

By: Representatives Denny, Sykes

To: Apportionment and  
Elections

HOUSE BILL NO. 467  
(As Sent to Governor)

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



35 23-15-299, 23-15-303, 23-15-307, 23-15-309 AND 23-15-311,  
36 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR NOMINATIONS  
37 IN PRIMARY ELECTIONS; TO AMEND SECTIONS 23-15-333, 23-15-351,  
38 23-15-353, 23-15-355, 23-15-359, 23-15-361, 23-15-365, 23-15-367,  
39 23-15-369, 23-15-371, 23-15-373 AND 23-15-375, MISSISSIPPI CODE OF  
40 1972, TO REVISE THE PROVISIONS FOR BALLOTS; TO AMEND SECTIONS  
41 23-15-391, 23-15-503, 23-15-505, 23-15-507, 23-15-511, 23-15-513,  
42 23-15-515, 23-15-517, 23-15-519, 23-15-521, 23-15-523 AND  
43 23-15-525, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR  
44 OPTICAL MARK READING EQUIPMENT; TO AMEND SECTIONS 23-15-531,  
45 23-15-531.1, 23-15-531.2, 23-15-531.3, 23-15-531.4, 23-15-531.5,  
46 23-15-531.6, 23-15-531.9, 23-15-531.10 AND 23-15-531.12,  
47 MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR DIRECT  
48 RECORDING ELECTRONIC VOTING EQUIPMENT; TO AMEND SECTIONS  
49 23-15-541, 23-15-543, 23-15-547, 23-15-551, 23-15-553 AND  
50 23-15-563, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS FOR  
51 THE CONDUCT OF ELECTIONS; TO AMEND SECTIONS 23-15-571, 23-15-573,  
52 23-15-575, 23-15-577, 23-15-579 AND 23-15-581, MISSISSIPPI CODE OF  
53 1972, TO REVISE THE PROVISIONS REGARDING AFFIDAVIT BALLOTS AND  
54 CHALLENGED BALLOTS; TO AMEND SECTIONS 23-15-591, 23-15-593,  
55 23-15-595, 23-15-597, 23-15-601, 23-15-603, 23-15-605, 23-15-607,  
56 23-15-609, 23-15-611 AND 23-15-613, MISSISSIPPI CODE OF 1972, TO  
57 REVISE THE PROVISIONS THAT ARE USED TO DETERMINE THE RESULTS OF  
58 ELECTIONS; TO CREATE NEW SECTION 23-15-819, MISSISSIPPI CODE OF  
59 1972, TO REGULATE THE RECEIPT OF CAMPAIGN FUNDS FROM A FOREIGN  
60 NATIONAL; TO AMEND SECTIONS 23-15-831, 23-15-833, 23-15-835,  
61 23-15-837, 23-15-839, 23-15-843, 23-15-849, 23-15-851, 23-15-853,  
62 23-15-855, 23-15-857 AND 23-15-859, MISSISSIPPI CODE OF 1972, TO  
63 REVISE THE PROVISIONS FOR VACANCIES IN OFFICE; TO AMEND SECTIONS  
64 23-15-873, 23-15-874, 23-15-875, 23-15-881, 23-15-891, 23-15-895,  
65 23-15-897, 23-15-903 AND 23-15-905, MISSISSIPPI CODE OF 1972, TO  
66 REVISE THE PROVISIONS FOR REGULATIONS OF ELECTIONS; TO AMEND  
67 SECTIONS 23-15-911 AND 23-15-913, MISSISSIPPI CODE OF 1972, TO  
68 REVISE THE PROVISIONS FOR ELECTION CONTESTS IN GENERAL; TO AMEND  
69 SECTION 23-15-939, MISSISSIPPI CODE OF 1972, TO REVISE THE  
70 PROVISIONS FOR PRIMARY ELECTION CONTESTS; TO AMEND SECTION  
71 23-15-977, MISSISSIPPI CODE OF 1972, TO REVISE THE PROVISIONS  
72 REGARDING JUDICIAL OFFICES; TO CREATE NEW SECTION 23-15-994,  
73 MISSISSIPPI CODE OF 1972, TO PROVIDE FOR THE ELECTIONS OF COURT OF  
74 APPEAL JUDGES; TO AMEND SECTIONS 23-15-1031, 23-15-1033,  
75 23-15-1039 AND 23-15-1041, MISSISSIPPI CODE OF 1972, TO REVISE THE  
76 PROVISIONS FOR MEMBERS OF CONGRESS; TO AMEND SECTIONS 23-15-1051,  
77 23-15-1053, 23-15-1054, 23-15-1057, 23-15-1059, 23-15-1061,  
78 23-15-1063, 23-15-1065 AND 23-15-1067, MISSISSIPPI CODE OF 1972,  
79 TO REVISE THE PROVISIONS FOR POLITICAL PARTIES; TO AMEND SECTIONS  
80 23-15-11, 23-15-17, 23-15-93, 23-15-285, 23-15-295, 23-15-317,  
81 23-15-335, 23-15-545, 23-15-549, 23-15-871, 23-15-883, 23-15-887,  
82 23-15-889, 21-9-19, 37-65-123, 37-7-229, 23-15-631 AND 23-15-13,  
83 MISSISSIPPI CODE OF 1972, TO CONFORM; TO REPEAL SECTIONS  
84 23-15-111, 23-15-119, 23-15-127, 23-15-129, 23-15-133, 23-15-137  
85 AND 23-15-160, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE



86 PREPARATION, REVISION AND MAINTENANCE OF REGISTRATION BOOKS AND  
87 POLL BOOKS; TO REPEAL SECTION 23-15-167, MISSISSIPPI CODE OF 1972,  
88 WHICH PROVIDES FOR THE FUNDING TO PURCHASE COMPUTER HARDWARE OR  
89 SOFTWARE FOR THE CENTRALIZED STATEWIDE VOTER SYSTEM; TO REPEAL  
90 SECTION 23-15-169.6, MISSISSIPPI CODE OF 1972, WHICH CREATED A  
91 TASK FORCE TO STUDY VOTING SYSTEMS THAT COMPLY WITH THE HELP  
92 AMERICA VOTE ACT OF 2002 AND THEIR SUITABILITY FOR USE IN  
93 ELECTIONS IN MISSISSIPPI; TO REPEAL SECTION 23-15-212, MISSISSIPPI  
94 CODE OF 1972, WHICH CREATED A STUDY COMMITTEE TO CONDUCT A STUDY  
95 TO DETERMINE HOW REGISTRARS, ELECTION COMMISSIONERS, EXECUTIVE  
96 COMMITTEE MEMBERS AND POLL WORKERS CAN BE BETTER TRAINED IN THE  
97 CONDUCT OF ELECTIONS; TO REPEAL SECTION 23-15-269, MISSISSIPPI  
98 CODE OF 1972, WHICH PROVIDES THE PENALTIES FOR AN ELECTION  
99 COMMISSIONER, OR ANY OTHER OFFICER OR PERSON ACTING AS SUCH, OR  
100 PERFORMING ELECTION DUTY, WHO WILLFULLY REFUSES OR KNOWINGLY FAILS  
101 TO PERFORM ANY DUTY REQUIRED OF HIM OR HER BY THE ELECTION LAWS;  
102 TO REPEAL SECTIONS 23-15-393, 23-15-401, 23-15-403, 23-15-405,  
103 23-15-407, 23-15-409, 23-15-411, 23-15-413, 23-15-415, 23-15-417,  
104 23-15-419, 23-15-421, 23-15-423, 23-15-425, 23-15-427, 23-15-429,  
105 23-15-431, 23-15-433, 23-15-435, 23-15-437, 23-15-439, 23-15-441,  
106 23-15-443, 23-15-445, 23-15-447, 23-15-449 AND 23-15-451,  
107 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE USE OF VOTING  
108 MACHINES IN ELECTIONS; TO REPEAL SECTIONS 23-15-461, 23-15-463,  
109 23-15-465, 23-15-467, 23-15-469, 23-15-471, 23-15-473, 23-15-475,  
110 23-15-477, 23-15-479, 23-15-481, 23-15-483, 23-15-485 AND  
111 23-15-501, MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE USE OF  
112 ELECTRONIC VOTING SYSTEMS; TO REPEAL SECTION 23-15-509,  
113 MISSISSIPPI CODE OF 1972, WHICH PROVIDES WHEN AND WHERE OMR  
114 EQUIPMENT MAY BE USED; TO REPEAL SECTION 23-15-531.7, MISSISSIPPI  
115 CODE OF 1972, WHICH PROVIDES FOR THE DEMONSTRATION OF DRE UNITS;  
116 TO REPEAL SECTION 23-15-531.8, MISSISSIPPI CODE OF 1972, WHICH  
117 PROVIDES FOR THE STORAGE AND SECURITY OF DRE UNITS; TO REPEAL  
118 SECTION 23-15-531.11, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR  
119 THE CODING OF CHALLENGED BALLOTS ON DRE UNITS; TO REPEAL SECTION  
120 23-15-559, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE TIMES FOR  
121 HOLDING PRIMARY AND GENERAL ELECTION FOR MUNICIPALITIES THAT  
122 OPERATE UNDER A SPECIAL OR PRIVATE CHARTER; TO REPEAL SECTION  
123 23-15-841, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE  
124 HOLDING OF A PRIMARY ELECTION IN SPECIAL ELECTIONS FOR COUNTY AND  
125 COUNTY DISTRICT SEATS; TO REPEAL SECTION 23-15-893, MISSISSIPPI  
126 CODE OF 1972, WHICH PROVIDES THE PENALTY FOR BEING INTOXICATED IN  
127 OR ABOUT A POLLING PLACE DURING AN ELECTION; TO REPEAL SECTION  
128 23-15-899, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR  
129 IDENTIFYING INFORMATION TO BE POSTED ON CAMPAIGN MATERIALS; TO  
130 REPEAL SECTION 97-13-18, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS  
131 FOREIGN NATIONALS FROM MAKING CONTRIBUTIONS OR EXPENDITURES TO OR  
132 ON BEHALF OF POLITICAL PARTIES OR CANDIDATES; AND FOR RELATED  
133 PURPOSES.

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



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

137           23-15-3. For purposes of this chapter, the term "ballot box"  
138 includes any ballot bag or other container of a type that has been  
139 approved for use in elections by the Secretary of State and is  
140 capable of receiving voted paper ballots. Such ballot bags or  
141 containers may be used for any purpose \* \* \* that a ballot box may  
142 be used under the provisions of law regulating elections in  
143 Mississippi or any other purpose authorized by the rules and  
144 regulations adopted by the Secretary of State. \* \* \*

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

147           23-15-5. (1) There is created in the State Treasury a  
148 special fund to be known as the Elections Support Fund. Monies  
149 derived from annual report fees imposed upon limited liability  
150 companies under Section 79-29-1203 shall be deposited into the  
151 Elections Support Fund. Unexpended amounts remaining in the fund  
152 at the end of the fiscal year shall not lapse into the State  
153 General Fund, and any interest earned or investment earnings on  
154 amounts in the fund shall be disbursed as provided in subsection  
155 (2) of this section. The expenditure of monies in the fund shall  
156 be under the direction of the Secretary of State as provided by  
157 subsection (2) of this section, and such funds shall be paid by  
158 the State Treasurer upon warrants issued by the Department of  
159 Finance and Administration.



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

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

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

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



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

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

193 (3) From and after July 1, 2016, the expenses of this agency  
194 shall be defrayed by appropriation from the State General Fund and  
195 all user charges and fees authorized under this section shall be  
196 deposited into the State General Fund as authorized by law.

197 (4) From and after July 1, 2016, no state agency shall  
198 charge another state agency a fee, assessment, rent or other  
199 charge for services or resources received by authority of this  
200 section.

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

203 23-15-7. (1) The Secretary of State shall negotiate a  
204 Memorandum of Understanding which shall be entered into by the  
205 Mississippi Department of Public Safety and the registrar of each  
206 county for the purpose of providing a Mississippi Voter  
207 Identification Card. \* \* \* The card shall be valid for the  
208 purpose of voter identification purposes under Section 23-15-563  
209 and available only to registered voters of this state. No fee



210 shall be charged or collected for the application for or issuance  
211 of a Mississippi Voter Identification Card. Any costs associated  
212 with the application for or issuance of a Mississippi Voter  
213 Identification Card shall be made payable from the state's General  
214 Fund.

215 (2) The registrar of each county shall provide a location in  
216 the registrar's office at which he or she shall accept  
217 applications for Mississippi Voter Identification Cards in  
218 accordance with the Mississippi Constitution; however, in counties  
219 having two (2) judicial districts the registrar shall provide a  
220 location in the registrar's office in each judicial district at  
221 which he or she shall accept applications for Mississippi Voter  
222 Identification Cards in accordance with the Mississippi  
223 Constitution.

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

228 (4) (a) The Mississippi Voter Identification Card shall be  
229 captioned "MISSISSIPPI VOTER IDENTIFICATION CARD" and shall  
230 contain a prominent statement that under Mississippi law it is  
231 valid only as identification for voting purposes. The  
232 identification card shall include the following information  
233 regarding the applicant:

234 (i) Full legal name;



235                   (ii) Legal residence address;  
236                   (iii) Mailing address, if different; and  
237                   (iv) Voting information.  
238                   (b) The Mississippi Voter Identification Card shall  
239 also contain the date the voter identification card was issued,  
240 the county in which the voter is registered and such other  
241 information as required by the Secretary of State.

