

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 * * * before any election in
107 which absentee voting is provided for by law, the registrar shall
108 provide a sufficient number of applications. In the event a
109 special election is called and set at a date * * * that makes it
110 impractical or impossible to prepare applications for absent



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

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

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



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

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

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

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



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

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

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

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



185 must have the seal of the circuit or municipal clerk affixed to it
186 and be initialed by the registrar or his or her deputy in order to
187 be utilized to obtain an absentee ballot. A reproduction of an
188 absentee ballot application shall not be valid unless it is a
189 reproduction provided by the office of the registrar of the
190 jurisdiction in which the election is being held and which
191 contains the seal and initials required by this section. * * *

192 The application shall be substantially in the following form:

193 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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

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



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

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

217 * * *

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

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

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

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

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

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



235 * * *

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

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

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

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

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

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

255 _____
256 (Signature of absent elector)

257 SWORN TO AND SUBSCRIBED before me this the _____ day of _____,
258 2____.

259 _____



(Official authorized to administer oaths
for absentee balloting.)

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

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

(Signature of witness)

CERTIFICATE OF DELIVERY

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

(Signature of person delivering application)

(Address of person delivering application)"

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

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



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

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

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



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

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

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

319 * * *

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

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



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

352 (* * * c) When the application accompanies the ballot
353 it shall not be returned in the same envelope as the ballot but
354 shall be returned in a separate preaddressed envelope provided by
355 the registrar. However, if time permits the registrar shall first
356 send and receive a returned application from the absent elector
357 before mailing the absentee ballot.

358 (* * * d) A * * * candidate for public office, or the
359 spouse, parent or child of a candidate for public office, may not



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

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

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

381 * * *

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



384 23-15-635. (1) The form of the elector's certificate,
385 attesting witness certification and certificate of person
386 providing voter assistance on the back of the envelope used by
387 absentee voters * * * not absent voters as defined in Section
388 23-15-673, shall be as follows:

389 "ELECTOR'S CERTIFICATE

390 STATE OF _____

391 COUNTY * * * OF _____

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

401 I further swear that I marked the enclosed ballot in secret.
402 **Penalties for vote fraud are up to five (5) years in prison and a**
403 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
404 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
405 **to one (1) year in jail and a fine of up to * * * Three Thousand**
406 **Dollars (\$3,000.00). (Miss. Code. Ann. Section 97-13-37.)**

407 _____
408 (Signature of voter)



409

CERTIFICATE OF ATTESTING WITNESS

410

Under penalty of perjury I affirm that the above named voter

411

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

412

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

413

being duly sworn or having affirmed, subscribed the foregoing oath

414

or affirmation. That the voter exhibited to me his or her blank

415

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

416

exhibited the ballot to me; that the voter was not solicited or

417

advised by me to vote for any candidate, question or issue, and

418

that the voter, after marking his or her ballot, placed it in the

419

envelope, closed and sealed the envelope in my presence, and

420

signed and swore or affirmed the above certificate.

421

422

(Attesting witness)

(Address)

423

424

(Official title)

(City and State)

425

CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

426

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

427

his or her absentee ballot, the person who provided assistance

428

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

429

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

430

or she is blind, temporarily or permanently physically disabled,

431

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

432

assist the voter in marking the enclosed absentee ballot. I

433

hereby certify that the ballot preferences on the enclosed ballot



434 are those communicated by the voter to me, and that I have marked
435 the enclosed ballot in accordance with the voter's instructions.
436 **Penalties for vote fraud are up to five (5) years in prison and a**
437 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
438 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
439 **to one (1) year in jail and a fine of up to * * * Three Thousand**
440 **Dollars (\$3,000.00).** (Miss. Code. Ann. Section 97-13-37.)

441 _____
442 Signature of person providing assistance

443 _____
444 Printed name of person providing assistance

445 _____
446 Address of person providing assistance

447 _____
448 Date and time assistance provided

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

531 * * *



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

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

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

556 * * *



557 (* * *3) The ballots marked "REJECTED" shall be placed in a
558 separate envelope in the secure ballot transfer case and delivered
559 to the officials in charge of conducting the election at the
560 central tabulation point of the county.

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

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

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

580 23-15-647. The registrar shall keep safely and unopened all
581 official absentee ballots * * * that are received * * * after the



582 applicable cutoff period * * *. Upon receipt of * * * the ballot,
583 the registrar shall write the day and hour of the receipt of the
584 ballot on its envelope. All * * * absentee ballots * * * received
585 by the registrar after the cutoff time shall be safely kept
586 unopened by the registrar for the period of time required for the
587 preservation of ballots used in the election, and shall then,
588 without being opened, be destroyed in like manner as the used
589 ballots of the election.

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

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

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

603 23-15-657. The registrar is authorized to accept requests
604 for absentee ballots by telephone. * * * The registrar shall
605 ascertain the name and complete address of the person making the
606 telephone request and the person for whom the request is being



607 made if different than the requestor and shall print upon the
608 absentee ballot application the name and complete address of the
609 requestor * * *, the relation of * * * that person to the voter if
610 requested by a person other than the voter, the name and complete
611 address of the voter if requested by a person other than the voter
612 and the date * * * the request was made. * * * These requests
613 shall be processed through the Statewide Election Management
614 System.

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

617 23-15-713. For the purpose of this subarticle, any duly
618 qualified elector may vote by an absentee ballot to be received by
619 the elector and returned by mail to the registrar of the elector's
620 county of residence as provided in this subarticle if * * * the
621 elector falls within one (1) of the following categories:

622 * * *

623 (* * * a) Any qualified elector who is required to be
624 away from his or her place of residence on any election day due to
625 his or her employment as an employee of a member of the
626 Mississippi congressional delegation and the spouse and dependents
627 of * * * that person if he or she * * * resides with * * * the
628 absentee voter away from the county of the spouse's voting
629 residence * * *;

630 * * *



631 (* * *b) Any person who has a temporary or permanent
632 physical disability and who, because of * * * that disability, is
633 unable to vote in person without substantial hardship to himself,
634 herself or others, or whose attendance at the voting place could
635 reasonably cause danger to himself, herself or others * * *;

636 (* * *c) The parent, spouse or dependent of a person
637 with a temporary or permanent physical disability who is
638 hospitalized outside of his or her county of residence or more
639 than fifty (50) miles distant from his or her residence, if the
640 parent, spouse or dependent will be with * * * that person during
641 the pre-election day voting period or on election day * * *;

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

644 (* * *e) Any member of the Mississippi congressional
645 delegation absent from Mississippi on election day, and the spouse
646 and dependents of * * * the member of the congressional
647 delegation * * *;

648 (* * *f) Any qualified elector who * * * is * * *
649 temporarily residing outside of his or her county of residence
650 during the pre-election day voting period or on election day
651 during the times at which the polls will be open.

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

654 23-15-715. Any elector described in Section 23-15-713 and
655 desiring an absentee ballot as provided in this subarticle may



656 secure same if * * *, within forty-five (45) days before any
657 election day but not later than seven (7) days before the election
658 day, the elector applies for an absentee ballot as provided in the
659 provisions of this act. * * * All applications, other than those
660 of persons having a temporary or permanent physical disability,
661 shall * * * be sworn to and subscribed before an official who is
662 authorized to administer oaths or other official authorized to
663 witness absentee balloting as provided in this article. The
664 application must be accompanied by a verifying affidavit as
665 required by this article. The applications of persons having a
666 temporary or permanent physical disability are not required to be
667 accompanied by an affidavit but shall be witnessed and signed by a
668 person eighteen (18) years of age or older. * * *

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

671 23-15-717. Any elector enumerated in Section 23-15-713
672 applying for an absentee ballot shall complete an application form
673 as provided in Section 23-15-627, and * * * the elector shall fill
674 in the application as is appropriate for his or her particular
675 situation.

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

678 23-15-719. (1) * * * Upon receipt of a properly completed
679 application form by an elector qualified to vote absentee as
680 provided in this article, the registrar shall send the absent



681 voter an absentee ballot within one (1) business day, or as soon
682 as the absentee ballot is prepared and available, containing the
683 names of all the candidates or propositions to be voted on in the
684 election. The registrar shall include with the absentee ballot an
685 official envelope that complies with the provisions of this
686 article. * * * The registrar shall not personally hand deliver
687 ballots to voters * * *.

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

694 * * *

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

697 23-15-721. (1) Electors temporarily residing outside the
698 county and obtaining an absentee ballot under the provisions of
699 * * * Section 23-15-715 shall appear before any official
700 authorized to administer oaths or other official authorized to
701 witness absentee balloting as provided in this * * * article. The
702 elector shall exhibit to * * * the official his or her absentee
703 ballot unmarked and * * * then proceed in secret to fill in * * *
704 the ballot. After the elector has * * * marked the ballot
705 and * * * folded it, * * * the elector shall deposit it in the



706 official envelope * * *. After * * * sealing the envelope * * *
707 the elector shall deliver it to the official before whom he or she
708 is appearing and shall subscribe and swear to the elector's
709 certificate provided for in Section 23-15-635, * * * and that
710 affidavit shall be printed on the back of the envelope as provided
711 for in Section 23-15-635 containing the elector's ballot.

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

725 (3) After the completion of the requirements of this
726 section, the elector shall mail the envelope containing the
727 absentee ballot to the registrar in the county * * * where the
728 elector is * * * registered to vote. * * * Absentee ballots must
729 be received by the registrar * * * no later than 5:00 p.m. on the
730 day * * * before the election * * * day.



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

733 23-15-735. Absentee ballots shall not be delivered in person
734 to an absentee voter or to any other person * * *.

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

737 23-15-31. All of the provisions of this subarticle shall be
738 applicable, insofar as possible, to municipal, primary, general
739 and special elections and pre-election day voting; and wherever
740 therein any duty is imposed or any power or authority is conferred
741 upon the county registrar, county election commissioners or county
742 executive committee with reference to a state and county election
743 or pre-election day voting, * * * that duty shall likewise be
744 imposed and * * * the power and authority shall likewise be
745 conferred upon the municipal registrar, municipal election
746 commission or municipal executive committee with reference to any
747 municipal election or pre-election day voting.

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

750 23-15-37. (1) The registrar shall keep his or her books
751 open at his or her office and shall register the electors of * * *
752 the county at any time during regular office hours.

753 (2) The registrar may keep his or her office open for
754 registration of voters from 8:00 a.m. until 7:00 p.m., including
755 the noon hour, for the five (5) business days immediately



756 preceding the thirtieth day * * * before any regularly scheduled
757 primary or general election. The registrar shall also keep his or
758 her office open from 8:00 a.m. until 12:00 noon on the Saturday
759 immediately preceding the thirtieth day * * * before any regularly
760 scheduled primary or general election.

761 (3) The registrar, or any deputy registrar duly appointed by
762 law, may visit and spend such time as he or she may deem necessary
763 at any location in * * * the county, selected by the registrar not
764 less than thirty (30) days before * * * any regularly scheduled
765 primary or general election, for the purpose of registering
766 voters.

767 (4) A person who is physically disabled and unable to visit
768 the office of the registrar to register to vote due to * * * that
769 disability may contact the registrar and request that the
770 registrar or * * * the registrar's deputy visit him or her for the
771 purpose of registering * * * that person to vote. The registrar
772 or * * * the registrar's deputy shall visit * * * the person as
773 soon as possible after such request and provide such person with
774 an application for registration, if necessary. The completed
775 application for registration shall be executed in the presence of
776 the registrar or * * * the registrar's deputy.

777 (5) (a) In the fall and spring of each year the registrar
778 of each county shall furnish all public schools with mail-in voter
779 registration applications. * * * The applications shall be
780 provided in a reasonable time to enable those students who will be



781 eighteen (18) years of age before a general election to be able to
782 vote in the primary and general elections.

783 (b) Each public school district shall permit access to
784 all public schools of this state for the registrar or * * * the
785 registrar's deputy * * * to register persons who are eligible to
786 vote and * * * to provide voter education.

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

789 23-15-43. In the event an applicant is not registered, there
790 shall be an automatic review by the county election commissioners
791 under the procedures provided in Sections 23-15-61 through
792 23-15-79. In addition to the meetings of the election
793 commissioners provided under * * * those sections, the
794 commissioners are required to hold * * * additional meetings to
795 determine all pending cases of registration on review * * * before
796 the election or pre-election day voting period at which the
797 applicant desires to vote.

798 It is not the purpose of this section to indicate the
799 decision * * * that should be reached by the election
800 commissioners in certain cases but to define which applicants
801 should receive further examination by providing for an automatic
802 review.

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



805 23-15-47. (1) Any person who is qualified to register to
806 vote in the State of Mississippi may register to vote by mail-in
807 application in the manner prescribed in this section.

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

810 (a) Any qualified elector may register to vote by
811 mailing or delivering a completed mail-in application to his or
812 her county registrar at least thirty (30) days * * * before any
813 election day. The postmark date of a mailed application shall be
814 the date of registration.

815 (b) Upon receipt of a mail-in application, the county
816 registrar shall stamp the application with the date of receipt,
817 and shall verify the application by contacting the applicant by
818 telephone, by personal contact with the applicant, or by any other
819 method approved by the Secretary of State. Within twenty-five
820 (25) days of receipt of a mail-in application, the county
821 registrar shall complete action on the application, including any
822 attempts to notify the applicant of the status of his or her
823 application.

824 (c) If the county registrar determines that the
825 applicant is qualified and his or her application is legible and
826 complete, * * * the registrar shall mail the applicant written
827 notification that the application has been approved, specifying
828 the county voting precinct, municipal voting precinct, if any,
829 polling place and supervisor district in which the person shall



830 vote. This written notification of approval containing the
831 specified information shall be the voter's registration card. The
832 registration cards shall be provided by the county registrar.
833 Upon entry of the voter registration information into the
834 Statewide Elections Management System, the system shall assign a
835 voter registration number to the person. The assigned voter
836 registration number shall be clearly shown on the written
837 notification of approval. In mailing the written notification,
838 the county registrar shall note the following on the envelope:
839 "DO NOT FORWARD". If any registration notification form is
840 returned as undeliverable, the voter's registration shall be void.

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

843 (i) An incomplete portion of the application * * *
844 that makes it impossible for the registrar to determine the
845 eligibility of the applicant to register;

846 (ii) A portion of the application * * * that is
847 illegible in the opinion of the county registrar and makes it
848 impossible to determine the eligibility of the applicant to
849 register;

850 (iii) The county registrar is unable to determine,
851 from the address and information stated on the application, the
852 precinct in which the voter should be assigned or the supervisor
853 district in which * * * the voter is entitled to vote;



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

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

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

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



878 (f) If a mail-in application is subject to rejection
879 for the reason stated in paragraph (d)(v) of this subsection and
880 the "present home address" portion of the application is different
881 from the residence address for the applicant found in the
882 registration book, the mail-in application shall be deemed a
883 written request to transfer registration pursuant to Section
884 23-15-13. Subject to the time limits and other provisions of
885 Section 23-15-13, the registrar or the election commissioners
886 shall note the new residence address on his or her records and, if
887 necessary, transfer the applicant to his or her new county
888 precinct or municipal precinct, if any, and advise the applicant
889 of his or her new county precinct or municipal precinct, if any,
890 polling place and supervisor district.

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

894 (4) (a) The Secretary of State shall prepare and furnish
895 without charge the necessary forms for application for voter
896 registration by mail to each county registrar, municipal clerk,
897 all public schools, each private school that requests * * * the
898 applications, and all public libraries.

899 (b) The Secretary of State shall distribute without
900 charge sufficient forms for application for voter registration by
901 mail to the Commissioner of Public Safety, who shall
902 distribute * * * those forms to each driver's license examining



903 and renewal station in the state, and shall ensure that the forms
904 are regularly available to the public at * * * the stations.

905 (c) Bulk quantities of forms for application for voter
906 registration by mail shall be furnished by the Secretary of State
907 to any person or organization. The Secretary of State shall
908 charge a person or organization the actual cost he or she incurs
909 in providing bulk quantities of forms for application for voter
910 registration to * * * that person or organization.

911 (5) The originals of completed mail-in applications shall
912 remain on file in the office of the county registrar in accordance
913 with Section 23-15-113. Nothing in this section shall preclude
914 having applications on microfilm, microfiche or as an electronic
915 image.

916 (6) If the applicant indicates on the application that he or
917 she resides within the city limits of a city or town in the county
918 of registration, the county registrar shall enter the information
919 into the Statewide Elections Management System. The county
920 registrar shall send municipal voting precinct information by
921 United States first-class mail, postage prepaid, to the person at
922 the address provided on the application. Any * * * mailing costs
923 incurred by the county registrar or the municipal clerk * * * in
924 effectuating this subsection shall be paid by the governing
925 authority of the municipality. If a review of the application for
926 registration or changes to the registration indicates that the
927 applicant is not qualified to vote in the municipality, the



928 registrar shall notify the applicant of the correct county
929 precinct.

930 (7) If the applicant indicates on the application that he or
931 she has previously registered to vote in another county of this
932 state or another state, notice to the voter's previous county of
933 registration in this state shall be provided by the Statewide
934 Elections Management System. If the voter's previous place of
935 registration was in another state, notice shall be provided to the
936 voter's previous state of residence if the Statewide Elections
937 Management System has that capability.

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

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

943 23-15-65. The board of election commissioners shall meet at
944 the courthouse of its county on the second Monday in September
945 preceding any general election or in a sufficient amount of time
946 to hear appeals before the period for pre-election day voting
947 begins, and shall remain in session from day to day, so long as
948 business may require. Three (3) commissioners shall constitute a
949 quorum to do business; but the concurrence of at least three (3)
950 commissioners shall be necessary in all cases for the rendition of
951 a decision. The commissioners shall hear and determine all
952 appeals from the decisions of the registrar of their county,



953 allowing or refusing the applications of electors to be
954 registered; and they shall correct illegal or improper
955 registrations, and shall secure the elective franchise, as
956 effected by registration, to those who may be illegally or
957 improperly denied the same.

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

960 23-15-127. (1) It shall be the duty of the registrar of the
961 county or municipality to prepare and furnish to the appropriate
962 election commissioner pollbooks for each voting precinct in which
963 the election is to be conducted or to the appropriate registrar
964 pollbooks for each registrar's office in which pre-election day
965 voting is to be conducted, in which shall be entered the name,
966 residence, date of birth and date of registration of each person
967 duly registered in * * * that voting precinct as now provided by
968 law, and which pollbooks shall be known as "primary election
969 pollbooks" and shall be used only in holding primary elections.

970 (2) The election commissioners of the county or
971 municipality shall revise the primary pollbooks at the time and in
972 the manner and in accordance with the laws now * * * provided for
973 under the law and in force for revising pollbooks * * *, except
974 they shall not remove from the pollbook any person who is
975 qualified to participate in primary elections * * *. However,
976 upon the written request of the municipal election commission, the



977 county election commissioners * * * shall revise the primary
978 pollbooks of the municipality as provided in this subsection.

979 (3) All laws applicable to the revision of pollbooks now in
980 use shall be applicable to the revision of pollbooks for primary
981 elections, and all rights of voters to be heard and to appeal to
982 the executive committee of his or her party from the action of the
983 election commissioners now provided by law shall be available to
984 the voter in the revisions of the pollbooks for primary elections
985 provided for in this section.

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

988 23-15-153. (1) At the following times, the election
989 commissioners * * * shall meet at the office of the registrar and
990 carefully revise the registration books and the pollbooks of the
991 several voting precincts, and shall erase from those books the
992 names of all persons erroneously on the books, or who have died,
993 removed or become disqualified as electors from any cause; and
994 shall register the names of all persons who have duly applied to
995 be registered and have been illegally denied registration:

996 (a) On the Tuesday after the second Monday in January
997 1987 and every following year;

998 (b) On the first Tuesday in the month immediately * * *
999 before the pre-election day voting period for the first primary
1000 election for congressmen in the years when congressmen are
1001 elected;



1002 (c) On the first Monday in the month immediately * * *
1003 before the pre-election day voting period for the first primary
1004 election for state, state district legislative, county and county
1005 district offices in the years in which those offices are elected;
1006 and

1007 (d) On the second Monday of September * * * before the
1008 pre-election day voting period for the general election or regular
1009 special election day in years in which a general election is not
1010 conducted.

