 Section 23-15-297 must be paid by each candidate to the secretary
2815 of the state executive committee with which the candidate is
2816 affiliated by 5:00 p.m. sixty (60) days before the presidential
2817 preference primary in years in which a presidential preference



2818 primary is held; however, no such assessments may be paid before
2819 January 1 of the year in which the primary election for the office
2820 is held. If March 1 or the qualifying deadline provided by
2821 statute for the office occurs on a Saturday, Sunday or legal
2822 holiday, then the assessments required by this subsection shall be
2823 due by 5:00 p.m. on the last business day immediately preceding
2824 March 1 or such qualifying deadline. Assessments made pursuant to
2825 paragraphs (f) and (g) of Section 23-15-297, in years when a
2826 presidential preference primary is not being held, shall be paid
2827 by each candidate to the secretary of the state executive
2828 committee with which the candidate is affiliated by 5:00 p.m. on
2829 March 1 of the year in which the primary election for the office
2830 is held; however, no such assessments may be paid before January 1
2831 of the year in which the primary election for the office is held.

2832 (4) (a) The fees paid pursuant to subsections (1), (2) and
2833 (3) of this section shall be accompanied by a written statement
2834 containing the name and address of the candidate, the party with
2835 which he or she is affiliated, the email address of the candidate,
2836 if any, and the office for which he or she is a candidate.

2837 (b) The state executive committee shall transmit to the
2838 Secretary of State a copy of the written statements accompanying
2839 the fees paid pursuant to subsections (1) and (2) of this section.
2840 All copies must be received by the Office of the Secretary of
2841 State by not later than 6:00 p.m. on the date of the qualifying
2842 deadline; provided, however, the failure of the Office of the



2843 Secretary of State to receive such copies by 6:00 p.m. on the date
2844 of the qualifying deadline shall not affect the qualification of a
2845 person who pays the required fee and files the required statement
2846 by 5:00 p.m. on the date of the qualifying deadline. The name of
2847 any person who pays the required fee and files the required
2848 statement after 5:00 p.m. on the date of the qualifying deadline
2849 shall not be placed on the primary election ballot.

2850 (5) The secretary or circuit clerk to whom such payments are
2851 made shall promptly receipt for same stating the office for which
2852 such candidate making payment is running and the political party
2853 with which he or she is affiliated, and he or she shall keep an
2854 itemized account in detail showing the exact time and date of the
2855 receipt of each payment received by him or her and, where
2856 applicable, the date of the postmark on the envelope containing
2857 the fee and from whom, and for what office the party paying same
2858 is a candidate.

2859 (6) The secretaries of the proper executive committee shall
2860 hold said funds to be finally disposed of by order of their
2861 respective executive committees. Such funds may be used or
2862 disbursed by the executive committee receiving same to pay all
2863 necessary traveling or other necessary expenses of the members of
2864 the executive committee incurred in discharging their duties
2865 as * * * committee members, and of their secretary and may pay the
2866 secretary such salary as may be reasonable.



2867 (7) Upon receipt of the proper fee and all necessary
2868 information, the proper executive committee shall then determine
2869 whether each candidate is a qualified elector of the state, state
2870 district, county or county district which they seek to serve at
2871 the time of the qualifying deadline unless otherwise provided by
2872 law, and whether each candidate meets all other qualifications to
2873 hold the office he is seeking or presents absolute proof that he
2874 will, subject to no contingencies, meet all qualifications on or
2875 before the date of the general or special election at which he
2876 could be elected to office. The executive committee shall
2877 determine whether the candidate has taken the steps necessary to
2878 qualify for more than one (1) office at the election. The
2879 committee also shall determine whether any candidate has been
2880 convicted of any felony in a court of this state, or has been
2881 convicted on or after December 8, 1992, of any offense in another
2882 state which is a felony under the laws of this state, or has been
2883 convicted of any felony in a federal court on or after December 8,
2884 1992. Excepted from the above are convictions of manslaughter and
2885 violations of the United States Internal Revenue Code or any
2886 violations of the tax laws of this state unless the offense also
2887 involved misuse or abuse of his office or money coming into his
2888 hands by virtue of his office. If the proper executive committee
2889 finds that a candidate either (a) is not a qualified elector, (b)
2890 does not meet all qualifications to hold the office he seeks and
2891 fails to provide absolute proof, subject to no contingencies, that



2892 he will meet the qualifications on or before the date of the
2893 general or special election at which he could be elected, or (c)
2894 has been convicted of a felony as described in this subsection,
2895 and not pardoned, then the executive committee shall notify the
2896 candidate and give the candidate an opportunity to be heard. The
2897 executive committee shall mail notice to the candidate at least
2898 three (3) business days before the hearing to the address provided
2899 by the candidate on the qualifying forms, and the committee shall
2900 attempt to contact the candidate by telephone, email and facsimile
2901 if the candidate provided this information on the forms. If the
2902 candidate fails to appear at the hearing or to prove he meets all
2903 qualifications to hold the office subject to no contingencies,
2904 then the name of such candidate shall not be placed upon the
2905 ballot. If the proper executive committee determines that the
2906 candidate has taken the steps necessary to qualify for more than
2907 one (1) office at the election, the action required by Section
2908 23-15-905, shall be taken.

2909 Where there is but one (1) candidate for each office
2910 contested at the primary election, the proper executive committee
2911 when the time has expired within which the names of candidates
2912 shall be furnished shall declare such candidates the nominees.

2913 (8) No candidate may qualify by filing the information
2914 required by this section by using the Internet.

2915 **SECTION 72.** Section 23-15-303, Mississippi Code of 1972, is
2916 amended as follows:



2917 23-15-303. When two (2) or more political parties or
2918 political organizations are holding primary elections, each shall
2919 be conducted entirely independent of the other but at the same
2920 time.

2921 * * *

2922 **SECTION 73.** Section 23-15-307, Mississippi Code of 1972, is
2923 amended as follows:

2924 23-15-307. The name of any candidate shall not be placed
2925 upon the official ballot in general elections as a party nominee
2926 who is not nominated as herein provided, and the election of any
2927 party nominee who shall be nominated otherwise than as provided in
2928 this chapter shall be void and he shall not be entitled to hold
2929 the office to which he may have been elected. * * *

2930 **SECTION 74.** Section 23-15-309, Mississippi Code of 1972, is
2931 amended as follows:

2932 23-15-309. (1) Nominations for all municipal officers which
2933 are elective shall be made at a primary election, or elections, to
2934 be held in the manner prescribed by law. All persons desiring to
2935 be candidates for the nomination in the primary elections shall
2936 first pay Ten Dollars (\$10.00) to the clerk of the municipality,
2937 at least sixty (60) days prior to the first primary election, no
2938 later than 5:00 p.m. on such deadline day.

2939 (2) The fee paid pursuant to subsection (1) of this section
2940 shall be accompanied by a written statement containing the name
2941 and address of the candidate, the party with which he is



2942 affiliated, the email address of the candidate, if any, and the
2943 office for which he is a candidate.

2944 (3) The clerk shall promptly receipt the payment, stating
2945 the office for which the person making the payment is running and
2946 the political party with which such person is affiliated. The
2947 clerk shall keep an itemized account in detail showing the time
2948 and date of the receipt of such payment received by him, from whom
2949 such payment was received, the party with which such person is
2950 affiliated and for what office the person paying the fee is a
2951 candidate. No candidate may attempt to qualify with any political
2952 party which does not have a duly organized municipal executive
2953 committee, and the municipal clerk shall not accept any
2954 assessments made pursuant to paragraph (1) in which the municipal
2955 clerk does not have contact information for the secretary of the
2956 municipal executive committee. The clerk shall promptly supply
2957 all necessary information and pay over all fees so received to the
2958 secretary of the proper municipal executive committee. Such funds
2959 may be used and disbursed in the same manner as is allowed in
2960 Section 23-15-299 in regard to other executive committees.

2961 (4) Upon receipt of the above information, the proper
2962 municipal executive committee shall then determine, at the time of
2963 the qualifying deadline, whether each candidate is a qualified
2964 elector of the municipality, and of the ward if the office sought
2965 is a ward office, shall determine whether each candidate either
2966 meets all other qualifications to hold the office he is seeking or



2967 presents absolute proof that he will, subject to no contingencies,
2968 meet all qualifications on or before the date of the general or
2969 special election at which he could be elected to office. The
2970 executive committee shall determine whether the candidate has
2971 taken the steps necessary to qualify for more than one (1) office
2972 at the election. The committee also shall determine whether any
2973 candidate has been convicted of any felony in a court of this
2974 state, or has been convicted on or after December 8, 1992, of any
2975 offense in another state which is a felony under the laws of this
2976 state, or has been convicted of any felony in a federal court on
2977 or after December 8, 1992. Excepted from the above are
2978 convictions of manslaughter and violations of the United States
2979 Internal Revenue Code or any violations of the tax laws of this
2980 state unless such offense also involved misuse or abuse of his
2981 office or money coming into his hands by virtue of his office. If
2982 the proper municipal executive committee finds that a candidate
2983 either (a) does not meet all qualifications to hold the office he
2984 seeks and fails to provide absolute proof, subject to no
2985 contingencies, that he will meet the qualifications on or before
2986 the date of the general or special election at which he could be
2987 elected, or (b) has been convicted of a felony as described in
2988 this subsection and not pardoned, then the * * * executive
2989 committee shall notify the candidate and give the candidate an
2990 opportunity to be heard. The executive committee shall mail
2991 notice to the candidate at least three (3) business days before



2992 the hearing to the address provided by the candidate on the
2993 qualifying forms, and the committee shall attempt to contact the
2994 candidate by telephone, email and facsimile if the candidate
2995 provided this information on the forms. If the candidate fails to
2996 appear at the hearing or to prove he meets all qualifications to
2997 hold the office subject to no contingencies, then the name of such
2998 candidate shall not be placed upon the ballot. If the executive
2999 committee determines that the candidate has taken the steps
3000 necessary to qualify for more than one (1) office at the election,
3001 the action required by Section 23-15-905, shall be taken.

3002 (5) Where there is but one (1) candidate, the proper
3003 municipal executive committee when the time has expired within
3004 which the names of candidates shall be furnished shall declare
3005 such candidate the nominee.

3006 **SECTION 75.** Section 23-15-311, Mississippi Code of 1972, is
3007 amended as follows:

3008 23-15-311. All the expenses of printing the tickets, paying
3009 the poll managers, clerks and returning officer of a municipal
3010 primary election shall be paid by the municipality from the
3011 general funds thereof, but such officers of primary elections
3012 shall receive only such compensation as is authorized by law or
3013 ordinance to be paid poll managers, clerks and returning officer
3014 for like services rendered in the * * * general elections held in
3015 such municipality.



3016 **SECTION 76.** Section 23-15-333, Mississippi Code of 1972, is
3017 amended as follows:

3018 23-15-333. (1) The county executive committee shall have
3019 printed all necessary ballots, for use in primary elections. The
3020 county executive committee shall have printed all necessary
3021 absentee ballots forty-five (45) days * * * before the election as
3022 required by law. The ballots shall contain the names of all the
3023 candidates to be voted for at such election, and there shall be
3024 left on each ballot one (1) blank space under the title of each
3025 office for which a nominee is to be elected; and in the event of
3026 the death of any candidate whose name shall have been printed on
3027 the ballot, the name of the candidate duly substituted in the
3028 place of the deceased candidate may be written in such blank space
3029 by the voter. Except as otherwise provided in subsection (2) of
3030 this section, the order in which the titles to the various offices
3031 shall be printed, and the size, print and quality of the paper of
3032 the ballot is left to the discretion of the county executive
3033 committee. Provided, however, that in all cases the arrangement
3034 of the names of the candidates for each office shall be
3035 alphabetical. No ballot shall be used except those so printed.

3036 (2) The order in which the titles for the various offices
3037 shall be listed in the following order:

3038 (a) Candidates, electors or delegates for the following
3039 national offices * * *:

3040 (i) President of the United States of America;



3041 (ii) United States Senator or United States
3042 Representative;

3043 (b) Candidates for the following statewide offices:
3044 Governor, Lieutenant Governor, Secretary of State, Attorney
3045 General, State Treasurer, Auditor of Public Accounts, Commissioner
3046 of Agriculture and Commerce, Commissioner of Insurance;

3047 (c) Candidates for the following state district
3048 offices: * * * Mississippi Transportation Commissioner, Public
3049 Service Commissioner, District Attorney;

3050 (d) Candidates for the following legislative
3051 offices * * *: Senator and House of Representatives;

3052 (e) Candidates for countywide office;

3053 (f) Candidates for county district office.

3054 The order in which the titles for the various offices are
3055 listed within each of the categories listed in * * * paragraphs
3056 (e) and (f) * * * are left to the discretion of the county
3057 executive committee. Candidates' names shall be listed
3058 alphabetically under each office by the candidate's last
3059 name. * * *

3060 (3) If after the deadline to qualify as a candidate for an
3061 office, there shall be only one (1) person who has duly qualified
3062 to be a candidate for the office in the primary election, the name
3063 of such person shall be placed on the ballot; provided, however,
3064 that if there shall be not more than one (1) person duly qualified
3065 to be a candidate for each office on the primary election ballot,



3066 the election for all offices on the ballot shall be dispensed with
3067 and the appropriate executive committee shall declare each
3068 candidate as the party nominee if the candidate meets all the
3069 qualifications to hold the office.

3070 (4) (a) If it is eligible under Section 23-15-266, the
3071 county executive committee may enter into a written agreement with
3072 the circuit clerk or the county election commission authorizing
3073 the circuit clerk or the county election commission to perform any
3074 of the duties required of the county executive committee pursuant
3075 to this section. Any agreement entered into pursuant to this
3076 subsection shall be signed by the chairman of the county executive
3077 committee and the circuit clerk or the chairman of the county
3078 election commission, as appropriate. The county executive
3079 committee shall notify the state executive committee and the
3080 Secretary of State of the existence of such agreement.

3081 (b) If it is eligible under Section 23-15-266, the
3082 municipal executive committee may enter into a written agreement
3083 with the municipal clerk or the municipal election commission
3084 authorizing the municipal clerk or the municipal election
3085 commission to perform any of the duties required of the municipal
3086 executive committee pursuant to this section. Any agreement
3087 entered into pursuant to this subsection shall be signed by the
3088 chairman of the municipal executive committee and the municipal
3089 clerk or the chairman of the municipal election commission, as
3090 appropriate. The municipal executive committee shall notify the



3091 state executive committee and the Secretary of State of the
3092 existence of such agreement.

3093 **SECTION 77.** Section 23-15-351, Mississippi Code of 1972, is
3094 amended as follows:

3095 23-15-351. It shall be the duty of the chairman of the
3096 election commission of each county to have printed all necessary
3097 ballots for use in elections, except ballots in municipal
3098 elections which shall be printed as herein provided by the
3099 authorities of the respective municipalities; and the * * *
3100 election commissioner shall cause the official ballot to be
3101 printed by a printer sworn to keep the ballots secret under the
3102 penalties prescribed by law. The printer shall deliver to the
3103 election commissioners for holding elections, a certificate of the
3104 number of ballots printed for each precinct, and shall not print
3105 any additional ballots, except on instruction of proper election
3106 commissioners; and failure to observe either of these requirements
3107 shall be a misdemeanor.

3108 * * *

3109 **SECTION 78.** Section 23-15-353, Mississippi Code of 1972, is
3110 amended as follows:

3111 23-15-353. The officer charged with printing and
3112 distributing the official ballot shall ascertain from the
3113 registrar, at least ten (10) days before the day of election, the
3114 number of registered voters in each voting precinct; and he shall



3115 have printed and distributed a sufficient number of ballots for
3116 use in each precinct. * * *

3117 **SECTION 79.** Section 23-15-355, Mississippi Code of 1972, is
3118 amended as follows:

3119 23-15-355. Ballots in all elections shall be printed and
3120 distributed at public expense and shall be known as "official
3121 ballots." The expense of printing such ballots shall be paid out
3122 of the county treasury, except that in municipal elections such
3123 expenses shall be paid by the respective cities, towns and
3124 villages. * * *

3125 **SECTION 80.** Section 23-15-359, Mississippi Code of 1972, is
3126 amended as follows:

3127 23-15-359. (1) The ballot shall contain the names of all
3128 party nominees certified by the appropriate executive committee,
3129 and independent and special election candidates who have timely
3130 filed petitions containing the required signatures * * *, if the
3131 candidates meet all of the qualifications to hold the office
3132 sought. A petition requesting that an independent or special
3133 election candidate's name be placed on the ballot for any office
3134 shall be filed as provided for in subsection (3) or (4) of this
3135 section, as appropriate, and shall be signed by not less than the
3136 following number of qualified electors:

3137 (a) For an office elected by the state at large, not
3138 less than one thousand (1,000) qualified electors.



3139 (b) For an office elected by the qualified electors of
3140 a Supreme Court district, not less than three hundred (300)
3141 qualified electors.

3142 (c) For an office elected by the qualified electors of
3143 a congressional district, not less than two hundred (200)
3144 qualified electors.

3145 (d) For an office elected by the qualified electors of
3146 a circuit or chancery court district, not less than one hundred
3147 (100) qualified electors.

3148 (e) For an office elected by the qualified electors of
3149 a senatorial or representative district, not less than fifty (50)
3150 qualified electors.

3151 (f) For an office elected by the qualified electors of
3152 a county, not less than fifty (50) qualified electors.

3153 (g) For an office elected by the qualified electors of
3154 a supervisors district or justice court district, not less than
3155 fifteen (15) qualified electors.

3156 (2) (a) Unless the petition required above shall be filed
3157 as provided for in subsection (3) or (4) of this section, as
3158 appropriate, the name of the person requested to be a candidate,
3159 unless nominated by a political party, shall not be placed upon
3160 the ballot. The ballot shall contain the names of each candidate
3161 for each office, and such names shall be listed under the name of
3162 the political party such candidate represents as provided by law
3163 and as certified to the circuit clerk by the state executive



3164 committee of such political party. In the event such candidate
3165 qualifies as an independent as provided in this section, he shall
3166 be listed on the ballot as an independent candidate.

3167 (b) The name of an independent or special election
3168 candidate who dies before the printing of the ballots, shall not
3169 be placed on the ballots.

3170 (3) Petitions for offices described in paragraphs (a), (b),
3171 (c), (d) and (e) of subsection (1) of this section shall be filed
3172 with the State Board of Election Commissioners by no later than
3173 5:00 p.m. on the same date or business day, as applicable, by
3174 which candidates for nominations in the political party primary
3175 elections are required to pay the fee provided for in Section
3176 23-15-297, Mississippi Code of 1972; however, no petition may be
3177 filed before January 1 of the year in which the election for the
3178 office is held.

3179 (4) Petitions for offices described in paragraphs (f) and
3180 (g) of subsection (1) of this section shall be filed with the
3181 proper circuit clerk by no later than 5:00 p.m. on the same date
3182 or business day, as applicable, by which candidates for
3183 nominations in the political party elections are required to pay
3184 the fee provided for in Section 23-15-297; however, no petition
3185 may be filed before January 1 of the year in which the election
3186 for the office is held. The circuit clerk shall notify the county
3187 election commissioners * * * of all persons who have filed



3188 petitions with such clerk. Such notification shall occur within
3189 two (2) business days and shall contain all necessary information.

3190 (5) The election commissioners may also have printed upon
3191 the ballot any local issue election matter that is authorized to
3192 be held on the same date as the regular or general election
3193 pursuant to Section 23-15-375; however, the ballot form of such
3194 local issue must be filed with the election commissioners * * * by
3195 the appropriate governing authority not less than sixty (60)
3196 days * * * before the date of the election.

3197 (6) The provisions of this section shall not apply to
3198 municipal elections or to the election of the offices of justice
3199 of the Supreme Court, judge of the Court of Appeals, circuit
3200 judge, chancellor, county court judge and family court judge.

3201 (7) Nothing in this section shall prohibit special elections
3202 to fill vacancies in either house of the Legislature from being
3203 held as provided in Section 23-15-851. In all elections conducted
3204 under the provisions of Section 23-15-851, there shall be printed
3205 on the ballot the name of any candidate who, not having been
3206 nominated by a political party, shall have been requested to be a
3207 candidate for any office by a petition filed with the State Board
3208 of Election Commissioners and signed by not less than fifty (50)
3209 qualified electors.

3210 (8) The appropriate election commission shall determine
3211 whether each candidate is a qualified elector of the state, state
3212 district, county or county district they seek to serve, and



3213 whether each candidate meets all other qualifications to hold the
3214 office he is seeking or presents absolute proof that he will,
3215 subject to no contingencies, meet all qualifications on or before
3216 the date of the general or special election at which he could be
3217 elected to office. The election commission shall determine
3218 whether the candidate has taken the steps necessary to qualify for
3219 more than one (1) office at the election. The election commission
3220 also shall determine whether any candidate has been convicted of
3221 any felony in a court of this state, or has been convicted on or
3222 after December 8, 1992, of any offense in another state which is a
3223 felony under the laws of this state, or has been convicted of any
3224 felony in a federal court on or after December 8, 1992. Excepted
3225 from the above are convictions of manslaughter and violations of
3226 the United States Internal Revenue Code or any violations of the
3227 tax laws of this state, unless the offense also involved misuse or
3228 abuse of his office or money coming into his hands by virtue of
3229 his office. If the appropriate election commission finds that a
3230 candidate either (a) is not a qualified elector, (b) does not meet
3231 all qualifications to hold the office he seeks and fails to
3232 provide absolute proof, subject to no contingencies, that he will
3233 meet the qualifications on or before the date of the general or
3234 special election at which he could be elected, or (c) has been
3235 convicted of a felony as described in this subsection, and not
3236 pardoned, then the election commission shall notify the candidate
3237 and give the candidate an opportunity to be heard. The election



3238 commission shall mail notice to the candidate at least three (3)
3239 business days before the hearing to the address provided by the
3240 candidate on the qualifying forms, and the committee shall attempt
3241 to contact the candidate by telephone, email and facsimile if the
3242 candidate provided this information on the forms. If the
3243 candidate fails to appear at the hearing or to prove he meets all
3244 qualifications to hold the office subject to no contingencies,
3245 then the name of such candidate shall not be placed upon the
3246 ballot. * * * If the appropriate election commission determines
3247 that the candidate has taken the steps necessary to qualify for
3248 more than one (1) office at the election, the action required by
3249 Section 23-15-905, shall be taken.

3250 (9) If after the deadline to qualify as a candidate for an
3251 office or after the time for holding any party primary for an
3252 office, there shall be only one (1) person who has duly qualified
3253 to be a candidate for the office in the general election, the name
3254 of such person shall be placed on the ballot; provided, however,
3255 that if there shall be not more than one (1) person duly qualified
3256 to be a candidate for each office on the general election ballot,
3257 the election for all offices on the ballot shall be dispensed with
3258 and the appropriate election commission shall declare each
3259 candidate elected without opposition if the candidate meets all
3260 the qualifications to hold the office as determined pursuant to a
3261 review by the election commission in accordance with the
3262 provisions of subsection (8) of this section and if the candidate



3263 has filed all required campaign finance disclosure reports as
3264 required by Section 23-15-807.

3265 (10) The petition required by this section may not be filed
3266 by using the Internet.

3267 **SECTION 81.** Section 23-15-361, Mississippi Code of 1972, is
3268 amended as follows:

3269 23-15-361. (1) The municipal general election ballot shall
3270 contain the names of all candidates who have been put in
3271 nomination by the municipal primary election of any political
3272 party. There shall be printed on the ballots the names of all
3273 persons so nominated, whether the nomination be otherwise known or
3274 not, upon the written request of one or more of the candidates so
3275 nominated, or of any qualified elector who will make oath that he
3276 was a participant in the primary election, and that the person
3277 whose name is presented by him was nominated by such primary
3278 election. The municipal election commissioners * * * who are
3279 required to have the ballots printed, shall also have printed on
3280 the ballot in any municipal general election the name of any
3281 candidate who, not having been nominated by a political party,
3282 shall have been requested to be a candidate for any office by a
3283 petition filed with the clerk of the municipality no later than
3284 5:00 p.m. on the same date by which candidates for nomination in
3285 the municipal primary elections are required to pay the fee
3286 provided for in Section 23-15-309, and signed by not less than the
3287 following number of qualified electors:



3288 (a) For an office elected by the qualified electors of
3289 a municipality or a municipal district having a population of one
3290 thousand (1,000) or more, not less than fifty (50) qualified
3291 electors.

3292 (b) For an office elected by the qualified electors of
3293 a municipality or a municipal district having a population of less
3294 than one thousand (1,000), not less than fifteen (15) qualified
3295 electors.

3296 (2) Unless the petition required above shall be filed no
3297 later than 5:00 p.m. on the same date by which candidates for
3298 nomination in the municipal primary election are required to pay
3299 the fee provided for in Section 23-15-309, the name of the person
3300 requested to be a candidate, unless nominated by a political
3301 party, shall not be placed upon the ballot. The ballot shall
3302 contain the names of each candidate for each municipal office, and
3303 such names shall be listed under the name of the political party
3304 such candidate represents as provided by law and as certified to
3305 the municipal clerk by the municipal executive committee of such
3306 political party. * * * In the event such candidate qualifies as
3307 an independent as herein provided, he shall be listed on the
3308 ballot as an independent candidate.

3309 (3) The clerk of the municipality shall notify the municipal
3310 election commissioners * * * of all persons who have filed
3311 petitions pursuant to subsection (1) of this section within two
3312 (2) business days of the date of filing.



3313 (4) The ballot in elections to fill vacancies in municipal
3314 elective office shall contain the names of all persons who have
3315 qualified as required by Section 23-15-857.

3316 (5) The municipal election commission shall determine
3317 whether each party candidate in the municipal general election is
3318 a qualified elector of the municipality, and of the ward if the
3319 office sought is a ward office and shall determine whether each
3320 candidate either meets all other qualifications to hold the office
3321 he is seeking or presents absolute proof that he will, subject to
3322 no contingencies, meet all qualifications on or before the date of
3323 the general or special election at which he could be elected to
3324 office. The municipal election commission also shall determine
3325 whether any candidate has been convicted of any felony in a court
3326 of this state, or has been convicted on or after December 8, 1992,
3327 of any offense in another state which is a felony under the laws
3328 of this state, or has been convicted of any felony in a federal
3329 court on or after December 8, 1992. Excepted from the above are
3330 convictions of manslaughter and violations of the United States
3331 Internal Revenue Code or any violations of the tax laws of this
3332 state unless such offense also involved misuse or abuse of his
3333 office or money coming into his hands by virtue of his office. If
3334 the municipal election commission finds that a candidate either
3335 (a) is not a qualified elector, (b) does not meet all
3336 qualifications to hold the office he seeks and fails to provide
3337 absolute proof, subject to no contingencies, that he will meet the



3338 qualifications on or before the date of the general or special
3339 election at which he could be elected, or (c) has been convicted
3340 of a felony as described above and not pardoned, then the election
3341 commission shall notify the candidate and give the candidate an
3342 opportunity to be heard. The election commission shall mail
3343 notice to the candidate at least three (3) business days before
3344 the hearing to the address provided by the candidate on the
3345 qualifying forms, and the committee shall attempt to contact the
3346 candidate by telephone, email and facsimile if the candidate
3347 provided this information on the forms. If the candidate fails to
3348 appear at the hearing or to prove he meets all qualifications to
3349 hold the office subject to no contingencies, then the name of the
3350 candidate shall not be placed upon the ballot.

3351 (6) If after the deadline to qualify as a candidate for an
3352 office or after the time for holding any party primary election
3353 for an office, there shall be only one (1) person who has duly
3354 qualified to be a candidate for the office in the general election
3355 the name of such person shall be placed on the ballot; provided,
3356 however, that if there shall be not more than one (1) person duly
3357 qualified to be a candidate for each office on the general
3358 election ballot, the election for all offices on the ballot shall
3359 be dispensed with and the municipal election commission shall
3360 declare each candidate elected without opposition if the candidate
3361 meets all the qualifications to hold the office as determined
3362 pursuant to a review by the election commission in accordance with



3363 the provisions of subsection (5) of this section and if the
3364 candidate has filed all required campaign finance disclosure
3365 reports as required by Section 23-15-807.

3366 **SECTION 82.** Section 23-15-365, Mississippi Code of 1972, is
3367 amended as follows:

3368 23-15-365. (1) * * * (a) In general and special elections,
3369 there shall be left on each ballot one (1) blank space under the
3370 title of each office to be voted for, and in the event of the
3371 death, resignation, withdrawal or removal of any candidate whose
3372 name shall have been printed on the official ballot, the name of
3373 the candidate duly substituted in the place of such candidate who
3374 is qualified to hold the office may be written in such blank space
3375 by the voter.

3376 (b) In all primary elections, there shall be left on
3377 each ballot one (1) blank space under the title of each office to
3378 be voted for, and in the event of the death, resignation, or
3379 withdrawal of a candidate, the name of any individual who is
3380 qualified to hold the office may be written in such blank space by
3381 the voter.

3382 (2) The provisions of subsection (1) of this section shall
3383 not apply to elections conducted under the Nonpartisan Judicial
3384 Election Act.

3385 **SECTION 83.** Section 23-15-367, Mississippi Code of 1972, is
3386 amended as follows:



3387 23-15-367. (1) Except as otherwise provided by Sections
3388 23-15-974 through 23-15-985 and subsection (2) of this
3389 section, * * * the size, print and quality of paper of the
3390 official ballot is left to the discretion of the officer charged
3391 with printing the official ballot.

3392 (2) The titles for the various offices shall be listed in
3393 the following order:

3394 (a) Candidates, electors or delegates for the following
3395 national offices * * *:

3396 (i) President;

3397 (ii) United States Senator or United States
3398 Representative;

3399 (b) Candidates for the following statewide
3400 office * * *: Governor, Lieutenant Governor, Secretary of State,
3401 Attorney General, State Treasurer, Auditor of Public Accounts,
3402 Commissioner of Agriculture and Commerce, Commissioner of
3403 Insurance;

3404 (c) Candidates for the following state district
3405 offices * * *: Mississippi Transportation Commissioner, Public
3406 Service Commissioner, District Attorney;

3407 (d) Candidates for the following legislative
3408 offices * * *: Senator and House of Representatives;

3409 (e) Candidates for countywide office;

3410 (f) Candidates for county district office.