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

245                   (6) The registrar shall require presentation and  
246 verification of any of the following information during the  
247 application process before issuance of a Mississippi Voter  
248 Identification Card:

- 249                   (a) A photo identity document; or
- 250                   (b) Documentation showing the person's date and place  
251 of birth; or
- 252                   (c) A social security card; or
- 253                   (d) A Medicare card; or
- 254                   (e) A Medicaid card; or
- 255                   (f) Such other acceptable evidence of verification of  
256 residence in the county as determined by the Secretary of State.

257                   (7) A Mississippi Voter Identification Card shall remain  
258 valid for as long as the cardholder \* \* \* remains qualified to  
259 vote. It shall be the duty of a person who moves his or her





260 residence within this state to surrender his or her voter  
261 identification card to the registrar of the county of his or her  
262 new residence and \* \* \* that person may thereafter apply for and  
263 receive a new card if such person is eligible under this section.  
264 It shall be the duty of a person who moves his or her residence  
265 outside this state or who ceases to be qualified to vote to  
266 surrender his or her card to the registrar who issued it.

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

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

272 23-15-15. It shall be the duty of any \* \* \* person who has  
273 acquired citizenship by order or decree of naturalization and who  
274 is otherwise qualified to register and vote under the laws of the  
275 State of Mississippi to present or exhibit to the \* \* \* registrar  
276 of the county of his or her residence, at or before the time he or  
277 she may offer to register, a certified copy of the final order or  
278 decree of naturalization, or a certificate of naturalization or  
279 duplicate thereof, or a certified copy of such certificate of  
280 naturalization or duplicate; otherwise he or she shall not be  
281 allowed to register or to vote.

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



284           23-15-19. Any person who has been convicted of vote fraud or  
285       \* \* \* any crime listed in Section 241, Mississippi Constitution  
286 of 1890, such crimes defined as "disenfranchising," shall not be  
287 registered, or if registered the name of the person shall be  
288       \* \* \* removed from the \* \* \* Statewide Elections Management  
289 System by the registrar or \* \* \* the election commissioners of the  
290 county of his or her residence. Whenever any person shall be  
291 convicted in the circuit court of his or her county of \* \* \* a  
292 disenfranchising crime, the county registrar shall thereupon  
293       \* \* \* remove his or her name from the \* \* \* Statewide Elections  
294 Management System; and whenever any person shall be convicted  
295 of \* \* \* a disenfranchising \* \* \* crime in any other court of any  
296 county, the presiding judge of the court shall, on demand, certify  
297 the fact in writing to the registrar of the county in which the  
298 voter resides, who shall thereupon \* \* \* remove the name of the  
299 person from the \* \* \* Statewide Elections Management System and  
300 retain the certificate as a record of his or her office.

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

303           23-15-31. All of the provisions of this subarticle shall be  
304 applicable, insofar as possible, to municipal, primary, general  
305 and special elections; and wherever therein any duty is imposed or  
306 any power or authority is conferred upon the county registrar,  
307 county election commissioners or county executive committee with  
308 reference to a state and county election, such duty shall likewise



309 be \* \* \* conferred upon the municipal registrar, municipal  
310 election commission or municipal executive committee with  
311 reference to any municipal election.

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

314 23-15-33. (1) Every person entitled to be registered as an  
315 elector in compliance with the laws of this state and who has  
316 signed his or her name on and properly completed the application  
317 for registration to vote shall be registered by the county  
318 registrar in the voting precinct of the residence of such person  
319 through the Statewide Elections Management System.

320 (2) Every person entitled to be registered as an elector in  
321 compliance with the laws of this state and who registers to vote  
322 pursuant to the National Voter Registration Act of 1993 shall be  
323 registered by the county registrar in the voting precinct of the  
324 residence of such person through the Statewide Elections  
325 Management System.

326 \* \* \*

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

329 23-15-35. (1) The clerk of the municipality shall be the  
330 registrar of voters of the municipality, and shall take the oath  
331 of office prescribed by Section 268 of the Constitution. The  
332 municipal registration shall conform to the county registration  
333 which shall be a part of the official record of registered voters



334 as contained in the Statewide Elections Management System. The  
335 municipal clerk shall comply with all the provisions of law  
336 regarding the registration of voters, including the use of the  
337 voter registration applications used by county registrars and  
338 prescribed by the Secretary of State under Sections 23-15-39 and  
339 23-15-47.

340 (2) The municipal clerk shall be authorized to register  
341 applicants as county electors. The municipal clerk shall forward  
342 notice of registration, a copy of the application for  
343 registration, and any changes to the registration when they occur,  
344 either by certified mail to the county registrar or by personal  
345 delivery to the county registrar provided that a numbered receipt  
346 is signed by the county registrar in return for the described  
347 documents. Upon receipt of the copy of the application for  
348 registration or changes to the registration, and if a review of  
349 the application indicates that the applicant meets all the  
350 criteria necessary to qualify as a county elector, then the county  
351 registrar shall make a determination of the county voting precinct  
352 in which the person making the application shall be required to  
353 vote. The county registrar shall send this county voting precinct  
354 information by United States first-class mail, postage prepaid, to  
355 the person at the address provided on the application. Any \* \* \*  
356 mailing costs incurred by the municipal clerk or the county  
357 registrar in effectuating this subsection (2) shall be paid by the  
358 county board of supervisors. If a review of the copy of the



359 application for registration or changes to the registration  
360 indicates that the applicant is not qualified to vote in the  
361 county, the county registrar shall challenge the application. The  
362 county election commissioners shall review any challenge or  
363 disqualification, after having notified the applicant by certified  
364 mail of the challenge or disqualification.

365 (3) The municipal clerk shall issue to the person making the  
366 application a copy of the application and the county registrar  
367 shall process the application in accordance with the law regarding  
368 the handling of voter registration applications.

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

374 (5) The municipal clerk of each municipality shall provide  
375 the \* \* \* county registrar in which the municipality is located  
376 the information necessary to conform the municipal registration to  
377 the county registration which shall be a part of the official  
378 record of registered voters as contained in the Statewide  
379 Elections Management System. If any changes to the information  
380 occur as a result of redistricting, annexation or other reason, it  
381 shall be the responsibility of the municipal clerk to timely  
382 provide the changes to the \* \* \* county registrar.



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

385           23-15-37. (1) The registrar shall \* \* \* register the  
386 electors of his or her county at any time during regular office  
387 hours.

388           (2) The county registrar may keep his or her office  
389 open \* \* \* to register voters from 8:00 a.m. until 7:00 p.m.,  
390 including the noon hour, for the five (5) business days  
391 immediately preceding the thirtieth day \* \* \* before any regularly  
392 scheduled primary or general election. The county registrar shall  
393 also keep his or her office open from 8:00 a.m. until 12:00 noon  
394 on the Saturday immediately preceding the thirtieth day \* \* \*  
395 before any regularly scheduled primary or general election, unless  
396 that Saturday falls on a legal holiday, in which case registration  
397 applications submitted on the Monday immediately following the  
398 legal holiday shall be accepted and entered in the Statewide  
399 Elections Management System for the purpose of enabling such  
400 voters to vote in the next primary or general election.

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

406           (4) A person who is physically disabled and unable to visit  
407 the office of the registrar to register to vote due to such



408 disability may contact the registrar and request that the  
409 registrar or \* \* \* the registrar's deputy visit him or her for the  
410 purpose of registering such person to vote. The registrar  
411 or \* \* \* the registrar's deputy shall visit \* \* \* that person as  
412 soon as possible after such request and provide \* \* \* the person  
413 with an application for registration, if necessary. The completed  
414 application for registration shall be executed in the presence of  
415 the registrar or \* \* \* the registrar's deputy.

416 (5) (a) In the fall and spring of each year the registrar  
417 of each county shall furnish all public schools with mail-in voter  
418 registration applications. \* \* \* The applications shall be  
419 provided in a reasonable time to enable those students who will be  
420 eighteen (18) years of age before a general election to be able to  
421 vote in the primary and general elections.

422 (b) Each public school district shall permit access to  
423 all public schools of this state for the county registrar or \* \* \*  
424 the county registrar's deputy \* \* \* to register persons who are  
425 eligible to vote and \* \* \* to provide voter education.

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

428 23-15-39. (1) Applications for registration as electors of  
429 this state, which are sworn to and subscribed before the registrar  
430 or deputy registrar authorized by law and which are not made by  
431 mail, shall be made upon a form established by rule duly adopted  
432 by the Secretary of State.



433           (2) The boards of supervisors shall make proper allowances  
434 for office supplies reasonably necessitated by the registration of  
435 county electors.

436           (3) If the applicant indicates on the application that he or  
437 she resides within the city limits of a city or town in the county  
438 of registration, the county registrar shall process the  
439 application for registration or changes to the registration as  
440 provided by law.

441           (4) If the applicant indicates on the application that he or  
442 she has previously registered to vote in another county of this  
443 state or another state, notice to the voter's previous county of  
444 registration in this state shall be provided by the Statewide  
445 Elections Management System. If the voter's previous place of  
446 registration was in another state, notice shall be provided to the  
447 voter's previous state of residence if the Statewide Elections  
448 Management System has that capability.

449           (5) The county registrar shall provide to the person making  
450 the application a copy of the application upon which has been  
451 written the county voting precinct and municipal voting precinct,  
452 if any, in which the person shall vote. Upon entry of the voter  
453 registration information into the Statewide Elections Management  
454 System, the system shall assign a voter registration number to the  
455 person, and the county registrar shall mail the applicant a voter  
456 registration card to the mailing address provided on the  
457 application.





458 (6) Any person desiring an application for registration may  
459 secure an application from the registrar of the county of which he  
460 or she is a resident and may take the application with him or her  
461 and secure assistance in completing the application from any  
462 person of the applicant's choice. It shall be the duty of all  
463 registrars to furnish applications for registration to all persons  
464 requesting them, and it shall likewise be \* \* \* the registrar's  
465 duty to furnish aid and assistance in the completing of the  
466 application when requested by an applicant. The application for  
467 registration shall be sworn to and subscribed before the registrar  
468 or deputy registrar at the municipal clerk's office, the county  
469 registrar's office or any other location where the applicant is  
470 allowed to register to vote. \* \* \* The registrar shall not charge  
471 a fee or cost \* \* \* to the applicant \* \* \* for accepting the  
472 application or administering the oath or for any other duty  
473 imposed by law regarding the registration of electors.

474 (7) If the person making the application is unable to read  
475 or write, for reason of disability or otherwise, he or she shall  
476 not be required to personally complete the application in writing  
477 and execute the oath. In such cases, the registrar or deputy  
478 registrar shall read the application and oath to the person \* \* \*  
479 and the person's answers thereto shall be recorded by the  
480 registrar or \* \* \* the registrar's deputy. The person shall be  
481 registered as an elector if he or she otherwise meets the  
482 requirements to be registered as an elector. The registrar shall



483 record the responses of the person and the recorded responses  
484 shall be retained permanently by the registrar. The county  
485 registrar shall enter the voter registration information into the  
486 Statewide Elections Management System and designate the entry as  
487 an assisted filing.

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

492 (9) In any case in which \* \* \* the corporate boundaries of a  
493 municipality change, whether by annexation or \* \* \* redistricting,  
494 the municipal clerk shall, within ten (10) days after \* \* \*  
495 approval of the \* \* \* change in corporate boundaries, provide to  
496 the county registrar \* \* \* conforming geographic data that is  
497 compatible with the Statewide Elections Management System. The  
498 data shall be developed by the municipality's use of a  
499 standardized format specified by the Statewide Elections  
500 Management System. The county registrar \* \* \*, county election  
501 commissioner or other county official, who has completed an annual  
502 training seminar sponsored by the Secretary of State pertaining to  
503 the implementation of new boundary lines in the Statewide  
504 Elections Management System and received certification for that  
505 training, shall update the municipal boundary information \* \* \*  
506 into the Statewide Elections Management System. The Statewide  
507 Elections Management System \* \* \* updates the municipal voter



508 registration records and assigns \* \* \* electors \* \* \* to \* \* \*  
509 their municipal voting precincts. The county registrar shall  
510 forward to the municipal clerk written notification of the  
511 additions and changes, and the municipal clerk shall forward to  
512 the \* \* \* affected municipal electors written notification of the  
513 additions and changes. \* \* \*

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

516 23-15-41. (1) When an applicant to register to vote has  
517 completed the application form as prescribed by administrative  
518 rule, the county registrar shall enter the applicant's information  
519 into the Statewide Elections Management System \* \* \* where  
520 the \* \* \* applicant's status will be marked as "ACTIVE," "PENDING"  
521 or "REJECTED," and the applicant shall be entitled to register  
522 upon his or her request for registration made in person to the  
523 registrar, or deputy registrar if a deputy registrar has been  
524 appointed. No person other than the registrar, or a deputy  
525 registrar, shall register any applicant.

526 (2) If an applicant is not qualified to register to vote,  
527 then the registrar shall enter the applicant's information into  
528 the Statewide Elections Management System \* \* \* and mark the  
529 applicant's status as "PENDING" or "REJECTED," \* \* \* with the  
530 specific \* \* \* reason or reasons \* \* \* for that status noted. The  
531 registrar shall \* \* \* notify the election commission of those  
532 applicants rejected.



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

535           23-15-43. In the event an applicant is not registered, there  
536 shall be an automatic review by the county election commissioners  
537 under the procedures provided in Sections 23-15-61 through  
538 23-15-79. In addition to the meetings of the election  
539 commissioners provided \* \* \* in those sections, the commissioners  
540 are required to hold such additional meetings to determine all  
541 pending cases of registration on review \* \* \* before the election  
542 at which the applicant desires to vote.