1011 Except for the names of those persons who are duly qualified
1012 to vote in the election, no name shall be permitted to remain on
1013 the registration books and pollbooks; however, no name shall be
1014 erased from the registration books or pollbooks based on a change
1015 in the residence of an elector except in accordance with
1016 procedures provided for by the National Voter Registration Act of
1017 1993 that are in effect at the time of * * * the erasure. Except
1018 as otherwise provided by Section 23-15-573, no person shall vote
1019 at any election whose name is not on the pollbook.

1020 (2) Except as provided in this section, and subject to the
1021 following annual limitations, the election commissioners * * *
1022 shall be entitled to receive a per diem in the amount of
1023 Eighty-four Dollars (\$84.00), to be paid from the county general
1024 fund, for every day or period of no less than five (5) hours
1025 accumulated over two (2) or more days actually employed in the
1026 performance of their duties in the conduct of an election or



1027 actually employed in the performance of their duties for the
1028 necessary time spent in the revision of the registration books and
1029 pollbooks as required in subsection (1) of this section:

1030 (a) In counties having less than fifteen thousand
1031 (15,000) residents according to the latest federal decennial
1032 census, not more than fifty (50) days per year, with no more than
1033 fifteen (15) additional days allowed for the conduct of each
1034 election in excess of one (1) occurring in any calendar year;

1035 (b) In counties having fifteen thousand (15,000)
1036 residents according to the latest federal decennial census but
1037 less than thirty thousand (30,000) residents according to the
1038 latest federal decennial census, not more than seventy-five (75)
1039 days per year, with no more than twenty-five (25) additional days
1040 allowed for the conduct of each election in excess of one (1)
1041 occurring in any calendar year;

1042 (c) In counties having thirty thousand (30,000)
1043 residents according to the latest federal decennial census but
1044 less than seventy thousand (70,000) residents according to the
1045 latest federal decennial census, not more than one hundred (100)
1046 days per year, with no more than thirty-five (35) additional days
1047 allowed for the conduct of each election in excess of one (1)
1048 occurring in any calendar year;

1049 (d) In counties having seventy thousand (70,000)
1050 residents according to the latest federal decennial census but
1051 less than ninety thousand (90,000) residents according to the



1052 latest federal decennial census, not more than one hundred
1053 twenty-five (125) days per year, with no more than forty-five (45)
1054 additional days allowed for the conduct of each election in excess
1055 of one (1) occurring in any calendar year;

1056 (e) In counties having ninety thousand (90,000)
1057 residents according to the latest federal decennial census but
1058 less than one hundred seventy thousand (170,000) residents
1059 according to the latest federal decennial census, not more than
1060 one hundred fifty (150) days per year, with no more than
1061 fifty-five (55) additional days allowed for the conduct of each
1062 election in excess of one (1) occurring in any calendar year;

1063 (f) In counties having one hundred seventy thousand
1064 (170,000) residents according to the latest federal decennial
1065 census but less than two hundred thousand (200,000) residents
1066 according to the latest federal decennial census, not more than
1067 one hundred seventy-five (175) days per year, with no more than
1068 sixty-five (65) additional days allowed for the conduct of each
1069 election in excess of one (1) occurring in any calendar year;

1070 (g) In counties having two hundred thousand (200,000)
1071 residents according to the latest federal decennial census but
1072 less than two hundred twenty-five thousand (225,000) residents
1073 according to the latest federal decennial census, not more than
1074 one hundred ninety (190) days per year, with no more than
1075 seventy-five (75) additional days allowed for the conduct of each
1076 election in excess of one (1) occurring in any calendar year;



1077 (h) In counties having two hundred twenty-five thousand
1078 (225,000) residents according to the latest federal decennial
1079 census but less than two hundred fifty thousand (250,000)
1080 residents according to the latest federal decennial census, not
1081 more than two hundred fifteen (15) days per year, with no more
1082 than eighty-five (85) additional days allowed for the conduct of
1083 each election in excess of one (1) occurring in any calendar year;

1084 (i) In counties having two hundred fifty thousand
1085 (250,000) residents according to the latest federal decennial
1086 census but less than two hundred seventy-five thousand (275,000)
1087 residents according to the latest federal decennial census, not
1088 more than two hundred thirty (30) days per year, with no more
1089 than ninety-five (95) additional days allowed for the conduct of
1090 each election in excess of one (1) occurring in any calendar year;

1091 (j) In counties having two hundred seventy-five
1092 thousand (275,000) residents according to the latest federal
1093 decennial census or more, not more than two hundred forty (40)
1094 days per year, with no more than one hundred five (105) additional
1095 days allowed for the conduct of each election in excess of one (1)
1096 occurring in any calendar year.

1097 (3) In addition to the number of days authorized in
1098 subsection (2) of this section, the board of supervisors of a
1099 county may authorize, in its discretion, the election
1100 commissioners * * * to receive a per diem in the amount provided
1101 for in subsection (2) of this section, to be paid from the county



1102 general fund, for every day or period of no less than five (5)
1103 hours accumulated over two (2) or more days actually employed in
1104 the performance of their duties in the conduct of an election or
1105 actually employed in the performance of their duties for the
1106 necessary time spent in the revision of the registration books and
1107 pollbooks as required in subsection (1) of this section, for not
1108 to exceed five (5) days.

1109 (4) (a) The election commissioners * * * shall be entitled
1110 to receive a per diem in the amount of Eighty-four Dollars
1111 (\$84.00), to be paid from the county general fund, not to exceed
1112 ten (10) days for every day or period of no less than five (5)
1113 hours accumulated over two (2) or more days actually employed in
1114 the performance of their duties for the necessary time spent in
1115 the revision of the registration books and pollbooks * * * before
1116 any special election. For purposes of this paragraph, the regular
1117 special election day shall not be considered a special election.
1118 The annual limitations set forth in subsection (2) of this section
1119 shall not apply to this paragraph.

1120 (b) The election commissioners * * * shall be entitled
1121 to receive a per diem in the amount of One Hundred Fifty Dollars
1122 (\$150.00), to be paid from the county general fund, for the
1123 performance of their duties on the day of any general or special
1124 election. The annual limitations set forth in subsection (2) of
1125 this section shall apply to this paragraph.



1126 (5) The election commissioners * * * shall be entitled to
1127 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
1128 to be paid from the county general fund, not to exceed fourteen
1129 (14) days for every day or period of no less than five (5) hours
1130 accumulated over two (2) or more days actually employed in the
1131 performance of their duties for the necessary time spent in the
1132 revision of the registration books, pollbooks and in the conduct
1133 of a runoff election following either a general or special
1134 election.

1135 (6) The election commissioners * * * shall be entitled to
1136 receive only one (1) per diem payment for those days when the
1137 election commissioners * * * discharge more than one (1) duty or
1138 responsibility on the same day.

1139 (7) The county registrar shall prepare the pollbooks and the
1140 county election commissioners * * * shall prepare the registration
1141 books of each municipality located within the county pursuant to
1142 an agreement between the county and each municipality in the
1143 county. The county election commissioners * * * and the county
1144 registrar shall be paid by each municipality for the actual cost
1145 of preparing registration books and pollbooks for the municipality
1146 and shall pay each county election commissioner * * * a per diem
1147 in the amount provided for in subsection (2) of this section for
1148 each day or period of not less than five (5) hours accumulated
1149 over two (2) or more days the commissioners are actually employed
1150 in preparing the registration books for the municipality, not to



1151 exceed five (5) days. The county election commissioners * * * and
1152 county registrar shall provide copies of the registration books
1153 and pollbooks to the municipal clerk of each municipality in the
1154 county. The municipality shall pay the county registrar for
1155 preparing and printing the pollbooks. A municipality may secure
1156 "read only" access to the Statewide * * * Elections Management
1157 System and print its own pollbooks using this information;
1158 however, county election commissioners * * * shall remain
1159 responsible for preparing registration books for municipalities
1160 and shall be paid for this duty in accordance with this
1161 subsection.

1162 (8) County election commissioners * * * who perform the
1163 duties of an executive committee with regard to the conduct of a
1164 primary election under a written agreement authorized by law to be
1165 entered into with an executive committee shall receive per diem as
1166 provided for in subsection (2) of this section. The days that
1167 county election commissioners * * * are employed in the conduct of
1168 a primary election shall be treated the same as days county
1169 election commissioners * * * are employed in the conduct of other
1170 elections.

1171 (9) In addition to any per diem authorized by this section,
1172 any election commissioner * * * shall be entitled to the mileage
1173 reimbursement rate allowable to federal employees for the use of a
1174 privately owned vehicle while on official travel on election day.



1175 (10) Every election commissioner * * * shall sign personally
 1176 a certification setting forth the number of hours actually worked
 1177 in the performance of the commissioner's official duties and for
 1178 which the commissioner seeks compensation. The certification must
 1179 be on a form as prescribed in this subsection. The commissioner's
 1180 signature is, as a matter of law, made under the commissioner's
 1181 oath of office and under penalties of perjury.

1182 The certification form shall be as follows:

1183 **COUNTY ELECTION COMMISSIONER**

1184 **PER DIEM CLAIM FORM**

1185 NAME: _____ COUNTY: _____
 1186 ADDRESS: _____ DISTRICT: _____
 1187 CITY: _____ ZIP: _____

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

1191 _____
 1192 _____
 1193 _____

1194 TOTAL NUMBER OF PER DIEM DAYS EARNED

1195 EXCLUDING ELECTION DAYS _____

1196 PER DIEM RATE PER DAY EARNED X 84.00

1197 TOTAL NUMBER PER DIEM DAYS EARNED

1198 FOR ELECTION DAYS _____

1199 PER DIEM RATE PER DAY EARNED X 150.00



1200 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1201 I understand that I am signing this document under my oath
1202 as * * * an election commissioner * * * and under penalties of
1203 perjury.

1204 I understand that I am requesting payment from taxpayer funds
1205 and that I have an obligation to be specific and truthful as to
1206 the amount of hours worked and the compensation I am requesting.

1207 Signed this the _____ day of _____, ____.

1208 _____

1209 Commissioner's Signature

1210 When properly completed and signed, the certification must be
1211 filed with the clerk of the county board of supervisors before any
1212 payment may be made. The certification will be a public record
1213 available for inspection and reproduction immediately upon the
1214 oral or written request of any person.

1215 Any person may contest the accuracy of the certification in
1216 any respect by notifying the * * * chair of the commission, any
1217 member of the board of supervisors or the clerk of the board of
1218 supervisors of * * * the contest at any time before or after
1219 payment is made. If the contest is made before payment is made,
1220 no payment shall be made as to the contested certificate until the
1221 contest is finally disposed of. The person filing the contest
1222 shall be entitled to a full hearing, and the clerk of the board of
1223 supervisors shall issue subpoenas upon request of the contestor
1224 compelling the attendance of witnesses and production of documents



1225 and things. The contestor shall have the right to appeal de novo
1226 to the circuit court of the involved county, which appeal must be
1227 perfected within thirty (30) days from a final decision of the
1228 commission, the clerk of the board of supervisors or the board of
1229 supervisors, as the case may be.

1230 Any contestor who successfully contests any certification
1231 will be awarded all expenses incident to his or her contest,
1232 together with reasonable attorney's fees, which will be awarded
1233 upon petition to the chancery court of the involved county upon
1234 final disposition of the contest before the election commission,
1235 board of supervisors, clerk of the board of supervisors, or, in
1236 case of an appeal, final disposition by the court. The
1237 commissioner against whom the contest is decided shall be liable
1238 for the payment of the expenses and attorney's fees, and the
1239 county shall be jointly and severally liable for same.

1240 (11) Any election commissioner * * * who has not received a
1241 certificate issued by the Secretary of State pursuant to Section
1242 23-15-211 indicating that the election commissioner * * * has
1243 received the required elections seminar instruction and that the
1244 election commissioner * * * is fully qualified to conduct an
1245 election, shall not receive any compensation authorized by this
1246 section, Section 23-15-491 or Section 23-15-239.

1247 **SECTION 32.** Section 23-15-171, Mississippi Code of 1972, is
1248 amended as follows:



1249 23-15-171. (1) Except as otherwise provided in Section 3 of
1250 this act, municipal primary elections shall be held on the first
1251 Tuesday in May preceding the general municipal election and, in
1252 the event a second primary shall be necessary, * * * that second
1253 primary shall be held on the third Tuesday in May preceding * * *
1254 the general municipal election. At * * * the primary election the
1255 municipal executive committee shall perform the same duties as are
1256 specified by law and performed by members of the county executive
1257 committee with regard to state and county primary elections. Each
1258 municipal executive committee shall have as many members as there
1259 are elective officers of the municipality, and * * * the members
1260 of the municipal executive committee of each political party shall
1261 be elected in the primary elections held for the nomination of
1262 candidates for municipal offices. The provisions of this section
1263 shall govern all municipal primary elections as far as applicable,
1264 but the officers to prepare the ballots and the poll managers and
1265 other officials of the primary election shall be appointed by the
1266 municipal executive committee of the party holding * * * that
1267 primary, and the returns of * * * the election shall be made
1268 to * * * the municipal executive committee. Vacancies in the
1269 executive committee shall be filled by it.

1270 (2) Provided, however, that in municipalities operating
1271 under a special or private charter which fixes a time for holding
1272 elections, other than the time fixed by Chapter 491, Laws of 1950,
1273 the first primary election shall be held exactly four (4) weeks



1274 before the time for holding the general election, as fixed by the
1275 charter, and the second primary election, where necessary, shall
1276 be held two (2) weeks after the first primary election, unless the
1277 charter of any such municipality provides otherwise, in which
1278 event the provisions of the special or private charter shall
1279 prevail as to the time of holding such primary elections.

1280 (3) All primary elections in municipalities shall be held
1281 and conducted in the same manner as is provided by law for state
1282 and county primary elections.

1283 **SECTION 33.** Section 23-15-173, Mississippi Code of 1972, is
1284 amended as follows:

1285 23-15-173. (1) A general municipal election shall be held
1286 in each city, town or village on the first Tuesday after the first
1287 Monday of June 1985, and every four (4) years thereafter, for the
1288 election of all municipal officers elected by the people.

1289 Pre-election day voting for those general municipal elections
1290 shall be conducted as provided in Section 3 of this act.

1291 (2) All municipal general elections shall be held and
1292 conducted in the same manner as is provided by law for state and
1293 county general elections.

1294 **SECTION 34.** Section 23-15-191, Mississippi Code of 1972, is
1295 amended as follows:

1296 23-15-191. The first primary shall be held on the first
1297 Tuesday after the first Monday of August preceding any regular or
1298 general election; and the second primary shall be held three (3)



1299 weeks thereafter. Pre-election day voting for the primary
1300 election shall be conducted as provided for in Section 3 of this
1301 act. Any candidate who receives the highest popular vote cast for
1302 the office which he or she seeks in the first primary shall * * *
1303 become the nominee of the party for * * * that office; provided
1304 also it be a majority of all the votes cast for that office. If
1305 no candidate receives * * * the majority of popular votes in the
1306 first primary, then the two (2) candidates who receive the highest
1307 popular vote for * * * that office shall have their names
1308 submitted as * * * the candidates to a second primary, and the
1309 candidate who leads in * * * the second primary shall be nominated
1310 to the office. When there is a tie in the first primary of those
1311 receiving next highest vote, these two (2) and the one (1)
1312 receiving the highest vote, none having received a majority, shall
1313 go into the second primary, and whoever leads in * * * the second
1314 primary shall be entitled to the nomination.

1315 **SECTION 35.** Section 23-15-195, Mississippi Code of 1972, is
1316 amended as follows:

1317 23-15-195. Except as otherwise provided in Sections 1
1318 through 6 of this act, all elections by the people shall be by
1319 ballot, and shall be concluded in one (1) day.

1320 **SECTION 36.** Section 23-15-197, Mississippi Code of 1972, is
1321 amended as follows:



1322 23-15-197. (1) Times for holding primary and general
1323 elections for congressional offices shall be as prescribed in
1324 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1325 (2) Times for holding elections for the office of judge of
1326 the Supreme Court shall be as prescribed in Section 23-15-991 and
1327 Sections 23-15-974 through 23-15-985.

1328 (3) Times for holding elections for the office of circuit
1329 court judge and the office of chancery court judge shall be as
1330 prescribed in Sections 23-15-974 through 23-15-985, and Section
1331 23-15-1015.

1332 (4) Times for holding elections for the office of county
1333 election commissioners shall be as prescribed in Section
1334 23-15-213.

1335 (5) Times for holding pre-election day voting shall be as
1336 prescribed in Sections 1 through 6 of this act.

1337 **SECTION 37.** Section 23-15-231, Mississippi Code of 1972, is
1338 amended as follows:

1339 23-15-231. * * * Before every election or pre-election day
1340 voting period, the election commissioners * * * shall appoint
1341 three (3) persons for each voting precinct to be managers of the
1342 election, one (1) of whom shall be designated by the election
1343 commissioners * * * as election bailiff. * * * The managers shall
1344 not all be of the same political party if suitable persons of
1345 different political parties can be found in the district. If any
1346 person appointed shall fail to attend and serve, the managers



1347 present, if any, may designate someone to fill his or her place;
1348 and if the election commissioners * * * fail to make the
1349 appointments or in case of the failure of all those appointed to
1350 attend and serve, any three (3) qualified electors present when
1351 the polls should be opened may act as managers. Provided,
1352 however, any person appointed to be manager or act as manager
1353 shall be a qualified elector of the county in which the polling
1354 place is located.

1355 **SECTION 38.** Section 23-15-233, Mississippi Code of 1972, is
1356 amended as follows:

1357 23-15-233. The managers shall take care that the
1358 election * * * and the pre-election day voting are conducted
1359 fairly and agreeably to law, and they shall be judges of the
1360 qualifications of electors, and may examine, on oath, any person
1361 duly registered and offering to vote touching his or her
1362 qualifications as an elector, which oath any of the managers may
1363 administer.

1364 **SECTION 39.** Section 23-15-239, Mississippi Code of 1972, is
1365 amended as follows:

1366 23-15-239. (1) (a) The executive committee of each county,
1367 in the case of a primary election, or the election
1368 commissioners * * * of each county, in the case of all other
1369 elections, in conjunction with the circuit clerk, shall sponsor
1370 and conduct, not less than five (5) days * * * before the
1371 pre-election day voting period for each election, training



1372 sessions to instruct managers as to their duties in the proper
1373 administration of the election and the operation of the polling
1374 place. No manager shall serve in any election unless he or she
1375 has received * * * the instructions once during the twelve (12)
1376 months immediately * * * before the date upon which * * * the
1377 election is held; however, nothing in this section shall prevent
1378 the appointment of an alternate manager to fill a vacancy in case
1379 of an emergency. The county executive committee or the election
1380 commissioners * * *, as appropriate, shall train a sufficient
1381 number of alternates to serve in the event a manager is unable to
1382 serve for any reason.

1383 (b) The executive committee of each county, in the case
1384 of a primary election, or the election commissioners * * * of each
1385 county, in the case of all other elections, in conjunction with
1386 the circuit clerk, shall sponsor and conduct annually an
1387 eight-hour training course for managers that meets criteria that
1388 the Secretary of State shall prescribe. Managers shall be
1389 required to attend this course every four (4) years from August 7,
1390 2008. The Secretary of State shall develop a version of the
1391 course that may be taken by managers over the Internet. Training
1392 courses, including, but not limited to, online training courses,
1393 that meet criteria prescribed by the Secretary of State and are
1394 not sponsored or conducted by the executive committee or the
1395 election commissioners * * *, may be utilized to meet the



1396 requirements of this paragraph if the training course is approved
1397 by the Secretary of State.