3411 The order in which the titles for the various offices are
3412 listed within * * * paragraphs (e) and (f) is left to the
3413 discretion of the * * * county election commissioners. Nominees
3414 of the political parties, qualified to conduct primary elections
3415 as defined in Section 23-15-291, shall be listed first
3416 alphabetically by the candidate's last name, followed by any other
3417 candidates listed alphabetically by last name.

3418 (3) It is the duty of the Secretary of State, with the
3419 approval of the Governor, to furnish the designated election
3420 commissioner of each county a sample of the official ballot, not
3421 less than fifty-five (55) days * * * before the election, the
3422 general form of which shall be followed as nearly as practicable.

3423 **SECTION 84.** Section 23-15-369, Mississippi Code of 1972, is
3424 amended as follows:

3425 23-15-369. (1) (a) Whenever a constitutional amendment is
3426 submitted to the vote of the people, the substance of * * * the
3427 amendment shall be printed in clear and unambiguous language on
3428 the ballot after the list of candidates, if any, followed by the
3429 word "YES" and also by the word "NO", and shall be styled in such
3430 a manner that a "YES" vote will indicate approval of the proposal
3431 and a "NO" vote will indicate rejection.

3432 (b) The substance of the amendment shall be an
3433 explanatory statement not exceeding seventy-five (75) words in
3434 length of the chief purpose of the measure. Such statement shall
3435 be prepared by the Legislature and included in the concurrent



3436 resolution proposing the amendment to the Constitution. The
3437 statement shall avoid, whenever possible, the use of legal
3438 terminology or jargon and shall use instead, simple, ordinary,
3439 everyday language. The Secretary of State shall give each
3440 proposed constitutional amendment a designating number for
3441 convenient reference specific to the election in which the
3442 amendment appears on the ballot. This number designation shall
3443 appear on the ballot. Designating numbers shall be assigned in
3444 the order of filing or certification of the amendments. The
3445 Secretary of State shall furnish the designating number and the
3446 substance of each amendment to the circuit clerk of each county in
3447 which such amendment is to be voted on.

3448 (c) The full text of each proposed constitutional
3449 amendment shall be published by the Secretary of State as provided
3450 for in Section 7-3-39, * * *, and shall be posted prominently in
3451 all polling places, with copies of said proposed amendment to be
3452 otherwise available at each polling place.

3453 (2) Except as may be otherwise provided in subsection (1) of
3454 this section, whenever any public measure, question or matter that
3455 requires an affirmative or negative vote is submitted to a vote of
3456 the electors, the measure or matter shall be printed on the ballot
3457 and also the words "FOR" or "AGAINST" to be so arranged by the
3458 proper officer so that the voter can intelligently vote his or her
3459 preference.



3460 **SECTION 85.** Section 23-15-371, Mississippi Code of 1972, is
3461 amended as follows:

3462 23-15-371. In case the official ballots prepared shall be
3463 lost or destroyed, the election commissioners * * * shall have
3464 like ballots furnished in place of those lost or destroyed, if
3465 time remain therefor. If from any cause there should be no
3466 official ballots or an insufficient number at a voting place, and
3467 not sufficient time in which to have them printed, the ballots may
3468 be written; but, if written by anyone except the voter alone for
3469 himself or herself, the names of all candidates shall be written
3470 thereon, without any mark or device by which one name may be
3471 distinguished from another, and such ballots shall be marked by
3472 the voter as provided for printed ballots. If the poll manager
3473 designated fails to have the ballots at the voting place at the
3474 proper time, or if he fails to distribute them, the poll managers,
3475 or those of them present at the election, shall provide ballots,
3476 and select some suitable person to distribute them, who shall take
3477 the oath required of the poll managers, and distribute the ballots
3478 according to law.

3479 **SECTION 86.** Section 23-15-373, Mississippi Code of 1972, is
3480 amended as follows:

3481 23-15-373. Within one (1) day after election day, the poll
3482 managers * * * shall report to the election commissioners, under
3483 oath, as to the loss of official ballots, the number lost, and all



3484 facts connected therewith, which report the commissioners may
3485 deliver to the grand jury, if deemed advisable.

3486 **SECTION 87.** Section 23-15-375, Mississippi Code of 1972, is
3487 amended as follows:

3488 23-15-375. Local issue elections may be held on the same
3489 date as any regular or general election. A local issue election
3490 held on the same date as the regular or general election shall be
3491 conducted in the same manner as the regular or general election
3492 using the same poll workers and the same equipment. A local issue
3493 may be placed on the regular or general election ballot pursuant
3494 to the provisions of Section 23-15-359 * * *. The provisions of
3495 this section and Section 23-15-359 with regard to local issue
3496 elections shall not be construed to affect any statutory
3497 requirements specifying the notice procedure and the necessary
3498 percentage of qualified electors voting in such an election which
3499 is needed for adoption of the local issue. Whether or not a local
3500 issue is adopted or defeated at a local issue election held on the
3501 same day as a regular or general election shall be determined in
3502 accordance with relevant statutory requirements regarding the
3503 necessary percentage of qualified electors who voted in * * * the
3504 local issue election, and only those persons voting for or against
3505 such issue shall be counted in making that determination. As used
3506 in this section "local issue elections" include elections
3507 regarding the issuance of bonds, local option elections, elections
3508 regarding the levy of additional ad valorem taxes and other



3509 similar elections authorized by law that are called to consider
3510 issues that affect a single local governmental entity. As used in
3511 this section "local issue" means any issue that may be voted on in
3512 a local issue election.

3513 **SECTION 88.** Section 23-15-391, Mississippi Code of 1972, is
3514 amended as follows:

3515 23-15-391. The board of supervisors of each county * * * and
3516 the governing authorities of each municipality shall utilize * * *
3517 optical mark reading equipment or direct recording electronic
3518 voting equipment which shall comply with the specifications
3519 provided by law. The election commissioners may * * * conduct
3520 special and municipal elections, as well as runoff elections that
3521 result, * * * by paper ballot * * * when the election
3522 commissioners determine that administration of an election by
3523 paper ballot will be less expensive than administration of the
3524 same election by * * * optical mark reading equipment or direct
3525 recording electronic voting equipment.

3526 **SECTION 89.** Section 23-15-503, Mississippi Code of 1972, is
3527 amended as follows:

3528 23-15-503. As used in this subarticle, unless otherwise
3529 specified:

3530 (a) "Optimal mark reading (OMR)" means * * * a method
3531 of capturing data electronically into a computer system.

3532 (b) "Optical mark reading equipment (OMR)" means * * *
3533 an apparatus that reads pen and pencil marks made in pre-defined



3534 positions on paper ballots * * * to automatically examine and
3535 count votes * * *.

3536 (c) "Counting center" means one or more locations used
3537 for the automatic counting of ballots.

3538 * * *

3539 (* * * d) "Marking device" means a pen or pencil * * *
3540 that the voters use to record their * * * paper ballots, readable
3541 by the OMR equipment.

3542 (* * * e) "Ballot" means a paper ballot on which votes
3543 are recorded by means of marking the ballot with a marking device.

3544 **SECTION 90.** Section 23-15-505, Mississippi Code of 1972, is
3545 amended as follows:

3546 23-15-505. The board of supervisors of any county * * * and
3547 the governing authorities of any municipality * * * are hereby
3548 authorized and empowered, in their discretion, to purchase or
3549 rent * * * OMR equipment * * * which meets the requirements of
3550 Section 23-15-507 and may use such system in all or a part of the
3551 precincts within its boundaries. * * * The provisions of this
3552 chapter shall be controlling with respect to elections * * * in
3553 which OMR * * * equipment is used, and shall be liberally
3554 construed so as to carry out the purpose of this chapter. The
3555 provisions of the election law relating to the conduct of
3556 elections with paper ballots, * * * insofar as they are
3557 applicable, * * * shall apply.



3558 **SECTION 91.** Section 23-15-507, Mississippi Code of 1972, is
3559 amended as follows:

3560 23-15-507. No * * * OMR equipment * * * shall be acquired or
3561 used in accordance with this chapter unless it shall:

3562 (a) Permit * * * eligible voters to vote at any
3563 election for all persons * * * for whom * * * they are lawfully
3564 entitled to vote; to vote for as many persons for an office as
3565 they are lawfully entitled to vote * * *; to vote for or against
3566 any ballot initiative, measure or other local issue * * * upon
3567 which they are lawfully entitled to vote;

3568 (b) The OMR * * * equipment shall be capable of
3569 rejecting choices * * * marked on the ballot if the number of
3570 choices exceeds the number which the voter is entitled to vote for
3571 the office or on the measure;

3572 (c) Permit each voter, * * * in presidential elections,
3573 by one (1) mark to vote for the candidates of that party for
3574 President, Vice President, and their presidential electors, or to
3575 vote individually for the electors of their choice when permitted
3576 by law;

3577 (d) Permit each voter, * * * in other than primary
3578 elections, to vote for the nominees of one or more parties and for
3579 independent * * * candidates;

3580 (e) Permit each voter to vote for candidates only in
3581 the primary in which * * * he or she is qualified to vote;



3582 (f) Permit each voter to vote for persons whose names
3583 are not on the printed ballot;

3584 (g) Be suitably designed for the purpose used, of
3585 durable construction, and may be used safely, efficiently and
3586 accurately in the conduct of elections and the counting of
3587 ballots;

3588 (h) Be provided with means for sealing the ballots
3589 after the close of the polls * * *;

3590 (i) When properly operated, record correctly and count
3591 accurately all votes cast; and

3592 (j) Provide the voter with a set of instructions that
3593 will be * * * displayed in such a way that a voter may readily
3594 learn the method of voting.

3595 **SECTION 92.** Section 23-15-511, Mississippi Code of 1972, is
3596 amended as follows:

3597 23-15-511. The ballots shall, as far as practicable, * * *
3598 be in the same order of arrangement as provided for paper ballots
3599 that are to be counted manually, except that * * * the information
3600 may be printed in vertical or horizontal rows. Nothing in this
3601 chapter shall be construed as prohibiting the information being
3602 presented to the voters from being printed on both sides of a
3603 single ballot. In those years when a special election shall occur
3604 on the same day as the general election, the names of candidates
3605 in any special election and the general election shall be placed
3606 on the same ballot by the election commissioners * * * or



3607 officials in charge of the election, but the general election
3608 candidates shall be clearly distinguished from the special
3609 election candidates. At any time a special election is held on
3610 the same day as a party primary election, the names of the
3611 candidates in the special election may be placed on the same
3612 ballot by the officials in charge of the election, but shall be
3613 clearly distinguished as special election candidates or primary
3614 election candidates.

3615 Ballots shall be printed in plain clear type in black ink and
3616 upon clear white materials of such size and arrangement as to be
3617 compatible with the OMR * * * equipment. * * * Arrows may be
3618 printed on the ballot to indicate the place to mark the ballot,
3619 which may be to the right or left of the names of candidates and
3620 propositions. The titles of offices may be arranged in vertical
3621 columns on the ballot and shall be printed above or at the side of
3622 the names of candidates so as to indicate clearly the candidates
3623 for each office and the number to be elected. In case there are
3624 more candidates for an office * * * than can be printed in one (1)
3625 column, the ballot shall be clearly marked that the list of
3626 candidates is continued on the following column. The names of
3627 candidates for each office shall be printed in vertical columns,
3628 grouped by the offices which they seek. In partisan elections,
3629 the party designation of each candidate, which may be abbreviated,
3630 shall be printed following his name.



3631 * * *One (1) sample * * * ballot, which shall be a
3632 facsimile * * * of the official ballot and instructions to the
3633 voters, shall be provided for each precinct and shall be posted in
3634 each polling place on election day.

3635 A separate ballot security envelope or suitable equivalent in
3636 which the voter can place his ballot after voting, shall be
3637 provided to conceal the choices the voter has made. * * *

3638 **SECTION 93.** Section 23-15-513, Mississippi Code of 1972, is
3639 amended as follows:

3640 23-15-513. (1) The official ballots, sample ballots and
3641 other necessary forms and supplies of the forms and description
3642 required by this chapter or required for the conduct of elections
3643 with an electronic voting system shall be prepared and furnished
3644 by the same official, in the same manner and time, and delivered
3645 to the same officials as provided by law with respect to paper
3646 ballots that are to be counted manually.

3647 (2) For each primary * * * election, the number of official
3648 ballots that shall be printed by each executive committee shall
3649 be * * * not less than one hundred twenty-five percent (125%) of
3650 the highest number of votes cast in a comparable primary election
3651 conducted by the same political party in the preceding ten (10)
3652 years.

3653 (3) For each general election, the number of official
3654 ballots that shall be printed shall be a number equal to not less



3655 than sixty percent (60%) of the registered voters eligible to vote
3656 in the election.

3657 **SECTION 94.** Section 23-15-515, Mississippi Code of 1972, is
3658 amended as follows:

3659 23-15-515. The circuit * * * clerk shall be the custodian of
3660 OMR * * * equipment acquired by the county, who shall be charged
3661 with the proper storage, maintenance and repair of the OMR
3662 equipment * * *. The municipal clerk shall be the custodian of
3663 the OMR equipment acquired by the municipality, and shall be
3664 charged with the proper storage, maintenance and repair of the OMR
3665 equipment. The custodian or the officials in charge of the
3666 election shall repair or replace any * * * OMR equipment which
3667 fails to function properly on election day. * * *

3668 **SECTION 95.** Section 23-15-517, Mississippi Code of 1972, is
3669 amended as follows:

3670 23-15-517. At least * * * one (1) hour before the opening of
3671 the polls, the * * * officials in charge of the election shall
3672 arrive at the polling place and set up the voting booths so that
3673 they will be in clear view of the * * * poll managers; the * * *
3674 poll managers shall examine the ballots to verify that they have
3675 the correct ballots for their precinct and check the supplies,
3676 records and forms, and post the sample ballots and instructions to
3677 the voters. They shall also inspect the ballot boxes to insure
3678 they * * * contain only voted absentee ballots in their envelopes
3679 with the required applications, and then seal the box for voting.



3680 Each voter shall receive written and/or verbal instructions
3681 by the * * * poll managers instructing the voter how to properly
3682 vote the paper ballot before * * * the voter enters the voting
3683 booth. If any voter needs additional instructions after entering
3684 the voting booth, two (2) * * * poll managers may, if necessary,
3685 enter the booth and give him or her such additional instructions.
3686 If any voter spoils a ballot * * * the voter may obtain others,
3687 one (1) at a time, not exceeding three (3) in all, upon returning
3688 each spoiled ballot. The word "SPOILED" shall be written across
3689 the face of the ballot and it shall be * * * deposited into the
3690 sealed ballot box. * * * When the polls close once the last
3691 ballot has been cast or at 7:00 p.m., whichever is later, and the
3692 poll managers break the seal on the ballot box to process the
3693 absentee ballots, ballots marked as spoiled shall be bundled
3694 together and placed in an envelope designated for spoiled ballots.
3695 Once the polls have officially closed, the envelope that contains
3696 the spoiled ballots and the unused ballots * * * shall be placed
3697 in * * * the ballot box or other container provided for that
3698 purpose which shall be sealed and returned to the officials in
3699 charge of the election.

3700 **SECTION 96.** Section 23-15-519, Mississippi Code of 1972, is
3701 amended as follows:

3702 23-15-519. The poll managers shall prepare a ballot
3703 accounting report * * * that documents * * * the number of voters
3704 who have voted, as indicated by the * * * receipt book and the



3705 number of ballots used in the election. The report shall be
3706 placed in the ballot box, with the seal logs, receipt books,
3707 absentee ballots, affidavit ballots, challenged ballots, curbside
3708 ballots, emergency ballots, spoiled ballots and unused ballots,
3709 which thereupon shall be sealed with a * * * tamper-evident
3710 seal * * *, which is a seal that has been designed in such a way
3711 to allow someone to easily detect any tampering, so that no
3712 additional ballots may be deposited or removed from the ballot
3713 box. The poll managers, while they have possession of the
3714 election materials, and the officials in charge of the election,
3715 once the poll managers have delivered the ballot box to the
3716 counting center or other designated place, shall be required to
3717 keep a seal log to document each time a tamper-evident seal for a
3718 ballot box is opened or changed. The seal log shall require the
3719 name of the person who opened the seal, the old seal number, the
3720 new seal number, the date the seal was opened and the purpose for
3721 opening the seal. The receiving and returning poll manager * * *
3722 shall * * * deliver the ballot box to the counting center or other
3723 designated place and receive a signed, numbered receipt therefor.
3724 The poll * * * books and other records and supplies * * * shall be
3725 returned as directed by the officials in charge of the election.
3726 Failure to strictly comply with the provisions of this section
3727 shall not result in a presumption of fraud.

3728 **SECTION 97.** Section 23-15-521, Mississippi Code of 1972, is
3729 amended as follows:



3730 23-15-521. * * * Before starting to count * * * the ballots,
3731 the election commissioners * * *, or their designees, shall have
3732 the OMR * * * equipment tested to ascertain that it will
3733 accurately count the votes cast for all offices and on all
3734 measures. Representatives of the political parties, candidates,
3735 the press and the general public may witness the test conducted on
3736 the OMR * * * equipment. The test shall be conducted by
3737 processing a preaudited group of ballots so marked as to record a
3738 predetermined number of valid votes for each candidate and on each
3739 measure, and shall include for each office one or more ballots
3740 which have votes in excess of the number allowed by law in order
3741 to test the ability of the OMR * * * equipment to reject such
3742 votes. If any error is detected, the cause therefor shall be
3743 ascertained and corrected and an errorless count shall be made and
3744 certified to by the officials in charge before the count is
3745 started. On completion of the count, the programs, test materials
3746 and ballots shall be sealed and retained as provided for paper
3747 ballots.

3748 **SECTION 98.** Section 23-15-523, Mississippi Code of 1972, is
3749 amended as follows:

3750 23-15-523. (1) All proceedings at the counting center shall
3751 be under the direction of the election commissioners * * * and
3752 shall be conducted under the observations of the public, but no
3753 persons except those authorized for the purpose shall touch any
3754 ballot. All persons who are engaged in processing and counting of



3755 the ballots shall * * * take the oath provided in Section 268,
3756 Mississippi Constitution of 1890.

3757 (2) The election commissioners * * * shall appoint qualified
3758 electors who have received the training required by subsection
3759 (11) of this section to serve as * * * members of the "resolution
3760 board." An odd number of not less than three (3) members shall be
3761 appointed to the resolution board. The members of the board shall
3762 take the oath provided in Section 268, Mississippi Constitution of
3763 1890. All ballots that have been rejected by the OMR * * *
3764 equipment and that are damaged or defective, blank or overvoted
3765 will be reviewed by * * * the board. Election
3766 commissioners * * *, candidates who are on the ballot * * * and
3767 the spouse, parents, siblings or children of * * * a candidate
3768 shall not be appointed to the resolution board. * * * In general
3769 and special elections, members of the party executive committees
3770 shall not be appointed to the resolution board unless members of
3771 all of the party executive committees who have a candidate on the
3772 ballot are appointed to the resolution board.

3773 (3) (a) If any ballot is damaged or defective so that it
3774 cannot be properly counted by the OMR * * * equipment, the ballot
3775 will be deposited in an envelope provided for that purpose marked
3776 "RESOLUTION BOARD." All such ballots shall be carefully handled
3777 so as to avoid altering, removing or adding any mark on the
3778 ballot.



3779 (b) The election commissioners * * * shall have
3780 the * * * members of the resolution board ascertain the intent of
3781 the voter, if possible, and, if so, manually count any damaged or
3782 defective ballots * * *.

3783 (c) * * * The resolution board * * * shall prepare a
3784 duplicate to the damaged or defective ballot in the following
3785 manner:

3786 (i) The resolution board shall prepare a duplicate
3787 to the original damaged or defective ballot marked identically to
3788 the original.

3789 (ii) The resolution board shall mark the first
3790 original they examine as "Original #1" and the duplicate of this
3791 original as "Duplicate #1." Subsequent originals and duplicates
3792 shall be likewise marked and numbered consecutively so the
3793 duplicate of each original can be identified. Duplicate ballots
3794 shall be stamped in a different manner from the original ballots
3795 so that they may be easily distinguished from the originals.

3796 (iii) The duplicate ballots prepared pursuant to
3797 this paragraph shall be counted by the OMR * * * equipment.

3798 (4) Ballots that have been rejected by the OMR * * *
3799 equipment for appearing to be "blank" shall be examined by the
3800 resolution board to verify if they are blank or were marked with a
3801 "nondetectable" marking device. If it is determined that the
3802 ballot was marked with a nondetectable device, the resolution
3803 board * * * shall prepare a duplicate to the original blank ballot



3804 in the same manner and in accordance with the same process
3805 provided in subsection (3) (c).

3806 (5) All ballots that are rejected by the OMR * * * equipment
3807 and which contain overvotes shall be inspected by the resolution
3808 board. * * * If the rejected ballots upon which an overvote
3809 appears and voter intent cannot be determined by * * * the
3810 resolution board exist, the officials in charge of the election
3811 may use the OMR * * * equipment in determining the vote in the
3812 races which are unaffected by the overvote. All other ballots
3813 which are overvoted shall be counted manually following the
3814 provisions of this section at the direction of the officials in
3815 charge of the election. * * * The return printed by the OMR * * *
3816 equipment to which have been added the manually tallied ballots,
3817 which shall be duly certified by the officials in charge of the
3818 election, shall constitute the official return of each voting
3819 precinct. Unofficial and incomplete returns may be released
3820 during the count. Upon the completion of the counting, the
3821 official returns shall be open to the public.

3822 (6) When the resolution board reviews any OMR ballot in
3823 which the voter has failed to fill in the arrow, oval, circle or
3824 square for a candidate or a ballot measure * * *, the resolution
3825 board shall, if the intent of the voter can be ascertained, count
3826 the vote if:

3827 (a) The voter marks the ballot with a "cross" (X) or
3828 "checkmark" (✓) and the lines that form the mark intersect within



3829 or on the line of the arrow, oval, circle or square by the ballot
3830 measure or the name of the candidate.

3831 (b) The voter blackens the arrow, oval, circle or
3832 square adjacent to the ballot measure or the name of the candidate
3833 in pencil or ink and the blackened portion extends beyond the
3834 boundaries of the arrow, oval, circle or square.

3835 (c) The voter marks the ballot with a "cross" (X) or
3836 "checkmark" (✓) and the lines that form the mark intersect
3837 adjacent to the ballot measure or the name of the candidate.

3838 (d) The voter underlines the ballot measure or the name
3839 of a candidate.

3840 (e) The voter draws a line from the arrow, oval, circle
3841 or square to a ballot measure or the name of a candidate.

3842 (f) The voter draws a circle or oval around the ballot
3843 measure or the name of the candidate.

3844 (g) The voter draws a circle or oval around the arrow,
3845 oval, circle or square adjacent to the ballot measure or the name
3846 of the candidate.

3847 (7) The resolution board, when inspecting an OMR ballot
3848 which contains or appears to contain one or more overvotes,
3849 appears to be damaged or defective, or is rejected by the
3850 OMR * * * equipment for any reason or cannot be counted by the
3851 OMR * * * equipment, shall make its determination in accordance
3852 with the following:



3853 (a) When an elector casts more votes for any office or
3854 measure than he or she is entitled to cast at an election, all the
3855 elector's votes for that office or measure are invalid and the
3856 elector is deemed to have voted for none of them * * *. If an
3857 elector casts less votes for any office or measure than he or she
3858 is entitled to cast at an election, all votes cast by the elector
3859 shall be counted but no vote shall be counted more than once.

3860 (b) If an elector casts more than one (1) vote for the
3861 same candidate for the same office, the first vote is valid and
3862 the remaining votes for that candidate are invalid.

3863 (c) No write-in vote for a candidate whose name is
3864 printed on the ballot shall be regarded as * * * invalid due to
3865 misspelling a candidate's name, or by abbreviation, addition or
3866 omission or use of a wrong initial in the name, as long as the
3867 intent of the voter can be ascertained.

3868 (d) In any case where a voter writes in the name of a
3869 candidate for President of the United States whose name is printed
3870 on the general election ballot, the failure by the voter to write
3871 in the name of a candidate for the Office of Vice President of the
3872 United States on the general election ballot does not invalidate
3873 the elector's vote for the slate of electors for any candidate
3874 whose name is written in for the Office of President of the United
3875 States.

3876 (e) For any ballot measure in which the words "for" or
3877 "against" are printed on a ballot, if the voter shall write the



3878 word "for" or the word "against" instead of or in addition to
3879 marking the ballot in accordance with the ballot instruction in
3880 the space adjacent to the preprinted words "for" or "against," the
3881 resolution board shall, in reviewing such ballot, count the vote
3882 in accordance with the voter's handwritten preference, unless the
3883 voter marks the ballot in the space adjacent to the preprinted
3884 words "for" or "against" contrary to the handwritten preference,
3885 in which case no vote shall be recorded for such ballot in regard
3886 to the ballot measure.

3887 (f) For any ballot measure in which the words "yes" or
3888 "no" are printed on a ballot, if the voter shall write the word
3889 "yes" or the word "no" instead of or in addition to marking the
3890 ballot in accordance with the ballot instructions in the space
3891 adjacent to the preprinted words "yes" or "no," the resolution
3892 board shall, in reviewing such ballot, count the vote in
3893 accordance with the voter's handwritten preference, unless the
3894 voter marks the ballot in the space adjacent to the preprinted
3895 words "yes" or "no" contrary to the handwritten preference, in
3896 which case no vote shall be recorded for such ballot in regard to
3897 the ballot measure.

3898 (8) OMR * * * equipment shall be programmed, calibrated,
3899 adjusted and set up to reject ballots that appear * * * to be
3900 damaged or defective. Any switch, lever or feature on OMR * * *
3901 equipment that enables or permits the OMR * * * equipment to
3902 override the rejection of damaged or defective ballots s * * * so



3903 that such * * * ballots will not be reviewed by the resolution
3904 board, shall not be utilized.

3905 (9) Ballots shall be manually counted by the resolution
3906 board only when the ballots are:

3907 (a) Properly before the resolution board due to being
3908 rejected by the OMR * * * equipment because the ballots appear to
3909 be damaged or defective or are rejected by the OMR equipment for
3910 any other reason; or

3911 (b) Properly before the resolution board due to a
3912 malfunction in the OMR * * * equipment.

3913 (10) The resolution board shall make and keep a record
3914 regarding the handling and counting of all ballots inspected under
3915 this section.

3916 (11) * * * The executive committee of each county or
3917 municipality, in the case of a primary election, or the election
3918 commissioners of each county or municipality, in the case of all
3919 other elections, in conjunction with the circuit or municipal
3920 clerk respectively, shall sponsor and conduct, a training session
3921 for up to two (2) hours, not less than five (5) days before each
3922 election, to instruct those qualified electors who are appointed
3923 to serve as members of the resolution board as to their specific
3924 duties in the election. No member appointed to serve on the
3925 resolution board shall serve in any election unless he or she has
3926 received such instruction once during the twelve (12) months
3927 immediately preceding the date upon which the election is held.



3928 Online training courses developed by the Secretary of State,
3929 though not sponsored or conducted by the executive committee or
3930 the election commissioners, may be utilized to meet the
3931 requirements of this subsection (11).

3932 **SECTION 99.** Section 23-15-525, Mississippi Code of 1972, is
3933 amended as follows:

3934 23-15-525. (1) The Secretary of State shall have the power
3935 to issue supplementary instructions and procedures for the safe
3936 and efficient use of OMR * * * equipment within the State of
3937 Mississippi and to carry out the purpose of the chapter. Subject
3938 to such instructions and procedures provided by the Secretary of
3939 State and the provisions of this chapter, the election
3940 commissioners * * * shall have the power to make * * * additional
3941 provisions for the conduct of elections with * * * the OMR
3942 equipment.

3943 (2) If for any reason the OMR equipment shall become
3944 inoperable, the poll managers shall direct voters to operating OMR
3945 equipment or to cast emergency paper ballots. Such paper ballots
3946 shall be administered in accordance with the laws concerning paper
3947 ballots.

3948 **SECTION 100.** Section 23-15-531, Mississippi Code of 1972, is
3949 amended as follows:

3950 23-15-531. * * *

3951 "Direct recording electronic voting equipment (DRE-unit)"
3952 means a computer driven unit for casting and counting votes on



3953 which an elector touches a video screen or a button adjacent to a
3954 video screen to cast his or her vote.

3955 **SECTION 101.** Section 23-15-531.1, Mississippi Code of 1972,
3956 is amended as follows:

3957 23-15-531.1. * * * (1) The board of supervisors of each
3958 county and the governing authorities of each municipality are
3959 hereby authorized and empowered, in their discretion, to purchase
3960 or rent DRE voting equipment which meets the requirements of
3961 subsection (2) of this section and may use such system in all or a
3962 part of the precincts within its boundaries. The provisions of
3963 this chapter shall be controlling with respect to elections in
3964 which a DRE unit is used, and shall be liberally construed so as
3965 to carry out the purpose of this chapter. The provisions of the
3966 election law relating to the conduct of elections with paper
3967 ballots, insofar as they are applicable, shall apply.

