

By: Representatives Denny, Hughes, Reynolds,
Barnett, Sykes, Baria

To: Apportionment and
Elections

HOUSE BILL NO. 228

1 AN ACT TO CREATE PRE-ELECTION DAY VOTING ACT; TO PROVIDE
2 DEFINITIONS; TO PROVIDE THAT THE PRE-ELECTION DAY VOTING PERIOD
3 SHALL BEGIN FOURTEEN DAYS BEFORE THE ELECTION AND CONTINUE UNTIL
4 NOON ON THE SATURDAY IMMEDIATELY PRECEDING THE ELECTION; TO
5 PROVIDE THAT PRE-ELECTION DAY VOTING SHALL BE FOR EACH PRIMARY,
6 GENERAL, RUNOFF, SPECIAL AND MUNICIPAL ELECTION FOR PUBLIC OFFICE;
7 TO PROVIDE THE HOURS FOR PRE-ELECTION DAY VOTING IN THE
8 REGISTRAR'S OFFICE DURING REGULAR BUSINESS HOURS; TO PROVIDE
9 EXTENDED HOURS TO VOTE DURING THE LAST FULL WEEK PRECEDING AN
10 ELECTION; TO PROVIDE THAT NOTICE OF PRE-ELECTION DAY VOTING SHALL
11 BE PROVIDED IN THREE PUBLIC PLACES EIGHT DAYS BEFORE THE VOTING
12 BEGINS; TO PROVIDE THE PROCEDURES TO FOLLOW WHEN CASTING A BALLOT
13 DURING THE PRE-ELECTION DAY VOTING PERIOD; TO PROVIDE THE MANNER
14 FOR CHALLENGING THE QUALIFICATIONS OF A VOTER DURING THE
15 PRE-ELECTION DAY VOTING PERIOD; TO AMEND SECTIONS 23-15-625,
16 23-15-627, 23-15-629, 23-15-631, 23-15-635, 23-15-637, 23-15-639,
17 23-15-641, 23-15-643, 23-15-647, 23-15-649, 23-15-657, 23-15-713,
18 23-15-715, 23-15-717, 23-15-719, 23-15-721 AND 23-15-735,
19 MISSISSIPPI CODE OF 1972, TO REVISE THE VOTERS WHO ARE ELIGIBLE TO
20 VOTE BY ABSENTEE BALLOT; TO PROHIBIT A VOTER FROM CASTING AN
21 ABSENTEE BALLOT IN PERSON AT THE OFFICE OF THE COUNTY REGISTRAR;
22 TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTIONS
23 23-15-31, 23-15-37, 23-15-43, 23-15-47, 23-15-65, 23-15-127,
24 23-15-153, 23-15-171, 23-15-173, 23-15-191, 23-15-195, 23-15-197,
25 23-15-231, 23-15-233, 23-15-239, 23-15-241, 23-15-245, 23-15-247,
26 23-15-251, 23-15-255, 23-15-263, 23-15-265, 23-15-267, 23-15-303,
27 23-15-309, 23-15-331, 23-15-333, 23-15-335, 23-15-353, 23-15-357,
28 23-15-359, 23-15-363, 23-15-367, 7-3-39, 23-15-407, 23-15-411,
29 23-15-415, 23-15-417, 23-15-425, 23-15-429, 23-15-437, 23-15-469,
30 23-15-473, 23-15-511, 23-15-515, 23-15-531.4, 23-15-531.6,
31 23-15-531.7, 23-15-545, 23-15-573, 23-15-613, 23-15-781,
32 23-15-785, 23-15-807, 23-15-833, 23-15-843, 23-15-851, 23-15-853,
33 23-15-855, 23-15-857, 23-15-859, 23-15-895, 23-15-913, 23-15-963,
34 23-15-977, 23-15-1031, 23-15-1081, 23-15-1083, 23-15-1085,



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

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

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

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

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

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

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



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

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

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



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

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

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

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

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

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

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



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

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

133 (3) It shall be unlawful for any person to solicit absentee
134 ballot applications or absentee ballots for persons staying in any
135 skilled nursing facility as defined in Section 41-7-173 * * * ~~—~~



136 ~~This prohibition shall not apply to~~ unless the person soliciting
137 the absentee ballot applications or absentee ballots is:

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

140 (b) A person designated in writing by the person for
141 whom the absentee ballot application or absentee ballot is
142 sought * * *, ~~the registrar or the deputy registrar.~~

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

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



161 registrar shall also turn over a list of all * * *~~such~~ persons who
162 have voted by absentee ballot and whose ballots are in the box.

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

167 (6) The registrar shall process all applications for
168 absentee ballots by using the Statewide Election Management
169 System. The registrar shall account for all absentee ballots
170 delivered to and received from qualified voters by
171 processing * * *~~such~~ the ballots using the Statewide Election
172 Management System.

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

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



186 elector. The written designation shall be valid for one (1) year
187 after the date of the designation. An absentee ballot application
188 must have the seal of the circuit or municipal clerk affixed to it
189 and be initialed by the registrar or his or her deputy in order to
190 be utilized to obtain an absentee ballot. A reproduction of an
191 absentee ballot application shall not be valid unless it is a
192 reproduction provided by the office of the registrar of the
193 jurisdiction in which the election is being held and which
194 contains the seal and initials required by this section.

195 * * * ~~Such~~ The application shall be substantially in the following
196 form:

197 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

198 I, _____, duly qualified and registered in the ___ Precinct
199 of the County of _____, and State of Mississippi, coming within
200 the purview of the definition 'ABSENT ELECTOR' will be * * *
201 ~~absent from the county of my residence on election day, or unable~~
202 to vote in person because (check appropriate reason):

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

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



209 () I am a member of the Merchant Marine or the American Red
210 Cross and am a citizen of Mississippi or spouse or dependent of
211 such member.

212 () I am a disabled war veteran who is a patient in any
213 hospital and am a citizen of Mississippi or spouse or dependent of
214 such veteran.

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

219 () I am a citizen of Mississippi temporarily residing
220 outside the territorial limits of the United States and the
221 District of Columbia.

222 * * * ~~() I am a student, teacher or administrator at a~~
223 ~~college, university, junior or community college, high, junior~~
224 ~~high, elementary or grade school, whose studies or employment at~~
225 ~~such institution necessitates my absence from the county of my~~
226 ~~voting residence or spouse or dependent of such student, teacher~~
227 ~~or administrator who maintains a common domicile outside the~~
228 ~~county of my voting residence with such student, teacher or~~
229 ~~administrator.~~

230 () I * * * ~~will be outside the county~~ am a citizen of
231 Mississippi temporarily residing outside of the county of my
232 residence during the pre-election day voting period or on election
233 day.



234 () I am an emergency response provider, deployed due to a
235 state of emergency declared by the President of the United States
236 or the Governor of any state within the United States during the
237 time period provided by law for absentee voting, pre-election day
238 voting and election day.

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

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

241 () I am the parent, spouse or dependent of a person with a
242 temporary or permanent physical disability who is hospitalized
243 outside his or her county of residence or more than fifty (50)
244 miles away from his residence, and I will be with such person on
245 election day.

246 () I am a member of the congressional delegation, or spouse
247 or dependent of a member of the congressional delegation.

248 ~~* * * () I am required to be at work on election day during~~
249 ~~the times which the polls will be open.~~

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

252 Mail 'Absent Elector's Ballot' to me at the following address
253 _____ * * * ~~(if eligible to vote by mail).~~

254 I realize that I can be fined up to Five Thousand Dollars
255 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
256 for making a false statement in this application and for selling
257 my vote and violating the Mississippi Absentee Voter Law. (This
258 sentence is to be in bold print.)



259 If you are temporarily or permanently disabled, you are not
260 required to have this application notarized or signed by an
261 official authorized to administer oaths for absentee balloting.
262 You are required to sign this application in the proper place and
263 have a person eighteen (18) years of age or older witness your
264 signature and sign this application in the proper place.

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

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

269 _____
270 (Signature of absent elector)

271 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
272 2____.

273 _____
274 (Official authorized to administer oaths
275 for absentee balloting.)

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

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

282 _____
283 (Signature of witness)



284 CERTIFICATE OF DELIVERY

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

289 _____
290 (Signature of person delivering application)

291 _____
292 (Address of person delivering application)"

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

295 23-15-629. (1) The application for an absentee ballot of a
296 person who is permanently or temporarily physically disabled shall
297 be accompanied by a statement signed by * * *such that person's
298 physician, or nurse practitioner * * *, ~~which statement.~~ The
299 statement must show that the person signing the statement is a
300 licensed, practicing * * *~~medical doctor~~ physician or nurse
301 practitioner and must indicate that the person applying for the
302 absentee ballot is permanently or temporarily physically disabled
303 to such a degree that it is difficult for him or her to vote in
304 person.

305 (2) An application accompanied by the statement provided for
306 in subsection (1) of this section shall entitle * * *such the
307 permanently physically disabled person to automatically receive an
308 absentee ballot for all elections on a continuing basis without



309 the necessity for reapplication. The application accompanied by
310 the statement provided in subsection (1) of this section entitles
311 the temporarily physically disabled person to receive an absentee
312 ballot by mail for that election and a subsequent corresponding
313 runoff election.

314 (3) The registrar of each county shall keep an accurate list
315 of the names and addresses of all persons whose applications for
316 absentee ballots are accompanied by the statement set forth in
317 subsection (1) of this section. Sixty (60) days * * *~~prior to~~
318 before each election, the registrar shall deliver such list to the
319 election commissioners * * *~~of election~~ who shall examine the list
320 and delete from it the names of all persons listed who are no
321 longer qualified electors of the county. Upon completion
322 of * * *~~such~~ the examination, the election commissioners * * *~~of~~
323 election shall return the list to the registrar by no later than
324 forty-five (45) days * * *~~prior to~~ before the election.

325 (4) The registrar shall send a ballot to all persons who are
326 determined by the election commissioners * * *~~of election~~ to be
327 qualified electors pursuant to subsection (3) of this section by
328 no later than forty (40) days * * *~~prior to~~ before the election.

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

331 23-15-631. (1) The registrar shall enclose with each ballot
332 provided to an absent elector separate printed instructions
333 furnished by * * *~~him~~ the registrar containing the following:



334 * * * ~~_____ (a) All absentee voters, excepting those with~~
335 ~~temporary or permanent physical disabilities or those who are~~
336 ~~sixty-five (65) years of age or older, who mark their ballots in~~
337 ~~the county of the residence shall use the registrar of that county~~
338 ~~as the witness. The absentee voter shall come to the office of~~
339 ~~the registrar and neither the registrar nor his deputy shall be~~
340 ~~required to go out of the registrar's office to serve as an~~
341 ~~attesting witness.~~

342 (* * * ba) Upon receipt of the enclosed ballot, you
343 will not mark the ballot except in view or sight of the attesting
344 witness. In the sight or view of the attesting witness, mark the
345 ballot according to instructions.

346 (* * * eb) After marking the ballot, fill out and sign
347 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that
348 the signature * * * ~~shall be~~ is across the flap of the
349 envelope * * * ~~so as to~~ * * * ~~insure~~ ensure the integrity of the
350 ballot. All absent electors shall have the attesting witness sign
351 the "ATTESTING WITNESS CERTIFICATE" across the flap on the back of
352 the envelope. Place the necessary postage on the envelope and
353 deposit it in the post office or some government receptacle
354 provided for deposit of mail so that the absent elector's
355 ballot * * * ~~, excepting presidential absentee ballots,~~ will reach
356 the registrar in which your precinct is located not later than
357 5:00 p.m. on the day * * * ~~preceding~~ before the date of the
358 election.



359 Any notary public, United States postmaster, assistant United
360 States postmaster, United States postal supervisor, clerk in
361 charge of a contract postal station, or * * *any other officer
362 having authority to administer an oath or take an acknowledgment
363 may be an attesting witness; provided, however, that in the case
364 of an absent elector who is temporarily or permanently physically
365 disabled, the attesting witness may be any person eighteen (18)
366 years of age or older and * * *~~such~~ that person is not required to
367 have the authority to administer an oath. If a postmaster,
368 assistant postmaster, postal supervisor, or clerk in charge of a
369 contract postal station acts as an attesting witness, his or her
370 signature on the elector's certificate must be authenticated by
371 the cancellation stamp of their respective post offices.

372 If * * *~~one or the other officers herein named~~ an officer having
373 authority to administer an oath or take an acknowledgement acts as
374 attesting witness, his or her signature on the elector's
375 certificate, together with his or her title and address, but no
376 seal, shall be required. * * *~~Any affidavits made by an absent~~
377 ~~elector who is in the Armed Forces may be executed before a~~
378 ~~commissioned officer, warrant officer, or noncommissioned officer~~
379 ~~not lower in grade than sergeant rating or any person authorized~~
380 ~~to administer oaths.~~

381 (* * *dc) When the application accompanies the ballot
382 it shall not be returned in the same envelope as the ballot but
383 shall be returned in a separate preaddressed envelope provided by



384 the registrar. However, if time permits the registrar shall first
385 send and receive a returned application from the absent elector
386 before mailing the absentee ballot.

387 (* * *ed) A * * *~~person who is a~~ candidate for public
388 office, or the spouse, parent or child of a candidate for public
389 office, may not be an attesting witness for any absentee ballot
390 upon which the * * *~~person's~~ candidate's name appears.

391 (* * *fe) Any voter casting an absentee ballot who
392 declares that he or she requires assistance to vote by reason of
393 blindness, temporary or permanent physical disability or inability
394 to read or write, shall be entitled to receive assistance in the
395 marking of his or her absentee ballot and in completing the
396 affidavit on the absentee ballot envelope. The voter may be given
397 assistance by anyone of the voter's choice other than a candidate
398 whose name appears on the absentee ballot being marked, * * *~~or~~
399 the spouse, parent or child of a candidate whose name appears on
400 the absentee ballot being marked, the voter's employer, or an
401 agent of that employer, or a union representative. In order to
402 ensure the integrity of the ballot, any person who provides
403 assistance to an absentee voter shall be required to sign and
404 complete the "Certificate of Person Providing Voter Assistance" on
405 the absentee ballot envelope.

406 (2) The foregoing instructions required to be provided by
407 the registrar to the elector shall also constitute the substantive



408 law pertaining to the handling of absentee ballots by the elector
409 and registrar.

410 * * * ~~(3) The Secretary of State shall prepare instructions~~
411 ~~on how absent voters may comply with the identification~~
412 ~~requirements of Section 23-15-563.~~

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

415 23-15-635. (1) The form of the elector's certificate,
416 attesting witness certification and certificate of person
417 providing voter assistance on the back of the envelope used by
418 absentee voters * * * ~~who do not use the registrar of their county~~
419 ~~of residence as an attesting witness and who are not absent voters~~
420 as defined in Section 23-15-673, shall be as follows:

421 "ELECTOR'S CERTIFICATE

422 STATE OF _____

423 COUNTY * * * ~~OR PARISH~~ OF _____

424 I, _____, under penalty of perjury do solemnly swear
425 that this envelope contains the ballot marked by me indicating my
426 choice of the candidates or propositions to be submitted at the
427 election to be held on the ___ day of _____, 2____, and I
428 hereby authorize the registrar to place this envelope in the
429 ballot box on my behalf, and I further authorize the * * *
430 election poll managers to open this envelope and place my ballot
431 among the other ballots cast before * * * ~~such~~ those ballots are



432 counted, and record my name on the poll list as if I were present
433 in person and voted.

434 I further swear that I marked the enclosed ballot in secret.
435 **Penalties for vote fraud are up to five (5) years in prison and a**
436 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
437 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
438 **to one (1) year in jail and a fine of up to * * *~~One Thousand~~**
439 **~~Dollars (\$1,000.00) Three Thousand Dollars (\$3,000.00). (Miss.~~**
440 **Code. Ann. Section 97-13-37.)**

441 _____
442 (Signature of voter)

443 CERTIFICATE OF ATTESTING WITNESS

444 Under penalty of perjury I affirm that the above named voter
445 personally appeared before me, on this the ___ day of _____,
446 2____, and is known by me to be the person named, and who, after
447 being duly sworn or having affirmed, subscribed the foregoing oath
448 or affirmation. That the voter exhibited to me his or her blank
449 ballot; that the ballot was not marked or voted before the voter
450 exhibited the ballot to me; that the voter was not solicited or
451 advised by me to vote for any candidate, question or issue, and
452 that the voter, after marking his or her ballot, placed it in the
453 envelope, closed and sealed the envelope in my presence, and
454 signed and swore or affirmed the above certificate.

455 _____
456 (Attesting witness) (Address)



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(Official title) (City and State)

CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

(* * *~~To be completed only~~ If the voter has received assistance in marking * * *~~the enclosed~~ his or her absentee ballot, the person who provided assistance shall complete the following form.) I, under penalty of perjury, hereby certify that the above-named voter declared to me that he or she is blind, temporarily or permanently physically disabled, or cannot read or write, and that the voter requested that I assist the voter in marking the enclosed absentee ballot. I hereby certify that the ballot preferences on the enclosed ballot are those communicated by the voter to me, and that I have marked the enclosed ballot in accordance with the voter's instructions.

Penalties for vote fraud are up to five (5) years in prison and a fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code. Ann. Section 23-15-753.) Penalties for voter intimidation are up to one (1) year in jail and a fine of up to * * *~~One Thousand Dollars (\$1,000.00)~~ Three Thousand Dollars (\$3,000.00). (Miss. Code. Ann. Section 97-13-37.)

Signature of person providing assistance

Printed name of person providing assistance



482 Address of person providing assistance

483 _____

484 Date and time assistance provided

485 _____

486 Family relationship to voter (if any)"

487 (2) The envelope used pursuant to this section * * *~~shall~~
488 ~~not contain the form prescribed pursuant to Section 23-15-719 and~~
489 shall have printed on the flap on the back of the envelope in bold
490 print and in a distinguishing color, the following: **"YOUR VOTE**
491 **WILL BE REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED**
492 **ACROSS THE FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."**

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

495 23-15-637. * * *~~Absentee ballots received by mail, except~~
496 ~~presidential ballots as provided for in Sections 23-15-731 and~~
497 ~~23-15-733 and Except as otherwise provided by Section 23-15-699,~~
498 absentee ballots must be received by the registrar by 5:00 p.m. on
499 the date preceding the election day; any received after * * *~~such~~
500 that time shall be handled as provided in Section 23-15-647 and
501 shall not be counted. * * *~~All ballots cast by the absent elector~~
502 ~~appearing in person in the office of the registrar shall be cast~~
503 ~~not later than 12:00 noon on the Saturday immediately preceding~~
504 ~~elections held on Tuesday, the Thursday immediately preceding~~
505 ~~elections held on Saturday, or the second day immediately~~
506 ~~preceding the date of elections held on other days.~~ The registrar



507 shall deposit all absentee ballots which have been timely cast in
508 the ballot boxes upon receipt.

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

511 23-15-639. (1) In elections in which direct recording
512 electronic voting systems are not utilized, * * *~~the examination~~
513 ~~and counting of~~ absentee ballots shall be * * *~~conducted~~ examined
514 and counted as follows:

515 (a) At the close of the time for regular balloting and
516 at the close of the polls, the * * *~~election~~ poll managers of each
517 voting precinct shall first take the envelopes containing the
518 absentee ballots * * *~~of such electors~~ from the box, and the name,
519 address and precinct inscribed on each envelope shall be announced
520 by the * * *~~election~~ poll managers.

521 (b) The poll managers shall then compare the signature
522 on the application * * *~~shall then be compared~~ with the signature
523 on the back of the envelope. If it corresponds and the affidavit,
524 if one is required, is sufficient and * * *~~the election managers~~
525 ~~find that~~ the applicant is a registered and qualified voter or
526 otherwise qualified to vote, and * * *~~that he~~ the applicant has
527 not appeared in person and voted at the election, the poll
528 managers shall open the envelope * * *~~shall then be opened~~ and
529 remove the ballot * * *~~removed from the envelope,~~
530 without * * *~~its being unfolded~~ unfolding the ballot,



531 or * * * ~~permitted~~ permitting the ballot to be unfolded or
532 examined.

533 (c) Having observed and found the ballot to be regular
534 as far as can be observed from its official endorsement and before
535 counting any ballots, the * * * ~~election~~ poll managers shall
536 deposit * * * ~~it~~ the absentee ballot in the ballot box with the
537 other ballots * * * ~~before counting any ballots~~ and enter the
538 voter's name in the receipt book provided for that purpose and
539 mark "VOTED" in the pollbook or poll list as if * * * ~~he~~ the
540 absentee voter had been present and voted in person. If voting
541 machines are used, all absentee ballots shall be placed in the
542 ballot box before any ballots are counted, and the * * * ~~election~~
543 poll managers in each precinct shall immediately count * * * ~~such~~
544 the absentee ballots and add them to the votes cast in the voting
545 machine or device.

546 (2) In elections in which direct recording electronic voting
547 systems are utilized, the * * * ~~examination and counting of~~
548 absentee ballots shall be * * * ~~conducted~~ examined and counted as
549 follows:

550 (a) At the close of the time for regular balloting and
551 at the close of the polls, the * * * ~~election~~ poll managers of each
552 voting precinct shall first take the envelopes containing the
553 absentee ballots * * * ~~of such electors~~ from the box, and the name,
554 address and precinct inscribed on each envelope shall be announced
555 by the * * * ~~election~~ poll managers.



556 (b) The poll managers shall then compare the signature
557 on the application * * *~~shall then be compared~~ with the signature
558 on the back of the envelope. If it corresponds and the affidavit,
559 if one is required, is sufficient and * * *~~the election managers~~
560 ~~find that~~ the applicant is a registered and qualified voter or
561 otherwise qualified to vote, and * * *~~that he~~ the applicant has
562 not appeared in person and voted at the election, the poll
563 managers shall mark the unopened envelope * * * ~~shall be marked~~
564 "ACCEPTED" and * * *~~the election managers~~ shall enter the voter's
565 name in the receipt book provided for that purpose and mark
566 "VOTED" in the pollbook or poll list as if * * *~~he~~ the absentee
567 voter had been present and voted in person.

568 (c) All absentee ballot envelopes shall then be placed
569 in the secure ballot transfer case and delivered to the officials
570 in charge of conducting the election at the central tabulation
571 point of the county. The official in charge of the election shall
572 open the envelopes marked "ACCEPTED" and remove the ballot from
573 the envelope.

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



579 (3) When there is a conflict between an electronic voting
580 system and a paper record, * * *~~then~~ there is a rebuttable
581 presumption that the paper record is correct.

582 * * * ~~(3) The election managers shall also take such action~~
583 ~~as may be prescribed by the Secretary of State to ensure~~
584 ~~compliance with the identification requirements of Section~~
585 ~~23-15-563.~~

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

588 23-15-641. (1) If * * *~~an~~ a required affidavit or the
589 required certificate of the officer before whom the affidavit is
590 taken * * *~~is required and such affidavit or certificate~~
591 ~~is~~ * * *~~found to be~~ insufficient, * * *~~or if it is found that the~~
592 ~~signatures do not correspond,~~ * * *~~or that the applicant is not a~~
593 ~~duly qualified elector in the precinct~~ * * *~~,~~ or otherwise
594 ~~qualified to vote,~~ * * *~~or that the ballot envelope is open or has~~
595 ~~been opened and resealed, or the voter is not eligible to vote~~
596 ~~absentee~~ * * *~~or that the voter is present and has voted within~~
597 ~~the precinct where he~~ or she represents himself or herself to be a
598 ~~qualified elector~~ * * *~~,~~ or otherwise ~~qualified to vote,~~ on the
599 date of the election * * *~~at such precinct,~~ the previously cast
600 vote by absentee ballot shall not be allowed. Without opening the
601 voter's envelope, the * * *~~commissioners of election,~~ designated
602 ~~executive committee members or election~~ poll managers * * *~~,~~ as



603 ~~appropriate,~~ shall mark across its face "REJECTED", with the
604 reason * * *~~therefor~~ the ballot was rejected noted.

605 (2) If the ballot envelope contains more than one (1) ballot
606 of any kind, the ballot shall not be counted but shall be marked
607 "REJECTED", with the reason * * *~~therefor~~ the ballot was rejected
608 noted. The voter's envelopes and affidavits, * * *~~and the voter's~~
609 ~~envelope with its contents unopened,~~ when * * *~~such~~ the vote is
610 rejected, without disturbing the contents of the envelope, shall
611 be retained and preserved in the same manner as other ballots at
612 the election. * * *~~Such~~ The votes may be challenged in the same
613 manner and for the same reasons that any other vote cast
614 in * * *~~such~~ the election may be challenged.

615 * * * ~~(3) If an affidavit is required and the officials find~~
616 ~~that the affidavit is insufficient, or if the officials find that~~
617 ~~the absentee voter is otherwise disqualified to vote, the envelope~~
618 ~~shall not be opened and a commissioner or executive committee~~
619 ~~member shall write across the face of the envelope "REJECTED"~~
620 ~~giving the reason therefor, and the registrar shall promptly~~
621 ~~notify the voter of such rejection.~~

622 (* * *43) The ballots marked "REJECTED" shall be placed in
623 a separate envelope in the secure ballot transfer case and
624 delivered to the officials in charge of conducting the election at
625 the central tabulation point of the county.

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



628 23-15-643. If an affidavit is required, the appropriate
629 election officials shall examine the affidavit of each absentee
630 ballot envelope. If the officials are satisfied that the
631 affidavit is sufficient and that the absentee voter is otherwise
632 qualified to vote, an official shall announce the name of the
633 voter and shall give any person present an opportunity to
634 challenge in like manner and for the same cause as the voter could
635 have been challenged had he or she presented himself or herself
636 personally in * * *~~such~~ the precinct to vote. The ineligibility
637 of the voter to vote by absentee ballot shall be a ground for a
638 challenge. Also, the officials shall consider any absentee voter
639 challenged when a person has previously filed a written challenge
640 of * * *~~such~~ the voter's right to vote. The election officials
641 shall handle any such challenge in the same manner as other
642 challenged ballots * * *~~are handled~~.