543           It is not the purpose of this section to indicate the  
544 decision \* \* \* that should be reached by the election  
545 commissioners in certain cases but to define which applicants  
546 should receive further examination by providing for an automatic  
547 review.

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

550           23-15-47. (1) Any person who is qualified to register to  
551 vote in the State of Mississippi may register to vote by mail-in  
552 application in the manner prescribed in this section.

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

555           (a) Any qualified elector may register to vote by  
556 mailing or delivering a completed mail-in application to his or  
557 her county registrar at least thirty (30) days \* \* \* before any



558 election; however, if the thirtieth day to register before an  
559 election falls on a Sunday or legal holiday, the registration  
560 applications submitted on the business day immediately following  
561 the Sunday or legal holiday shall be accepted and entered into the  
562 Statewide Elections Management System for the purpose of enabling  
563 voters to vote in the next election. The postmark date of a  
564 mailed application shall be the applicant's date of registration.

565 (b) Upon receipt of a mail-in application, the county  
566 registrar shall stamp the application with the date of receipt,  
567 and shall verify the application either by \* \* \* matching the  
568 applicant's Mississippi driver's license number through the  
569 Mississippi Department of Public Safety or by matching the  
570 applicant's social security number through the American  
571 Association of Motor Vehicle Administrators. \* \* \* Within \* \* \*  
572 fourteen (14) days of receipt of a mail-in registration  
573 application, the county registrar shall complete action on the  
574 application, including any attempts to notify the applicant of the  
575 status of his or her application.

576 (c) If the county registrar determines that the  
577 applicant is qualified and his or her application is legible and  
578 complete, \* \* \* the county registrar shall mail the applicant  
579 written notification that the application has been approved,  
580 specifying the county voting precinct, municipal voting precinct,  
581 if any, polling place and supervisor district in which the person  
582 shall vote. This written notification of approval containing the



583 specified information shall be the voter's registration card. The  
584 registration card shall be provided by the county registrar to the  
585 applicant in accordance with Section 23-15-39. Upon entry of the  
586 voter registration information into the Statewide Elections  
587 Management System, the system shall assign a voter registration  
588 number to the \* \* \* applicant. The assigned voter registration  
589 number shall be clearly shown on the written notification of  
590 approval. In mailing the written notification, the county  
591 registrar shall note the following on the envelope: "DO NOT  
592 FORWARD". If any registration notification form is returned as  
593 undeliverable, the voter's registration shall be void.

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

596 (i) An incomplete portion of the application \* \* \*  
597 makes it impossible for the registrar to determine the eligibility  
598 of the applicant to register;

599 (ii) A portion of the application \* \* \* is  
600 illegible in the opinion of the county registrar and makes it  
601 impossible to determine the eligibility of the applicant to  
602 register;

603 (iii) The county registrar is unable to determine,  
604 from the address and information stated on the application, the  
605 precinct in which the voter should be assigned or the supervisor  
606 district in which he or she is entitled to vote;



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

609 (v) The county registrar determines that the  
610 applicant is already registered as a qualified elector of the  
611 county;

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

614 (e) If the mail-in application of a person is subject  
615 to rejection for any of the reasons set forth in paragraph (d)(i)  
616 through (iii) of this subsection, and it appears to the county  
617 registrar that the defect or omission is of such a minor nature  
618 and that any necessary additional information may be supplied by  
619 the applicant over the telephone or by further correspondence, the  
620 county registrar may write or call the applicant at the telephone  
621 number or address, or both, provided on the application. If the  
622 county registrar is able to contact the applicant by mail or  
623 telephone, \* \* \* the county registrar shall attempt to ascertain  
624 the necessary information, and if this information is sufficient  
625 for the registrar to complete the application, the applicant shall  
626 be registered. If the necessary information cannot be obtained by  
627 mail or telephone, or is not sufficient \* \* \* to complete the  
628 application within fourteen (14) days of receipt, the county  
629 registrar shall give the applicant written notice of the rejection  
630 and provide the reason for the rejection. The county registrar  
631 shall further inform the applicant that he or she has a right to



632 attempt to register by appearing in person or by filing another  
633 mail-in application.

634 (f) If a mail-in application is subject to rejection  
635 for the reason stated in paragraph (d)(v) of this subsection and  
636 the "present home address" portion of the application is different  
637 from the residence address for the applicant found in the \* \* \*  
638 Statewide Elections Management System, the mail-in application  
639 shall be deemed a written request to \* \* \* update the voter's  
640 registration pursuant to Section 23-15-13. \* \* \* The county  
641 registrar or the election commissioners shall \* \* \* update  
642 the \* \* \* voter's residence address \* \* \* in the Statewide  
643 Elections Management System and, if necessary, \* \* \* advise  
644 the \* \* \* voter of a change in the location of his \* \* \* or her  
645 county \* \* \* or municipal \* \* \* polling place \* \* \* by mailing the  
646 voter a new voter registration card.

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

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

655 (b) The Secretary of State shall distribute without  
656 charge sufficient forms for application for voter registration by





657 mail to the Commissioner of Public Safety, who shall  
658 distribute \* \* \* the forms to each driver's license examining and  
659 renewal station in the state, and shall ensure that the forms are  
660 regularly available to the public at such stations.

661 (c) Bulk quantities of forms for application for voter  
662 registration by mail shall be furnished by the Secretary of State  
663 to any person or organization. The Secretary of State shall  
664 charge a person or organization the actual cost he or she incurs  
665 in providing bulk quantities of forms for application for voter  
666 registration to such person or organization.

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

670 (6) If the applicant indicates on the application that he or  
671 she resides within the city limits of a city or town in the county  
672 of registration, the county registrar shall enter the information  
673 into the Statewide Elections Management System. \* \* \*

674 (7) If the applicant indicates on the application that he or  
675 she has previously registered to vote in another county of this  
676 state or another state, notice to the voter's previous county of  
677 registration in this state shall be provided \* \* \* through the  
678 Statewide Elections Management System. If the voter's previous  
679 place of registration was in another state, notice shall be  
680 provided to the voter's previous state of residence \* \* \*.



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

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

686 23-15-61. Any person denied the right to register as a voter  
687 may appeal from the decision of the county registrar to the board  
688 of election commissioners by filing with the county registrar, on  
689 the same day of \* \* \* the denial or within five (5) days \* \* \*  
690 after the denial, a written application for appeal.

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

693 23-15-63. Any elector of the county may likewise appeal from  
694 the decision of the county registrar allowing any other person to  
695 be registered as a voter; but before the same can be heard, the  
696 party appealing shall give notice to the person whose registration  
697 is appealed from, in writing, stating the grounds of the appeal.

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

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

704 23-15-65. The board of election commissioners shall meet at  
705 the courthouse of its county on the second Monday in September



706 preceding any general election, and shall remain in session from  
707 day to day, so long as business may require. Three (3) election  
708 commissioners shall constitute a quorum to do business; but the  
709 concurrence of at least three (3) election commissioners shall be  
710 necessary in all cases for the rendition of a decision. The  
711 election commissioners shall hear and determine all appeals from  
712 the decisions of the registrar of their county, allowing or  
713 refusing the applications of electors to be registered; and they  
714 shall correct illegal or improper registrations, and shall secure  
715 the elective franchise, as \* \* \* affected by registration, to  
716 those who may be illegally or improperly denied the same.

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

719       23-15-67. The election commissioners \* \* \* of each county  
720 shall, at the meetings provided for \* \* \* in Sections 23-15-123,  
721 23-15-155 and 23-15-157, hear and determine any appeals which may  
722 have been perfected and which are pending on the respective dates  
723 provided for in \* \* \* Sections 23-15-123, 23-15-155 and 23-15-157,  
724 from the decisions of the registrar of their county allowing or  
725 refusing the applications of persons to be registered. The above  
726 dates for hearing \* \* \* the appeals are supplemental to the  
727 provisions of Section 23-15-65.

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



730 23-15-69. All cases on appeal shall be heard by the boards  
731 of election commissioners de novo, and oral and documentary  
732 evidence may be heard by them; and they are authorized to  
733 administer oaths to witnesses before them; and they have power to  
734 subpoena witnesses, and to compel their attendance; to send for  
735 persons and papers; to require the sheriff and constables to  
736 attend them and to execute their process. The decisions of the  
737 commissioners in all cases shall be final as to questions of fact,  
738 but as to matters of law they may be revised by circuit courts and  
739 the Supreme Court. The registrar shall obey the orders of the  
740 commissioners in directing a person to be registered, or a name to  
741 be stricken from the \* \* \* Statewide Elections Management System.

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

744 23-15-79. (1) Unless the application for registration was  
745 made pursuant to Section 23-15-47, the date of registration to  
746 vote shall be the date \* \* \* the application for registration to  
747 vote was initially received by the registrar or, if submitted by  
748 mail, the postmark date, regardless of the date on which the  
749 county election commission, circuit court or Supreme Court, as the  
750 case may be, makes its final determination allowing the  
751 registration.

752 (2) In the case of an application for registration \* \* \*  
753 that has been made pursuant to Section 23-15-47, the date of  
754 registration to vote shall be the date the complete and legible



755 application form is received by the county registrar, or, if  
756 mailed, the postmark date of the complete and legible application.

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

759       23-15-95. In addition to the penalties set forth in Section  
760 23-15-93, any applicant aggrieved by any registrar or election  
761 commissioner \* \* \* because of their refusal or neglect to perform  
762 any of the duties prescribed by this chapter regarding the  
763 registration of electors may petition the chancery court of the  
764 county of the registrar or election commissioner \* \* \* for an  
765 injunction or mandate to enforce the performance of such duties  
766 and to secure to \* \* \* that applicant \* \* \* the rights to which he  
767 or she may be entitled under the provisions of \* \* \* the sections.

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

770       23-15-113. (1) \* \* \* The voter registration files shall  
771 contain copies of the applications for registration completed by  
772 electors, which applications shall show the date of registration  
773 and signature of elector \* \* \*.

774       (2) \* \* \* All records pertaining to voter registration shall  
775 be stored in an electronic format in the Statewide Elections  
776 Management System by the county registrar. The scanned  
777 applications shall be a legal document of voter registration and  
778 shall be retained in the Statewide Elections Management System.



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

781           23-15-121. Should the \* \* \* electronic voting record of any  
782 county as maintained by the Statewide Elections Management System  
783 be lost or destroyed, the board of supervisors may adjudge the  
784 fact, and direct a new registration of the voters to be made; and  
785 the county registrar, being so directed, shall make a new  
786 registration, as herein provided, of the qualified electors of his  
787 or her county \* \* \*.

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

790           23-15-123. If at any time the registration books of the  
791 county as maintained by the Statewide Elections Management System  
792 be or become in such confusion that a new registration is  
793 necessary to determine correctly the names of the qualified  
794 electors and the voting precinct of each, the board of supervisors  
795 shall order a new registration of voters to be made in like manner  
796 as provided for in Section 23-15-121.

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

799           23-15-125. The pollbook of each voting precinct shall  
800 designate the voting precinct for which it is to be used, and  
801 shall be ruled in appropriate columns, with printed or written  
802 headings, as follows: date of registration; voter registration  
803 number; name of electors; date of birth; and a number of blank



804 columns for the dates of elections. \* \* \* All qualified  
805 applicants who register with the registrar shall be entered in the  
806 Statewide Elections Management System. Only the names of those  
807 qualified applicants who register within thirty (30) days  
808 before \* \* \* an election shall \* \* \* appear on the pollbooks \* \* \*  
809 of the election \* \* \* ; however, if the thirtieth day to register  
810 before an election falls on a Sunday or legal holiday, the  
811 registration applications submitted on the business day  
812 immediately following the legal holiday shall be accepted and  
813 entered in the Statewide Elections Management System for the  
814 purpose of enabling voters to vote in the next election. When  
815 county election commissioners determine that any elector is  
816 disqualified from voting, by reason of death, conviction of a  
817 disenfranchising crime, removal from the \* \* \* jurisdiction, or  
818 other legal cause, that fact shall be noted \* \* \* in the \* \* \*  
819 Statewide Elections Management System and \* \* \* the voter's name  
820 shall be \* \* \* removed from the \* \* \* Statewide Elections  
821 Management System, the state's voter roll and the county's  
822 pollbooks. Nothing in this section shall preclude the use of  
823 electronic pollbooks.

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

826 \* \* \*

827 23-15-135. (1) The \* \* \* master voter roll as  
828 electronically maintained by the Statewide Elections Management



829 System of the several voting precincts of each county and the  
830 pollbooks heretofore in use shall be delivered to the registrar of  
831 the county, and they, together with the \* \* \* master voter roll  
832 and pollbooks hereafter made, shall be records of his or her  
833 office, and he or she shall carefully preserve the same as such;  
834 and after each election the pollbooks shall be speedily returned  
835 to the office of the registrar.

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

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

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

846 23-15-151. The circuit clerk of each county is authorized  
847 and directed to prepare and keep in his or her office a full and  
848 complete list, in alphabetical order, of persons convicted  
849 of \* \* \* voter fraud or of any crime listed in Section 241,  
850 Mississippi Constitution of 1890. \* \* \* A certified copy of any  
851 enrollment by one clerk to another will be sufficient authority  
852 for the enrollment of the name, or names, in another county. A  
853 list of persons convicted of voter fraud, any crime listed in





854 Section 241, Mississippi Constitution of 1890, or any crime  
855 interpreted as disenfranchising in later Attorney General  
856 opinions, shall also be entered into the Statewide Elections  
857 Management System on a quarterly basis. Voters who have been  
858 convicted in a Mississippi state court of any disenfranchising  
859 crime are not qualified electors as defined by Section 23-15-11  
860 and shall be purged or otherwise removed by the county registrar  
861 or county election commissioners from the Statewide Elections  
862 Management System.