3968 (2) No DRE unit shall be acquired or used in accordance with
3969 this chapter unless it shall:

3970 (a) Permit the voter to verify, in a private and
3971 independent manner, the votes selected by the voter on the ballot
3972 before the ballot is cast and counted;

3973 (b) Provide the voter with the opportunity, in a
3974 private and independent manner, to change the ballot or correct
3975 any error before the ballot is cast and counted, including, but
3976 not limited to, the opportunity to correct the error through the



3977 issuance of a replacement ballot if the voter is otherwise unable
3978 to change the ballot or correct any error;

3979 (c) If the voter * * * votes for more candidates for a
3980 single office than are eligible for election:

3981 (i) Notify the voter that he or she has selected
3982 more candidates for that office than are eligible for election;

3983 (ii) Notify the voter before his or her vote is
3984 cast and counted of the effect of casting multiple votes for such
3985 an office; and

3986 (iii) Provide the voter with the opportunity to
3987 correct the ballot before the ballot is cast and counted * * *;

3988 (d) Produce a permanent paper record with a manual
3989 audit * * * capability;

3990 (e) Have the capability to print the ballots cast by
3991 electors * * *;

3992 (f) Be accessible for individuals with disabilities,
3993 including, but not limited to, nonvisual accessibility for the
3994 blind and visually impaired, in a manner that provides the same
3995 opportunity for access and participation, including privacy and
3996 independence, as for other voters. This requirement may be
3997 satisfied through the use of at least one (1) DRE unit or other
3998 voting unit equipped for individuals with disabilities at each
3999 polling place;

4000 (g) Provide alternative language accessibility pursuant
4001 to the requirements of the Voting Rights Act of 1965; and



4002 (h) Have a residual vote rate in counting ballots
4003 attributable to the voting system and not to voter error that
4004 complies with error rate standards established under the voting
4005 system standards issued by the Federal Election Commission * * *
4006 in effect as of October 29, 2002.

4007 **SECTION 102.** Section 23-15-531.2, Mississippi Code of 1972,
4008 is amended as follows:

4009 23-15-531.2. * * * DRE units shall be arranged in the
4010 polling place in such a manner as to:

4011 (a) Ensure the privacy of the elector while voting
4012 on * * * the units;

4013 (b) Allow monitoring of the units by the poll managers
4014 while the polls are open; and

4015 (c) Permit the public and lawful poll watchers to
4016 observe the voting without affecting the privacy of the electors
4017 as they vote.

4018 **SECTION 103.** Section 23-15-531.3, Mississippi Code of 1972,
4019 is amended as follows:

4020 23-15-531.3. (1) The ballots for * * * DRE units shall be
4021 of such size and arrangement as will suit the construction of the
4022 DRE screen and shall be in plain, clear type that is easily
4023 readable by persons with normal vision.

4024 (2) (a) If the * * * DRE unit has the capacity for color
4025 display, the names of all candidates in a particular race shall be
4026 displayed in the same color, font and size, and the political



4027 party or affiliation of candidates may be displayed in a color
4028 different from that used to display the names of the candidates,
4029 but all political * * * parties or affiliations shall be displayed
4030 in the same color. All political party names shall be displayed
4031 in the same size and font.

4032 (b) All ballot questions, local options, referenda and
4033 constitutional amendments shall be displayed in the same color.

4034 **SECTION 104.** Section 23-15-531.4, Mississippi Code of 1972,
4035 is amended as follows:

4036 23-15-531.4. * * *

4037 (* * * 1) The circuit clerk shall be the custodian of the
4038 DRE units acquired by the county.

4039 * * *

4040 (* * * 2) On or before the third day preceding any election,
4041 except runoff elections, the officials in charge of the election
4042 shall be charged with the proper storage, maintenance and repair
4043 of the DRE unit. The municipal clerk shall be the custodian of
4044 the DRE unit acquired by the municipality, who shall be charged
4045 with the proper storage, maintenance and repair of the DRE
4046 unit. * * *

4047 * * *

4048 (3) The custodian shall provide compensation for the safe
4049 storage and care of the DRE units and related equipment if the
4050 same are stored and secured by a person or entity other than the
4051 circuit or municipal clerk.



4052 **SECTION 105.** Section 23-15-531.5, Mississippi Code of 1972,
4053 is amended as follows:

4054 23-15-531.5. (1) The arrangement of offices, names of
4055 candidates and ballot questions upon the DRE ballots shall conform
4056 as nearly as practicable to the arrangement of offices, names of
4057 candidates and ballot questions on paper ballots.

4058 * * *

4059 (2) The officials in charge of the election of each county
4060 or municipality shall cause the creation of the database for each
4061 DRE unit which is to be used in any precinct within the county or
4062 municipality.

4063 **SECTION 106.** Section 23-15-531.6, Mississippi Code of 1972,
4064 is amended as follows:

4065 23-15-531.6. (1) For each primary or general election, the
4066 officials in charge of the election shall utilize at least
4067 seventy-five percent (75%) of all * * * DRE * * * units available
4068 to the county or municipality, as the case may be. For all other
4069 elections in which the officials in charge of the election choose
4070 to utilize DRE units, at least one-third (33.3%) of all DRE units
4071 available to the county or municipality, as the case may be, shall
4072 be used in such elections.

4073 (2) The officials in charge of the election shall ensure the
4074 delivery of the proper DRE units to the polling places of the
4075 respective precincts at least one (1) hour before the time for



4076 opening the polls at each election and shall cause each unit to be
4077 set up in the proper manner for use in voting.

4078 (3) (a) On or before the second day preceding any election,
4079 the election commissioners or their designee(s) shall cause each
4080 DRE unit to be tested for logic and accuracy to ascertain that the
4081 units will correctly count the votes cast for all offices and on
4082 all questions, in a manner the Secretary of State may further
4083 prescribe by rule or regulation.

4084 (b) Public notice of the time and place of the test
4085 shall be made at least five (5) days before the date of the test.
4086 Representatives of candidates, political parties, news media and
4087 the public shall be permitted to observe the testing of the DRE
4088 units.

4089 (4) The election commissioners or their designee(s) shall
4090 test all memory cards and encoders to be used in any election.

4091 (5) The officials in charge of the election shall require
4092 that each DRE unit be * * * inspected and sealed * * * before the
4093 delivery of each DRE unit to the polling place. * * * Before
4094 opening the polls each day on which the DRE units will be used in
4095 an election, the poll manager shall break the seal on each unit,
4096 turn on each unit, certify that each unit is operating properly
4097 and is set to zero, and print a zero tape certifying that each
4098 unit is set to zero and shall keep or record such certification on
4099 each unit.



4100 (* * *6) The * * * election commissioners and poll managers
4101 shall provide ample protection against molestation of and injury
4102 to the DRE units, and, for that purpose, the * * * election
4103 commissioners and poll managers may call upon any law enforcement
4104 officer to furnish any assistance that may be necessary. It shall
4105 be the duty of any law enforcement officer to furnish assistance
4106 when so requested by the * * * election commissioner or poll
4107 manager.

4108 (* * *7) The officials in charge of the election, in
4109 conjunction with the governing authorities, shall, at least one
4110 (1) hour prior to the opening of the polls:

4111 (a) Provide sufficient lighting to enable electors to
4112 read the ballot and * * * to enable poll managers * * * to examine
4113 the booth and * * * conduct their responsibilities;

4114 (b) Provide directions for voting on the DRE units
4115 which shall be prominently posted within each voting booth and
4116 provide at least * * * one (1) sample * * * ballot for * * * each
4117 primary or general election which shall be prominently posted
4118 outside the enclosed space within the polling place;

4119 (c) Ensure that each DRE * * * unit and its tabulating
4120 mechanism is secure throughout the day * * *; and

4121 (d) Provide such other materials and supplies as may be
4122 necessary or required by law.

4123 **SECTION 107.** Section 23-15-531.9, Mississippi Code of 1972,
4124 is amended as follows:



4125 23-15-531.9. (1) A duly qualified elector shall cast his or
4126 her vote on a DRE unit by touching the screen or pressing the
4127 appropriate button on the DRE unit for the candidate or * * *
4128 ballot measure of the elector's choice. After pressing the
4129 appropriate button on the DRE unit or location on the screen to
4130 cast the ballot, the elector's vote shall be final and shall not
4131 be subsequently altered.

4132 (2) If an elector leaves the voting booth without having
4133 pressed the appropriate button on the DRE unit or location on the
4134 screen to finally cast his or her ballot and cannot be located to
4135 return to the booth to complete the voting process, then a poll
4136 manager shall take the steps necessary to void the ballot that was
4137 not completed by the elector and an appropriate record shall be
4138 made of the event, or the DRE unit shall be allowed to time-out,
4139 thereby voiding the ballot.

4140 **SECTION 108.** Section 23-15-531.10, Mississippi Code of 1972,
4141 is amended as follows:

4142 23-15-531.10. (1) In elections in which DRE voting
4143 equipment is used, the ballots shall be counted at the precinct
4144 under the direction of the officials in charge of the election.
4145 All persons who perform any duties at the precinct shall * * *
4146 take the * * * oath provided in * * * Section 268 Mississippi
4147 Constitution of 1890 * * * and only those persons * * * shall
4148 touch any ballot, container, paper or machine utilized in the



4149 conduct of the count or be permitted * * * in the immediate
4150 area * * * where the ballots are counted.

4151 (2) All proceedings at the precincts shall be open to the
4152 view of the public, but no person except one employed and
4153 designated for the purpose by the officials in charge of the
4154 election shall touch any ballot, any DRE unit or the tabulating
4155 equipment.

4156 (3) After the polls have closed and all voting in the
4157 precinct has ceased, the poll manager shall shut down the DRE
4158 units and extract the election results from each unit as follows:

4159 (a) The poll manager shall obtain the results tape from
4160 each DRE unit and verify that the number of ballots cast as
4161 recorded on the tape matches the public count number as displayed
4162 on the DRE unit; and

4163 (b) * * * The poll manager shall * * * extract the
4164 memory card, if applicable, from each DRE unit.

4165 (4) (a) Upon completion of shutting down each DRE unit and
4166 extracting the election results, the poll manager shall cause to
4167 be completed and signed a ballot recap form, in sufficient
4168 counterparts, showing:

4169 (i) The number of valid ballots;

4170 (ii) The number of spoiled * * * ballots;

4171 (iii) The number of affidavit ballots; * * *

4172 (iv) The number of accepted and rejected absentee
4173 ballots;



4174 (v) The number of challenged and rejected ballots;

4175 and

4176 (vi) The number of unused * * * paper

4177 ballots * * *.

4178 (b) The poll manager shall cause to be placed in the
4179 ballot box or supply container, should the supply container be
4180 capable of being sealed and secured, one (1) copy of the recap
4181 form * * *, affidavit ballots, absentee ballots, spoiled * * *
4182 ballots, challenged and rejected ballots and any unused paper
4183 ballots.

4184 (5) The poll manager shall collect and retain the zero tape
4185 and the results tape for each DRE unit and place the tapes with
4186 the memory card, if any, for each unit and enclose all such items
4187 for all of the DRE units used in the precinct in * * * the memory
4188 card transport bag which shall be sealed and initialed by the poll
4189 manager so that it cannot be opened without breaking the seal.
4190 The memory card transport bag shall be placed in the ballot box.

4191 (6) The receiving and returning poll manager shall then
4192 deliver the * * * sealed ballot box to the tabulating center for
4193 the county or municipality or to such other place designated by
4194 the officials in charge of the election and shall receive a
4195 receipt therefor. The copies of the recap forms, unused ballots,
4196 records and other materials shall be returned to the designated
4197 location and retained as provided by law.



4198 (7) Upon receipt of the sealed * * * ballot box and memory
4199 card transport bag therein containing the zero tapes, results
4200 tapes and memory cards, the officials in charge of the election
4201 shall * * * break the seal of the * * * memory card transport bag
4202 and remove its contents. The officials in charge of the election
4203 shall then download the results stored on the memory card from
4204 each DRE unit into the election management system located at the
4205 central tabulation point of the county in order to obtain election
4206 results for certification.

4207 **SECTION 109.** Section 23-15-531.12, Mississippi Code of 1972,
4208 is amended as follows:

4209 23-15-531.12. If for any reason any * * * DRE unit shall
4210 become inoperable, the poll managers, or the officials in charge
4211 of the election, shall direct voters to * * * an operating * * *
4212 DRE unit or to cast * * * emergency paper ballots. Such paper
4213 ballots shall be administered * * * in accordance with the laws
4214 concerning paper ballots.

4215 **SECTION 110.** Section 23-15-541, Mississippi Code of 1972, is
4216 amended as follows:

4217 23-15-541. (1) At all elections, the polls shall be opened
4218 promptly at * * * 7:00 a.m. and be kept open until the last
4219 qualified voter, who was standing in line at the polling place at
4220 7:00 p.m., has cast his or her ballot, or 7:00 p.m., whichever is
4221 later. * * * One (1) hour before opening * * * the polls, and not
4222 before, the poll managers * * * shall designate two (2) of their



4223 number, other than the poll manager * * * who was designated as
4224 the receiving and returning poll manager * * *, who shall * * * be
4225 known respectively as the initialing poll manager and the
4226 alternate initialing poll manager. The alternate initialing poll
4227 manager, in the absence of the initialing poll manager, shall
4228 perform all of the duties and undertake all of the
4229 responsibilities of the initialing poll manager. When any person
4230 entitled to vote shall appear to vote, the poll managers shall
4231 located the name of the voter in the pollbook, identify the voter
4232 by requiring the voter to submit acceptable photo identification
4233 as required by Section 23-15-563, and then allow the voter * * *
4234 to sign his or her name in a receipt book or booklet provided for
4235 that purpose and to be used at that election only. * * * After
4236 the voter has signed the receipt book or booklet, the initialing
4237 poll manager or, in his or her absence, the alternate initialing
4238 poll manager shall endorse his or her initials on the back of an
4239 official blank ballot, prepared in accordance with law, and at
4240 such place on the back of the ballot that the initials may be seen
4241 after the ballot has been marked and folded, and when so endorsed
4242 he or she shall deliver it to the voter, which ballot the voter
4243 shall mark in the manner provided by law, which when done the
4244 voter shall deliver the ballot to the initialing poll manager or,
4245 in his or her absence, to the alternate initialing poll manager,
4246 in the presence of the others, and the poll manager shall see that
4247 the ballot so delivered bears on the back thereof the genuine



4248 initials of the initialing poll manager, or alternate initialing
4249 poll manager, and if so, but not otherwise, the ballot shall be
4250 put into the ballot box; and when so done one (1) of the poll
4251 managers * * * mark the pollbook "VOTED" across from the name of
4252 the voter and in the appropriate column. If the voter is unable
4253 to write his or her name on the receipt book, a poll manager * * *
4254 shall note on the back of the ballot that it was receipted for
4255 by * * * the poll manager's assistance.

4256 (2) * * * A poll manager shall be authorized to allow a
4257 physically disabled person to vote curbside during the hours in
4258 which the polls are open as described in this section.

4259 (a) Where the poll managers of an election, exercising
4260 their sound discretion, determine that a physically disabled
4261 person has arrived at the polls in a motor vehicle to vote, two
4262 (2) * * * poll managers shall carry the pollbook, the receipt
4263 book, and a ballot or voting device to the motor vehicle * * *
4264 After determining * * * the disabled person is a qualified elector
4265 as provided by law by locating the disabled elector's name in the
4266 pollbook, the poll managers shall identify the disabled elector by
4267 requiring the elector to submit acceptable photo identification as
4268 required by Section 23-15-563 and then allow the elector to sign
4269 his or her name in the receipt book and * * * cast his or her
4270 ballot in secret. To ensure the secrecy of the vote of the
4271 disabled elector, other passengers in the motor vehicle, except
4272 the disabled elector and any other disabled persons in the motor



4273 vehicle, shall exit the motor vehicle until the disabled elector
4274 has completed the casting of his or her ballot. After the
4275 disabled elector casts his or her ballot, the managers shall
4276 mark * * * "VOTED" by the elector's name and in the appropriate
4277 column in the pollbook.

4278 (b) If the ballot that is provided to the disabled
4279 elector is a paper ballot, the initialing poll manager shall
4280 initial the ballot as provided by law, and the disabled elector,
4281 after marking his or her ballot shall fold the ballot or place it
4282 in the ballot sleeve. The initialing poll manager or alternate
4283 initialing poll manager shall determine whether the initials on
4284 the ballot are genuine, and upon a determination that the initials
4285 are genuine, mark "VOTED" by the elector's name and in the
4286 appropriate column in the pollbook. The initialing poll manager
4287 or alternate initialing poll manager shall without delay place the
4288 ballot in the ballot box.

4289 (c) If, while a voter is voting by curbside, there are
4290 less than three (3) poll managers immediately present within the
4291 polling place conducting an election * * *, all voting at the
4292 polls shall stop until the poll managers conducting the curbside
4293 voting * * * return to the polls so that there are at least three
4294 (3) poll managers immediately present within the polling place to
4295 conduct the election * * *, and until a minimum of three (3) poll
4296 managers are present, the remaining poll manager or poll managers



4297 shall ensure the security of the ballot box, the voting devices,
4298 and any ballots and election materials.

4299 (3) Nothing in this section shall prevent a voter from
4300 requesting voter assistance as provided in Section 23-15-549.

4301 **SECTION 111.** Section 23-15-543, Mississippi Code of 1972, is
4302 amended as follows:

4303 23-15-543. The receipt booklet, mentioned in Section
4304 23-15-541, shall not be taken out of the polling place at any time
4305 until finally * * * enclosed in the ballot box, except in case of
4306 any adjournment, when the receipt * * * book shall be * * * sealed
4307 in the ballot box.

4308 **SECTION 112.** Section 23-15-547, Mississippi Code of 1972, is
4309 amended as follows:

4310 23-15-547. * * * Instead of placing the signatures of voters
4311 in a paper receipt book, the signatures of voters may be
4312 electronically captured in the * * * polling place and a paper
4313 version of the signatures of voters may be generated after
4314 the * * * close of the * * * polling place, which shall * * * be
4315 sealed in the ballot box.

4316 **SECTION 113.** Section 23-15-551, Mississippi Code of 1972, is
4317 amended as follows:

4318 23-15-551. On receiving his or her ballot, the voter
4319 shall * * * go without undue delay into one (1) of the voting
4320 compartments * * * and shall there prepare his or her ballot by
4321 marking with ink or indelible pencil on the appropriate margin or



4322 place a cross (X) opposite the name of the candidate of his choice
4323 for each office * * * or by * * * writing in the name of * * * a
4324 candidate * * * in the blank space provided * * *, and marking a
4325 cross (X) opposite thereto, and likewise a cross (X) opposite the
4326 answer he desires to give in case of an election on a
4327 constitutional amendment, local option election, referenda or any
4328 other question or matter. As an alternative method, a voter may,
4329 at his or her option, prepare * * * a ballot by marking with ink
4330 or indelible pencil in the appropriate margin or place a check, in
4331 the form of and similar to a "V", opposite the name of the
4332 candidate of his or her choice for each office * * * or by * * *
4333 writing in the name of * * * a candidate * * * in the blank space
4334 provided * * * and marking a check * * * in the form of and
4335 similar to a "V", opposite thereto, and likewise a check, in the
4336 form of and similar to a "V", opposite the answer he or she
4337 desires to give in case of an election on a constitutional
4338 amendment, local option election, referenda or other question or
4339 matter, either of which methods of marking, whether by a cross (X)
4340 or by a check in the form of and similar to a "V", is authorized.
4341 Before leaving the voting compartment, the voter shall fold his or
4342 her ballot without displaying * * * its markings * * *, but so
4343 that the words "OFFICIAL BALLOT," followed by the designation of
4344 the voting precinct and the date of the election, shall be visible
4345 to the * * * poll managers * * *, then deposit * * * his or her
4346 ballot directly into the ballot box * * *. This * * * shall * * *



4347 be done without undue delay, and as soon as * * * the voter has
4348 voted he or she shall * * * promptly exit the * * * polling
4349 place * * *. A voter shall not be allowed to occupy a voting
4350 compartment already occupied by another voter, nor any compartment
4351 longer than ten (10) minutes, if other voters * * * are not
4352 waiting, nor longer than five (5) minutes if other voters * * *
4353 are waiting. A person shall not be allowed in the room in which
4354 the ballot boxes, compartments, tables and shelves are, except the
4355 officers of the election, and those appointed by them to assist
4356 therein, and those authorized by Section 23-15-577.

4357 **SECTION 114.** Section 23-15-553, Mississippi Code of 1972, is
4358 amended as follows:

4359 23-15-553. A person shall not take or remove any ballot from
4360 the polling place before the close of the polls. If any voter
4361 spoils a ballot he or she may obtain others, one (1) at a time,
4362 not exceeding three (3) in all, upon returning each spoiled
4363 ballot. The word "SPOILED" shall be written across the face of
4364 the ballot and each shall be deposited into the sealed ballot box.
4365 When the polls have closed upon the casting of the last ballot or
4366 7:00 p.m., whichever is later, and the poll managers break the
4367 seal upon the ballot box to begin closing procedures, those
4368 ballots marked as "SPOILED" shall be bundled together and placed
4369 in a separate strong envelope provided for spoiled ballots. The
4370 envelope containing all spoiled ballots shall be sealed in the
4371 ballot box once the poll managers have completed the closing



4372 procedures and returned the materials to the officials in charge
4373 of the election.

4374 **SECTION 115.** Section 23-15-563, Mississippi Code of 1972, is
4375 amended as follows:

4376 23-15-563. (1) Each person who shall appear to vote in
4377 person at a polling place or the registrar's office shall be
4378 required to identify himself or herself to * * * poll manager or
4379 the registrar by presenting current and valid photo identification
4380 before such person shall be allowed to vote.

4381 (2) The identification required by subsection (1) of this
4382 section shall include, but not be limited to, the following:

4383 (a) A current and valid Mississippi driver's license;

4384 (b) A current and valid identification card issued by a
4385 branch, department, agency or entity of the State of Mississippi;

4386 (c) A current and valid United States passport;

4387 (d) A current and valid employee identification card
4388 containing a photograph of the elector and issued by any branch,
4389 department, agency or entity of the United States government, the
4390 State of Mississippi, or any county, municipality, board,
4391 authority or other entity of this state;

4392 (e) A current and valid Mississippi license to carry a
4393 pistol or revolver;

4394 (f) A valid tribal identification card containing a
4395 photograph of the elector;



4396 (g) A current and valid United States military
4397 identification card;

4398 (h) A current and valid student identification card,
4399 containing a photograph of the elector, issued by any accredited
4400 college, university or community or junior college in the State of
4401 Mississippi; and

4402 (i) An official Mississippi voter identification card
4403 containing a photograph of the elector.

4404 (3) (a) A person who appears to vote in person at a polling
4405 place and does not have identification as required by this section
4406 may vote by affidavit ballot. The affidavit ballot shall then be
4407 counted if the person shall present acceptable photo
4408 identification to the registrar within five (5) days.

4409 (b) An elector who has a religious objection to being
4410 photographed may vote by affidavit ballot, and the elector, within
4411 five (5) days after the election, shall execute an affidavit in
4412 the registrar's office affirming that the exemption applies.

4413 * * *

4414 (* * *4) The intentional failure of an election official to
4415 require a voter to present identification as required by this
4416 section shall be considered corrupt conduct under Section 97-13-19
4417 and shall be reported to the Secretary of State and the Attorney
4418 General.

4419 **SECTION 116.** Section 23-15-571, Mississippi Code of 1972, is
4420 amended as follows:



4421 23-15-571. (1) The following persons shall be designated as
4422 authorized challengers and shall be allowed to challenge the
4423 qualifications of any person offering to vote:

4424 (a) Any candidate whose name is on the ballot in the
4425 precinct in which the challenge is made;

4426 (b) Any official poll watcher of a candidate whose name
4427 is on the ballot in the precinct in which the challenge is made;

4428 (c) Any official poll watcher of a political party for
4429 the precinct in which the challenge is made;

4430 (d) Any qualified elector from the precinct in which
4431 the challenge is made; or

4432 (e) Any poll manager * * * or poll worker in the
4433 polling place where the person whose qualifications are challenged
4434 is offering to vote.

4435 (2) The challenge of any authorized challenger shall be
4436 considered and acted upon by the poll managers of the election.

4437 (3) A person offering to vote may be challenged upon the
4438 following grounds:

4439 (a) That * * * the voter is not a registered voter in
4440 the precinct;

4441 (b) That * * * the voter is not the registered voter
4442 under whose name * * * the voter has applied to vote;

4443 (c) That * * * the voter has already voted in the
4444 election;



4445 (d) That * * * the voter is not a resident in the
4446 precinct where * * * the voter is registered;

4447 (e) That * * * the voter has illegally registered to
4448 vote;

4449 (f) That * * * the voter has removed his or her ballot
4450 from the polling place; or

4451 (g) That * * * the voter is otherwise disqualified by
4452 law.

4453 **SECTION 117.** Section 23-15-573, Mississippi Code of 1972, is
4454 amended as follows:

4455 23-15-573. (1) If any person declares that he or she is a
4456 registered voter in the jurisdiction in which he or she offers to
4457 vote and that he or she is eligible to vote in the election, but
4458 his or her name does not appear upon the pollbooks, or that he or
4459 she is not able to cast a regular election day ballot under a
4460 provision of state or federal law but is otherwise qualified to
4461 vote, or that he or she has been illegally denied registration, or
4462 that he or she is unable to present an acceptable form of photo
4463 identification:

4464 (a) A poll manager shall notify the person that he or
4465 she may cast an affidavit ballot at the election.

4466 (b) The person shall be permitted to cast an affidavit
4467 ballot at the polling place upon execution of a written affidavit
4468 before one (1) of the poll managers * * * stating that the
4469 individual:



4470 (i) Believes he or she is a registered voter in
4471 the jurisdiction in which he or she desires to vote and is
4472 eligible to vote in the election; or

4473 (ii) Is not able to cast a regular election day
4474 ballot under a provision of state or federal law but is otherwise
4475 qualified to vote; or

4476 (iii) Believes that he or she has been illegally
4477 denied registration; or

4478 (iv) Is unable to present an acceptable form of
4479 photo identification.

4480 (c) The poll manager shall allow the individual
4481 to * * * mark a paper ballot properly endorsed by the initialing
4482 poll manager or alternate initialing poll manager in accordance
4483 with Section 23-15-541, which shall be delivered by him or her to
4484 the proper election official who shall enclose it in an affidavit
4485 ballot envelope, with the written and signed affidavit of the
4486 voter affixed to the envelope, seal the envelope and mark plainly
4487 upon it the name of the person offering to vote.

4488 (2) The affidavit ballot envelope shall include:

4489 (a) The complete name * * * of the voter;

4490 (b) A present and previous physical and mailing address
4491 of the voter;

4492 (c) Telephone numbers where the voter may be contacted;



4493 (* * *d) A statement that the affiant believes he or
4494 she is registered to vote in the jurisdiction in which he or she
4495 offers to vote;

4496 (* * *e) The signature of the affiant; and

4497 (* * *f) The signature of * * * the poll manager at
4498 the * * * polling place at which the affiant offers to vote.

4499 (3) (a) A separate * * * receipt book shall be maintained
4500 for affidavit * * * voters and the * * * affidavit voters shall
4501 sign the * * * receipt book upon completing the affidavit ballot.

4502 (b) If the affidavit voter is casting an affidavit
4503 ballot because the voter is unable to present an acceptable form
4504 of photo identification and the voter's name appears in the
4505 pollbook, then the poll manager shall write "NO ID" across from
4506 the voter's name and in the appropriate column in the pollbook.

4507 (* * *c) In canvassing the returns of the election,
4508 the executive committee in primary elections, or the election
4509 commissioners in other elections, shall examine the records and
4510 allow the ballot to be counted, or not counted as it appears
4511 legal.

4512 (d) An affidavit ballot of a voter who was unable to
4513 present an acceptable form of photo identification shall not be
4514 rejected for this reason if the voter does either of the
4515 following:



4516 (i) Returns to the circuit clerk's office within
4517 five (5) business days after the date of the election and presents
4518 an acceptable form of photo identification;

4519 (ii) Returns to the circuit clerk's office within
4520 five (5) business days after the date of the election to obtain
4521 the Mississippi Voter Identification Card; or

4522 (iii) Returns to the circuit clerk's office within
4523 five (5) business days after the date of the election to execute a
4524 separate Affidavit of Religious Objection.

4525 (4) When a person is offered the opportunity to vote by
4526 affidavit ballot, he or she shall be provided with written
4527 information that informs the person how to ascertain whether his
4528 or her affidavit ballot was counted and, if the vote was not
4529 counted, the reasons the vote was not counted.

4530 (5) The officials in charge of the election shall process
4531 all affidavit ballots by using the Statewide Elections Management
4532 System. The officials in charge of the election shall account for
4533 all affidavit ballots cast in each election, categorizing the
4534 affidavit ballots cast by reason and recording the total number of
4535 affidavit ballots counted and not counted in each such category in
4536 the Statewide Elections Management System.

4537 (* * *6) The Secretary of State shall, by rule duly
4538 adopted, establish a uniform * * * affidavit ballot envelope which
4539 shall be used in all elections in this state. The Secretary of
4540 State shall print and distribute a sufficient number of * * *



4541 affidavit ballot envelopes to the registrar of each county for use
4542 in elections. The registrar shall distribute the * * * affidavit
4543 ballot envelopes to municipal and county executive committees for
4544 use in primary elections and to municipal and county election
4545 commissioners for use in all other elections.

4546 (* * * 7) County registrars and municipal registrars
4547 shall * * * maintain a secure free access system that complies
4548 with the Help America Vote Act of 2002, by which persons who vote
4549 by affidavit ballot may determine if their ballots were counted,
4550 and if not, the reasons the ballot was not counted.

4551 (* * * 8) Any person who votes in any election as a result
4552 of a federal or state court order or other order extending the
4553 time established by law for closing the polls on an election day,
4554 may only vote by affidavit ballot. Any affidavit ballot cast
4555 under this subsection shall be separated and kept apart from other
4556 affidavit ballots cast by voters not affected by the order.

4557 **SECTION 118.** Section 23-15-575, Mississippi Code of 1972, is
4558 amended as follows:

4559 23-15-575. * * * No person shall vote or attempt to vote in
4560 the primary election of one (1) party when he or she has voted on
4561 the same date in the primary election of another party. No person
4562 shall vote or attempt to vote in the second primary election of
4563 one (1) party when he or she has voted in the first primary
4564 election of another party.