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

645 23-15-647. The registrar shall keep safely and unopened all
646 official absentee ballots * * *~~which~~ that are
647 received * * *~~subsequent to~~ after the applicable cutoff
648 period * * *~~establishing its validity~~. Upon receipt of * * *~~such~~
649 the ballot, the registrar shall write the day and hour of the
650 receipt of the ballot on its envelope. All * * *~~such~~ absentee
651 ballots * * *~~returned to~~ received by the registrar after the
652 cutoff time shall be safely kept unopened by the registrar for the



653 period of time required for the preservation of ballots used in
654 the election, and shall then, without being opened, be destroyed
655 in like manner as the used ballots of the election.

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

658 23-15-649. For all elections, * * *~~there shall be prepared~~
659 ~~and printed by the officials charged with this duty with respect~~
660 ~~to the election~~ officials shall prepare and print, as soon as the
661 deadline for the qualification of candidates has passed or
662 forty-five (45) days * * *~~of~~ before the election,
663 whichever * * *~~is~~ occurs later, official ballots for each voting
664 precinct to be known as absentee voter ballots * * *~~, which.~~
665 These absentee ballots shall be prepared and printed in the same
666 form and shall be of the same size and texture as the regular
667 official ballot except that they shall be printed on * * *~~tinted~~
668 paper of a tint different from that of the regular official
669 ballot.

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

672 23-15-657. The registrar is authorized to accept requests
673 for absentee ballots by telephone. * * *~~When a telephone request~~
674 ~~that an absentee ballot application be mailed by the registrar to~~
675 ~~an elector is made,~~ The registrar shall ascertain the name and
676 complete address of the person making the telephone request and
677 the person for whom the request is being made if different than



678 the requestor and shall print upon the absentee ballot application
679 the name and complete address of the requestor * * *~~and,~~ the
680 relation of * * *~~such~~ that person to the voter if requested by a
681 person other than the voter, the name and complete address of the
682 voter if requested by a person other than the voter and the
683 date * * *~~such~~ the request was made. * * *~~Such~~ These requests
684 shall be processed through the Statewide Election Management
685 System.

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

688 23-15-713. For the purpose of this subarticle, any duly
689 qualified elector may vote by an absentee ballot to be received by
690 the elector and returned by mail to the registrar of the elector's
691 county of residence as provided in this subarticle if * * *~~he be~~
692 ~~one who~~ the elector falls within one (1) of the following
693 categories:

694 * * *~~(a) Any qualified elector who is a bona fide student,~~
695 ~~teacher or administrator at any college, university, junior~~
696 ~~college, high, junior high, or elementary grade school whose~~
697 ~~studies or employment at such institution necessitates his absence~~
698 ~~from the county of his voting residence on the date of any~~
699 ~~primary, general or special election, or the spouse and dependents~~
700 ~~of said student, teacher or administrator if such spouse or~~
701 ~~dependent(s) maintain a common domicile, outside of the county of~~
702 ~~his voting residence, with such student, teacher or administrator.~~



703 (* * *ba) Any qualified elector who is required to be
704 away from his or her place of residence on any election day due to
705 his or her employment as an employee of a member of the
706 Mississippi congressional delegation and the spouse and dependents
707 of * * *~~such that~~ person if he or she * * *~~shall be residing~~
708 resides with * * *~~such the~~ absentee voter away from the county of
709 the spouse's voting residence * * *;

710 * * *~~(c) Any qualified elector who is away from his county of~~
711 ~~residence on election day for any reason.~~

712 (* * *db) Any person who has a temporary or permanent
713 physical disability and who, because of * * *~~such that~~ disability,
714 is unable to vote in person without substantial hardship to
715 himself, herself or others, or whose attendance at the voting
716 place could reasonably cause danger to himself, herself or
717 others * * *;

718 (* * *ec) The parent, spouse or dependent of a person
719 with a temporary or permanent physical disability who is
720 hospitalized outside of his or her county of residence or more
721 than fifty (50) miles distant from his or her residence, if the
722 parent, spouse or dependent will be with * * *~~such that~~ person
723 during the pre-election day voting period or on election
724 day * * *;

725 (* * *fd) Any person who is sixty-five (65) years of
726 age or older * * *;



727 (* * * ge) Any member of the Mississippi congressional
728 delegation absent from Mississippi on election day, and the spouse
729 and dependents of * * * such the member of the congressional
730 delegation * * * ;

731 (* * * hf) Any qualified elector who * * * ~~will be~~
732 ~~unable to vote in person because he is * * * required to be at~~
733 ~~work temporarily residing outside of his or her county of~~
734 ~~residence during the pre-election day voting period or~~ on election
735 day during the times at which the polls will be open.

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

738 23-15-715. Any elector described in Section 23-15-713 and
739 desiring an absentee ballot as provided in this subarticle may
740 secure same if * * * ;

741 ~~(a) Not more than, within~~ forty-five (45) days before any
742 election day but not later than seven (7) days before the election
743 day, the elector applies for an absentee ballot as provided in the
744 provisions of this act. * * * ~~nor later than 12:00 noon on the~~
745 ~~Saturday immediately preceding elections held on Tuesday, the~~
746 ~~Thursday immediately preceding elections held on Saturday, or the~~
747 ~~second day immediately preceding the date of elections held on~~
748 ~~other days, he shall appear in person before the registrar of the~~
749 ~~county in which he resides, or for municipal elections he shall~~
750 ~~appear in person before the city clerk of the municipality in~~
751 ~~which he resides and, when the elector so appears, he shall~~



752 ~~execute and file an application as provided in Section 23-15-627~~
753 ~~and vote by absentee ballot, except that if the ballot has not~~
754 ~~been printed by forty-five (45) days preceding the election, the~~
755 ~~elector may appear and file an application anytime before the~~
756 ~~election. Then the absentee ballot shall be mailed by the circuit~~
757 ~~clerk to the elector as soon as the ballot has been printed.~~
758 ~~(b) Within forty-five (45) days next prior to any election, any~~
759 ~~elector who cannot comply with paragraph (a) of this section by~~
760 ~~reason of temporarily residing outside the county, or any person~~
761 ~~who has a temporary or permanent physical disability, persons who~~
762 ~~are sixty-five (65) years of age or older, or any person who is~~
763 ~~the parent, spouse or dependent of a temporarily or permanently~~
764 ~~physically disabled person who is hospitalized outside of his~~
765 ~~county of residence or more than fifty (50) miles away from his~~
766 ~~residence and such parent, spouse or dependent will be with such~~
767 ~~person on election day, may make application for an absentee~~
768 ~~ballot by mailing the appropriate application to the registrar.~~
769 ~~Only persons temporarily residing out of the county of their~~
770 ~~residence, persons having a temporary or permanent physical~~
771 ~~disability, persons who are sixty-five (65) years of age or older,~~
772 ~~or any person who is the parent, spouse or dependent of a~~
773 ~~temporarily or permanently physically disabled person who is~~
774 ~~hospitalized outside of his county of residence or more than fifty~~
775 ~~(50) miles away from his residence, and such parent, spouse or~~
776 ~~dependent will be with such person on election day, may obtain~~



777 ~~absentee ballots by mail under the provisions of this subsection~~
778 ~~paragraph and as provided by Section 23-15-713. Applications of~~
779 ~~persons temporarily residing outside the county shall be sworn to~~
780 ~~and subscribed before an official who is authorized to administer~~
781 ~~oaths or other official authorized to witness absentee balloting~~
782 ~~as provided in this chapter, said application to be accompanied by~~
783 ~~such verifying affidavits as required by this chapter. The All~~
784 ~~applications, other than those of persons having a temporary or~~
785 ~~permanent physical disability, shall * * *~~not~~ be sworn to and~~
786 ~~subscribed before an official who is authorized to administer~~
787 ~~oaths or other official authorized to witness absentee balloting~~
788 ~~as provided in this article. The application must be accompanied~~
789 ~~by a verifying affidavit as required by this article. The~~
790 ~~applications of persons having a temporary or permanent physical~~
791 ~~disability are not required to be accompanied by an affidavit but~~
792 shall be witnessed and signed by a person eighteen (18) years of
793 age or older. * * * ~~The registrar shall send to such absent voter~~
794 ~~a proper absentee voter ballot within twenty-four (24) hours, or~~
795 ~~as soon thereafter as the ballots are available, containing the~~
796 ~~names of all candidates who qualify or the proposition to be voted~~
797 ~~on in such election, and with such ballot there shall be sent an~~
798 ~~official envelope containing upon it in printed form the recitals~~
799 ~~and data hereinafter required.~~

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



802 23-15-717. Any elector enumerated in Section 23-15-713
803 applying for an absentee ballot shall complete an application form
804 as provided in Section 23-15-627, and * * *~~said the~~ elector shall
805 fill in the application as is appropriate for his or her
806 particular situation.

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

809 23-15-719. (1) * * *~~Immediately upon completion of an~~
810 ~~application filed pursuant to the provisions of paragraph (a) of~~
811 ~~Section 23-15-715, Upon receipt of a properly completed~~
812 application form by an elector qualified to vote absentee as
813 provided in this article, the registrar shall send the absent
814 voter an absentee ballot within one (1) business day, or as soon
815 as the absentee ballot is prepared and available, containing the
816 names of all the candidates or propositions to be voted on in the
817 election. The registrar shall include with the absentee ballot an
818 official envelope that complies with the provisions of this
819 article. * * *~~deliver the necessary ballots to the applicant.~~
820 ~~The registrar shall identify the applicant by requiring him to~~
821 ~~present identification as required by Section 23-15-563, and shall~~
822 ~~then deliver the ballots to the applicant by mail or to the~~
823 ~~applicant in the registrar's office.— The registrar shall not~~
824 personally hand deliver ballots to voters * * *, ~~unless he~~
825 ~~delivers the ballots in the office of the registrar. The elector~~
826 ~~shall fill in his ballot in secret. After the applicant has~~



827 ~~properly marked the ballot and properly folded it, he shall~~
828 ~~deposit it in the envelope furnished him by the registrar.~~

829 After * * * ~~he~~ the absentee voter has sealed the envelope, he
830 or she shall subscribe and swear to an affidavit * * * ~~in the~~
831 ~~following form,~~ and mail the ballot to the address provided on
832 the application. Ballots requested under Section 23-15-713(f)
833 shall be mailed to the voter's address outside of the county in
834 which he or she is registered. * * * ~~which shall be printed on the~~
835 ~~back of the envelope containing the applicant's ballot:~~

836 * * * ~~"STATE OF MISSISSIPPI~~

837 COUNTY OF _____

838 ~~I, _____, do solemnly swear that this envelope contains~~
839 ~~the ballot marked by me indicating my choice of the candidates or~~
840 ~~propositions to be submitted at the election to be held on the ___~~
841 ~~day of _____, 2___, and I hereby authorize the registrar to~~
842 ~~place this envelope in the ballot box on my behalf, and I further~~
843 ~~authorize the election managers to open this envelope and place my~~
844 ~~ballot among the other ballots cast before such ballots are~~
845 ~~counted, and record my name on the poll list as if I were present~~
846 ~~in person and voted.~~

847 ~~I further swear that I marked the enclosed ballot in secret.~~

848 _____

849 _____ (Signature of voter)

850 ~~SWORN TO AND SUBSCRIBED before me, _____, this the ___~~

851 ~~day of _____, 2___.~~



852 _____ (Registrar) _____

853 _____ (Registrar) "

854 ~~After the completion of the requirements of this section, the~~
855 ~~elector shall deliver the envelope containing the ballot to the~~
856 ~~registrar.~~

857 ~~(2) If the voter has received assistance in marking his~~
858 ~~ballot, the person providing the assistance shall complete the~~
859 ~~following form which shall be printed on the back of the envelope~~
860 ~~containing the applicant's ballot:~~

861 ~~"CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE~~

862 ~~(To be completed only if the voter has received assistance in~~
863 ~~marking the enclosed ballot.) I hereby certify that the~~
864 ~~above-named voter declared to me that he or she is blind,~~
865 ~~temporarily or permanently physically disabled, or cannot read or~~
866 ~~write, and that the voter requested that I assist the voter in~~
867 ~~marking the enclosed absentee ballot. I hereby certify that the~~
868 ~~ballot preferences on the enclosed ballot are those communicated~~
869 ~~by the voter to me, and that I have marked the enclosed ballot in~~
870 ~~accordance with the voter's instructions.~~

871 _____

872 _____ Signature of person providing assistance

873 _____

874 _____ Printed name of person providing assistance

875 _____

876 _____ Address of person providing assistance



877 _____
878 _____ Date and time assistance provided _____
879 _____
880 _____ Family relationship to voter (if any) "
881 _____ (3) The envelope used pursuant to this section shall not
882 contain the form prescribed by Section 23-15-635 and shall have
883 printed on the flap on the back of the envelope in bold print and
884 in a distinguishing color, the following: "YOUR VOTE WILL BE
885 REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE
886 FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."

887 SECTION 23. Section 23-15-721, Mississippi Code of 1972, is
888 amended as follows:

889 23-15-721. (1) Electors temporarily residing outside the
890 county and obtaining an absentee ballot under the provisions of
891 * * * ~~paragraph (b) of~~ Section 23-15-715 shall appear before any
892 official authorized to administer oaths or other official
893 authorized to witness absentee balloting as provided in
894 this * * * ~~chapter~~ article. The elector shall exhibit to * * * ~~such~~
895 the official his or her absentee ballot unmarked
896 and * * * ~~thereupon~~ then proceed in secret to fill in * * * ~~his~~ the
897 ballot. After the elector has * * * ~~properly~~ marked the ballot
898 and * * * ~~properly~~ folded it, * * * ~~he~~ the elector shall deposit it
899 in the official envelope * * * ~~furnished~~ him. After * * * ~~he~~ has
900 ~~sealed~~ sealing the envelope * * * ~~he~~ the elector shall deliver it
901 to the official before whom he or she is appearing and shall



902 subscribe and swear to the elector's certificate provided for in
903 Section 23-15-635, * * *~~which~~ and that affidavit shall be printed
904 on the back of the envelope as provided for in Section 23-15-635
905 containing the elector's ballot.

906 (2) Electors who are temporarily or permanently physically
907 disabled shall * * *~~sign the elector's certificate and the~~
908 ~~certificate of~~ appear before an attesting witness * * *~~shall be~~
909 ~~signed by any person~~ who must be eighteen (18) years of age or
910 older, but need not be authorized to administer oaths. The
911 elector shall present his or her unmarked absentee ballot to the
912 attesting witness and then proceed in secret to mark his or her
913 ballot. After the elector has marked the ballot and folded it,
914 the elector shall deposit it in the envelope. After the envelope
915 has been sealed, the elector shall deliver it to the witness and
916 shall subscribe and swear to the elector's certificate provided
917 for in Section 23-15-635, and that affidavit shall be printed on
918 the back of the envelope containing the elector's ballot. The
919 witness shall complete the certificate of the attesting witness.

920 (3) After the completion of the requirements of this
921 section, the elector shall mail the envelope containing the
922 absentee ballot to the registrar in the county * * *~~wherein said~~
923 where the elector is * * *~~qualified~~ registered to vote.

924 * * *~~Except as otherwise provided by Section 23-15-699 and~~
925 ~~excluding presidential ballots as provided for in Sections~~
926 ~~23-15-731 and 23-15-733,~~ the Absentee ballots must be received by



927 the registrar * * * ~~prior to~~ no later than 5:00 p.m. on the
928 day * * * ~~preceding~~ before the election * * * ~~to be counted~~ day.

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

931 23-15-735. Absentee ballots shall not be delivered in person
932 to an absentee voter or to any other person * * * ~~except when an~~
933 ~~absentee voter shall have properly received an absentee ballot~~
934 ~~pursuant to Section 23-15-719.~~

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

937 23-15-31. All of the provisions of this subarticle shall be
938 applicable, insofar as possible, to municipal, primary, general
939 and special elections and pre-election day voting; and wherever
940 therein any duty is imposed or any power or authority is conferred
941 upon the county registrar, county election commissioners or county
942 executive committee with reference to a state and county election
943 or pre-election day voting, * * * ~~such that~~ duty shall likewise be
944 imposed and * * * ~~such~~ the power and authority shall likewise be
945 conferred upon the municipal registrar, municipal election
946 commission or municipal executive committee with reference to any
947 municipal election or pre-election day voting.

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



950 23-15-37. (1) The registrar shall keep his or her books
951 open at his or her office and shall register the electors
952 of * * *~~his~~ the county at any time during regular office hours.

953 (2) The registrar may keep his or her office open for
954 registration of voters from 8:00 a.m. until 7:00 p.m., including
955 the noon hour, for the five (5) business days immediately
956 preceding the thirtieth day * * *~~prior to~~ before any regularly
957 scheduled primary or general election. The registrar shall also
958 keep his or her office open from 8:00 a.m. until 12:00 noon on the
959 Saturday immediately preceding the thirtieth day * * *~~prior to~~
960 before any regularly scheduled primary or general election.

961 (3) The registrar, or any deputy registrar duly appointed by
962 law, may visit and spend such time as he or she may deem necessary
963 at any location in * * *~~his~~ the county, selected by the registrar
964 not less than thirty (30) days before * * *~~an~~ any regularly
965 scheduled primary or general election, for the purpose of
966 registering voters.

967 (4) A person who is physically disabled and unable to visit
968 the office of the registrar to register to vote due to * * *~~such~~
969 that disability may contact the registrar and request that the
970 registrar or * * *~~his~~ the registrar's deputy visit him or her for
971 the purpose of registering * * *~~such~~ that person to vote. The
972 registrar or * * *~~his~~ the registrar's deputy shall visit * * *~~such~~
973 the person as soon as possible after such request and provide such
974 person with an application for registration, if necessary. The



975 completed application for registration shall be executed in the
976 presence of the registrar or * * *~~his~~ the registrar's deputy.

977 (5) (a) In the fall and spring of each year the registrar
978 of each county shall furnish all public schools with mail-in voter
979 registration applications. * * *~~Such~~ The applications shall be
980 provided in a reasonable time to enable those students who will be
981 eighteen (18) years of age before a general election to be able to
982 vote in the primary and general elections.

983 (b) Each public school district shall permit access to
984 all public schools of this state for the registrar or * * *~~his~~ the
985 registrar's deputy * * *~~for the purpose of registration of to~~
986 register persons who are eligible to vote and * * *~~for providing~~
987 to provide voter education.

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

990 23-15-43. In the event an applicant is not registered, there
991 shall be an automatic review by the county election commissioners
992 under the procedures provided in Sections 23-15-61 through
993 23-15-79. In addition to the meetings of the election
994 commissioners provided under * * *~~said~~ those sections, the
995 commissioners are required to hold * * *~~such~~ additional meetings
996 to determine all pending cases of registration on
997 review * * *~~prior to~~ before the election or pre-election day
998 voting period at which the applicant desires to vote.



999 It is not the purpose of this section to indicate the
1000 decision * * *~~which~~ that should be reached by the election
1001 commissioners in certain cases but to define which applicants
1002 should receive further examination by providing for an automatic
1003 review.

1004 **SECTION 28.** Section 23-15-47, Mississippi Code of 1972, is
1005 amended as follows:

1006 23-15-47. (1) Any person who is qualified to register to
1007 vote in the State of Mississippi may register to vote by mail-in
1008 application in the manner prescribed in this section.

1009 (2) The following procedure shall be used in the
1010 registration of electors by mail:

1011 (a) Any qualified elector may register to vote by
1012 mailing or delivering a completed mail-in application to his or
1013 her county registrar at least thirty (30) days * * *~~prior to~~
1014 before any election day. The postmark date of a mailed
1015 application shall be the date of registration.

1016 (b) Upon receipt of a mail-in application, the county
1017 registrar shall stamp the application with the date of receipt,
1018 and shall verify the application by contacting the applicant by
1019 telephone, by personal contact with the applicant, or by any other
1020 method approved by the Secretary of State. Within twenty-five
1021 (25) days of receipt of a mail-in application, the county
1022 registrar shall complete action on the application, including any



1023 attempts to notify the applicant of the status of his or her
1024 application.

1025 (c) If the county registrar determines that the
1026 applicant is qualified and his or her application is legible and
1027 complete, * * *~~he~~ the registrar shall mail the applicant written
1028 notification that the application has been approved, specifying
1029 the county voting precinct, municipal voting precinct, if any,
1030 polling place and supervisor district in which the person shall
1031 vote. This written notification of approval containing the
1032 specified information shall be the voter's registration card. The
1033 registration cards shall be provided by the county registrar.
1034 Upon entry of the voter registration information into the
1035 Statewide Elections Management System, the system shall assign a
1036 voter registration number to the person. The assigned voter
1037 registration number shall be clearly shown on the written
1038 notification of approval. In mailing the written notification,
1039 the county registrar shall note the following on the envelope:
1040 "DO NOT FORWARD". If any registration notification form is
1041 returned as undeliverable, the voter's registration shall be void.

1042 (d) A mail-in application shall be rejected for any of
1043 the following reasons:

1044 (i) An incomplete portion of the
1045 application * * *~~which~~ that makes it impossible for the registrar
1046 to determine the eligibility of the applicant to register;



1047 (ii) A portion of the application * * *~~which~~ that
1048 is illegible in the opinion of the county registrar and makes it
1049 impossible to determine the eligibility of the applicant to
1050 register;

1051 (iii) The county registrar is unable to determine,
1052 from the address and information stated on the application, the
1053 precinct in which the voter should be assigned or the supervisor
1054 district in which * * *~~he~~ the voter is entitled to vote;

1055 (iv) The applicant is not qualified to register to
1056 vote pursuant to Section 23-15-11;

1057 (v) The registrar determines that the applicant is
1058 registered as a qualified elector of the county;

1059 (vi) The county registrar is unable to verify the
1060 application pursuant to subsection (2)(b) of this section.

1061 (e) If the mail-in application of a person is subject
1062 to rejection for any of the reasons set forth in paragraph (d)(i)
1063 through (iii) of this subsection, and it appears to the registrar
1064 that the defect or omission is of such a minor nature and that any
1065 necessary additional information may be supplied by the applicant
1066 over the telephone or by further correspondence, the registrar may
1067 write or call the applicant at the telephone number provided on
1068 the application. If the registrar is able to contact the
1069 applicant by mail or telephone, * * *~~he~~ the registrar shall
1070 attempt to ascertain the necessary information and if this
1071 information is sufficient for the registrar to complete the



1072 application, the applicant shall be registered. If the necessary
1073 information cannot be obtained by mail or telephone or is not
1074 sufficient, the registrar shall give the applicant written notice
1075 of the rejection and provide the reason for the rejection. The
1076 registrar shall further inform the applicant that he or she has a
1077 right to attempt to register by appearing in person or by filing
1078 another mail-in application.

1079 (f) If a mail-in application is subject to rejection
1080 for the reason stated in paragraph (d)(v) of this subsection and
1081 the "present home address" portion of the application is different
1082 from the residence address for the applicant found in the
1083 registration book, the mail-in application shall be deemed a
1084 written request to transfer registration pursuant to Section
1085 23-15-13. Subject to the time limits and other provisions of
1086 Section 23-15-13, the registrar or the election commissioners
1087 shall note the new residence address on his or her records and, if
1088 necessary, transfer the applicant to his or her new county
1089 precinct or municipal precinct, if any, and advise the applicant
1090 of his or her new county precinct or municipal precinct, if any,
1091 polling place and supervisor district.

1092 (3) The instructions and the application form for voter
1093 registration by mail shall be in a form established by rule duly
1094 adopted by the Secretary of State.

1095 (4) (a) The Secretary of State shall prepare and furnish
1096 without charge the necessary forms for application for voter



1097 registration by mail to each county registrar, municipal clerk,
1098 all public schools, each private school that requests * * *~~such~~
1099 the applications, and all public libraries.

1100 (b) The Secretary of State shall distribute without
1101 charge sufficient forms for application for voter registration by
1102 mail to the Commissioner of Public Safety, who shall
1103 distribute * * *~~such~~ those forms to each driver's license
1104 examining and renewal station in the state, and shall ensure that
1105 the forms are regularly available to the public at * * *~~such~~ the
1106 stations.

1107 (c) Bulk quantities of forms for application for voter
1108 registration by mail shall be furnished by the Secretary of State
1109 to any person or organization. The Secretary of State shall
1110 charge a person or organization the actual cost he or she incurs
1111 in providing bulk quantities of forms for application for voter
1112 registration to * * *~~such~~ that person or organization.

1113 (5) The originals of completed mail-in applications shall
1114 remain on file in the office of the county registrar in accordance
1115 with Section 23-15-113. Nothing in this section shall preclude
1116 having applications on microfilm, microfiche or as an electronic
1117 image.

1118 (6) If the applicant indicates on the application that he or
1119 she resides within the city limits of a city or town in the county
1120 of registration, the county registrar shall enter the information
1121 into the Statewide Elections Management System. The county



1122 registrar shall send municipal voting precinct information by
1123 United States first-class mail, postage prepaid, to the person at
1124 the address provided on the application. Any * * *~~and all~~ mailing
1125 costs incurred by the county registrar or the municipal
1126 clerk * * *~~of the municipality~~ in effectuating this subsection
1127 shall be paid by the governing authority of the municipality. If
1128 a review of the application for registration or changes to the
1129 registration indicates that the applicant is not qualified to vote
1130 in the municipality, the registrar shall notify the applicant of
1131 the correct county precinct.