1398 (2) (a) If it is eligible under Section 23-15-266, the
1399 county executive committee may enter into a written agreement with
1400 the circuit clerk or the county election commission authorizing
1401 the circuit clerk or the county election commission to perform any
1402 of the duties required of the county executive committee pursuant
1403 to this section. Any agreement entered into pursuant to this
1404 subsection shall be signed by the * * * chair of the county
1405 executive committee and the circuit clerk or the * * * chair of
1406 the county election commission, as appropriate. The county
1407 executive committee shall notify the state executive committee and
1408 the Secretary of State of the existence of * * * the agreement.

1409 (b) If it is eligible under Section 23-15-266, the
1410 municipal executive committee may enter into a written agreement
1411 with the municipal clerk or the municipal election commission
1412 authorizing the municipal clerk or the municipal election
1413 commission to perform any of the duties required of the municipal
1414 executive committee pursuant to this section. Any agreement
1415 entered into pursuant to this subsection shall be signed by
1416 the * * * chair of the municipal executive committee and the
1417 municipal clerk or the * * * chair of the municipal election
1418 commission, as appropriate. The municipal executive committee
1419 shall notify the state executive committee and the Secretary of
1420 State of the existence of * * * the agreement.



1421 (3) The board of supervisors and the municipal governing
1422 authority, in their discretion, may compensate managers who
1423 attend * * * the training sessions. The compensation shall be at
1424 a rate of not less than the federal hourly minimum wage nor more
1425 than Twelve Dollars (\$12.00) per hour. Managers shall not be
1426 compensated for more than sixteen (16) hours of attendance at the
1427 training sessions regardless of the actual amount of time that
1428 they attended the training sessions.

1429 (4) The time and location of the training sessions required
1430 pursuant to this section shall be announced to the general public
1431 by posting a notice thereof at the courthouse and by delivering a
1432 copy of the notice to the office of a newspaper having general
1433 circulation in the county five (5) days before the date upon which
1434 the training session is to be conducted. Persons who will serve
1435 as poll watchers for candidates and political parties, as well as
1436 members of the general public, shall be allowed to attend the
1437 sessions.

1438 (5) Subject to the following annual limitations, the
1439 election commissioners * * * shall be entitled to receive a per
1440 diem in the amount of Eighty-four Dollars (\$84.00), to be paid
1441 from the county general fund, for every day or period of no less
1442 than five (5) hours accumulated over two (2) or more days actually
1443 employed in the performance of their duties for the necessary time
1444 spent in conducting training sessions as required by this section:



1445 (a) In counties having less than fifteen thousand
1446 (15,000) residents according to the latest federal decennial
1447 census, not more than five (5) days per year;

1448 (b) In counties having fifteen thousand (15,000)
1449 residents according to the latest federal decennial census but
1450 less than thirty thousand (30,000) residents according to the
1451 latest federal decennial census, not more than eight (8) days per
1452 year;

1453 (c) In counties having thirty thousand (30,000)
1454 residents according to the latest federal decennial census but
1455 less than seventy thousand (70,000) residents according to the
1456 latest federal decennial census, not more than ten (10) days per
1457 year;

1458 (d) In counties having seventy thousand (70,000)
1459 residents according to the latest federal decennial census but
1460 less than ninety thousand (90,000) residents according to the
1461 latest federal decennial census, not more than twelve (12) days
1462 per year;

1463 (e) In counties having ninety thousand (90,000)
1464 residents according to the latest federal decennial census but
1465 less than one hundred seventy thousand (170,000) residents
1466 according to the latest federal decennial census, not more than
1467 fifteen (15) days per year;

1468 (f) In counties having one hundred seventy thousand
1469 (170,000) residents according to the latest federal decennial



1470 census but less than two hundred thousand (200,000) residents
1471 according to the latest federal decennial census, not more than
1472 eighteen (18) days per year;

1473 (g) In counties having two hundred thousand (200,000)
1474 residents according to the latest federal decennial census but
1475 less than two hundred twenty-five thousand (225,000) residents
1476 according to the latest federal decennial census, not more than
1477 nineteen (19) days per year;

1478 (h) In counties having two hundred twenty-five thousand
1479 (225,000) residents according to the latest federal decennial
1480 census but less than two hundred fifty thousand (250,000)
1481 residents according to the latest federal decennial census, not
1482 more than twenty-two (22) days per year;

1483 (i) In counties having two hundred fifty thousand
1484 (250,000) residents according to the latest federal decennial
1485 census but less than two hundred seventy-five thousand (275,000)
1486 residents according to the latest federal decennial census, not
1487 more than thirteen (13) days per year;

1488 (j) In counties having two hundred seventy-five
1489 thousand (275,000) residents according to the latest federal
1490 decennial census or more, not more than fourteen (14) days per
1491 year.

1492 (6) Election commissioners * * * shall claim the per diem
1493 authorized in subsection (5) of this section in the manner
1494 provided for in Section 23-15-153(6).



1495 **SECTION 40.** Section 23-15-241, Mississippi Code of 1972, is
1496 amended as follows:

1497 23-15-241. The manager designated an election bailiff shall,
1498 in addition to his or her other duties, be present during the
1499 pre-election day voting period and on election day to keep the
1500 peace and to protect the voting place, and to prevent improper
1501 intrusion upon the voting place or interference with the election,
1502 and to arrest all persons creating any disturbance about the
1503 voting place, and to enable all qualified electors who have not
1504 voted, and who desire to vote, to have unobstructed access to the
1505 polls for the purpose of voting when others are not voting.

1506 **SECTION 41.** Section 23-15-245, Mississippi Code of 1972, is
1507 amended as follows:

1508 23-15-245. It shall be the duty of the manager designated as
1509 bailiff to be present at the voting place, and to take * * * the
1510 steps * * * that will accomplish the purpose of his or her
1511 appointment, and he or she shall have full power to do so, and he
1512 or she may summon to his or her aid all persons present at the
1513 voting place. A space thirty (30) feet in every direction from
1514 the polls, or the room in which the * * * voting is held, shall be
1515 kept open and clear of all persons except the election officers
1516 and two (2) challengers of good conduct and behavior, selected by
1517 each party to detect and challenge illegal voters; and the
1518 electors shall approach the polls from one (1) direction, line,



1519 door or passage, and depart in another as nearly opposite as
1520 convenient.

1521 **SECTION 42.** Section 23-15-247, Mississippi Code of 1972, is
1522 amended as follows:

1523 23-15-247. The election commissioners * * * in each county
1524 shall procure, if not already provided, a sufficient number of
1525 ballot boxes, which shall be distributed by them to the voting
1526 precincts of the county before the time for opening the polls. The
1527 boxes shall be secured by good and substantial locks, and, if an
1528 adjournment shall take place after the opening of the polls and
1529 before all the votes shall be counted, the box shall be securely
1530 locked, so as to prevent the admission of anything into it, or the
1531 taking of anything from it, during the time of adjournment; and
1532 the box shall be kept by one (1) of the managers and the key by
1533 another of the managers, and the manager having the box shall
1534 carefully keep it, and neither unlock or open it himself or
1535 herself nor permit it to be done, nor permit any person to have
1536 any access to it during the time of adjournment. The box shall
1537 not be removed from the polling building or place after the polls
1538 are opened until the count is complete, if as many as three (3)
1539 qualified electors object. After each election the ballot boxes
1540 shall be delivered, with the keys thereof, to the clerk of the
1541 circuit court of the county for preservation; and he or she shall
1542 keep them for future use, and, when called for, deliver them to
1543 the election commissioners * * *.



1544 **SECTION 43.** Section 23-15-251, Mississippi Code of 1972, is
1545 amended as follows:

1546 23-15-251. The election commissioners * * *, in appointing
1547 the managers of election, shall designate one (1) of the managers
1548 at each voting place to receive and distribute the official
1549 ballots, and shall deliver to him or her the proper number of
1550 ballots and cards of instruction for * * * that district not less
1551 than one (1) day before the election; and the manager receiving
1552 the ballots from the commissioners shall distribute the same to
1553 the electors of * * * that district in the manner herein provided.
1554 It shall be the duty of * * * the person * * * designated * * *
1555 for service at a voting place other than the courthouse, to carry
1556 to * * * that voting place, on the day * * * before the election,
1557 the ballot box, the pollbook, the blank tally sheets, the blank
1558 forms to be used in making returns, the other necessary stationery
1559 and supplies and the official printed ballots aforesaid, and all
1560 of the same used and unused shall be returned by the manager
1561 designated as * * * provided in this section to the election
1562 commissioners * * * on the day * * * after the election.

1563 **SECTION 44.** Section 23-15-255, Mississippi Code of 1972, is
1564 amended as follows:

1565 23-15-255. (1) The supervisor of each respective
1566 supervisors district shall provide at each election place a
1567 sufficient number of voting compartments, shelves and tables for
1568 the use of electors, which shall be so arranged that it will be



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

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

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

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

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

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

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

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



1594 **SECTION 45.** Section 23-15-263, Mississippi Code of 1972, is
1595 amended as follows:

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

1611 (2) A member of a county executive committee shall be
1612 automatically disqualified to serve on the county executive
1613 committee, and shall be considered to have resigned * * * from the
1614 county executive committee, upon his or her qualification as a
1615 candidate for any elective office. The provisions of this
1616 subsection shall not apply to a member of a county executive
1617 committee who qualifies as a candidate for a municipal elective
1618 office.



1619 (3) The primary election officers appointed by the executive
1620 committee of the party shall have the powers and perform the
1621 duties, where not otherwise provided, required of * * * those
1622 officers in a general election, and any * * * act or omission
1623 which by law is an offense when committed in or about or in
1624 respect to * * * the general elections, shall be an offense if
1625 committed in or about or in respect to a primary election; and the
1626 same shall be indictable and punishable in the same way as if the
1627 election was a general election for the election of state and
1628 county officers, except as specially modified or otherwise
1629 provided in this chapter.

1630 **SECTION 46.** Section 23-15-265, Mississippi Code of 1972, is
1631 amended as follows:

1632 23-15-265. (1) The county executive committee of each
1633 county shall meet not less than two (2) weeks before the
1634 date * * * the period for pre-election day voting begins for any
1635 primary election and appoint the managers and clerks for same, all
1636 of whom may be members of the same political party. The number of
1637 managers and clerks appointed by the county executive committee
1638 shall be the same number as election commissioners * * * are
1639 allowed to appoint pursuant to Sections 23-15-231 and 23-15-235.
1640 If the county executive committee fails to meet on the date named,
1641 supra, further notice shall be given of the time and place of
1642 meeting.



1643 (2) (a) If it is eligible under Section 23-15-266, the
1644 county executive committee may enter into a written agreement with
1645 the circuit clerk or the county election commission authorizing
1646 the circuit clerk or the county election commission to perform any
1647 of the duties required of the county executive committee pursuant
1648 to this section. Any agreement entered into pursuant to this
1649 subsection shall be signed by the * * * chair of the county
1650 executive committee and the circuit clerk or the * * * chair of
1651 the county election commission, as appropriate. The county
1652 executive committee shall notify the state executive committee and
1653 the Secretary of State of the existence of * * * the agreement.

1654 (b) If it is eligible under Section 23-15-266, the
1655 municipal executive committee may enter into a written agreement
1656 with the municipal clerk or the municipal election commission
1657 authorizing the municipal clerk or the municipal election
1658 commission to perform any of the duties required of the municipal
1659 executive committee pursuant to this section. Any agreement
1660 entered into pursuant to this subsection shall be signed by
1661 the * * * chair of the municipal executive committee and the
1662 municipal clerk or the * * * chair of the municipal election
1663 commission, as appropriate. The municipal executive committee
1664 shall notify the state executive committee and the Secretary of
1665 State of the existence of * * * the agreement.

1666 **SECTION 47.** Section 23-15-267, Mississippi Code of 1972, is
1667 amended as follows:



1668 23-15-267. (1) The ballot boxes provided by the regular
1669 election commissioners * * * in each county shall be used in
1670 primary elections, and the county executive committees shall
1671 distribute them to the voting precincts of the county before the
1672 time for opening the polls, in the same manner, as near as may be,
1673 as that provided for in general elections.

1674 (2) If an adjournment shall take place after the polls are
1675 open and before all votes are counted, the ballot box shall be
1676 securely locked so as to prevent the admission into it or the
1677 taking of anything from it during the time of adjournment; and the
1678 box shall be kept by one of the managers, and the key by another
1679 of the managers, and the manager having the box shall carefully
1680 keep it, and neither undertake to open it himself or herself or
1681 permit it to be done, or to permit any person to have access to it
1682 during the time of adjournment. The box shall not be removed from
1683 the polling building or place after the polls are open until the
1684 count is completed if as many as three (3) electors qualified to
1685 vote at the election object.

1686 (3) After each election, the ballot boxes of those provided
1687 by the regular election commissioner * * * shall be delivered,
1688 with the keys thereof immediately and as soon thereafter as
1689 possible, and without delay to the clerk of the circuit court of
1690 the county.

1691 (4) (a) If it is eligible under Section 23-15-266, the
1692 county executive committee may enter into a written agreement with



1693 the circuit clerk or the county election commission authorizing
1694 the circuit clerk or the county election commission to perform any
1695 of the duties required of the county executive committee pursuant
1696 to this section. Any agreement entered into pursuant to this
1697 subsection shall be signed by the * * * chair of the county
1698 executive committee and the circuit clerk or the * * * chair of
1699 the county election commission, as appropriate. The county
1700 executive committee shall notify the State Executive Committee and
1701 the Secretary of State of the existence of * * * the agreement.

1702 (b) If it is eligible under Section 23-15-266, the
1703 municipal executive committee may enter into a written agreement
1704 with the municipal clerk or the municipal election commission
1705 authorizing the municipal clerk or the municipal election
1706 commission to perform any of the duties required of the municipal
1707 executive committee pursuant to this section. Any agreement
1708 entered into pursuant to this subsection shall be signed by
1709 the * * * chair of the municipal executive committee and the
1710 municipal clerk or the * * * chair of the municipal election
1711 commission, as appropriate. The municipal executive committee
1712 shall notify the State Executive Committee and the Secretary of
1713 State of the existence of such agreement.

1714 (5) The person, or persons, whose duty it is to comply with
1715 the provisions of this section and who shall fail, or neglect,
1716 from any cause, to deliver * * * the boxes or any of them as
1717 herein provided shall, upon conviction, be fined not less than Two



1718 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1719 the residence of the person, or persons, who violates any of the
1720 provisions of this section, for a period of not less than thirty
1721 (30) days or more than six (6) months, and fined not more than
1722 Five Hundred Dollars (\$500.00).

1723 **SECTION 48.** Section 23-15-303, Mississippi Code of 1972, is
1724 amended as follows:

1725 23-15-303. When two (2) or more political parties or
1726 political organizations are holding primary elections, each shall
1727 be conducted entirely independent of the other but at the same
1728 time.

1729 Except as otherwise provided in Sections 1 through 6 of this
1730 act, the board of supervisors or the supervisor of the district in
1731 which the voting precinct is located shall have authority, and it
1732 is made its and his or her duty when requested, to specifically
1733 designate the respective places where the precinct election of
1734 each party shall be held where there may be a dispute as to the
1735 room or exact place for holding * * * the precinct elections.

1736 **SECTION 49.** Section 23-15-309, Mississippi Code of 1972, is
1737 amended as follows:

1738 23-15-309. (1) Nominations for all municipal officers which
1739 are elective shall be made * * * during the days for conducting a
1740 primary election, or elections, to be held in the manner
1741 prescribed by law. All persons desiring to be candidates for the
1742 nomination in the primary elections shall first pay Ten Dollars



1743 (\$10.00) to the clerk of the municipality, at least sixty (60)
1744 days * * * before the date the pre-election day voting period
1745 begins for the first primary election, no later than 5:00 p.m.
1746 on * * * that deadline day.

1747 (2) The fee paid pursuant to subsection (1) of this section
1748 shall be accompanied by a written statement containing the name
1749 and address of the candidate, the party with which he or she is
1750 affiliated, and the office for which he or she is a candidate.

1751 (3) The clerk shall promptly receipt the payment, stating
1752 the office for which the person making the payment is running and
1753 the political party with which * * * the person is affiliated.
1754 The clerk shall keep an itemized account in detail showing the
1755 time and date of the receipt of * * * the payment received
1756 by * * * the clerk, from whom * * * that payment was received, the
1757 party with which * * * the person is affiliated and for what
1758 office the person paying the fee is a candidate. The clerk shall
1759 promptly supply all necessary information and pay over all fees so
1760 received to the secretary of the proper municipal executive
1761 committee. * * * The funds may be used and disbursed in the same
1762 manner as is allowed in Section 23-15-299 in regard to other
1763 executive committees.

1764 (4) Upon receipt of the above information, the proper
1765 municipal executive committee shall then determine whether each
1766 candidate is a qualified elector of the municipality, and of the
1767 ward if the office sought is a ward office, shall determine



1768 whether each candidate either meets all other qualifications to
1769 hold the office he or she is seeking or presents absolute proof
1770 that he or she will, subject to no contingencies, meet all
1771 qualifications on or before the date of the general or special
1772 election at which * * * the candidate could be elected to office.
1773 The executive committee shall determine whether the candidate has
1774 taken the steps necessary to qualify for more than one (1) office
1775 at the election. The committee also shall determine whether any
1776 candidate has been convicted of any felony in a court of this
1777 state, or has been convicted on or after December 8, 1992, of any
1778 offense in another state which is a felony under the laws of this
1779 state, or has been convicted of any felony in a federal court on
1780 or after December 8, 1992. Excepted from the above are
1781 convictions of manslaughter and violations of the United States
1782 Internal Revenue Code or any violations of the tax laws of this
1783 state unless * * * the offense also involved misuse or abuse of
1784 his or her office or money coming into his or her hands by virtue
1785 of * * * the office. If the proper municipal executive committee
1786 finds that a candidate either (a) does not meet all qualifications
1787 to hold the office he or she seeks and fails to provide absolute
1788 proof, subject to no contingencies, that he or she will meet the
1789 qualifications on or before the date of the general or special
1790 election at which * * * the candidate could be elected, or (b) has
1791 been convicted of a felony as described in this subsection and not
1792 pardoned, then the name of * * * that candidate shall not be



1793 placed upon the ballot. If the executive committee determines
1794 that the candidate has taken the steps necessary to qualify for
1795 more than one (1) office at the election, the action required by
1796 Section 23-15-905, shall be taken.

1797 (5) Where there is but one (1) candidate, the proper
1798 municipal executive committee when the time has expired within
1799 which the names of candidates shall be furnished shall
1800 declare * * * that candidate the nominee.

1801 **SECTION 50.** Section 23-15-331, Mississippi Code of 1972, is
1802 amended as follows:

1803 23-15-331. It shall be the duty of the state executive
1804 committee of each political party to furnish to each county
1805 executive committee, not less than fifty (50) days * * * before
1806 the * * * period for pre-election day voting begins the names of
1807 all state and state district candidates and all candidates for
1808 legislative districts composed of more than one (1) county or
1809 parts of more than one (1) county who have qualified as provided
1810 by law, and in accordance with the requirements of Section
1811 23-15-333 a sample of the official ballot to be used in the
1812 primary, the general form of which shall be followed as nearly as
1813 practicable.

1814 **SECTION 51.** Section 23-15-333, Mississippi Code of 1972, is
1815 amended as follows:

1816 23-15-333. (1) The county executive committee shall have
1817 printed all necessary ballots, for use in primary elections. The



1818 county executive committee shall have printed all necessary
1819 absentee ballots forty-five (45) days * * * before the election as
1820 required by law. The ballots shall contain the names of all the
1821 candidates to be voted for at * * * the election, and there shall
1822 be left on each ballot one (1) blank space under the title of each
1823 office for which a nominee is to be elected; and in the event of
1824 the death of any candidate whose name shall have been printed on
1825 the ballot, the name of the candidate duly substituted in the
1826 place of the deceased candidate may be written in * * * the blank
1827 space by the voter. Except as otherwise provided in subsection
1828 (2) of this section, the order in which the titles to the various
1829 offices shall be printed, and the size, print and quality of the
1830 paper of the ballot is left to the discretion of the county
1831 executive committee. Provided, however, that in all cases the
1832 arrangement of the names of the candidates for each office shall
1833 be alphabetical. No ballot shall be used except those so printed.