4565 **SECTION 119.** Section 23-15-577, Mississippi Code of 1972, is
4566 amended as follows:

4567 23-15-577. (1) Each candidate on the ballot shall have the
4568 right, either in person or by a * * * credentialed poll watcher,
4569 to be present at the polling place * * *. In general and special
4570 elections, each political party having a candidate on the ballot
4571 shall have the right to be represented at the polling place by two
4572 (2) credentialed poll watchers.

4573 (2) A credentialed poll watcher means a poll watcher of good
4574 conduct and behavior, authorized in writing to act as the
4575 representative of a candidate on the ballot or political party
4576 having a candidate on the ballot. The written authorization of
4577 the candidate or political party must be presented to a poll
4578 manager by the certified poll watcher upon arrival at the polling
4579 place. * * *

4580 (3) * * * Poll managers shall provide * * * candidates and
4581 credentialed poll watchers with a suitable position from
4582 which * * * they may be able to * * * clearly see and hear the
4583 manner in which the election is held. Candidates and credentialed
4584 poll watchers shall be authorized to bring their own pollbooks,
4585 whether in a print or electronic form, to the polling place during
4586 each general and special election.

4587 (4) * * * Candidates and credentialed poll watchers shall be
4588 allowed to challenge the qualifications of any person offering to
4589 vote, and * * * their challenge shall be considered and acted upon



4590 by the poll managers. However, candidates and credentialed poll
4591 watchers shall not be allowed to interfere in the election
4592 process, which shall include, but not be limited to:

4593 (a) Communicating with any voter;

4594 (b) Physically touching or handling any ballot,
4595 absentee ballot envelope, absentee ballot application or
4596 affidavit ballot envelope;

4597 (c) Viewing or photographing the pollbooks while at
4598 the polling place; or

4599 (d) Photographing the receipt books while at the
4600 polling place.

4601 **SECTION 120.** Section 23-15-579, Mississippi Code of 1972, is
4602 amended as follows:

4603 23-15-579. (1) All votes, which shall be challenged at the
4604 polls, whether the question be raised by a poll manager or * * *
4605 another authorized challenger, shall be * * * considered by * * *
4606 the poll managers * * * at that time.

4607 (2) When it shall so clearly appear in the unanimous opinion
4608 of the poll managers, either by the admissions or statements of
4609 the person challenged or from * * * documentary evidence, or * * *
4610 oral evidence then presented to the poll managers, that the
4611 challenge is well taken, the vote shall be rejected entirely and
4612 shall not be counted * * *. * * * In such case, the * * *
4613 challenged voter shall mark his choices and cast his vote by paper
4614 ballot. After the ballot has been marked by the challenged voter,



4615 it shall be marked by the poll manager on the back "REJECTED" and
4616 the name of the voter and the reason the ballot of the challenged
4617 voter was rejected shall also be written on the back * * * of the
4618 ballot. All rejected ballots shall be placed in the ballot box
4619 until the close of the polls at which time, upon the opening of
4620 the ballot box, all rejected * * * ballots shall be placed in a
4621 separate strong envelope * * * and returned * * * to the box.

4622 * * *

4623 (3) When it shall so clearly appear in the * * * unanimous
4624 opinion of the poll managers, either by the admissions or
4625 statements of the person challenged or from documentary evidence,
4626 or oral evidence then presented to the poll managers, that the
4627 challenge is frivolous and not made in good faith, * * * the poll
4628 managers shall disregard * * * the challenge and * * * the voter
4629 shall cast his or her vote as other voters in the polling place as
4630 though not challenged.

4631 (4) When it shall not so clearly appear whether the
4632 challenge is well taken or frivolous and no unanimous decision can
4633 be made by the poll managers, the challenged voter shall mark his
4634 choices and cast his vote by paper ballot. After the ballot has
4635 been marked by the challenged voter, it shall be marked by the
4636 poll managers on the back "CHALLENGED," and the name of the voter
4637 and the reason the challenge of the voter was made shall also be
4638 written on the back of the ballot. All challenged ballots shall
4639 be placed in the ballot box until the close of the polls at which



4640 time, upon the opening of the ballot box, all challenged ballots
4641 shall be removed therefrom and separately counted, tallied and
4642 totalled with a separate return made of the challenged votes.
4643 Challenged ballots shall be placed in a separate strong envelope,
4644 and returned to the ballot box.

4645 **SECTION 121.** Section 23-15-581, Mississippi Code of 1972, is
4646 amended as follows:

4647 23-15-581. When the * * * last qualified voter, who was
4648 standing in line at the polling place at 7:00 p.m., has cast his
4649 or her ballot, or 7:00 p.m., whichever is later, the poll managers
4650 shall proclaim that the polls are closed and * * * publicly break
4651 the seal and open the ballot box * * * to immediately proceed to
4652 count the ballots, at the same time reading aloud the names of the
4653 persons voted for, which shall be taken down * * *. During the
4654 holding of the election and the counting of the ballots, the whole
4655 proceedings shall be in fair and full view of the voting public,
4656 candidates or their duly authorized representatives and other
4657 authorized poll watchers, without unnecessary interference, delay
4658 or encroachment upon the good order of the duties and proceedings
4659 of the poll managers and other officers of the election. * * *
4660 There shall be no unnecessary delay and no adjournment except as
4661 provided by law.

4662 **SECTION 122.** Section 23-15-591, Mississippi Code of 1972, is
4663 amended as follows:



4664 23-15-591. When the votes have been completely and correctly
4665 counted and tallied by the poll managers they shall publicly
4666 proclaim the result of the election at their box and shall certify
4667 in duplicate a statement of the * * * result, * * * the
4668 certificate to be signed by the poll managers * * *, one (1) of
4669 the certificates to be * * * enclosed in the ballot box, and the
4670 other to be delivered to and to be kept by one (1) of the poll
4671 managers and to be inspected at any time by any voter who so
4672 requests. When the count of the votes and the tally * * * of the
4673 votes have been completed, the poll managers shall lock and seal
4674 the ballot box, having first placed therein all ballots voted, all
4675 spoiled ballots and all unused ballots. There shall * * * also be
4676 enclosed one (1) of the duplicate receipts given by the poll
4677 manager who received the blank ballots received for that box; and
4678 the total ballots voted, and the spoiled ballots, and the unused
4679 ballots must correspond in total with the * * * duplicate receipt
4680 or else the failure thereof must be perfectly accounted for by a
4681 written statement, under oath of the poll managers, which
4682 statement must be * * * enclosed in the ballot box. There
4683 shall * * * also * * * be enclosed in * * * the box the tally
4684 list, the receipt * * * book containing the signed names of the
4685 voters who voted; and the number of ballots voted must correspond
4686 with the number of names signed in * * * the receipt * * * book.

4687 **SECTION 123.** Section 23-15-593, Mississippi Code of 1972, is
4688 amended as follows:



4689 23-15-593. When the ballot box is opened and examined by the
4690 county executive committee in the case of a primary election, or
4691 county election commissioners in the case of other elections, and
4692 it is found that there have been failures in material particulars
4693 to comply with the requirements of Section 23-15-591 and Section
4694 23-15-895 to such an extent that it is impossible to arrive at the
4695 will of the voters at such precinct, the entire box may be thrown
4696 out unless it be made to appear with reasonable certainty that the
4697 irregularities were not deliberately permitted or engaged in by
4698 the poll managers at that box, or by one (1) of them responsible
4699 for the wrong or wrongs, for the purpose of electing or defeating
4700 a certain candidate or candidates by manipulating the election or
4701 the returns thereof at that box in such manner as to have it
4702 thrown out; in which latter case the county executive committee,
4703 or the county election commission, as appropriate, shall conduct
4704 such hearing and make such determination in respect to * * * the
4705 box as may appear lawfully just, subject to a judicial review
4706 of * * * the matter as elsewhere provided by this chapter. Or the
4707 executive committee, or the election commission, or the court upon
4708 review, may order another election to be held at that box
4709 appointing new poll managers to hold the same.

4710 **SECTION 124.** Section 23-15-595, Mississippi Code of 1972, is
4711 amended as follows:

4712 23-15-595. The box containing the ballots and other records
4713 required by this chapter shall, * * * immediately after the



4714 ballots have been counted, be delivered by one (1) of the * * *
4715 poll managers to the clerk of the circuit court of the county
4716 and * * * the clerk shall, in the presence of the poll manager
4717 making delivery of the box, place upon the lock of such box
4718 a * * * tamper-evident. * * * The seals shall be numbered
4719 consecutively to the number of ballot boxes used in the election
4720 in the county, and the clerk shall keep in a place separate from
4721 such boxes a record of the number of the seal of each separate box
4722 in the county. The board of supervisors of the county shall pay
4723 the cost of providing * * * the seals. Upon demand of the
4724 chairman of the county executive committee in the case of primary
4725 elections, or the county election commissioner in the case of
4726 other elections, the boxes and their contents shall be delivered
4727 to the county executive committee, or the county election
4728 commission, as appropriate, and after such committee or
4729 commission, as appropriate, has finished the work of tabulating
4730 returns and counting ballots as required by law, the * * *
4731 committee or commission, as appropriate, shall return all papers
4732 and ballots to the box of the precinct where * * * the election
4733 was held, and it shall make redelivery of * * * the boxes and
4734 their contents to the circuit clerk who shall reseal * * * the
4735 boxes. Upon every occasion * * * the boxes shall be reopened and
4736 each resealing shall be done as provided in this chapter.

4737 **SECTION 125.** Section 23-15-597, Mississippi Code of 1972, is
4738 amended as follows:



4739 23-15-597. (1) The county executive committee shall
4740 meet * * * no later than one (1) week from the day * * * following
4741 each primary election * * * to receive and canvass the returns
4742 which must be made within the time fixed by law for returns of
4743 general elections and declare the result, and announce the name of
4744 the nominees for county and county district offices and the names
4745 of those candidates to be submitted to the second primary. The
4746 vote for state, state district offices and legislative offices
4747 shall be tabulated by precincts and certified to and returned to
4748 the State Executive Committee, such returns to be mailed by
4749 registered letter or any safe mode of transmission within
4750 thirty-six (36) hours after the returns are canvassed and the
4751 result ascertained. The State Executive Committee shall
4752 meet * * * one (1) week from the day following the first primary
4753 election held for state, state district offices and legislative
4754 offices, and shall proceed to canvass the returns and to declare
4755 the result, and announce the names of those nominated for the
4756 different offices in the first primary and the names of those
4757 candidates whose names are to be submitted to the second primary
4758 election. The State Executive Committee shall also meet * * * one
4759 (1) week from the day on which the second primary election was
4760 held and receive and canvass the returns for state and district
4761 offices, if any, and legislative offices, if any, voted on
4762 in * * * the second primary. An exact and full duplicate of all
4763 tabulations by precincts as certified under this section shall be



4764 filed with the circuit clerk of the county who shall safely
4765 preserve the same in his office.

4766 (2) (a) If it is eligible under Section 23-15-266, the
4767 county executive committee may enter into a written agreement with
4768 the circuit clerk or the county election commission authorizing
4769 the circuit clerk or the county election commission to perform any
4770 of the duties required of the county executive committee pursuant
4771 to this section. Any agreement entered into pursuant to this
4772 subsection shall be signed by the chairman of the county executive
4773 committee and the circuit clerk or the chairman of the county
4774 election commission, as appropriate. The county executive
4775 committee shall notify the State Executive Committee and the
4776 Secretary of State of the existence of * * * the agreement.

4777 (b) If it is eligible under Section 23-15-266, the
4778 municipal executive committee may enter into a written agreement
4779 with the municipal clerk or the municipal election commission
4780 authorizing the municipal clerk or the municipal election
4781 commission to perform any of the duties required of the municipal
4782 executive committee pursuant to this section. Any agreement
4783 entered into pursuant to this subsection shall be signed by the
4784 chairman of the municipal executive committee and the municipal
4785 clerk or the chairman of the municipal election commission, as
4786 appropriate. The municipal executive committee shall notify the
4787 State Executive Committee and the Secretary of State of the
4788 existence of such agreement.



4789 **SECTION 126.** Section 23-15-601, Mississippi Code of 1972, is
4790 amended as follows:

4791 23-15-601. (1) When the result of the election shall have
4792 been ascertained by the poll managers they, or one (1) of their
4793 number, or some fit person designated by them, shall, * * * as
4794 soon as practicable after the election, but in no event to exceed
4795 eight (8) days, deliver to the election commissioners * * *, at
4796 the courthouse, a statement of the whole number of votes given for
4797 each person and for what office; and the election
4798 commissioners * * * shall canvass the returns, ascertain and
4799 declare the result, and, within ten (10) days after the day of the
4800 election, shall deliver a certificate of * * * the election to the
4801 person having the greatest number of votes for representative in
4802 the Legislature of districts composed of one (1) county or less,
4803 or other county office, board of supervisors, justice court judge
4804 and constable. If it appears that two (2) or more candidates for
4805 Representative of the county, or part of the county, or for any
4806 county office, board of supervisors, justice court judge or
4807 constable standing highest on the list, and not elected, have an
4808 equal number of votes, the interested candidates shall appear
4809 before the election commissioners within two (2) days after the
4810 canvass and the tie shall be * * * determined by a toss of a coin
4811 or by lot fairly and publicly drawn * * *, and a certificate of
4812 election shall be given accordingly. The foregoing provisions
4813 shall apply to Senators, if the county be a senatorial district.



4814 (2) The election commissioners * * * shall transmit to the
4815 Secretary of State, on such forms and by such methods as may be
4816 required by rules and regulations promulgated by the Secretary of
4817 State, a statement of the total number of votes cast in the county
4818 for each candidate for each office and the total number of votes
4819 cast for such candidates in each precinct in the district in which
4820 the candidate ran.

4821 **SECTION 127.** Section 23-15-603, Mississippi Code of 1972, is
4822 amended as follows:

4823 23-15-603. (1) The election commissioners * * * shall,
4824 within ten (10) days after the general election, transmit to the
4825 Secretary of State, to be filed in his office, a statement of the
4826 whole number of votes given in their county and the whole number
4827 of votes given in each precinct in their county, for each
4828 candidate for any office at the election; but the returns of every
4829 election for Governor, Lieutenant Governor, Secretary of State,
4830 Attorney General, Auditor of Public Accounts, State Treasurer,
4831 Commissioner of Insurance and other state officers, shall each be
4832 made out separately, sealed up together and transmitted to the
4833 seat of government, directed to the Secretary of State, and
4834 endorsed the "VOTE FOR STATE OFFICERS," to be delivered by the
4835 Secretary of State to the Speaker of the House of Representatives
4836 at the next ensuing session of the Legislature. In addition to
4837 the other information required pursuant to this subsection, the
4838 returns for state officers shall contain a statement of the whole



4839 number of votes given in each House of Representative district or
4840 portion thereof for each candidate for state office at the
4841 election.

4842 (2) Constitutional amendments shall be voted for at the time
4843 fixed by the concurrent resolution. The election, whether held
4844 separately or with other elections, shall be conducted, in all
4845 respects, as required for elections generally. The election
4846 commissioners * * * shall, within ten (10) days after the
4847 election, transmit to the Secretary of State a statement of the
4848 whole number of votes given in their county and the whole number
4849 of votes given in each precinct in their county for or against
4850 constitutional amendments.

4851 (3) The statements certified by the election commissioners
4852 and transmitted to the Secretary of State, as required by this
4853 section, shall be tabulated by the Secretary of State and
4854 submitted to each branch of the Legislature, at the session next
4855 ensuing. Certified county vote totals shall represent the final
4856 results of the election.

4857 (4) The statements required by this section shall contain a
4858 certification, signed and dated by a majority of the election
4859 commissioners * * *, which shall read as follows:

4860 "We, the undersigned election commissioners * * *, do
4861 hereby certify that this statement of the whole number of
4862 votes contains the official vote for the election reflected
4863 therein."



4864 (5) The statements required by this section shall be
4865 transmitted to the Secretary of State on such forms and by such
4866 methods as may be required by rules and regulations promulgated by
4867 the Secretary of State.

4868 **SECTION 128.** Section 23-15-605, Mississippi Code of 1972, is
4869 amended as follows:

4870 23-15-605. The Secretary of State, immediately after
4871 receiving the returns of an election, not longer than thirty (30)
4872 days after the election, shall sum up the whole number of votes
4873 given for each candidate other than candidates for state offices,
4874 legislative offices composed of one (1) county or less, county
4875 offices and county district offices, according to the statements
4876 of the votes certified to him and ascertain the person or persons
4877 having the largest number of votes for each office, and declare
4878 such person or persons to be duly elected; and thereupon all
4879 persons chosen to any office at the election shall be commissioned
4880 by the Governor; but if it appears that two (2) or more candidates
4881 for any district office where the district is composed of two (2)
4882 or more counties, standing highest on the list, and not elected,
4883 have an equal number of votes, the election shall be forthwith
4884 decided between the candidates having an equal number of votes
4885 by * * * each candidate individually drawing one (1) of the two
4886 (2) sealed containers from an opaque bag, under the direction of
4887 the Governor and Secretary of State. The containers shall consist
4888 of a straw of conspicuous length, and the candidate drawing the



4889 container with the longer of the two (2) straws shall be declared
4890 the winner.

4891 **SECTION 129.** Section 23-15-607, Mississippi Code of 1972, is
4892 amended as follows:

4893 23-15-607. (1) The election commissioners * * * shall,
4894 within ten (10) days after an election for judges of the Supreme
4895 Court or Court of Appeals, transmit to the Secretary of State, to
4896 be filed in his office, a statement of the whole number of votes
4897 given in their county, and the whole number of votes given in each
4898 precinct in their county, for each candidate for the Office of
4899 Judge of the Supreme Court or Court of Appeals, and the Secretary
4900 of State shall immediately notify each member of the State Board
4901 of Election Commissioners in writing to assemble at his office on
4902 a day to be fixed by him, to be within ten (10) days after the
4903 receipt by him of such statement, and when assembled pursuant to
4904 such notice the State Board of Election Commissioners shall sum up
4905 the whole number of votes given for each candidate for judge of
4906 the Supreme Court or Court of Appeals according to the total
4907 number of votes in each county for each candidate as certified to
4908 the Secretary of State, ascertain the person or persons to be
4909 elected; and thereupon all persons chosen to such office at the
4910 election shall be commissioned by the Governor; but if it appears
4911 that two (2) or more candidates for judge of the Supreme Court or
4912 Court of Appeals standing highest on the list, and not elected,
4913 have an equal number of votes, the election shall be forthwith



4914 decided between the candidates having an equal number of votes
4915 by * * * each candidate individually drawing one (1) of the two
4916 (2) sealed containers from an opaque bag, under the direction of
4917 the Governor and Secretary of State. The containers shall consist
4918 of a straw of conspicuous length, and the candidate drawing the
4919 container with the longer of the two (2) straws shall be declared
4920 the winner.

4921 (2) The statements required by this section shall contain a
4922 certification, signed and dated by a majority of the election
4923 commissioners * * *, which shall read as follows:

4924 "We, the undersigned election commissioners * * *, do
4925 hereby certify that this statement of the whole number of
4926 votes contain the official vote for the election reflected
4927 therein."

4928 (3) The statements required by this section shall be
4929 transmitted to the Secretary of State on such forms and by such
4930 methods as may be required by rules and regulations promulgated by
4931 the Secretary of State.

4932 **SECTION 130.** Section 23-15-609, Mississippi Code of 1972, is
4933 amended as follows:

4934 23-15-609. When a city or part of a county is entitled to
4935 separate representation in the Legislature, the election
4936 commissioners * * * shall prepare for the election, and shall
4937 receive and canvass the returns, declare the result, and transmit



4938 it to the Secretary of State, and act in all respects as in other
4939 elections.

4940 **SECTION 131.** Section 23-15-611, Mississippi Code of 1972, is
4941 amended as follows:

4942 23-15-611. (1) In municipal elections, poll managers * * *
4943 shall, immediately upon the closing of the polls, count the
4944 ballots and ascertain the number of votes cast in each voting
4945 precinct for each of the candidates or ballot measures and make a
4946 return thereof to the municipal election commissioners. On the
4947 day following the election, the election commissioners shall
4948 canvass the returns so received from all voting precincts and
4949 shall, within * * * six (6) days after * * * the election, deliver
4950 to each person receiving the highest number of votes a certificate
4951 of election. If it shall appear that any two (2) or more of the
4952 candidates receiving the highest number of votes shall have
4953 received an equal number of votes, the election shall be decided
4954 by a toss of a coin or by lot * * * fairly and publicly
4955 drawn * * * under the direction of the election
4956 commissioners * * *.

4957 (2) (a) Within * * * ten (10) days after any election, the
4958 municipal election commissioners shall transmit a statement to the
4959 Secretary of State certifying the name or names of the person or
4960 persons elected * * *, and such person or persons shall be issued
4961 commissions by the Governor. The statement shall also include
4962 vote totals for each candidate for each office and vote totals for



4963 and against ballot measures, if any, including the vote totals for
4964 each candidate a ballot measure in each precinct in the
4965 municipality.

4966 (b) The statements required by this subsection shall
4967 contain a certification, signed and dated by a majority of the
4968 municipal election commissioners, which shall read as follows:

4969 "We, the undersigned municipal election commissioners, do
4970 hereby certify that this statement contains the official vote for
4971 the election reflected therein."

4972 (c) The statements required by this subsection shall be
4973 transmitted to the Secretary of State on such forms and by such
4974 methods as may be required by rules and regulations promulgated by
4975 the Secretary of State.

4976 (d) If the statement certifying the names of the
4977 persons elected is not transmitted to the Secretary of State as
4978 required by this subsection, the Secretary of State may issue a
4979 show cause order directing the municipal election commissioners to
4980 provide to the Secretary of State written response containing the
4981 reasons for their failure to transmit the statement. The
4982 municipal election commissioners shall file their response to the
4983 show cause order with the Secretary of State within five (5)
4984 working days after the issuance of the show cause order. If the
4985 statement certifying the names of the persons elected is not
4986 transmitted to the Secretary of State within five (5) working days
4987 after the issuance of the show cause order, the Secretary of State



4988 may petition a court of competent jurisdiction to compel the
4989 municipal election commissioners to comply with this subsection.
4990 If the statement certifying the names of the persons elected is
4991 received by the Secretary of State within five (5) days after the
4992 issuance of the show cause order, a response to the show cause
4993 order shall not be required.

4994 **SECTION 132.** Section 23-15-613, Mississippi Code of 1972, is
4995 amended as follows:

4996 23-15-613. (1) As used in this section "residual votes"
4997 means overvotes, undervotes and any other vote not counted for any
4998 reason.

4999 (2) For every election, election commissions and county and
5000 municipal executive committees shall report to the Secretary of
5001 State residual vote information; however, if the voting devices
5002 utilized in the election do not produce a ballot, other
5003 information shall be reported as required in this section.

5004 (3) For every election, election commissions and county and
5005 municipal executive committees responsible for the conduct of
5006 elections in which ballots are generated that are counted by hand
5007 or by * * * OMR equipment or the tabulating mechanism of a DRE
5008 unit shall report to the Secretary of State all residual votes for
5009 all candidates and ballot measures in the elections for which they
5010 are responsible for conducting. Such residual vote reports shall:

5011 (a) Be received by the Secretary of State no later than
5012 December 15 of the year in which the election is held;



5013 (b) Include any suggested explanation or suspected
5014 cause of the residual votes;

5015 (c) Include a copy of a voided official ballot for the
5016 election as such ballot appeared to voters at the election and
5017 copies of voided affidavit and absentee ballots if they are
5018 different from the official ballot;

5019 (d) Include the total voter turnout for each election
5020 to be determined by totaling the number of persons signing the
5021 receipt book at each precinct, absentee voters and persons who
5022 voted by affidavit ballot and persons whose ballots were
5023 challenged and rejected; and

5024 (e) Include a copy of any printed voting instructions
5025 given or visible to voters in the election and a description of
5026 any verbal instructions and any other evidence of voter education
5027 that was utilized in the election.

5028 (4) For every election, election commissions and county and
5029 municipal executive committees responsible for the conduct of
5030 election in which voting devices are used that do not generate
5031 ballots that are counted by hand or by * * * OMR equipment or the
5032 tabulating mechanism of a DRE unit, shall file a report with the
5033 Secretary of State which shall:

5034 (a) Be received by the Secretary of State no later than
5035 December 15 of the year in which the election is held;

5036 (b) Include the total voter turnout for each election
5037 to be determined by totaling the number of persons signing the



5038 receipt book at each precinct, absentee voters and persons who
5039 voted by affidavit ballot and persons whose ballots were
5040 challenged and rejected;

5041 (c) Include in the report any anecdotal information
5042 obtained concerning voter problems with the voting equipment or
5043 ballot layout;

5044 (d) Include in the report any suggested explanation or
5045 suspected cause of any difference in the amount of total voter
5046 turnout and the number of counted votes for candidates for various
5047 offices; and

5048 (e) Include a copy of any printed voting instructions
5049 given or visible to voters in the election and a description of
5050 any verbal instructions and any other evidence of voter education
5051 that was utilized in the election.

5052 (5) Not later than January 31 of the year following the
5053 election, the Secretary of State shall submit a report to the
5054 Governor, Lieutenant Governor and Speaker of the House of
5055 Representatives analyzing the reports required to be filed
5056 pursuant to this section. The analysis shall include the
5057 following:

5058 (a) The performance of each voting device type used in
5059 the election;

5060 (b) Any problems with voter or poll worker instructions
5061 or ballot design and layout that have been identified as a result
5062 of analyzing the reports received;



5063 (c) Recommendations for reducing the number of residual
5064 votes reported; and

5065 (d) Such other information as the Secretary of State
5066 deems beneficial.

5067 (6) The reports required pursuant to this section shall be
5068 in such form as may be required by rules and regulations
5069 promulgated by the Secretary of State.

5070 **SECTION 133.** Section 23-15-801, Mississippi Code of 1972, is
5071 amended as follows:

5072 23-15-801. As used in this article (a) "Election" * * *
5073 means a general, special, primary or runoff election.

5074 (b) "Candidate" * * * means an individual who seeks
5075 nomination for election, or election, to any elective office other
5076 than a federal elective office * * *. For purposes of this
5077 article, an individual shall be deemed to seek nomination for
5078 election, or election:

5079 (i) If such individual has received contributions
5080 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
5081 expenditures aggregating in excess of Two Hundred Dollars
5082 (\$200.00) or for a candidate for the Legislature or any statewide
5083 or state district office, by the qualifying deadlines specified in
5084 Sections 23-15-299 and 23-15-977, whichever occurs first; or

5085 (ii) If such individual has given his or her consent to
5086 another person to receive contributions or make expenditures on
5087 behalf of such individual and if such person has received such



5088 contributions aggregating in excess of Two Hundred Dollars
5089 (\$200.00) during a calendar year, or has made such expenditures
5090 aggregating in excess of Two Hundred Dollars (\$200.00) during a
5091 calendar year.

5092 (c) "Political committee" * * * means any committee, party,
5093 club, association, political action committee, campaign committee
5094 or other groups of persons or affiliated organizations which
5095 receives contributions aggregating in excess of Two Hundred
5096 Dollars (\$200.00) during a calendar year or which makes
5097 expenditures aggregating in excess of Two Hundred Dollars
5098 (\$200.00) during a calendar year for the purpose of influencing or
5099 attempting to influence the action of voters for or against the
5100 nomination for election, or election, of one or more candidates,
5101 or balloted measures and shall, in addition, include each
5102 political party registered with the Secretary of State.

5103 (d) "Affiliated organization" * * * means any organization
5104 which is not a political committee, but which directly or
5105 indirectly establishes, administers or financially supports a
5106 political committee.

5107 (e) (i) "Contribution" shall include any gift,
5108 subscription, loan, advance or deposit of money or anything of
5109 value made by any person or political committee for the purpose of
5110 influencing any election for elective office or balloted measure;

5111 (ii) "Contribution" shall not include the value of
5112 services provided without compensation by any individual who



5113 volunteers on behalf of a candidate or political committee; or the
5114 cost of any food or beverage for use in any candidate's campaign
5115 or for use by or on behalf of any political committee of a
5116 political party;

5117 (iii) "Contribution to a political party" includes any
5118 gift, subscription, loan, advance or deposit of money or anything
5119 of value made by any person, political committee, or other
5120 organization to a political party and to any committee,
5121 subcommittee, campaign committee, political committee and other
5122 groups of persons and affiliated organizations of the political
5123 party * * *;

5124 (iv) "Contribution to a political party" shall not
5125 include the value of services provided without compensation by any
5126 individual who volunteers on behalf of a political party or a
5127 candidate of a political party.

5128 (f) (i) "Expenditure" shall include any purchase, payment,
5129 distribution, loan, advance, deposit, gift of money or anything of
5130 value, made by any person or political committee for the purpose
5131 of influencing any balloted measure or election for elective
5132 office; and a written contract, promise, or agreement to make an
5133 expenditure;

5134 (ii) "Expenditure" shall not include any news story,
5135 commentary or editorial distributed through the facilities of any
5136 broadcasting station, newspaper, magazine, or other periodical
5137 publication, unless such facilities are owned or controlled by any



5138 political party, political committee, or candidate; or nonpartisan
5139 activity designed to encourage individuals to vote or to register
5140 to vote;

5141 (iii) "Expenditure by a political party" includes 1.
5142 any purchase, payment, distribution, loan, advance, deposit, gift
5143 of money or anything of value, made by any political party and by
5144 any contractor, subcontractor, agent, and consultant to the
5145 political party; and 2. a written contract, promise, or agreement
5146 to make such an expenditure.

5147 (g) * * * "Identification" * * * means:

5148 (i) In the case of any individual, the name, the
5149 mailing address, and the occupation of such individual, as well as
5150 the name of his or her employer; and

5151 (ii) In the case of any other person, the full name and
5152 address of such person.

5153 (h) * * * "Political party" * * * means an association,
5154 committee or organization which nominates a candidate for election
5155 to any elective office whose name appears on the election ballot
5156 as the candidate of such association, committee or organization.