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

865       23-15-153. (1) At least during the following times, the  
866 election commissioners \* \* \* shall meet at the office of the  
867 registrar or the office of the election commissioners \* \* \* to  
868 carefully revise the \* \* \* county voter roll as electronically  
869 maintained by the Statewide Elections Management System and remove  
870 from the roll the names of all voters who have requested to be  
871 purged from the voter roll, died, received an adjudication of non  
872 compos mentis, been convicted of a disenfranchising crime, or  
873 otherwise become disqualified as electors for any cause, and shall  
874 register the names of all persons who have duly applied to be  
875 registered \* \* \* but have been illegally denied registration:

876           (a) On the Tuesday after the second Monday in January  
877 1987 and every following year;



878 (b) On the first Tuesday in the month immediately  
879 preceding the first primary election for \* \* \* members of Congress  
880 in the years when \* \* \* members of Congress are elected;

881 (c) On the first Monday in the month immediately  
882 preceding the first primary election for state, state district  
883 legislative, county and county district offices in the years in  
884 which those offices are elected; and

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

888 Except for the names of those \* \* \* voters who are duly  
889 qualified to vote in the election, no name shall be permitted to  
890 remain \* \* \* in the \* \* \* Statewide Elections Management System;  
891 however, no name shall be \* \* \* purged from the \* \* \* Statewide  
892 Elections Management System based on a change in the residence of  
893 an elector except in accordance with procedures provided for by  
894 the National Voter Registration Act of 1993 \* \* \*. Except as  
895 otherwise provided by Section 23-15-573, no person shall vote at  
896 any election whose name is not \* \* \* in the \* \* \* county voter  
897 roll electronically maintained by the Statewide Elections  
898 Management System.

899 (2) Except as provided in this section, and subject to the  
900 following annual limitations, the election commissioners \* \* \*  
901 shall be entitled to receive a per diem in the amount of  
902 Eighty-four Dollars (\$84.00), to be paid from the county general



903 fund, for every day or period of no less than five (5) hours  
904 accumulated over two (2) or more days actually employed in the  
905 performance of their duties in the conduct of an election or  
906 actually employed in the performance of their duties for the  
907 necessary time spent in the revision of the \* \* \* county voter  
908 roll as electronically maintained by the Statewide Elections  
909 Management System as required in subsection (1) of this section:

910           (a) In counties having less than fifteen thousand  
911 (15,000) residents according to the latest federal decennial  
912 census, not more than fifty (50) days per year, with no more than  
913 fifteen (15) additional days allowed for the conduct of each  
914 election in excess of one (1) occurring in any calendar year;

915           (b) In counties having fifteen thousand (15,000)  
916 residents according to the latest federal decennial census but  
917 less than thirty thousand (30,000) residents according to the  
918 latest federal decennial census, not more than seventy-five (75)  
919 days per year, with no more than twenty-five (25) additional days  
920 allowed for the conduct of each election in excess of one (1)  
921 occurring in any calendar year;

922           (c) In counties having thirty thousand (30,000)  
923 residents according to the latest federal decennial census but  
924 less than seventy thousand (70,000) residents according to the  
925 latest federal decennial census, not more than one hundred (100)  
926 days per year, with no more than thirty-five (35) additional days



927 allowed for the conduct of each election in excess of one (1)  
928 occurring in any calendar year;

929 (d) In counties having seventy thousand (70,000)  
930 residents according to the latest federal decennial census but  
931 less than ninety thousand (90,000) residents according to the  
932 latest federal decennial census, not more than one hundred  
933 twenty-five (125) days per year, with no more than forty-five (45)  
934 additional days allowed for the conduct of each election in excess  
935 of one (1) occurring in any calendar year;

936 (e) In counties having ninety thousand (90,000)  
937 residents according to the latest federal decennial census but  
938 less than one hundred seventy thousand (170,000) residents  
939 according to the latest federal decennial census, not more than  
940 one hundred fifty (150) days per year, with no more than  
941 fifty-five (55) additional days allowed for the conduct of each  
942 election in excess of one (1) occurring in any calendar year;

943 (f) In counties having one hundred seventy thousand  
944 (170,000) residents according to the latest federal decennial  
945 census but less than two hundred thousand (200,000) residents  
946 according to the latest federal decennial census, not more than  
947 one hundred seventy-five (175) days per year, with no more than  
948 sixty-five (65) additional days allowed for the conduct of each  
949 election in excess of one (1) occurring in any calendar year;

950 (g) In counties having two hundred thousand (200,000)  
951 residents according to the latest federal decennial census but



952 less than two hundred twenty-five thousand (225,000) residents  
953 according to the latest federal decennial census, not more than  
954 one hundred ninety (190) days per year, with no more than  
955 seventy-five (75) additional days allowed for the conduct of each  
956 election in excess of one (1) occurring in any calendar year;

957 (h) In counties having two hundred twenty-five thousand  
958 (225,000) residents according to the latest federal decennial  
959 census but less than two hundred fifty thousand (250,000)  
960 residents according to the latest federal decennial census, not  
961 more than two hundred fifteen (215) days per year, with no more  
962 than eighty-five (85) additional days allowed for the conduct of  
963 each election in excess of one (1) occurring in any calendar year;

964 (i) In counties having two hundred fifty thousand  
965 (250,000) residents according to the latest federal decennial  
966 census but less than two hundred seventy-five thousand (275,000)  
967 residents according to the latest federal decennial census, not  
968 more than two hundred thirty (230) days per year, with no more  
969 than ninety-five (95) additional days allowed for the conduct of  
970 each election in excess of one (1) occurring in any calendar year;

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



977 (3) In addition to the number of days authorized in  
978 subsection (2) of this section, the board of supervisors of a  
979 county may authorize, in its discretion, the election  
980 commissioners \* \* \* to receive a per diem in the amount provided  
981 for in subsection (2) of this section, to be paid from the county  
982 general fund, for every day or period of no less than five (5)  
983 hours accumulated over two (2) or more days actually employed in  
984 the performance of their duties in the conduct of an election or  
985 actually employed in the performance of their duties for the  
986 necessary time spent in the revision of the \* \* \* county voter  
987 roll as electronically maintained by the Statewide Elections  
988 Management System as required in subsection (1) of this section,  
989 for not to exceed five (5) days.

990 (4) (a) The election commissioners \* \* \* shall be entitled  
991 to receive a per diem in the amount of Eighty-four Dollars  
992 (\$84.00), to be paid from the county general fund, not to exceed  
993 ten (10) days for every day or period of no less than five (5)  
994 hours accumulated over two (2) or more days actually employed in  
995 the performance of their duties for the necessary time spent in  
996 the revision of the \* \* \* county voter roll as electronically  
997 maintained by the Statewide Elections Management System before any  
998 special election. For purposes of this paragraph, the regular  
999 special election day shall not be considered a special election.  
1000 The annual limitations set forth in subsection (2) of this section  
1001 shall not apply to this paragraph.



1002 (b) The election commissioners \* \* \* shall be entitled  
1003 to receive a per diem in the amount of One Hundred Fifty Dollars  
1004 (\$150.00), to be paid from the county general fund, for the  
1005 performance of their duties on the day of any general or special  
1006 election. The annual limitations set forth in subsection (2) of  
1007 this section shall apply to this paragraph.

1008 (5) The election commissioners \* \* \* shall be entitled to  
1009 receive a per diem in the amount of Eighty-four Dollars (\$84.00),  
1010 to be paid from the county general fund, not to exceed fourteen  
1011 (14) days for every day or period of no less than five (5) hours  
1012 accumulated over two (2) or more days actually employed in the  
1013 performance of their duties for the necessary time spent in the  
1014 revision of the \* \* \* county voter roll as electronically  
1015 maintained by the Statewide Elections Management System and in the  
1016 conduct of a runoff election following either a general or special  
1017 election.

1018 (6) The election commissioners \* \* \* shall be entitled to  
1019 receive only one (1) per diem payment for those days when the  
1020 election commissioners \* \* \* discharge more than one (1) duty or  
1021 responsibility on the same day.

1022 (7) \* \* \* In preparation for a municipal primary, runoff,  
1023 general or special election, the county registrar shall \* \* \*  
1024 generate and distribute the master voter roll and pollbooks from  
1025 the Statewide Elections Management System for the municipality  
1026 located within the county. The municipality shall pay the county



1027 registrar for the actual cost of preparing and printing the  
1028 municipal master voter roll pollbooks. A municipality may secure  
1029 "read only" access to the Statewide \* \* \* Elections Management  
1030 System and print its own pollbooks using this information \* \* \*.

1031 (8) County election commissioners \* \* \* who perform the  
1032 duties of an executive committee with regard to the conduct of a  
1033 primary election under a written agreement authorized by law to be  
1034 entered into with an executive committee shall receive per diem as  
1035 provided for in subsection (2) of this section. The days that  
1036 county election commissioners \* \* \* are employed in the conduct of  
1037 a primary election shall be treated the same as days county  
1038 election commissioners \* \* \* are employed in the conduct of other  
1039 elections.

1040 (9) In addition to any per diem authorized by this section,  
1041 any election commissioner \* \* \* shall be entitled to the mileage  
1042 reimbursement rate allowable to federal employees for the use of a  
1043 privately owned vehicle while on official travel on election day.

1044 (10) Every election commissioner \* \* \* shall sign personally  
1045 a certification setting forth the number of hours actually worked  
1046 in the performance of the commissioner's official duties and for  
1047 which the commissioner seeks compensation. The certification must  
1048 be on a form as prescribed in this subsection. The commissioner's  
1049 signature is, as a matter of law, made under the commissioner's  
1050 oath of office and under penalties of perjury.

1051 The certification form shall be as follows:





1052 COUNTY ELECTION COMMISSIONER

1053 PER DIEM CLAIM FORM

1054 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

1055 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

1056 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

1057		PURPOSE	APPLICABLE	ACTUAL	PER DIEM
1058	DATE	BEGINNING	ENDING	OF	MS CODE
1059	WORKED	TIME	TIME	WORK	SECTION
1060	_____				
1061	_____				
1062	_____				

1063 TOTAL NUMBER OF PER DIEM DAYS EARNED

1064 EXCLUDING ELECTION DAYS \_\_\_\_\_

1065 PER DIEM RATE PER DAY EARNED X \$84.00

1066 TOTAL NUMBER PER DIEM DAYS EARNED

1067 FOR ELECTION DAYS \_\_\_\_\_

1068 PER DIEM RATE PER DAY EARNED X \$150.00

1069 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

1070 I understand that I am signing this document under my oath as  
1071 \* \* \* an election commissioner \* \* \* and under penalties of  
1072 perjury.

1073 I understand that I am requesting payment from taxpayer funds  
1074 and that I have an obligation to be specific and truthful as to  
1075 the amount of hours worked and the compensation I am requesting.

1076 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.



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\_\_\_\_\_  
Commissioner's Signature

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

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

Any contestor who successfully contests any certification will be awarded all expenses incident to his or her contest, together with reasonable attorney's fees, which will be awarded



1102 upon petition to the chancery court of the involved county upon  
1103 final disposition of the contest before the election commission,  
1104 board of supervisors, clerk of the board of supervisors, or, in  
1105 case of an appeal, final disposition by the court. The  
1106 commissioner against whom the contest is decided shall be liable  
1107 for the payment of the expenses and attorney's fees, and the  
1108 county shall be jointly and severally liable for same.

1109 (11) Any election commissioner \* \* \* who has not received a  
1110 certificate issued by the Secretary of State pursuant to Section  
1111 23-15-211 indicating that the election commissioner \* \* \* has  
1112 received the required elections seminar instruction and that the  
1113 election commissioner \* \* \* is fully qualified to conduct an  
1114 election, shall not receive any compensation authorized by this  
1115 section \* \* \* or Section 23-15-239.

1116 **SECTION 28.** Section 23-15-161, Mississippi Code of 1972, is  
1117 amended as follows:

1118 23-15-161. The county registrar shall:

1119 (a) Attend the meetings of the county election  
1120 commissioners;

1121 (b) Permit and \* \* \* furnish them access to the \* \* \*  
1122 Statewide Elections Management System; and

1123 (c) \* \* \* Render them all needed assistance of  
1124 which \* \* \* the registrar is capable in the performance of their  
1125 duties in revising the list of qualified electors.



1126           **SECTION 29.** Section 23-15-163, Mississippi Code of 1972, is  
1127 amended as follows:

1128           23-15-163. The purposes of this subarticle are:

1129                   (a) To establish a centralized statewide qualified  
1130 voter file that consists of all qualified electors who are  
1131 registered to vote;

1132                   (b) To enhance the uniformity of the administration of  
1133 elections by creating and maintaining a centralized statewide file  
1134 of qualified voters;

1135                   (c) To increase the efficiency and decrease the cost of  
1136 maintaining voter registration records and implementing the  
1137 National Voter Registration Act of 1993;

1138                   (d) To increase the integrity of the voting process by  
1139 compiling a single centralized qualified voter file from county  
1140 voter roll data that will permit the name of each citizen of this  
1141 state to appear only once;

1142                   (e) To apply technology and information gathered by  
1143 principal executive departments of state government, state  
1144 agencies and local voter registrars in a manner that ensures that  
1145 accurate and current records of qualified voters are maintained  
1146 and to secure cooperation among all state and county entities to  
1147 develop systems and processes that are interfaced with the \* \* \*  
1148 Statewide Elections Management System; and

1149                   (f) To enable the state to receive federal funds which  
1150 may be available to carry out provisions of this subarticle.