1132 (7) If the applicant indicates on the application that he or
1133 she has previously registered to vote in another county of this
1134 state or another state, notice to the voter's previous county of
1135 registration in this state shall be provided by the Statewide
1136 Elections Management System. If the voter's previous place of
1137 registration was in another state, notice shall be provided to the
1138 voter's previous state of residence if the Statewide Elections
1139 Management System has that capability.

1140 (8) Any person who attempts to register to vote by mail
1141 shall be subject to the penalties for false registration provided
1142 for in Section 23-15-17.

1143 **SECTION 29.** Section 23-15-65, Mississippi Code of 1972, is
1144 amended as follows:

1145 23-15-65. The board of election commissioners shall meet at
1146 the courthouse of its county on the second Monday in September



1147 preceding any general election or in a sufficient amount of time
1148 to hear appeals before the period for pre-election day voting
1149 begins, and shall remain in session from day to day, so long as
1150 business may require. Three (3) commissioners shall constitute a
1151 quorum to do business; but the concurrence of at least three (3)
1152 commissioners shall be necessary in all cases for the rendition of
1153 a decision. The commissioners shall hear and determine all
1154 appeals from the decisions of the registrar of their county,
1155 allowing or refusing the applications of electors to be
1156 registered; and they shall correct illegal or improper
1157 registrations, and shall secure the elective franchise, as
1158 effected by registration, to those who may be illegally or
1159 improperly denied the same.

1160 **SECTION 30.** Section 23-15-127, Mississippi Code of 1972, is
1161 amended as follows:

1162 23-15-127. (1) It shall be the duty of the registrar of the
1163 county or municipality to prepare and furnish to the appropriate
1164 election commissioner pollbooks for each voting precinct in which
1165 the election is to be conducted or to the appropriate registrar
1166 pollbooks for each registrar's office in which pre-election day
1167 voting is to be conducted, in which shall be entered the name,
1168 residence, date of birth and date of registration of each person
1169 duly registered in * * *~~such~~ that voting precinct as now provided
1170 by law, and which pollbooks shall be known as "primary election
1171 pollbooks" and shall be used only in holding primary elections.



1172 (2) The election commissioners of the county or
1173 municipality shall revise the primary pollbooks at the time and in
1174 the manner and in accordance with the laws now * * *~~fixed~~ provided
1175 for under the law and in force for revising pollbooks * * *~~now~~
1176 ~~provided for under the law~~, except they shall not remove from the
1177 pollbook any person who is qualified to participate in primary
1178 elections * * *~~of~~. However, upon the written request of the
1179 municipal election commission, the county election
1180 commissioners * * *~~of election~~ shall revise the primary pollbooks
1181 of the municipality as provided in this subsection.

1182 (3) All laws applicable to the revision of pollbooks now in
1183 use shall be applicable to the revision of pollbooks for primary
1184 elections, and all rights of voters to be heard and to appeal to
1185 the executive committee of his or her party from the action of the
1186 election commissioners now provided by law shall be available to
1187 the voter in the revisions of the pollbooks for primary elections
1188 provided for in this section.

1189 **SECTION 31.** Section 23-15-153, Mississippi Code of 1972, is
1190 amended as follows:

1191 23-15-153. (1) At the following times, the election
1192 commissioners * * *~~of election~~ shall meet at the office of the
1193 registrar and carefully revise the registration books and the
1194 pollbooks of the several voting precincts, and shall erase from
1195 those books the names of all persons erroneously on the books, or
1196 who have died, removed or become disqualified as electors from any



1197 cause; and shall register the names of all persons who have duly
1198 applied to be registered and have been illegally denied
1199 registration:

1200 (a) On the Tuesday after the second Monday in January
1201 1987 and every following year;

1202 (b) On the first Tuesday in the month
1203 immediately * * * ~~preceding~~ before the pre-election day voting
1204 period for the first primary election for congressmen in the years
1205 when congressmen are elected;

1206 (c) On the first Monday in the month
1207 immediately * * * ~~preceding~~ before the pre-election day voting
1208 period for the first primary election for state, state district
1209 legislative, county and county district offices in the years in
1210 which those offices are elected; and

1211 (d) On the second Monday of September * * * ~~preceding~~
1212 before the pre-election day voting period for the general election
1213 or regular special election day in years in which a general
1214 election is not conducted.

1215 Except for the names of those persons who are duly qualified
1216 to vote in the election, no name shall be permitted to remain on
1217 the registration books and pollbooks; however, no name shall be
1218 erased from the registration books or pollbooks based on a change
1219 in the residence of an elector except in accordance with
1220 procedures provided for by the National Voter Registration Act of
1221 1993 that are in effect at the time of * * * ~~such~~ the erasure.



1222 Except as otherwise provided by Section 23-15-573, no person shall
1223 vote at any election whose name is not on the pollbook.

1224 (2) Except as provided in this section, and subject to the
1225 following annual limitations, the election commissioners * * *~~of~~
1226 ~~election~~ shall be entitled to receive a per diem in the amount of
1227 Eighty-four Dollars (\$84.00), to be paid from the county general
1228 fund, for every day or period of no less than five (5) hours
1229 accumulated over two (2) or more days actually employed in the
1230 performance of their duties in the conduct of an election or
1231 actually employed in the performance of their duties for the
1232 necessary time spent in the revision of the registration books and
1233 pollbooks as required in subsection (1) of this section:

1234 (a) In counties having less than fifteen thousand
1235 (15,000) residents according to the latest federal decennial
1236 census, not more than fifty (50) days per year, with no more than
1237 fifteen (15) additional days allowed for the conduct of each
1238 election in excess of one (1) occurring in any calendar year;

1239 (b) In counties having fifteen thousand (15,000)
1240 residents according to the latest federal decennial census but
1241 less than thirty thousand (30,000) residents according to the
1242 latest federal decennial census, not more than seventy-five (75)
1243 days per year, with no more than twenty-five (25) additional days
1244 allowed for the conduct of each election in excess of one (1)
1245 occurring in any calendar year;



1246 (c) In counties having thirty thousand (30,000)
1247 residents according to the latest federal decennial census but
1248 less than seventy thousand (70,000) residents according to the
1249 latest federal decennial census, not more than one hundred (100)
1250 days per year, with no more than thirty-five (35) additional days
1251 allowed for the conduct of each election in excess of one (1)
1252 occurring in any calendar year;

1253 (d) In counties having seventy thousand (70,000)
1254 residents according to the latest federal decennial census but
1255 less than ninety thousand (90,000) residents according to the
1256 latest federal decennial census, not more than one hundred
1257 twenty-five (125) days per year, with no more than forty-five (45)
1258 additional days allowed for the conduct of each election in excess
1259 of one (1) occurring in any calendar year;

1260 (e) In counties having ninety thousand (90,000)
1261 residents according to the latest federal decennial census but
1262 less than one hundred seventy thousand (170,000) residents
1263 according to the latest federal decennial census, not more than
1264 one hundred fifty (150) days per year, with no more than
1265 fifty-five (55) additional days allowed for the conduct of each
1266 election in excess of one (1) occurring in any calendar year;

1267 (f) In counties having one hundred seventy thousand
1268 (170,000) residents according to the latest federal decennial
1269 census but less than two hundred thousand (200,000) residents
1270 according to the latest federal decennial census, not more than



1271 one hundred seventy-five (175) days per year, with no more than
1272 sixty-five (65) additional days allowed for the conduct of each
1273 election in excess of one (1) occurring in any calendar year;

1274 (g) In counties having two hundred thousand (200,000)
1275 residents according to the latest federal decennial census but
1276 less than two hundred twenty-five thousand (225,000) residents
1277 according to the latest federal decennial census, not more than
1278 one hundred ninety (190) days per year, with no more than
1279 seventy-five (75) additional days allowed for the conduct of each
1280 election in excess of one (1) occurring in any calendar year;

1281 (h) In counties having two hundred twenty-five thousand
1282 (225,000) residents according to the latest federal decennial
1283 census but less than two hundred fifty thousand (250,000)
1284 residents according to the latest federal decennial census, not
1285 more than two hundred fifteen (215) days per year, with no more
1286 than eighty-five (85) additional days allowed for the conduct of
1287 each election in excess of one (1) occurring in any calendar year;

1288 (i) In counties having two hundred fifty thousand
1289 (250,000) residents according to the latest federal decennial
1290 census but less than two hundred seventy-five thousand (275,000)
1291 residents according to the latest federal decennial census, not
1292 more than two hundred thirty (230) days per year, with no more
1293 than ninety-five (95) additional days allowed for the conduct of
1294 each election in excess of one (1) occurring in any calendar year;



1295 (j) In counties having two hundred seventy-five
1296 thousand (275,000) residents according to the latest federal
1297 decennial census or more, not more than two hundred forty (240)
1298 days per year, with no more than one hundred five (105) additional
1299 days allowed for the conduct of each election in excess of one (1)
1300 occurring in any calendar year.

1301 (3) In addition to the number of days authorized in
1302 subsection (2) of this section, the board of supervisors of a
1303 county may authorize, in its discretion, the election
1304 commissioners * * * ~~of election~~ to receive a per diem in the amount
1305 provided for in subsection (2) of this section, to be paid from
1306 the county general fund, for every day or period of no less than
1307 five (5) hours accumulated over two (2) or more days actually
1308 employed in the performance of their duties in the conduct of an
1309 election or actually employed in the performance of their duties
1310 for the necessary time spent in the revision of the registration
1311 books and pollbooks as required in subsection (1) of this section,
1312 for not to exceed five (5) days.

1313 (4) (a) The election commissioners * * * ~~of election~~ shall
1314 be entitled to receive a per diem in the amount of Eighty-four
1315 Dollars (\$84.00), to be paid from the county general fund, not to
1316 exceed ten (10) days for every day or period of no less than five
1317 (5) hours accumulated over two (2) or more days actually employed
1318 in the performance of their duties for the necessary time spent in
1319 the revision of the registration books and pollbooks * * * ~~prior~~



1320 ~~to~~before any special election. For purposes of this paragraph,
1321 the regular special election day shall not be considered a special
1322 election. The annual limitations set forth in subsection (2) of
1323 this section shall not apply to this paragraph.

1324 (b) The election commissioners * * *~~of election~~ shall
1325 be entitled to receive a per diem in the amount of One Hundred
1326 Fifty Dollars (\$150.00), to be paid from the county general fund,
1327 for the performance of their duties on the day of any general or
1328 special election. The annual limitations set forth in subsection
1329 (2) of this section shall apply to this paragraph.

1330 (5) The election commissioners * * *~~of election~~ shall be
1331 entitled to receive a per diem in the amount of Eighty-four
1332 Dollars (\$84.00), to be paid from the county general fund, not to
1333 exceed fourteen (14) days for every day or period of no less than
1334 five (5) hours accumulated over two (2) or more days actually
1335 employed in the performance of their duties for the necessary time
1336 spent in the revision of the registration books, pollbooks and in
1337 the conduct of a runoff election following either a general or
1338 special election.

1339 (6) The election commissioners * * *~~of election~~ shall be
1340 entitled to receive only one (1) per diem payment for those days
1341 when the election commissioners * * *~~of election~~ discharge more
1342 than one (1) duty or responsibility on the same day.

1343 (7) The county registrar shall prepare the pollbooks and the
1344 county election commissioners * * *~~of election~~ shall prepare the



1345 registration books of each municipality located within the county
1346 pursuant to an agreement between the county and each municipality
1347 in the county. The county election commissioners * * * ~~of~~
1348 ~~election~~ and the county registrar shall be paid by each
1349 municipality for the actual cost of preparing registration books
1350 and pollbooks for the municipality and shall pay each county
1351 election commissioner * * * ~~of election~~ a per diem in the amount
1352 provided for in subsection (2) of this section for each day or
1353 period of not less than five (5) hours accumulated over two (2) or
1354 more days the commissioners are actually employed in preparing the
1355 registration books for the municipality, not to exceed five (5)
1356 days. The county election commissioners * * * ~~of election~~ and
1357 county registrar shall provide copies of the registration books
1358 and pollbooks to the municipal clerk of each municipality in the
1359 county. The municipality shall pay the county registrar for
1360 preparing and printing the pollbooks. A municipality may secure
1361 "read only" access to the Statewide * * * ~~Centralized Voter~~
1362 Elections Management System and print its own pollbooks using this
1363 information; however, county election commissioners * * * ~~of~~
1364 ~~election~~ shall remain responsible for preparing registration books
1365 for municipalities and shall be paid for this duty in accordance
1366 with this subsection.

1367 (8) County election commissioners * * * ~~of election~~ who
1368 perform the duties of an executive committee with regard to the
1369 conduct of a primary election under a written agreement authorized



1370 by law to be entered into with an executive committee shall
1371 receive per diem as provided for in subsection (2) of this
1372 section. The days that county election commissioners * * *~~of~~
1373 ~~election~~ are employed in the conduct of a primary election shall
1374 be treated the same as days county election commissioners * * *~~of~~
1375 ~~election~~ are employed in the conduct of other elections.

1376 (9) In addition to any per diem authorized by this section,
1377 any election commissioner * * *~~of election~~ shall be entitled to
1378 the mileage reimbursement rate allowable to federal employees for
1379 the use of a privately owned vehicle while on official travel on
1380 election day.

1381 (10) Every election commissioner * * *~~of election~~ shall sign
1382 personally a certification setting forth the number of hours
1383 actually worked in the performance of the commissioner's official
1384 duties and for which the commissioner seeks compensation. The
1385 certification must be on a form as prescribed in this subsection.
1386 The commissioner's signature is, as a matter of law, made under
1387 the commissioner's oath of office and under penalties of perjury.

1388 The certification form shall be as follows:

1389 **COUNTY ELECTION COMMISSIONER**

1390 **PER DIEM CLAIM FORM**

1391 NAME: _____ COUNTY: _____

1392 ADDRESS: _____ DISTRICT: _____

1393 CITY: _____ ZIP: _____

1394 PURPOSE APPLICABLE ACTUAL PER DIEM



| 1395 | DATE | BEGINNING | ENDING | OF | MS CODE | HOURS | DAYS |
|------|--------|-----------|--------|------|---------|--------|--------|
| 1396 | WORKED | TIME | TIME | WORK | SECTION | WORKED | EARNED |
| 1397 | _____ | | | | | | |
| 1398 | _____ | | | | | | |
| 1399 | _____ | | | | | | |

1400 TOTAL NUMBER OF PER DIEM DAYS EARNED

1401 EXCLUDING ELECTION DAYS _____

1402 PER DIEM RATE PER DAY EARNED X 84.00

1403 TOTAL NUMBER PER DIEM DAYS EARNED

1404 FOR ELECTION DAYS _____

1405 PER DIEM RATE PER DAY EARNED X 150.00

1406 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1407 I understand that I am signing this document under my oath
 1408 as * * * a an election commissioner * * * ~~of election~~ and under
 1409 penalties of perjury.

1410 I understand that I am requesting payment from taxpayer funds
 1411 and that I have an obligation to be specific and truthful as to
 1412 the amount of hours worked and the compensation I am requesting.

1413 Signed this the _____ day of _____, ____.

1414 _____

1415 Commissioner's Signature

1416 When properly completed and signed, the certification must be
 1417 filed with the clerk of the county board of supervisors before any
 1418 payment may be made. The certification will be a public record



1419 available for inspection and reproduction immediately upon the
1420 oral or written request of any person.

1421 Any person may contest the accuracy of the certification in
1422 any respect by notifying the * * *~~chairman~~ chair of the
1423 commission, any member of the board of supervisors or the clerk of
1424 the board of supervisors of * * *~~such~~ the contest at any time
1425 before or after payment is made. If the contest is made before
1426 payment is made, no payment shall be made as to the contested
1427 certificate until the contest is finally disposed of. The person
1428 filing the contest shall be entitled to a full hearing, and the
1429 clerk of the board of supervisors shall issue subpoenas upon
1430 request of the contestor compelling the attendance of witnesses
1431 and production of documents and things. The contestor shall have
1432 the right to appeal de novo to the circuit court of the involved
1433 county, which appeal must be perfected within thirty (30) days
1434 from a final decision of the commission, the clerk of the board of
1435 supervisors or the board of supervisors, as the case may be.

1436 Any contestor who successfully contests any certification
1437 will be awarded all expenses incident to his or her contest,
1438 together with reasonable attorney's fees, which will be awarded
1439 upon petition to the chancery court of the involved county upon
1440 final disposition of the contest before the election commission,
1441 board of supervisors, clerk of the board of supervisors, or, in
1442 case of an appeal, final disposition by the court. The
1443 commissioner against whom the contest is decided shall be liable



1444 for the payment of the expenses and attorney's fees, and the
1445 county shall be jointly and severally liable for same.

1446 (11) Any election commissioner * * *~~of election~~ who has not
1447 received a certificate issued by the Secretary of State pursuant
1448 to Section 23-15-211 indicating that the election
1449 commissioner * * *~~of election~~ has received the required elections
1450 seminar instruction and that the election commissioner * * *~~of~~
1451 ~~election~~ is fully qualified to conduct an election, shall not
1452 receive any compensation authorized by this section, Section
1453 23-15-491 or Section 23-15-239.

1454 **SECTION 32.** Section 23-15-171, Mississippi Code of 1972, is
1455 amended as follows:

1456 23-15-171. (1) Except as otherwise provided in Section 3 of
1457 this act, municipal primary elections shall be held on the first
1458 Tuesday in May preceding the general municipal election and, in
1459 the event a second primary shall be necessary, * * *~~such that~~
1460 second primary shall be held on the third Tuesday in May
1461 preceding * * *~~such the~~ general municipal election. At * * *~~such~~
1462 the primary election the municipal executive committee shall
1463 perform the same duties as are specified by law and performed by
1464 members of the county executive committee with regard to state and
1465 county primary elections. Each municipal executive committee
1466 shall have as many members as there are elective officers of the
1467 municipality, and * * *~~such the~~ members of the municipal executive
1468 committee of each political party shall be elected in the primary



1469 elections held for the nomination of candidates for municipal
1470 offices. The provisions of this section shall govern all
1471 municipal primary elections as far as applicable, but the officers
1472 to prepare the ballots and the poll managers and other officials
1473 of the primary election shall be appointed by the municipal
1474 executive committee of the party holding * * *~~such~~ that primary,
1475 and the returns of * * *~~such~~ the election shall be made
1476 to * * *~~such~~ the municipal executive committee. Vacancies in the
1477 executive committee shall be filled by it.

1478 (2) Provided, however, that in municipalities operating
1479 under a special or private charter which fixes a time for holding
1480 elections, other than the time fixed by Chapter 491, Laws of 1950,
1481 the first primary election shall be held exactly four (4) weeks
1482 before the time for holding the general election, as fixed by the
1483 charter, and the second primary election, where necessary, shall
1484 be held two (2) weeks after the first primary election, unless the
1485 charter of any such municipality provides otherwise, in which
1486 event the provisions of the special or private charter shall
1487 prevail as to the time of holding such primary elections.

1488 (3) All primary elections in municipalities shall be held
1489 and conducted in the same manner as is provided by law for state
1490 and county primary elections.

1491 **SECTION 33.** Section 23-15-173, Mississippi Code of 1972, is
1492 amended as follows:



1493 23-15-173. (1) A general municipal election shall be held
1494 in each city, town or village on the first Tuesday after the first
1495 Monday of June 1985, and every four (4) years thereafter, for the
1496 election of all municipal officers elected by the people.

1497 Pre-election day voting for those general municipal elections
1498 shall be conducted as provided in Section 3 of this act.

1499 (2) All municipal general elections shall be held and
1500 conducted in the same manner as is provided by law for state and
1501 county general elections.

1502 **SECTION 34.** Section 23-15-191, Mississippi Code of 1972, is
1503 amended as follows:

1504 23-15-191. The first primary shall be held on the first
1505 Tuesday after the first Monday of August preceding any regular or
1506 general election; and the second primary shall be held three (3)
1507 weeks thereafter. Pre-election day voting for the primary
1508 election shall be conducted as provided for in Section 3 of this
1509 act. Any candidate who receives the highest popular vote cast for
1510 the office which he or she seeks in the first primary
1511 shall * * *~~thereby~~ become the nominee of the party for * * *~~such~~
1512 that office; provided also it be a majority of all the votes cast
1513 for that office. If no candidate receives * * *~~such~~ the majority
1514 of popular votes in the first primary, then the two (2) candidates
1515 who receive the highest popular vote for * * *~~such~~ that office
1516 shall have their names submitted as * * *~~such~~ the candidates to a
1517 second primary, and the candidate who leads in * * *~~such~~ the



1518 second primary shall be nominated to the office. When there is a
1519 tie in the first primary of those receiving next highest vote,
1520 these two (2) and the one (1) receiving the highest vote, none
1521 having received a majority, shall go into the second primary, and
1522 whoever leads in * * *~~such~~ the second primary shall be entitled to
1523 the nomination.

1524 **SECTION 35.** Section 23-15-195, Mississippi Code of 1972, is
1525 amended as follows:

1526 23-15-195. Except as otherwise provided in Sections 1
1527 through 6 of this act, all elections by the people shall be by
1528 ballot, and shall be concluded in one (1) day.

1529 **SECTION 36.** Section 23-15-197, Mississippi Code of 1972, is
1530 amended as follows:

1531 23-15-197. (1) Times for holding primary and general
1532 elections for congressional offices shall be as prescribed in
1533 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1534 (2) Times for holding elections for the office of judge of
1535 the Supreme Court shall be as prescribed in Section 23-15-991 and
1536 Sections 23-15-974 through 23-15-985.

1537 (3) Times for holding elections for the office of circuit
1538 court judge and the office of chancery court judge shall be as
1539 prescribed in Sections 23-15-974 through 23-15-985, and Section
1540 23-15-1015.



1541 (4) Times for holding elections for the office of county
1542 election commissioners shall be as prescribed in Section
1543 23-15-213.

1544 (5) Times for holding pre-election day voting shall be as
1545 prescribed in Sections 1 through 6 of this act.

1546 **SECTION 37.** Section 23-15-231, Mississippi Code of 1972, is
1547 amended as follows:

1548 23-15-231. * * *~~Prior to~~ Before every election or
1549 pre-election day voting period, the election commissioners * * *~~of~~
1550 ~~election~~ shall appoint three (3) persons for each voting precinct
1551 to be managers of the election, one (1) of whom shall be
1552 designated by the election commissioners * * *~~of election~~ as
1553 election bailiff. * * *~~Such~~ The managers shall not all be of the
1554 same political party if suitable persons of different political
1555 parties can be found in the district. If any person appointed
1556 shall fail to attend and serve, the managers present, if any, may
1557 designate someone to fill his or her place; and if the election
1558 commissioners * * *~~of election~~ fail to make the appointments or in
1559 case of the failure of all those appointed to attend and serve,
1560 any three (3) qualified electors present when the polls should be
1561 opened may act as managers. Provided, however, any person
1562 appointed to be manager or act as manager shall be a qualified
1563 elector of the county in which the polling place is located.

1564 **SECTION 38.** Section 23-15-233, Mississippi Code of 1972, is
1565 amended as follows:



1566 23-15-233. The managers shall take care that the
1567 election * * *~~is~~ and the pre-election day voting are conducted
1568 fairly and agreeably to law, and they shall be judges of the
1569 qualifications of electors, and may examine, on oath, any person
1570 duly registered and offering to vote touching his or her
1571 qualifications as an elector, which oath any of the managers may
1572 administer.

1573 **SECTION 39.** Section 23-15-239, Mississippi Code of 1972, is
1574 amended as follows:

1575 23-15-239. (1) (a) The executive committee of each county,
1576 in the case of a primary election, or the election
1577 commissioners * * *~~of election~~ of each county, in the case of all
1578 other elections, in conjunction with the circuit clerk, shall
1579 sponsor and conduct, not less than five (5) days * * *~~prior to~~
1580 before the pre-election day voting period for each election,
1581 training sessions to instruct managers as to their duties in the
1582 proper administration of the election and the operation of the
1583 polling place. No manager shall serve in any election unless he
1584 or she has received * * *~~such~~ the instructions once during the
1585 twelve (12) months immediately * * *~~preceding~~ before the date upon
1586 which * * *~~such~~ the election is held; however, nothing in this
1587 section shall prevent the appointment of an alternate manager to
1588 fill a vacancy in case of an emergency. The county executive
1589 committee or the election commissioners * * *~~of election~~, as



1590 appropriate, shall train a sufficient number of alternates to
1591 serve in the event a manager is unable to serve for any reason.

1592 (b) The executive committee of each county, in the case
1593 of a primary election, or the election commissioners * * *~~of~~
1594 ~~election~~ of each county, in the case of all other elections, in
1595 conjunction with the circuit clerk, shall sponsor and conduct
1596 annually an eight-hour training course for managers that meets
1597 criteria that the Secretary of State shall prescribe. Managers
1598 shall be required to attend this course every four (4) years from
1599 August 7, 2008. The Secretary of State shall develop a version of
1600 the course that may be taken by managers over the Internet.
1601 Training courses, including, but not limited to, online training
1602 courses, that meet criteria prescribed by the Secretary of State
1603 and are not sponsored or conducted by the executive committee or
1604 the election commissioners * * *~~of election~~, may be utilized to
1605 meet the requirements of this paragraph if the training course is
1606 approved by the Secretary of State.

1607 (2) (a) If it is eligible under Section 23-15-266, the
1608 county executive committee may enter into a written agreement with
1609 the circuit clerk or the county election commission authorizing
1610 the circuit clerk or the county election commission to perform any
1611 of the duties required of the county executive committee pursuant
1612 to this section. Any agreement entered into pursuant to this
1613 subsection shall be signed by the * * *~~chairman~~ chair of the
1614 county executive committee and the circuit clerk or



1615 the * * *~~chairman~~ chair of the county election commission, as
1616 appropriate. The county executive committee shall notify the
1617 state executive committee and the Secretary of State of the
1618 existence of * * *~~such~~ the agreement.