1834 (2) The titles for the various offices shall be listed in
1835 the following order:

- 1836 (a) Candidates for national office;
- 1837 (b) Candidates for statewide office;
- 1838 (c) Candidates for state district office;
- 1839 (d) Candidates for legislative office;
- 1840 (e) Candidates for countywide office;
- 1841 (f) Candidates for county district office.



1842 The order in which the titles for the various offices are
1843 listed within each of the categories listed in this subsection is
1844 left to the discretion of the county executive committee.

1845 (3) The county executive committee shall also prepare full
1846 instructions for the guidance of electors at elections as to
1847 obtaining ballots, the manner of marking them, and the mode of
1848 obtaining new ballots in the place of those spoiled by accident.
1849 The instructions shall be printed in large, clear type on "Cards
1850 of Instruction," and the county executive committee shall furnish
1851 the same in sufficient numbers for the use of electors. The cards
1852 shall be preserved by the officers of election and returned by
1853 them to the county executive committee and they may be used, if
1854 applicable, in subsequent elections.

1855 (4) (a) If it is eligible under Section 23-15-266, the
1856 county executive committee may enter into a written agreement with
1857 the circuit clerk or the county election commission authorizing
1858 the circuit clerk or the county election commission to perform any
1859 of the duties required of the county executive committee pursuant
1860 to this section. Any agreement entered into pursuant to this
1861 subsection shall be signed by the * * * chair of the county
1862 executive committee and the circuit clerk or the * * * chair of
1863 the county election commission, as appropriate. The county
1864 executive committee shall notify the state executive committee and
1865 the Secretary of State of the existence of * * * the agreement.



1866 (b) If it is eligible under Section 23-15-266, the
1867 municipal executive committee may enter into a written agreement
1868 with the municipal clerk or the municipal election commission
1869 authorizing the municipal clerk or the municipal election
1870 commission to perform any of the duties required of the municipal
1871 executive committee pursuant to this section. Any agreement
1872 entered into pursuant to this subsection shall be signed by
1873 the * * * chair of the municipal executive committee and the
1874 municipal clerk or the * * * chair of the municipal election
1875 commission, as appropriate. The municipal executive committee
1876 shall notify the state executive committee and the Secretary of
1877 State of the existence of * * * the agreement.

1878 **SECTION 52.** Section 23-15-335, Mississippi Code of 1972, is
1879 amended as follows:

1880 23-15-335. (1) The county executive committee shall
1881 designate a person whose duty it shall be to distribute all
1882 necessary ballots for use * * * during a primary election, and
1883 shall designate one (1) among the managers at each polling place
1884 to receive and receipt for the blank ballots to be used at that
1885 place. When the blank ballots are delivered to a local manager,
1886 the distributor shall take from the local manager a receipt * * *
1887 for the blank ballots signed in duplicate by both the distributor
1888 and the manager, one of which receipts the distributor shall
1889 deliver to the circuit clerk and the other shall be retained by
1890 the local manager and * * * the last mentioned duplicate receipt



1891 shall be enclosed in the ballot box with the voted ballots when
1892 the polls have been closed and the votes have been counted. The
1893 printer of the ballots shall take a receipt from the distributor
1894 of the ballots for the total number of the blank ballots delivered
1895 to the distributor. The printer shall secure all ballots printed
1896 by him or her in such a safe manner that no person can procure
1897 them or any of them, and * * * the printer shall deliver no blank
1898 ballot or ballots to any person except the distributor above
1899 mentioned, and then only upon his or her receipt * * * for the
1900 blank ballots as above specified. The distributor of the blank
1901 ballots shall so securely hold the same that no person can obtain
1902 any of them, and * * * the distributor shall not deliver any of
1903 them to any person other than to the authorized local managers and
1904 upon their respective receipts * * * for the blank ballots. The
1905 executive committee shall see to it that the total blank ballots
1906 delivered to the distributor, shall correspond with the total of
1907 the receipts executed by the local managers.

1908 (2) (a) If it is eligible under Section 23-15-266, the
1909 county executive committee may enter into a written agreement with
1910 the circuit clerk or the county election commission authorizing
1911 the circuit clerk or the county election commission to perform any
1912 of the duties required of the county executive committee pursuant
1913 to this section. Any agreement entered into pursuant to this
1914 subsection shall be signed by the * * * chair of the county
1915 executive committee and the circuit clerk or the * * * chair of



1916 the county election commission, as appropriate. The county
1917 executive committee shall notify the state executive committee and
1918 the Secretary of State of the existence of * * * the agreement.

1919 (b) If it is eligible under Section 23-15-266, the
1920 municipal executive committee may enter into a written agreement
1921 with the municipal clerk or the municipal election commission
1922 authorizing the municipal clerk or the municipal election
1923 commission to perform any of the duties required of the municipal
1924 executive committee pursuant to this section. Any agreement
1925 entered into pursuant to this subsection shall be signed by
1926 the * * * chair of the municipal executive committee and the
1927 municipal clerk or the * * * chair of the municipal election
1928 commission, as appropriate. The municipal executive committee
1929 shall notify the state executive committee and the Secretary of
1930 State of the existence of * * * the agreement.

1931 (3) Any person charged with any of the duties prescribed in
1932 this section who shall willfully or with culpable carelessness
1933 violate the same shall be guilty of a misdemeanor.

1934 **SECTION 53.** Section 23-15-353, Mississippi Code of 1972, is
1935 amended as follows:

1936 23-15-353. The officer charged with printing and
1937 distributing the official ballot shall ascertain from the
1938 registrar, at least ten (10) days before the day * * *
1939 pre-election day voting for that election begins, the number of
1940 registered voters in each voting precinct; and he or she shall



1941 have printed and distributed a sufficient number of ballots for
1942 use in each precinct. * * * The officer charged with printing and
1943 distributing the official ballot shall also prepare full
1944 instructions for the guidance of electors at elections as to
1945 obtaining ballots, the manner of marking them, and the mode of
1946 obtaining new ballots in the place of those spoiled by accident.
1947 The instructions shall be printed in large, clear type, on "cards
1948 of instruction," and the officer shall furnish the same in
1949 sufficient numbers for the use of electors. The cards shall be
1950 preserved by the officers of election and returned by them to the
1951 election commissioners * * *; and they may be used, if applicable,
1952 in subsequent elections.

1953 **SECTION 54.** Section 23-15-357, Mississippi Code of 1972, is
1954 amended as follows:

1955 23-15-357. On the back and outside of the ballot shall be
1956 printed the words "OFFICIAL BALLOT," the name of the voting
1957 precinct or place for which the ballot is prepared, * * * the date
1958 of the election and the date the voter cast his or her ballot if
1959 the ballot was cast during the period for pre-election day voting.

1960 **SECTION 55.** Section 23-15-359, Mississippi Code of 1972, is
1961 amended as follows:

1962 23-15-359. (1) Except as provided in this section, the
1963 ballot shall contain the names of all party nominees certified by
1964 the appropriate executive committee, and independent and special
1965 election candidates who have timely filed petitions containing the



1966 required signatures and assessments that must be paid pursuant to
1967 Section 23-15-297. A petition requesting that an independent or
1968 special election candidate's name be placed on the ballot for any
1969 office shall be filed as provided for in subsection (3) or (4) of
1970 this section, as appropriate, and shall be signed by not less than
1971 the following number of qualified electors:

1972 (a) For an office elected by the state at large, not
1973 less than one thousand (1,000) qualified electors.

1974 (b) For an office elected by the qualified electors of
1975 a Supreme Court district, not less than three hundred (300)
1976 qualified electors.

1977 (c) For an office elected by the qualified electors of
1978 a congressional district, not less than two hundred (200)
1979 qualified electors.

1980 (d) For an office elected by the qualified electors of
1981 a circuit or chancery court district, not less than one hundred
1982 (100) qualified electors.

1983 (e) For an office elected by the qualified electors of
1984 a senatorial or representative district, not less than fifty (50)
1985 qualified electors.

1986 (f) For an office elected by the qualified electors of
1987 a county, not less than fifty (50) qualified electors.

1988 (g) For an office elected by the qualified electors of
1989 a supervisors district or justice court district, not less than
1990 fifteen (15) qualified electors.



1991 (h) For the Office of President of the United States, a
1992 party nominee or independent candidate shall pay an assessment in
1993 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

1994 (2) (a) Unless the petition or fee, whichever is
1995 applicable, required above shall be filed as provided for in
1996 subsection (3), (4) or (5) of this section, as appropriate, the
1997 name of the person requested to be a candidate, unless nominated
1998 by a political party, shall not be placed upon the ballot. The
1999 ballot shall contain the names of each candidate for each office,
2000 and * * * the names shall be listed under the name of the
2001 political party * * * the candidate represents as provided by law
2002 and as certified to the circuit clerk by the state executive
2003 committee of * * * the political party. In the event * * * the
2004 candidate qualifies as an independent as provided in this section,
2005 he or she shall be listed on the ballot as an independent
2006 candidate.

2007 (b) The name of an independent or special election
2008 candidate who dies before the printing of the ballots, shall not
2009 be placed on the ballots.

2010 (3) Petitions for offices described in paragraphs (a), (b),
2011 (c), (d) and (e) of subsection (1) of this section shall be filed
2012 with the Secretary of State by no later than 5:00 p.m. on the same
2013 date by which candidates are required to pay the fee provided for
2014 in Section 23-15-297 * * *; however, no petition may be filed



2015 before January 1 of the year in which the election for the office
2016 is held.

2017 (4) Petitions for offices described in paragraphs (f) and
2018 (g) of subsection (1) of this section shall be filed with the
2019 proper circuit clerk by no later than 5:00 p.m. on the same date
2020 by which candidates are required to pay the fee provided for in
2021 Section 23-15-297; however, no petition may be filed before
2022 January 1 of the year in which the election for the office is
2023 held. The circuit clerk shall notify the county election
2024 commissioners * * * of all persons who have filed petitions
2025 with * * * the clerk. * * * The notification shall occur within
2026 two (2) business days and shall contain all necessary information.

2027 (5) The assessment for the office described in paragraph (h)
2028 of subsection (1) of this section shall be paid to the Secretary
2029 of State. The Secretary of State shall deposit any qualifying
2030 fees received from candidates into the Elections Support Fund
2031 established in Section 23-15-5.

2032 (6) The commissioners may also have printed upon the ballot
2033 any local issue election matter that is authorized to be * * *
2034 voted on * * * during the regular or general election pursuant to
2035 Section 23-15-375; however, the ballot form of * * * the local
2036 issue must be filed with the election commissioners * * * by the
2037 appropriate governing authority not less than sixty (60)
2038 days * * * before the date * * * the pre-election day voting
2039 period begins for the election.



2040 (7) The provisions of this section shall not apply to
2041 municipal elections or to the election of the offices of justice
2042 of the Supreme Court, judge of the Court of Appeals, circuit
2043 judge, chancellor, county court judge and family court judge.

2044 (8) Nothing in this section shall prohibit special elections
2045 to fill vacancies in either house of the Legislature from being
2046 held as provided in Section 23-15-851. In all elections conducted
2047 under the provisions of Section 23-15-851, there shall be printed
2048 on the ballot the name of any candidate who, not having been
2049 nominated by a political party, shall have been requested to be a
2050 candidate for any office by a petition filed with the Secretary of
2051 State and signed by not less than fifty (50) qualified electors.

2052 (9) The appropriate election commission shall determine
2053 whether each candidate is a qualified elector of the state, state
2054 district, county or county district they seek to serve, and
2055 whether each candidate meets all other qualifications to hold the
2056 office he or she is seeking or presents absolute proof that he or
2057 she will, subject to no contingencies, meet all qualifications on
2058 or before the date of the general or special election at which he
2059 or she could be elected to office. The election commission shall
2060 determine whether the candidate has taken the steps necessary to
2061 qualify for more than one (1) office at the election. The
2062 election commission also shall determine whether any candidate has
2063 been convicted of any felony in a court of this state, or has been
2064 convicted on or after December 8, 1992, of any offense in another



2065 state which is a felony under the laws of this state, or has been
2066 convicted of any felony in a federal court on or after December 8,
2067 1992. Excepted from the above are convictions of manslaughter and
2068 violations of the United States Internal Revenue Code or any
2069 violations of the tax laws of this state, unless the offense also
2070 involved misuse or abuse of his or her office or money coming into
2071 his or her hands by virtue of * * * the office. If the
2072 appropriate election commission finds that a candidate either (a)
2073 is not a qualified elector, (b) does not meet all qualifications
2074 to hold the office he or she seeks and fails to provide absolute
2075 proof, subject to no contingencies, that he or she will meet the
2076 qualifications on or before the date of the general or special
2077 election at which he or she could be elected, or (c) has been
2078 convicted of a felony as described in this subsection, and not
2079 pardoned, then the name of * * * that candidate shall not be
2080 placed upon the ballot. If the appropriate election commission
2081 determines that the candidate has taken the steps necessary to
2082 qualify for more than one (1) office at the election, the action
2083 required by Section 23-15-905 * * * shall be taken.

2084 (10) If after the deadline to qualify as a candidate for an
2085 office or after the time for holding any party primary for an
2086 office, there shall be only one (1) person who has duly qualified
2087 to be a candidate for the office in the general election, the name
2088 of * * * that person shall be placed on the ballot; provided,
2089 however, that if there shall be not more than one (1) person duly



2090 qualified to be a candidate for each office on the general
2091 election ballot, the election for all offices on the ballot shall
2092 be dispensed with and the appropriate election commission shall
2093 declare each candidate elected without opposition if the candidate
2094 meets all the qualifications to hold the office as determined
2095 pursuant to a review by the commission in accordance with the
2096 provisions of subsection (9) of this section and if the candidate
2097 has filed all required campaign finance disclosure reports as
2098 required by Section 23-15-807.

2099 (11) The petition required by this section may not be filed
2100 by using the Internet.

2101 **SECTION 56.** Section 23-15-363, Mississippi Code of 1972, is
2102 amended as follows:

2103 23-15-363. After the proper officer has knowledge of or has
2104 been notified of the nomination, as provided, of any candidate for
2105 office, the officer shall not omit his or her name from the
2106 ballot, unless upon the written request of the candidate
2107 nominated, made at least ten (10) days before the pre-election day
2108 voting for the election begins, and in no case after * * * the
2109 ballot has been printed; and every ballot shall contain the names
2110 of all candidates nominated as specified, and not duly withdrawn.

2111 **SECTION 57.** Section 23-15-367, Mississippi Code of 1972, is
2112 amended as follows:

2113 23-15-367. (1) Except as otherwise provided by Sections
2114 23-15-974 through 23-15-985 and subsection (2) of this section,



2115 the arrangement of the names of the candidates, and the order in
2116 which the titles of the various offices shall be printed, and the
2117 size, print and quality of paper of the official ballot is left to
2118 the discretion of the officer charged with printing the official
2119 ballot; but the arrangement need not be uniform.

2120 (2) The titles for the various offices shall be listed in
2121 the following order:

- 2122 (a) Candidates for national office;
- 2123 (b) Candidates for statewide office;
- 2124 (c) Candidates for state district office;
- 2125 (d) Candidates for legislative office;
- 2126 (e) Candidates for countywide office;
- 2127 (f) Candidates for county district office.

2128 The order in which the titles for the various offices are
2129 listed within each of the categories listed in this subsection is
2130 left to the discretion of the officer charged with printing the
2131 official ballot.

2132 (3) It is the duty of the Secretary of State, with the
2133 approval of the Governor, to furnish the designated commissioner
2134 of each county a sample of the official ballot, not less than
2135 fifty-five (55) days * * * before the pre-election day voting
2136 period begins for the election, the general form of which shall be
2137 followed as nearly as practicable.

2138 **SECTION 58.** Section 7-3-39, Mississippi Code of 1972, is
2139 amended as follows:



2140 7-3-39. The Secretary of State shall have published in full
2141 each constitutional amendment two (2) weeks * * * before the
2142 period for pre-election day voting for the election, if
2143 pre-election day voting is authorized for that election, at which
2144 the qualified electors shall vote on * * * the amendments, in each
2145 county in each newspaper having a general circulation in the
2146 county, as defined in Section 13-3-31; or * * * the Secretary of
2147 State shall have each amendment posted in three (3) public places
2148 in the county if all * * * the newspapers in the county refuse to
2149 publish same at the price provided in Section 7-3-41.

2150 **SECTION 59.** Section 23-15-407, Mississippi Code of 1972, is
2151 amended as follows:

2152 23-15-407. The board of supervisors of any county or the
2153 governing authorities of any municipality may provide for each
2154 voting precinct one or more voting machines in complete working
2155 order, and thereafter the circuit clerk where machines are
2156 purchased or rented by the board of supervisors, and clerk of the
2157 municipalities where purchased by the governing authorities of a
2158 municipality, shall preserve and keep them in repair, and shall
2159 have custody thereof when not in use at an election or during the
2160 period for pre-election day voting.

2161 **SECTION 60.** Section 23-15-411, Mississippi Code of 1972, is
2162 amended as follows:

2163 23-15-411. The officer who furnishes the official ballots
2164 for any polling place where a voting machine is to be used, shall



2165 also provide two (2) sample ballots or instruction ballots * * *
2166 that shall be arranged in the form of a diagram showing * * * the
2167 portion of the front of the voting machine as it will appear after
2168 the official ballots are arranged thereon or therein for voting on
2169 election day and during the pre-election day voting period. * * *
2170 The sample ballots shall be open to the inspection of all voters
2171 on election day and during the pre-election day voting period, in
2172 all primaries and general elections where voting machines are
2173 used.

2174 **SECTION 61.** Section 23-15-415, Mississippi Code of 1972, is
2175 amended as follows:

2176 23-15-415. It shall be the duty of the authorities in charge
2177 of any election where a voting machine is to be used, to have the
2178 machine at the proper polling place or places before the time
2179 fixed for opening of the polls, and the counters set at zero, and
2180 otherwise in good and proper order for use at * * * that election.
2181 For the purpose of placing ballots in the ballot frames of the
2182 machine, putting it in order, setting, testing and adjusting and
2183 delivering the machine, the authorities in charge of elections may
2184 employ one or more competent persons, to be known as custodian or
2185 custodians of voting machines, who shall be fully competent,
2186 thoroughly instructed, and sworn to perform his or her duties
2187 honestly and faithfully, and for such purpose shall be appointed
2188 and instructed at least thirty (30) days before pre-election day
2189 voting begins for the election. All voting machines to be used in



2190 an election shall be properly prepared at least three (3)
2191 days * * * before pre-election day voting begins for the
2192 election * * *. When a voting machine has been properly prepared
2193 for election, it shall be locked against voting and sealed; and
2194 the keys thereof shall be delivered to the registrar, together
2195 with a written report made by the custodian or official preparing
2196 the machine, stating that it is in every way properly prepared for
2197 the election. After the voting machine has been transferred to
2198 the polling place, it shall be the duty of the managers to provide
2199 ample protection against molestation or injury to the machine.
2200 All voting machines used in any election shall be provided with a
2201 screen, hood or curtain which shall be so made and adjusted as to
2202 conceal the voter and * * * the voter's action while voting.

2203 **SECTION 62.** Section 23-15-417, Mississippi Code of 1972, is
2204 amended as follows:

2205 23-15-417. At least twenty-one (21) days before pre-election
2206 day voting begins for each election, the officials in charge of
2207 the elections shall appoint one or more persons to instruct the
2208 managers and clerks that are to serve in a voting precinct in the
2209 use of the machine, and in their duties in connection therewith;
2210 and * * * that person or persons so appointed shall give to each
2211 manager and clerk, who has received * * * the instruction and is
2212 fully qualified to properly conduct the election with the machine,
2213 a certificate to that effect. For the purpose of giving * * * the
2214 instruction, the person or persons appointed as instructors shall



2215 call such meeting or meetings of the managers and clerks as shall
2216 be necessary. * * * The person shall, within five (5) days, file
2217 a report with the officials in charge of the elections, stating
2218 that he or she has instructed the managers and clerks, giving the
2219 names of * * * the officers, and the time and place where * * *
2220 the instruction was given. The managers and clerks of each voting
2221 precinct in which a voting machine is to be used shall
2222 attend * * * that meeting, or meetings, as shall be called for the
2223 purpose of receiving * * * the instruction concerning their duties
2224 as shall be necessary for the proper conduct of the election with
2225 the machine. No manager or clerk shall serve in any election at
2226 which a voting machine is used, unless he * * * or she has
2227 received * * * the instruction and is fully qualified to perform
2228 the duties in connection with the machine, and has received a
2229 certificate to that effect, provided, however, that this shall not
2230 prevent the appointment of a person as a manager or clerk to fill
2231 a vacancy in an emergency.