1151           **SECTION 30.** Section 23-15-165, Mississippi Code of 1972, is  
1152 amended as follows:

1153           23-15-165. (1) \* \* \* The Office of the Secretary of State,  
1154 in cooperation with the \* \* \* county registrars and election  
1155 commissioners, shall \* \* \* procure, implement and maintain an  
1156 electronic information processing system and programs capable of  
1157 maintaining a centralized database of all registered voters in the  
1158 state. The system shall encompass software and hardware, at both  
1159 the state and county level, software development training,  
1160 conversion and support and maintenance for the system. This  
1161 system shall be known as the "Statewide Elections Management  
1162 System" and shall constitute the official record of registered  
1163 voters in every county of the state.

1164           (2) The Office of the Secretary of State shall develop and  
1165 implement the Statewide Elections Management System so that the  
1166 registrar and election commissioners of each county shall:

1167           (a) Verify that an applicant that is registering to  
1168 vote in \* \* \* that county is not registered to vote in another  
1169 county;

1170           (b) Be notified automatically that a registered voter  
1171 in its county has registered to vote in another county;

1172           (c) Receive regular reports of death, changes of  
1173 address and convictions for disenfranchising crimes that apply to  
1174 voters registered in the county; and



1175           (d) Retain all present functionality related to, but  
1176 not limited to, the use of voter roll data and to implement such  
1177 other functionality as the law requires to enhance the maintenance  
1178 of accurate county voter records and related jury selection and  
1179 redistricting programs.

1180           (3) As a part of the procurement and implementation of the  
1181 system, the Office of the Secretary of State shall, with the  
1182 assistance of the advisory committee, procure services necessary  
1183 to convert current voter registration records in the counties into  
1184 a standard, industry accepted file format that can be used on the  
1185 Statewide Elections Management System. Thereafter, all official  
1186 voter information shall be maintained on the Statewide Elections  
1187 Management System. The standard industry accepted format of data  
1188 \* \* \* was reviewed and approved by a majority of the advisory  
1189 committee created in subsection (5) of this section after  
1190 consultation with the Circuit Clerks Association and the format  
1191 may not be changed without \* \* \* consulting the Circuit Clerks  
1192 Association.

1193           (4) The Secretary of State may, with the assistance of the  
1194 advisory committee, adopt rules and regulations necessary to  
1195 administer the Statewide Elections Management System. \* \* \* The  
1196 rules and regulations shall at least:

1197           (a) Provide for the establishment and maintenance of a  
1198 centralized database for all voter registration information in the  
1199 state;



1200 (b) Provide procedures for integrating data into the  
1201 centralized database;

1202 (c) Provide security to \* \* \* ensure that only the  
1203 registrar, or his or her designee or other appropriate official,  
1204 as the law may require, can add information to, delete information  
1205 from and modify information in the system;

1206 (d) Provide the registrar or his or her designee or  
1207 other appropriate official, as the law may require, access to the  
1208 system at all times, including the ability to download copies of  
1209 the industry standard file, for all purposes related to their  
1210 official duties, including, but not limited to, exclusive access  
1211 for the purpose of printing \* \* \* all local pollbooks;

1212 (e) Provide security and protection of all information  
1213 in the system and monitor the system to ensure that unauthorized  
1214 access is not allowed;

1215 (f) Provide a procedure that will allow the registrar,  
1216 or his or her designee or other appropriate official, as the law  
1217 may require, to identify the precinct \* \* \* to which a voter  
1218 should be assigned; and

1219 (g) Provide a procedure for phasing in or converting  
1220 existing manual and computerized voter registration systems in  
1221 counties to the Statewide Elections Management System.

1222 (5) The Secretary of State \* \* \* established an advisory  
1223 committee to assist in developing system specifications,  
1224 procurement, implementation and maintenance of the Statewide



1225 Elections Management System. The committee \* \* \* included two (2)  
1226 representatives from the Circuit Clerks Association, appointed by  
1227 the association; two (2) representatives from the Election  
1228 Commissioners Association of Mississippi, appointed by the  
1229 association; one (1) member of the Mississippi Association of  
1230 Supervisors, or its staff, appointed by the association; the  
1231 Director of the Stennis Institute of Government at Mississippi  
1232 State University, or his or her designee; the Executive Director  
1233 of the Department of Information Technology Services, or his or  
1234 her designee; two (2) persons knowledgeable about elections and  
1235 information technology appointed by the Secretary of State; and  
1236 the Secretary of State, who shall serve as the \* \* \* chair of the  
1237 advisory committee.

1238       (6) (a) Social security numbers, telephone numbers and date  
1239 of birth and age information in statewide, district, county and  
1240 municipal voter registration files shall be exempt from and shall  
1241 not be subject to inspection, examination, copying or reproduction  
1242 under the Mississippi Public Records Act of 1983.

1243       (b) Copies of statewide, district, county or municipal  
1244 voter registration files, excluding social security numbers,  
1245 telephone numbers and date of birth and age information, shall be  
1246 provided to any person in accordance with the Mississippi Public  
1247 Records Act of 1983 at a cost not to exceed the actual cost of  
1248 production.





1249           **SECTION 31.** Section 23-15-169.1, Mississippi Code of 1972,  
1250 is amended as follows:

1251           23-15-169.1. The Secretary of State and the Commissioner of  
1252 Public Safety shall enter into an agreement to grant the Secretary  
1253 of State's Office "read only" access to the driver's license  
1254 database and identification cardholder database for the purpose of  
1255 matching information in the database of the Statewide \* \* \*  
1256 Elections Management System created in Section 23-15-163 et seq.  
1257 to the extent required to enable the Secretary of State to verify  
1258 the accuracy of information provided on applications for voter  
1259 registration in compliance with the Help America Vote Act of 2002.

1260           **SECTION 32.** Section 23-15-169.7, Mississippi Code of 1972,  
1261 is amended as follows:

1262           23-15-169.7. (1) There is created in the State Treasury a  
1263 special fund, to be designated the "Help Mississippi Vote Fund" to  
1264 the credit of the Secretary of State, which shall be comprised of  
1265 the monies required to be deposited into the fund under Section  
1266 7-3-59, and any other funds that may be made available for the  
1267 fund by the Legislature.

1268           (2) Monies in the fund shall be expended by the Secretary of  
1269 State to support the state's maintenance of efforts as required by  
1270 the federal mandates of the Help America Vote Act of 2002 and for  
1271 compensation paid to any certified poll manager under Section  
1272 23-15-239.



1273 (3) Unexpended amounts remaining in the special fund at the  
1274 end of a fiscal year shall not lapse into the State General Fund,  
1275 and any interest earned or investment earnings on amounts in the  
1276 special fund shall be deposited to the credit of the special fund.

1277 (4) From and after July 1, 2016, the expenses of this agency  
1278 shall be defrayed by appropriation from the State General Fund and  
1279 all user charges and fees authorized under this section shall be  
1280 deposited into the State General Fund as authorized by law.

1281 (5) From and after July 1, 2016, no state agency shall  
1282 charge another state agency a fee, assessment, rent or other  
1283 charge for services or resources received by authority of this  
1284 section.

1285 **SECTION 33.** Section 23-15-171, Mississippi Code of 1972, is  
1286 amended as follows:

1287 23-15-171. (1) Municipal primary elections shall be held on  
1288 the first Tuesday in \* \* \* April preceding the general municipal  
1289 election and, in the event a second primary shall be necessary,  
1290 such second primary shall be held on the \* \* \* fourth Tuesday  
1291 in \* \* \* April preceding such general municipal election. The  
1292 candidate receiving a majority of the votes cast in the election  
1293 shall be the party nominee. If no candidate shall receive a  
1294 majority vote at the election, the two (2) candidates receiving  
1295 the highest number of votes shall have their names placed on the  
1296 ballot for the second primary election. The candidate receiving  
1297 the most votes cast in the second primary election shall be the



1298 party nominee. However, if no candidate shall receive a majority  
1299 vote at the first primary, and there is a tie in the election of  
1300 those receiving the next highest vote, those candidates receiving  
1301 the next highest vote and the candidate receiving the highest vote  
1302 shall have their names placed on the ballot for the second primary  
1303 election, and whoever receives the most votes cast in the second  
1304 primary election shall be the party nominee. At \* \* \* the primary  
1305 election the municipal executive committee shall perform the same  
1306 duties as are specified by law and performed by members of the  
1307 county executive committee with regard to state and county primary  
1308 elections. Each municipal executive committee shall have as many  
1309 members as there are elective officers of the municipality,  
1310 and \* \* \* the members of the municipal executive committee of each  
1311 political party shall be elected in the primary elections held for  
1312 the nomination of candidates for municipal offices. The  
1313 provisions of this section shall govern all municipal primary  
1314 elections as far as applicable, but the officers to prepare the  
1315 ballots and the poll managers and other officials of the primary  
1316 election shall be appointed by the municipal executive committee  
1317 of the party holding \* \* \* the primary, and the returns of such  
1318 election shall be made to such municipal executive committee.  
1319 Vacancies in the executive committee shall be filled by it.

1320 (2) Provided, however, that in municipalities operating  
1321 under a special or private charter which fixes a time for holding  
1322 elections, other than the time fixed by Chapter 491, Laws of 1950,



1323 the first primary election shall be held \* \* \* on the first  
1324 Tuesday, two (2) months before the time for holding the general  
1325 election, as fixed by the charter, and the second primary  
1326 election, where necessary, shall be held \* \* \* three (3) weeks  
1327 after the first primary election, unless the charter of any such  
1328 municipality provides otherwise, in which event the provisions of  
1329 the special or private charter shall prevail as to the time of  
1330 holding such primary elections.

1331 (3) All primary elections in municipalities shall be held  
1332 and conducted in the same manner as is provided by law for state  
1333 and county primary elections.

1334 **SECTION 34.** Section 23-15-173, Mississippi Code of 1972, is  
1335 amended as follows:

1336 23-15-173. (1) A general municipal election shall be held  
1337 in each city, town or village on the first Tuesday after the first  
1338 Monday of June 1985, and every four (4) years thereafter, for the  
1339 election of all municipal officers elected by the people.

1340 (2) All municipal general elections shall be held and  
1341 conducted in the same manner as is provided by law for state and  
1342 county general elections.

1343 (3) The provisions of Sections 23-15-171 and 23-15-173,  
1344 which fix the times to hold primary and general elections, shall  
1345 not apply to any municipality operating under a special or private  
1346 charter where the governing board or authority thereof, on or  
1347 before June 25, 1952, shall have adopted and spread upon its



1348 minutes a resolution or ordinance declining to accept the  
1349 provisions, in which event the primary and general elections shall  
1350 be held at the time fixed by the charter of the municipality.

1351       **SECTION 35.** Section 23-15-191, Mississippi Code of 1972, is  
1352 amended as follows:

1353       23-15-191. The first primary shall be held on the first  
1354 Tuesday after the first Monday of August preceding any regular or  
1355 general election; and the second primary shall be held three (3)  
1356 weeks thereafter. \* \* \* The candidate \* \* \* that receives a  
1357 majority of the votes cast in the election shall be the party  
1358 nominee. If no candidate receives \* \* \* a majority \* \* \* vote at  
1359 the election, then the two (2) candidates who receive the  
1360 highest \* \* \* number of votes \* \* \* shall have their names \* \* \*  
1361 placed on the ballot for the second primary election to be held  
1362 three (3) weeks later. \* \* \* The candidate who \* \* \* receives the  
1363 most votes in the second primary \* \* \* election shall be the party  
1364 nominee. However, if no candidate receives a majority vote at the  
1365 first primary, and \* \* \* there is a tie in the \* \* \* election of  
1366 those receiving the next highest vote, \* \* \* then those candidates  
1367 receiving the next highest vote and the candidate receiving the  
1368 highest vote \* \* \* shall have their names placed on the ballot  
1369 for \* \* \* the second primary election to be held three (3) weeks  
1370 later, and whoever \* \* \* receives the most votes cast in \* \* \* the  
1371 second primary election shall be \* \* \* the party nominee.



1372           **SECTION 36.** Section 23-15-197, Mississippi Code of 1972, is  
1373 amended as follows:

1374           23-15-197. (1) Times for holding primary and general  
1375 elections for congressional offices shall be as prescribed in  
1376 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1377           (2) Times for holding elections for the office of judge of  
1378 the Supreme Court shall be as prescribed in Section 23-15-991 and  
1379 Sections 23-15-974 through 23-15-985, and times for holding  
1380 elections for the office of judge of the Court of Appeals shall be  
1381 as prescribed in Section 9-4-5.

1382           (3) Times for holding elections for the office of circuit  
1383 court judge and the office of chancery court judge shall be as  
1384 prescribed in Sections 23-15-974 through 23-15-985, and Section  
1385 23-15-1015.

1386           (4) Times for holding elections for the office of county  
1387 election commissioners shall be as prescribed in Section  
1388 23-15-213.

1389           (5) Times for holding elections for the office of levee  
1390 commissioner shall be as prescribed in Laws, 1928, Chapter 12;  
1391 Laws, 1968, Chapter 574; Laws, 1930, Chapter 85; Laws, 1983,  
1392 Chapter 317; and Laws, 2010, Chapter 438.

1393           **SECTION 37.** Section 23-15-211, Mississippi Code of 1972, is  
1394 amended as follows:

1395           23-15-211. (1) There shall be a State Board of Election  
1396 Commissioners to consist of the following members:



1397 (a) \* \* \* The Governor, who shall serve as chair;  
1398 (b) The Secretary of State, who shall serve as  
1399 secretary, maintain minutes of all meetings and accept service of  
1400 process on behalf of the board; and

1401 (c) The Attorney General \* \* \*.