5157 (i) * * * "Person" * * * means any individual, family, firm,
5158 corporation, partnership, association or other legal entity.

5159 (j) * * * "Independent expenditure" * * * means an
5160 expenditure by a person expressly advocating the election or
5161 defeat of a clearly identified candidate which is made without
5162 cooperation or consultation with any candidate or any authorized



5163 committee or agent of such candidate, and which is not made in
5164 concert with or at the request or suggestion of any candidate or
5165 any authorized committee or agent of such candidate.

5166 (k) * * * "Clearly identified" * * * means that:

5167 (i) The name of the candidate involved appears; or

5168 (ii) A photograph or drawing of the candidate appears;

5169 or

5170 (iii) The identity of the candidate is apparent by
5171 unambiguous reference.

5172 **SECTION 134.** Section 23-15-803, Mississippi Code of 1972, is
5173 amended as follows:

5174 23-15-803.(* * * 1) * * * Each political committee shall
5175 file a statement of organization which must be received by the
5176 Secretary of State no later than * * * forty-eight (48) hours
5177 after:

5178 (a) Receipt of contributions aggregating in excess of
5179 Two Hundred Dollars (\$200.00), or * * *

5180 (b) Having made expenditures aggregating in excess of
5181 Two Hundred Dollars (\$200.00).

5182 (* * * 2) * * * The content of the statement of organization
5183 of a political committee shall include:

5184 (* * * a) The name * * *, address, officers, and
5185 members of the committee * * *;

5186 (* * * b) Designation of a * * * chairman of the * * *
5187 organization and a custodian of the financial books, records and



5188 accounts of the * * * organization, who shall be designated
5189 treasurer; and

5190 (* * * c) If the committee is authorized by a
5191 candidate, the name, address, office sought, and party affiliation
5192 of the candidate.

5193 (* * * 3) * * * Any change in information previously
5194 submitted in a statement of organization shall be reported and
5195 noted on the next regularly scheduled report.

5196 (4) In addition to any other penalties provided by law, the
5197 Secretary of State may impose administrative penalties against any
5198 political committee that fails to comply with the requirements of
5199 this section in an amount not to exceed Five Thousand Dollars
5200 (\$5,000.00) per violation. The notice, hearing and appeals
5201 provisions of Section 23-15-813 shall apply to any action taken
5202 pursuant to this subsection. The Secretary of State may pursue
5203 judicial enforcement of any penalties issued pursuant to this
5204 section.

5205 **SECTION 135.** Section 23-15-805, Mississippi Code of 1972, is
5206 amended as follows:

5207 23-15-805. (* * * 1) Candidates for state, state district,
5208 and legislative district offices, and every political committee,
5209 which makes reportable contributions to or expenditures in support
5210 of or in opposition to a candidate for any such office or makes
5211 reportable contributions to or expenditures in support of or in
5212 opposition to a statewide ballot measure, shall file all reports



5213 required under this article with the Office of the Secretary of
5214 State.

5215 (* * *2) Candidates for county or county district office,
5216 and every political committee which makes reportable contributions
5217 to or expenditures in support of or in opposition to a candidate
5218 for such office or makes reportable contributions to or
5219 expenditures in support of or in opposition to a countywide ballot
5220 measure or a ballot measure affecting part of a county, excepting
5221 a municipal ballot measure, shall file all reports required by
5222 this section in the office of the circuit clerk of the county in
5223 which the election occurs, or directly to the Office of the
5224 Secretary of State via facsimile, electronic mail, postal mail or
5225 hand delivery. The circuit clerk shall forward copies of all
5226 reports to the Office of the Secretary of State.

5227 (* * *3) Candidates for municipal office, and every
5228 political committee which makes reportable contributions to or
5229 expenditures in support of or in opposition to a candidate for
5230 such office, or makes reportable contributions to or expenditures
5231 in support of or in opposition to a municipal ballot measure shall
5232 file all reports required by this article in the office of the
5233 municipal clerk of the municipality in which the election occurs,
5234 or directly to the Office of the Secretary of State via facsimile,
5235 electronic mail, postal mail or hand delivery. The municipal
5236 clerk shall forward copies of all reports to the Office of the
5237 Secretary of State.



5238 (* * *4) The Secretary of State, the circuit clerks and the
5239 municipal clerks shall make all reports received under this
5240 subsection available for public inspection and copying and shall
5241 preserve such reports for a period of five (5) years.

5242 * * *

5243 **SECTION 136.** Section 23-15-807, Mississippi Code of 1972, is
5244 amended as follows:

5245 23-15-807. (* * *1) Each candidate or political committee
5246 shall file reports of contributions and disbursements in
5247 accordance with the provisions of this section. All candidates or
5248 political committees required to report such contributions and
5249 disbursements may terminate * * * the obligation to report only
5250 upon submitting a final report that * * * contributions will no
5251 longer * * * be received or * * * disbursements made and that such
5252 candidate or committee has no outstanding debts or obligations.
5253 The candidate, treasurer, or chief executive officer shall
5254 sign * * * such report.

5255 (* * *2) Candidates * * * seeking election, or nomination
5256 for election, and political committees * * * making
5257 expenditures * * * to influence * * * or attempt to influence
5258 voters for or against the nomination for election * * * of one or
5259 more candidates or balloted measures at such election, shall file
5260 the following reports:

5261 (* * *a) In any calendar year during which there is a
5262 regularly scheduled election, a pre-election report, which shall



5263 be filed no later than the seventh day before any election in
5264 which such candidate or political committee has accepted
5265 contributions or made expenditures and which shall be complete as
5266 of the tenth day before such election;

5267 (* * *b) In 1987 and every fourth year * * * after,
5268 periodic reports, which shall be filed no later than the tenth day
5269 after April 30, May 31, June 30, September 30 and December 31, and
5270 which shall be complete as of the last day of each period; and

5271 (* * *c) In any calendar years except 1987 and except
5272 every fourth year thereafter, a report covering the calendar year
5273 which shall be filed no later than January 31 of the following
5274 calendar year.

5275 (* * *d) Except as otherwise provided in the
5276 requirements of paragraph (a) of this subsection, unopposed
5277 candidates are not required to file pre-election reports but must
5278 file all other reports required by subparagraphs (ii) and (iii) of
5279 this paragraph (b).

5280 (* * *3) All candidates for judicial office as defined in
5281 Section 23-15-975, or their political committees, shall file in
5282 the year in which they are to be elected, periodic reports which
5283 shall be filed no later than the tenth day after April 30, May 31,
5284 June 30, September 30 and December 31.

5285 (* * *4) Contents of reports. Each report under this
5286 article shall disclose:



5287 (* * *a) For the reporting period and the calendar
5288 year, the total amount of all contributions and the total amount
5289 of all expenditures of the candidate or reporting committee * * *,
5290 including those required to be identified pursuant to * * *
5291 paragraph (* * *b) of this * * * subsection as well as the total
5292 of all other contributions and expenditures during the calendar
5293 year. Such reports shall be cumulative during the calendar year
5294 to which they relate;

5295 (* * *b) The identification of:

5296 * * *(i) Each person or political committee who
5297 makes a contribution to the reporting candidate or political
5298 committee during the reporting period, whose contribution or
5299 contributions within the calendar year have an aggregate amount or
5300 value in excess of Two Hundred Dollars (\$200.00) together with the
5301 date and amount of any such contribution;

5302 * * *(ii) Each person or organization, candidate
5303 or political committee who receives an expenditure, payment or
5304 other transfer from the reporting candidate, political committee
5305 or its agent, employee, designee, contractor, consultant or other
5306 person or persons acting in its behalf during the reporting period
5307 when the expenditure, payment or other transfer to such person,
5308 organization, candidate or political committee within the calendar
5309 year have an aggregate value or amount in excess of Two Hundred
5310 Dollars (\$200.00) together with the date and amount of such
5311 expenditure * * *;



5312 (* * *c) The total amount of cash on hand of each
5313 reporting candidate and reporting political committee;
5314 (* * *d) In addition to the contents of reports
5315 specified in * * * paragraphs (* * *a), (* * *b) and (* * *c)
5316 of this * * * subsection (d), each political party shall disclose:

5317 * * *(i) Each person or political committee who
5318 makes a contribution to a political party during the reporting
5319 period and whose contribution or contributions to a political
5320 party within the calendar year have an aggregate amount or value
5321 in excess of Two Hundred Dollars (\$200.00), together with the date
5322 and amount of the contribution;

5323 * * *(ii) Each person or organization who
5324 receives an expenditure by a political party or expenditures by a
5325 political party during the reporting period when the expenditure
5326 or expenditures to the person or organization within the calendar
5327 year have an aggregate value or amount in excess of Two Hundred
5328 Dollars (\$200.00), together with the date and amount of the
5329 expenditure.

5330 (e) The following detailed billing information for any
5331 expenditure to a credit card company, other business providing
5332 credit card purchase services, Internet payment company or similar
5333 entity providing credit or payment services for purchases of goods
5334 and services:

5335 (i) The identification of each vendor to whom an
5336 expenditure that is required to be disclosed under this subsection
5337 that is paid to the vendor by the credit card company or similar
5338 entity;



5339 (ii) The date of the expenditure; and

5340 (iii) The amount of the expenditure.

5341 Merely identifying aggregate payments to a credit card
5342 company or similar entity does not satisfy the requirements of
5343 this section.

5344 (* * *5) The appropriate office specified in Section
5345 23-15-805 must be in actual receipt of the reports specified in
5346 this article by 5:00 p.m. on the dates specified in paragraph (b)
5347 of this section. If the date specified in paragraph (b) of this
5348 section shall fall on a weekend or legal holiday then the report
5349 shall be due in the appropriate office at 5:00 p.m. on the first
5350 working day before the date specified in paragraph (b) of this
5351 section. The reporting candidate or reporting political committee
5352 shall ensure that the reports are delivered to the appropriate
5353 office by the filing deadline. The Secretary of State may approve
5354 specific means of electronic transmission of completed campaign
5355 finance disclosure reports, which may include, but not be limited
5356 to, transmission by electronic facsimile (FAX) devices.

5357 (* * *6) (* * *a) If any contribution of more than Two
5358 Hundred Dollars (\$200.00) is received by a candidate or
5359 candidate's political committee after the tenth day, but more than
5360 forty-eight (48) hours before 12:01 a.m. of the day of the
5361 election, the candidate or political committee shall notify the
5362 appropriate office designated in Section 23-15-805, within



5363 forty-eight (48) hours of receipt of the contribution. The
5364 notification shall include:

5365 * * * (i) The name of the receiving candidate;

5366 * * * (ii) The name of the receiving candidate's
5367 political committee, if any;

5368 * * * (iii) The office sought by the candidate;

5369 * * * (iv) The identification of the contributor;

5370 * * * (v) The date of receipt;

5371 * * * (vi) The amount of the contribution;

5372 * * * (vii) If the contribution is in-kind, a
5373 description of the in-kind contribution; and

5374 * * * (viii) The signature of the candidate or the
5375 treasurer or * * * chairman of the candidate's political * * *
5376 organization.

5377 (* * * b) The notification shall be in writing, and may
5378 be transmitted by overnight mail, courier service, or other
5379 reliable means, including electronic facsimile (FAX), but the
5380 candidate or candidate's committee shall ensure that the
5381 notification shall in fact be received in the appropriate office
5382 designated in Section 23-15-805 within forty-eight (48) hours of
5383 the contribution.

5384 **SECTION 137.** Section 23-15-811, Mississippi Code of 1972, is
5385 amended as follows:

5386 23-15-811. (* * * 1) Any candidate or any other person who
5387 shall * * * willfully violate the provisions and prohibitions of



5388 this article shall be guilty of a misdemeanor and upon
5389 conviction * * * shall be punished by a fine in a sum not to
5390 exceed Three Thousand Dollars (\$3,000.00) or imprisoned for not
5391 longer than six (6) months or by both fine and imprisonment.

5392 (* * *2) In addition to the penalties provided in paragraph
5393 (a) of this section and Chapter 13, Title 97, Mississippi Code of
5394 1972, any candidate or political committee which is required to
5395 file a statement or report which fails to file such statement or
5396 report on the date * * * it is due may be compelled to file such
5397 statement or report by an action in the nature of a mandamus
5398 brought by the Secretary of State or Attorney General.

5399 (* * *3) No candidate shall be certified as nominated for
5400 election or as elected to office * * * until he files all reports
5401 required by this article due as of the date of certification.

5402 (* * *4) No candidate who is elected to office shall
5403 receive any salary or other remuneration for the office * * *
5404 until he files all reports required by this article due as of the
5405 date * * * the salary or remuneration is payable.

5406 (* * *5) In the event that a candidate fails to timely file
5407 any report required pursuant to this article but subsequently
5408 files a report or reports containing all of the information
5409 required to be reported * * *, such candidate shall not be subject
5410 to the sanctions of * * * subsections (3) and (4) of this section.

5411 **SECTION 138.** Section 23-15-813, Mississippi Code of 1972, is
5412 amended as follows:



5413 23-15-813. (* * *1) In addition to any other penalty
5414 permitted by law, the Secretary of State shall require any
5415 candidate or political committee, as identified in Section
5416 23-15-805(a), and any other political committee registered with
5417 the Secretary of State, who fails to file a campaign finance
5418 disclosure report as required under Sections 23-15-801 through
5419 23-15-813, or Sections 23-17-47 through 23-17-53, or who shall
5420 file a report which fails to substantially comply with the
5421 requirements of Sections 23-15-801 through 23-15-813, or Sections
5422 23-17-47 through 23-17-53, to be assessed a civil penalty as
5423 follows:

5424 (* * *a) Within five (5) calendar days after any
5425 deadline for filing a report pursuant to Sections 23-15-801
5426 through 23-15-813, or Sections 23-17-47 through 23-17-53, the
5427 Secretary of State shall compile a list of those candidates and
5428 political committees who have failed to file a report. The
5429 Secretary of State shall provide each candidate or political
5430 committee, who has failed to file a report, notice of the failure
5431 by first-class mail.

5432 (* * *b) Beginning with the tenth calendar day after
5433 which any report shall be due, the Secretary of State shall assess
5434 the delinquent candidate and political committee a civil penalty
5435 of Fifty Dollars (\$50.00) for each day or part of any day until a
5436 valid report is delivered to the Secretary of State, up to a
5437 maximum of ten (10) days. * * * In the discretion of the



5438 Secretary of State, the assessing of the fine may be waived in
5439 whole or in part if the Secretary of State determines that
5440 unforeseeable mitigating circumstances, such as the health of the
5441 candidate, interfered with timely filing of a report. Failure of
5442 a candidate or political committee to receive notice of failure to
5443 file a report from the Secretary of State is not an unforeseeable
5444 mitigating circumstance, and failure to receive the notice shall
5445 not result in removal or reduction of any assessed civil penalty.

5446 (* * *c) Filing of the required report and payment of
5447 the fine within ten (10) calendar days of notice by the Secretary
5448 of State that a required statement has not been filed * * *
5449 constitutes compliance with Sections 23-15-801 through 23-15-813,
5450 or Sections 23-17-47 through 23-17-53.

5451 (* * *d) Payment of the fine without filing the
5452 required report does not * * * excuse or exempt any person * * *
5453 from the filing requirements of Sections 23-15-801 through
5454 23-15-813, and Sections 23-17-47 through 23-17-53.

5455 (* * *e) If any candidate or political committee is
5456 assessed a civil penalty, and the penalty is not subsequently
5457 waived by the Secretary of State, the candidate or political
5458 committee shall pay the fine to the Secretary of State within
5459 ninety (90) days of the date of the assessment of the fine. If,
5460 after one hundred twenty (120) days of the assessment of the fine
5461 the payment for the entire amount of the assessed fine has not
5462 been received by the Secretary of State, the Secretary of State



5463 shall notify the Attorney General of the delinquency, and the
5464 Attorney General shall file, where necessary, a suit to compel
5465 payment of the civil penalty.

5466 (* * *2) (* * *a) Upon the sworn application, made within
5467 sixty (60) calendar days of the date upon which the required
5468 report is due, of a candidate or political committee against whom
5469 a civil penalty has been assessed pursuant to * * * subsection (1)
5470 of this section, the Secretary of State shall forward the
5471 application to the State Board of Election Commissioners. The
5472 State Board of Election Commissioners shall appoint one or more
5473 hearing officers who shall be former chancellors, circuit court
5474 judges, judges of the Court of Appeals or justices of the Supreme
5475 Court, * * * to conduct hearings held pursuant to this article.
5476 The hearing officer shall fix a time and place for a hearing and
5477 shall cause a written notice specifying the civil penalties that
5478 have been assessed against the candidate or political committee
5479 and notice of the time and place of the hearing to be served upon
5480 the candidate or political committee at least twenty (20) calendar
5481 days before the hearing date. The notice may be served by mailing
5482 a copy * * * of the notice by certified mail, postage prepaid, to
5483 the last-known business address of the candidate or political
5484 committee.

5485 (* * *b) The hearing officer may issue subpoenas for
5486 the attendance of witnesses and the production of * * * documents
5487 at the hearing. Process issued by the hearing officer shall



5488 extend to all parts of the state and shall be served by any person
5489 designated by the hearing officer for the service.

5490 (* * *c) The candidate or political committee has the
5491 right to appear either personally, by counsel or both, to produce
5492 witnesses or evidence in his behalf, to cross-examine witnesses
5493 and to have subpoenas issued by the hearing officer.

5494 (* * *d) At the hearing, the hearing officer shall
5495 administer oaths as may be necessary for the proper conduct of the
5496 hearing. All hearings shall be conducted by the hearing officer,
5497 who shall not be bound by strict rules of procedure or by the laws
5498 of evidence * * *, but the determination shall be based upon
5499 sufficient evidence to sustain it. The scope of review at the
5500 hearing shall be limited to making a determination of whether
5501 failure to file a required report was due to an unforeseeable
5502 mitigating circumstance.

5503 (* * *e) Where, in any proceeding before the hearing
5504 officer, any witness fails or refuses to attend upon a subpoena
5505 issued by the commission, refuses to testify, or refuses to
5506 produce any * * * documents called for by a subpoena, the
5507 attendance of the witness, the giving of his testimony or the
5508 production of the * * * documents shall be enforced by any court
5509 of competent jurisdiction of this state in the manner provided for
5510 the enforcement of attendance and testimony of witnesses in civil
5511 cases in the courts of this state.



5512 (* * *f) Within fifteen (15) calendar days after
5513 conclusion of the hearing, the hearing officer shall reduce his or
5514 her decision to writing and forward an attested true copy of the
5515 decision to the last-known business address of the candidate or
5516 political committee by way of United States first-class, certified
5517 mail, postage prepaid.

5518 (* * *3) (* * *a) The right to appeal from the decision
5519 of the hearing officer in an administrative hearing concerning the
5520 assessment of civil penalties authorized pursuant to this section
5521 is granted. The appeal shall be to the Circuit Court of Hinds
5522 County and shall include a verbatim transcript of the testimony at
5523 the hearing. The appeal shall be taken within thirty (30)
5524 calendar days after notice of the decision of the commission
5525 following an administrative hearing. The appeal shall be
5526 perfected upon filing notice of the appeal and by the prepayment
5527 of all costs, including the cost of the preparation of the record
5528 of the proceedings by the hearing officer, and the filing of a
5529 bond in the sum of Two Hundred Dollars (\$200.00), conditioned that
5530 if the decision of the hearing officer be affirmed by the court,
5531 the candidate or political committee will pay the costs of the
5532 appeal and the action in court. If the decision is reversed by
5533 the court, the Secretary of State will pay the costs of the appeal
5534 and the action in court.

5535 (* * *b) If there is an appeal, the appeal shall act
5536 as a supersedeas. The court shall dispose of the appeal and enter



5537 its decision promptly. The hearing on the appeal may be tried in
5538 vacation, in the court's discretion. The scope of review of the
5539 court shall be limited to a review of the record made before the
5540 hearing officer to determine if the action of the hearing officer
5541 is unlawful for the reason that it was * * * (i) not supported by
5542 substantial evidence, * * * (ii) arbitrary or capricious, * * *
5543 (iii) beyond the power of the hearing officer to make, or * * *
5544 (iv) in violation of some statutory or constitutional right of the
5545 appellant. The decision of the court may be appealed to the
5546 Supreme Court in the manner provided by law.

5547 (* * * 4) If, after forty-five (45) calendar days of the
5548 date of the administrative hearing procedure set forth in * * *
5549 subsection (2) of this section, the candidate or political
5550 committee identified in * * * subsection (1) of this section fails
5551 to pay the monetary civil penalty imposed by the hearing officer,
5552 the Secretary of State shall notify the Attorney General of the
5553 delinquency. The Attorney General shall investigate the offense
5554 in accordance with the provisions of this chapter, and where
5555 necessary, file suit to compel payment of the unpaid civil
5556 penalty.

5557 (* * * 5) If, after twenty (20) calendar days of the date
5558 upon which a campaign finance disclosure report is due, a
5559 candidate or political committee identified in * * * subsection
5560 (1) of this section shall not have filed a valid report with the
5561 Secretary of State, the Secretary of State shall notify the



5562 Attorney General of those candidates and political committees who
5563 have not filed a valid report, and the Attorney General
5564 shall * * * prosecute the delinquent candidates and political
5565 committees.

5566 **SECTION 139.** The following shall be codified as Section
5567 23-15-819, Mississippi Code of 1972:

5568 23-15-819. (1) It shall be unlawful for a foreign national,
5569 directly or through any other person, to make any contribution or
5570 any expenditure of money or other thing of value, or to promise
5571 expressly or impliedly to make any such contribution or
5572 expenditure, in connection with an election to any political
5573 office or in connection with any primary election, convention or
5574 caucus held to select candidates for any political office.

5575 (2) No person shall solicit, accept or receive any such
5576 contribution from a foreign national.

5577 (3) The term "foreign national" means:

5578 (a) A foreign national as defined in 22 USCS 611(b),
5579 except that the terms "foreign national" does not include any
5580 individual who is a citizen of the United States; or

5581 (b) An individual who is not a citizen of the United
5582 States and who is not lawfully admitted for permanent residence.

5583 **SECTION 140.** Section 23-15-831, Mississippi Code of 1972, is
5584 amended as follows:

5585 23-15-831. When a vacancy other than in the
5586 Legislature * * * occursu * * * by death, resignation or otherwise,



5587 in any state or state district elected office, * * * and there is
5588 no special provision of law for * * * filling * * * the vacancy,
5589 the same shall be filled for the unexpired term by appointment by
5590 the Governor.

5591 **SECTION 141.** Section 23-15-833, Mississippi Code of 1972, is
5592 amended as follows:

5593 23-15-833. Except as otherwise provided by law, the first
5594 Tuesday after the first Monday in November of each year shall be
5595 designated the regular special election day, and on that day an
5596 election shall be held to fill any vacancy in county, county
5597 district, and district attorney elective offices, and any vacancy
5598 in the office of circuit judge or chancellor.

5599 All special elections * * * or elections to fill vacancies,
5600 shall in all respects be held, conducted and returned in the same
5601 manner as general elections, except that where no candidate
5602 receives a majority of the votes cast in * * * the election, * * *
5603 a runoff election shall be held three (3) weeks after * * * the
5604 election * * *. The two (2) candidates who receive the highest
5605 popular votes for * * * the office shall have their names
5606 submitted as * * * the candidates to the * * * runoff and the
5607 candidate who leads in * * * the runoff election shall be elected
5608 to the office. When there is a tie in the first election of those
5609 receiving the next highest vote, these two (2) and the one
5610 receiving the highest vote, none having received a majority, shall



5611 go into the runoff election and whoever leads in * * * the runoff
5612 election shall be entitled to the office.

5613 In those years when the regular special election day shall
5614 occur on the same day as the general election, the names of
5615 candidates in any special election and the general election shall
5616 be placed on the same ballot, but shall be clearly distinguished
5617 as general election candidates or special election candidates. At
5618 any time a special election is held on the same day as a party
5619 primary election, the names of the candidates in the special
5620 election may be placed on the same ballot, but shall be clearly
5621 distinguished as special election candidates or primary election
5622 candidates.

5623 **SECTION 142.** Section 23-15-835, Mississippi Code of 1972, is
5624 amended as follows:

5625 23-15-835. The election commissioners * * * of the several
5626 counties to whom the writ of election may be directed shall * * *
5627 immediately * * * upon receipt * * * of the writ, give notice
5628 of * * * the special election to fill a vacancy in * * * the
5629 county or county district office by posting notices at the
5630 courthouse and in each supervisor's district in the county for
5631 ninety (90) days * * * the election; and * * * the election shall
5632 be prepared for and held as in case of a general election.

5633 **SECTION 143.** Section 23-15-837, Mississippi Code of 1972, is
5634 amended as follows:



5635 23-15-837. (1) When a special election * * * is called to
5636 fill any state district office or legislative office and where
5637 only one (1) person has duly qualified with the State Board of
5638 Election Commissioners to be a candidate in * * * the special
5639 election within the time prescribed by law for qualifying as * * *
5640 a candidate, the State Board of Election Commissioners shall make
5641 a finding and determination of * * * that fact, which shall be
5642 duly entered upon its official minutes.

5643 (2) A finding and determination and certification to office
5644 by the State Board of Election Commissioners, as herein provided,
5645 shall dispense with the holding of the special election.

5646 (3) A certified copy of the finding and determination of the
5647 State Board of Election Commissioners shall be * * * filed with
5648 the Governor, and the Governor shall appoint the candidate so
5649 certified to fill the unexpired term.

5650 **SECTION 144.** Section 23-15-839, Mississippi Code of 1972, is
5651 amended as follows:

5652 23-15-839. (1) When a vacancy * * * occurs in any county or
5653 county district office, the same shall be filled by appointment by
5654 the board of supervisors of the county, by order entered upon its
5655 minutes, where the vacancy occurs, or by appointment of the
5656 president of the board of supervisors, by and with the consent of
5657 the majority of the board of supervisors, if such vacancy occurs
5658 when * * * the board is not in session, and the clerk of the board
5659 shall certify to the Secretary of State the * * * appointment, and



5660 the * * * appointed person shall be commissioned by the Governor;
5661 and if the unexpired term be longer than six (6) months, such
5662 appointee shall serve until a successor is elected as hereinafter
5663 provided, unless the regular special election day on which the
5664 vacancy should be filled occurs in a year in which an election
5665 would normally be held for that office as provided by law, in
5666 which case the person so appointed shall serve the unexpired
5667 portion of the term. Such vacancies shall be filled for the
5668 unexpired term by the qualified electors at the next regular
5669 special election day occurring more than ninety (90) days after
5670 the occurrence of the vacancy. The board of supervisors of the
5671 county shall, within ten (10) days after the * * * vacancy occurs,
5672 make an order, in writing, directed to the election
5673 commissioners * * *, commanding an election to be held on the next
5674 regular special election day to fill the vacancy. The election
5675 commissioners shall require each candidate to qualify at least
5676 sixty (60) days before the date of the election, and shall give a
5677 certificate of election to the person elected, and shall return to
5678 the Secretary of State a copy of the order of holding the
5679 election, showing the election results * * *, certified by the
5680 clerk of the board of supervisors. The person elected shall be
5681 commissioned by the Governor to take office once the election is
5682 certified.

5683 (2) In any election ordered pursuant to this section where
5684 only one (1) person * * * qualifies with the election



5685 commissioners * * * to be a candidate within the time provided by
5686 law, the election commissioners * * * shall certify to the board
5687 of supervisors that there is * * * only one (1) candidate.
5688 Thereupon, the board of supervisors shall dispense with the
5689 election and * * * appoint the certified candidate * * * to fill
5690 the unexpired term. The clerk of the board shall certify the
5691 appointed candidate to the Secretary of State and the
5692 candidate * * * shall be commissioned to serve by the Governor.
5693 In the event * * * no person * * * qualifies by 5:00 p.m. sixty
5694 (60) days * * * before the date of the election, the election
5695 commissioners * * * shall certify that fact to the board of
5696 supervisors which shall dispense with the election and fill the
5697 vacancy by appointment. The clerk of the board of supervisors
5698 shall certify the appointment to the Secretary of State * * *, and
5699 the * * * appointed person shall be commissioned to serve by the
5700 Governor.

5701 **SECTION 145.** Section 23-15-843, Mississippi Code of 1972, is
5702 amended as follows:

5703 23-15-843. In case of death, resignation or vacancy from any
5704 cause in the office of district attorney, the unexpired term of
5705 which shall exceed six (6) months, the Governor shall within ten
5706 (10) days after * * * the occurrence of * * * the vacancy
5707 issue * * * a proclamation calling an election to fill a vacancy
5708 in the office of district attorney to be held on the next regular
5709 special election day in the district * * * where the vacancy * * *



5710 occurred unless the vacancy shall occur before ninety (90)
5711 days * * * before the general election in a year in which an
5712 election would normally be held for that office as provided by
5713 law, in which case the * * * appointed person shall serve the
5714 unexpired portion of the term. Candidates in such a special
5715 election shall qualify in the same manner and * * * be subject to
5716 the same time limitations as set forth in Section 23-15-839.
5717 Pending the holding of * * * a special election, the Governor
5718 shall make an emergency appointment to fill the vacancy until the
5719 same shall be filled by election as aforesaid.

5720 **SECTION 146.** Section 23-15-849, Mississippi Code of 1972, is
5721 amended as follows:

5722 23-15-849. (1) Vacancies in the office of circuit judge or
5723 chancellor shall be filled for the unexpired term by the qualified
5724 electors at the next regular special election occurring more than
5725 nine (9) months after the * * * occurrence of the vacancy to be
5726 filled, and the term of office of the person elected to fill a
5727 vacancy shall commence on the first Monday in January following
5728 * * * the election. Upon the * * * occurrence of * * * a
5729 vacancy, the Governor shall appoint a qualified person from the
5730 district in which the vacancy exists to hold the office and
5731 discharge the duties thereof until the vacancy * * * is filled by
5732 election as provided in this subsection.