2232 **SECTION 63.** Section 23-15-425, Mississippi Code of 1972, is
2233 amended as follows:

2234 23-15-425. If the official ballots for a voting precinct, at
2235 which a voting machine is to be used, shall not be delivered in
2236 time for use during pre-election day voting or for use on election
2237 day or after delivery shall be lost, destroyed or stolen, the
2238 official or officials, whose duty it now is, in such case, to
2239 provide other ballots for use at * * * those elections in lieu of



2240 those ballots lost, destroyed or stolen, shall cause other ballots
2241 to be prepared, printed or written, as nearly as may be, of the
2242 form and description of the official ballots, and officials in
2243 charge of the election shall cause the ballots so substituted to
2244 be used * * * during the election in the same manner, as nearly as
2245 may be, as the official ballots would have been.

2246 **SECTION 64.** Section 23-15-429, Mississippi Code of 1972, is
2247 amended as follows:

2248 23-15-429. * * * Before the opening of the polls, the
2249 managers and clerks of each voting precinct shall meet at the
2250 polling place at the time set for opening of the polls, for
2251 pre-election day voting and at each election, and shall proceed to
2252 arrange the furniture, stationery and voting machine for the
2253 conduct of the pre-election day voting and the election. The keys
2254 to the voting machines shall be delivered to the managers before
2255 the time set for opening the polls, in a sealed envelope, on which
2256 shall be written or printed the number and location of the voting
2257 machine, and the number of the seal and the number registered on
2258 the protective counter or device, as reported by the custodian or
2259 official preparing the machine. Before opening the envelope, all
2260 managers and clerks present shall examine the number on the seal
2261 on the machine, also the number registered on the protective
2262 counter, and shall see if they are the same as the number written
2263 on the envelope; and if they are not the same, the machine must
2264 not be opened until the custodian, or other authorized



2265 person, * * * has been notified and * * * has presented himself or
2266 herself at the polling place for the purpose of re-examining * * *
2267 the machine and * * * certifying that it is properly arranged.

2268 If the numbers on the envelope are the same as those on the
2269 machine, the election officers shall proceed to open the doors
2270 concealing the counters, and each officer shall carefully examine
2271 every counter and see that it registers zero, and the same shall
2272 be subject to the inspection of official watchers. The machine
2273 shall remain locked against voting until the polls are formally
2274 opened, and shall not be operated except by voters in voting. If
2275 any counter is found not to register zero, the manager shall
2276 immediately notify the officials in charge of the election or the
2277 custodian, who shall, if practicable, adjust the counters at zero;
2278 but if it shall be impracticable to so adjust * * * the counters
2279 before the time set for opening the polls, the managers shall
2280 immediately make a written statement of the designating letter and
2281 number of * * * that counter, together with the number registered
2282 thereon, and shall sign and post same upon the wall of the polling
2283 room, where it shall remain throughout the period for pre-election
2284 day voting and election day, and, in filling out the statement of
2285 canvass, they shall subtract * * * the number from the number then
2286 registered thereon.

2287 **SECTION 65.** Section 23-15-437, Mississippi Code of 1972, is
2288 amended as follows:



2289 23-15-437. For the instruction of voters during pre-election
2290 day voting and on any election days, there shall, so far as
2291 practicable, be provided for each polling place a mechanically
2292 operated model of a portion of the face of the machine. * * *
2293 That model, if furnished, shall, during the times for the
2294 election, be located on the clerk's table, or in some other place
2295 which the voters must pass to reach the machine, and each voter
2296 shall, before entering the machine, be instructed regarding its
2297 operation and * * * the instruction illustrated on the model, and
2298 the voter given opportunity to personally operate the model. The
2299 voter's attention shall also be called to the diagram of the face
2300 of the machine so that the voter can become familiar with the
2301 location of the questions and the names of the offices and
2302 candidates. In case any voter, after entering the voting machine,
2303 shall ask for further instructions concerning the manner of
2304 voting, two (2) election officers may, if necessary, enter the
2305 booth and give him * * * or her the instructions, but no manager
2306 or person assisting a voter shall, in any manner request, suggest
2307 or seek to persuade or induce any such voter to vote any
2308 particular ticket, or for any particular ticket, or for any
2309 particular candidate, or for or against any particular ticket, or
2310 for or against any particular candidate, or for or against any
2311 particular amendment, question or proposition. After giving * * *
2312 the instructions and before * * * that voter shall have registered
2313 his or her vote, the officers or person assisting * * * that voter



2314 shall retire and * * * the voter shall then register his or her
2315 vote in secret as he or she may desire.

2316 **SECTION 66.** Section 23-15-469, Mississippi Code of 1972, is
2317 amended as follows:

2318 23-15-469. Ballots and ballot labels shall, as far as
2319 practicable, be in the same order of arrangement as provided for
2320 paper ballots, except that * * * the information may be printed in
2321 vertical or horizontal rows, or in a number of separate pages
2322 which are placed on the voting device. Ballot labels shall be
2323 printed in plain clear type in black ink and upon clear white
2324 materials of such size and arrangement as to fit the construction
2325 of the voting device. Arrows may be printed on the ballot labels
2326 to indicate the place to punch the ballot card, which may be to
2327 the right or left of the names of candidates and propositions. The
2328 titles of offices may be arranged in vertical columns or on a
2329 series of separate pages, and shall be printed above or at the
2330 side of the names of candidates so as to indicate clearly the
2331 candidates for each office and the number to be elected. In case
2332 there are more candidates for an office than can be printed in one
2333 (1) column or on one (1) ballot page, the ballot or ballot label
2334 shall be clearly marked that the list of candidates is continued
2335 on the following column or page, and, so far as possible, the same
2336 number of names shall be printed on each column or page. The
2337 names of candidates for each office shall be printed in vertical
2338 columns or on separate pages, grouped by the offices which they



2339 seek. In partisan elections, the party designation of each
2340 candidate, which may be abbreviated, shall be printed
2341 following * * * the candidate's name.

2342 Two (2) sample ballots, which shall be facsimile copies of
2343 the official ballot or ballot labels, and instructions to voters,
2344 shall be provided for each precinct and shall be posted in each
2345 polling place during the pre-election day voting and on election
2346 day.

2347 Sample ballots may be printed on a single page or on a number
2348 of pages stapled together. A separate write-in ballot, which may
2349 be in the form of a paper ballot, card or envelope in which the
2350 voter places his or her ballot card after voting, shall be
2351 provided if required to permit voters to write in the title of the
2352 office and the name of a person not on the printed ballot for
2353 whom * * * the voter wishes to vote.

2354 **SECTION 67.** Section 23-15-473, Mississippi Code of 1972, is
2355 amended as follows:

2356 23-15-473. The circuit court clerk shall be the custodian of
2357 voting devices acquired by a county, who shall be charged with the
2358 proper storage, maintenance and repair of voting devices, and the
2359 preparation of them for voting * * * before elections. After they
2360 have been prepared for an election or pre-election day voting
2361 period and at least three (3) days * * * before the period for
2362 voting begins, the voting devices shall be available for public
2363 inspection at a time and place designated by the custodian.



2364 Thereafter they shall be locked or sealed before delivery to the
2365 managers of the election. The custodian shall immediately repair,
2366 replace or remove any voting device which fails to function
2367 properly during pre-election day voting or on election day. The
2368 clerk of any municipality which acquires voting devices shall be
2369 the custodian of * * * those voting devices and perform the same
2370 functions.

2371 If a voting device at a polling place malfunctions and cannot
2372 be repaired or replaced quickly and there is no other device in
2373 the polling place that can be used to perform the function of the
2374 device that malfunctions, unofficial ballots made as nearly as
2375 possible in the form of the official ballot may be used until the
2376 voting device is repaired or replaced. * * * The ballots shall be
2377 received by the managers and placed by them in a receptacle in
2378 such case to be provided by the managers, and counted with the
2379 votes registered on the voting device; and the result shall be
2380 declared the same as though there had been no accident to the
2381 voting device; the ballots thus voted shall be preserved and
2382 returned as herein directed, with a certificate or statement
2383 setting forth how and why the same were voted.

2384 **SECTION 68.** Section 23-15-511, Mississippi Code of 1972, is
2385 amended as follows:

2386 23-15-511. The ballots shall, as far as practicable, to be
2387 in the same order of arrangement as provided for paper ballots
2388 that are to be counted manually, except that * * * the information



2389 may be printed in vertical or horizontal rows. Nothing in this
2390 chapter shall be construed as prohibiting the information being
2391 presented to the voters from being printed on both sides of a
2392 single ballot. In those years when a special election shall occur
2393 on the same day as the general election, the names of candidates
2394 in any special election and the general election shall be placed
2395 on the same ballot by the election commissioners * * * or
2396 officials in charge of the election, but the general election
2397 candidates shall be clearly distinguished from the special
2398 election candidates. At any time a special election is held on
2399 the same day as a party primary election, the names of the
2400 candidates in the special election may be placed on the same
2401 ballot, but shall be clearly distinguished as special election
2402 candidates or primary election candidates.

2403 Ballots shall be printed in plain clear type in black ink and
2404 upon clear white materials of such size and arrangement as to be
2405 compatible with the OMR tabulating equipment. Absentee ballots
2406 shall be prepared and printed in the same form and shall be on the
2407 same size and texture as the regular official ballots, except that
2408 they shall be printed on tinted paper; or the ink used to print
2409 the ballots shall be of a color different from that of the ink
2410 used to print the regular official ballots. Arrows may be printed
2411 on the ballot to indicate the place to mark the ballot, which may
2412 be to the right or left of the names of candidates and
2413 propositions. The titles of offices may be arranged in vertical



2414 columns on the ballot and shall be printed above or at the side of
2415 the names of candidates so as to indicate clearly the candidates
2416 for each office and the number to be elected. In case there are
2417 more candidates for an office than can be printed in one (1)
2418 column, the ballot shall be clearly marked that the list of
2419 candidates is continued on the following column. The names of
2420 candidates for each office shall be printed in vertical columns,
2421 grouped by the offices * * * that they seek. In partisan
2422 elections, the party designation of each candidate, which may be
2423 abbreviated, shall be printed following his or her name.

2424 Two (2) sample ballots, which shall be facsimile ballots of
2425 the official ballot and instructions to the voters, shall be
2426 provided for each precinct and shall be posted in each polling
2427 place during pre-election day voting and on election day.

2428 A separate ballot security envelope or suitable equivalent in
2429 which the voter can place his or her ballot after voting, shall be
2430 provided to conceal the choices the voter has made. Absentee
2431 voters will receive a similar ballot security envelope provided by
2432 the county in which the absentee voter will insert their voted
2433 ballot, which then can be inserted into a return envelope to be
2434 mailed back to the election official. Absentee ballots will not
2435 be required to be folded when a ballot security envelope is
2436 provided.

2437 **SECTION 69.** Section 23-15-515, Mississippi Code of 1972, is
2438 amended as follows:



2439 23-15-515. The circuit court clerk shall be the custodian of
2440 OMR tabulating equipment acquired by the county, who shall be
2441 charged with the proper storage, maintenance and repair of the OMR
2442 equipment and preparation of them for tabulating * * * before
2443 elections. The custodian shall repair or replace any tabulating
2444 equipment which fails to function properly during pre-election day
2445 voting or on election day. The clerk of any municipality which
2446 acquires OMR tabulating equipment shall be the custodian of * * *
2447 the equipment and perform the same functions.

2448 **SECTION 70.** Section 23-15-531.4, Mississippi Code of 1972,
2449 is amended as follows:

2450 23-15-531.4. (1) The officials in charge of the election of
2451 each county or municipality shall:

2452 (a) Cause the proper number of DRE units to be
2453 delivered;

2454 (b) Cause the proper ballot design and style to be
2455 programmed for each DRE unit which is to be used in any precinct
2456 within the county or municipality;

2457 (c) Cause each DRE unit to be placed in proper order
2458 for voting;

2459 (d) Examine each unit before it is sent to a polling
2460 place;

2461 (e) Verify that each registering mechanism is set at
2462 zero; and



2463 (f) Properly secure each unit so that the counting
2464 machinery cannot be operated until later authorized.

2465 (2) The circuit clerk shall be the custodian of the DRE
2466 units acquired by the county.

2467 (3) The officials in charge of the election shall be
2468 responsible for the preparation of the units to be used in the
2469 county or municipality at the primaries and other elections in the
2470 county or municipality.

2471 (4) (a) On or before the third day preceding the period for
2472 pre-election day voting or any election, except runoff elections,
2473 the officials in charge of the election shall have each DRE unit
2474 tested to ascertain that it will correctly count the votes cast
2475 for all offices and on all questions in a manner that the
2476 Secretary of State may prescribe by rule or regulation.

2477 (b) On or before the third day preceding pre-election
2478 day voting period for runoff elections or any runoff election, the
2479 officials in charge of the election shall test a number of DRE
2480 units at random to ascertain that the units will correctly count
2481 the votes cast for all offices. If the total number of DRE units
2482 in the county is thirty (30) units or less, all of the units shall
2483 be tested. If the total number of DRE units in the county is more
2484 than thirty (30) but not more than one hundred (100), then at
2485 least one-half (1/2) of the units shall be tested at random. If
2486 there are more than one hundred (100) DRE units in the county, the
2487 officials in charge of the election shall test at least fifteen



2488 percent (15%) of the units at random. In no event shall the
2489 officials in charge of the election test less than one (1) DRE
2490 unit per precinct. All memory cards to be used in the runoff
2491 shall be tested. Public notice of the time and place of the test
2492 shall be made at least five (5) days * * * before the test is
2493 conducted. Representatives of candidates, political parties, news
2494 media and the public shall be permitted to observe * * * the
2495 tests.

2496 (5) In every primary or general election, the officials in
2497 charge of the election shall furnish, at the expense of the county
2498 or municipality, all ballots, forms of certificates and other
2499 papers and supplies required under this subarticle which are not
2500 furnished by the Secretary of State, all of which shall be in the
2501 form and according to any specifications prescribed from time to
2502 time by the Secretary of State.

2503 **SECTION 71.** Section 23-15-531.6, Mississippi Code of 1972,
2504 is amended as follows:

2505 23-15-531.6. (1) For each primary or general election, the
2506 officials in charge of the election shall utilize at least
2507 seventy-five percent (75%) of all the DRE units that are available
2508 to the county or municipality, as the case may be.

2509 (2) The officials in charge of the election shall ensure the
2510 delivery of the proper DRE units to the polling places of the
2511 respective precincts at least one (1) hour before the time for
2512 opening the polls at each election or pre-election day voting



2513 period and shall cause each unit to be set up in the proper manner
2514 for use in voting.

2515 (3) The officials in charge of the election shall require
2516 that each DRE unit be thoroughly tested, inspected and
2517 sealed * * * before each DRE unit is delivered to the polling
2518 place. * * * Before the polls open each day * * * that the units
2519 will be used in an election, the manager shall break the seal on
2520 each unit, turn on each unit, certify that each unit is operating
2521 properly and is set to zero, and print a zero tape certifying that
2522 each unit is set to zero and shall keep or record * * * that
2523 certification on each unit.

2524 (4) The officials in charge of the election and poll
2525 managers shall provide ample protection against molestation of and
2526 injury to the DRE units, and, for that purpose, the officials in
2527 charge of the election and poll managers may call upon any law
2528 enforcement officer to furnish any assistance that may be
2529 necessary. It shall be the duty of any law enforcement officer to
2530 furnish assistance when so requested by the officials in charge of
2531 the election or poll manager.

2532 (5) The officials in charge of the election, in conjunction
2533 with the governing authorities, shall, at least one (1) hour * * *
2534 before the * * * polls open:

2535 (a) Provide sufficient lighting to enable electors to
2536 read the ballot and which shall be suitable for the use of the



2537 poll managers in examining the booth and conducting their
2538 responsibilities;

2539 (b) Provide directions for voting on the DRE units
2540 which shall be prominently posted within each voting booth and at
2541 least two (2) sample ballots for the primary or general election
2542 which shall be prominently posted outside the enclosed space
2543 within the polling place;

2544 (c) Ensure that each DRE unit's tabulating mechanism is
2545 secure throughout the days for pre-election day voting and the day
2546 during the primary or general election; and

2547 (d) Provide such other materials and supplies as may be
2548 necessary or required by law.

2549 **SECTION 72.** Section 23-15-531.7, Mississippi Code of 1972,
2550 is amended as follows:

2551 23-15-531.7. The officials in charge of the election shall
2552 place on public exhibition and demonstrate the use of the DRE
2553 units throughout the county or municipality during the month
2554 preceding the pre-election day voting period for each primary and
2555 general election. At least during the initial year in which DRE
2556 equipment is used in a county or municipality, all officials in
2557 charge of the election shall offer a series of demonstrations and
2558 organized voter education initiatives to educate electors in the
2559 use of such equipment in voting.

2560 **SECTION 73.** Section 23-15-545, Mississippi Code of 1972, is
2561 amended as follows:



2562 23-15-545. At each election, the managers shall cause one
2563 (1) of the clerks to write in the pollbook the word "VOTED," in
2564 the column having at its head the date of the election and the
2565 date the vote was cast if the voter cast his or her ballot during
2566 the pre-election day voting period, opposite the name of each
2567 elector as he or she votes.

2568 **SECTION 74.** Section 23-15-573, Mississippi Code of 1972, is
2569 amended as follows:

2570 23-15-573. (1) If any person declares that he or she is a
2571 registered voter in the jurisdiction in which he or she offers to
2572 vote and that * * * the person is eligible to vote in the
2573 election, but * * * the person's name does not appear upon the
2574 pollbooks, or that * * * the person is not able to cast a regular
2575 election * * * ballot under a provision of state or federal law
2576 but is otherwise qualified to vote, or that * * * the person has
2577 been illegally denied registration:

2578 (a) A poll manager shall notify the person that he or
2579 she may cast an affidavit ballot at the election.

2580 (b) The person shall be permitted to cast an affidavit
2581 ballot at the polling place upon execution of a written affidavit
2582 before one (1) of the managers of election stating that the
2583 individual:

2584 (i) Believes he or she is a registered voter in
2585 the jurisdiction in which he or she desires to vote and is
2586 eligible to vote in the election; or



2587 (ii) Is not able to cast a regular election * * *
2588 ballot under a provision of state or federal law but is otherwise
2589 qualified to vote; or

2590 (iii) Believes that he or she has been illegally
2591 denied registration.

2592 (c) The manager shall allow the individual to prepare
2593 his or her vote which shall be delivered by * * * the individual
2594 to the proper election official who shall enclose it in an
2595 envelope with the written affidavit of the voter, seal the
2596 envelope and mark plainly upon it the name of the person offering
2597 to vote.

2598 (2) The affidavit shall include:

2599 (a) The complete name, all required addresses and
2600 telephone numbers;

2601 (b) A statement that the affiant believes he or she is
2602 registered to vote in the jurisdiction in which he or she offers
2603 to vote;

2604 (c) The signature of the affiant; and

2605 (d) The signature of a poll manager at the precinct at
2606 which the affiant offers to vote.

2607 (3) (a) A separate register shall be maintained for
2608 affidavit ballots and the affiant shall sign the register upon
2609 completing the affidavit ballot.

2610 (b) In canvassing the returns of the election, the
2611 executive committee in primary elections, or the election



2612 commissioners in other elections, shall examine the records and
2613 allow the ballot to be counted, or not counted as it appears
2614 legal.