1402 Any two (2) of \* \* \* the members of the State Board of  
1403 Election Commissioners may perform the duties required of the  
1404 board \* \* \*.

1405 \* \* \*

1406 (2) The duties of the board shall include, but not be  
1407 limited to, the following:

1408 (a) Ruling on a candidate's qualifications to run for  
1409 statewide, Supreme Court, Court of Appeals, congressional  
1410 district, circuit and chancery court district, and other state  
1411 district offices;

1412 (b) Approving the state ballot for the offices stated  
1413 in paragraph (a) of this subsection (2);

1414 (c) Removing the names of candidates from the ballot  
1415 for failure to comply with campaign finance filing requirements  
1416 for the offices stated in paragraph (a) of this subsection (2) in  
1417 previous election cycles; and

1418 (d) Adopting any administrative rules and regulations  
1419 as are necessary to carry out the statutory duties of the board.

1420 ( \* \* \*3) The board of supervisors of each county shall pay  
1421 members of the county election commission for attending training



1422 events a per diem in the amount provided in Section 23-15-153;  
1423 however, except as otherwise provided in this section, the per  
1424 diem shall not be paid to an election commissioner for more than  
1425 twelve (12) days of training per year and shall only be paid to  
1426 election commissioners who actually attend and complete a training  
1427 event and obtain a training certificate.

1428 ( \* \* \*4) Included in this twelve (12) days shall be an  
1429 elections seminar, conducted and sponsored by the Secretary of  
1430 State. Election commissioners and chairpersons of each political  
1431 party executive committee, or their designee, shall be required to  
1432 attend. An election commissioner shall be certified by the  
1433 Secretary of State only after attending the annual elections  
1434 seminar and satisfactorily completing the skills assessment  
1435 provided for in Section 23-15-213.

1436 ( \* \* \*5) Each participant shall receive a certificate from  
1437 the Secretary of State indicating that the named participant has  
1438 received the elections training seminar instruction and \* \* \*  
1439 satisfactorily completed the skills assessment provided for in  
1440 Section 23-15-213. Election commissioners \* \* \* shall annually  
1441 file the certificate with the chancery clerk. If any election  
1442 commissioner \* \* \* shall fail to file the certificate by April 30  
1443 of each year, his or her office shall be vacated, absent exigent  
1444 circumstances as determined by the board of supervisors and  
1445 consistent with the facts. The vacancy shall be declared by the  
1446 board of supervisors and the vacancy shall be filled in the manner





1447 described by law. \* \* \* Before declaring the office vacant, the  
1448 board of supervisors shall give the election commissioner notice  
1449 and the opportunity for a hearing.

1450 ( \* \* \* 6) The Secretary of State, upon approval of the board  
1451 of supervisors, may authorize not more than eight (8) additional  
1452 training days per year for election commissioners \* \* \* in one or  
1453 more counties. The board of supervisors of each county shall pay  
1454 members of the county election commission for attending training  
1455 on these days a per diem in the amount provided in Section  
1456 23-15-153.

1457 \* \* \*

1458 **SECTION 38.** Section 23-15-213, Mississippi Code of 1972, is  
1459 amended as follows:

1460 **[Until January 1, 2028, this section shall read as follows:]**

1461 23-15-213. (1) At the general election in \* \* \* 2020 and  
1462 every four (4) years thereafter, there shall be elected five (5)  
1463 election commissioners \* \* \* for each county whose terms of office  
1464 shall commence on the first Monday of January following their  
1465 election and who shall serve for a term of four (4) years. Each  
1466 of the commissioners shall be required to attend a training  
1467 seminar provided by the Secretary of State and satisfactorily  
1468 complete a skills assessment, and before acting, shall take and  
1469 subscribe the oath of office prescribed by the Constitution \* \* \* .  
1470 The oath shall be filed in the office of the clerk of the chancery  
1471 court \* \* \* . Upon filing the oath of office, the election



1472 commissioner may be provided access to the Statewide Elections  
1473 Management System for the purpose of performing his or her duties.  
1474 While engaged in their duties, the commissioners shall be  
1475 conservators of the peace in the county, with all the duties and  
1476 powers of such.

1477       (2) The qualified electors of each supervisors district  
1478 shall elect, at the general election in \* \* \* 2020 \* \* \*, in their  
1479 district one (1) election commissioner \* \* \*. The election  
1480 commissioners from board of supervisors' Districts One, Three and  
1481 Five shall serve for a term of four (4) years. The election  
1482 commissioners from board of supervisors' Districts Two and Four  
1483 shall serve for a term of six (6) years. No more than one (1)  
1484 commissioner shall be a resident of and reside in each supervisors  
1485 district of the county; it being the purpose of this section that  
1486 the county board of election commissioners shall consist of one  
1487 (1) person from each supervisors district of the county and that  
1488 each commissioner be elected from the supervisors district in  
1489 which he or she resides.

1490       (3) Candidates for county election commissioner shall  
1491 qualify by filing with the clerk of the board of supervisors of  
1492 their respective counties a petition personally signed by not less  
1493 than fifty (50) qualified electors of the supervisors district in  
1494 which they reside, requesting that they be a candidate, by 5:00  
1495 p.m. not later than the first Monday in June of the year in which  
1496 the election occurs and unless the petition is filed within the



1497 required time, their names shall not be placed upon the ballot.  
1498 All candidates shall declare in writing their party affiliation,  
1499 if any, to the board of supervisors, and such party affiliation  
1500 shall be shown on the official ballot.

1501       (4) The petition shall have attached thereto a certificate  
1502 of the county registrar showing the number of qualified electors  
1503 on each petition, which shall be furnished by the registrar on  
1504 request. The board shall determine the sufficiency of the  
1505 petition, and if the petition contains the required number of  
1506 signatures and is filed within the time required, the president of  
1507 the board shall verify that the candidate is a resident of the  
1508 supervisors district in which he or she seeks election and that  
1509 the candidate is otherwise qualified as provided by law, and shall  
1510 certify that the candidate is qualified to the \* \* \* chair or  
1511 secretary of the county election commission and the names of the  
1512 candidates shall be placed upon the ballot for the ensuing  
1513 election. No county election commissioner shall serve or be  
1514 considered as elected \* \* \* until he or she has received a  
1515 majority of the votes cast for the position or post for which he  
1516 or she is a candidate. If a majority vote is not received in the  
1517 first election, then the two (2) candidates receiving the most  
1518 votes for each position or post shall be placed upon the ballot  
1519 for a second election to be held three (3) weeks later in  
1520 accordance with appropriate procedures followed in other elections  
1521 involving runoff candidates.



1522       (5) Upon taking office, the county \* \* \* election  
1523 commissioners shall organize by electing a \* \* \* chair and a  
1524 secretary.

1525       (6) It shall be the duty of the \* \* \* chair to have the  
1526 official ballot printed and distributed at each general or special  
1527 election.

1528       **[From and after January 1, 2032, this section shall read as**  
1529 **follows:]**

1530       23-15-213. (1) There shall be elected five (5) election  
1531 commissioners for each county whose terms of office shall commence  
1532 on the first Monday of January following their election and who  
1533 shall serve for a term of four (4) years. Each of the  
1534 commissioners shall be required to attend a training seminar  
1535 provided by the Secretary of State and satisfactorily complete a  
1536 skills assessment, and before acting, shall take and subscribe the  
1537 oath of office prescribed by the Constitution. The oath shall be  
1538 filed in the office of the clerk of the chancery court. Upon  
1539 filing the oath of office, the election commissioner may be  
1540 provided access to the Statewide Elections Management System for  
1541 the purpose of performing his or her duties. While engaged in  
1542 their duties, the commissioners shall be conservators of the peace  
1543 in the county, with all the duties and powers of such.

1544       (2) (a) At the general election in 2032 and every four (4)  
1545 years thereafter, the qualified electors of the board of



1546 supervisors' Districts One, Three and Five shall elect in their  
1547 district one (1) election commissioner.

1548 (b) At the general election in 2034 and every four (4)  
1549 years thereafter, the qualified electors of the board of  
1550 supervisors' Districts Two and Four shall elect in their district  
1551 one (1) election commissioner.

1552 (c) No more than one (1) commissioner shall be a  
1553 resident of and reside in each supervisors district of the county;  
1554 it being the purpose of this section that the county board of  
1555 election commissioners shall consist of one (1) person from each  
1556 supervisors district of the county and that each commissioner be  
1557 elected from the supervisors district in which he or she resides.

1558 (3) Candidates for county election commissioner shall  
1559 qualify by filing with the clerk of the board of supervisors of  
1560 their respective counties a petition personally signed by not less  
1561 than fifty (50) qualified electors of the supervisors district in  
1562 which they reside, requesting that they be a candidate, by 5:00  
1563 p.m. not later than the first Monday in June of the year in which  
1564 the election occurs and unless the petition is filed within the  
1565 required time, their names shall not be placed upon the ballot.  
1566 All candidates shall declare in writing their party affiliation,  
1567 if any, to the board of supervisors, and such party affiliation  
1568 shall be shown on the official ballot.

1569 (4) The petition shall have attached thereto a certificate  
1570 of the county registrar showing the number of qualified electors



1571 on each petition, which shall be furnished by the registrar on  
1572 request. The board shall determine the sufficiency of the  
1573 petition, and if the petition contains the required number of  
1574 signatures and is filed within the time required, the president of  
1575 the board shall verify that the candidate is a resident of the  
1576 supervisors district in which he or she seeks election and that  
1577 the candidate is otherwise qualified as provided by law, and shall  
1578 certify that the candidate is qualified to the chair or secretary  
1579 of the county election commission and the names of the candidates  
1580 shall be placed upon the ballot for the ensuing election. No  
1581 county election commissioner shall serve or be considered as  
1582 elected until he or she has received a majority of the votes cast  
1583 for the position or post for which he or she is a candidate. If a  
1584 majority vote is not received in the first election, then the two  
1585 (2) candidates receiving the most votes for each position or post  
1586 shall be placed upon the ballot for a second election to be held  
1587 three (3) weeks later in accordance with appropriate procedures  
1588 followed in other elections involving runoff candidates.

1589 (5) In the first meeting in January of each year, the county  
1590 election commissioners shall organize by electing a chair and a  
1591 secretary, who shall serve a one (1) year term. The county  
1592 election commissioners shall provide the names of the chair and  
1593 secretary to the Secretary of State and provide notice of any  
1594 change in officers which may occur during the year.



1595       (6) It shall be the duty of the chair to have the official  
1596 ballot printed and distributed at each general or special  
1597 election.

1598       **SECTION 39.** Section 23-15-215, Mississippi Code of 1972, is  
1599 amended as follows:

1600       23-15-215. If there shall not be election  
1601 commissioners \* \* \* in any county, or if they fail to act, the  
1602 duties prescribed for them shall be performed by the board of  
1603 supervisors. In such case, the president of the board is charged  
1604 with the duty of having the official ballot printed and  
1605 distributed; and the poll managers \* \* \* shall make returns to the  
1606 board, which shall canvass the returns, give certificates of  
1607 election, and make report to the Secretary of State, in like  
1608 manner as the election commissioners \* \* \* are required to do.

1609       **SECTION 40.** Section 23-15-217, Mississippi Code of 1972, is  
1610 amended as follows:

1611       23-15-217. (1) \* \* \* An election commissioner \* \* \* of any  
1612 county may be a candidate for any other office at any election  
1613 held or to be held during the four-year term for which he or she  
1614 has been elected to the office of election commissioner \* \* \*;  
1615 provided that he or she has resigned from the office of election  
1616 commissioner before he or she \* \* \* files to qualify for the  
1617 office \* \* \* that he or she desires to seek. The clerk for the  
1618 board of supervisors must have actually received the resignation  
1619 for it to be deemed submitted.



1620 (2) In any case involving the election of a county election  
1621 commissioner wherein there is a contest of any nature, including,  
1622 but not limited to, the right of any person to vote or the  
1623 counting of any challenge ballot, all the duties and powers of the  
1624 commission in connection with \* \* \* the contest shall be performed  
1625 by the board of supervisors, as is contemplated by Section  
1626 23-15-215 in cases where there are no election commissioners \* \* \*  
1627 in the county.

1628 **SECTION 41.** Section 23-15-219, Mississippi Code of 1972, is  
1629 amended as follows:

1630 23-15-219. (1) The board of election commissioners is  
1631 hereby authorized and empowered to employ and set or determine the  
1632 duties of and determine the compensation of such investigators,  
1633 legal counsel, secretaries, technical advisors and any other  
1634 employees or persons who or which \* \* \* the board or a majority  
1635 thereof may deem necessary to enable them to discharge the duties  
1636 and obligations presently or hereafter vested in them. However,  
1637 before employing such persons or setting or determining \* \* \* the  
1638 compensation, the election commissioners must first have the  
1639 approval of the board of supervisors of the county.

1640 (2) The board of supervisors of the county is authorized and  
1641 empowered to pay out of the general fund of the county the  
1642 salaries and necessary traveling and subsistence expenses of \* \* \*  
1643 the employees of \* \* \* the board of election commissioners in such  
1644 amounts as may be mutually agreed upon by the \* \* \* board of





1645 supervisors and \* \* \* board of election commissioners, but which  
1646 shall be computed on the same basis allowed to state employees  
1647 when traveling on state business. All expense accounts of \* \* \*  
1648 the employees of \* \* \* the board of election commissioners shall  
1649 be approved by \* \* \* the board of election commissioners and \* \* \*  
1650 the board of supervisors or, in the discretion of each of \* \* \*  
1651 the boards, by one (1) of the members of each of \* \* \* the boards  
1652 duly authorized by the respective boards to approve or  
1653 disapprove \* \* \* the subsistence, traveling and mileage expense  
1654 accounts.