5733 (2) (a) If half or more than half of the term remains,
5734 vacancies in the office of * * * justice of the Supreme Court or



5735 judge of the Court of Appeals shall be filled for the unexpired
5736 term by the qualified electors at the next regular election for
5737 state officers or for representatives in Congress occurring more
5738 than nine (9) months after the * * * occurrence of the vacancy to
5739 be filled, and the term of office of the person elected to fill a
5740 vacancy shall commence on the first Monday in January
5741 following * * * the election. If less than half of the term
5742 remains, vacancies in the office of * * * justice of the Supreme
5743 Court or judge of the Court of Appeals shall be filled for the
5744 remaining unexpired term solely by appointment as provided in this
5745 subsection.

5746 (b) Upon occurrence of a vacancy, the Governor shall
5747 appoint a qualified person from the district in which the vacancy
5748 exists to hold the office and discharge the duties thereof as
5749 follows:

5750 (i) If less than half of the term remains, the
5751 appointee shall serve until expiration of the term;

5752 (ii) If half or more than half of the term
5753 remains, the appointee shall serve until the vacancy * * * is
5754 filled by election as provided in subsection (1) of this section
5755 for judges of the circuit and chancery courts. Elections to fill
5756 vacancies in the office of * * * justice of the Supreme Court or
5757 judge of the Court of Appeals shall be held, conducted, returned
5758 and the persons elected commissioned in accordance with the law
5759 governing regular elections for * * * justices of the Supreme



5760 Court or judges of the Court of Appeals * * * to the extent
5761 applicable.

5762 * * *

5763 **SECTION 147.** Section 23-15-851, Mississippi Code of 1972, is
5764 amended as follows:

5765 23-15-851. (1) Except as otherwise provided in subsection
5766 (2) of this section, within thirty (30) days after vacancies occur
5767 in either house of the Legislature, the Governor shall issue writs
5768 of election to fill the vacancies on a day specified in the writ
5769 of election. At least * * * sixty (60) days' notice shall be
5770 given of the election in each county or part of a county in which
5771 the election shall be held. The qualifying deadline for the
5772 election shall be * * * fifty (50) days * * * the election.
5773 Notice of the election shall be posted at the courthouse and in
5774 each supervisors district in the county or part of county in which
5775 such election shall be held for as near * * * sixty (60) days as
5776 may be practicable. The election shall be prepared for and held
5777 as in the case of a general election.

5778 (2) If a vacancy occurs * * * in a calendar year in which
5779 the general election for state officers is held, the Governor may
5780 elect not to issue a writ of election to fill the vacancy.

5781 **SECTION 148.** Section 23-15-853, Mississippi Code of 1972, is
5782 amended as follows:

5783 23-15-853. (1) If a vacancy * * * occurs in the
5784 representation in Congress, the vacancy shall be filled for the



5785 unexpired term by a special election, to be ordered by the
5786 Governor, within sixty (60) days after * * * the vacancy occurs,
5787 and * * * held at a time fixed by his order, and which time shall
5788 be not less than sixty (60) days after the issuance of the order
5789 of the Governor, which shall be directed to the election
5790 commissioners * * * of the several counties of the district, who
5791 shall, immediately on the receipt of the order, give notice of the
5792 election by publishing the same in * * * a newspaper having a
5793 general circulation in the county and by posting the notice * * *
5794 at the front door of the courthouse. The order shall also be
5795 directed to the State Board of Election Commissioners. The
5796 election shall be prepared for and conducted, and returns shall be
5797 made, in all respects as provided for a special election to fill
5798 vacancies.

5799 (2) Candidates for the office in such an election must
5800 qualify with the Secretary of State by 5:00 p.m. not less
5801 than * * * fifty (50) days * * * before the date of the election.
5802 The election commissioners * * * shall have printed on the ballot
5803 in such special election the name of any candidate who shall have
5804 been requested to be a candidate for the office by a petition
5805 filed with the Secretary of State and personally signed by not
5806 less than one thousand (1,000) qualified electors of the district.
5807 The petition shall be filed by 5:00 p.m. not less than * * * fifty
5808 (50) days * * * before the date of the election.



5809 There shall be attached to each petition above provided for,
5810 upon the time of filing with * * * the Secretary of State, a
5811 certificate from the appropriate registrar or registrars showing
5812 the number of qualified electors appearing upon each * * *
5813 petition which the registrar shall furnish to the petitioner upon
5814 request.

5815 **SECTION 149.** Section 23-15-855, Mississippi Code of 1972, is
5816 amended as follows:

5817 23-15-855. (1) If a vacancy shall occur in the office of
5818 United States Senator from Mississippi by death, resignation or
5819 otherwise, the Governor shall, within ten (10) days after
5820 receiving official notice of * * * the vacancy, issue * * * a
5821 proclamation for an election to be held in the state to elect a
5822 Senator to fill * * * the remaining unexpired term * * *, provided
5823 the unexpired term is more than twelve (12) months and the
5824 election shall be held within ninety (90) days from the time the
5825 proclamation is issued and the returns of such election shall be
5826 certified to the Governor in the manner set out above for regular
5827 elections, unless the vacancy * * * occurs in a year * * * in
5828 which a general state or congressional election is held, in which
5829 event the Governor's proclamation shall designate the general
5830 election day as the time for electing a Senator, and the vacancy
5831 shall be filled by appointment as hereinafter provided.

5832 (2) In case of a vacancy in the office of United States
5833 Senator, the Governor may appoint a Senator to fill * * * the



5834 vacancy temporarily, and if the United States Senate be in session
5835 at the time the vacancy occurs the Governor shall appoint a
5836 Senator within ten (10) days after receiving official notice
5837 thereof, and the * * * appointed Senator shall serve until * * * a
5838 successor is elected and commissioned as provided for in
5839 subsection (1) of this section, provided that such unexpired term
5840 as he may be appointed to fill shall be for a longer time than one
5841 (1) year, but if for a shorter time than one (1) year, he shall
5842 serve for the full time of the unexpired term and no special
5843 election shall be called by the Governor but * * * a successor
5844 shall be elected at the regular election.

5845 **SECTION 150.** Section 23-15-857, Mississippi Code of 1972, is
5846 amended as follows:

5847 23-15-857. (1) When * * * there is * * * a vacancy in an
5848 elective office in a city, town or village * * *, the unexpired
5849 term of which shall not exceed six (6) months, the same shall be
5850 filled by appointment by the governing authority or remainder of
5851 the governing authority of * * * the city, town or village. The
5852 municipal clerk shall certify the appointment to the Secretary of
5853 State * * * and the appointed person or persons * * * shall be
5854 commissioned by the Governor.

5855 (2) When * * * there is * * * a vacancy in an elective
5856 office in a city, town or village, the unexpired term of which
5857 shall exceed six (6) months, the governing authority or remainder
5858 of the governing authority of * * * the city, town or village



5859 shall make and enter on the minutes an order for an election to be
5860 held in * * * the city, town or village to fill the vacancy and
5861 fix a date upon which * * * the election shall be held. Such
5862 order shall be made and entered upon the minutes at the next
5863 regular meeting of the governing authority after * * * the
5864 occurrence of the vacancy * * *, or at a special meeting to be
5865 held not later than ten (10) days after the occurrence of the
5866 vacancy * * *, Saturdays, Sundays and legal holidays excluded,
5867 whichever shall occur first. * * * The election shall be held on
5868 a date not less than thirty (30) days nor more than forty-five
5869 (45) days after the date upon which the order is adopted.

5870 Notice of * * * the election shall be given by the municipal
5871 clerk by notice published in a newspaper published in the
5872 municipality. * * * The notice shall be published once each week
5873 for three (3) successive weeks preceding the date of * * * the
5874 election. The first notice * * * shall be published at least
5875 thirty (30) days before the date of * * * the election. Notice
5876 shall also be given by posting a copy of * * * the notice at three
5877 (3) public places in * * * the municipality not less than
5878 twenty-one (21) days * * * before the date of * * * the election.
5879 One (1) of * * * the notices shall be posted at the city, town or
5880 village hall. In the event that there is no newspaper published
5881 in the municipality, * * * such notice shall be published as
5882 provided for above in a newspaper which has a general circulation
5883 within the municipality and by posting as provided for



5884 above. * * * Additionally, the governing authority may
5885 publish * * * the notice in * * * the newspaper for * * * as many
5886 additional times as may be deemed necessary by the governing
5887 authority.

5888 Each candidate shall qualify by petition filed with the
5889 municipal clerk by 5:00 p.m. at least twenty (20) days before the
5890 date of the election and * * * the petition shall be signed by not
5891 less than the following number of qualified electors:

5892 (a) For an office of a city, town * * *, village or
5893 municipal district having a population of one thousand (1,000) or
5894 more, not less than fifty (50) qualified electors.

5895 (b) For an office of a city, town * * *, village or
5896 municipal district having a population of less than one thousand
5897 (1,000), not less than fifteen (15) qualified electors.

5898 No qualifying fee shall be required of any candidate, and the
5899 election * * * shall be held as far as practicable in the same
5900 manner as municipal general elections.

5901 The candidate receiving a majority of the votes cast in * * *
5902 the election shall be elected. If no candidate * * * receives a
5903 majority vote at the election, the two (2) candidates receiving
5904 the highest number of votes shall have their names placed on the
5905 ballot for the election to be held * * * three (3) weeks
5906 thereafter. The candidate receiving a majority of the votes cast
5907 in * * * the election shall be elected. However, if no
5908 candidate * * * receives a majority and there is a tie in the



5909 election of those receiving the next highest vote, those receiving
5910 the next highest vote and the candidate receiving the highest vote
5911 shall have their names placed on the ballot for the election to be
5912 held * * * three (3) weeks thereafter, and whoever receives the
5913 most votes cast in * * * the election shall be elected.

5914 Should the election * * * held * * * three (3) weeks
5915 thereafter result in a tie vote, the prevailing candidate * * *
5916 shall be decided by a toss of a coin or by lot * * * fairly and
5917 publicly drawn under the supervision * * * of the election
5918 commission with the aid of two (2) or more qualified electors of
5919 the municipality.

5920 The clerk of the election commission shall then give a
5921 certificate of election to the person elected, and * * * return to
5922 the Secretary of State a copy of the order of holding the election
5923 and runoff election * * * results * * *, certified by the clerk of
5924 the governing authority. The person elected shall be commissioned
5925 by the Governor.

5926 However, if nineteen (19) days * * * before the date of the
5927 election only one (1) person shall have qualified as a candidate,
5928 the governing authority, or remainder of the governing authority,
5929 shall dispense with the election and appoint that one (1)
5930 candidate in lieu of an election. In the event no person shall
5931 have qualified by 5:00 p.m. at least twenty (20) days * * * before
5932 the date of the election, the governing authority or remainder of
5933 the governing authority shall dispense with the election and fill



5934 the vacancy by appointment. The clerk of the governing authority
5935 shall certify the appointment to the Secretary of State * * *, and
5936 the appointed person * * * shall be commissioned by the Governor.

5937 **SECTION 151.** Section 23-15-859, Mississippi Code of 1972, is
5938 amended as follows:

5939 23-15-859. Whenever under any statute a special election is
5940 required or authorized to be held in any municipality, and the
5941 statute authorizing or requiring * * * the election does not
5942 specify the time within which * * * the election shall be called,
5943 or the notice which shall be given * * *, the governing
5944 authorities of the municipality shall, by resolution, fix a date
5945 upon which * * * the election shall be held. * * * The date shall
5946 not be less than twenty-one (21) nor more than thirty (30) days
5947 after the date upon which such resolution is adopted, and not less
5948 than three (3) weeks' notice of such election shall be given by
5949 the clerk by a notice published in a newspaper published in the
5950 municipality once each week for three (3) weeks next preceding the
5951 date of * * * the election, and by posting a copy of * * * the
5952 notice at three (3) public places in * * * the municipality.
5953 Nothing herein, however, shall be applicable to elections on the
5954 question of the issuance of the bonds of a municipality or to
5955 general or primary elections for the election of municipal
5956 officers.

5957 The provisions of this section shall be applicable to all
5958 municipalities of this state, whether operating under a code



5959 charter, special charter or the commission form of government,
5960 except in cases of conflicts between the provisions of the section
5961 and the provisions of the special charter of a municipality, or
5962 the law governing the commission form of government, in which
5963 cases of conflict the provisions of the special charter or the
5964 statutes relative to the commission form of government shall
5965 apply.

5966 **SECTION 152.** Section 23-15-873, Mississippi Code of 1972, is
5967 amended as follows:

5968 23-15-873. (1) No person, whether an officer or not, shall,
5969 in order to promote his own candidacy, or that of any other
5970 person, to be a candidate for public office in this state,
5971 directly or indirectly, himself or through another person, promise
5972 to appoint, or promise to secure or assist in securing the
5973 appointment, nomination or election of another person to any
5974 public position or employment, or to secure or assist in securing
5975 any public contract or the employment of any person under any
5976 public contractor, or to secure or assist in securing the
5977 expenditure of any public funds in the personal behalf of any
5978 particular person or group of persons, except that the candidate
5979 may publicly announce what is his choice or purpose in relation to
5980 an election in which he may be called on to take part if elected.

5981 (2) It shall be unlawful for any person to directly or
5982 indirectly solicit or receive any promise by this section



5983 prohibited * * *, but this does not apply to * * * any person when
5984 it comes to their office force.

5985 (3) Any violation of this section shall constitute a
5986 violation of Section 97-13-37 and shall be referred to the
5987 district attorney for prosecution.

5988 **SECTION 153.** Section 23-15-874, Mississippi Code of 1972, is
5989 amended as follows:

5990 23-15-874. A candidate for judicial office shall not use
5991 court administrators, deputy court administrators, court
5992 reporters, deputy court reporters, judges' secretaries or law
5993 clerks as workers in his campaign activities. Violations of this
5994 section shall be referred to the Commission on Judicial
5995 Performance.

5996 **SECTION 154.** Section 23-15-875, Mississippi Code of 1972, is
5997 amended as follows:

5998 23-15-875. No person, including a candidate, shall publicly
5999 or privately make, in a campaign then in progress, any charge or
6000 charges reflecting upon the honesty, integrity or moral character
6001 of any candidate, so far as his private life is concerned, unless
6002 the charge be in fact true and actually capable of proof; and any
6003 person who makes any such charge shall have the burden of proof to
6004 show the truth thereof when called to account therefor under any
6005 affidavit or indictment against him for a violation of this
6006 section. Any language deliberately uttered or published which,
6007 when fairly and reasonably construed and as commonly understood,



6008 would clearly and unmistakably imply any such charge, shall be
6009 deemed and held to be the equivalent of a direct charge. * * *

6010 * * *

6011 **SECTION 155.** Section 23-15-881, Mississippi Code of 1972, is
6012 amended as follows:

6013 23-15-881. It shall be unlawful for the * * * Mississippi
6014 Transportation Commission or any member of the * * * Mississippi
6015 Transportation Commission, or the board of supervisors of any
6016 county or any member of the board of supervisors of such county,
6017 to employ, during the months of May, June, July and August of any
6018 year in which a general primary election is held for the
6019 nomination and election of members of the * * * Mississippi
6020 Transportation Commission and members of the boards of
6021 supervisors, a greater number of persons to work and maintain the
6022 state highways, in any highway district, or the public roads, in
6023 any supervisors district of the county, as the case may be, than
6024 the average number of persons employed for similar purposes in
6025 such highway district or supervisors district, as the case may be,
6026 during the months of May, June, July and August of the three (3)
6027 years immediately preceding the year in which such general primary
6028 election is held. It shall be unlawful for the * * * Mississippi
6029 Transportation Commission, or the board of supervisors of any
6030 county, to expend out of the state highway funds, or the road
6031 funds of the county or any supervisors district thereof, as the
6032 case may be, in the payment of wages or other compensation for



6033 labor performed in working and maintaining the highways of any
6034 highway district, or the public roads of any supervisors district
6035 of the county, as the case may be, during the months of May, June,
6036 July and August of such election year, a total amount in excess of
6037 the average total amount expended for such labor, in such highway
6038 district or supervisors district, as the case may be, during the
6039 corresponding four * * *-month period of the three (3) years
6040 immediately preceding.

6041 It shall be the duty of the * * * Mississippi Transportation
6042 Commission and the board of supervisors of each county,
6043 respectively, to keep sufficient records of the numbers of
6044 employees and expenditures made for labor on the state highways of
6045 each highway district, and the public roads of each supervisors
6046 district, for the months of May, June, July and August of each
6047 year, to show the number of persons employed for such work in each
6048 highway district and each supervisors district, as the case may
6049 be, during said four * * *-month period, and the total amount
6050 expended in the payment of salaries and other compensation to such
6051 employees, so that it may be ascertained, from an examination of
6052 such records, whether or not the provisions of this chapter have
6053 been violated.

6054 * * *

6055 **SECTION 156.** Section 23-15-891, Mississippi Code of 1972, is
6056 amended as follows:



6057 23-15-891. No common carrier, * * * Internet service
6058 provider or telephone company shall give to any candidate, or to
6059 any member of any political committee, or to any person to be used
6060 to aid or promote the success or defeat of any candidate for
6061 election for any public office, free transportation or * * *
6062 Internet service or telephone service, as the case may be, or any
6063 reduction thereof that is not made alike to all other persons.
6064 All persons required by the provisions of this chapter to make and
6065 file statements shall make oath that they have not received or
6066 made use of, directly or indirectly, in connection with any
6067 candidacy for nomination to any public office, free transportation
6068 or * * * Internet or telephone service.

6069 **SECTION 157.** Section 23-15-895, Mississippi Code of 1972, is
6070 amended as follows:

6071 23-15-895. * * * No candidate for an elective office, or any
6072 representative of such candidate, or for any proponent or opponent
6073 of any constitutional amendment, local issue or other measure
6074 printed on the ballot * * * may post or distribute cards, posters
6075 or other campaign literature within one hundred fifty (150) feet
6076 of any entrance of the building wherein any election is being
6077 held. * * * No candidate or a representative named by him in
6078 writing * * * may appear at any polling place while armed or
6079 uniformed, * * * or display any badge or credentials except as may
6080 be issued by the manager of the polling place. As used in this
6081 section, the term "local issue" shall have the meaning ascribed to



6082 such term in Section 23-15-375. This section shall be enforced by
6083 election officials and law enforcement officials.

6084 **SECTION 158.** Section 23-15-897, Mississippi Code of 1972, is
6085 amended as follows:

6086 23-15-897. * * *

6087 (1) "Campaign materials" include any materials designed to
6088 influence voters for or against any candidate, party or measure to
6089 be voted on at any election, or containing information about any
6090 candidate, party or measure paid for by a candidate, political
6091 committee, or independent expenditure which requires disclosure
6092 under campaign finance laws.

6093 (a) "Publish" means the act or instance of making
6094 campaign material available to the public, or to a list of
6095 subscribers, by mail, telephone, electronic communications
6096 platforms, Internet, software applications, printed materials or
6097 any other means of distribution.

6098 (b) "Printed material" shall include, but not be
6099 limited to, any notice, placard, bill, poster, dodger, pamphlet,
6100 advertisement, sign or any other form of printed publication,
6101 except notices, posters and the like, which simply announce a
6102 speaking date and invite attendance thereon.

6103 (2) No candidate, political committee or other person shall
6104 publish, or knowingly cause to be published, any campaign
6105 materials unless it contains the following information:



6106 (a) The name of the candidate along with a statement
6107 that the message is approved by the candidate; or

6108 (b) If the message has not been approved by a specific
6109 candidate, the name of the person, political committee or
6110 organization paying for the publication of the message; or

6111 (c) If the message has not been approved by the
6112 candidate and no person, political committee or organization is
6113 identified as having paid for the publication, the entity
6114 producing the campaign materials must be identified.

6115 (3) Publication of campaign materials through an electronic
6116 platform shall be deemed to comply with the requirements of this
6117 section if the home page of the candidate or political committee
6118 provides the information required by subsection (2), and each
6119 electronic publication provides a link to that home page.

6120 **SECTION 159.** Section 23-15-903, Mississippi Code of 1972, is
6121 amended as follows:

6122 23-15-903. In addition to any other procedure provided by
6123 law, any person who has reason to believe that any election law
6124 has been violated may file a written complaint with the election
6125 commissioners * * * of the county in which the alleged violation
6126 occurred. * * * If the election commissioners * * * determine the
6127 allegations in the complaint, if true, would be a violation * * *
6128 of this chapter or Section 97-13-1, et seq., the election
6129 commissioners shall refer the complaint to the district
6130 attorney * * * for prosecution.



6131 **SECTION 160.** Section 23-15-905, Mississippi Code of 1972, is
6132 amended as follows:

6133 23-15-905. (1) * * * No person may qualify as a candidate
6134 for more than one (1) office if the election for those offices
6135 occurs on the same day. If a person takes the steps necessary to
6136 qualify for more than one (1) office, the appropriate executive
6137 committee or election commissioner shall determine the last office
6138 for which the person qualified and the person shall be considered
6139 to be qualified as a candidate for that office only and the person
6140 shall be notified of this determination. The provisions of this
6141 subsection shall not apply to elections for municipal office.

6142 (2) * * * No person may qualify as a candidate for more than
6143 one (1) municipal office if the election for those offices occurs
6144 on the same day. If a person takes the steps necessary to qualify
6145 for more than one (1) office, the appropriate executive committee
6146 or election commissioner shall determine the last office for which
6147 the person qualified and the person shall be considered to be
6148 qualified as a candidate for that office only and the person shall
6149 be notified of this determination.

6150 **SECTION 161.** Section 23-15-911, Mississippi Code of 1972, is
6151 amended as follows:

6152 23-15-911. (1) (a) When the returns for a box and the
6153 contents of the ballot box and the conduct of the election * * *
6154 have been canvassed and reviewed by the county election commission
6155 in the case of general elections or the county executive committee



6156 in the case of primary elections, all the contents of the box
6157 required to be placed and sealed in the ballot box by the poll
6158 managers shall be replaced therein by the election commission or
6159 executive committee, as the case may be, and the box shall be
6160 forthwith resealed and delivered to the circuit clerk, who shall
6161 safely keep and secure the same against any tampering * * *. At
6162 any time within twelve (12) days after the canvass and examination
6163 of the box and its contents by the election commission or
6164 executive committee, as the case may be, any candidate or his
6165 representative authorized in writing by him shall have the right
6166 of full examination of said box and its contents upon three (3)
6167 days' notice of his application therefor served upon the opposing
6168 candidates. * * * The service of notice shall be provided to each
6169 opposing candidate by delivering a copy personally to each
6170 candidate, or by performing two (2) of the following:
6171 (i) By leaving a copy at each candidate's usual
6172 place of residence with a family member, who shall be no less than
6173 sixteen (16) years of age and, who resides in the candidate's
6174 residence;
6175 (ii) By email or other electronic means, with
6176 receipt deemed upon transmission; or
6177 (iii) By mailing a copy of the notice by
6178 registered or certified mail that is addressed to each opposing
6179 candidate at such candidate's residence with receipt deemed
6180 mailing.



6181 (b) If service of notice cannot be made to any opposing
6182 candidate, then notice may be posted on the door of each
6183 candidate's usual place of abode. If any candidate's usual place
6184 of residence is a multi-family dwelling, a copy of the notice must
6185 be mailed to the candidate or candidates by United States first
6186 class mail, postage prepaid, return receipt requested thereon.
6187 Proof of service of notice upon any opposing candidate shall be
6188 made to the circuit clerk within three (3) days before a full
6189 examination of the ballot box may be conducted.

6190 (c) The examination shall be conducted in the presence
6191 of the circuit clerk or his deputy who shall be charged with the
6192 duty to see that none of the contents of the box are removed from
6193 the presence of the clerk or in any way tampered with. Upon the
6194 completion of * * * the examination the box shall be resealed with
6195 all its original contents * * * inside. And if any contest or
6196 complaint before the court shall arise over * * * the box, it
6197 shall be kept intact and sealed until the court hearing and
6198 another ballot box, if necessary, shall be furnished for the
6199 precinct involved.

6200 (2) The provisions of this section allowing the examination
6201 of ballot boxes shall apply in the case of an election contest
6202 regarding the seat of a member of the state Legislature. In such
6203 a case, the results of the examination shall be reported by the
6204 applicable circuit clerk to the Clerk of the House of



6205 Representatives or the Secretary of the Senate, as the case may
6206 be.

6207 **SECTION 162.** Section 23-15-913, Mississippi Code of 1972, is
6208 amended as follows:

6209 23-15-913. The judges listed and selected to hear election
6210 disputes, as provided in Section 23-15-951, shall be available on
6211 election day to immediately hear and resolve any election day
6212 disputes. The rules for filing pleadings shall be relaxed to
6213 carry out the purposes of this section. The judges selected shall
6214 perform no other judicial duties on election day. The Supreme
6215 Court shall make judges available to hear disputes in the county
6216 in which the disputes occur but no judge shall hear disputes in
6217 the district * * * or county in which he was elected nor shall any
6218 judge hear any dispute in which any potential conflict may arise.
6219 Each judge shall be fair and impartial and shall be assigned on
6220 that basis.

6221 **SECTION 163.** Section 23-15-939, Mississippi Code of 1972, is
6222 amended as follows:

6223 23-15-939. The reasonable traveling expenses of the judge or
6224 chancellor shall be paid by order of the board of supervisors of
6225 the county or counties in which a contest or complaint is heard,
6226 upon an itemized certificate thereof by the judge or chancellor.
6227 The election commissioners shall be compensated for their services
6228 rendered under this section as is provided in Section 23-15-227.



6229 **SECTION 164.** Section 23-15-977, Mississippi Code of 1972, is
6230 amended as follows:

6231 23-15-977. (1) Except as otherwise provided in this
6232 section, all candidates for judicial office as defined in Section
6233 23-15-975 of this subarticle shall file their intent to be a
6234 candidate with the proper officials not later than 5:00 p.m. on
6235 the first Friday after the first Monday in May prior to the
6236 general election for judicial office and shall pay to the proper
6237 officials the following amounts:

6238 (a) Candidates for Supreme Court judge and Court of
6239 Appeals, the sum of Two Hundred Dollars (\$200.00).

6240 (b) Candidates for circuit judge and chancellor, the
6241 sum of One Hundred Dollars (\$100.00).

6242 (c) Candidates for county judge and family court judge,
6243 the sum of Fifteen Dollars (\$15.00).

6244 Candidates for judicial office may not file their intent to
6245 be a candidate and pay the proper assessment before January 1 of
6246 the year in which the election for the judicial office is held.

6247 (2) Candidates for judicial offices listed in paragraphs (a)
6248 and (b) of subsection (1) of this section shall file their intent
6249 to be a candidate with, and pay the proper assessment made
6250 pursuant to subsection (1) of this section to, the State Board of
6251 Election Commissioners.

6252 (3) Candidates for judicial offices listed in paragraph (c)
6253 of subsection (1) of this section shall file their intent to be a



6254 candidate with, and pay the proper assessment made pursuant to
6255 subsection (1) of this section to, the circuit clerk of the proper
6256 county. The circuit clerk shall notify the county election
6257 commissioners * * * of all persons who have filed their intent to
6258 be a candidate with, and paid the proper assessment to, such
6259 clerk. Such notification shall occur within two (2) business days
6260 and shall contain all necessary information.

6261 (4) If only one (1) person files his intent to be a
6262 candidate for a judicial office and that person subsequently dies,
6263 resigns or is otherwise disqualified from holding the judicial
6264 office after the deadline provided for in subsection (1) of this
6265 section but more than seventy (70) days before the date of the
6266 general election, the Governor, upon notification of the death,
6267 resignation or disqualification of the person, shall issue a
6268 proclamation authorizing candidates to file their intent to be a
6269 candidate for that judicial office for a period of not less than
6270 seven (7) nor more than ten (10) days from the date of the
6271 proclamation.

6272 (5) If only one (1) person qualifies as a candidate for a
6273 judicial office and that person subsequently dies, resigns or is
6274 otherwise disqualified from holding the judicial office within
6275 seventy (70) days before the date of the general election, the
6276 judicial office shall be considered vacant for the new term and
6277 the vacancy shall be filled as provided in by law.



6278 **SECTION 165.** The following shall be codified as Section
6279 23-15-994, Mississippi Code of 1972:

6280 23-15-994. Elections for the office of judge of the Court of
6281 Appeals shall be as prescribed in Section 9-4-1, et seq.

6282 **SECTION 166.** Section 23-15-1031, Mississippi Code of 1972,
6283 is amended as follows:

6284 23-15-1031. Except as * * * provided by Section 23-15-1081,
6285 the first primary election for Congressmen shall be held on the
6286 first Tuesday in June of the years in which congressmen are
6287 elected, and * * * a second primary, * * * if necessary, shall be
6288 held three (3) weeks thereafter. Each year in which a
6289 presidential election is held, the congressional primary shall be
6290 held as provided in Section 23-15-1081. The election shall be
6291 held in all districts of the state on the same day. Candidates
6292 for United States Senator shall be nominated at the congressional
6293 primary next preceding the general election at which a senator is
6294 to be elected and in the same manner that congressmen are
6295 nominated * * *. The chairman and secretary of the state
6296 executive committee shall certify the vote for United States
6297 Senator to the Secretary of State in the same manner that county
6298 executive committees certify the returns of counties in general
6299 state and county primary elections.

6300 **SECTION 167.** Section 23-15-1033, Mississippi Code of 1972,
6301 is amended as follows:



6302 23-15-1033. Representatives in the Congress of the United
6303 States shall be chosen by districts on the first Tuesday after the
6304 first Monday of November in the year 1986, and every two (2) years
6305 thereafter. * * * The laws regulating general elections
6306 shall * * * apply to and govern elections for representatives in
6307 Congress; and the Governor shall issue a commission to the person
6308 elected in each * * * district.