1619 (b) If it is eligible under Section 23-15-266, the
1620 municipal executive committee may enter into a written agreement
1621 with the municipal clerk or the municipal election commission
1622 authorizing the municipal clerk or the municipal election
1623 commission to perform any of the duties required of the municipal
1624 executive committee pursuant to this section. Any agreement
1625 entered into pursuant to this subsection shall be signed by
1626 the * * *~~chairman~~ chair of the municipal executive committee and
1627 the municipal clerk or the * * *~~chairman~~ chair of the municipal
1628 election commission, as appropriate. The municipal executive
1629 committee shall notify the state executive committee and the
1630 Secretary of State of the existence of * * *~~such~~ the agreement.

1631 (3) The board of supervisors and the municipal governing
1632 authority, in their discretion, may compensate managers who
1633 attend * * *~~such~~ the training sessions. The compensation shall be
1634 at a rate of not less than the federal hourly minimum wage nor
1635 more than Twelve Dollars (\$12.00) per hour. Managers shall not be
1636 compensated for more than sixteen (16) hours of attendance at the
1637 training sessions regardless of the actual amount of time that
1638 they attended the training sessions.



1639 (4) The time and location of the training sessions required
1640 pursuant to this section shall be announced to the general public
1641 by posting a notice thereof at the courthouse and by delivering a
1642 copy of the notice to the office of a newspaper having general
1643 circulation in the county five (5) days before the date upon which
1644 the training session is to be conducted. Persons who will serve
1645 as poll watchers for candidates and political parties, as well as
1646 members of the general public, shall be allowed to attend the
1647 sessions.

1648 (5) Subject to the following annual limitations, the
1649 election commissioners * * *~~of election~~ shall be entitled to
1650 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
1651 to be paid from the county general fund, for every day or period
1652 of no less than five (5) hours accumulated over two (2) or more
1653 days actually employed in the performance of their duties for the
1654 necessary time spent in conducting training sessions as required
1655 by this section:

1656 (a) In counties having less than fifteen thousand
1657 (15,000) residents according to the latest federal decennial
1658 census, not more than five (5) days per year;

1659 (b) In counties having fifteen thousand (15,000)
1660 residents according to the latest federal decennial census but
1661 less than thirty thousand (30,000) residents according to the
1662 latest federal decennial census, not more than eight (8) days per
1663 year;



1664 (c) In counties having thirty thousand (30,000)
1665 residents according to the latest federal decennial census but
1666 less than seventy thousand (70,000) residents according to the
1667 latest federal decennial census, not more than ten (10) days per
1668 year;

1669 (d) In counties having seventy thousand (70,000)
1670 residents according to the latest federal decennial census but
1671 less than ninety thousand (90,000) residents according to the
1672 latest federal decennial census, not more than twelve (12) days
1673 per year;

1674 (e) In counties having ninety thousand (90,000)
1675 residents according to the latest federal decennial census but
1676 less than one hundred seventy thousand (170,000) residents
1677 according to the latest federal decennial census, not more than
1678 fifteen (15) days per year;

1679 (f) In counties having one hundred seventy thousand
1680 (170,000) residents according to the latest federal decennial
1681 census but less than two hundred thousand (200,000) residents
1682 according to the latest federal decennial census, not more than
1683 eighteen (18) days per year;

1684 (g) In counties having two hundred thousand (200,000)
1685 residents according to the latest federal decennial census but
1686 less than two hundred twenty-five thousand (225,000) residents
1687 according to the latest federal decennial census, not more than
1688 nineteen (19) days per year;



1689 (h) In counties having two hundred twenty-five thousand
1690 (225,000) residents according to the latest federal decennial
1691 census but less than two hundred fifty thousand (250,000)
1692 residents according to the latest federal decennial census, not
1693 more than twenty-two (22) days per year;

1694 (i) In counties having two hundred fifty thousand
1695 (250,000) residents according to the latest federal decennial
1696 census but less than two hundred seventy-five thousand (275,000)
1697 residents according to the latest federal decennial census, not
1698 more than thirteen (13) days per year;

1699 (j) In counties having two hundred seventy-five
1700 thousand (275,000) residents according to the latest federal
1701 decennial census or more, not more than fourteen (14) days per
1702 year.

1703 (6) Election commissioners * * *~~of election~~ shall claim the
1704 per diem authorized in subsection (5) of this section in the
1705 manner provided for in Section 23-15-153(6).

1706 **SECTION 40.** Section 23-15-241, Mississippi Code of 1972, is
1707 amended as follows:

1708 23-15-241. The manager designated an election bailiff shall,
1709 in addition to his or her other duties, be present during the
1710 pre-election day voting period and on election day to keep the
1711 peace and to protect the voting place, and to prevent improper
1712 intrusion upon the voting place or interference with the election,
1713 and to arrest all persons creating any disturbance about the



1714 voting place, and to enable all qualified electors who have not
1715 voted, and who desire to vote, to have unobstructed access to the
1716 polls for the purpose of voting when others are not voting.

1717 **SECTION 41.** Section 23-15-245, Mississippi Code of 1972, is
1718 amended as follows:

1719 23-15-245. It shall be the duty of the manager designated as
1720 bailiff to be present at the voting place, and to take * * *~~such~~
1721 the steps * * *~~as~~ that will accomplish the purpose of his or her
1722 appointment, and he or she shall have full power to do so, and he
1723 or she may summon to his or her aid all persons present at the
1724 voting place. A space thirty (30) feet in every direction from
1725 the polls, or the room in which the * * *~~election~~ voting is held,
1726 shall be kept open and clear of all persons except the election
1727 officers and two (2) challengers of good conduct and behavior,
1728 selected by each party to detect and challenge illegal voters; and
1729 the electors shall approach the polls from one (1) direction,
1730 line, door or passage, and depart in another as nearly opposite as
1731 convenient.

1732 **SECTION 42.** Section 23-15-247, Mississippi Code of 1972, is
1733 amended as follows:

1734 23-15-247. The election commissioners * * *~~of election~~ in
1735 each county shall procure, if not already provided, a sufficient
1736 number of ballot boxes, which shall be distributed by them to the
1737 voting precincts of the county before the time for opening the
1738 polls. The boxes shall be secured by good and substantial locks,



1739 and, if an adjournment shall take place after the opening of the
1740 polls and before all the votes shall be counted, the box shall be
1741 securely locked, so as to prevent the admission of anything into
1742 it, or the taking of anything from it, during the time of
1743 adjournment; and the box shall be kept by one (1) of the managers
1744 and the key by another of the managers, and the manager having the
1745 box shall carefully keep it, and neither unlock or open it himself
1746 or herself nor permit it to be done, nor permit any person to have
1747 any access to it during the time of adjournment. The box shall
1748 not be removed from the polling building or place after the polls
1749 are opened until the count is complete, if as many as three (3)
1750 qualified electors object. After each election the ballot boxes
1751 shall be delivered, with the keys thereof, to the clerk of the
1752 circuit court of the county for preservation; and he or she shall
1753 keep them for future use, and, when called for, deliver them to
1754 the election commissioners * * *~~of election~~.

1755 **SECTION 43.** Section 23-15-251, Mississippi Code of 1972, is
1756 amended as follows:

1757 23-15-251. The election commissioners * * *~~of election~~, in
1758 appointing the managers of election, shall designate one (1) of
1759 the managers at each voting place to receive and distribute the
1760 official ballots, and shall deliver to him or her the proper
1761 number of ballots and cards of instruction for * * *~~his~~ that
1762 district not less than one (1) day before the election; and the
1763 manager receiving the ballots from the commissioners shall



1764 distribute the same to the electors of * * *~~his~~ that district in
1765 the manner herein provided. It shall be the duty of * * *~~said~~ the
1766 person * * *~~se~~ designated * * *~~as aforesaid~~ for service at a
1767 voting place other than the courthouse, to carry to * * *~~the said~~
1768 that voting place, on the day * * *~~previous to~~ before the
1769 election, the ballot box, the pollbook, the blank tally sheets,
1770 the blank forms to be used in making returns, the other necessary
1771 stationery and supplies and the official printed ballots
1772 aforesaid, and all of the same used and unused shall be returned
1773 by the manager designated as * * *~~aforesaid~~ provided in this
1774 section to the election commissioners * * *~~of election~~ on the
1775 day * * *~~next following~~ after the election.

1776 **SECTION 44.** Section 23-15-255, Mississippi Code of 1972, is
1777 amended as follows:

1778 23-15-255. (1) The supervisor of each respective
1779 supervisors district shall provide at each election place a
1780 sufficient number of voting compartments, shelves and tables for
1781 the use of electors, which shall be so arranged that it will be
1782 impossible for a voter in one (1) compartment to see another voter
1783 who is preparing his or her ballot. The number of voting
1784 compartments and shelves or tables shall not be less than one (1)
1785 to every two hundred (200) electors in the voting precinct. Each
1786 compartment shall be supplied and have posted up in it a card of
1787 instructions, and be furnished with other conveniences for marking
1788 the ballots.



1789 (2) The managers of each precinct shall publicly post the
1790 following information at the precinct polling place * * *~~on the~~
1791 ~~day of~~ during any election:

1792 (a) A sample version of the ballot that will be used at
1793 the election;

1794 (b) Information on the date of the election and
1795 pre-election day voting and the hours during which the polling
1796 places will be open;

1797 (c) Instructions on how to vote, including how to cast
1798 a vote and how to cast an affidavit ballot;

1799 (d) Instruction for persons who have registered to vote
1800 by mail and first time voters, if appropriate;

1801 (e) General information on voting rights, including
1802 information on the right of an individual to cast an affidavit
1803 ballot and instructions on how to contact the appropriate
1804 officials if these rights are alleged to have been violated; and

1805 (f) The consequences under federal and state laws
1806 regarding fraud and misrepresentation.

1807 **SECTION 45.** Section 23-15-263, Mississippi Code of 1972, is
1808 amended as follows:

1809 23-15-263. (1) Unless otherwise provided in this chapter,
1810 the county executive committee at primary elections shall perform
1811 all duties that relate to the qualification of candidates for
1812 primary elections, print ballots for the pre-election day voting
1813 period for primary elections and for primary * * *elections



1814 election day, appoint the primary election officers, resolve
1815 contests in regard to primary elections, and perform all other
1816 duties required by law to be performed by the county executive
1817 committee; however, each house of the Legislature shall rule on
1818 the qualifications of the membership of its respective body in
1819 contests involving the qualifications of * * *~~such~~ its members.
1820 The executive committee shall be subject to all the penalties to
1821 which county election commissioners are subject, except that
1822 Section 23-15-217 shall not apply to members of the county
1823 executive committee who seek elective office.

1824 (2) A member of a county executive committee shall be
1825 automatically disqualified to serve on the county executive
1826 committee, and shall be considered to have resigned * * *~~therefrom~~
1827 from the county executive committee, upon his or her qualification
1828 as a candidate for any elective office. The provisions of this
1829 subsection shall not apply to a member of a county executive
1830 committee who qualifies as a candidate for a municipal elective
1831 office.

1832 (3) The primary election officers appointed by the executive
1833 committee of the party shall have the powers and perform the
1834 duties, where not otherwise provided, required of * * *~~such~~ those
1835 officers in a general election, and any * * *~~and every~~ act or
1836 omission which by law is an offense when committed in or about or
1837 in respect to * * *~~such~~ the general elections, shall be an offense
1838 if committed in or about or in respect to a primary election; and



1839 the same shall be indictable and punishable in the same way as if
1840 the election was a general election for the election of state and
1841 county officers, except as specially modified or otherwise
1842 provided in this chapter.

1843 **SECTION 46.** Section 23-15-265, Mississippi Code of 1972, is
1844 amended as follows:

1845 23-15-265. (1) The county executive committee of each
1846 county shall meet not less than two (2) weeks before the
1847 date * * *~~of~~ the period for pre-election day voting begins for any
1848 primary election and appoint the managers and clerks for same, all
1849 of whom may be members of the same political party. The number of
1850 managers and clerks appointed by the county executive committee
1851 shall be the same number as election commissioners * * *~~of~~
1852 ~~election~~ are allowed to appoint pursuant to Sections 23-15-231 and
1853 23-15-235. If the county executive committee fails to meet on the
1854 date named, supra, further notice shall be given of the time and
1855 place of meeting.

1856 (2) (a) If it is eligible under Section 23-15-266, the
1857 county executive committee may enter into a written agreement with
1858 the circuit clerk or the county election commission authorizing
1859 the circuit clerk or the county election commission to perform any
1860 of the duties required of the county executive committee pursuant
1861 to this section. Any agreement entered into pursuant to this
1862 subsection shall be signed by the * * *~~chairman~~ chair of the
1863 county executive committee and the circuit clerk or



1864 the * * *~~chairman~~ chair of the county election commission, as
1865 appropriate. The county executive committee shall notify the
1866 state executive committee and the Secretary of State of the
1867 existence of * * *~~such~~ the agreement.

1868 (b) If it is eligible under Section 23-15-266, the
1869 municipal executive committee may enter into a written agreement
1870 with the municipal clerk or the municipal election commission
1871 authorizing the municipal clerk or the municipal election
1872 commission to perform any of the duties required of the municipal
1873 executive committee pursuant to this section. Any agreement
1874 entered into pursuant to this subsection shall be signed by
1875 the * * *~~chairman~~ chair of the municipal executive committee and
1876 the municipal clerk or the * * *~~chairman~~ chair of the municipal
1877 election commission, as appropriate. The municipal executive
1878 committee shall notify the state executive committee and the
1879 Secretary of State of the existence of * * *~~such~~ the agreement.

1880 **SECTION 47.** Section 23-15-267, Mississippi Code of 1972, is
1881 amended as follows:

1882 23-15-267. (1) The ballot boxes provided by the regular
1883 election commissioners * * *~~of election~~ in each county shall be
1884 used in primary elections, and the county executive committees
1885 shall distribute them to the voting precincts of the county before
1886 the time for opening the polls, in the same manner, as near as may
1887 be, as that provided for in general elections.



1888 (2) If an adjournment shall take place after the polls are
1889 open and before all votes are counted, the ballot box shall be
1890 securely locked so as to prevent the admission into it or the
1891 taking of anything from it during the time of adjournment; and the
1892 box shall be kept by one of the managers, and the key by another
1893 of the managers, and the manager having the box shall carefully
1894 keep it, and neither undertake to open it himself or herself or
1895 permit it to be done, or to permit any person to have access to it
1896 during the time of adjournment. The box shall not be removed from
1897 the polling building or place after the polls are open until the
1898 count is completed if as many as three (3) electors qualified to
1899 vote at the election object.

1900 (3) After each election, the ballot boxes of those provided
1901 by the regular election commissioner * * *~~of election~~ shall be
1902 delivered, with the keys thereof immediately and as soon
1903 thereafter as possible, and without delay to the clerk of the
1904 circuit court of the county.

1905 (4) (a) If it is eligible under Section 23-15-266, the
1906 county executive committee may enter into a written agreement with
1907 the circuit clerk or the county election commission authorizing
1908 the circuit clerk or the county election commission to perform any
1909 of the duties required of the county executive committee pursuant
1910 to this section. Any agreement entered into pursuant to this
1911 subsection shall be signed by the * * *~~chairman~~ chair of the
1912 county executive committee and the circuit clerk or



1913 the * * *~~chairman~~ chair of the county election commission, as
1914 appropriate. The county executive committee shall notify the
1915 State Executive Committee and the Secretary of State of the
1916 existence of * * *~~such~~ the agreement.

1917 (b) If it is eligible under Section 23-15-266, the
1918 municipal executive committee may enter into a written agreement
1919 with the municipal clerk or the municipal election commission
1920 authorizing the municipal clerk or the municipal election
1921 commission to perform any of the duties required of the municipal
1922 executive committee pursuant to this section. Any agreement
1923 entered into pursuant to this subsection shall be signed by
1924 the * * *~~chairman~~ chair of the municipal executive committee and
1925 the municipal clerk or the * * *~~chairman~~ chair of the municipal
1926 election commission, as appropriate. The municipal executive
1927 committee shall notify the State Executive Committee and the
1928 Secretary of State of the existence of such agreement.

1929 (5) The person, or persons, whose duty it is to comply with
1930 the provisions of this section and who shall fail, or neglect,
1931 from any cause, to deliver * * *~~said~~ the boxes or any of them as
1932 herein provided shall, upon conviction, be fined not less than Two
1933 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1934 the residence of the person, or persons, who violates any of the
1935 provisions of this section, for a period of not less than thirty
1936 (30) days or more than six (6) months, and fined not more than
1937 Five Hundred Dollars (\$500.00).



1938 **SECTION 48.** Section 23-15-303, Mississippi Code of 1972, is
1939 amended as follows:

1940 23-15-303. When two (2) or more political parties or
1941 political organizations are holding primary elections, each shall
1942 be conducted entirely independent of the other but at the same
1943 time.

1944 Except as otherwise provided in Sections 1 through 6 of this
1945 act, the board of supervisors or the supervisor of the district in
1946 which the voting precinct is located shall have authority, and it
1947 is made its and his or her duty when requested, to specifically
1948 designate the respective places where the precinct election of
1949 each party shall be held where there may be a dispute as to the
1950 room or exact place for holding * * *~~such~~ the precinct elections.

1951 **SECTION 49.** Section 23-15-309, Mississippi Code of 1972, is
1952 amended as follows:

1953 23-15-309. (1) Nominations for all municipal officers which
1954 are elective shall be made * * *~~at~~ during the days for conducting
1955 a primary election, or elections, to be held in the manner
1956 prescribed by law. All persons desiring to be candidates for the
1957 nomination in the primary elections shall first pay Ten Dollars
1958 (\$10.00) to the clerk of the municipality, at least sixty (60)
1959 days * * *~~prior to~~ before the date the pre-election day voting
1960 period begins for the first primary election, no later than 5:00
1961 p.m. on * * *~~such~~ that deadline day.



1962 (2) The fee paid pursuant to subsection (1) of this section
1963 shall be accompanied by a written statement containing the name
1964 and address of the candidate, the party with which he or she is
1965 affiliated, and the office for which he or she is a candidate.

1966 (3) The clerk shall promptly receipt the payment, stating
1967 the office for which the person making the payment is running and
1968 the political party with which * * *~~such~~ the person is affiliated.
1969 The clerk shall keep an itemized account in detail showing the
1970 time and date of the receipt of * * *~~such~~ the payment received
1971 by * * *~~him~~ the clerk, from whom * * *~~such~~ that payment was
1972 received, the party with which * * *~~such~~ the person is affiliated
1973 and for what office the person paying the fee is a candidate. The
1974 clerk shall promptly supply all necessary information and pay over
1975 all fees so received to the secretary of the proper municipal
1976 executive committee. * * *~~Such~~ The funds may be used and
1977 disbursed in the same manner as is allowed in Section 23-15-299 in
1978 regard to other executive committees.

1979 (4) Upon receipt of the above information, the proper
1980 municipal executive committee shall then determine whether each
1981 candidate is a qualified elector of the municipality, and of the
1982 ward if the office sought is a ward office, shall determine
1983 whether each candidate either meets all other qualifications to
1984 hold the office he or she is seeking or presents absolute proof
1985 that he or she will, subject to no contingencies, meet all
1986 qualifications on or before the date of the general or special



1987 election at which * * *~~he~~ the candidate could be elected to
1988 office. The executive committee shall determine whether the
1989 candidate has taken the steps necessary to qualify for more than
1990 one (1) office at the election. The committee also shall
1991 determine whether any candidate has been convicted of any felony
1992 in a court of this state, or has been convicted on or after
1993 December 8, 1992, of any offense in another state which is a
1994 felony under the laws of this state, or has been convicted of any
1995 felony in a federal court on or after December 8, 1992. Excepted
1996 from the above are convictions of manslaughter and violations of
1997 the United States Internal Revenue Code or any violations of the
1998 tax laws of this state unless * * *~~such~~ the offense also involved
1999 misuse or abuse of his or her office or money coming into his or
2000 her hands by virtue of * * *~~his~~ the office. If the proper
2001 municipal executive committee finds that a candidate either (a)
2002 does not meet all qualifications to hold the office he or she
2003 seeks and fails to provide absolute proof, subject to no
2004 contingencies, that he or she will meet the qualifications on or
2005 before the date of the general or special election at
2006 which * * *~~he~~ the candidate could be elected, or (b) has been
2007 convicted of a felony as described in this subsection and not
2008 pardoned, then the name of * * *~~such~~ that candidate shall not be
2009 placed upon the ballot. If the executive committee determines
2010 that the candidate has taken the steps necessary to qualify for



2011 more than one (1) office at the election, the action required by
2012 Section 23-15-905, shall be taken.

2013 (5) Where there is but one (1) candidate, the proper
2014 municipal executive committee when the time has expired within
2015 which the names of candidates shall be furnished shall
2016 declare * * *~~such~~ that candidate the nominee.

2017 **SECTION 50.** Section 23-15-331, Mississippi Code of 1972, is
2018 amended as follows:

2019 23-15-331. It shall be the duty of the state executive
2020 committee of each political party to furnish to each county
2021 executive committee, not less than fifty (50) days * * *~~prior to~~
2022 before the * * *~~election,~~ period for pre-election day voting
2023 begins the names of all state and state district candidates and
2024 all candidates for legislative districts composed of more than one
2025 (1) county or parts of more than one (1) county who have qualified
2026 as provided by law, and in accordance with the requirements of
2027 Section 23-15-333 a sample of the official ballot to be used in
2028 the primary, the general form of which shall be followed as nearly
2029 as practicable.

2030 **SECTION 51.** Section 23-15-333, Mississippi Code of 1972, is
2031 amended as follows:

2032 23-15-333. (1) The county executive committee shall have
2033 printed all necessary ballots, for use in primary elections. The
2034 county executive committee shall have printed all necessary
2035 absentee ballots forty-five (45) days * * *~~prior to~~ before the



2036 election as required by law. The ballots shall contain the names
2037 of all the candidates to be voted for at * * *~~such~~ the election,
2038 and there shall be left on each ballot one (1) blank space under
2039 the title of each office for which a nominee is to be elected; and
2040 in the event of the death of any candidate whose name shall have
2041 been printed on the ballot, the name of the candidate duly
2042 substituted in the place of the deceased candidate may be written
2043 in * * *~~such~~ the blank space by the voter. Except as otherwise
2044 provided in subsection (2) of this section, the order in which the
2045 titles to the various offices shall be printed, and the size,
2046 print and quality of the paper of the ballot is left to the
2047 discretion of the county executive committee. Provided, however,
2048 that in all cases the arrangement of the names of the candidates
2049 for each office shall be alphabetical. No ballot shall be used
2050 except those so printed.

2051 (2) The titles for the various offices shall be listed in
2052 the following order:

- 2053 (a) Candidates for national office;
- 2054 (b) Candidates for statewide office;
- 2055 (c) Candidates for state district office;
- 2056 (d) Candidates for legislative office;
- 2057 (e) Candidates for countywide office;
- 2058 (f) Candidates for county district office.



2059 The order in which the titles for the various offices are
2060 listed within each of the categories listed in this subsection is
2061 left to the discretion of the county executive committee.

2062 (3) The county executive committee shall also prepare full
2063 instructions for the guidance of electors at elections as to
2064 obtaining ballots, the manner of marking them, and the mode of
2065 obtaining new ballots in the place of those spoiled by accident.
2066 The instructions shall be printed in large, clear type on "Cards
2067 of Instruction," and the county executive committee shall furnish
2068 the same in sufficient numbers for the use of electors. The cards
2069 shall be preserved by the officers of election and returned by
2070 them to the county executive committee and they may be used, if
2071 applicable, in subsequent elections.

2072 (4) (a) If it is eligible under Section 23-15-266, the
2073 county executive committee may enter into a written agreement with
2074 the circuit clerk or the county election commission authorizing
2075 the circuit clerk or the county election commission to perform any
2076 of the duties required of the county executive committee pursuant
2077 to this section. Any agreement entered into pursuant to this
2078 subsection shall be signed by the * * *~~chairman~~ chair of the
2079 county executive committee and the circuit clerk or
2080 the * * *~~chairman~~ chair of the county election commission, as
2081 appropriate. The county executive committee shall notify the
2082 state executive committee and the Secretary of State of the
2083 existence of * * *~~such~~ the agreement.



2084 (b) If it is eligible under Section 23-15-266, the
2085 municipal executive committee may enter into a written agreement
2086 with the municipal clerk or the municipal election commission
2087 authorizing the municipal clerk or the municipal election
2088 commission to perform any of the duties required of the municipal
2089 executive committee pursuant to this section. Any agreement
2090 entered into pursuant to this subsection shall be signed by
2091 the * * *~~chairman~~ chair of the municipal executive committee and
2092 the municipal clerk or the * * *~~chairman~~ chair of the municipal
2093 election commission, as appropriate. The municipal executive
2094 committee shall notify the state executive committee and the
2095 Secretary of State of the existence of * * *~~such~~ the agreement.