2615 (4) When a person is offered the opportunity to vote by
2616 affidavit ballot, he or she shall be provided with written
2617 information that informs the person how to ascertain whether his
2618 or her affidavit ballot was counted and, if the vote was not
2619 counted, the reasons the vote was not counted.

2620 (5) The Secretary of State shall, by rule duly adopted,
2621 establish a uniform affidavit and affidavit ballot envelope which
2622 shall be used in all elections in this state. The Secretary of
2623 State shall print and distribute a sufficient number of affidavits
2624 and affidavit ballot envelopes to the registrar of each county for
2625 use in elections. The registrar shall distribute the affidavits
2626 and affidavit ballot envelopes to municipal and county executive
2627 committees for use in primary elections and to municipal and
2628 county election commissioners for use in other elections.

2629 (6) County registrars and municipal registrars shall
2630 implement a secure free access system that complies with the Help
2631 America Vote Act of 2002, by which persons who vote by affidavit
2632 ballot may determine if their ballots were counted, and if not,
2633 the reasons the ballot was not counted.

2634 (7) Any person who votes in any election as a result of a
2635 federal or state court order or other order extending the time
2636 established by law for closing the polls, may only vote by



2637 affidavit ballot. Any affidavit ballot cast under this subsection
2638 shall be separated and kept apart from other affidavit ballots
2639 cast by voters not affected by the order.

2640 **SECTION 75.** Section 23-15-613, Mississippi Code of 1972, is
2641 amended as follows:

2642 23-15-613. (1) As used in this section "residual votes"
2643 means overvotes, undervotes and any other vote not counted for any
2644 reason.

2645 (2) For every election, election commissions and county and
2646 municipal executive committees shall report to the Secretary of
2647 State residual vote information; however, if the voting
2648 devices * * * used for the election do not produce a ballot, other
2649 information shall be reported as required in this section.

2650 (3) For every election, election commissions and county and
2651 municipal executive committees responsible for the conduct of
2652 elections in which ballots are generated that are counted by hand
2653 or by an electronic or automatic tabulating device shall report to
2654 the Secretary of State all residual votes for all candidates and
2655 ballot measures in the elections for which they are responsible
2656 for conducting. * * * The residual vote reports shall:

2657 (a) Be received by the Secretary of State no later than
2658 December 15 of the year in which the election is held;

2659 (b) Include any suggested explanation or suspected
2660 cause of the residual votes;



2661 (c) Include a copy of a voided official ballot for the
2662 election as such ballot appeared to voters * * * during the
2663 election and copies of voided affidavit and absentee ballots if
2664 they are different from the official ballot;

2665 (d) Include the total voter turnout for each election,
2666 including the period for pre-election day voting, to be determined
2667 by totaling the number of persons signing the receipt book at each
2668 precinct, absentee voters and persons who voted by affidavit
2669 ballot and persons whose ballots were challenged and rejected; and

2670 (e) Include a copy of any printed voting instructions
2671 given or visible to voters * * * during the election and a
2672 description of any verbal instructions and any other evidence of
2673 voter education that was * * * used during the election.

2674 (4) For every election, election commissions and county and
2675 municipal executive committees responsible for the conduct of
2676 election in which voting devices are used that do not generate
2677 ballots that are counted by hand or by electronic or automatic
2678 tabulating devices, shall file a report with the Secretary of
2679 State which shall:

2680 (a) Be received by the Secretary of State no later than
2681 December 15 of the year in which the election is held;

2682 (b) Include the total voter turnout for each election,
2683 including the period for pre-election day voting, to be determined
2684 by totaling the number of persons signing the receipt book at each



2685 precinct, absentee voters and persons who voted by affidavit
2686 ballot and persons whose ballots were challenged and rejected;

2687 (c) Include in the report any anecdotal information
2688 obtained concerning voter problems with the voting equipment or
2689 ballot layout;

2690 (d) Include in the report any suggested explanation or
2691 suspected cause of any difference in the amount of total voter
2692 turnout and the number of counted votes for candidates for various
2693 offices; and

2694 (e) Include a copy of any printed voting instructions
2695 given or visible to voters * * * during the election and a
2696 description of any verbal instructions and any other evidence of
2697 voter education that was * * * used during the election.

2698 (5) Not later than January 31 of the year following the
2699 election, the Secretary of State shall submit a report to the
2700 Governor, Lieutenant Governor and Speaker of the House of
2701 Representatives analyzing the reports required to be filed
2702 pursuant to this section. The analysis shall include the
2703 following:

2704 (a) The performance of each voting device type
2705 used * * * during the election;

2706 (b) Any problems with voter or poll worker instructions
2707 or ballot design and layout that have been identified as a result
2708 of analyzing the reports received;



2709 (c) Recommendations for reducing the number of residual
2710 votes reported; and

2711 (d) Such other information as the Secretary of State
2712 deems beneficial.

2713 (6) The reports required pursuant to this section shall be
2714 in such form as may be required by rules and regulations
2715 promulgated by the Secretary of State.

2716 **SECTION 76.** Section 23-15-781, Mississippi Code of 1972, is
2717 amended as follows:

2718 23-15-781. The number of electors of President and Vice
2719 President of the United States to which this state may be
2720 entitled, shall be chosen by the qualified electors of the state
2721 at large, on the first Tuesday after the first Monday of November
2722 in the year in which an election of President and Vice President
2723 shall occur and during the pre-election day voting period.

2724 **SECTION 77.** Section 23-15-785, Mississippi Code of 1972, is
2725 amended as follows:

2726 23-15-785. (1) When presidential electors are to be chosen,
2727 the Secretary of State of Mississippi shall certify to the circuit
2728 clerks of the several counties the names of all candidates for
2729 President and Vice President who are nominated by any national
2730 convention or other like assembly of any political party or by
2731 written petition signed by at least one thousand (1,000) qualified
2732 voters of this state.



2733 (2) The certificate of nomination by a political party
2734 convention must be signed by the presiding officer and secretary
2735 of the convention and by the * * * chair of the state executive
2736 committee of the political party making the nomination. Any
2737 nominating petition, to be valid, must contain the signatures as
2738 well as the addresses of the petitioners. The certificates and
2739 petitions must be filed with the State Board of Election
2740 Commissioners by filing them in the Office of the Secretary of
2741 State by 5:00 p.m. not less than sixty (60) days * * * before the
2742 day * * * pre-election day voting begins for the election.

2743 (3) Each certificate of nomination and nominating petition
2744 must be accompanied by a list of the names and addresses of
2745 persons, who shall be qualified voters of this state, equal in
2746 number to the number of presidential electors to be chosen. Each
2747 person so listed shall execute the following statement which shall
2748 be attached to the certificate or petition when it is filed with
2749 the State Board of Election Commissioners: "I do hereby consent
2750 and do hereby agree to serve as elector for President and Vice
2751 President of the United States, if elected to that position, and
2752 do hereby agree that, if so elected, I shall cast my ballot as
2753 such for _____ for President and _____ for Vice President of
2754 the United States" (inserting in * * * the blank spaces the
2755 respective names of the persons named as nominees for * * * the
2756 respective offices in the certificate to which this statement is
2757 attached).



2758 (4) The State Board of Election Commissioners and any other
2759 official charged with the preparation of official ballots shall
2760 place on * * * the official ballots the words "PRESIDENTIAL
2761 ELECTORS FOR (here insert the name of the candidate for President,
2762 the word 'AND' and the name of the candidate for Vice President)"
2763 in lieu of placing the names of such presidential electors on the
2764 official ballots, and a vote cast therefor shall be counted and
2765 shall be in all respects effective as a vote for each of the
2766 presidential electors representing those candidates for President
2767 and Vice President of the United States. In the case of unpledged
2768 electors, the State Board of Election Commissioners and any other
2769 official charged with the preparation of official ballots shall
2770 place on * * * the official ballots the words "UNPLEDGED
2771 ELECTOR(S) (here insert the name(s) of individual unpledged
2772 elector(s) if placed upon the ballot based upon a petition granted
2773 in the manner provided by law stating the individual name(s) of
2774 the elector(s) rather than a slate of electors)."

2775 **SECTION 78.** Section 23-15-807, Mississippi Code of 1972, is
2776 amended as follows:

2777 23-15-807. (a) Each candidate or political committee shall
2778 file reports of contributions and disbursements in accordance with
2779 the provisions of this section. All candidates or political
2780 committees required to report may terminate its obligation to
2781 report only upon submitting a final report that it will no longer
2782 receive any contributions or make any disbursement and that * * *



2783 the candidate or committee has no outstanding debts or
2784 obligations. The candidate, treasurer or chief executive officer
2785 shall sign each such report.

2786 (b) Candidates who are seeking election, or nomination for
2787 election, and political committees that make expenditures for the
2788 purpose of influencing or attempting to influence the action of
2789 voters for or against the nomination for election, or election, of
2790 one or more candidates or balloted measures at * * * the election,
2791 shall file the following reports:

2792 (i) In any calendar year during which there is a
2793 regularly scheduled election, a pre-election report, which shall
2794 be filed no later than the seventh day before pre-election day
2795 voting begins for any election in which * * * the candidate or
2796 political committee has accepted contributions or made
2797 expenditures and which shall be complete as of the tenth day
2798 before * * * the pre-election day voting begins;

2799 (ii) In 1987 and every fourth year thereafter, periodic
2800 reports, which shall be filed no later than the tenth day after
2801 April 30, May 31, June 30, September 30 and December 31, and which
2802 shall be complete as of the last day of each period; and

2803 (iii) In any calendar years except 1987 and except
2804 every fourth year thereafter, a report covering the calendar
2805 year * * * that shall be filed no later than January 31 of the
2806 following calendar year.



2807 (c) All candidates for judicial office as defined in Section
2808 23-15-975, or their political committees, shall file in the year
2809 in which they are to be elected, periodic reports which shall be
2810 filed no later than the tenth day after April 30, May 31, June 30,
2811 September 30 and December 31.

2812 (d) * * * Each report under this article shall disclose:

2813 (i) For the reporting period and the calendar year, the
2814 total amount of all contributions and the total amount of all
2815 expenditures of the candidate or reporting committee which shall
2816 include those required to be identified pursuant to * * *

2817 paragraph (ii) of this * * * subsection as well as the total of
2818 all other contributions and expenditures during the calendar year.

2819 * * * The reports shall be cumulative during the calendar year to
2820 which they relate;

2821 (ii) The identification of:

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

2828 2. Each person or organization, candidate or
2829 political committee who receives an expenditure, payment or other
2830 transfer from the reporting candidate, political committee or its
2831 agent, employee, designee, contractor, consultant or other person



2832 or persons acting in its behalf during the reporting period when
2833 the expenditure, payment or other transfer to * * * the person,
2834 organization, candidate or political committee within the calendar
2835 year have an aggregate value or amount in excess of Two Hundred
2836 Dollars (\$200.00) together with the date and amount of * * * the
2837 expenditure * * *;

2838 (iii) The total amount of cash on hand of each
2839 reporting candidate and reporting political committee;

2840 (iv) In addition to the contents of reports specified
2841 in * * * paragraphs (i), (ii) and (iii) of this * * * subsection,
2842 each political party shall disclose:

2843 1. Each person or political committee who makes a
2844 contribution to a political party during the reporting period and
2845 whose contribution or contributions to a political party within
2846 the calendar year have an aggregate amount or value in excess of
2847 Two Hundred Dollars (\$200.00), together with the date and amount
2848 of the contribution;

2849 2. Each person or organization who receives an
2850 expenditure by a political party or expenditures by a political
2851 party during the reporting period when the expenditure or
2852 expenditures to the person or organization within the calendar
2853 year have an aggregate value or amount in excess of Two Hundred
2854 Dollars (\$200.00), together with the date and amount of the
2855 expenditure.



2856 (e) The appropriate office specified in Section 23-15-805
2857 must be in actual receipt of the reports specified in this article
2858 by 5:00 p.m. on the dates specified in * * * subsection (b) of
2859 this section. If the date specified in * * * subsection (b) of
2860 this section shall fall on a weekend or legal holiday then the
2861 report shall be due in the appropriate office at 5:00 p.m. on the
2862 first working day before the date specified in * * * subsection
2863 (b) of this section. The reporting candidate or reporting
2864 political committee shall ensure that the reports are delivered to
2865 the appropriate office by the filing deadline. The Secretary of
2866 State may approve specific means of electronic transmission of
2867 completed campaign finance disclosure reports, which may include,
2868 but not be limited to, transmission by electronic facsimile (FAX)
2869 devices.

2870 (f) (i) If any contribution of more than Two Hundred
2871 Dollars (\$200.00) is received by a candidate or candidate's
2872 political committee after the tenth day, but more than forty-eight
2873 (48) hours before 12:01 a.m. of the day of the election, the
2874 candidate or political committee shall notify the appropriate
2875 office designated in Section 23-15-805, within forty-eight (48)
2876 hours of receipt of the contribution. The notification shall
2877 include:

- 2878 1. The name of the receiving candidate;
2879 2. The name of the receiving candidate's political
2880 committee, if any;



- 2881 3. The office sought by the candidate;
2882 4. The identification of the contributor;
2883 5. The date of receipt;
2884 6. The amount of the contribution;
2885 7. If the contribution is in-kind, a description
2886 of the in-kind contribution; and
2887 8. The signature of the candidate or the treasurer
2888 or director of the candidate's political committee.

2889 (ii) The notification shall be in writing, and may be
2890 transmitted by overnight mail, courier service, or other reliable
2891 means, including electronic facsimile (FAX), but the candidate or
2892 candidate's committee shall ensure that the notification shall in
2893 fact be received in the appropriate office designated in Section
2894 23-15-805 within forty-eight (48) hours of the contribution.

2895 **SECTION 79.** Section 23-15-833, Mississippi Code of 1972, is
2896 amended as follows:

2897 23-15-833. Except as otherwise provided by law, the first
2898 Tuesday after the first Monday in November of each year shall be
2899 designated the regular special election day, and on that day and
2900 during the period established for pre-election day voting an
2901 election shall be held to fill any vacancy in county, county
2902 district, and district attorney elective offices, and any vacancy
2903 in the office of circuit judge or chancellor.

2904 All special elections, or elections to fill vacancies, shall
2905 in all respects be held, conducted and returned in the same manner



2906 as general elections, except that where no candidate receives a
2907 majority of the votes cast in * * * the election, then a runoff
2908 election shall be held three (3) weeks after * * * that election
2909 and the two (2) candidates who receive the highest popular votes
2910 for * * * the office shall have their names submitted as * * * the
2911 candidates to the * * * runoff and the candidate who leads
2912 in * * * the runoff election shall be elected to the office. When
2913 there is a tie in the first election of those receiving the next
2914 highest vote, these two (2) and the one receiving the highest
2915 vote, none having received a majority, shall go into the runoff
2916 election and whoever leads in * * * the runoff election shall be
2917 entitled to the office.

2918 In those years when the regular special election day shall
2919 occur * * * during the same * * * period of time as the general
2920 election, the names of candidates in any special election and the
2921 general election shall be placed on the same ballot, but shall be
2922 clearly distinguished as general election candidates or special
2923 election candidates.

2924 At any time a special election is held * * * during the
2925 same * * * period of time as a party primary election, the names
2926 of the candidates in the special election may be placed on the
2927 same ballot, but shall be clearly distinguished as special
2928 election candidates or primary election candidates.

2929 **SECTION 80.** Section 23-15-843, Mississippi Code of 1972, is
2930 amended as follows:



2931 23-15-843. In case of death, resignation or vacancy from any
2932 cause in the office of district attorney, the unexpired term of
2933 which shall exceed six (6) months, the Governor shall within ten
2934 (10) days after * * * the vacancy occurs issue his or her
2935 proclamation calling an election to fill a vacancy in the office
2936 of district attorney to be held * * * during the next regular
2937 special election * * * time period in the district wherein * * *
2938 the vacancy * * * occurred unless the vacancy * * * occurs before
2939 ninety (90) days * * * before the general election in a year in
2940 which an election would normally be held for that office as
2941 provided by law, in which case the person so appointed shall serve
2942 the unexpired portion of the term. Candidates in such a special
2943 election shall qualify in the same manner and shall be subject to
2944 the same time limitations as set forth in Section 23-15-839.
2945 Pending the holding of * * * the special election, the Governor
2946 shall make an emergency appointment to fill the vacancy until the
2947 same shall be filled by election as * * * provided in this
2948 section.

2949 **SECTION 81.** Section 23-15-851, Mississippi Code of 1972, is
2950 amended as follows:

2951 23-15-851. (1) Except as otherwise provided in subsection
2952 (2) of this section, within thirty (30) days after vacancies occur
2953 in either house of the Legislature, the Governor shall issue writs
2954 of election to fill the vacancies on a day specified in the writ
2955 of election. At least forty (40) days' notice shall be given of



2956 the election in each county or part of a county in which the
2957 election shall be held. The qualifying deadline for the election
2958 shall be thirty (30) days * * * before the pre-election day voting
2959 begins for the election. Notice of the election shall be posted
2960 at the courthouse and in each supervisors district in the county
2961 or part of county in which * * * the election shall be held for as
2962 near forty (40) days as may be practicable. The election shall be
2963 prepared for and held as in the case of a general election.

2964 (2) If a vacancy occurs on or after June 1 of a year in
2965 which the general election for state officers is held, the
2966 Governor may elect not to issue a writ of election to fill the
2967 vacancy.

2968 **SECTION 82.** Section 23-15-853, Mississippi Code of 1972, is
2969 amended as follows:

2970 23-15-853. (1) If a vacancy happens in the representation
2971 in Congress, the vacancy shall be filled for the unexpired term by
2972 a special election, to be ordered by the Governor, within sixty
2973 (60) days after * * * the vacancy occurs, and to be held at a time
2974 fixed by his or her order, and which time shall be not less than
2975 sixty (60) days after the issuance of the order of the Governor,
2976 which shall be directed to the election commissioners * * * of the
2977 several counties of the district, who shall, immediately on the
2978 receipt of the order, give notice of the election by publishing
2979 the same in some newspaper having a general circulation in the
2980 county and by posting notice * * * of the election at the front



2981 door of the courthouse. The order shall also be directed to the
2982 State Board of Election Commissioners. The election shall be
2983 prepared for and conducted, and returns shall be made, in all
2984 respects as provided for a special election to fill vacancies.

2985 (2) Candidates for the office in such an election must
2986 qualify with the Secretary of State by 5:00 p.m. not less than
2987 forty-five (45) days * * * before the * * * pre-election day
2988 voting period begins for the election. The election
2989 commissioners * * * shall have printed on the ballot in * * * the
2990 special election the name of any candidate who shall have been
2991 requested to be a candidate for the office by a petition filed
2992 with the Secretary of State and personally signed by not less than
2993 one thousand (1,000) qualified electors of the district. The
2994 petition shall be filed by 5:00 p.m. not less than forty-five (45)
2995 days * * * before the * * * pre-election day voting period begins
2996 for the election.

2997 There shall be attached to each petition above provided for,
2998 upon the time of filing with * * * the Secretary of State, a
2999 certificate from the appropriate registrar or registrars showing
3000 the number of qualified electors appearing upon each * * *
3001 petition * * * that the registrar shall furnish to the petitioner
3002 upon request.

3003 **SECTION 83.** Section 23-15-855, Mississippi Code of 1972, is
3004 amended as follows:



3005 23-15-855. (1) If a vacancy shall occur in the office of
3006 United States Senator from Mississippi by death, resignation or
3007 otherwise, the Governor shall, within ten (10) days after
3008 receiving official notice of * * * the vacancy, issue his or her
3009 proclamation for an election to be held in the state to elect a
3010 Senator to fill * * * the unexpired term as may remain, provided
3011 the unexpired term is more than twelve (12) months and the
3012 election shall be held within ninety (90) days from the time the
3013 proclamation is issued and the returns of * * * the election shall
3014 be certified to the Governor in the manner set out above for
3015 regular elections, unless the vacancy shall occur in a year that
3016 there shall be held a general state or congressional election, in
3017 which event the Governor's proclamation shall designate the period
3018 for conducting the general election day as the time for electing a
3019 Senator, and the vacancy shall be filled by appointment as
3020 hereinafter provided.