6309 **SECTION 168.** Section 23-15-1039, Mississippi Code of 1972,
6310 is amended as follows:

6311 23-15-1039. Should an election of representatives in
6312 Congress occur after the number of representatives to which the
6313 state is entitled * * * changes, and before the districts shall
6314 have been changed to conform to the new apportionment,
6315 representatives shall be chosen as follows: * * * If the number
6316 of representatives * * * is * * * increased, then one (1) member
6317 shall be chosen in each district as organized, and the additional
6318 member or members shall be chosen by the electors of the state at
6319 large; and if the number of representatives * * * is decreased,
6320 then the whole number shall be chosen by the electors of the state
6321 at large.

6322 **SECTION 169.** Section 23-15-1041, Mississippi Code of 1972,
6323 is amended as follows:

6324 23-15-1041. There shall be elected, by the qualified
6325 electors of Mississippi, * * * one (1) United States Senator at
6326 the same time and in the same manner that members of the lower



6327 house of Congress are elected in 1988, and every six (6) years
6328 thereafter; and in the same manner there shall be one (1) United
6329 States Senator elected at the congressional election in 1990, and
6330 every six (6) years thereafter; and the person elected shall be
6331 commissioned by the Governor.

6332 **SECTION 170.** Section 23-15-1051, Mississippi Code of 1972,
6333 is amended as follows:

6334 23-15-1051. All duties in regard to senatorial or other
6335 districts of more than one (1) county shall be performed by the
6336 State Executive Committee * * *. * * * All candidates for any
6337 such office * * * shall qualify with the State Executive
6338 Committee * * * in the time and manner established by law.

6339 **SECTION 171.** Section 23-15-1053, Mississippi Code of 1972,
6340 is amended as follows:

6341 23-15-1053. Subject to federal law and national party rules,
6342 the State Executive Committee of each political party shall
6343 determine the method and procedures * * * for the selection of
6344 county executive committees and the State Executive
6345 Committees * * *. The State Executive Committee of the political
6346 party shall establish * * * procedures for the selection of county
6347 and State Executive Committees at least ninety (90) days * * *
6348 before the implementation * * * of the procedures * * *. A copy
6349 of any rule or regulation adopted by the State Executive Committee
6350 shall be sent to the Secretary of State within seven (7) days
6351 after its adoption to become a public record.



6352 **SECTION 172.** Section 23-15-1054, Mississippi Code of 1972,
6353 is amended as follows:
6354 23-15-1054. (1) If there be any political party * * * or
6355 parties * * * in any county * * * without a party executive
6356 committee * * *, such political party * * * or parties * * * shall
6357 select qualified electors of that county and of that party's
6358 political faith to serve on a temporary county executive committee
6359 until members of a county executive committee are elected at the
6360 next regular election for executive committees. The selection of
6361 qualified electors to serve on the temporary county executive
6362 committee shall occur thirty (30) days before the date for which a
6363 candidate for a county office is required to qualify. The
6364 temporary county executive committee shall be selected in the
6365 following manner: Upon petition of five (5) or more members of
6366 that political faith, the chairman of the State Executive
6367 Committee * * * desiring to select a temporary county executive
6368 committee * * * shall call a mass meeting of the qualified
6369 electors of their political faith who reside in * * * the county
6370 to meet at some convenient place within * * * the county, at a
6371 time to be designated in the call * * *. At the mass convention,
6372 the members of that political faith shall select a temporary
6373 county executive committee * * *. The temporary county executive
6374 committee shall serve until members of a county executive
6375 committee are elected at the next regular election for executive
6376 committees. The public shall be given notice of * * * the mass



6377 meeting as provided in subsection (4) of this section. The
6378 chairman of the State Executive Committee shall authorize the call
6379 within five (5) calendar days of receipt of the petition. If the
6380 chairman of the State Executive Committee is either incapacitated,
6381 unavailable or nonresponsive and does not authorize the mass call
6382 within five (5) calendar days of receipt of the petition, any
6383 elected officer of the State Executive Committee may authorize the
6384 call within five (5) calendar days. If no elected officer of the
6385 State Executive Committee acts to approve such petition after an
6386 additional five (5) calendar days * * * the petitioners shall be
6387 authorized to produce the call * * *.

6388 (2) If no county executive committee is selected or
6389 otherwise formed before an election, the State Executive Committee
6390 may serve as the temporary county executive committee and exercise
6391 all of the duties of the county executive committee for the county
6392 election. After a State Executive Committee has fulfilled its
6393 duties as the temporary county executive committee * * * it shall
6394 select a county executive committee * * * before the next county
6395 election.

6396 (3) A person * * * convicted of a felony in a court of this
6397 state, any other state, or * * * of the United States shall
6398 be barred from serving as a member of a county executive
6399 committee.

6400 (4) The State Executive Committee shall publish a copy of
6401 its call for a meeting in some newspaper published in the * * *



6402 affected county for three (3) weeks preceding the date set for the
6403 mass convention * * *. If no newspaper is published in the
6404 county, then a copy of the call shall be published in * * * a
6405 newspaper having general circulation in the county and by posting
6406 notices in three (3) public places in the county, one (1) of which
6407 shall be the county courthouse or the location where the county
6408 board of supervisors meets to conduct business. The publication
6409 shall occur not less than three (3) weeks before the date for the
6410 mass convention.

6411 **SECTION 173.** Section 23-15-1057, Mississippi Code of 1972,
6412 is amended as follows:

6413 23-15-1057. * * * (1) In the event sufficient cause should
6414 arise, and a majority of the membership of the State Executive
6415 Committee deems * * * it necessary for the best interest of * * *
6416 the political party and the state, the State Executive
6417 Committee * * * shall be authorized * * * to reconvene the state
6418 convention that selected them as members of the state executive
6419 committee at any time after the adjournment of * * * the
6420 convention, but not later than the last day of the year in
6421 which * * * the convention was held.

6422 (2) The delegates chosen from the respective counties to a
6423 state convention in accordance with Section 23-15-1055 shall
6424 continue to be delegates from * * * the county to * * * the
6425 convention for a period not later than the last day of the year in
6426 which * * * the convention was held.



6427 (3) * * * A convention may be reconvened upon the call of
6428 the chairman of the State Executive Committee * * * only * * *
6429 with the approval of a majority of the State Executive Committee.
6430 At least ten (10) days notice shall be given by the chairman of
6431 the State Executive Committee of the reconvening of the state
6432 convention * * *. The notice * * * shall be given by publication
6433 of the call of the chairman in any newspaper or newspapers having
6434 general circulation throughout the state.

6435 (4) In the event a state convention is reconvened as * * *
6436 provided * * * in this section, the state convention may exercise
6437 all the power and authority conferred upon * * * the convention by
6438 Section 23-15-1055, and * * * may revise or rescind any action
6439 taken at its previous regular session.

6440 **SECTION 174.** Section 23-15-1059, Mississippi Code of 1972,
6441 is amended as follows:

6442 23-15-1059. (1) The chairman or secretary of the State
6443 Executive Committee of each political party chosen as provided in
6444 Section 23-15-1053 shall register the name of the political party
6445 it represents, and the names of all organizations officially
6446 sanctioned by the political party, with the Secretary of State
6447 within thirty (30) days after * * * the political party is
6448 organized. Thereafter, no political party shall use or register
6449 any name which is the same as or deceptively similar to the name
6450 of a political party or officially sanctioned organization which
6451 has already been registered with the Secretary of State by any



6452 other political party. No political party or officially
6453 sanctioned organization shall use any name in any campaign
6454 literature listing or describing its candidates which does not
6455 correspond with the name of * * * the political party or
6456 officially sanctioned organization registered with the Secretary
6457 of State.

6458 (2) * * * The chairman or secretary of the State Executive
6459 Committee of a political party * * * shall * * * update the
6460 registration of the name of the political party it represents and
6461 the names of all organizations officially sanctioned by the
6462 political party with the Secretary of State * * * on an annual
6463 basis, disclosing any revisions or additions to the information to
6464 be provided by affidavit in accordance with Section 25-15-1061.

6465 **SECTION 175.** Section 23-15-1061, Mississippi Code of 1972,
6466 is amended as follows:

6467 23-15-1061. (1) The application for registration of the
6468 political party and any officially sanctioned organizations named
6469 to be presented to the Secretary of State shall be accompanied by
6470 an affidavit of the chairman or secretary of the political party
6471 seeking * * * the registration. * * * The affidavit shall contain
6472 a list of the names of the members of the State Executive
6473 Committee, showing the chairman and secretary, * * * the names of
6474 the national committeeman and committeewoman, and * * * the
6475 officers of * * * the party, * * * setting forth that * * * the
6476 executive committee and other officers of * * * the party have



6477 been elected in accordance with the provisions of Section
6478 23-15-1053, or any laws supplementary or amendatory thereof * * *.
6479 The Secretary of State is authorized to require further proof as
6480 to the compliance with the provisions of * * * Section 23-15-1053
6481 when * * * it is reasonable to do so.

6482 (2) The chairman or secretary of the district and county
6483 executive committees of each political party, chosen as * * *
6484 provided in Section 23-15-1053, shall register the name of the
6485 political party it represents with the chairman or secretary of
6486 the State Executive Committee of * * * that political party within
6487 thirty (30) days after * * * December 31, 2016. * * * The
6488 application for registration shall be accompanied by an affidavit
6489 of the chairman or secretary of the party seeking such
6490 registration listing the names of the members of the district
6491 executive committee and of the State Executive Committee, * * *
6492 showing the chairman and secretary and other officers of * * * the
6493 party, * * * setting forth that * * * the executive committee
6494 of * * * the party has been elected in accordance with the
6495 provisions of Section 23-15-1053, or any laws supplementary or
6496 amendatory thereof * * *. The chairman or the secretary of the
6497 State Executive Committee is authorized to require further
6498 proof * * * of compliance with the provisions of * * * Section
6499 23-15-1053 when * * * it is reasonable to do so. Thereafter, no
6500 political party shall use or register any name which is the same
6501 as or deceptively similar to the name of a political party or



6502 officially sanctioned organization which has already been
6503 registered with the chairman or secretary of the State Executive
6504 Committee by any other political party. No political party or
6505 officially sanctioned organization shall use any name in any
6506 campaign literature listing or describing its candidates which
6507 does not correspond with the name of * * * the political party or
6508 officially sanctioned organization registered with the secretary
6509 or chairman of the State Executive Committee.

6510 **SECTION 176.** Section 23-15-1063, Mississippi Code of 1972,
6511 is amended as follows:

6512 23-15-1063. No political party in the State of Mississippi
6513 shall conduct primaries or enter candidates in any election
6514 unless * * * the party * * * has been duly organized under the
6515 provisions of this chapter, and the name of * * * the party * * *
6516 has been registered as provided in this chapter.

6517 **SECTION 177.** Section 23-15-1065, Mississippi Code of 1972,
6518 is amended as follows:

6519 23-15-1065. * * * A person shall be barred from
6520 participating in any primary election held by a political party if
6521 that person claims * * * or represents himself in any manner to be
6522 a member of any state, district or county executive committee of
6523 any political party in this state, or claims to be the national
6524 committeeman or national committeewoman or any other officer or
6525 representative of * * * the political party without having been
6526 lawfully elected or chosen as such in the manner provided by the



6527 laws of this state, or by * * * the political party in the manner
6528 provided by the laws of this state, or * * * claims to be the
6529 nominee of any political party authorized by the laws of this
6530 state to hold primary elections and choose party nominees, when in
6531 fact such person has not been declared the nominee of such
6532 political party for such office by such political party operating
6533 under the laws of this state * * *. Any person or persons
6534 who * * * violate the provisions of this section, in addition to
6535 other measures or penalties provided by law, may be enjoined
6536 therefrom upon application to the courts by any person or persons,
6537 or any political party, official or representative of * * * the
6538 political party aggrieved * * *.

6539 **SECTION 178.** Section 23-15-1067, Mississippi Code of 1972,
6540 is amended as follows:

6541 23-15-1067. It shall be unlawful for any person or group of
6542 persons to set up or establish any political party in this state
6543 except in the manner provided by the laws of this state, and it
6544 shall be unlawful for any person or group of persons not lawful
6545 members * * * of a political party to use, * * * attempt to use or
6546 to operate under the name of any other political party * * *
6547 lawfully existing and operating under the laws of this
6548 state * * *. Any person * * * or persons violating this section,
6549 in addition to such other measures or penalties provided by law,
6550 may be enjoined therefrom upon application to the courts by any



6551 person, or persons, or any political party, official or
6552 representative of * * * the political party aggrieved * * *.

6553 **SECTION 179.** Section 23-15-11, Mississippi Code of 1972, is
6554 amended as follows:

6555 23-15-11. Every inhabitant of this state, except persons
6556 adjudicated to be non compos mentis, who is a citizen of the
6557 United States of America, eighteen (18) years old and upwards, who
6558 has resided in this state for thirty (30) days and for thirty (30)
6559 days in the county in which he seeks to vote, and for thirty (30)
6560 days in the incorporated municipality in which he or she seeks to
6561 vote, and who has been duly registered as an elector under Section
6562 23-15-33, and who has never been convicted of vote fraud or of any
6563 crime listed in Section 241, Mississippi Constitution of 1890,
6564 shall be a qualified elector in and for the county, municipality
6565 and voting precinct of his or her residence, and shall be entitled
6566 to vote at any election upon compliance with Section 23-15-563.

6567 If the thirtieth day to register before an election falls on a
6568 legal holiday, the registration applications submitted on the
6569 business day immediately following the legal holiday shall be
6570 accepted and entered in the Statewide Elections Management System
6571 for the purpose of enabling voters to vote in the next election.

6572 Any person who will be eighteen (18) years of age or older on or
6573 before the date of the general election and who is duly registered
6574 to vote not less than thirty (30) days before the primary election
6575 associated with the general election, may vote in the primary



6576 election even though the person has not reached his or her
6577 eighteenth birthday at the time that the person seeks to vote at
6578 the primary election. No others than those specified in this
6579 section shall be entitled, or shall be allowed, to vote at any
6580 election.

6581 **SECTION 180.** Section 23-15-17, Mississippi Code of 1972, is
6582 amended as follows:

6583 23-15-17. * * * Any person who has reasonable cause to
6584 suspect that such a false registration as provided in Section
6585 97-13-25 has occurred may notify any authorized law enforcement
6586 officer with proper jurisdiction. Upon such notification, said
6587 law enforcement officer shall be required to conduct an
6588 investigation into the matter and file a report with the registrar
6589 and the appropriate district attorney. The registrar shall,
6590 within twenty-four (24) hours of receipt of the investigating
6591 officer's report, accept or reject the registration. Any person
6592 who so notifies an authorized law enforcement officer shall be
6593 presumed to be acting in good faith and shall be immune from any
6594 liability, civil or criminal, that might otherwise be incurred or
6595 imposed.

6596 **SECTION 181.** Section 23-15-93, Mississippi Code of 1972, is
6597 amended as follows:

6598 23-15-93. If any * * * elections commissioner * * * shall
6599 refuse or neglect to perform any of the duties imposed upon him by
6600 this chapter regarding the registration of electors, or shall



6601 knowingly permit any person to sign a false affidavit or otherwise
6602 knowingly permit any person to violate any provision of this
6603 chapter regarding the registration of electors, or shall violate
6604 any of the provisions of this chapter regarding the registration
6605 of electors, or if any officer taking the affidavits as provided
6606 in this chapter regarding registration of electors shall make any
6607 false statement in his certificate thereto attached, he shall be
6608 deemed guilty of a crime and shall be punished by a fine not
6609 exceeding One Thousand Dollars (\$1,000.00) or by imprisonment in
6610 the penitentiary not exceeding one (1) year, and shall be removed
6611 from office.

6612 **SECTION 182.** Section 23-15-285, Mississippi Code of 1972, is
6613 amended as follows:

6614 23-15-285. The board of supervisors shall cause an entry to
6615 be made on the minutes of the board at some meeting, as early as
6616 convenient, defining the boundaries of the several supervisors
6617 districts and voting precincts in the county, and designating the
6618 voting place in each voting precinct; and as soon as practicable
6619 after any change is made in any supervisors district, voting
6620 precinct or any voting place, the board of supervisors shall
6621 cause * * * the change to be entered on the minutes of the board
6622 in such manner as to be easily understood. The changed boundaries
6623 shall conform to visible natural or artificial boundaries such as
6624 streets, highways, railroads, rivers, lakes, bayous or other



6625 obvious lines of demarcation, with the exception of county lines
6626 and municipal corporate limits.

6627 No voting precinct shall have more than five hundred (500)
6628 qualified electors residing in its boundaries. Subject to the
6629 provisions of this section, each board of supervisors of the
6630 various counties of this state shall as soon as practical after
6631 January 1, 1987, alter or change the boundaries of the various
6632 voting precincts to comply herewith and shall from time to time
6633 make such changes in the boundaries of voting precincts so that
6634 there shall never be more than five hundred (500) qualified
6635 electors within the boundaries of the various voting precincts of
6636 this state; provided further, this limitation shall not apply to
6637 voting precincts that are so divided, alphabetically or otherwise,
6638 so as to have less than five hundred (500) qualified electors in
6639 any one (1) box within a voting precinct. However, the limitation
6640 of five hundred (500) qualified electors to the voting precinct
6641 shall not apply to voting precincts in which voting machines are
6642 used at all elections held in that voting precinct. No change in
6643 any supervisors district or voting precinct shall take effect less
6644 than thirty (30) days before the qualifying deadline for the
6645 office of county supervisor. Any change in any boundary of a
6646 supervisors district or voting precinct that is approved under the
6647 Voting Rights Act of 1965 less than thirty (30) days before such
6648 qualifying deadline shall be effective only for an election for
6649 county supervisor held in a year following the year in which such



6650 change is approved under the Voting Rights Act of 1965. Provided,
6651 however, that, with the exception of county lines and municipal
6652 corporate limits, such altered boundaries shall conform to visible
6653 natural or artificial boundaries such as streets, highways,
6654 railroads, rivers, lakes, bayous or other obvious lines of
6655 demarcation.

6656 **SECTION 183.** Section 23-15-295, Mississippi Code of 1972, is
6657 amended as follows:

6658 23-15-295. When any person has qualified in the manner
6659 provided by law as a candidate for party nomination in any primary
6660 election, such person shall have the right to withdraw his name as
6661 a candidate by giving notice of his or her withdrawal in writing
6662 to the secretary of the proper executive committee at any time
6663 prior to the printing of the official ballots, and in the event of
6664 such withdrawal the name of * * * the candidate shall not be
6665 printed on the ballot. When a candidate for party nomination for
6666 a state or district office who has qualified with the state
6667 executive committee withdraws as a candidate as is herein set
6668 forth after the sample of the official ballot has been approved
6669 and certified by the state executive committee the secretary or
6670 chairman of the state executive committee shall forthwith notify
6671 the county executive committee of each county affected or involved
6672 of the fact of * * * the withdrawal and such notification shall
6673 authorize * * * the county executive committees to omit the name
6674 of the withdrawn candidate from the ballot if such notification is



6675 received * * * before the printing of the ballot. In the case of
6676 the withdrawal of any candidate, the fee paid by * * * the
6677 candidate shall be retained by the state or county executive
6678 committee, as the case may be.

6679 **SECTION 184.** Section 23-15-317, Mississippi Code of 1972, is
6680 amended as follows:

6681 23-15-317. If any person nominated for office in a primary
6682 election shall die, be removed after his or her nomination or
6683 withdraw or resign from his candidacy for a legitimate
6684 nonpolitical reason as defined in this section, and * * * the
6685 vacancy in nomination shall occur between the primary election and
6686 the ensuing general election, then the municipal, county or state
6687 executive committee with which the original nominee qualified as a
6688 candidate in the primary election shall nominate a nominee for
6689 such office. Where such a party nominee is unopposed each
6690 political party registered with the State Board of Election
6691 Commissioners shall have the privilege of nominating a candidate
6692 for the office involved. Such nominee shall be duly certified by
6693 the respective executive committee chairman. Within two (2) days
6694 after such nomination is made by the appropriate executive
6695 committee, such committee shall formally notify the Secretary of
6696 State of the name of the nominee. The Secretary of State shall
6697 thereupon officially notify the appropriate officials charged with
6698 conducting the election for the office wherein the vacancy
6699 occurred of the name of the nominee. All nominations made pursuant



6700 to the provisions of this section shall have the same force and
6701 effect and shall entitle the nominees to all rights and privileges
6702 that would accrue to them as if they had been nominated in the
6703 regular primary election.

6704 "Legitimate nonpolitical reason" as used in this section
6705 shall be limited to the following:

6706 (a) Reasons of health, which shall include any health
6707 condition which, in the written opinion of a medical doctor, would
6708 be harmful to the health of the candidate if he continued.

6709 (b) Family crises, which shall include circumstances
6710 which would substantially alter the duties and responsibilities of
6711 the candidate to the family or to a family business.

6712 (c) Substantial business conflict, which shall include
6713 the policy of an employer prohibiting employees being candidates
6714 for public offices and an employment change which would result in
6715 the ineligibility of the candidate or which would impair his
6716 capability to properly carry out the functions of the office being
6717 sought.

6718 Any candidate who withdraws based upon a "legitimate
6719 nonpolitical reason" which is not covered by the above definition
6720 shall have the strict burden of proof for his reason.

6721 A candidate who wishes to withdraw for a legitimate
6722 nonpolitical reason shall submit his reason by sworn affidavit.
6723 Such affidavit shall be filed with the state party chairman of the
6724 nominee's party and the State Board of Election Commissioners. No



6725 substitution of candidates shall be authorized, except for death
6726 or disqualification, unless the State Board of Election
6727 Commissioners approves the affidavit as constituting a "legitimate
6728 nonpolitical reason" for the candidate's resignation within five
6729 (5) days of the date the affidavit is submitted to the board.

6730 Immediately upon approval or disapproval of such affidavit,
6731 the State Board of Election Commissioners shall notify the
6732 respective executive committee of same.

6733 **SECTION 185.** Section 23-15-335, Mississippi Code of 1972, is
6734 amended as follows:

6735 23-15-335. (1) The county executive committee shall
6736 designate a person whose duty it shall be to distribute all
6737 necessary ballots for use in a primary election, and shall
6738 designate one (1) among the poll managers at each polling place to
6739 receive and receipt for the blank ballots to be used at that
6740 place. When the blank ballots are delivered to a local poll
6741 manager, the distributor shall take from the local poll manager a
6742 receipt therefor signed in duplicate by both the distributor and
6743 the poll manager, one of which receipts the distributor shall
6744 deliver to the circuit clerk and the other shall be retained by
6745 the local poll manager and said last mentioned duplicate receipt
6746 shall be enclosed in the ballot box with the voted ballots when
6747 the polls have been closed and the votes have been counted. The
6748 printer of the ballots shall take a receipt from the distributor
6749 of the ballots for the total number of the blank ballots delivered



6750 to the distributor. The printer shall secure all ballots printed
6751 by him in such a safe manner that no person can procure them or
6752 any of them, and he shall deliver no blank ballot or ballots to
6753 any person except the distributor above mentioned, and then only
6754 upon his receipt therefor as above specified. The distributor of
6755 the blank ballots shall so securely hold the same that no person
6756 can obtain any of them, and he shall not deliver any of them to
6757 any person other than to the authorized local poll managers and
6758 upon their respective receipts therefor. The executive committee
6759 shall see to it that the total blank ballots delivered to the
6760 distributor, shall correspond with the total of the receipts
6761 executed by the local poll managers.

6762 (2) (a) If it is eligible under Section 23-15-266, the
6763 county executive committee may enter into a written agreement with
6764 the circuit clerk or the county election commission authorizing
6765 the circuit clerk or the county election commission to perform any
6766 of the duties required of the county executive committee pursuant
6767 to this section. Any agreement entered into pursuant to this
6768 subsection shall be signed by the chairman of the county executive
6769 committee and the circuit clerk or the chairman of the county
6770 election commission, as appropriate. The county executive
6771 committee shall notify the state executive committee and the
6772 Secretary of State of the existence of such agreement.

6773 (b) If it is eligible under Section 23-15-266, the
6774 municipal executive committee may enter into a written agreement



6775 with the municipal clerk or the municipal election commission
6776 authorizing the municipal clerk or the municipal election
6777 commission to perform any of the duties required of the municipal
6778 executive committee pursuant to this section. Any agreement
6779 entered into pursuant to this subsection shall be signed by the
6780 chairman of the municipal executive committee and the municipal
6781 clerk or the chairman of the municipal election commission, as
6782 appropriate. The municipal executive committee shall notify the
6783 state executive committee and the Secretary of State of the
6784 existence of such agreement.

6785 (3) Any person charged with any of the duties prescribed in
6786 this section who shall willfully or with culpable carelessness
6787 violate the same shall be guilty of a misdemeanor.

6788 **SECTION 186.** Section 23-15-545, Mississippi Code of 1972, is
6789 amended as follows:

6790 23-15-545. (1) At each election, * * * at least one (1)
6791 poll manager shall * * * be charged with writing in the pollbook
6792 the word "VOTED," in the column having at its head the date of the
6793 election, opposite the name of each elector * * * upon return of a
6794 marked paper ballot by the elector with the initials of the
6795 initialing poll manager or alternate initialing poll manager
6796 affixed thereon. When a DRE unit is used in the polling place,
6797 the word "VOTED" shall be marked by at least one (1) poll manager
6798 in the pollbook in the column having at its head the date of the
6799 election, opposite the name of the elector.



6800 **SECTION 187.** Section 23-15-549, Mississippi Code of 1972, is
6801 amended as follows:

6802 23-15-549. Any voter who declares to the poll managers of
6803 the election that he or she requires assistance to vote by reason
6804 of blindness, disability or inability to read or write may be
6805 given assistance by a person of the voter's choice * * *, except
6806 that voter assistance shall not be provided by a candidate whose
6807 name is on the ballot, or by a spouse, parent, sibling or child of
6808 a candidate whose name is on the ballot, or by a poll watcher who
6809 is observing the polling place on election day, or the voter's
6810 employer, or agent of that employer, or officer or agent of the
6811 voter's union; however, a candidate for public office or the
6812 spouse, parent or child of a candidate may provide assistance upon
6813 request of any voter who is related within the first degree.

6814 **SECTION 188.** Section 23-15-871, Mississippi Code of 1972, is
6815 amended as follows:

6816 23-15-871. * * * (1) No corporation or any officer or
6817 employee thereof, or any member of a firm, or trustee or any
6818 member of any association, or any other employer, * * * may direct
6819 or coerce, directly or indirectly, any employee to vote or not to
6820 vote for any particular person or group of persons in any
6821 election, or to discharge or to threaten to discharge any such
6822 employee, or to increase or decrease the salary or wages of an
6823 employee, or otherwise promote or demote * * * the employee,



6824 because of his or her vote or failure to vote for any particular
6825 candidate or group of candidates * * *.

6826 (2) No employer, or employee having the authority to employ
6827 or discharge other employees, * * * may make any statement public
6828 or private, or * * * give out or circulate any report or
6829 statement, calculated to intimidate or coerce or otherwise
6830 influence any * * * vote of an employee, and when any such
6831 statement has * * * been circulated, it shall be the duty of * * *
6832 the employer to publicly repudiate it * * * or the employer shall
6833 be deemed by way of ratification to have made it himself. * * *

6834 (3) No employee may be requested, directed or permitted to
6835 canvass for or against any candidate or render any other services
6836 for or against any candidate or group of candidates, during any of
6837 the hours within which the salary of said employee as an employee
6838 is being paid or agreed to be paid * * *. No employee may be
6839 allowed any vacation or leave of absence at the expense of the
6840 employer to render any service or services for or against any
6841 candidate or group of candidates, or to take any active part in
6842 any election campaign whatsoever * * *, except the necessary time
6843 to cast his vote.

6844 (4) The prohibitions of this section shall apply to all
6845 state, state district, county and county district officers, and to
6846 any board or commission and the members thereof by whatever name
6847 designated and whether elective or appointive, and to each and
6848 every one of those employed by them or any of them. * * *



6849 (5) No state, state district, county or county district
6850 officer, or any employee * * * who directly or indirectly has the
6851 control, or * * *, or who asserts * * * that he or she has such
6852 power, over the expenditure of any public funds in this
6853 state * * * shall state, suggest or intimate, publicly or
6854 privately, or in any manner or form, that any such expenditure
6855 shall * * * depend upon or be influenced by the vote of any
6856 person, group of persons, or community or group of communities,
6857 whether for or against any candidate or group of candidates at any
6858 election.

6859 (6) This section and every part of it shall apply also to
6860 all federal officers, agents, employees, boards and
6861 commissions * * * as to any interference * * * contrary to the
6862 provisions of this chapter, in the elections of this state.

6863 (7) Any violation of this section shall be a violation of
6864 Section 97-13-37 and shall be referred to a district attorney for
6865 prosecution.

6866 **SECTION 189.** Section 23-15-883, Mississippi Code of 1972, is
6867 amended as follows:

6868 23-15-883. The restriction imposed upon the * * *
6869 Mississippi Transportation Commission and the boards of
6870 supervisors of the several counties in the employment of labor to
6871 work and maintain the state highways and the public roads of the
6872 several supervisors' districts of the county, as provided in
6873 Section 23-15-881, shall not apply to road contractors or bridge



6874 contractors engaged in the construction or maintenance of state
6875 highways or county roads under contracts awarded by the * * *
6876 Mississippi Transportation Commission, or the board of
6877 supervisors, as the case may be, where such contracts shall have
6878 been awarded to the lowest responsible bidder, after legal
6879 advertisement, as provided by law; nor shall the restriction
6880 imposed in Section 23-15-881 apply to the labor employed by such
6881 road contractors or bridge contractors in carrying out such
6882 contracts. Nor shall the provisions of this chapter apply to the
6883 employment by the * * * Mississippi Transportation Commission, or
6884 the board of supervisors, as the case may be, of extra labor
6885 employed to make repairs upon the state highways or highway
6886 bridges, or upon the county roads or bridges, in cases where such
6887 state highways or highway bridges, or such county roads or
6888 bridges, have been damaged or destroyed by severe storms, floods
6889 or other unforeseen disasters.