2096 **SECTION 52.** Section 23-15-335, Mississippi Code of 1972, is
2097 amended as follows:

2098 23-15-335. (1) The county executive committee shall
2099 designate a person whose duty it shall be to distribute all
2100 necessary ballots for use * * *~~in~~ during a primary election, and
2101 shall designate one (1) among the managers at each polling place
2102 to receive and receipt for the blank ballots to be used at that
2103 place. When the blank ballots are delivered to a local manager,
2104 the distributor shall take from the local manager a
2105 receipt * * *~~therefor~~ for the blank ballots signed in duplicate by
2106 both the distributor and the manager, one of which receipts the
2107 distributor shall deliver to the circuit clerk and the other shall
2108 be retained by the local manager and * * *~~said~~ the last mentioned



2109 duplicate receipt shall be enclosed in the ballot box with the
2110 voted ballots when the polls have been closed and the votes have
2111 been counted. The printer of the ballots shall take a receipt
2112 from the distributor of the ballots for the total number of the
2113 blank ballots delivered to the distributor. The printer shall
2114 secure all ballots printed by him or her in such a safe manner
2115 that no person can procure them or any of them, and * * *~~he~~ the
2116 printer shall deliver no blank ballot or ballots to any person
2117 except the distributor above mentioned, and then only upon his or
2118 her receipt * * *~~therefor~~ for the blank ballots as above
2119 specified. The distributor of the blank ballots shall so securely
2120 hold the same that no person can obtain any of them, and * * *~~he~~
2121 the distributor shall not deliver any of them to any person other
2122 than to the authorized local managers and upon their respective
2123 receipts * * *~~therefor~~ for the blank ballots. The executive
2124 committee shall see to it that the total blank ballots delivered
2125 to the distributor, shall correspond with the total of the
2126 receipts executed by the local managers.

2127 (2) (a) If it is eligible under Section 23-15-266, the
2128 county executive committee may enter into a written agreement with
2129 the circuit clerk or the county election commission authorizing
2130 the circuit clerk or the county election commission to perform any
2131 of the duties required of the county executive committee pursuant
2132 to this section. Any agreement entered into pursuant to this
2133 subsection shall be signed by the * * *~~chairman~~ chair of the



2134 county executive committee and the circuit clerk or
2135 the * * *~~chairman~~ chair of the county election commission, as
2136 appropriate. The county executive committee shall notify the
2137 state executive committee and the Secretary of State of the
2138 existence of * * *~~such~~ the agreement.

2139 (b) If it is eligible under Section 23-15-266, the
2140 municipal executive committee may enter into a written agreement
2141 with the municipal clerk or the municipal election commission
2142 authorizing the municipal clerk or the municipal election
2143 commission to perform any of the duties required of the municipal
2144 executive committee pursuant to this section. Any agreement
2145 entered into pursuant to this subsection shall be signed by
2146 the * * *~~chairman~~ chair of the municipal executive committee and
2147 the municipal clerk or the * * *~~chairman~~ chair of the municipal
2148 election commission, as appropriate. The municipal executive
2149 committee shall notify the state executive committee and the
2150 Secretary of State of the existence of * * *~~such~~ the agreement.

2151 (3) Any person charged with any of the duties prescribed in
2152 this section who shall willfully or with culpable carelessness
2153 violate the same shall be guilty of a misdemeanor.

2154 **SECTION 53.** Section 23-15-353, Mississippi Code of 1972, is
2155 amended as follows:

2156 23-15-353. The officer charged with printing and
2157 distributing the official ballot shall ascertain from the
2158 registrar, at least ten (10) days before the day * * * ~~of election~~



2159 pre-election day voting for that election begins, the number of
2160 registered voters in each voting precinct; and he or she shall
2161 have printed and distributed a sufficient number of ballots for
2162 use in each precinct. * * *~~He~~ The officer charged with printing
2163 and distributing the official ballot shall also prepare full
2164 instructions for the guidance of electors at elections as to
2165 obtaining ballots, the manner of marking them, and the mode of
2166 obtaining new ballots in the place of those spoiled by accident.
2167 The instructions shall be printed in large, clear type, on "cards
2168 of instruction," and the officer shall furnish the same in
2169 sufficient numbers for the use of electors. The cards shall be
2170 preserved by the officers of election and returned by them to the
2171 election commissioners * * *~~of election~~; and they may be used, if
2172 applicable, in subsequent elections.

2173 **SECTION 54.** Section 23-15-357, Mississippi Code of 1972, is
2174 amended as follows:

2175 23-15-357. On the back and outside of the ballot shall be
2176 printed the words "OFFICIAL BALLOT," the name of the voting
2177 precinct or place for which the ballot is prepared, * * *~~and~~ the
2178 date of the election and the date the voter cast his or her ballot
2179 if the ballot was cast during the period for pre-election day
2180 voting.

2181 **SECTION 55.** Section 23-15-359, Mississippi Code of 1972, is
2182 amended as follows:



2183 23-15-359. (1) Except as provided in this section, the
2184 ballot shall contain the names of all party nominees certified by
2185 the appropriate executive committee, and independent and special
2186 election candidates who have timely filed petitions containing the
2187 required signatures and assessments that must be paid pursuant to
2188 Section 23-15-297. A petition requesting that an independent or
2189 special election candidate's name be placed on the ballot for any
2190 office shall be filed as provided for in subsection (3) or (4) of
2191 this section, as appropriate, and shall be signed by not less than
2192 the following number of qualified electors:

2193 (a) For an office elected by the state at large, not
2194 less than one thousand (1,000) qualified electors.

2195 (b) For an office elected by the qualified electors of
2196 a Supreme Court district, not less than three hundred (300)
2197 qualified electors.

2198 (c) For an office elected by the qualified electors of
2199 a congressional district, not less than two hundred (200)
2200 qualified electors.

2201 (d) For an office elected by the qualified electors of
2202 a circuit or chancery court district, not less than one hundred
2203 (100) qualified electors.

2204 (e) For an office elected by the qualified electors of
2205 a senatorial or representative district, not less than fifty (50)
2206 qualified electors.



2207 (f) For an office elected by the qualified electors of
2208 a county, not less than fifty (50) qualified electors.

2209 (g) For an office elected by the qualified electors of
2210 a supervisors district or justice court district, not less than
2211 fifteen (15) qualified electors.

2212 (h) For the Office of President of the United States, a
2213 party nominee or independent candidate shall pay an assessment in
2214 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

2215 (2) (a) Unless the petition or fee, whichever is
2216 applicable, required above shall be filed as provided for in
2217 subsection (3), (4) or (5) of this section, as appropriate, the
2218 name of the person requested to be a candidate, unless nominated
2219 by a political party, shall not be placed upon the ballot. The
2220 ballot shall contain the names of each candidate for each office,
2221 and * * *~~such~~ the names shall be listed under the name of the
2222 political party * * *~~such~~ the candidate represents as provided by
2223 law and as certified to the circuit clerk by the state executive
2224 committee of * * *~~such~~ the political party. In the
2225 event * * *~~such~~ the candidate qualifies as an independent as
2226 provided in this section, he or she shall be listed on the ballot
2227 as an independent candidate.

2228 (b) The name of an independent or special election
2229 candidate who dies before the printing of the ballots, shall not
2230 be placed on the ballots.



2231 (3) Petitions for offices described in paragraphs (a), (b),
2232 (c), (d) and (e) of subsection (1) of this section shall be filed
2233 with the Secretary of State by no later than 5:00 p.m. on the same
2234 date by which candidates are required to pay the fee provided for
2235 in Section 23-15-297 * * *, ~~Mississippi Code of 1972~~; however, no
2236 petition may be filed before January 1 of the year in which the
2237 election for the office is held.

2238 (4) Petitions for offices described in paragraphs (f) and
2239 (g) of subsection (1) of this section shall be filed with the
2240 proper circuit clerk by no later than 5:00 p.m. on the same date
2241 by which candidates are required to pay the fee provided for in
2242 Section 23-15-297; however, no petition may be filed before
2243 January 1 of the year in which the election for the office is
2244 held. The circuit clerk shall notify the county election
2245 commissioners * * * ~~of election~~ of all persons who have filed
2246 petitions with * * * ~~such~~ the clerk. * * * ~~Such~~ The notification
2247 shall occur within two (2) business days and shall contain all
2248 necessary information.

2249 (5) The assessment for the office described in paragraph (h)
2250 of subsection (1) of this section shall be paid to the Secretary
2251 of State. The Secretary of State shall deposit any qualifying
2252 fees received from candidates into the Elections Support Fund
2253 established in Section 23-15-5.

2254 (6) The commissioners may also have printed upon the ballot
2255 any local issue election matter that is authorized to be * * * ~~held~~



2256 voted on * * *~~the same date as~~ during the regular or general
2257 election pursuant to Section 23-15-375; however, the ballot form
2258 of * * *~~such~~ the local issue must be filed with the election
2259 commissioners * * *~~of election~~ by the appropriate governing
2260 authority not less than sixty (60) days * * *~~previous to~~ before
2261 the date * * *~~of~~ the pre-election day voting period begins for the
2262 election.

2263 (7) The provisions of this section shall not apply to
2264 municipal elections or to the election of the offices of justice
2265 of the Supreme Court, judge of the Court of Appeals, circuit
2266 judge, chancellor, county court judge and family court judge.

2267 (8) Nothing in this section shall prohibit special elections
2268 to fill vacancies in either house of the Legislature from being
2269 held as provided in Section 23-15-851. In all elections conducted
2270 under the provisions of Section 23-15-851, there shall be printed
2271 on the ballot the name of any candidate who, not having been
2272 nominated by a political party, shall have been requested to be a
2273 candidate for any office by a petition filed with the Secretary of
2274 State and signed by not less than fifty (50) qualified electors.

2275 (9) The appropriate election commission shall determine
2276 whether each candidate is a qualified elector of the state, state
2277 district, county or county district they seek to serve, and
2278 whether each candidate meets all other qualifications to hold the
2279 office he or she is seeking or presents absolute proof that he or
2280 she will, subject to no contingencies, meet all qualifications on



2281 or before the date of the general or special election at which he
2282 or she could be elected to office. The election commission shall
2283 determine whether the candidate has taken the steps necessary to
2284 qualify for more than one (1) office at the election. The
2285 election commission also shall determine whether any candidate has
2286 been convicted of any felony in a court of this state, or has been
2287 convicted on or after December 8, 1992, of any offense in another
2288 state which is a felony under the laws of this state, or has been
2289 convicted of any felony in a federal court on or after December 8,
2290 1992. Excepted from the above are convictions of manslaughter and
2291 violations of the United States Internal Revenue Code or any
2292 violations of the tax laws of this state, unless the offense also
2293 involved misuse or abuse of his or her office or money coming into
2294 his or her hands by virtue of * * *~~his~~ the office. If the
2295 appropriate election commission finds that a candidate either (a)
2296 is not a qualified elector, (b) does not meet all qualifications
2297 to hold the office he or she seeks and fails to provide absolute
2298 proof, subject to no contingencies, that he or she will meet the
2299 qualifications on or before the date of the general or special
2300 election at which he or she could be elected, or (c) has been
2301 convicted of a felony as described in this subsection, and not
2302 pardoned, then the name of * * *~~such~~ that candidate shall not be
2303 placed upon the ballot. If the appropriate election commission
2304 determines that the candidate has taken the steps necessary to



2305 qualify for more than one (1) office at the election, the action
2306 required by Section 23-15-905 * * *~~r~~ shall be taken.

2307 (10) If after the deadline to qualify as a candidate for an
2308 office or after the time for holding any party primary for an
2309 office, there shall be only one (1) person who has duly qualified
2310 to be a candidate for the office in the general election, the name
2311 of * * *~~such~~ that person shall be placed on the ballot; provided,
2312 however, that if there shall be not more than one (1) person duly
2313 qualified to be a candidate for each office on the general
2314 election ballot, the election for all offices on the ballot shall
2315 be dispensed with and the appropriate election commission shall
2316 declare each candidate elected without opposition if the candidate
2317 meets all the qualifications to hold the office as determined
2318 pursuant to a review by the commission in accordance with the
2319 provisions of subsection (9) of this section and if the candidate
2320 has filed all required campaign finance disclosure reports as
2321 required by Section 23-15-807.

2322 (11) The petition required by this section may not be filed
2323 by using the Internet.

2324 **SECTION 56.** Section 23-15-363, Mississippi Code of 1972, is
2325 amended as follows:

2326 23-15-363. After the proper officer has knowledge of or has
2327 been notified of the nomination, as provided, of any candidate for
2328 office, the officer shall not omit his or her name from the
2329 ballot, unless upon the written request of the candidate



2330 nominated, made at least ten (10) days before the pre-election day
2331 voting for the election begins, and in no case after * * *~~such~~ the
2332 ballot has been printed; and every ballot shall contain the names
2333 of all candidates nominated as specified, and not duly withdrawn.

2334 **SECTION 57.** Section 23-15-367, Mississippi Code of 1972, is
2335 amended as follows:

2336 23-15-367. (1) Except as otherwise provided by Sections
2337 23-15-974 through 23-15-985 and subsection (2) of this section,
2338 the arrangement of the names of the candidates, and the order in
2339 which the titles of the various offices shall be printed, and the
2340 size, print and quality of paper of the official ballot is left to
2341 the discretion of the officer charged with printing the official
2342 ballot; but the arrangement need not be uniform.

2343 (2) The titles for the various offices shall be listed in
2344 the following order:

- 2345 (a) Candidates for national office;
- 2346 (b) Candidates for statewide office;
- 2347 (c) Candidates for state district office;
- 2348 (d) Candidates for legislative office;
- 2349 (e) Candidates for countywide office;
- 2350 (f) Candidates for county district office.

2351 The order in which the titles for the various offices are
2352 listed within each of the categories listed in this subsection is
2353 left to the discretion of the officer charged with printing the
2354 official ballot.



2355 (3) It is the duty of the Secretary of State, with the
2356 approval of the Governor, to furnish the designated commissioner
2357 of each county a sample of the official ballot, not less than
2358 fifty-five (55) days * * * ~~prior to~~ before the pre-election day
2359 voting period begins for the election, the general form of which
2360 shall be followed as nearly as practicable.

2361 **SECTION 58.** Section 7-3-39, Mississippi Code of 1972, is
2362 amended as follows:

2363 7-3-39. The Secretary of State shall have published in full
2364 each constitutional amendment two (2) weeks * * * ~~previous to an~~
2365 before the period for pre-election day voting for the election, if
2366 pre-election day voting is authorized for that election, at which
2367 the qualified electors shall vote on * * * ~~said~~ the amendments, in
2368 each county in each newspaper having a general circulation in the
2369 county, as defined in Section 13-3-31; or * * * ~~he~~ the Secretary of
2370 State shall have each amendment posted in three (3) public places
2371 in the county if all * * * ~~such~~ the newspapers in the county refuse
2372 to publish same at the price provided in Section 7-3-41.

2373 **SECTION 59.** Section 23-15-407, Mississippi Code of 1972, is
2374 amended as follows:

2375 23-15-407. The board of supervisors of any county or the
2376 governing authorities of any municipality may provide for each
2377 voting precinct one or more voting machines in complete working
2378 order, and thereafter the circuit clerk where machines are
2379 purchased or rented by the board of supervisors, and clerk of the



2380 municipalities where purchased by the governing authorities of a
2381 municipality, shall preserve and keep them in repair, and shall
2382 have custody thereof when not in use at an election or during the
2383 period for pre-election day voting.

2384 **SECTION 60.** Section 23-15-411, Mississippi Code of 1972, is
2385 amended as follows:

2386 23-15-411. The officer who furnishes the official ballots
2387 for any polling place where a voting machine is to be used, shall
2388 also provide two (2) sample ballots or instruction ballots * * *~~7~~
2389 ~~which sample or instruction ballots~~ that shall be arranged in the
2390 form of a diagram showing * * *~~such~~ the portion of the front of
2391 the voting machine as it will appear after the official ballots
2392 are arranged thereon or therein for voting on election day and
2393 during the pre-election day voting period. * * *~~Such~~ The sample
2394 ballots shall be open to the inspection of all voters on election
2395 day and during the pre-election day voting period, in all
2396 primaries and general elections where voting machines are used.

2397 **SECTION 61.** Section 23-15-415, Mississippi Code of 1972, is
2398 amended as follows:

2399 23-15-415. It shall be the duty of the authorities in charge
2400 of any election where a voting machine is to be used, to have the
2401 machine at the proper polling place or places before the time
2402 fixed for opening of the polls, and the counters set at zero, and
2403 otherwise in good and proper order for use at * * *~~such~~ that
2404 election. For the purpose of placing ballots in the ballot frames



2405 of the machine, putting it in order, setting, testing and
2406 adjusting and delivering the machine, the authorities in charge of
2407 elections may employ one or more competent persons, to be known as
2408 custodian or custodians of voting machines, who shall be fully
2409 competent, thoroughly instructed, and sworn to perform his or her
2410 duties honestly and faithfully, and for such purpose shall be
2411 appointed and instructed at least thirty (30) days before
2412 pre-election day voting begins for the election. All voting
2413 machines to be used in an election shall be properly prepared at
2414 least three (3) days * * * ~~prior to~~ before pre-election day voting
2415 begins for the election * * * ~~day~~. When a voting machine has been
2416 properly prepared for election, it shall be locked against voting
2417 and sealed; and the keys thereof shall be delivered to the
2418 registrar, together with a written report made by the custodian or
2419 official preparing the machine, stating that it is in every way
2420 properly prepared for the election. After the voting machine has
2421 been transferred to the polling place, it shall be the duty of the
2422 managers to provide ample protection against molestation or injury
2423 to the machine. All voting machines used in any election shall be
2424 provided with a screen, hood or curtain which shall be so made and
2425 adjusted as to conceal the voter and * * * ~~his~~ the voter's action
2426 while voting.

2427 **SECTION 62.** Section 23-15-417, Mississippi Code of 1972, is
2428 amended as follows:



2429 23-15-417. At least twenty-one (21) days before pre-election
2430 day voting begins for each election, the officials in charge of
2431 the elections shall appoint one or more persons to instruct the
2432 managers and clerks that are to serve in a voting precinct in the
2433 use of the machine, and in their duties in connection therewith;
2434 and * * *~~he~~ that person or persons so appointed shall give to each
2435 manager and clerk, who has received * * *~~such~~ the instruction and
2436 is fully qualified to properly conduct the election with the
2437 machine, a certificate to that effect. For the purpose of
2438 giving * * *~~such~~ the instruction, the person or persons appointed
2439 as instructors shall call such meeting or meetings of the managers
2440 and clerks as shall be necessary. * * *~~Such~~ The person shall,
2441 within five (5) days, file a report with the officials in charge
2442 of the elections, stating that he or she has instructed the
2443 managers and clerks, giving the names of * * *~~such~~ the officers,
2444 and the time and place where * * *~~such~~ the instruction was given.
2445 The managers and clerks of each voting precinct in which a voting
2446 machine is to be used shall attend * * *~~such~~ that meeting, or
2447 meetings, as shall be called for the purpose of
2448 receiving * * *~~such~~ the instruction concerning their duties as
2449 shall be necessary for the proper conduct of the election with the
2450 machine. No manager or clerk shall serve in any election at which
2451 a voting machine is used, unless he * * *~~shall have~~ or she has
2452 received * * *~~such~~ the instruction and is fully qualified to
2453 perform the duties in connection with the machine, and has



2454 received a certificate to that effect, provided, however, that
2455 this shall not prevent the appointment of a person as a manager or
2456 clerk to fill a vacancy in an emergency.

2457 **SECTION 63.** Section 23-15-425, Mississippi Code of 1972, is
2458 amended as follows:

2459 23-15-425. If the official ballots for a voting precinct, at
2460 which a voting machine is to be used, shall not be delivered in
2461 time for use during pre-election day voting or for use on election
2462 day or after delivery shall be lost, destroyed or stolen, the
2463 official or officials, whose duty it now is, in such case, to
2464 provide other ballots for use at * * *~~such~~ those elections in lieu
2465 of those ballots lost, destroyed or stolen, shall cause other
2466 ballots to be prepared, printed or written, as nearly as may be,
2467 of the form and description of the official ballots, and officials
2468 in charge of the election shall cause the ballots so substituted
2469 to be used * * *~~at~~ during the election in the same manner, as
2470 nearly as may be, as the official ballots would have been.

2471 **SECTION 64.** Section 23-15-429, Mississippi Code of 1972, is
2472 amended as follows:

2473 23-15-429. * * *~~Prior to~~ Before the opening of the polls,
2474 the managers and clerks of each voting precinct shall meet at the
2475 polling place at the time set for opening of the polls, for
2476 pre-election day voting and at each election, and shall proceed to
2477 arrange the furniture, stationery and voting machine for the
2478 conduct of the pre-election day voting and the election. The keys



2479 to the voting machines shall be delivered to the managers before
2480 the time set for opening the polls, in a sealed envelope, on which
2481 shall be written or printed the number and location of the voting
2482 machine, and the number of the seal and the number registered on
2483 the protective counter or device, as reported by the custodian or
2484 official preparing the machine. Before opening the envelope, all
2485 managers and clerks present shall examine the number on the seal
2486 on the machine, also the number registered on the protective
2487 counter, and shall see if they are the same as the number written
2488 on the envelope; and if they are not the same, the machine must
2489 not be opened until the custodian, or other authorized
2490 person, * * *~~shall have~~ has been notified and * * *~~shall have~~ has
2491 presented himself or herself at the polling place for the purpose
2492 of re-examining * * *~~such~~ the machine and * * *~~shall certify~~
2493 certifying that it is properly arranged.

2494 If the numbers on the envelope are the same as those on the
2495 machine, the election officers shall proceed to open the doors
2496 concealing the counters, and each officer shall carefully examine
2497 every counter and see that it registers zero, and the same shall
2498 be subject to the inspection of official watchers. The machine
2499 shall remain locked against voting until the polls are formally
2500 opened, and shall not be operated except by voters in voting. If
2501 any counter is found not to register zero, the manager shall
2502 immediately notify the officials in charge of the election or the
2503 custodian, who shall, if practicable, adjust the counters at zero;



2504 but if it shall be impracticable to so adjust * * *~~such~~ the
2505 counters before the time set for opening the polls, the managers
2506 shall immediately make a written statement of the designating
2507 letter and number of * * *~~such~~ that counter, together with the
2508 number registered thereon, and shall sign and post same upon the
2509 wall of the polling room, where it shall remain throughout the
2510 period for pre-election day voting and election day, and, in
2511 filling out the statement of canvass, they shall
2512 subtract * * *~~such~~ the number from the number then registered
2513 thereon.

2514 **SECTION 65.** Section 23-15-437, Mississippi Code of 1972, is
2515 amended as follows:

2516 23-15-437. For the instruction of voters during pre-election
2517 day voting and on any election days, there shall, so far as
2518 practicable, be provided for each polling place a mechanically
2519 operated model of a portion of the face of the machine. * * *~~Such~~
2520 That model, if furnished, shall, during the times for the
2521 election, be located on the clerk's table, or in some other place
2522 which the voters must pass to reach the machine, and each voter
2523 shall, before entering the machine, be instructed regarding its
2524 operation and * * *~~such~~ the instruction illustrated on the model,
2525 and the voter given opportunity to personally operate the model.
2526 The voter's attention shall also be called to the diagram of the
2527 face of the machine so that the voter can become familiar with the
2528 location of the questions and the names of the offices and



2529 candidates. In case any voter, after entering the voting machine,
2530 shall ask for further instructions concerning the manner of
2531 voting, two (2) election officers may, if necessary, enter the
2532 booth and give him * * *~~such~~ or her the instructions, but no
2533 manager or person assisting a voter shall, in any manner request,
2534 suggest or seek to persuade or induce any such voter to vote any
2535 particular ticket, or for any particular ticket, or for any
2536 particular candidate, or for or against any particular ticket, or
2537 for or against any particular candidate, or for or against any
2538 particular amendment, question or proposition. After
2539 giving * * *~~such~~ the instructions and before * * *~~such~~ that voter
2540 shall have registered his or her vote, the officers or person
2541 assisting * * *~~him~~ that voter shall retire and * * *~~such~~ the voter
2542 shall then register his or her vote in secret as he or she may
2543 desire.

2544 **SECTION 66.** Section 23-15-469, Mississippi Code of 1972, is
2545 amended as follows:

2546 23-15-469. Ballots and ballot labels shall, as far as
2547 practicable, be in the same order of arrangement as provided for
2548 paper ballots, except that * * *~~such~~ the information may be
2549 printed in vertical or horizontal rows, or in a number of separate
2550 pages which are placed on the voting device. Ballot labels shall
2551 be printed in plain clear type in black ink and upon clear white
2552 materials of such size and arrangement as to fit the construction
2553 of the voting device. Arrows may be printed on the ballot labels



2554 to indicate the place to punch the ballot card, which may be to
2555 the right or left of the names of candidates and propositions. The
2556 titles of offices may be arranged in vertical columns or on a
2557 series of separate pages, and shall be printed above or at the
2558 side of the names of candidates so as to indicate clearly the
2559 candidates for each office and the number to be elected. In case
2560 there are more candidates for an office than can be printed in one
2561 (1) column or on one (1) ballot page, the ballot or ballot label
2562 shall be clearly marked that the list of candidates is continued
2563 on the following column or page, and, so far as possible, the same
2564 number of names shall be printed on each column or page. The
2565 names of candidates for each office shall be printed in vertical
2566 columns or on separate pages, grouped by the offices which they
2567 seek. In partisan elections, the party designation of each
2568 candidate, which may be abbreviated, shall be printed
2569 following * * *~~his~~ the candidate's name.

2570 Two (2) sample ballots, which shall be facsimile copies of
2571 the official ballot or ballot labels, and instructions to voters,
2572 shall be provided for each precinct and shall be posted in each
2573 polling place during the pre-election day voting and on election
2574 day.

2575 Sample ballots may be printed on a single page or on a number
2576 of pages stapled together. A separate write-in ballot, which may
2577 be in the form of a paper ballot, card or envelope in which the
2578 voter places his or her ballot card after voting, shall be



2579 provided if required to permit voters to write in the title of the
2580 office and the name of a person not on the printed ballot for
2581 whom * * * ~~he~~ the voter wishes to vote.