3021 (2) In case of a vacancy in the office of United States
3022 Senator, the Governor may appoint a Senator to fill * * * the
3023 vacancy temporarily, and if the United States Senate be in session
3024 at the time the vacancy occurs the Governor shall appoint a
3025 Senator within ten (10) days after receiving official notice * * *
3026 of the vacancy, and the Senator so appointed shall serve until his
3027 or her successor is elected and commissioned as provided for in
3028 subsection (1) of this section, provided that * * * the unexpired
3029 term as he or she may be appointed to fill shall be for a longer



3030 time than one (1) year, but if for a shorter time than one (1)
3031 year he or she shall serve for the full time of the unexpired term
3032 and no special election shall be called by the Governor but his or
3033 her successor shall be elected * * * during the regular election.

3034 **SECTION 84.** Section 23-15-857, Mississippi Code of 1972, is
3035 amended as follows:

3036 23-15-857. (1) When it shall happen that there is any
3037 vacancy in a city, town or village office which is elective, the
3038 unexpired term of which shall not exceed six (6) months, the same
3039 shall be filled by appointment by the governing authority or
3040 remainder of the governing authority of said city, town or
3041 village. The municipal clerk shall certify to the Secretary of
3042 State the * * * appointment, and the person or persons so
3043 appointed shall be commissioned by the Governor.

3044 (2) When it shall happen that there is any vacancy in an
3045 elective office in a city, town or village the unexpired term of
3046 which shall exceed six (6) months, the governing authority or
3047 remainder of the governing authority of * * * the city, town or
3048 village shall make and enter on the minutes an order for an
3049 election to be held in * * * the city, town or village to fill the
3050 vacancy and fix a * * * time period upon which * * * the election
3051 shall be held. * * * The order shall be made and entered upon the
3052 minutes at the next regular meeting of the governing authority
3053 after * * * the vacancy * * * has occurred, or at a special
3054 meeting to be held not later than ten (10) days after * * * the



3055 vacancy shall have occurred, Saturdays, Sundays and legal holidays
3056 excluded, whichever shall occur first. * * * The election shall
3057 be held on a date not less than thirty (30) days nor more than
3058 forty-five (45) days after the date upon which the order is
3059 adopted.

3060 Notice of * * * the election shall be given by the municipal
3061 clerk by notice published in a newspaper published in the
3062 municipality. * * * The notice shall be published once each week
3063 for three (3) successive weeks * * * before the date of * * * the
3064 election. The first notice to be published at least thirty (30)
3065 days before the * * * pre-election day voting period begins for
3066 the election. Notice shall also be given by posting a copy
3067 of * * * the notice at three (3) public places in * * * the
3068 municipality not less than twenty-one (21) days * * * before
3069 the * * * period for pre-election day voting begins for the
3070 election. One (1) of * * * the notices shall be posted at the
3071 city, town or village hall. In the event that there is no
3072 newspaper published in the municipality, then * * * the notice
3073 shall be published as provided for above in a newspaper * * * that
3074 has a general circulation within the municipality and by posting
3075 as provided for above. In addition, the governing authority may
3076 publish * * * the notice in * * * the newspaper for * * * the
3077 additional times as may be deemed necessary by the governing
3078 authority.



3079 Each candidate shall qualify by petition filed with the
3080 municipal clerk by 5:00 p.m. at least twenty (20) days before
3081 the * * * pre-election day voting period begins for the election
3082 and * * * the petition shall be signed by not less than the
3083 following number of qualified electors:

3084 (a) For an office of a city, town or village having a
3085 population of one thousand (1,000) or more, not less than fifty
3086 (50) qualified electors.

3087 (b) For an office of a city, town or village having a
3088 population of less than one thousand (1,000), not less than
3089 fifteen (15) qualified electors.

3090 No qualifying fee shall be required of any candidate, and the
3091 election provided for herein shall be held as far as practicable
3092 in the same manner as municipal general elections.

3093 The candidate receiving a majority of the votes cast in * * *
3094 the election shall be elected. If no candidate shall receive a
3095 majority vote at the election, the two (2) candidates receiving
3096 the highest number of votes shall have their names placed on the
3097 ballot for the election to be held two (2) weeks thereafter. The
3098 candidate receiving a majority of the votes cast in * * * the
3099 election shall be elected. However, if no candidate * * *
3100 receives a majority and there is a tie in the election of those
3101 receiving the next highest vote, those receiving the next highest
3102 vote and the candidate receiving the highest vote shall have their
3103 names placed on the ballot for the election to be held two (2)



3104 weeks thereafter, and whoever receives the most votes cast
3105 in * * * the election shall be elected.

3106 Should the election to be held two (2) weeks thereafter
3107 result in a tie vote, the candidate to prevail shall be decided by
3108 lot, fairly and publicly drawn under the supervision by the
3109 election commission with the aid of two (2) or more qualified
3110 electors of the municipality.

3111 The clerk of the election commission shall then give a
3112 certificate of election to the person elected, and shall return to
3113 the Secretary of State a copy of the order of holding the election
3114 and runoff election showing the results thereof, certified by the
3115 clerk of the governing authority. The person elected shall be
3116 commissioned by the Governor.

3117 However, if nineteen (19) days * * * before the date of the
3118 election only one (1) person shall have qualified as a candidate,
3119 the governing authority, or remainder of the governing authority,
3120 shall dispense with the election and appoint that one (1)
3121 candidate in lieu of an election. In the event no person shall
3122 have qualified by 5:00 p.m. at least twenty (20) days * * *
3123 before the * * * pre-election day voting period begins for the
3124 election, the governing authority or remainder of the governing
3125 authority shall dispense with the election and fill the vacancy by
3126 appointment. The clerk of the governing authority shall certify
3127 to the Secretary of State the fact of the appointment, and the
3128 person so appointed shall be commissioned by the Governor.



3129 **SECTION 85.** Section 23-15-859, Mississippi Code of 1972, is
3130 amended as follows:

3131 23-15-859. Whenever under any statute a special election is
3132 required or authorized to be held in any municipality, and the
3133 statute authorizing or requiring such election does not specify
3134 the time within which * * * the election shall be called, or the
3135 notice which shall be given thereof, the governing authorities of
3136 the municipality shall, by resolution, fix a date upon which
3137 * * * that election shall be held. * * * The date shall not be
3138 less than twenty-one (21) nor more than thirty (30) days after the
3139 date upon which * * * the resolution is adopted, and not less than
3140 three (3) weeks' notice of * * * the election shall be given by
3141 the clerk by a notice published in a newspaper published in the
3142 municipality once each week for three (3) weeks next preceding the
3143 date * * * pre-election day voting begins for the election, and by
3144 posting a copy of * * * the notice at three (3) public places
3145 in * * * the municipality. Nothing herein, however, shall be
3146 applicable to elections on the question of the issuance of the
3147 bonds of a municipality or to general or primary elections for the
3148 election of municipal officers.

3149 **SECTION 86.** Section 23-15-895, Mississippi Code of 1972, is
3150 amended as follows:

3151 23-15-895. It shall be unlawful for any candidate for an
3152 elective office, or any representative of such candidate, or for
3153 any proponent or opponent of any constitutional amendment, local



3154 issue or other measure printed on the ballot to post or distribute
3155 cards, posters or other campaign literature within one hundred
3156 fifty (150) feet of any entrance of the building wherein
3157 pre-election day voting or any election is being held. It shall
3158 be unlawful for any candidate or a representative named by him or
3159 her in writing to appear at any polling place while armed or
3160 uniformed, nor shall he or she display any badge or credentials
3161 except as may be issued by the manager of the polling place. As
3162 used in this section, the term "local issue" shall have the
3163 meaning ascribed to such term in Section 23-15-375.

3164 **SECTION 87.** Section 23-15-913, Mississippi Code of 1972, is
3165 amended as follows:

3166 23-15-913. The judges selected to hear election disputes
3167 shall be available on election day and during the pre-election day
3168 voting period to immediately hear and resolve any election * * *
3169 disputes. The rules for filing pleadings shall be relaxed to
3170 carry out the purposes of this section. The judges selected shall
3171 perform no other judicial duties * * * during the election * * *
3172 periods. The Supreme Court shall make judges available to hear
3173 disputes in the county in which the disputes occur but no judge
3174 shall hear disputes in the district, subdistrict or county in
3175 which he or she was elected nor shall any judge hear any dispute
3176 in which any potential conflict may arise. Each judge shall be
3177 fair and impartial and shall be assigned on that basis.



3178 **SECTION 88.** Section 23-15-963, Mississippi Code of 1972, is
3179 amended as follows:

3180 23-15-963. (1) Any person desiring to contest the
3181 qualifications of another person who has qualified pursuant to the
3182 provisions of Section 23-15-359 * * * as a candidate for any
3183 office elected at a general election, shall file a petition
3184 specifically setting forth the grounds of the challenge not later
3185 than thirty-one (31) days after the date of the first primary
3186 election set forth in Section 23-15-191 * * *. * * * The petition
3187 shall be filed with the same body with whom the candidate in
3188 question qualified pursuant to Section 23-15-359 * * *.

3189 (2) Any person desiring to contest the qualifications of
3190 another person who has qualified pursuant to the provisions of
3191 Section 23-15-213 * * * as a candidate for county election
3192 commissioner elected at a general election, shall file a petition
3193 specifically setting forth the grounds of the challenge no later
3194 than sixty (60) days * * * before the period for pre-election day
3195 voting begins for the general election. * * * The petition shall
3196 be filed with the county board of supervisors, being the same body
3197 with whom the candidate in question qualified pursuant to Section
3198 23-15-213 * * *.

3199 (3) Any person desiring to contest the qualifications of
3200 another person who has qualified pursuant to the provisions of
3201 Section 23-15-361 * * * as a candidate for municipal office
3202 elected on the date designated by law for regular municipal



3203 elections, shall file a petition specifically setting forth the
3204 grounds of the challenge no later than thirty-one (31) days after
3205 the date of the first primary election set forth in Section
3206 23-15-309 * * *. * * * The petition shall be filed with the
3207 municipal commissioners of election, being the same body with whom
3208 the candidate in question qualified pursuant to Section
3209 23-15-361 * * *.

3210 (4) Within ten (10) days of receipt of the petition
3211 described in subsections (1), (2) and (3) of this section, the
3212 appropriate election officials shall meet and rule upon the
3213 petition. At least two (2) days before the hearing to consider
3214 the petition, the appropriate election officials shall give notice
3215 to both the petitioner and the contested candidate of the time and
3216 place of the hearing on the petition. Each party shall be given
3217 an opportunity to be heard at such meeting and present evidence in
3218 support of his or her position.

3219 (5) If the appropriate election officials fail to rule upon
3220 the petition within the time required above, such inaction shall
3221 be interpreted as a denial of the request for relief contained in
3222 the petition.

3223 (6) Any party aggrieved by the action or inaction of the
3224 appropriate election officials may file a petition for judicial
3225 review to the circuit court of the county in which the election
3226 officials whose decision is being reviewed sits. * * * The
3227 petition must be filed no later than fifteen (15) days after the



3228 date the petition was originally filed with the appropriate
3229 election officials. * * * The person filing for judicial review
3230 shall give a cost bond in the sum of Three Hundred Dollars
3231 (\$300.00) with two (2) or more sufficient sureties conditioned to
3232 pay all costs in case his or her petition be dismissed, and an
3233 additional bond may be required, by the court, if necessary, at
3234 any subsequent stage of the proceedings.

3235 (7) The circuit court with whom such a petition for judicial
3236 review has been filed shall at the earliest possible date set the
3237 matter for hearing. Notice shall be given to the interested
3238 parties of the time set for hearing by the circuit clerk. The
3239 hearing before the circuit court shall be de novo. The matter
3240 shall be tried to the circuit judge, without a jury. After
3241 hearing the evidence, the circuit judge shall determine whether
3242 the candidate whose qualifications have been challenged is legally
3243 qualified to have his or her name placed upon the ballot in
3244 question. The circuit judge may, upon disqualification of any
3245 such candidate, order that * * * the candidate * * * bear the
3246 court costs of the proceedings.

3247 (8) Within three (3) days after judgment is rendered by the
3248 circuit court, the contestant or contestee, or both, may file an
3249 appeal in the Supreme Court upon giving a cost bond in the sum of
3250 Three Hundred Dollars (\$300.00), together with a bill of
3251 exceptions * * * that shall state the point or points of law at
3252 issue with a sufficient synopsis of the facts to fully disclose



3253 the bearing and relevancy of such points of law. The bill of
3254 exceptions shall be signed by the trial judge, or in case of his
3255 or her absence, refusal or disability, by two (2) disinterested
3256 attorneys, as is provided by law in other cases of bills of
3257 exception. The filing of * * * the appeals shall automatically
3258 suspend the decision of the circuit court and the appropriate
3259 election officials are entitled to proceed based upon their
3260 decision * * * until the Supreme Court, in its discretion, stays
3261 further proceedings in the matter. The appeal shall be
3262 immediately docketed in the Supreme Court and referred to the
3263 court en banc upon briefs without oral argument unless the court
3264 shall call for oral argument, and shall be decided at the earliest
3265 possible date, as a preference case over all others. The Supreme
3266 Court shall have the authority to grant such relief as is
3267 appropriate under the circumstances.

3268 (9) The procedure set forth above shall be the * * * only
3269 manner in which the qualifications of a candidate seeking public
3270 office who qualified pursuant to the provisions of Sections
3271 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
3272 before the time of his or her election. After any such person has
3273 been elected to public office, the election may be challenged as
3274 otherwise provided by law. After any person assumes an elective
3275 office, his or her qualifications to hold that office may be
3276 contested as otherwise provided by law.



3277 **SECTION 89.** Section 23-15-977, Mississippi Code of 1972, is
3278 amended as follows:

3279 23-15-977. (1) Except as otherwise provided in this
3280 section, all candidates for judicial office as defined in Section
3281 23-15-975 of this subarticle shall file their intent to be a
3282 candidate with the proper officials not later than 5:00 p.m. on
3283 the first Friday after the first Monday in May * * * before the
3284 general election for judicial office and shall pay to the proper
3285 officials the following amounts:

3286 (a) Candidates for Supreme Court judge and Court of
3287 Appeals, the sum of Two Hundred Dollars (\$200.00).

3288 (b) Candidates for circuit judge and chancellor, the
3289 sum of One Hundred Dollars (\$100.00).

3290 (c) Candidates for county judge and family court judge,
3291 the sum of Fifteen Dollars (\$15.00).

3292 Candidates for judicial office may not file their intent to
3293 be a candidate and pay the proper assessment before January 1 of
3294 the year in which the election for the judicial office is held.

3295 (2) Candidates for judicial offices listed in paragraphs (a)
3296 and (b) of subsection (1) of this section shall file their intent
3297 to be a candidate with, and pay the proper assessment made
3298 pursuant to subsection (1) of this section to, the State Board of
3299 Election Commissioners.

3300 (3) Candidates for judicial offices listed in paragraph (c)
3301 of subsection (1) of this section shall file their intent to be a



3302 candidate with, and pay the proper assessment made pursuant to
3303 subsection (1) of this section to, the circuit clerk of the proper
3304 county. The circuit clerk shall notify the county election
3305 commissioners * * * of all persons who have filed their intent to
3306 be a candidate with, and paid the proper assessment to, * * * the
3307 clerk. * * * The notification shall occur within two (2) business
3308 days and shall contain all necessary information.

3309 (4) If only one (1) person files his or her intent to be a
3310 candidate for a judicial office and that person subsequently dies,
3311 resigns or is otherwise disqualified from holding the judicial
3312 office after the deadline provided for in subsection (1) of this
3313 section but more than seventy (70) days before the date * * * that
3314 pre-election day voting begins for the general election, the
3315 Governor, upon notification of the death, resignation or
3316 disqualification of the person, shall issue a proclamation
3317 authorizing candidates to file their intent to be a candidate for
3318 that judicial office for a period of not less than seven (7) nor
3319 more than ten (10) days from the date of the proclamation.

3320 (5) If only one (1) person qualifies as a candidate for a
3321 judicial office and that person subsequently dies, resigns or is
3322 otherwise disqualified from holding the judicial office within
3323 seventy (70) days before the date * * * that pre-election day
3324 voting begins for the general election, the judicial office shall
3325 be considered vacant for the new term and the vacancy shall be
3326 filled as provided in by law.



3327 **SECTION 90.** Section 23-15-1031, Mississippi Code of 1972, is
3328 amended as follows:

3329 23-15-1031. Except as may be otherwise provided by Section
3330 23-15-1081, the first primary election for congressmen shall be
3331 held on the first Tuesday in June of the years in which
3332 congressmen are elected, and the second primary, when one is
3333 necessary, shall be held three (3) weeks thereafter. Each year in
3334 which a presidential election is held, the congressional primary
3335 shall be held as provided in Section 23-15-1081. The election
3336 shall be held in all districts of the state during the same period
3337 for pre-election day voting and on the same day. Candidates for
3338 United States Senator shall be nominated at the congressional
3339 primary next preceding the general election at which a senator is
3340 to be elected and in the same manner that congressmen are
3341 nominated, and the * * * chair and secretary of the state
3342 executive committee shall certify the vote for United States
3343 Senator to the Secretary of State in the same manner that county
3344 executive committees certify the returns of counties in general
3345 state and county primary elections.

3346 **SECTION 91.** Section 23-15-1081, Mississippi Code of 1972, is
3347 amended as follows:

3348 23-15-1081. A presidential preference primary may be held on
3349 the second Tuesday in March of each year in which a President of
3350 the United States is to be elected and during the pre-election day
3351 voting period established in this act. Each political party * * *



3352 that has cast for its candidates for President and Vice President
3353 in the previous presidential election more than twenty percent
3354 (20%) of the total vote cast for President and Vice President in
3355 the state, may conduct a presidential preference primary. No
3356 elector shall vote in the primary of more than one (1) political
3357 party in the same presidential preference primary.

3358 **SECTION 92.** Section 23-15-1083, Mississippi Code of 1972, is
3359 amended as follows:

3360 23-15-1083. Beginning in 1988, as an alternative to the
3361 congressional primary election date set forth in Section
3362 23-15-1031, when a political party elects to conduct a
3363 presidential preference primary, the first primary election for
3364 congressmen, and senators, if senators are to be elected, shall be
3365 held on the second Tuesday in March and during the pre-election
3366 day voting period established in this act, and the second primary,
3367 when one is necessary, shall be held three (3) weeks thereafter,
3368 and the election shall be held in all districts of the state on
3369 the same day.

3370 **SECTION 93.** Section 23-15-1085, Mississippi Code of 1972, is
3371 amended as follows:

3372 23-15-1085. The * * * chair of a party's state executive
3373 committee shall notify the Secretary of State if the party intends
3374 to hold a presidential preference primary. The Secretary of State
3375 shall be notified * * * before December 1 of the year preceding
3376 the year in which a presidential preference primary may be held



3377 pursuant to Section 23-15-1081. Upon * * * the notification, the
3378 Secretary of State shall issue a proclamation setting every
3379 party's congressional and senatorial primary elections, including
3380 the period for pre-election day voting, that are to be held in the
3381 year in which the presidential preference primary is to be held on
3382 the date provided for in Section 23-15-1083. Once the Secretary of
3383 State has issued a proclamation pursuant to this section, the
3384 dates of the congressional and senatorial primary elections shall
3385 not be changed.

3386 **SECTION 94.** Section 23-15-1091, Mississippi Code of 1972, is
3387 amended as follows:

3388 23-15-1091. When the Secretary of State places the name of a
3389 candidate on the ballot pursuant to Section 23-15-1093, he or she
3390 shall notify the candidate that his or her name will appear on the
3391 ballot of this state in the presidential preference primary
3392 election.

3393 The secretary shall also notify the candidate that he or she
3394 may withdraw his or her name from the ballot by filing with the
3395 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3396 later than the sixtieth day before the period for pre-election day
3397 voting begins for that election.