6890 **SECTION 190.** Section 23-15-887, Mississippi Code of 1972, is
6891 amended as follows:

6892 23-15-887. If any member of the * * * Mississippi
6893 Transportation Commission, and any member of the board of
6894 supervisors, or the mayor or any member of the board of aldermen
6895 or other governing authority of any municipality, shall violate
6896 the provisions of this article, he shall be guilty of a
6897 misdemeanor, and upon conviction thereof, shall be punished by a
6898 fine of not less than One Hundred Dollars (\$100.00) nor more than



6899 Five Hundred Dollars (\$500.00), or by imprisonment in the county
6900 jail for a term not to exceed six (6) months, or by both such fine
6901 and imprisonment.

6902 **SECTION 191.** Section 23-15-889, Mississippi Code of 1972, is
6903 amended as follows:

6904 23-15-889. It shall be unlawful for any person to sell or
6905 offer to sell his or her vote and it shall be likewise unlawful
6906 for any person to offer money or anything of substantial value to
6907 anyone for his vote. Anyone violating the provisions of this
6908 section shall be guilty of a misdemeanor and upon conviction shall
6909 be fined not less than Fifty Dollars (\$50.00) nor more than Five
6910 Hundred Dollars (\$500.00), or imprisoned not more than six (6)
6911 months, or both.

6912 **SECTION 192.** Section 21-9-19, Mississippi Code of 1972, is
6913 amended as follows:

6914 21-9-19. At all elections held to choose a mayor and
6915 councilmen, or any of them, the choice of the person or persons
6916 voting shall be indicated and the ballots shall be marked in like
6917 manner as is provided by law for general state and county
6918 elections. In all cases in which two (2) or more persons are to
6919 be elected to the same office, the failure on the part of any
6920 elector to indicate his choice for as many candidates as there are
6921 officers to be elected to such office, shall render his ballot
6922 void as to any candidate voted for by him for such office.



6923 The poll managers * * * at all special and general elections
6924 for mayor and councilmen, or any of them, shall immediately, upon
6925 the closing of the polls, count the ballots and ascertain the
6926 number of votes cast in each voting precinct for each of the
6927 candidates and make return thereof to the municipal election
6928 commissioners. On the day following any special or general
6929 election, the * * * municipal election commissioners shall canvass
6930 said returns so received from all the voting precincts, and shall
6931 within * * * six (6) business days after such special or general
6932 election, deliver to each person receiving the highest number of
6933 votes a certificate of election. If it shall appear by the
6934 returns that any two (2) candidates for mayor or councilmen, have
6935 received an equal number of votes, the election shall be decided
6936 by a toss of a coin or by lot, fairly and publicly drawn * * *
6937 under the direction of the election commissioners, with the aid of
6938 a friend of each such candidates, and a certificate of election
6939 shall be given accordingly.

6940 The election commissioners shall, within * * * ten (10)
6941 business days after any special or general election, certify to
6942 the Secretary of State the name or names of the person or persons
6943 elected at such special or general election, and the Secretary of
6944 State shall, immediately upon receiving such certificates, deliver
6945 the same to the Governor, who shall immediately issue commissions
6946 to the persons mentioned in certificate.



6947 **SECTION 193.** Section 37-65-123, Mississippi Code of 1972, is
6948 amended as follows:

6949 37-65-123. The words "qualified elector" or "qualified
6950 electors" for the purposes of this article, shall in addition to
6951 the provisions of the first paragraph of Section 37-65-119, mean:

6952 A person, who on the day he signs any petition provided for
6953 in said section, is properly registered and qualified to vote in a
6954 county wide election of the county if such were then held,
6955 according to the * * * voter roll as maintained in the Statewide
6956 Elections Management System in the office of the circuit clerk and
6957 registrar of the county, in which all or any part of the school
6958 district is located, and who is a resident of the school district
6959 in which one or more schools have been closed, and who (a) is
6960 qualified to vote in an election of a trustee of that school
6961 district, if any be elective and (b) if the school district be a
6962 municipal separate school district or a special municipal separate
6963 school district and such person lives within the corporate limits
6964 of the municipality then such person must be qualified to vote in
6965 a city wide election if such were held on the day he signs any
6966 petition herein provided for.

6967 **SECTION 194.** Section 65-1-3, Mississippi Code of 1972, is
6968 amended as follows:

6969 65-1-3. There shall be a * * * Mississippi Transportation
6970 Commission which shall consist of three (3) members, one (1) from
6971 each of the three (3) Supreme Court districts of the state. Only



6972 qualified electors who are citizens of the Supreme Court district
6973 in which he or she offers for election shall be eligible for such
6974 office.

6975 On Tuesday after the first Monday in November of the year
6976 1951, and every four (4) years thereafter, * * * Mississippi
6977 Transportation Commissioners shall be elected at the same time and
6978 in the same manner as the Governor is chosen; and the laws
6979 governing primary elections and the holding of general elections
6980 in this state shall apply to and govern the nomination and
6981 election of * * * Mississippi Transportation Commissioners.
6982 The * * * Mississippi Transportation Commissioners so elected
6983 shall enter upon the discharge of the duties of their respective
6984 offices on the first Monday of January in the year next succeeding
6985 the date of their election, and they shall serve for a term of
6986 four (4) years and until their successors shall have been duly
6987 elected and qualified.

6988 If any one or more of the * * * Mississippi Transportation
6989 Commissioners elected under the provisions of this chapter shall
6990 die, resign or be removed from office, the Governor shall fill the
6991 vacancy by appointment for the unexpired term, provided such
6992 unexpired term shall not exceed twelve (12) months. If such
6993 unexpired term shall exceed twelve (12) months, the Governor
6994 shall, within fifteen (15) days from the date of such vacancy, by
6995 proclamation duly made, call an election in the Supreme Court
6996 district in which such vacancy exists, to be held within sixty



6997 (60) days from the date of the issuance of such proclamation, at
6998 which election a * * * Mississippi Transportation Commissioner
6999 shall be elected to fill such vacancy for the remaining portion of
7000 such unexpired term. Such special election shall be held in the
7001 manner provided for holding general elections in this state, as
7002 far as practicable.

7003 Each of * * * the Mississippi Transportation Commissioners,
7004 before entering upon the discharge of the duties of his office,
7005 shall take and subscribe the oath of office required of other
7006 state officials and shall execute bond in the sum of Fifty
7007 Thousand Dollars (\$50,000.00), with some surety company authorized
7008 to do business in this state as surety, conditioned for the
7009 faithful performance of the duties of his office and for the
7010 faithful and true accounting of all funds or monies or property
7011 coming into his hands by virtue of his office, and conditioned
7012 further that all such funds, monies and property will be expended
7013 and used by him only for purposes authorized by law, said bond to
7014 be approved by the Governor or Attorney General and to be filed in
7015 the Office of the Secretary of State. The premium on such bonds
7016 shall be paid out of the funds of the Mississippi Department of
7017 Transportation.

7018 From and after July 1, 1992, the State Highway Commission
7019 shall be the Mississippi Transportation Commission and the members
7020 thereof shall be the Mississippi Transportation Commissioners.



7021 **SECTION 195.** Section 37-7-229, Mississippi Code of 1972, is
7022 amended as follows:

7023 37-7-229. For the purpose of holding such election, it shall
7024 be the duty of the county election commissioners to prepare from
7025 the records in the office of the county registrar a list of the
7026 qualified electors of the school district in which such election
7027 is to be held who are eligible to participate in such election.
7028 Such list shall be furnished to the election poll managers in each
7029 precinct, together with the ballots and other election supplies.

7030 In the event that any election precinct embraces parts of two
7031 (2) or more school districts it shall be the duty of the county
7032 election commissioners to prepare from the records in the office
7033 of the county registrar separate lists of the qualified electors
7034 of each school district who reside in said precinct and who are
7035 eligible to participate in such election. * * * The election
7036 commissioners shall furnish to the * * * poll managers in said
7037 precinct separate ballots and separate ballot boxes and separate
7038 voting lists for each school district.

7039 For each day spent in carrying out the provisions of Sections
7040 37-7-225 through 37-7-229 the county election commissioners shall
7041 be paid at the rate prescribed by law.

7042 **SECTION 196.** Section 23-15-631, Mississippi Code of 1972, is
7043 amended as follows:



7044 23-15-631. (1) The registrar shall enclose with each ballot
7045 provided to an absent elector separate printed instructions
7046 furnished by him containing the following:

7047 (a) All absentee voters, excepting those with temporary
7048 or permanent physical disabilities or those who are sixty-five
7049 (65) years of age or older, who mark their ballots in the county
7050 of the residence shall use the registrar of that county as the
7051 witness. The absentee voter shall come to the office of the
7052 registrar and neither the registrar nor his deputy shall be
7053 required to go out of the registrar's office to serve as an
7054 attesting witness.

7055 (b) Upon receipt of the enclosed ballot, you will not
7056 mark the ballot except in view or sight of the attesting witness.
7057 In the sight or view of the attesting witness, mark the ballot
7058 according to instructions.

7059 (c) After marking the ballot, fill out and sign the
7060 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the
7061 signature * * * is across the flap of the envelope * * * to insure
7062 the integrity of the ballot. All absent electors shall have the
7063 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
7064 the flap on the back of the envelope. Place the necessary postage
7065 on the envelope and deposit it in the post office or some
7066 government receptacle provided for deposit of mail so that the
7067 absent elector's ballot, excepting presidential absentee ballots,
7068 will reach the registrar in which your precinct is located not



7069 later than 5:00 p.m. on the day preceding the date of the
7070 election.

7071 Any notary public, United States postmaster, assistant United
7072 States postmaster, United States postal supervisor, clerk in
7073 charge of a contract postal station, or * * * other officer having
7074 authority to administer an oath or take an acknowledgment may be
7075 an attesting witness; provided, however, that in the case of an
7076 absent elector who is temporarily or permanently physically
7077 disabled, the attesting witness may be any person eighteen (18)
7078 years of age or older and such person is not required to have the
7079 authority to administer an oath. If a postmaster, assistant
7080 postmaster, postal supervisor, or clerk in charge of a contract
7081 postal station acts as an attesting witness, his signature on the
7082 elector's certificate must be authenticated by the cancellation
7083 stamp of their respective post offices. If * * * an officer
7084 having authority to administer an oath or take an acknowledgement
7085 acts as attesting witness, his signature on the elector's
7086 certificate, together with his title and address, but no seal,
7087 shall be required. Any affidavits made by an absent elector who
7088 is in the Armed Forces may be executed before a commissioned
7089 officer, warrant officer, or noncommissioned officer not lower in
7090 grade than sergeant rating or any person authorized to administer
7091 oaths.

7092 (d) When the application accompanies the ballot it
7093 shall not be returned in the same envelope as the ballot but shall



7094 be returned in a separate preaddressed envelope provided by the
7095 registrar.

7096 (e) A * * * candidate for public office, or the spouse,
7097 parent or child of a candidate for public office, may not be an
7098 attesting witness for any absentee ballot upon which the * * *
7099 candidate's name appears; however, a candidate for Public Office
7100 or the spouse, parent or child of a candidate may be the attesting
7101 witness for and absentee ballot for any voter who is related
7102 within the first degree.

7103 (f) Any voter casting an absentee ballot who declares
7104 that he requires assistance to vote by reason of blindness,
7105 temporary or permanent physical disability or inability to read or
7106 write, shall be entitled to receive assistance in the marking of
7107 his absentee ballot and in completing the affidavit on the
7108 absentee ballot envelope. The voter may be given assistance by
7109 anyone of the voter's choice other than a candidate whose name
7110 appears on the absentee ballot being marked, the spouse, parent or
7111 child of a candidate whose name appears on the absentee ballot
7112 being marked or the voter's employer, * * * an agent of that
7113 employer or a union representative; however, a candidate whose
7114 name is on the ballot or the spouse, parent or child of such
7115 candidate may provide assistance upon request to any voter who is
7116 related within the first degree. In order to ensure the integrity
7117 of the ballot, any person who provides assistance to an absentee
7118 voter shall be required to sign and complete the "Certificate of



7119 Person Providing Voter Assistance" on the absentee ballot
7120 envelope.

7121 (2) The foregoing instructions required to be provided by
7122 the registrar to the elector shall also constitute the substantive
7123 law pertaining to the handling of absentee ballots by the elector
7124 and registrar.

7125 (3) The Secretary of State shall prepare instructions on how
7126 absent voters may comply with the identification requirements of
7127 Section 23-15-563.

7128 **SECTION 197.** Sections 23-15-111, 23-15-119, 23-15-127,
7129 23-15-129, 23-15-133, 23-15-137 and 23-15-160, Mississippi Code of
7130 1972, which provide for the preparation, revision and maintenance
7131 of registration books and poll books, are repealed.

7132 **SECTION 198.** Section 23-15-167, Mississippi Code of 1972,
7133 which provides for the funding to purchase computer hardware or
7134 software for the Centralized Statewide Voter System, is repealed.

7135 **SECTION 199.** Section 23-15-169.6, Mississippi Code of 1972,
7136 which created a task force to study voting systems that comply
7137 with the Help America Vote Act of 2002 and their suitability for
7138 use in elections in Mississippi, is repealed.

7139 **SECTION 200.** Section 23-15-212, Mississippi Code of 1972,
7140 which created a study committee to conduct a study to determine
7141 how registrars, election commissioners, executive committee
7142 members and poll workers can be better trained in the conduct of
7143 elections, is repealed.



7144 **SECTION 201.** Section 23-15-269, Mississippi Code of 1972,
7145 which provides the penalties for an election commissioner, or any
7146 other officer or person acting as such, or performing election
7147 duty, who willfully refuse or knowingly fail to perform any duty
7148 required of him or her by the election laws, is repealed.

7149 **SECTION 202.** Sections 23-15-393, 23-15-401, 23-15-403,
7150 23-15-405, 23-15-407, 23-15-409, 23-15-411, 23-15-413, 23-15-415,
7151 23-15-417, 23-15-419, 23-15-421, 23-15-423, 23-15-425, 23-15-427,
7152 23-15-429, 23-15-431, 23-15-433, 23-15-435, 23-15-437, 23-15-439,
7153 23-15-441, 23-15-443, 23-15-445, 23-15-447, 23-15-449 and
7154 23-15-451, Mississippi Code of 1972, which provide for the use of
7155 voting machines in elections, are repealed.

7156 **SECTION 203.** Sections 23-15-461, 23-15-463, 23-15-465,
7157 23-15-467, 23-15-469, 23-15-471, 23-15-473, 23-15-475, 23-15-477,
7158 23-15-479, 23-15-481, 23-15-483, 23-15-485 and 23-15-501,
7159 Mississippi Code of 1972, which provide for the use of electronic
7160 voting systems, are repealed.

7161 **SECTION 204.** Section 23-15-509, Mississippi Code of 1972,
7162 which provides when and where OMR equipment may be used, is
7163 repealed.

7164 **SECTION 205.** Section 23-15-531.7, Mississippi Code of 1972,
7165 which provides for the demonstration of DRE units, is repealed.

7166 **SECTION 206.** Section 23-15-531.8, Mississippi Code of 1972,
7167 which provides for the storage and security of DRE units, is
7168 repealed.



7169 **SECTION 207.** Section 23-15-531.11, Mississippi Code of 1972,
7170 which provides for the coding of challenged ballots on DRE units,
7171 is repealed.

7172 **SECTION 208.** Section 23-15-559, Mississippi Code of 1972,
7173 which provides the times for holding primary and general election
7174 for municipalities that operate under a special or private
7175 charter, is repealed.

7176 **SECTION 209.** Section 23-15-841, Mississippi Code of 1972,
7177 which provides for the holding of a primary election in special
7178 elections for county and county district seats, is repealed.

7179 **SECTION 210.** Section 23-15-893, Mississippi Code of 1972,
7180 which provides the penalty for being intoxicated in or about a
7181 polling place during an election, is repealed.

7182 **SECTION 211.** Section 23-15-899, Mississippi Code of 1972,
7183 which provides for identifying information to be posted on
7184 campaign materials, is repealed.

7185 **SECTION 212.** Section 97-13-18, Mississippi Code of 1972,
7186 which prohibits foreign nationals from making contributions or
7187 expenditures to or on behalf of political parties or candidates,
7188 is repealed.

7189 **SECTION 213.** Section (1) and (2) of this act shall take
7190 effect and be in force from and after January 1, 2017, and shall
7191 be repealed from and after December 31, 2016, the remainder of
7192 this act shall take effect and be in force from and after July 1,
7193 2016, and be repealed from and after June 30, 2016.



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

1 AN ACT TO PROHIBIT THE USE OF CAMPAIGN CONTRIBUTIONS FOR
2 PERSONAL USE; TO PROVIDE FOR THE DISPOSITION OF UNUSED CAMPAIGN
3 FUNDS; TO PROVIDE PENALTIES FOR IMPROPER USE OF CAMPAIGN FUNDS; TO
4 PROHIBIT THE GOVERNOR, LIEUTENANT GOVERNOR OR ANY MEMBER OF THE
5 LEGISLATURE FROM SOLICITING OR RECEIVING CAMPAIGN CONTRIBUTIONS
6 DURING ANY LEGISLATIVE SESSION; TO AMEND SECTIONS 23-15-3, 23-15-5
7 AND 23-15-7, MISSISSIPPI CODE OF 1972, TO REVISE THE GENERAL
8 PROVISIONS; TO AMEND SECTIONS 23-15-15 AND 23-15-19, MISSISSIPPI
9 CODE OF 1972, TO REVISE THE PROVISIONS THAT REGULATE THE
10 QUALIFICATIONS OF ELECTORS; TO AMEND SECTIONS 23-15-31, 23-15-33,
11 23-15-35, 23-15-37, 23-15-39, 23-15-41, 23-15-43 AND 23-15-47,
12 MISSISSIPPI CODE OF 1972, TO REVISE THE PROCEDURES FOR REGISTERING
13 TO VOTE; TO AMEND SECTIONS 23-15-61, 23-15-63, 23-15-65, 23-15-67,
14 23-15-69 AND 23-15-79, MISSISSIPPI CODE OF 1972, TO REVISE THE
15 APPEAL PROCEDURE FOR A PERSON WHO HAS BEEN DENIED REGISTRATION; TO
16 AMEND SECTION 23-15-95, MISSISSIPPI CODE OF 1972, TO REVISE
17 CERTAIN PROVISIONS REGARDING THE LIABILITY OF THE REGISTRAR; TO
18 AMEND SECTIONS 23-15-113, 23-15-121, 23-15-123, 23-15-125 AND
19 23-15-135, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR
20 MAINTAINING REGISTRATION RECORDS; TO AMEND SECTIONS 23-15-151,
21 23-15-153 AND 23-15-161, MISSISSIPPI CODE OF 1972, TO REVISE THE
22 PURGING OF CERTAIN ELECTOR RECORDS; TO AMEND SECTIONS 23-15-163
23 AND 23-15-165, MISSISSIPPI CODE OF 1972, TO REVISE THE STATEWIDE
24 CENTRALIZED VOTER SYSTEM; TO AMEND SECTIONS 23-15-169.1 AND
25 23-15-169.7, MISSISSIPPI CODE OF 1972, TO REVISE THE TASK FORCE
26 AND HELP MISSISSIPPI VOTE FUND; TO AMEND SECTIONS 23-15-171 AND
27 23-15-173, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR
28 HOLDING PRIMARY AND GENERAL MUNICIPAL ELECTIONS; TO AMEND SECTIONS
29 23-15-191 AND 23-15-197, MISSISSIPPI CODE OF 1972, TO REVISE THE
30 PROVISIONS FOR HOLDING OTHER ELECTIONS; TO AMEND SECTIONS
31 23-15-211, 23-15-213, 23-15-215, 23-15-217, 23-15-219, 23-15-221,
32 23-15-223, 23-15-225, 23-15-227, 23-15-229, 23-15-231, 23-15-233,
33 23-15-235, 23-15-237, 23-15-239, 23-15-240, 23-15-241, 23-15-243,
34 23-15-245, 23-15-247, 23-15-249, 23-15-251, 23-15-253, 23-15-255,
35 23-15-259, 23-15-261, 23-15-265, 23-15-267 AND 23-15-271,
36 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR ELECTION
37 OFFICIALS; TO AMEND SECTIONS 23-15-281 AND 23-15-283, MISSISSIPPI
38 CODE OF 1972, TO REVISE THE PROVISIONS FOR SUPERVISOR DISTRICTS
39 AND VOTING PRECINCTS; TO AMEND SECTIONS 23-15-293, 23-15-299,
40 23-15-303, 23-15-307, 23-15-309 AND 23-15-311, MISSISSIPPI CODE OF
41 1972, TO REVISE THE PROVISIONS FOR NOMINATIONS IN PRIMARY
42 ELECTIONS; TO AMEND SECTIONS 23-15-333, 23-15-351, 23-15-353,
43 23-15-355, 23-15-359, 23-15-361, 23-15-365, 23-15-367, 23-15-369,
44 23-15-371, 23-15-373 AND 23-15-375, MISSISSIPPI CODE OF 1972, TO



45 REVISE THE PROVISIONS FOR BALLOTS; TO AMEND SECTIONS 23-15-391,
46 23-15-503, 23-15-505, 23-15-507, 23-15-511, 23-15-513, 23-15-515,
47 23-15-517, 23-15-519, 23-15-521, 23-15-523 AND 23-15-525,
48 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR OPTICAL
49 MARK READING EQUIPMENT; TO AMEND SECTIONS 23-15-531, 23-15-531.1,
50 23-15-531.2, 23-15-531.3, 23-15-531.4, 23-15-531.5, 23-15-531.6,
51 23-15-531.9, 23-15-531.10 AND 23-15-531.12, MISSISSIPPI CODE OF
52 1972, TO REVISE THE PROVISIONS FOR DIRECT RECORDING ELECTRONIC
53 VOTING EQUIPMENT; TO AMEND SECTIONS 23-15-541, 23-15-543,
54 23-15-547, 23-15-551, 23-15-553 AND 23-15-563, MISSISSIPPI CODE OF
55 1972, TO REVISE THE PROVISIONS FOR THE CONDUCT OF ELECTIONS; TO
56 AMEND SECTIONS 23-15-571, 23-15-573, 23-15-575, 23-15-577,
57 23-15-579 AND 23-15-581, MISSISSIPPI CODE OF 1972, TO REVISE THE
58 PROVISIONS REGARDING AFFIDAVIT BALLOTS AND CHALLENGED BALLOTS; TO
59 AMEND SECTIONS 23-15-591, 23-15-593, 23-15-595, 23-15-597,
60 23-15-601, 23-15-603, 23-15-605, 23-15-607, 23-15-609, 23-15-611
61 AND 23-15-613, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS
62 THAT ARE USED TO DETERMINE THE RESULTS OF ELECTIONS; TO AMEND
63 SECTIONS 23-15-801, 23-15-803, 23-15-805, 23-15-807, 23-15-811 AND
64 23-15-813, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS THAT
65 REGULATE THE DISCLOSURE OF CAMPAIGN FINANCES; TO CREATE NEW
66 SECTION 23-15-819, MISSISSIPPI CODE OF 1972, TO REGULATE THE
67 RECEIPT OF CAMPAIGN FUNDS FROM A FOREIGN NATIONAL; TO AMEND
68 SECTIONS 23-15-831, 23-15-833, 23-15-835, 23-15-837, 23-15-839,
69 23-15-843, 23-15-849, 23-15-851, 23-15-853, 23-15-855, 23-15-857
70 AND 23-15-859, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS
71 FOR VACANCIES IN OFFICE; TO AMEND SECTIONS 23-15-873, 23-15-874,
72 23-15-875, 23-15-881, 23-15-891, 23-15-895, 23-15-897, 23-15-903
73 AND 23-15-905, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS
74 FOR REGULATIONS OF ELECTIONS; TO AMEND SECTIONS 23-15-911 AND
75 23-15-913, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR
76 ELECTION CONTESTS IN GENERAL; TO AMEND SECTION 23-15-939,
77 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR PRIMARY
78 ELECTION CONTESTS; TO AMEND SECTION 23-15-977, MISSISSIPPI CODE
79 OF 1972, TO REVISE THE PROVISIONS REGARDING JUDICIAL OFFICES; TO
80 CREATE NEW SECTION 23-15-994, MISSISSIPPI CODE OF 1972, TO PROVIDE
81 FOR THE ELECTIONS OF COURT OF APPEAL JUDGES; TO AMEND SECTIONS
82 23-15-1031, 23-15-1033, 23-15-1039 AND 23-15-1041, MISSISSIPPI
83 CODE OF 1972, TO REVISE THE PROVISIONS FOR MEMBERS OF CONGRESS; TO
84 AMEND SECTIONS 23-15-1051, 23-15-1053, 23-15-1054, 23-15-1057,
85 23-15-1059, 23-15-1061, 23-15-1063, 23-15-1065 AND 23-15-1067,
86 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR POLITICAL
87 PARTIES; TO AMEND SECTIONS 23-15-11, 23-15-17, 23-15-93,
88 23-15-285, 23-15-295, 23-15-317, 23-15-335, 23-15-545, 23-15-549,
89 23-15-871, 23-15-883, 23-15-887, 23-15-889, 21-9-19, 37-65-123,
90 65-1-3, 37-7-229 AND 23-15-631, MISSISSIPPI CODE OF 1972, TO
91 CONFORM; TO REPEAL SECTIONS 23-15-111, 23-15-119, 23-15-127,
92 23-15-129, 23-15-133, 23-15-137 AND 23-15-160, MISSISSIPPI CODE OF
93 1972, WHICH PROVIDE FOR THE PREPARATION, REVISION AND MAINTENANCE
94 OF REGISTRATION BOOKS AND POLL BOOKS; TO REPEAL SECTION 23-15-167,



95 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE FUNDING TO
96 PURCHASE COMPUTER HARDWARE OR SOFTWARE FOR THE CENTRALIZED
97 STATEWIDE VOTER SYSTEM; TO REPEAL SECTION 23-15-169.6, MISSISSIPPI
98 CODE OF 1972, WHICH CREATED A TASK FORCE TO STUDY VOTING SYSTEMS
99 THAT COMPLY WITH THE HELP AMERICA VOTE ACT OF 2002 AND THEIR
100 SUITABILITY FOR USE IN ELECTIONS IN MISSISSIPPI; TO REPEAL SECTION
101 23-15-212, MISSISSIPPI CODE OF 1972, WHICH CREATED A STUDY
102 COMMITTEE TO CONDUCT A STUDY TO DETERMINE HOW REGISTRARS, ELECTION
103 COMMISSIONERS, EXECUTIVE COMMITTEE MEMBERS AND POLL WORKERS CAN BE
104 BETTER TRAINED IN THE CONDUCT OF ELECTIONS; TO REPEAL SECTION
105 23-15-269, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PENALTIES
106 FOR AN ELECTION COMMISSIONER, OR ANY OTHER OFFICER OR PERSON
107 ACTING AS SUCH, OR PERFORMING ELECTION DUTY, WHO WILLFULLY REFUSES
108 OR KNOWINGLY FAILS TO PERFORM ANY DUTY REQUIRED OF HIM OR HER BY
109 THE ELECTION LAWS; TO REPEAL SECTIONS 23-15-393, 23-15-401,
110 23-15-403, 23-15-405, 23-15-407, 23-15-409, 23-15-411, 23-15-413,
111 23-15-415, 23-15-417, 23-15-419, 23-15-421, 23-15-423, 23-15-425,
112 23-15-427, 23-15-429, 23-15-431, 23-15-433, 23-15-435, 23-15-437,
113 23-15-439, 23-15-441, 23-15-443, 23-15-445, 23-15-447, 23-15-449
114 AND 23-15-451, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE USE
115 OF VOTING MACHINES IN ELECTIONS; TO REPEAL SECTIONS 23-15-461,
116 23-15-463, 23-15-465, 23-15-467, 23-15-469, 23-15-471, 23-15-473,
117 23-15-475, 23-15-477, 23-15-479, 23-15-481, 23-15-483, 23-15-485
118 AND 23-15-501, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE USE
119 OF ELECTRONIC VOTING SYSTEMS; TO REPEAL SECTION 23-15-509,
120 MISSISSIPPI CODE OF 1972, WHICH PROVIDES WHEN AND WHERE OMR
121 EQUIPMENT MAY BE USED; TO REPEAL SECTION 23-15-531.7, MISSISSIPPI
122 CODE OF 1972, WHICH PROVIDES FOR THE DEMONSTRATION OF DRE UNITS;
123 TO REPEAL SECTION 23-15-531.8, MISSISSIPPI CODE OF 1972, WHICH
124 PROVIDES FOR THE STORAGE AND SECURITY OF DRE UNITS; TO REPEAL
125 SECTION 23-15-531.11, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
126 THE CODING OF CHALLENGED BALLOTS ON DRE UNITS; TO REPEAL SECTION
127 23-15-559, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE TIMES FOR
128 HOLDING PRIMARY AND GENERAL ELECTION FOR MUNICIPALITIES THAT
129 OPERATE UNDER A SPECIAL OR PRIVATE CHARTER; TO REPEAL SECTION
130 23-15-841, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE
131 HOLDING OF A PRIMARY ELECTION IN SPECIAL ELECTIONS FOR COUNTY AND
132 COUNTY DISTRICT SEATS; TO REPEAL SECTION 23-15-893, MISSISSIPPI
133 CODE OF 1972, WHICH PROVIDES THE PENALTY FOR BEING INTOXICATED IN
134 OR ABOUT A POLLING PLACE DURING AN ELECTION; TO REPEAL SECTION
135 23-15-899, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR
136 IDENTIFYING INFORMATION TO BE POSTED ON CAMPAIGN MATERIALS; TO
137 REPEAL SECTION 97-13-18, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS
138 FOREIGN NATIONALS FROM MAKING CONTRIBUTIONS OR EXPENDITURES TO OR
139 ON BEHALF OF POLITICAL PARTIES OR CANDIDATES; AND FOR RELATED
140 PURPOSES.