2582 **SECTION 67.** Section 23-15-473, Mississippi Code of 1972, is
2583 amended as follows:

2584 23-15-473. The circuit court clerk shall be the custodian of
2585 voting devices acquired by a county, who shall be charged with the
2586 proper storage, maintenance and repair of voting devices, and the
2587 preparation of them for voting * * * ~~prior to~~ before elections.
2588 After they have been prepared for an election or pre-election day
2589 voting period and at least three (3) days * * * ~~prior thereto~~
2590 before the period for voting begins, the voting devices shall be
2591 available for public inspection at a time and place designated by
2592 the custodian. Thereafter they shall be locked or sealed before
2593 delivery to the managers of the election. The custodian shall
2594 immediately repair, replace or remove any voting device which
2595 fails to function properly during pre-election day voting or on
2596 election day. The clerk of any municipality which acquires voting
2597 devices shall be the custodian of * * * ~~such~~ those voting devices
2598 and perform the same functions.

2599 If a voting device at a polling place malfunctions and cannot
2600 be repaired or replaced quickly and there is no other device in
2601 the polling place that can be used to perform the function of the
2602 device that malfunctions, unofficial ballots made as nearly as
2603 possible in the form of the official ballot may be used until the



2604 voting device is repaired or replaced. * * *~~Such~~ The ballots
2605 shall be received by the managers and placed by them in a
2606 receptacle in such case to be provided by the managers, and
2607 counted with the votes registered on the voting device; and the
2608 result shall be declared the same as though there had been no
2609 accident to the voting device; the ballots thus voted shall be
2610 preserved and returned as herein directed, with a certificate or
2611 statement setting forth how and why the same were voted.

2612 **SECTION 68.** Section 23-15-511, Mississippi Code of 1972, is
2613 amended as follows:

2614 23-15-511. The ballots shall, as far as practicable, to be
2615 in the same order of arrangement as provided for paper ballots
2616 that are to be counted manually, except that * * *~~such~~ the
2617 information may be printed in vertical or horizontal rows.
2618 Nothing in this chapter shall be construed as prohibiting the
2619 information being presented to the voters from being printed on
2620 both sides of a single ballot. In those years when a special
2621 election shall occur on the same day as the general election, the
2622 names of candidates in any special election and the general
2623 election shall be placed on the same ballot by the election
2624 commissioners * * *~~of elections~~ or officials in charge of the
2625 election, but the general election candidates shall be clearly
2626 distinguished from the special election candidates. At any time a
2627 special election is held on the same day as a party primary
2628 election, the names of the candidates in the special election may



2629 be placed on the same ballot, but shall be clearly distinguished
2630 as special election candidates or primary election candidates.

2631 Ballots shall be printed in plain clear type in black ink and
2632 upon clear white materials of such size and arrangement as to be
2633 compatible with the OMR tabulating equipment. Absentee ballots
2634 shall be prepared and printed in the same form and shall be on the
2635 same size and texture as the regular official ballots, except that
2636 they shall be printed on tinted paper; or the ink used to print
2637 the ballots shall be of a color different from that of the ink
2638 used to print the regular official ballots. Arrows may be printed
2639 on the ballot to indicate the place to mark the ballot, which may
2640 be to the right or left of the names of candidates and
2641 propositions. The titles of offices may be arranged in vertical
2642 columns on the ballot and shall be printed above or at the side of
2643 the names of candidates so as to indicate clearly the candidates
2644 for each office and the number to be elected. In case there are
2645 more candidates for an office than can be printed in one (1)
2646 column, the ballot shall be clearly marked that the list of
2647 candidates is continued on the following column. The names of
2648 candidates for each office shall be printed in vertical columns,
2649 grouped by the offices * * *~~which~~ that they seek. In partisan
2650 elections, the party designation of each candidate, which may be
2651 abbreviated, shall be printed following his or her name.

2652 Two (2) sample ballots, which shall be facsimile ballots of
2653 the official ballot and instructions to the voters, shall be



2654 provided for each precinct and shall be posted in each polling
2655 place during pre-election day voting and on election day.

2656 A separate ballot security envelope or suitable equivalent in
2657 which the voter can place his or her ballot after voting, shall be
2658 provided to conceal the choices the voter has made. Absentee
2659 voters will receive a similar ballot security envelope provided by
2660 the county in which the absentee voter will insert their voted
2661 ballot, which then can be inserted into a return envelope to be
2662 mailed back to the election official. Absentee ballots will not
2663 be required to be folded when a ballot security envelope is
2664 provided.

2665 **SECTION 69.** Section 23-15-515, Mississippi Code of 1972, is
2666 amended as follows:

2667 23-15-515. The circuit court clerk shall be the custodian of
2668 OMR tabulating equipment acquired by the county, who shall be
2669 charged with the proper storage, maintenance and repair of the OMR
2670 equipment and preparation of them for tabulating * * *~~prior to~~
2671 before elections. The custodian shall repair or replace any
2672 tabulating equipment which fails to function properly during
2673 pre-election day voting or on election day. The clerk of any
2674 municipality which acquires OMR tabulating equipment shall be the
2675 custodian of * * *~~such~~ the equipment and perform the same
2676 functions.

2677 **SECTION 70.** Section 23-15-531.4, Mississippi Code of 1972,
2678 is amended as follows:



2679 23-15-531.4. (1) The officials in charge of the election of
2680 each county or municipality shall:

2681 (a) Cause the proper number of DRE units to be
2682 delivered;

2683 (b) Cause the proper ballot design and style to be
2684 programmed for each DRE unit which is to be used in any precinct
2685 within the county or municipality;

2686 (c) Cause each DRE unit to be placed in proper order
2687 for voting;

2688 (d) Examine each unit before it is sent to a polling
2689 place;

2690 (e) Verify that each registering mechanism is set at
2691 zero; and

2692 (f) Properly secure each unit so that the counting
2693 machinery cannot be operated until later authorized.

2694 (2) The circuit clerk shall be the custodian of the DRE
2695 units acquired by the county.

2696 (3) The officials in charge of the election shall be
2697 responsible for the preparation of the units to be used in the
2698 county or municipality at the primaries and other elections in the
2699 county or municipality.

2700 (4) (a) On or before the third day preceding the period for
2701 pre-election day voting or any election, except runoff elections,
2702 the officials in charge of the election shall have each DRE unit
2703 tested to ascertain that it will correctly count the votes cast



2704 for all offices and on all questions in a manner that the
2705 Secretary of State may prescribe by rule or regulation.

2706 (b) On or before the third day preceding pre-election
2707 day voting period for runoff elections or any runoff election, the
2708 officials in charge of the election shall test a number of DRE
2709 units at random to ascertain that the units will correctly count
2710 the votes cast for all offices. If the total number of DRE units
2711 in the county is thirty (30) units or less, all of the units shall
2712 be tested. If the total number of DRE units in the county is more
2713 than thirty (30) but not more than one hundred (100), then at
2714 least one-half (1/2) of the units shall be tested at random. If
2715 there are more than one hundred (100) DRE units in the county, the
2716 officials in charge of the election shall test at least fifteen
2717 percent (15%) of the units at random. In no event shall the
2718 officials in charge of the election test less than one (1) DRE
2719 unit per precinct. All memory cards to be used in the runoff
2720 shall be tested. Public notice of the time and place of the test
2721 shall be made at least five (5) days * * *~~prior thereto~~ before the
2722 test is conducted. Representatives of candidates, political
2723 parties, news media and the public shall be permitted to
2724 observe * * *~~such~~ the tests.

2725 (5) In every primary or general election, the officials in
2726 charge of the election shall furnish, at the expense of the county
2727 or municipality, all ballots, forms of certificates and other
2728 papers and supplies required under this subarticle which are not



2729 furnished by the Secretary of State, all of which shall be in the
2730 form and according to any specifications prescribed from time to
2731 time by the Secretary of State.

2732 **SECTION 71.** Section 23-15-531.6, Mississippi Code of 1972,
2733 is amended as follows:

2734 23-15-531.6. (1) For each primary or general election, the
2735 officials in charge of the election shall utilize at least
2736 seventy-five percent (75%) of all the DRE units that are available
2737 to the county or municipality, as the case may be.

2738 (2) The officials in charge of the election shall ensure the
2739 delivery of the proper DRE units to the polling places of the
2740 respective precincts at least one (1) hour before the time for
2741 opening the polls at each election or pre-election day voting
2742 period and shall cause each unit to be set up in the proper manner
2743 for use in voting.

2744 (3) The officials in charge of the election shall require
2745 that each DRE unit be thoroughly tested, inspected and
2746 sealed * * * ~~prior to the delivery of~~ before each DRE unit is
2747 delivered to the polling place. * * * ~~Prior to opening~~ Before the
2748 polls open each day * * * ~~on which~~ that the units will be used in
2749 an election, the manager shall break the seal on each unit, turn
2750 on each unit, certify that each unit is operating properly and is
2751 set to zero, and print a zero tape certifying that each unit is
2752 set to zero and shall keep or record * * * ~~such~~ that certification
2753 on each unit.



2754 (4) The officials in charge of the election and poll
2755 managers shall provide ample protection against molestation of and
2756 injury to the DRE units, and, for that purpose, the officials in
2757 charge of the election and poll managers may call upon any law
2758 enforcement officer to furnish any assistance that may be
2759 necessary. It shall be the duty of any law enforcement officer to
2760 furnish assistance when so requested by the officials in charge of
2761 the election or poll manager.

2762 (5) The officials in charge of the election, in conjunction
2763 with the governing authorities, shall, at least one (1)
2764 hour * * * ~~prior to~~ before the * * * ~~opening of the polls~~ open:

2765 (a) Provide sufficient lighting to enable electors to
2766 read the ballot and which shall be suitable for the use of the
2767 poll managers in examining the booth and conducting their
2768 responsibilities;

2769 (b) Provide directions for voting on the DRE units
2770 which shall be prominently posted within each voting booth and at
2771 least two (2) sample ballots for the primary or general election
2772 which shall be prominently posted outside the enclosed space
2773 within the polling place;

2774 (c) Ensure that each DRE unit's tabulating mechanism is
2775 secure throughout the days for pre-election day voting and the day
2776 during the primary or general election; and

2777 (d) Provide such other materials and supplies as may be
2778 necessary or required by law.



2779 **SECTION 72.** Section 23-15-531.7, Mississippi Code of 1972,
2780 is amended as follows:

2781 23-15-531.7. The officials in charge of the election shall
2782 place on public exhibition and demonstrate the use of the DRE
2783 units throughout the county or municipality during the month
2784 preceding the pre-election day voting period for each primary and
2785 general election. At least during the initial year in which DRE
2786 equipment is used in a county or municipality, all officials in
2787 charge of the election shall offer a series of demonstrations and
2788 organized voter education initiatives to educate electors in the
2789 use of such equipment in voting.

2790 **SECTION 73.** Section 23-15-545, Mississippi Code of 1972, is
2791 amended as follows:

2792 23-15-545. At each election, the managers shall cause one
2793 (1) of the clerks to write in the pollbook the word "VOTED," in
2794 the column having at its head the date of the election and the
2795 date the vote was cast if the voter cast his or her ballot during
2796 the pre-election day voting period, opposite the name of each
2797 elector as he or she votes.

2798 **SECTION 74.** Section 23-15-573, Mississippi Code of 1972, is
2799 amended as follows:

2800 23-15-573. (1) If any person declares that he or she is a
2801 registered voter in the jurisdiction in which he or she offers to
2802 vote and that * * *~~he~~ the person is eligible to vote in the
2803 election, but * * *~~his~~ the person's name does not appear upon the



2804 pollbooks, or that * * *~~he~~ the person is not able to cast a
2805 regular election * * *~~day~~ ballot under a provision of state or
2806 federal law but is otherwise qualified to vote, or that * * *~~he~~
2807 the person has been illegally denied registration:

2808 (a) A poll manager shall notify the person that he or
2809 she may cast an affidavit ballot at the election.

2810 (b) The person shall be permitted to cast an affidavit
2811 ballot at the polling place upon execution of a written affidavit
2812 before one (1) of the managers of election stating that the
2813 individual:

2814 (i) Believes he or she is a registered voter in
2815 the jurisdiction in which he or she desires to vote and is
2816 eligible to vote in the election; or

2817 (ii) Is not able to cast a regular
2818 election * * *~~day~~ ballot under a provision of state or federal law
2819 but is otherwise qualified to vote; or

2820 (iii) Believes that he or she has been illegally
2821 denied registration.

2822 (c) The manager shall allow the individual to prepare
2823 his or her vote which shall be delivered by * * *~~him~~ the
2824 individual to the proper election official who shall enclose it in
2825 an envelope with the written affidavit of the voter, seal the
2826 envelope and mark plainly upon it the name of the person offering
2827 to vote.

2828 (2) The affidavit shall include:



2829 (a) The complete name, all required addresses and
2830 telephone numbers;

2831 (b) A statement that the affiant believes he or she is
2832 registered to vote in the jurisdiction in which he or she offers
2833 to vote;

2834 (c) The signature of the affiant; and

2835 (d) The signature of a poll manager at the precinct at
2836 which the affiant offers to vote.

2837 (3) (a) A separate register shall be maintained for
2838 affidavit ballots and the affiant shall sign the register upon
2839 completing the affidavit ballot.

2840 (b) In canvassing the returns of the election, the
2841 executive committee in primary elections, or the election
2842 commissioners in other elections, shall examine the records and
2843 allow the ballot to be counted, or not counted as it appears
2844 legal.

2845 (4) When a person is offered the opportunity to vote by
2846 affidavit ballot, he or she shall be provided with written
2847 information that informs the person how to ascertain whether his
2848 or her affidavit ballot was counted and, if the vote was not
2849 counted, the reasons the vote was not counted.

2850 (5) The Secretary of State shall, by rule duly adopted,
2851 establish a uniform affidavit and affidavit ballot envelope which
2852 shall be used in all elections in this state. The Secretary of
2853 State shall print and distribute a sufficient number of affidavits



2854 and affidavit ballot envelopes to the registrar of each county for
2855 use in elections. The registrar shall distribute the affidavits
2856 and affidavit ballot envelopes to municipal and county executive
2857 committees for use in primary elections and to municipal and
2858 county election commissioners for use in other elections.

2859 (6) County registrars and municipal registrars shall
2860 implement a secure free access system that complies with the Help
2861 America Vote Act of 2002, by which persons who vote by affidavit
2862 ballot may determine if their ballots were counted, and if not,
2863 the reasons the ballot was not counted.

2864 (7) Any person who votes in any election as a result of a
2865 federal or state court order or other order extending the time
2866 established by law for closing the polls, may only vote by
2867 affidavit ballot. Any affidavit ballot cast under this subsection
2868 shall be separated and kept apart from other affidavit ballots
2869 cast by voters not affected by the order.

2870 **SECTION 75.** Section 23-15-613, Mississippi Code of 1972, is
2871 amended as follows:

2872 23-15-613. (1) As used in this section "residual votes"
2873 means overvotes, undervotes and any other vote not counted for any
2874 reason.

2875 (2) For every election, election commissions and county and
2876 municipal executive committees shall report to the Secretary of
2877 State residual vote information; however, if the voting
2878 devices * * *~~utilized in~~ used for the election do not produce a



2879 ballot, other information shall be reported as required in this
2880 section.

2881 (3) For every election, election commissions and county and
2882 municipal executive committees responsible for the conduct of
2883 elections in which ballots are generated that are counted by hand
2884 or by an electronic or automatic tabulating device shall report to
2885 the Secretary of State all residual votes for all candidates and
2886 ballot measures in the elections for which they are responsible
2887 for conducting. * * * ~~Such~~ The residual vote reports shall:

2888 (a) Be received by the Secretary of State no later than
2889 December 15 of the year in which the election is held;

2890 (b) Include any suggested explanation or suspected
2891 cause of the residual votes;

2892 (c) Include a copy of a voided official ballot for the
2893 election as such ballot appeared to voters * * * ~~at~~ during the
2894 election and copies of voided affidavit and absentee ballots if
2895 they are different from the official ballot;

2896 (d) Include the total voter turnout for each election, including the period for pre-election day voting,
2897 to be determined
2898 by totaling the number of persons signing the receipt book at each
2899 precinct, absentee voters and persons who voted by affidavit
2900 ballot and persons whose ballots were challenged and rejected; and

2901 (e) Include a copy of any printed voting instructions
2902 given or visible to voters * * * ~~in~~ during the election and a
2903 description of any verbal instructions and any other evidence of



2904 voter education that was * * *~~utilized in~~ used during the
2905 election.

2906 (4) For every election, election commissions and county and
2907 municipal executive committees responsible for the conduct of
2908 election in which voting devices are used that do not generate
2909 ballots that are counted by hand or by electronic or automatic
2910 tabulating devices, shall file a report with the Secretary of
2911 State which shall:

2912 (a) Be received by the Secretary of State no later than
2913 December 15 of the year in which the election is held;

2914 (b) Include the total voter turnout for each election,
2915 including the period for pre-election day voting, to be determined
2916 by totaling the number of persons signing the receipt book at each
2917 precinct, absentee voters and persons who voted by affidavit
2918 ballot and persons whose ballots were challenged and rejected;

2919 (c) Include in the report any anecdotal information
2920 obtained concerning voter problems with the voting equipment or
2921 ballot layout;

2922 (d) Include in the report any suggested explanation or
2923 suspected cause of any difference in the amount of total voter
2924 turnout and the number of counted votes for candidates for various
2925 offices; and

2926 (e) Include a copy of any printed voting instructions
2927 given or visible to voters * * *~~in~~ during the election and a
2928 description of any verbal instructions and any other evidence of



2929 voter education that was * * *~~utilized in~~ used during the
2930 election.

2931 (5) Not later than January 31 of the year following the
2932 election, the Secretary of State shall submit a report to the
2933 Governor, Lieutenant Governor and Speaker of the House of
2934 Representatives analyzing the reports required to be filed
2935 pursuant to this section. The analysis shall include the
2936 following:

2937 (a) The performance of each voting device type
2938 used * * *~~in~~ during the election;

2939 (b) Any problems with voter or poll worker instructions
2940 or ballot design and layout that have been identified as a result
2941 of analyzing the reports received;

2942 (c) Recommendations for reducing the number of residual
2943 votes reported; and

2944 (d) Such other information as the Secretary of State
2945 deems beneficial.

2946 (6) The reports required pursuant to this section shall be
2947 in such form as may be required by rules and regulations
2948 promulgated by the Secretary of State.

2949 **SECTION 76.** Section 23-15-781, Mississippi Code of 1972, is
2950 amended as follows:

2951 23-15-781. The number of electors of President and Vice
2952 President of the United States to which this state may be
2953 entitled, shall be chosen by the qualified electors of the state



2954 at large, on the first Tuesday after the first Monday of November
2955 in the year in which an election of President and Vice President
2956 shall occur and during the pre-election day voting period.

2957 **SECTION 77.** Section 23-15-785, Mississippi Code of 1972, is
2958 amended as follows:

2959 23-15-785. (1) When presidential electors are to be chosen,
2960 the Secretary of State of Mississippi shall certify to the circuit
2961 clerks of the several counties the names of all candidates for
2962 President and Vice President who are nominated by any national
2963 convention or other like assembly of any political party or by
2964 written petition signed by at least one thousand (1,000) qualified
2965 voters of this state.

2966 (2) The certificate of nomination by a political party
2967 convention must be signed by the presiding officer and secretary
2968 of the convention and by the * * *~~chairman~~ chair of the state
2969 executive committee of the political party making the nomination.
2970 Any nominating petition, to be valid, must contain the signatures
2971 as well as the addresses of the petitioners. The certificates and
2972 petitions must be filed with the State Board of Election
2973 Commissioners by filing them in the Office of the Secretary of
2974 State by 5:00 p.m. not less than sixty (60) days * * *~~previous to~~
2975 before the day * * *~~of~~ pre-election day voting begins for the
2976 election.

2977 (3) Each certificate of nomination and nominating petition
2978 must be accompanied by a list of the names and addresses of



2979 persons, who shall be qualified voters of this state, equal in
2980 number to the number of presidential electors to be chosen. Each
2981 person so listed shall execute the following statement which shall
2982 be attached to the certificate or petition when it is filed with
2983 the State Board of Election Commissioners: "I do hereby consent
2984 and do hereby agree to serve as elector for President and Vice
2985 President of the United States, if elected to that position, and
2986 do hereby agree that, if so elected, I shall cast my ballot as
2987 such for _____ for President and _____ for Vice President of
2988 the United States" (inserting in * * *~~said~~ the blank spaces the
2989 respective names of the persons named as nominees for * * *~~said~~
2990 the respective offices in the certificate to which this statement
2991 is attached).

2992 (4) The State Board of Election Commissioners and any other
2993 official charged with the preparation of official ballots shall
2994 place on * * *~~such~~ the official ballots the words "PRESIDENTIAL
2995 ELECTORS FOR (here insert the name of the candidate for President,
2996 the word 'AND' and the name of the candidate for Vice President)"
2997 in lieu of placing the names of such presidential electors on the
2998 official ballots, and a vote cast therefor shall be counted and
2999 shall be in all respects effective as a vote for each of the
3000 presidential electors representing those candidates for President
3001 and Vice President of the United States. In the case of unpledged
3002 electors, the State Board of Election Commissioners and any other
3003 official charged with the preparation of official ballots shall



3004 place on * * *~~such~~ the official ballots the words "UNPLEDGED
3005 ELECTOR(S) (here insert the name(s) of individual unpledged
3006 elector(s) if placed upon the ballot based upon a petition granted
3007 in the manner provided by law stating the individual name(s) of
3008 the elector(s) rather than a slate of electors)."

3009 **SECTION 78.** Section 23-15-807, Mississippi Code of 1972, is
3010 amended as follows:

3011 23-15-807. (a) Each candidate or political committee shall
3012 file reports of contributions and disbursements in accordance with
3013 the provisions of this section. All candidates or political
3014 committees required to report may terminate its obligation to
3015 report only upon submitting a final report that it will no longer
3016 receive any contributions or make any disbursement and
3017 that * * *~~such~~ the candidate or committee has no outstanding debts
3018 or obligations. The candidate, treasurer or chief executive
3019 officer shall sign each such report.

3020 (b) Candidates who are seeking election, or nomination for
3021 election, and political committees that make expenditures for the
3022 purpose of influencing or attempting to influence the action of
3023 voters for or against the nomination for election, or election, of
3024 one or more candidates or balloted measures at * * *~~such~~ the
3025 election, shall file the following reports:

3026 (i) In any calendar year during which there is a
3027 regularly scheduled election, a pre-election report, which shall
3028 be filed no later than the seventh day before pre-election day



3029 voting begins for any election in which * * *~~such~~ the candidate or
3030 political committee has accepted contributions or made
3031 expenditures and which shall be complete as of the tenth day
3032 before * * *~~such election~~ the pre-election day voting begins;

3033 (ii) In 1987 and every fourth year thereafter, periodic
3034 reports, which shall be filed no later than the tenth day after
3035 April 30, May 31, June 30, September 30 and December 31, and which
3036 shall be complete as of the last day of each period; and

3037 (iii) In any calendar years except 1987 and except
3038 every fourth year thereafter, a report covering the calendar
3039 year * * *~~which~~ that shall be filed no later than January 31 of
3040 the following calendar year.

3041 (c) All candidates for judicial office as defined in Section
3042 23-15-975, or their political committees, shall file in the year
3043 in which they are to be elected, periodic reports which shall be
3044 filed no later than the tenth day after April 30, May 31, June 30,
3045 September 30 and December 31.

3046 (d) * * *~~Contents of reports.~~ Each report under this
3047 article shall disclose:

3048 (i) For the reporting period and the calendar year, the
3049 total amount of all contributions and the total amount of all
3050 expenditures of the candidate or reporting committee which shall
3051 include those required to be identified pursuant to * * *~~item~~
3052 paragraph (ii) of this * * *~~paragraph~~ subsection as well as the
3053 total of all other contributions and expenditures during the



3054 calendar year. * * *~~Such~~ The reports shall be cumulative during
3055 the calendar year to which they relate;

3056 (ii) The identification of:

3057 1. Each person or political committee who makes a
3058 contribution to the reporting candidate or political committee
3059 during the reporting period, whose contribution or contributions
3060 within the calendar year have an aggregate amount or value in
3061 excess of Two Hundred Dollars (\$200.00) together with the date and
3062 amount of any such contribution;

3063 2. Each person or organization, candidate or
3064 political committee who receives an expenditure, payment or other
3065 transfer from the reporting candidate, political committee or its
3066 agent, employee, designee, contractor, consultant or other person
3067 or persons acting in its behalf during the reporting period when
3068 the expenditure, payment or other transfer to * * *~~such~~ the
3069 person, organization, candidate or political committee within the
3070 calendar year have an aggregate value or amount in excess of Two
3071 Hundred Dollars (\$200.00) together with the date and amount
3072 of * * *~~such~~ the expenditure * * *~~;~~;

3073 (iii) The total amount of cash on hand of each
3074 reporting candidate and reporting political committee;

3075 (iv) In addition to the contents of reports specified
3076 in * * *~~items~~ paragraphs (i), (ii) and (iii) of
3077 this * * *~~paragraph~~ subsection, each political party shall
3078 disclose:



3079 1. Each person or political committee who makes a
3080 contribution to a political party during the reporting period and
3081 whose contribution or contributions to a political party within
3082 the calendar year have an aggregate amount or value in excess of
3083 Two Hundred Dollars (\$200.00), together with the date and amount
3084 of the contribution;

3085 2. Each person or organization who receives an
3086 expenditure by a political party or expenditures by a political
3087 party during the reporting period when the expenditure or
3088 expenditures to the person or organization within the calendar
3089 year have an aggregate value or amount in excess of Two Hundred
3090 Dollars (\$200.00), together with the date and amount of the
3091 expenditure.