3398 **SECTION 95.** Section 21-3-3, Mississippi Code of 1972, is
3399 amended as follows:

3400 21-3-3. The elective officers of all municipalities
3401 operating under a code charter shall be the mayor, the aldermen,



3402 municipal judge, the marshal or chief of police, the tax collector
3403 and the tax assessor. From and after July 1, 2017, the governing
3404 authorities of the municipality shall appoint a city or town clerk
3405 who shall likewise serve as an officer of the municipality.
3406 However, the governing authorities of the municipality shall have
3407 the power, by ordinance, to combine the office of clerk or marshal
3408 with the office of tax collector and/or tax assessor. * * * The
3409 governing authorities shall have the further power to provide
3410 that * * * any of * * * those officers, except those of mayor and
3411 aldermen, shall be appointive, in which case the marshal or chief
3412 of police, the tax collector, the tax assessor, and the city or
3413 town clerk, or such of * * * the officers as may be made
3414 appointive, shall be appointed by the governing authorities. Any
3415 action taken by the governing authorities to make any of * * * the
3416 offices appointive shall be by ordinance of * * * the
3417 municipality, and no such ordinance shall be adopted within ninety
3418 (90) days * * * before the period for pre-election day voting
3419 begins for any regular general election for the election of
3420 municipal officers. No such ordinance shall become effective
3421 during the term of office of any officer whose office shall be
3422 affected thereby. If any such office is made appointive, the
3423 person appointed thereto shall hold office at the pleasure of the
3424 governing authorities and may be discharged by * * * the governing
3425 authorities at any time, either with or without cause, and it
3426 shall be discretionary with the governing authorities whether or



3427 not to require * * * the person appointed thereto to reside within
3428 the corporate limits of the municipality in order to hold * * *
3429 the office.

3430 **SECTION 96.** Section 21-9-17, Mississippi Code of 1972, is
3431 amended as follows:

3432 21-9-17. Except as otherwise provided, all candidates for
3433 mayor and councilmen, or any of them, to be voted for * * * during
3434 the periods for holding any general or special municipal election,
3435 shall be nominated by party primary election, and no other name or
3436 names shall be placed on the official ballot at * * * the general
3437 or special election than those selected in the manner prescribed
3438 herein. Such primary election or elections, shall be held not
3439 less than ten (10), nor more than thirty (30) days, * * * before
3440 the general or special election, and * * * the primary election or
3441 elections shall be held and conducted in the manner as near as may
3442 be as is provided by law for state and county primary elections.

3443 **SECTION 97.** Section 37-5-9, Mississippi Code of 1972, is
3444 amended as follows:

3445 37-5-9. The name of any qualified elector who is a candidate
3446 for the county board of education shall be placed on the ballot
3447 used in the general elections by the county election
3448 commissioners, provided that the candidate files with the county
3449 election commissioners, not more than ninety (90) days and not
3450 less than sixty (60) days * * * before the date * * * pre-election
3451 day voting begins for the general election, a petition of



3452 nomination signed by not less than fifty (50) qualified electors
3453 of the county residing within each supervisors district. Where
3454 there are less than one hundred (100) qualified electors in * * *
3455 the supervisors district, it shall only be required that * * * the
3456 petition of nomination be signed by at least twenty percent (20%)
3457 of the qualified electors of * * * the supervisors district. The
3458 candidate in each supervisors district who receives the highest
3459 number of votes cast in the district shall be declared elected.

3460 When any member of the county board of education is to be
3461 elected from the county at large under the provisions of this
3462 chapter, then the petition required by the preceding paragraph
3463 hereof shall be signed by the required number of qualified
3464 electors residing in any part of the county outside of the
3465 territory embraced within a municipal separate school district or
3466 special municipal separate school district. The candidate who
3467 receives the highest number of votes cast in the election shall be
3468 declared elected.

3469 In no case shall any qualified elector residing within a
3470 municipal separate school district or special municipal separate
3471 school district be eligible to sign a petition of nomination for
3472 any candidate for the county board of education under any of the
3473 provisions of this section.

3474 **SECTION 98.** Section 37-5-7, Mississippi Code of 1972, is
3475 amended as follows:



3476 37-5-7. (1) On the first Tuesday after the first Monday in
3477 May, 1954, an election shall be held in each county in this state
3478 in the same manner, including the provisions for pre-election day
3479 voting established in this act, as general state and county
3480 elections are held and conducted, which election shall be held for
3481 the purpose of electing the county boards of education established
3482 under the provisions of this chapter. At * * * the election, the
3483 members of the * * * board from Supervisors Districts One and Two
3484 shall be elected for the term expiring on the first Monday of
3485 January, 1957; members of the board from Supervisors Districts
3486 Three and Four shall be elected for a term expiring on the first
3487 Monday of January, 1959; and the member of the board from
3488 Supervisors District Five shall be elected for a term expiring on
3489 the first Monday of January, 1955. Except as otherwise provided
3490 in subsection (2), all subsequent members of the board shall be
3491 elected for a term of six (6) years at the regular general
3492 election held on the first Monday in November next preceding the
3493 expiration of the term of office of the respective member or
3494 members of * * * the board. All members of the county board of
3495 education as herein constituted, shall take office on the first
3496 Monday of January following the date of their election.

3497 (2) On the first Tuesday after the first Monday in November,
3498 in any year in which any county shall elect to utilize the
3499 authority contained in Section 37-5-1(2), an election shall be
3500 held in each such county in this state for the purpose of electing



3501 the county boards of education in * * * those counties. At * * *
3502 the election the members of the * * * county board of education
3503 from Districts One and Two shall be elected for a term of four (4)
3504 years, the members from Districts Three and Four shall be elected
3505 for a term of six (6) years, and the member from District Five
3506 shall be elected for a term of two (2) years. Thereafter, members
3507 shall be elected at general elections as vacancies occur for terms
3508 of six (6) years each. All members of the county board of
3509 education shall take office on the first Monday of January
3510 following the date of their election.

3511 (3) (a) Current members of the Board of Trustees of the
3512 Greenwood Public School District serving on November 1, 2017,
3513 shall continue in office as the new County Board of Education of
3514 the Greenwood-Leflore School District until their successors are
3515 elected as follows:

3516 (i) The two (2) appointed board members of the
3517 Greenwood Public School District whose terms are nearest to
3518 expiration shall expire on January 1, 2019, and thereafter become
3519 permanently elected positions to be filled by persons elected as
3520 board members from Supervisors Districts 2 and 3 in a November
3521 2018 election held for that purpose, in the manner prescribed in
3522 Section 37-7-203, and the newly elected members will take office
3523 on January 1, 2019, for a term of four (4) years;

3524 (ii) The final two (2) appointed board members of
3525 the Greenwood Public School District whose terms are the farthest



3526 removed from expiration shall expire on January 1, 2020, and
3527 thereafter become permanently elected positions to be filled by
3528 persons elected as board members from Supervisors Districts 4 and
3529 5 in a November 2019 election held for that purpose, in the manner
3530 prescribed in Section 37-7-203, and the newly elected members will
3531 take office on January 1, 2020, for a term of four (4) years; and

3532 (iii) One (1) appointed board member of the
3533 Greenwood Public School District whose term is next nearest to
3534 expiration shall expire on January 1, 2021, and thereafter become
3535 a permanently elected position to be filled by a person elected as
3536 a board member from Supervisors District 1 in a November 2020
3537 election held for that purpose, in the manner prescribed in
3538 Section 37-7-203, and the newly elected members will take office
3539 on January 1, 2021, for a term of four (4) years.

3540 (b) All subsequent members shall be elected for a term
3541 of four (4) years at the regular general election held on the
3542 first Monday in November next preceding the expiration of the term
3543 of office of the respective members, and shall take office on
3544 January 1 next succeeding the election.

3545 (4) On the first Tuesday after the first Monday in November
3546 2017, an election shall be held in Holmes County for the purpose
3547 of electing the county board of education in the new Holmes County
3548 Consolidated School District. At the election, the members of
3549 the * * * county board of education shall be elected from single
3550 member board of education districts, which shall be consistent



3551 with the supervisors district lines in the county, and shall be
3552 elected for an initial term of six (6) years. Subsequent
3553 elections for the Holmes County Board of Education shall be held
3554 on the first Tuesday after the first Monday in November 2023 and
3555 every four (4) years thereafter at the same time and manner as
3556 other general elections are held, and the member shall be elected
3557 for a term of four (4) years. All members of the county board of
3558 education in the new Holmes County Consolidated School District
3559 shall take office on the first Monday of January following the
3560 date of their election.

3561 **SECTION 99.** Section 21-8-7, Mississippi Code of 1972, is
3562 amended as follows:

3563 21-8-7. (1) Each municipality operating under the
3564 mayor-council form of government shall be governed by an elected
3565 council and an elected mayor. Other officers and employees shall
3566 be duly appointed pursuant to this chapter, general law or
3567 ordinance.

3568 (2) Except as otherwise provided in subsection (4) of this
3569 section, the mayor and council members shall be elected by the
3570 voters of the municipality at a regular municipal election held on
3571 the first Tuesday after the first Monday in June as provided in
3572 Section 21-11-7, and shall serve for a term of four (4) years
3573 beginning on the first day of July next following the election
3574 that is not on a weekend. Votes for mayor and council members may



3575 also be cast during the period for pre-election day voting as
3576 provided for in this act.

3577 (3) The terms of the initial mayor and council members shall
3578 commence at the expiration of the terms of office of the elected
3579 officials of the municipality serving at the time of adoption of
3580 the mayor-council form.

3581 (4) (a) The council shall consist of five (5), seven (7) or
3582 nine (9) members. In the event there are five (5) council
3583 members, the municipality shall be divided into either five (5) or
3584 four (4) wards. In the event there are seven (7) council members,
3585 the municipality shall be divided into either seven (7), six (6)
3586 or five (5) wards. In the event there are nine (9) council
3587 members, the municipality shall be divided into seven (7) or nine
3588 (9) wards. If the municipality is divided into fewer wards than
3589 it has council members, the other council member or members shall
3590 be elected from the municipality at large. The total number of
3591 council members and the number of council members elected from
3592 wards shall be established by the petition or petitions presented
3593 pursuant to Section 21-8-3. One (1) council member shall be
3594 elected from each ward by the voters of that ward. Council
3595 members elected to represent wards must be residents of their
3596 wards at the time of qualification for election, and any council
3597 member who removes the member's residence from the municipality or
3598 from the ward from which elected shall vacate that office.
3599 However, any candidate for council member who is properly



3600 qualified as a candidate under applicable law shall be deemed to
3601 be qualified as a candidate in whatever ward the member resides if
3602 the ward has changed after the council has redistricted the
3603 municipality as provided in paragraph (c)(ii) of this subsection
3604 (4), and if the wards have been so changed, any person may qualify
3605 as a candidate for council member, using the person's existing
3606 residence or by changing the person's residence, not less than
3607 fifteen (15) days before the period for pre-election day voting
3608 begins for the first party primary or special party primary, as
3609 the case may be, notwithstanding any other residency or
3610 qualification requirements to the contrary.

3611 (b) The council or board existing at the time of the
3612 adoption of the mayor-council form of government shall designate
3613 the geographical boundaries of the wards within one hundred twenty
3614 (120) days after the election in which the mayor-council form of
3615 government is selected. In designating the geographical
3616 boundaries of the wards, each ward shall contain, as nearly as
3617 possible, the population factor obtained by dividing the
3618 municipality's population as shown by the most recent decennial
3619 census by the number of wards into which the municipality is to be
3620 divided.

3621 (c) (i) It shall be the mandatory duty of the council
3622 to redistrict the municipality by ordinance, which ordinance may
3623 not be vetoed by the mayor, within six (6) months after the
3624 official publication by the United States of the population of the



3625 municipality as enumerated in each decennial census, and within
3626 six (6) months after the effective date of any expansion of
3627 municipal boundaries; however, if the publication of the most
3628 recent decennial census or effective date of an expansion of the
3629 municipal boundaries occurs six (6) months or more before the
3630 first party primary of a general municipal election, then the
3631 council shall redistrict the municipality by ordinance not less
3632 than sixty (60) days before the period for pre-election day voting
3633 begins for the first party primary.

3634 (ii) If the publication of the most recent
3635 decennial census occurs less than six (6) months before the first
3636 primary of a general municipal election, the election shall be
3637 held with regard to the existing defined wards; reapportioned
3638 wards based on the census shall not serve as the basis for
3639 representation until the next regularly scheduled election in
3640 which council members shall be elected.

3641 (d) If annexation of additional territory into the
3642 municipal corporate limits of the municipality occurs less than
3643 six (6) months before the first party primary of a general
3644 municipal election, the council shall, by ordinance adopted within
3645 three (3) days of the effective date of the annexation, assign the
3646 annexed territory to an adjacent ward or wards so as to maintain
3647 as nearly as possible substantial equality of population between
3648 wards; any subsequent redistricting of the municipality by
3649 ordinance, as required by this chapter, shall not serve as the



3650 basis for representation until the next regularly scheduled
3651 election for municipal council members.

3652 (5) Vacancies occurring in the council shall be filled as
3653 provided in Section 23-15-857.

3654 (6) The mayor shall maintain an office at the city hall.
3655 The council members shall not maintain individual offices at the
3656 city hall; however, in a municipality having a population of one
3657 hundred thousand (100,000) and above according to the latest
3658 federal decennial census, council members may have individual
3659 offices in the city hall. Clerical work of council members in the
3660 performance of the duties of their office shall be performed by
3661 municipal employees or at municipal expense, and council members
3662 shall be reimbursed for the reasonable expenses incurred in the
3663 performance of the duties of their office.

3664 **SECTION 100.** Section 9-4-5, Mississippi Code of 1972, is
3665 amended as follows:

3666 9-4-5. (1) The term of office of judges of the Court of
3667 Appeals shall be eight (8) years. An election shall be held on
3668 the first Tuesday after the first Monday in November 1994, to
3669 elect the ten (10) judges of the Court of Appeals, two (2) from
3670 each congressional district; provided, however, judges of the
3671 Court of Appeals who are elected to take office after the first
3672 Monday of January 2002, shall be elected from the Court of Appeals
3673 Districts described in subsection (5) of this section. The judges
3674 of the Court of Appeals shall begin service on the first Monday of



3675 January 1995. Votes for judges of the Court of Appeals may be
3676 cast, if applicable, during the period for pre-election day voting
3677 provided for in this act.

3678 (2) (a) In order to provide that the offices of not more
3679 than a majority of the judges of * * * the court shall become
3680 vacant at any one (1) time, the terms of office of six (6) of the
3681 judges first to be elected shall expire in less than eight (8)
3682 years. For the purpose of all elections of members of the court,
3683 each of the ten (10) judges of the Court of Appeals shall be
3684 considered a separate office. The two (2) offices in each of the
3685 five (5) districts shall be designated Position Number 1 and
3686 Position Number 2, and in qualifying for office as a candidate for
3687 any office of judge of the Court of Appeals each candidate shall
3688 state the position number of the office to which he or she aspires
3689 and the election ballots shall so indicate.

3690 (i) In Congressional District Number 1, the judge
3691 of the Court of Appeals for Position Number 1 shall be that office
3692 for which the term ends January 1, 1999, and the judge of the
3693 Court of Appeals for Position Number 2 shall be that office for
3694 which the term ends January 1, 2003.

3695 (ii) In Congressional District Number 2, the judge
3696 of the Court of Appeals for Position Number 1 shall be that office
3697 for which the term ends on January 1, 2003, and the judge of the
3698 Court of Appeals for Position Number 2 shall be that office for
3699 which the term ends January 1, 2001.



3700 (iii) In Congressional District Number 3, the
3701 judge of the Court of Appeals for Position Number 1 shall be that
3702 office for which the term ends on January 1, 2001, and the judge
3703 of the Court of Appeals for Position Number 2 shall be that office
3704 for which the term ends January 1, 1999.

3705 (iv) In Congressional District Number 4, the judge
3706 of the Court of Appeals for Position Number 1 shall be that office
3707 for which the term ends on January 1, 1999, and the judge of the
3708 Court of Appeals for Position Number 2 shall be that office for
3709 which the term ends January 1, 2003.

3710 (v) In Congressional District Number 5, the judge
3711 of the Court of Appeals for Position Number 1 shall be that office
3712 for which the term ends on January 1, 2003, and the judge of the
3713 Court of Appeals for Position Number 2 shall be that office for
3714 which the term ends January 1, 2001.

3715 (b) The laws regulating the general elections shall
3716 apply to and govern the elections of judges of the Court of
3717 Appeals except as otherwise provided in Sections 23-15-974 through
3718 23-15-985.

3719 (c) In the year * * * before the expiration of the term
3720 of an incumbent, and likewise each eighth year thereafter, an
3721 election shall be held in the manner provided in this section in
3722 the district from which the incumbent Court of Appeals judge was
3723 elected at which there shall be elected a successor to the
3724 incumbent, whose term of office shall thereafter begin on the



3725 first Monday of January of the year in which the term of the
3726 incumbent he or she succeeds expires.

3727 (3) No person shall be eligible for the office of judge of
3728 the Court of Appeals who has not attained the age of thirty (30)
3729 years at the time of his or her election and who has not been a
3730 practicing attorney and citizen of the state for five (5) years
3731 immediately * * * before the election.

3732 (4) Any vacancy on the Court of Appeals shall be filled by
3733 appointment of the Governor for that portion of the unexpired
3734 term * * * before the election to fill the remainder of * * * the
3735 term according to provisions of Section 23-15-849 * * *.

3736 (5) (a) The State of Mississippi is hereby divided into
3737 five (5) Court of Appeals Districts as follows:

3738 **FIRST DISTRICT.** The First Court of Appeals District shall be
3739 composed of the following counties and portions of counties:
3740 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3741 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3742 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3743 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3744 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3745 Nations and Poplar Creek; in Panola County the precincts of East
3746 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3747 Springport, South Springport, Eureka, Williamson, East Batesville
3748 4, West Batesville 4, Fern Hill, North Batesville A, East
3749 Batesville 5 and West Batesville 5; and in Tallahatchie County the



3750 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3751 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3752 Murphreesboro and Rosebloom.

3753 **SECOND DISTRICT.** The Second Court of Appeals District shall
3754 be composed of the following counties and portions of counties:
3755 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3756 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
3757 Tunica, Warren, Washington and Yazoo; in Attala County the
3758 precincts of Northeast, Hesterville, Possomneck, North Central,
3759 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3760 County not included in the First Court of Appeals District; in
3761 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3762 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3763 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3764 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3765 precincts of Conway, West Carthage, Wiggins, Thomastown and
3766 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3767 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3768 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3769 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3770 Canton Precinct 1 and Canton Precinct 4; that portion of
3771 Montgomery County not included in the First Court of Appeals
3772 District; that portion of Panola County not included in the First
3773 Court of Appeals District; and that portion of Tallahatchie County
3774 not included in the First Court of Appeals District.



3775 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3776 composed of the following counties and portions of counties:
3777 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3778 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3779 portion of Attala County not included in the Second Court of
3780 Appeals District; in Jones County the precincts of Northwest High
3781 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
3782 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3783 Antioch and Landrum; that portion of Leake County not included in
3784 the Second Court of Appeals District; that portion of Madison
3785 County not included in the Second Court of Appeals District; and
3786 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3787 Diamond, Chaparral, Matherville, Coit and Eucutta.

3788 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3789 be composed of the following counties and portions of counties:
3790 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3791 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3792 that portion of Hinds County not included in the Second Court of
3793 Appeals District; and that portion of Jones county not included in
3794 the Third Court of Appeals District.

3795 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3796 composed of the following counties and portions of counties:
3797 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3798 River, Perry and Stone; and that portion of Wayne County not
3799 included in the Third Court of Appeals District.



3800 (b) The boundaries of the Court of Appeals Districts
3801 described in paragraph (a) of this subsection shall be the
3802 boundaries of the counties and precincts listed in paragraph (a)
3803 of this subsection as such boundaries existed on October 1, 1990.

3804 **SECTION 101.** This act shall take effect and be in force from
3805 and after July 1, 2017.