1655 (3) Nothing in this section shall be construed to prohibit a  
1656 person who holds the office of election commissioner \* \* \* from  
1657 being employed and receiving compensation pursuant to this  
1658 section. Any compensation which such a person may receive from  
1659 his or her employment pursuant to this section shall be in  
1660 addition to any compensation \* \* \* that person may receive in  
1661 performing his or her duties as \* \* \* an election  
1662 commissioner \* \* \*.

1663 **SECTION 42.** Section 23-15-221, Mississippi Code of 1972, is  
1664 amended as follows:

1665 23-15-221. (1) The governing authorities of municipalities  
1666 having a population of less than twenty thousand (20,000)  
1667 inhabitants according to the last federal decennial census shall  
1668 appoint three (3) election commissioners; the governing  
1669 authorities of municipalities having a population of twenty



1670 thousand (20,000) inhabitants or more and less than one hundred  
1671 thousand (100,000) inhabitants according to the last federal  
1672 decennial census shall appoint five (5) election commissioners;  
1673 and the governing authorities of municipalities having a  
1674 population of one hundred thousand (100,000) or more according to  
1675 the last federal decennial census shall appoint seven (7) election  
1676 commissioners. \* \* \* The municipal election commissioners, in  
1677 conjunction with the municipal clerk, shall perform all the duties  
1678 in respect to the municipal election prescribed by law to be  
1679 performed by the county election commissioners where not otherwise  
1680 provided. The \* \* \* election commissioners shall, in case there  
1681 be but one (1) election precinct in the municipality, act as  
1682 \* \* \* poll managers themselves.

1683 (2) The city council or board of aldermen or other governing  
1684 authority of any municipality desiring to avail itself of the  
1685 provisions of the Mississippi Election Code regarding the duties  
1686 of municipal election commissioners shall adopt an ordinance  
1687 declaring its intention to enter into an agreement with the  
1688 municipality's county to have the county election commissioners  
1689 conduct municipal elections and other functions that are performed  
1690 by municipal election commissioners for the benefit of the  
1691 efficiency and conformity of elections, to be effective on and  
1692 after a date fixed in the ordinance which must be at least thirty  
1693 (30) days after the ordinance is adopted and on the first day of a  
1694 month. If the municipality is located in more than one (1)



1695 county, the municipality shall choose which county it wants to  
1696 conduct its elections and other duties of its municipal election  
1697 commissioners and enter into an agreement with that county to have  
1698 that county's election commissioners conduct the municipal  
1699 elections and other functions that are performed by municipal  
1700 election commissioners for the benefit of the efficiency and  
1701 conformity of elections, to be effective on and after a date fixed  
1702 in the ordinance which must be at least thirty (30) days after the  
1703 ordinance is adopted and on the first day of a month. A certified  
1704 copy of this ordinance shall be immediately forwarded to the Chair  
1705 of the State Board of Election Commissioners. The municipal  
1706 authorities shall have a copy of the ordinance published once a  
1707 week for three (3) consecutive weeks in at least one (1) newspaper  
1708 published in the municipality and having a general circulation  
1709 therein. The first publication shall be not less than  
1710 twenty-eight (28) days before the effective date fixed in the  
1711 ordinance, and the last publication shall be made not less than  
1712 seven (7) days before such date. If no newspaper is published in  
1713 the municipality, then notice shall be given by publishing the  
1714 ordinance for the required time in some newspaper published in the  
1715 same or an adjoining county having a general circulation in the  
1716 municipality. A copy of the ordinance shall also be posted at  
1717 three (3) public places in the municipality for a period of at  
1718 least twenty-one (21) days during the time of its publication in a  
1719 newspaper. The publication of the ordinance may be made as



1720 provided in Section 21-17-19. Proof of publication must also be  
1721 furnished to the Chair of the State Board of Election  
1722 Commissioners.

1723 (3) If a city council or board of aldermen or other  
1724 governing authority of any municipality adopts an ordinance to  
1725 abolish municipal election commissioners in the municipality's  
1726 county and authorize county election commissioners to conduct the  
1727 municipal election commissioners' duties, the county election  
1728 commissioners shall conduct all of the duties of the municipal  
1729 election commissioners including, but not limited to:

1730 (a) Canvass the results of bond elections in a  
1731 municipality;

1732 (b) Canvass the returns of special and general  
1733 elections for mayor and councilmen and within five (5) days after  
1734 any special or general election, deliver to each person receiving  
1735 the highest number of votes a certificate of election;

1736 (c) Certify to the Secretary of State the name or names  
1737 of the person or persons elected at special and general elections  
1738 within ten (10) days after any special or general election;

1739 (d) Revise the primary pollbooks for municipalities at  
1740 the time and in the manner and in accordance with the laws now  
1741 fixed and in force for revising pollbooks, except they shall not  
1742 remove from the pollbook any person who is qualified to  
1743 participate in primary elections;



1744           (e) Print the pollbooks that are to be used in  
1745 municipal elections;

1746           (f) Print and distribute the "official ballots";

1747           (g) Perform the duties of poll managers in the event  
1748 there is only one (1) election precinct in the municipality;

1749           (h) Perform any of the duties required of the municipal  
1750 executive committee pursuant to Section 23-15-239 if the municipal  
1751 executive committee has entered into a written agreement with the  
1752 municipal clerk or the municipal or county election commission  
1753 that gives such authorization;

1754           (i) Determine whether each party candidate in the  
1755 municipal general election is a qualified elector of the  
1756 municipality, and of the ward if the office sought is a ward  
1757 office, whether each candidate either meets all other  
1758 qualifications to hold the office he or she is seeking or presents  
1759 absolute proof that he or she will, subject to no contingencies,  
1760 meet all qualifications on or before the date of the general or  
1761 special election at which he or she could be elected to office,  
1762 and whether any candidate has been convicted of any felony in a  
1763 court of this state, or has been convicted on or after December 8,  
1764 1992, of any offense in another state which is a felony under the  
1765 laws of this state, or has been convicted of any felony in a  
1766 federal court on or after December 8, 1992;

1767           (j) Declare each candidate elected without opposition,  
1768 if the candidate meets all the qualifications to hold the office



1769 as determined pursuant to a review by the commission in accordance  
1770 with the provisions of paragraph (i) of this subsection (3);

1771 (k) Canvass the returns for municipal elections  
1772 received from all voting precincts and within ten (10) days after  
1773 the election, deliver to each person receiving the highest number  
1774 of votes a certificate of election. If it shall appear that any  
1775 two (2) or more of the candidates receiving the highest number of  
1776 votes shall have received an equal number of votes, the election  
1777 shall be decided by the toss of a coin or by lot, fairly and  
1778 publicly drawn by the election commissioners;

1779 (l) Transmit the statement provided in Section  
1780 23-15-611 to the Secretary of State certifying the name or names  
1781 of the person or persons elected at municipal elections, and such  
1782 person or persons shall be issued commissions by the Governor;

1783 (m) Receiving the filed document by any person desiring  
1784 to contest the qualifications of another person who has qualified  
1785 pursuant to the provisions of Section 23-15-361 as a candidate for  
1786 municipal office elected on the date designated by law for regular  
1787 municipal elections that specifically sets forth the grounds of  
1788 the challenge no later than thirty-one (31) days after the date of  
1789 the first primary election set forth in Section 23-15-309; and

1790 (n) Perform all other duties with respect to the  
1791 municipal election prescribed by law.

1792 (4) If the city council or board of aldermen or other  
1793 governing authority of any municipality does not desire to avail



1794 itself of the provisions of the Mississippi Election Code  
1795 regarding the duties of municipal election commissioners, then  
1796 nothing in this section shall be construed in any way to affect,  
1797 alter or modify the existence of those municipal election  
1798 commissioners now operating under the laws relating to municipal  
1799 election commissioners provided in the Mississippi Code of 1972.  
1800 Those municipalities shall continue to enjoy the form of election  
1801 commissions and the conduct of the respective elections that are  
1802 now enjoyed by them, and each shall possess all rights, powers,  
1803 privileges and immunities granted and conferred under the laws  
1804 relating to municipal election commissioners provided in the  
1805 Mississippi Code of 1972.

1806       **SECTION 43.** Section 23-15-223, Mississippi Code of 1972, is  
1807 amended as follows:

1808       23-15-223. (1) The State Board of Election Commissioners,  
1809 on or before the fifteenth day of February succeeding each general  
1810 election, shall appoint in the several counties registrars of  
1811 elections, who shall hold office for four (4) years and until  
1812 their successors shall be duly qualified. The county registrar  
1813 shall be the clerk of the circuit court, unless the State Board of  
1814 Election Commissioners finds the circuit clerk to be an improper  
1815 person to register the names of the electors in the county. The  
1816 State Board of Election Commissioners shall draft rules and  
1817 regulations to provide for notice and hearing before removal of



1818 the circuit clerk, if notice and a hearing is practicable under  
1819 the circumstances.

1820 (2) The county registrar is empowered to appoint deputy  
1821 registrars, with the consent of the board of election  
1822 commissioners, who may discharge the duties of the registrar.

1823 The clerk of every municipality shall be appointed as such a  
1824 deputy registrar, as contemplated by the National Voter  
1825 Registration Act (NVRA).

1826 (3) The county registrar \* \* \* shall not be held liable for  
1827 any malfeasance or nonfeasance in office by any deputy registrar  
1828 who is a deputy registrar by virtue of his or her office.

1829 (4) The Secretary of State, in conjunction with the State  
1830 Board of Community and Junior Colleges, has developed and made  
1831 available online a computer skills training course for all newly  
1832 appointed registrars that shall be completed within one hundred  
1833 eighty (180) days of the commencement of their term of office.

1834 **SECTION 44.** Section 23-15-225, Mississippi Code of 1972, is  
1835 amended as follows:

1836 23-15-225. (1) The registrar shall be entitled to such  
1837 compensation, payable monthly out of the county treasury, which  
1838 the board of supervisors of the county shall allow on an annual  
1839 basis in the following amounts:

1840 (a) For counties with a total population of more than  
1841 two hundred thousand (200,000), an amount not to exceed





1842 Twenty-nine Thousand Nine Hundred Dollars (\$29,900.00), but not  
1843 less than Nine Thousand Two Hundred Dollars (\$9,200.00).

1844 (b) For counties with a total population of more than  
1845 one hundred thousand (100,000) and not more than two hundred  
1846 thousand (200,000), an amount not to exceed Twenty-five Thousand  
1847 Three Hundred Dollars (\$25,300.00), but not less than Nine  
1848 Thousand Two Hundred Dollars (\$9,200.00).

1849 (c) For counties with a total population of more than  
1850 fifty thousand (50,000) and not more than one hundred thousand  
1851 (100,000), an amount not to exceed Twenty-three Thousand Dollars  
1852 (\$23,000.00), but not less than Nine Thousand Two Hundred Dollars  
1853 (\$9,200.00).

1854 (d) For counties with a total population of more than  
1855 thirty-five thousand (35,000) and not more than fifty thousand  
1856 (50,000), an amount not to exceed Twenty Thousand Seven Hundred  
1857 Dollars (\$20,700.00), but not less than Nine Thousand Two Hundred  
1858 Dollars (\$9,200.00).

1859 (e) For counties with a total population of more than  
1860 twenty-five thousand (25,000) and not more than thirty-five  
1861 thousand (35,000), an amount not to exceed Eighteen Thousand Four  
1862 Hundred Dollars (\$18,400.00), but not less than Nine Thousand Two  
1863 Hundred Dollars (\$9,200.00).

1864 (f) For counties with a total population of more than  
1865 fifteen thousand (15,000) and not more than twenty-five thousand  
1866 (25,000), an amount not to exceed Sixteen Thousand One Hundred



1867 Dollars (\$16,100.00), but not less than Nine Thousand Two Hundred  
1868 Dollars (\$9,200.00).

1869 (g) For counties with a total population of more than  
1870 ten thousand (10,000) and not more than fifteen thousand (15,000),  
1871 an amount not to exceed Thirteen Thousand Eight Hundred Dollars  
1872 (\$13,800.00), but not less than Eight Thousand Fifty Dollars  
1873 (\$8,050.00).

1874 (h) For counties with a total population of more than  
1875 six thousand (6,000) and not more than ten thousand (10,000), an  
1876 amount not to exceed Eleven Thousand Five Hundred Dollars  
1877 (\$11,500.00), but not less than Eight Thousand Fifty Dollars  
1878 (\$8,050.00).

1879 (i) For counties with a total population of not more  
1880 than six thousand (6,000), an amount not to exceed Nine Thousand  
1881 Two Hundred Dollars (\$9,200.00) but not less than Six Thousand  
1882 Three Hundred Twenty-five Dollars (\$6,325.00).

1883 (j) For counties having two (2) judicial districts, the  
1884 board of supervisors of the county may allow, in addition to the  
1885 sums prescribed herein, in its discretion, an amount not to exceed  
1886 Eleven Thousand Five Hundred Dollars (\$11,500.00).

1887 (2) In the event of a reregistration within such county, or  
1888 a redistricting \* \* \* that necessitates the hiring of additional  
1889 deputy registrars, the board of supervisors, in its discretion,  
1890 may by contract compensate the county registrar amounts in  
1891 addition to the sums prescribed herein \* \* \*.