3092 (e) The appropriate office specified in Section 23-15-805
3093 must be in actual receipt of the reports specified in this article
3094 by 5:00 p.m. on the dates specified in * * *~~paragraph~~ subsection
3095 (b) of this section. If the date specified in * * *~~paragraph~~
3096 subsection (b) of this section shall fall on a weekend or legal
3097 holiday then the report shall be due in the appropriate office at
3098 5:00 p.m. on the first working day before the date specified
3099 in * * *~~paragraph~~ subsection (b) of this section. The reporting
3100 candidate or reporting political committee shall ensure that the
3101 reports are delivered to the appropriate office by the filing
3102 deadline. The Secretary of State may approve specific means of
3103 electronic transmission of completed campaign finance disclosure



3104 reports, which may include, but not be limited to, transmission by
3105 electronic facsimile (FAX) devices.

3106 (f) (i) If any contribution of more than Two Hundred
3107 Dollars (\$200.00) is received by a candidate or candidate's
3108 political committee after the tenth day, but more than forty-eight
3109 (48) hours before 12:01 a.m. of the day of the election, the
3110 candidate or political committee shall notify the appropriate
3111 office designated in Section 23-15-805, within forty-eight (48)
3112 hours of receipt of the contribution. The notification shall
3113 include:

- 3114 1. The name of the receiving candidate;
- 3115 2. The name of the receiving candidate's political
3116 committee, if any;
- 3117 3. The office sought by the candidate;
- 3118 4. The identification of the contributor;
- 3119 5. The date of receipt;
- 3120 6. The amount of the contribution;
- 3121 7. If the contribution is in-kind, a description
3122 of the in-kind contribution; and
- 3123 8. The signature of the candidate or the treasurer
3124 or director of the candidate's political committee.

3125 (ii) The notification shall be in writing, and may be
3126 transmitted by overnight mail, courier service, or other reliable
3127 means, including electronic facsimile (FAX), but the candidate or
3128 candidate's committee shall ensure that the notification shall in



3129 fact be received in the appropriate office designated in Section
3130 23-15-805 within forty-eight (48) hours of the contribution.

3131 **SECTION 79.** Section 23-15-833, Mississippi Code of 1972, is
3132 amended as follows:

3133 23-15-833. Except as otherwise provided by law, the first
3134 Tuesday after the first Monday in November of each year shall be
3135 designated the regular special election day, and on that day and
3136 during the period established for pre-election day voting an
3137 election shall be held to fill any vacancy in county, county
3138 district, and district attorney elective offices, and any vacancy
3139 in the office of circuit judge or chancellor.

3140 All special elections, or elections to fill vacancies, shall
3141 in all respects be held, conducted and returned in the same manner
3142 as general elections, except that where no candidate receives a
3143 majority of the votes cast in * * *~~such~~ the election, then a
3144 runoff election shall be held three (3) weeks after * * *~~such~~ that
3145 election and the two (2) candidates who receive the highest
3146 popular votes for * * *~~such~~ the office shall have their names
3147 submitted as * * *~~such~~ the candidates to the * * *~~said~~ runoff and
3148 the candidate who leads in * * *~~such~~ the runoff election shall be
3149 elected to the office. When there is a tie in the first election
3150 of those receiving the next highest vote, these two (2) and the
3151 one receiving the highest vote, none having received a majority,
3152 shall go into the runoff election and whoever leads in * * *~~such~~
3153 the runoff election shall be entitled to the office.



3154 In those years when the regular special election day shall
3155 occur * * *~~on~~ during the same * * *day period of time as the
3156 general election, the names of candidates in any special election
3157 and the general election shall be placed on the same ballot, but
3158 shall be clearly distinguished as general election candidates or
3159 special election candidates.

3160 At any time a special election is held * * *~~on~~ during the
3161 same * * *day period of time as a party primary election, the
3162 names of the candidates in the special election may be placed on
3163 the same ballot, but shall be clearly distinguished as special
3164 election candidates or primary election candidates.

3165 **SECTION 80.** Section 23-15-843, Mississippi Code of 1972, is
3166 amended as follows:

3167 23-15-843. In case of death, resignation or vacancy from any
3168 cause in the office of district attorney, the unexpired term of
3169 which shall exceed six (6) months, the Governor shall within ten
3170 (10) days after * * *~~happening of such~~ the vacancy occurs issue
3171 his or her proclamation calling an election to fill a vacancy in
3172 the office of district attorney to be held * * *~~on~~ during the next
3173 regular special election * * *day time period in the district
3174 wherein * * *~~such~~ the vacancy * * *~~shall have~~ occurred unless the
3175 vacancy * * *~~shall~~ occurs before ninety (90) days * * *~~prior to~~
3176 before the general election in a year in which an election would
3177 normally be held for that office as provided by law, in which case
3178 the person so appointed shall serve the unexpired portion of the



3179 term. Candidates in such a special election shall qualify in the
3180 same manner and shall be subject to the same time limitations as
3181 set forth in Section 23-15-839. Pending the holding of * * *~~such~~
3182 the special election, the Governor shall make an emergency
3183 appointment to fill the vacancy until the same shall be filled by
3184 election as * * *~~aforsaid~~ provided in this section.

3185 **SECTION 81.** Section 23-15-851, Mississippi Code of 1972, is
3186 amended as follows:

3187 23-15-851. (1) Except as otherwise provided in subsection
3188 (2) of this section, within thirty (30) days after vacancies occur
3189 in either house of the Legislature, the Governor shall issue writs
3190 of election to fill the vacancies on a day specified in the writ
3191 of election. At least forty (40) days' notice shall be given of
3192 the election in each county or part of a county in which the
3193 election shall be held. The qualifying deadline for the election
3194 shall be thirty (30) days * * *~~prior to~~ before the pre-election
3195 day voting begins for the election. Notice of the election shall
3196 be posted at the courthouse and in each supervisors district in
3197 the county or part of county in which * * *~~such~~ the election shall
3198 be held for as near forty (40) days as may be practicable. The
3199 election shall be prepared for and held as in the case of a
3200 general election.

3201 (2) If a vacancy occurs on or after June 1 of a year in
3202 which the general election for state officers is held, the



3203 Governor may elect not to issue a writ of election to fill the
3204 vacancy.

3205 **SECTION 82.** Section 23-15-853, Mississippi Code of 1972, is
3206 amended as follows:

3207 23-15-853. (1) If a vacancy happens in the representation
3208 in Congress, the vacancy shall be filled for the unexpired term by
3209 a special election, to be ordered by the Governor, within sixty
3210 (60) days after * * *~~such~~ the vacancy occurs, and to be held at a
3211 time fixed by his or her order, and which time shall be not less
3212 than sixty (60) days after the issuance of the order of the
3213 Governor, which shall be directed to the election
3214 commissioners * * *~~of election~~ of the several counties of the
3215 district, who shall, immediately on the receipt of the order, give
3216 notice of the election by publishing the same in some newspaper
3217 having a general circulation in the county and by posting
3218 notice * * *~~thereof~~ of the election at the front door of the
3219 courthouse. The order shall also be directed to the State Board
3220 of Election Commissioners. The election shall be prepared for and
3221 conducted, and returns shall be made, in all respects as provided
3222 for a special election to fill vacancies.

3223 (2) Candidates for the office in such an election must
3224 qualify with the Secretary of State by 5:00 p.m. not less than
3225 forty-five (45) days * * *~~previous to~~ before the * * *~~date of~~
3226 pre-election day voting period begins for the election. The
3227 election commissioners * * *~~of election~~ shall have printed on the



3228 ballot in * * *~~such~~ the special election the name of any candidate
3229 who shall have been requested to be a candidate for the office by
3230 a petition filed with the Secretary of State and personally signed
3231 by not less than one thousand (1,000) qualified electors of the
3232 district. The petition shall be filed by 5:00 p.m. not less than
3233 forty-five (45) days * * *~~previous to~~ before the * * *~~date of~~
3234 pre-election day voting period begins for the election.

3235 There shall be attached to each petition above provided for,
3236 upon the time of filing with * * *~~said~~ the Secretary of State, a
3237 certificate from the appropriate registrar or registrars showing
3238 the number of qualified electors appearing upon each * * *~~such~~
3239 petition * * *~~which~~ that the registrar shall furnish to the
3240 petitioner upon request.

3241 **SECTION 83.** Section 23-15-855, Mississippi Code of 1972, is
3242 amended as follows:

3243 23-15-855. (1) If a vacancy shall occur in the office of
3244 United States Senator from Mississippi by death, resignation or
3245 otherwise, the Governor shall, within ten (10) days after
3246 receiving official notice of * * *~~such~~ the vacancy, issue his or
3247 her proclamation for an election to be held in the state to elect
3248 a Senator to fill * * *~~such~~ the unexpired term as may remain,
3249 provided the unexpired term is more than twelve (12) months and
3250 the election shall be held within ninety (90) days from the time
3251 the proclamation is issued and the returns of * * *~~such~~ the
3252 election shall be certified to the Governor in the manner set out



3253 above for regular elections, unless the vacancy shall occur in a
3254 year that there shall be held a general state or congressional
3255 election, in which event the Governor's proclamation shall
3256 designate the period for conducting the general election day as
3257 the time for electing a Senator, and the vacancy shall be filled
3258 by appointment as hereinafter provided.

3259 (2) In case of a vacancy in the office of United States
3260 Senator, the Governor may appoint a Senator to fill * * *~~such~~ the
3261 vacancy temporarily, and if the United States Senate be in session
3262 at the time the vacancy occurs the Governor shall appoint a
3263 Senator within ten (10) days after receiving official
3264 notice * * *~~thereof~~ of the vacancy, and the Senator so appointed
3265 shall serve until his or her successor is elected and commissioned
3266 as provided for in subsection (1) of this section, provided
3267 that * * *~~such~~ the unexpired term as he or she may be appointed to
3268 fill shall be for a longer time than one (1) year, but if for a
3269 shorter time than one (1) year he or she shall serve for the full
3270 time of the unexpired term and no special election shall be called
3271 by the Governor but his or her successor shall be elected * * *~~at~~
3272 during the regular election.

3273 **SECTION 84.** Section 23-15-857, Mississippi Code of 1972, is
3274 amended as follows:

3275 23-15-857. (1) When it shall happen that there is any
3276 vacancy in a city, town or village office which is elective, the
3277 unexpired term of which shall not exceed six (6) months, the same



3278 shall be filled by appointment by the governing authority or
3279 remainder of the governing authority of said city, town or
3280 village. The municipal clerk shall certify to the Secretary of
3281 State the * * *~~fact of such~~ appointment, and the person or persons
3282 so appointed shall be commissioned by the Governor.

3283 (2) When it shall happen that there is any vacancy in an
3284 elective office in a city, town or village the unexpired term of
3285 which shall exceed six (6) months, the governing authority or
3286 remainder of the governing authority of * * *~~said~~ the city, town
3287 or village shall make and enter on the minutes an order for an
3288 election to be held in * * *~~such~~ the city, town or village to fill
3289 the vacancy and fix a * * *~~date~~ time period upon which * * *~~such~~
3290 the election shall be held. * * *~~Such~~ The order shall be made and
3291 entered upon the minutes at the next regular meeting of the
3292 governing authority after * * *~~such~~ the vacancy * * *~~shall have~~
3293 has occurred, or at a special meeting to be held not later than
3294 ten (10) days after * * *~~such~~ the vacancy shall have occurred,
3295 Saturdays, Sundays and legal holidays excluded, whichever shall
3296 occur first. * * *~~Such~~ The election shall be held on a date not
3297 less than thirty (30) days nor more than forty-five (45) days
3298 after the date upon which the order is adopted.

3299 Notice of * * *~~such~~ the election shall be given by the
3300 municipal clerk by notice published in a newspaper published in
3301 the municipality. * * *~~Such~~ The notice shall be published once
3302 each week for three (3) successive weeks * * *~~preceding~~ before the



3303 date of * * *~~such~~ the election. The first notice to be published
3304 at least thirty (30) days before the * * *~~date of such~~
3305 pre-election day voting period begins for the election. Notice
3306 shall also be given by posting a copy of * * *~~such~~ the notice at
3307 three (3) public places in * * *~~such~~ the municipality not less
3308 than twenty-one (21) days * * *~~prior to~~ before the * * *~~date of~~
3309 ~~such~~ period for pre-election day voting begins for the election.
3310 One (1) of * * *~~such~~ the notices shall be posted at the city, town
3311 or village hall. In the event that there is no newspaper
3312 published in the municipality, then * * *~~such~~ the notice shall be
3313 published as provided for above in a newspaper * * *~~which~~ that has
3314 a general circulation within the municipality and by posting as
3315 provided for above. In addition, the governing authority may
3316 publish * * *~~such~~ the notice in * * *~~such~~ the newspaper
3317 for * * *~~such~~ the additional times as may be deemed necessary by
3318 the governing authority.

3319 Each candidate shall qualify by petition filed with the
3320 municipal clerk by 5:00 p.m. at least twenty (20) days before
3321 the * * *~~date of~~ pre-election day voting period begins for the
3322 election and * * *~~such~~ the petition shall be signed by not less
3323 than the following number of qualified electors:

3324 (a) For an office of a city, town or village having a
3325 population of one thousand (1,000) or more, not less than fifty
3326 (50) qualified electors.



3327 (b) For an office of a city, town or village having a
3328 population of less than one thousand (1,000), not less than
3329 fifteen (15) qualified electors.

3330 No qualifying fee shall be required of any candidate, and the
3331 election provided for herein shall be held as far as practicable
3332 in the same manner as municipal general elections.

3333 The candidate receiving a majority of the votes cast
3334 in * * *~~said~~ the election shall be elected. If no candidate shall
3335 receive a majority vote at the election, the two (2) candidates
3336 receiving the highest number of votes shall have their names
3337 placed on the ballot for the election to be held two (2) weeks
3338 thereafter. The candidate receiving a majority of the votes cast
3339 in * * *~~said~~ the election shall be elected. However, if no
3340 candidate * * *~~shall~~ receives a majority and there is a tie in the
3341 election of those receiving the next highest vote, those receiving
3342 the next highest vote and the candidate receiving the highest vote
3343 shall have their names placed on the ballot for the election to be
3344 held two (2) weeks thereafter, and whoever receives the most votes
3345 cast in * * *~~such~~ the election shall be elected.

3346 Should the election to be held two (2) weeks thereafter
3347 result in a tie vote, the candidate to prevail shall be decided by
3348 lot, fairly and publicly drawn under the supervision by the
3349 election commission with the aid of two (2) or more qualified
3350 electors of the municipality.



3351 The clerk of the election commission shall then give a
3352 certificate of election to the person elected, and shall return to
3353 the Secretary of State a copy of the order of holding the election
3354 and runoff election showing the results thereof, certified by the
3355 clerk of the governing authority. The person elected shall be
3356 commissioned by the Governor.

3357 However, if nineteen (19) days * * *~~prior to~~ before the date
3358 of the election only one (1) person shall have qualified as a
3359 candidate, the governing authority, or remainder of the governing
3360 authority, shall dispense with the election and appoint that one
3361 (1) candidate in lieu of an election. In the event no person
3362 shall have qualified by 5:00 p.m. at least twenty (20)
3363 days * * *~~prior to~~ before the * * *~~date of~~ pre-election day voting
3364 period begins for the election, the governing authority or
3365 remainder of the governing authority shall dispense with the
3366 election and fill the vacancy by appointment. The clerk of the
3367 governing authority shall certify to the Secretary of State the
3368 fact of the appointment, and the person so appointed shall be
3369 commissioned by the Governor.

3370 **SECTION 85.** Section 23-15-859, Mississippi Code of 1972, is
3371 amended as follows:

3372 23-15-859. Whenever under any statute a special election is
3373 required or authorized to be held in any municipality, and the
3374 statute authorizing or requiring such election does not specify
3375 the time within which * * *~~such~~ the election shall be called, or



3376 the notice which shall be given thereof, the governing authorities
3377 of the municipality shall, by resolution, fix a date upon which
3378 * * *~~such~~ that election shall be held. * * *~~Such~~ The date shall
3379 not be less than twenty-one (21) nor more than thirty (30) days
3380 after the date upon which * * *~~such~~ the resolution is adopted, and
3381 not less than three (3) weeks' notice of * * *~~such~~ the election
3382 shall be given by the clerk by a notice published in a newspaper
3383 published in the municipality once each week for three (3) weeks
3384 next preceding the date * * *~~of such~~ pre-election day voting
3385 begins for the election, and by posting a copy of * * *~~such~~ the
3386 notice at three (3) public places in * * *~~such~~ the municipality.
3387 Nothing herein, however, shall be applicable to elections on the
3388 question of the issuance of the bonds of a municipality or to
3389 general or primary elections for the election of municipal
3390 officers.

3391 **SECTION 86.** Section 23-15-895, Mississippi Code of 1972, is
3392 amended as follows:

3393 23-15-895. It shall be unlawful for any candidate for an
3394 elective office, or any representative of such candidate, or for
3395 any proponent or opponent of any constitutional amendment, local
3396 issue or other measure printed on the ballot to post or distribute
3397 cards, posters or other campaign literature within one hundred
3398 fifty (150) feet of any entrance of the building wherein
3399 pre-election day voting or any election is being held. It shall
3400 be unlawful for any candidate or a representative named by him or



3401 her in writing to appear at any polling place while armed or
3402 uniformed, nor shall he or she display any badge or credentials
3403 except as may be issued by the manager of the polling place. As
3404 used in this section, the term "local issue" shall have the
3405 meaning ascribed to such term in Section 23-15-375.

3406 **SECTION 87.** Section 23-15-913, Mississippi Code of 1972, is
3407 amended as follows:

3408 23-15-913. The judges selected to hear election disputes
3409 shall be available on election day and during the pre-election day
3410 voting period to immediately hear and resolve any
3411 election * * *~~day~~ disputes. The rules for filing pleadings shall
3412 be relaxed to carry out the purposes of this section. The judges
3413 selected shall perform no other judicial duties * * *~~on~~ during the
3414 election * * *~~day~~ periods. The Supreme Court shall make judges
3415 available to hear disputes in the county in which the disputes
3416 occur but no judge shall hear disputes in the district,
3417 subdistrict or county in which he or she was elected nor shall any
3418 judge hear any dispute in which any potential conflict may arise.
3419 Each judge shall be fair and impartial and shall be assigned on
3420 that basis.

3421 **SECTION 88.** Section 23-15-963, Mississippi Code of 1972, is
3422 amended as follows:

3423 23-15-963. (1) Any person desiring to contest the
3424 qualifications of another person who has qualified pursuant to the
3425 provisions of Section 23-15-359 * * *~~, Mississippi Code of 1972,~~



3426 as a candidate for any office elected at a general election, shall
3427 file a petition specifically setting forth the grounds of the
3428 challenge not later than thirty-one (31) days after the date of
3429 the first primary election set forth in Section 23-15-191 * * *~~7~~
3430 ~~Mississippi Code of 1972.~~ * * *~~Such~~ The petition shall be filed
3431 with the same body with whom the candidate in question qualified
3432 pursuant to Section 23-15-359 * * *~~7~~, ~~Mississippi Code of 1972.~~

3433 (2) Any person desiring to contest the qualifications of
3434 another person who has qualified pursuant to the provisions of
3435 Section 23-15-213 * * *~~7~~, ~~Mississippi Code of 1972,~~ as a candidate
3436 for county election commissioner elected at a general election,
3437 shall file a petition specifically setting forth the grounds of
3438 the challenge no later than sixty (60) days * * *~~prior to~~ before
3439 the period for pre-election day voting begins for the general
3440 election. * * *~~Such~~ The petition shall be filed with the county
3441 board of supervisors, being the same body with whom the candidate
3442 in question qualified pursuant to Section 23-15-213 * * *~~7~~
3443 ~~Mississippi Code of 1972.~~

3444 (3) Any person desiring to contest the qualifications of
3445 another person who has qualified pursuant to the provisions of
3446 Section 23-15-361 * * *~~7~~, ~~Mississippi Code of 1972,~~ as a candidate
3447 for municipal office elected on the date designated by law for
3448 regular municipal elections, shall file a petition specifically
3449 setting forth the grounds of the challenge no later than
3450 thirty-one (31) days after the date of the first primary election



3451 set forth in Section 23-15-309 * * *, ~~Mississippi Code of 1972.~~

3452 * * *~~Such~~ The petition shall be filed with the municipal
3453 commissioners of election, being the same body with whom the
3454 candidate in question qualified pursuant to Section
3455 23-15-361 * * *, ~~Mississippi Code of 1972.~~

3456 (4) Within ten (10) days of receipt of the petition
3457 described in subsections (1), (2) and (3) of this section, the
3458 appropriate election officials shall meet and rule upon the
3459 petition. At least two (2) days before the hearing to consider
3460 the petition, the appropriate election officials shall give notice
3461 to both the petitioner and the contested candidate of the time and
3462 place of the hearing on the petition. Each party shall be given
3463 an opportunity to be heard at such meeting and present evidence in
3464 support of his or her position.

3465 (5) If the appropriate election officials fail to rule upon
3466 the petition within the time required above, such inaction shall
3467 be interpreted as a denial of the request for relief contained in
3468 the petition.

3469 (6) Any party aggrieved by the action or inaction of the
3470 appropriate election officials may file a petition for judicial
3471 review to the circuit court of the county in which the election
3472 officials whose decision is being reviewed sits. * * *~~Such~~ The
3473 petition must be filed no later than fifteen (15) days after the
3474 date the petition was originally filed with the appropriate
3475 election officials. * * *~~Such~~ The person filing for judicial



3476 review shall give a cost bond in the sum of Three Hundred Dollars
3477 (\$300.00) with two (2) or more sufficient sureties conditioned to
3478 pay all costs in case his or her petition be dismissed, and an
3479 additional bond may be required, by the court, if necessary, at
3480 any subsequent stage of the proceedings.

3481 (7) The circuit court with whom such a petition for judicial
3482 review has been filed shall at the earliest possible date set the
3483 matter for hearing. Notice shall be given to the interested
3484 parties of the time set for hearing by the circuit clerk. The
3485 hearing before the circuit court shall be de novo. The matter
3486 shall be tried to the circuit judge, without a jury. After
3487 hearing the evidence, the circuit judge shall determine whether
3488 the candidate whose qualifications have been challenged is legally
3489 qualified to have his or her name placed upon the ballot in
3490 question. The circuit judge may, upon disqualification of any
3491 such candidate, order that * * *~~such~~ the candidate * * *~~shall~~ bear
3492 the court costs of the proceedings.

3493 (8) Within three (3) days after judgment is rendered by the
3494 circuit court, the contestant or contestee, or both, may file an
3495 appeal in the Supreme Court upon giving a cost bond in the sum of
3496 Three Hundred Dollars (\$300.00), together with a bill of
3497 exceptions * * *~~which~~ that shall state the point or points of law
3498 at issue with a sufficient synopsis of the facts to fully disclose
3499 the bearing and relevancy of such points of law. The bill of
3500 exceptions shall be signed by the trial judge, or in case of his



3501 or her absence, refusal or disability, by two (2) disinterested
3502 attorneys, as is provided by law in other cases of bills of
3503 exception. The filing of * * *~~such~~ the appeals shall
3504 automatically suspend the decision of the circuit court and the
3505 appropriate election officials are entitled to proceed based upon
3506 their decision * * *~~unless and~~ until the Supreme Court, in its
3507 discretion, stays further proceedings in the matter. The appeal
3508 shall be immediately docketed in the Supreme Court and referred to
3509 the court en banc upon briefs without oral argument unless the
3510 court shall call for oral argument, and shall be decided at the
3511 earliest possible date, as a preference case over all others. The
3512 Supreme Court shall have the authority to grant such relief as is
3513 appropriate under the circumstances.

3514 (9) The procedure set forth above shall be the * * *~~sole and~~
3515 only manner in which the qualifications of a candidate seeking
3516 public office who qualified pursuant to the provisions of Sections
3517 23-15-359, 23-15-213 and 23-15-361 * * *~~, Mississippi Code of~~
3518 ~~1972,~~ may be challenged * * *~~prior to~~ before the time of his or
3519 her election. After any such person has been elected to public
3520 office, the election may be challenged as otherwise provided by
3521 law. After any person assumes an elective office, his or her
3522 qualifications to hold that office may be contested as otherwise
3523 provided by law.

3524 **SECTION 89.** Section 23-15-977, Mississippi Code of 1972, is
3525 amended as follows:



3526 23-15-977. (1) Except as otherwise provided in this
3527 section, all candidates for judicial office as defined in Section
3528 23-15-975 of this subarticle shall file their intent to be a
3529 candidate with the proper officials not later than 5:00 p.m. on
3530 the first Friday after the first Monday in May * * *~~prior to~~
3531 before the general election for judicial office and shall pay to
3532 the proper officials the following amounts:

3533 (a) Candidates for Supreme Court judge and Court of
3534 Appeals, the sum of Two Hundred Dollars (\$200.00).

3535 (b) Candidates for circuit judge and chancellor, the
3536 sum of One Hundred Dollars (\$100.00).

3537 (c) Candidates for county judge and family court judge,
3538 the sum of Fifteen Dollars (\$15.00).

3539 Candidates for judicial office may not file their intent to
3540 be a candidate and pay the proper assessment before January 1 of
3541 the year in which the election for the judicial office is held.

3542 (2) Candidates for judicial offices listed in paragraphs (a)
3543 and (b) of subsection (1) of this section shall file their intent
3544 to be a candidate with, and pay the proper assessment made
3545 pursuant to subsection (1) of this section to, the State Board of
3546 Election Commissioners.

3547 (3) Candidates for judicial offices listed in paragraph (c)
3548 of subsection (1) of this section shall file their intent to be a
3549 candidate with, and pay the proper assessment made pursuant to
3550 subsection (1) of this section to, the circuit clerk of the proper



3551 county. The circuit clerk shall notify the county election
3552 commissioners * * *~~of election~~ of all persons who have filed their
3553 intent to be a candidate with, and paid the proper assessment
3554 to, * * *~~such~~ the clerk. * * *~~Such~~ The notification shall occur
3555 within two (2) business days and shall contain all necessary
3556 information.

3557 (4) If only one (1) person files his or her intent to be a
3558 candidate for a judicial office and that person subsequently dies,
3559 resigns or is otherwise disqualified from holding the judicial
3560 office after the deadline provided for in subsection (1) of this
3561 section but more than seventy (70) days before the date * * *~~of~~
3562 that pre-election day voting begins for the general election, the
3563 Governor, upon notification of the death, resignation or
3564 disqualification of the person, shall issue a proclamation
3565 authorizing candidates to file their intent to be a candidate for
3566 that judicial office for a period of not less than seven (7) nor
3567 more than ten (10) days from the date of the proclamation.

3568 (5) If only one (1) person qualifies as a candidate for a
3569 judicial office and that person subsequently dies, resigns or is
3570 otherwise disqualified from holding the judicial office within
3571 seventy (70) days before the date * * *~~of~~ that pre-election day
3572 voting begins for the general election, the judicial office shall
3573 be considered vacant for the new term and the vacancy shall be
3574 filled as provided in by law.



3575 **SECTION 90.** Section 23-15-1031, Mississippi Code of 1972, is
3576 amended as follows:

3577 23-15-1031. Except as may be otherwise provided by Section
3578 23-15-1081, the first primary election for congressmen shall be
3579 held on the first Tuesday in June of the years in which
3580 congressmen are elected, and the second primary, when one is
3581 necessary, shall be held three (3) weeks thereafter. Each year in
3582 which a presidential election is held, the congressional primary
3583 shall be held as provided in Section 23-15-1081. The election
3584 shall be held in all districts of the state during the same period
3585 for pre-election day voting and on the same day. Candidates for
3586 United States Senator shall be nominated at the congressional
3587 primary next preceding the general election at which a senator is
3588 to be elected and in the same manner that congressmen are
3589 nominated, and the * * *~~chairman~~ chair and secretary of the state
3590 executive committee shall certify the vote for United States
3591 Senator to the Secretary of State in the same manner that county
3592 executive committees certify the returns of counties in general
3593 state and county primary elections.

3594 **SECTION 91.** Section 23-15-1081, Mississippi Code of 1972, is
3595 amended as follows:

3596 23-15-1081. A presidential preference primary may be held on
3597 the second Tuesday in March of each year in which a President of
3598 the United States is to be elected and during the pre-election day
3599 voting period established in this act. Each political



3600 party * * *~~which~~ that has cast for its candidates for President
3601 and Vice President in the previous presidential election more than
3602 twenty percent (20%) of the total vote cast for President and Vice
3603 President in the state, may conduct a presidential preference
3604 primary. No elector shall vote in the primary of more than one
3605 (1) political party in the same presidential preference primary.

3606 **SECTION 92.** Section 23-15-1083, Mississippi Code of 1972, is
3607 amended as follows:

3608 23-15-1083. Beginning in 1988, as an alternative to the
3609 congressional primary election date set forth in Section
3610 23-15-1031, when a political party elects to conduct a
3611 presidential preference primary, the first primary election for
3612 congressmen, and senators, if senators are to be elected, shall be
3613 held on the second Tuesday in March and during the pre-election
3614 day voting period established in this act, and the second primary,
3615 when one is necessary, shall be held three (3) weeks thereafter,
3616 and the election shall be held in all districts of the state on
3617 the same day.

3618 **SECTION 93.** Section 23-15-1085, Mississippi Code of 1972, is
3619 amended as follows:

3620 23-15-1085. The * * *~~chairman~~ chair of a party's state
3621 executive committee shall notify the Secretary of State if the
3622 party intends to hold a presidential preference primary. The
3623 Secretary of State shall be notified * * *~~prior to~~ before December
3624 1 of the year preceding the year in which a presidential



3625 preference primary may be held pursuant to Section 23-15-1081.
3626 Upon * * *~~such~~ the notification, the Secretary of State shall
3627 issue a proclamation setting every party's congressional and
3628 senatorial primary elections, including the period for
3629 pre-election day voting, that are to be held in the year in which
3630 the presidential preference primary is to be held on the date
3631 provided for in Section 23-15-1083. Once the Secretary of State
3632 has issued a proclamation pursuant to this section, the dates of
3633 the congressional and senatorial primary elections shall not be
3634 changed.

3635 **SECTION 94.** Section 23-15-1091, Mississippi Code of 1972, is
3636 amended as follows:

3637 23-15-1091. When the Secretary of State places the name of a
3638 candidate on the ballot pursuant to Section 23-15-1093, he or she
3639 shall notify the candidate that his or her name will appear on the
3640 ballot of this state in the presidential preference primary
3641 election.

3642 The secretary shall also notify the candidate that he or she
3643 may withdraw his or her name from the ballot by filing with the
3644 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3645 later than the sixtieth day before the period for pre-election day
3646 voting begins for that election.

3647 **SECTION 95.** Section 21-3-3, Mississippi Code of 1972, is
3648 amended as follows:



3649 21-3-3. The elective officers of all municipalities
3650 operating under a code charter shall be the mayor, the aldermen,
3651 municipal judge, the marshal or chief of police, the tax collector
3652 and the tax assessor. From and after July 1, 2017, the governing
3653 authorities of the municipality shall appoint a city or town clerk
3654 who shall likewise serve as an officer of the municipality.
3655 However, the governing authorities of the municipality shall have
3656 the power, by ordinance, to combine the office of clerk or marshal
3657 with the office of tax collector and/or tax assessor. * * *~~Such~~
3658 The governing authorities shall have the further power to provide
3659 that * * *~~all or~~ any of * * *~~such~~ those officers, except those of
3660 mayor and aldermen, shall be appointive, in which case the marshal
3661 or chief of police, the tax collector, the tax assessor, and the
3662 city or town clerk, or such of * * *~~such~~ the officers as may be
3663 made appointive, shall be appointed by the governing authorities.
3664 Any action taken by the governing authorities to make any
3665 of * * *~~such~~ the offices appointive shall be by ordinance
3666 of * * *~~such~~ the municipality, and no such ordinance shall be
3667 adopted within ninety (90) days * * *~~prior to~~ before the period
3668 for pre-election day voting begins for any regular general
3669 election for the election of municipal officers. No such
3670 ordinance shall become effective during the term of office of any
3671 officer whose office shall be affected thereby. If any such
3672 office is made appointive, the person appointed thereto shall hold
3673 office at the pleasure of the governing authorities and may be



3674 discharged by * * *~~such~~ the governing authorities at any time,
3675 either with or without cause, and it shall be discretionary with
3676 the governing authorities whether or not to require * * *~~such~~ the
3677 person appointed thereto to reside within the corporate limits of
3678 the municipality in order to hold * * *~~such~~ the office.

3679 **SECTION 96.** Section 21-9-17, Mississippi Code of 1972, is
3680 amended as follows:

3681 21-9-17. Except as otherwise provided, all candidates for
3682 mayor and councilmen, or any of them, to be voted for * * *~~at~~
3683 during the periods for holding any general or special municipal
3684 election, shall be nominated by party primary election, and no
3685 other name or names shall be placed on the official ballot
3686 at * * *~~such~~ the general or special election than those selected
3687 in the manner prescribed herein. Such primary election or
3688 elections, shall be held not less than ten (10), nor more than
3689 thirty (30) days, * * *~~preceding~~ before the general or special
3690 election, and * * *~~such~~ the primary election or elections shall be
3691 held and conducted in the manner as near as may be as is provided
3692 by law for state and county primary elections.

3693 **SECTION 97.** Section 37-5-9, Mississippi Code of 1972, is
3694 amended as follows:

3695 37-5-9. The name of any qualified elector who is a candidate
3696 for the county board of education shall be placed on the ballot
3697 used in the general elections by the county election
3698 commissioners, provided that the candidate files with the county



3699 election commissioners, not more than ninety (90) days and not
3700 less than sixty (60) days * * *~~prior to~~ before the date * * *~~of~~
3701 ~~such~~ pre-election day voting begins for the general election, a
3702 petition of nomination signed by not less than fifty (50)
3703 qualified electors of the county residing within each supervisors
3704 district. Where there are less than one hundred (100) qualified
3705 electors in * * *~~said~~ the supervisors district, it shall only be
3706 required that * * *~~said~~ the petition of nomination be signed by at
3707 least twenty percent (20%) of the qualified electors of * * *~~such~~
3708 the supervisors district. The candidate in each supervisors
3709 district who receives the highest number of votes cast in the
3710 district shall be declared elected.

3711 When any member of the county board of education is to be
3712 elected from the county at large under the provisions of this
3713 chapter, then the petition required by the preceding paragraph
3714 hereof shall be signed by the required number of qualified
3715 electors residing in any part of the county outside of the
3716 territory embraced within a municipal separate school district or
3717 special municipal separate school district. The candidate who
3718 receives the highest number of votes cast in the election shall be
3719 declared elected.

3720 In no case shall any qualified elector residing within a
3721 municipal separate school district or special municipal separate
3722 school district be eligible to sign a petition of nomination for



3723 any candidate for the county board of education under any of the
3724 provisions of this section.

3725 **SECTION 98.** Section 37-5-7, Mississippi Code of 1972, is
3726 amended as follows:

3727 37-5-7. (1) On the first Tuesday after the first Monday in
3728 May, 1954, an election shall be held in each county in this state
3729 in the same manner, including the provisions for pre-election day
3730 voting established in this act, as general state and county
3731 elections are held and conducted, which election shall be held for
3732 the purpose of electing the county boards of education established
3733 under the provisions of this chapter. At * * *~~such~~ the election,
3734 the members of the * * *~~said~~ board from Supervisors Districts One
3735 and Two shall be elected for the term expiring on the first Monday
3736 of January, 1957; members of the board from Supervisors Districts
3737 Three and Four shall be elected for a term expiring on the first
3738 Monday of January, 1959; and the member of the board from
3739 Supervisors District Five shall be elected for a term expiring on
3740 the first Monday of January, 1955. Except as otherwise provided
3741 in subsection (2), all subsequent members of the board shall be
3742 elected for a term of six (6) years at the regular general
3743 election held on the first Monday in November next preceding the
3744 expiration of the term of office of the respective member or
3745 members of * * *~~such~~ the board. All members of the county board
3746 of education as herein constituted, shall take office on the first
3747 Monday of January following the date of their election.



3748 (2) On the first Tuesday after the first Monday in November,
3749 in any year in which any county shall elect to utilize the
3750 authority contained in Section 37-5-1(2), an election shall be
3751 held in each such county in this state for the purpose of electing
3752 the county boards of education in * * *~~such~~ those counties.
3753 At * * *~~said~~ the election the members of the * * *~~said~~ county
3754 board of education from Districts One and Two shall be elected for
3755 a term of four (4) years, the members from Districts Three and
3756 Four shall be elected for a term of six (6) years, and the member
3757 from District Five shall be elected for a term of two (2) years.
3758 Thereafter, members shall be elected at general elections as
3759 vacancies occur for terms of six (6) years each. All members of
3760 the county board of education shall take office on the first
3761 Monday of January following the date of their election.

3762 (3) (a) Current members of the Board of Trustees of the
3763 Greenwood Public School District serving on November 1, 2017,
3764 shall continue in office as the new County Board of Education of
3765 the Greenwood-Leflore School District until their successors are
3766 elected as follows:

3767 (i) The two (2) appointed board members of the
3768 Greenwood Public School District whose terms are nearest to
3769 expiration shall expire on January 1, 2019, and thereafter become
3770 permanently elected positions to be filled by persons elected as
3771 board members from Supervisors Districts 2 and 3 in a November
3772 2018 election held for that purpose, in the manner prescribed in



3773 Section 37-7-203, and the newly elected members will take office
3774 on January 1, 2019, for a term of four (4) years;

3775 (ii) The final two (2) appointed board members of
3776 the Greenwood Public School District whose terms are the farthest
3777 removed from expiration shall expire on January 1, 2020, and
3778 thereafter become permanently elected positions to be filled by
3779 persons elected as board members from Supervisors Districts 4 and
3780 5 in a November 2019 election held for that purpose, in the manner
3781 prescribed in Section 37-7-203, and the newly elected members will
3782 take office on January 1, 2020, for a term of four (4) years; and

3783 (iii) One (1) appointed board member of the
3784 Greenwood Public School District whose term is next nearest to
3785 expiration shall expire on January 1, 2021, and thereafter become
3786 a permanently elected position to be filled by a person elected as
3787 a board member from Supervisors District 1 in a November 2020
3788 election held for that purpose, in the manner prescribed in
3789 Section 37-7-203, and the newly elected members will take office
3790 on January 1, 2021, for a term of four (4) years.

3791 (b) All subsequent members shall be elected for a term
3792 of four (4) years at the regular general election held on the
3793 first Monday in November next preceding the expiration of the term
3794 of office of the respective members, and shall take office on
3795 January 1 next succeeding the election.

3796 (4) On the first Tuesday after the first Monday in November
3797 2017, an election shall be held in Holmes County for the purpose



3798 of electing the county board of education in the new Holmes County
3799 Consolidated School District. At the election, the members of
3800 the * * *~~said~~ county board of education shall be elected from
3801 single member board of education districts, which shall be
3802 consistent with the supervisors district lines in the county, and
3803 shall be elected for an initial term of six (6) years. Subsequent
3804 elections for the Holmes County Board of Education shall be held
3805 on the first Tuesday after the first Monday in November 2023 and
3806 every four (4) years thereafter at the same time and manner as
3807 other general elections are held, and the member shall be elected
3808 for a term of four (4) years. All members of the county board of
3809 education in the new Holmes County Consolidated School District
3810 shall take office on the first Monday of January following the
3811 date of their election.

3812 **SECTION 99.** Section 21-8-7, Mississippi Code of 1972, is
3813 amended as follows:

3814 21-8-7. (1) Each municipality operating under the
3815 mayor-council form of government shall be governed by an elected
3816 council and an elected mayor. Other officers and employees shall
3817 be duly appointed pursuant to this chapter, general law or
3818 ordinance.

3819 (2) Except as otherwise provided in subsection (4) of this
3820 section, the mayor and council members shall be elected by the
3821 voters of the municipality at a regular municipal election held on
3822 the first Tuesday after the first Monday in June as provided in



3823 Section 21-11-7, and shall serve for a term of four (4) years
3824 beginning on the first day of July next following the election
3825 that is not on a weekend. Votes for mayor and council members may
3826 also be cast during the period for pre-election day voting as
3827 provided for in this act.

3828 (3) The terms of the initial mayor and council members shall
3829 commence at the expiration of the terms of office of the elected
3830 officials of the municipality serving at the time of adoption of
3831 the mayor-council form.

3832 (4) (a) The council shall consist of five (5), seven (7) or
3833 nine (9) members. In the event there are five (5) council
3834 members, the municipality shall be divided into either five (5) or
3835 four (4) wards. In the event there are seven (7) council members,
3836 the municipality shall be divided into either seven (7), six (6)
3837 or five (5) wards. In the event there are nine (9) council
3838 members, the municipality shall be divided into seven (7) or nine
3839 (9) wards. If the municipality is divided into fewer wards than
3840 it has council members, the other council member or members shall
3841 be elected from the municipality at large. The total number of
3842 council members and the number of council members elected from
3843 wards shall be established by the petition or petitions presented
3844 pursuant to Section 21-8-3. One (1) council member shall be
3845 elected from each ward by the voters of that ward. Council
3846 members elected to represent wards must be residents of their
3847 wards at the time of qualification for election, and any council



3848 member who removes the member's residence from the municipality or
3849 from the ward from which elected shall vacate that office.
3850 However, any candidate for council member who is properly
3851 qualified as a candidate under applicable law shall be deemed to
3852 be qualified as a candidate in whatever ward the member resides if
3853 the ward has changed after the council has redistricted the
3854 municipality as provided in paragraph (c)(ii) of this subsection
3855 (4), and if the wards have been so changed, any person may qualify
3856 as a candidate for council member, using the person's existing
3857 residence or by changing the person's residence, not less than
3858 fifteen (15) days before the period for pre-election day voting
3859 begins for the first party primary or special party primary, as
3860 the case may be, notwithstanding any other residency or
3861 qualification requirements to the contrary.

3862 (b) The council or board existing at the time of the
3863 adoption of the mayor-council form of government shall designate
3864 the geographical boundaries of the wards within one hundred twenty
3865 (120) days after the election in which the mayor-council form of
3866 government is selected. In designating the geographical
3867 boundaries of the wards, each ward shall contain, as nearly as
3868 possible, the population factor obtained by dividing the
3869 municipality's population as shown by the most recent decennial
3870 census by the number of wards into which the municipality is to be
3871 divided.



3872 (c) (i) It shall be the mandatory duty of the council
3873 to redistrict the municipality by ordinance, which ordinance may
3874 not be vetoed by the mayor, within six (6) months after the
3875 official publication by the United States of the population of the
3876 municipality as enumerated in each decennial census, and within
3877 six (6) months after the effective date of any expansion of
3878 municipal boundaries; however, if the publication of the most
3879 recent decennial census or effective date of an expansion of the
3880 municipal boundaries occurs six (6) months or more before the
3881 first party primary of a general municipal election, then the
3882 council shall redistrict the municipality by ordinance not less
3883 than sixty (60) days before the period for pre-election day voting
3884 begins for the first party primary.

3885 (ii) If the publication of the most recent
3886 decennial census occurs less than six (6) months before the first
3887 primary of a general municipal election, the election shall be
3888 held with regard to the existing defined wards; reapportioned
3889 wards based on the census shall not serve as the basis for
3890 representation until the next regularly scheduled election in
3891 which council members shall be elected.

3892 (d) If annexation of additional territory into the
3893 municipal corporate limits of the municipality occurs less than
3894 six (6) months before the first party primary of a general
3895 municipal election, the council shall, by ordinance adopted within
3896 three (3) days of the effective date of the annexation, assign the



3897 annexed territory to an adjacent ward or wards so as to maintain
3898 as nearly as possible substantial equality of population between
3899 wards; any subsequent redistricting of the municipality by
3900 ordinance, as required by this chapter, shall not serve as the
3901 basis for representation until the next regularly scheduled
3902 election for municipal council members.

3903 (5) Vacancies occurring in the council shall be filled as
3904 provided in Section 23-15-857.

3905 (6) The mayor shall maintain an office at the city hall.
3906 The council members shall not maintain individual offices at the
3907 city hall; however, in a municipality having a population of one
3908 hundred thousand (100,000) and above according to the latest
3909 federal decennial census, council members may have individual
3910 offices in the city hall. Clerical work of council members in the
3911 performance of the duties of their office shall be performed by
3912 municipal employees or at municipal expense, and council members
3913 shall be reimbursed for the reasonable expenses incurred in the
3914 performance of the duties of their office.

3915 **SECTION 100.** Section 9-4-5, Mississippi Code of 1972, is
3916 amended as follows:

3917 9-4-5. (1) The term of office of judges of the Court of
3918 Appeals shall be eight (8) years. An election shall be held on
3919 the first Tuesday after the first Monday in November 1994, to
3920 elect the ten (10) judges of the Court of Appeals, two (2) from
3921 each congressional district; provided, however, judges of the



3922 Court of Appeals who are elected to take office after the first
3923 Monday of January 2002, shall be elected from the Court of Appeals
3924 Districts described in subsection (5) of this section. The judges
3925 of the Court of Appeals shall begin service on the first Monday of
3926 January 1995. Votes for judges of the Court of Appeals may be
3927 cast, if applicable, during the period for pre-election day voting
3928 provided for in this act.

3929 (2) (a) In order to provide that the offices of not more
3930 than a majority of the judges of * * *~~said~~ the court shall become
3931 vacant at any one (1) time, the terms of office of six (6) of the
3932 judges first to be elected shall expire in less than eight (8)
3933 years. For the purpose of all elections of members of the court,
3934 each of the ten (10) judges of the Court of Appeals shall be
3935 considered a separate office. The two (2) offices in each of the
3936 five (5) districts shall be designated Position Number 1 and
3937 Position Number 2, and in qualifying for office as a candidate for
3938 any office of judge of the Court of Appeals each candidate shall
3939 state the position number of the office to which he or she aspires
3940 and the election ballots shall so indicate.

3941 (i) In Congressional District Number 1, the judge
3942 of the Court of Appeals for Position Number 1 shall be that office
3943 for which the term ends January 1, 1999, and the judge of the
3944 Court of Appeals for Position Number 2 shall be that office for
3945 which the term ends January 1, 2003.



3946 (ii) In Congressional District Number 2, the judge
3947 of the Court of Appeals for Position Number 1 shall be that office
3948 for which the term ends on January 1, 2003, and the judge of the
3949 Court of Appeals for Position Number 2 shall be that office for
3950 which the term ends January 1, 2001.

3951 (iii) In Congressional District Number 3, the
3952 judge of the Court of Appeals for Position Number 1 shall be that
3953 office for which the term ends on January 1, 2001, and the judge
3954 of the Court of Appeals for Position Number 2 shall be that office
3955 for which the term ends January 1, 1999.

3956 (iv) In Congressional District Number 4, the judge
3957 of the Court of Appeals for Position Number 1 shall be that office
3958 for which the term ends on January 1, 1999, and the judge of the
3959 Court of Appeals for Position Number 2 shall be that office for
3960 which the term ends January 1, 2003.

3961 (v) In Congressional District Number 5, the judge
3962 of the Court of Appeals for Position Number 1 shall be that office
3963 for which the term ends on January 1, 2003, and the judge of the
3964 Court of Appeals for Position Number 2 shall be that office for
3965 which the term ends January 1, 2001.

3966 (b) The laws regulating the general elections shall
3967 apply to and govern the elections of judges of the Court of
3968 Appeals except as otherwise provided in Sections 23-15-974 through
3969 23-15-985.



3970 (c) In the year * * * ~~prior to~~ before the expiration of
3971 the term of an incumbent, and likewise each eighth year
3972 thereafter, an election shall be held in the manner provided in
3973 this section in the district from which the incumbent Court of
3974 Appeals judge was elected at which there shall be elected a
3975 successor to the incumbent, whose term of office shall thereafter
3976 begin on the first Monday of January of the year in which the term
3977 of the incumbent he or she succeeds expires.

3978 (3) No person shall be eligible for the office of judge of
3979 the Court of Appeals who has not attained the age of thirty (30)
3980 years at the time of his or her election and who has not been a
3981 practicing attorney and citizen of the state for five (5) years
3982 immediately * * * ~~preceding such~~ before the election.

3983 (4) Any vacancy on the Court of Appeals shall be filled by
3984 appointment of the Governor for that portion of the unexpired
3985 term * * * ~~prior to~~ before the election to fill the remainder
3986 of * * * ~~said the~~ term according to provisions of Section
3987 23-15-849 * * * ~~, Mississippi Code of 1972.~~

3988 (5) (a) The State of Mississippi is hereby divided into
3989 five (5) Court of Appeals Districts as follows:

3990 **FIRST DISTRICT.** The First Court of Appeals District shall be
3991 composed of the following counties and portions of counties:
3992 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3993 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3994 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada



3995 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3996 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3997 Nations and Poplar Creek; in Panola County the precincts of East
3998 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3999 Springport, South Springport, Eureka, Williamson, East Batesville
4000 4, West Batesville 4, Fern Hill, North Batesville A, East
4001 Batesville 5 and West Batesville 5; and in Tallahatchie County the
4002 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
4003 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
4004 Murphreesboro and Rosebloom.

4005 **SECOND DISTRICT.** The Second Court of Appeals District shall
4006 be composed of the following counties and portions of counties:
4007 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
4008 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
4009 Tunica, Warren, Washington and Yazoo; in Attala County the
4010 precincts of Northeast, Hesterville, Possomneck, North Central,
4011 McAdams, Newport, Sallis and Southwest; that portion of Grenada
4012 County not included in the First Court of Appeals District; in
4013 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
4014 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
4015 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
4016 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
4017 precincts of Conway, West Carthage, Wiggins, Thomastown and
4018 Ofahoma; in Madison County the precincts of Farmhaven, Canton
4019 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,



4020 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
4021 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
4022 Canton Precinct 1 and Canton Precinct 4; that portion of
4023 Montgomery County not included in the First Court of Appeals
4024 District; that portion of Panola County not included in the First
4025 Court of Appeals District; and that portion of Tallahatchie County
4026 not included in the First Court of Appeals District.

4027 **THIRD DISTRICT.** The Third Court of Appeals District shall be
4028 composed of the following counties and portions of counties:
4029 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
4030 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
4031 portion of Attala County not included in the Second Court of
4032 Appeals District; in Jones County the precincts of Northwest High
4033 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
4034 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
4035 Antioch and Landrum; that portion of Leake County not included in
4036 the Second Court of Appeals District; that portion of Madison
4037 County not included in the Second Court of Appeals District; and
4038 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
4039 Diamond, Chaparral, Matherville, Coit and Eucutta.

4040 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
4041 be composed of the following counties and portions of counties:
4042 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
4043 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
4044 that portion of Hinds County not included in the Second Court of



4045 Appeals District; and that portion of Jones county not included in
4046 the Third Court of Appeals District.

4047 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
4048 composed of the following counties and portions of counties:
4049 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
4050 River, Perry and Stone; and that portion of Wayne County not
4051 included in the Third Court of Appeals District.

4052 (b) The boundaries of the Court of Appeals Districts
4053 described in paragraph (a) of this subsection shall be the
4054 boundaries of the counties and precincts listed in paragraph (a)
4055 of this subsection as such boundaries existed on October 1, 1990.

4056 **SECTION 101.** This act shall take effect and be in force from
4057 and after July 1, 2017.