1892 (3) As compensation for their services in assisting the  
1893 county election commissioners in performance of their duties in  
1894 the revision of the \* \* \* voter roll as electronically maintained  
1895 by the Statewide Elections Management System and in assisting the  
1896 election commissioners, executive committees or boards of  
1897 supervisors in connection with any election, the registrar shall  
1898 receive the same daily per diem and limitation on meeting days as  
1899 provided for the board of election commissioners as set out in  
1900 Sections 23-15-153 and 23-15-227 to be paid from the general fund  
1901 of the county.

1902 (4) In any case where an amount has been allowed by the  
1903 board of supervisors pursuant to this section, such amount shall  
1904 not be reduced or terminated during the term for which the  
1905 registrar was elected.

1906 (5) The circuit clerk shall, in addition to any other  
1907 compensation provided for by law, be entitled to receive as  
1908 compensation from the board of supervisors the amount of Two  
1909 Thousand Five Hundred Dollars (\$2,500.00) per year. This payment  
1910 shall be for the performance of his or her duties in regard to the  
1911 conduct of elections and the performance of his or her other  
1912 duties.

1913 (6) The municipal clerk shall, in addition to any other  
1914 compensation for performance of duties, be eligible to receive as  
1915 compensation from the municipality's governing authorities a  
1916 reasonable amount of additional compensation for reimbursement of



1917 costs and for additional duties associated with mail-in  
1918 registration of voters.

1919 (7) The board of supervisors shall not allow any additional  
1920 compensation authorized under this section for services as county  
1921 registrar to any circuit clerk who is receiving fees as  
1922 compensation for his or her services equal to the limitation on  
1923 compensation prescribed in Section 9-1-43.

1924 **SECTION 45.** Section 23-15-227, Mississippi Code of 1972, is  
1925 amended as follows:

1926 23-15-227. (1) The poll managers \* \* \* shall be each  
1927 entitled to Seventy-five Dollars (\$75.00) for each election;  
1928 however, the board of supervisors may, in its discretion, pay the  
1929 poll managers \* \* \* an additional amount not to exceed Fifty  
1930 Dollars (\$50.00) per election.

1931 (2) The poll manager \* \* \* who shall carry to the place of  
1932 voting, away from the courthouse, the official ballots, ballot  
1933 boxes, pollbooks and other necessities, shall be allowed Ten  
1934 Dollars (\$10.00) for each voting precinct for so doing. The poll  
1935 manager \* \* \* who acts as returning officer shall be allowed Ten  
1936 Dollars (\$10.00) for each voting precinct for that service. If a  
1937 person who performs the duties described in this subsection \* \* \*  
1938 uses a privately owned motor vehicle to perform them, he or she  
1939 shall receive for each mile actually and necessarily traveled in  
1940 excess of ten (10) miles, the mileage reimbursement rate allowable



1941 to federal employees for the use of a privately owned vehicle  
1942 while on official travel.

1943 (3) The compensation authorized in this section shall be  
1944 allowed by the board of supervisors, and shall be payable out of  
1945 the county treasury.

1946 (4) The compensation provided in this section shall  
1947 constitute payment in full for the services rendered by the  
1948 persons named for any election, whether there be one (1) election  
1949 or issue voted upon, or more than one (1) election or issue voted  
1950 upon at the same time.

1951 **SECTION 46.** Section 23-15-229, Mississippi Code of 1972, is  
1952 amended as follows:

1953 23-15-229. The compensation for \* \* \* poll managers and  
1954 other workers in the polling places of a municipality shall be the  
1955 same as the compensation paid by the county for \* \* \* those  
1956 services; provided, however, that the governing authorities of a  
1957 municipality shall not be required to pay any additional  
1958 compensation authorized by the board of supervisors. The  
1959 governing authorities of a municipality may, in their discretion,  
1960 pay clerks and poll managers in the polling places of the  
1961 municipality an additional amount of compensation not to exceed  
1962 Fifty Dollars (\$50.00) per election.

1963 **SECTION 47.** Section 23-15-231, Mississippi Code of 1972, is  
1964 amended as follows:



1965           23-15-231.   \* \* \* Before every election, the election  
1966 commissioners \* \* \* shall appoint three (3) persons for each  
1967 voting precinct to be poll managers \* \* \*, one (1) of whom shall  
1968 be designated by the election commissioners \* \* \* as election  
1969 bailiff.   \* \* \* For general and special elections, the poll  
1970 managers shall not all be of the same political party if suitable  
1971 persons of different political parties can be found in the  
1972 district.  If any person appointed shall fail to attend and serve,  
1973 the poll managers present, if any, may designate someone to fill  
1974 his or her place; and if the election commissioners \* \* \* fail to  
1975 make the appointments or in case of the failure of all those  
1976 appointed to attend and serve, any three (3) qualified electors  
1977 present when the polls should be opened may act as poll managers.  
1978 Provided, however, any person appointed to be poll manager or act  
1979 as poll manager shall be a qualified elector of the county in  
1980 which the polling place is located.

1981           **SECTION 48.** Section 23-15-233, Mississippi Code of 1972, is  
1982 amended as follows:

1983           23-15-233. The poll managers shall take care that the  
1984 election is conducted fairly and agreeably to law, and they shall  
1985 be judges of the qualifications of electors, and may examine, on  
1986 oath, any person duly registered and offering to vote touching his  
1987 or her qualifications as an elector, which oath any of the poll  
1988 managers may administer.



1989           **SECTION 49.** Section 23-15-235, Mississippi Code of 1972, is  
1990 amended as follows:

1991           23-15-235. In addition to the poll managers appointed  
1992 pursuant to Section 23-15-231, for the first five hundred (500)  
1993 registered voters in each voting precinct, the election  
1994 commissioners \* \* \* may, in their discretion, appoint not more  
1995 than three (3) persons to serve as poll managers \* \* \* of the  
1996 election. The election commissioners \* \* \* may, in their  
1997 discretion, appoint three (3) additional persons to serve as \* \* \*  
1998 poll managers for each one thousand (1,000) registered voters or  
1999 fraction thereof in each voting precinct above the first five  
2000 hundred (500), not to exceed six (6) additional poll managers  
2001 under this section. Any person appointed as \* \* \* poll manager  
2002 shall be a qualified elector of the county in which the voting  
2003 precinct is located.

2004           \* \* \*

2005           **SECTION 50.** Section 23-15-237, Mississippi Code of 1972, is  
2006 amended as follows:

2007           23-15-237. The poll managers \* \* \* shall be sworn by some  
2008 officer present competent to administer oaths, or each may be  
2009 sworn by one of the others, faithfully to perform their duties at  
2010 the election according to law, and not to attempt to guide, aid,  
2011 direct or influence any voter in the exercise of his or her right  
2012 to vote, except as expressly allowed by law. The oath required by



2013 this section shall be recorded in the receipt book and signed by  
2014 each poll manager.

2015 **SECTION 51.** Section 23-15-239, Mississippi Code of 1972, is  
2016 amended as follows:

2017 **[Until January 1, 2020, this section shall read as follows:]**

2018 23-15-239. (1) \* \* \* The executive committee of each  
2019 county, in the case of a primary election, or the election  
2020 commissioners \* \* \* of each county, in the case of all other  
2021 elections, in conjunction with the circuit clerk, shall, in the  
2022 years in which counties conduct an election, sponsor and conduct,  
2023 not less than five (5) days \* \* \* before each election, not less  
2024 than four (4) hours and not more than eight (8) hours of poll  
2025 manager training \* \* \* to instruct poll managers as to their  
2026 duties in the proper administration of the election and the  
2027 operation of the polling place. Any poll manager who completes  
2028 the online training course provided by the Secretary of State  
2029 shall only be required to complete two (2) hours of in-person poll  
2030 manager training. No poll manager shall serve in any election  
2031 unless he or she has received \* \* \* these instructions once during  
2032 the twelve (12) months immediately preceding the date upon  
2033 which \* \* \* the election is held; however, nothing in this section  
2034 shall prevent the appointment of an alternate poll manager to fill  
2035 a vacancy in case of an emergency. The county executive committee  
2036 or the election commissioners \* \* \*, as appropriate, shall train a





2037 sufficient number of alternates to serve in the event a poll  
2038 manager is unable to serve for any reason.

2039 \* \* \*

2040 (2) (a) If it is eligible under Section 23-15-266, the  
2041 county executive committee may enter into a written agreement with  
2042 the circuit clerk or the county election commission authorizing  
2043 the circuit clerk or the county election commission to perform any  
2044 of the duties required of the county executive committee pursuant  
2045 to this section. Any agreement entered into pursuant to this  
2046 subsection shall be signed by the \* \* \* chair of the county  
2047 executive committee and the circuit clerk or the \* \* \* chair of  
2048 the county election commission, as appropriate. The county  
2049 executive committee shall notify the state executive committee and  
2050 the Secretary of State of the existence of \* \* \* the agreement.

2051 (b) If it is eligible under Section 23-15-266, the  
2052 municipal executive committee may enter into a written agreement  
2053 with the municipal clerk or the municipal election commission  
2054 authorizing the municipal clerk or the municipal election  
2055 commission to perform any of the duties required of the municipal  
2056 executive committee pursuant to this section. Any agreement  
2057 entered into pursuant to this subsection shall be signed by the  
2058 \* \* \* chair of the municipal executive committee and the  
2059 municipal clerk or the \* \* \* chair of the municipal election  
2060 commission, as appropriate. The municipal executive committee



2061 shall notify the state executive committee and the Secretary of  
2062 State of the existence of \* \* \* the agreement.

2063 (3) The board of supervisors and the municipal governing  
2064 authority, in their discretion, may compensate poll managers who  
2065 attend \* \* \* these training sessions. The compensation shall be  
2066 at a rate of not less than the federal hourly minimum wage nor  
2067 more than Twelve Dollars (\$12.00) per hour. Poll managers shall  
2068 not be compensated for more than sixteen (16) hours of attendance  
2069 at the training sessions regardless of the actual amount of time  
2070 that they attended the training sessions.

2071 (4) The time and location of the training sessions required  
2072 pursuant to this section shall be announced to the general public  
2073 by posting a notice thereof at the courthouse and by delivering a  
2074 copy of the notice to the office of a newspaper having general  
2075 circulation in the county five (5) days before the date upon which  
2076 the training session is to be conducted. Persons who will serve  
2077 as poll watchers for candidates and political parties, as well as  
2078 members of the general public, shall be allowed to attend the  
2079 sessions.

2080 (5) Subject to the following annual limitations, the  
2081 election commissioners \* \* \* shall be entitled to receive a per  
2082 diem in the amount of Eighty-four Dollars (\$84.00), to be paid  
2083 from the county general fund, for every day or period of no less  
2084 than five (5) hours accumulated over two (2) or more days actually



2085 employed in the performance of their duties for the necessary time  
2086 spent in conducting training sessions as required by this section:

2087 (a) In counties having less than fifteen thousand  
2088 (15,000) residents according to the latest federal decennial  
2089 census, not more than five (5) days per year;

2090 (b) In counties having fifteen thousand (15,000)  
2091 residents according to the latest federal decennial census but  
2092 less than thirty thousand (30,000) residents according to the  
2093 latest federal decennial census, not more than eight (8) days per  
2094 year;

2095 (c) In counties having thirty thousand (30,000)  
2096 residents according to the latest federal decennial census but  
2097 less than seventy thousand (70,000) residents according to the  
2098 latest federal decennial census, not more than ten (10) days per  
2099 year;

2100 (d) In counties having seventy thousand (70,000)  
2101 residents according to the latest federal decennial census but  
2102 less than ninety thousand (90,000) residents according to the  
2103 latest federal decennial census, not more than twelve (12) days  
2104 per year;

2105 (e) In counties having ninety thousand (90,000)  
2106 residents according to the latest federal decennial census but  
2107 less than one hundred seventy thousand (170,000) residents  
2108 according to the latest federal decennial census, not more than  
2109 fifteen (15) days per year;



2110 (f) In counties having one hundred seventy thousand  
2111 (170,000) residents according to the latest federal decennial  
2112 census but less than two hundred thousand (200,000) residents  
2113 according to the latest federal decennial census, not more than  
2114 eighteen (18) days per year;

2115 (g) In counties having two hundred thousand (200,000)  
2116 residents according to the latest federal decennial census but  
2117 less than two hundred twenty-five thousand (225,000) residents  
2118 according to the latest federal decennial census, not more than  
2119 nineteen (19) days per year;

2120 (h) In counties having two hundred twenty-five thousand  
2121 (225,000) residents or more according to the latest federal  
2122 decennial census \* \* \*, not more than twenty-two (22) days per  
2123 year;

2124 \* \* \*

2125 (6) Election commissioners \* \* \* shall claim the per diem  
2126 authorized in subsection (5) of this section in the manner  
2127 provided for in Section 23-15-153(6).

2128 (7) (a) To provide poll manager training, the Secretary of  
2129 State has developed a single, comprehensive poll manager training  
2130 program to ensure uniform, secure elections throughout the state.  
2131 The program includes online training on all state and federal  
2132 election laws and procedures and voting machine opening and  
2133 closing procedures.



2134           (b) County election commissioners shall designate no  
2135 more than two (2) poll managers per precinct, who shall  
2136 individually access and complete the online training program,  
2137 including all skills assessments, at least five (5) days before an  
2138 election. The poll managers shall be defined as "certified poll  
2139 managers," and entitled to a "Certificate of Completion" and  
2140 compensation for the successful completion of the training and  
2141 skills assessment in the amount of Twenty-five Dollars (\$25.00)  
2142 payable from the Help Mississippi Vote Fund. Compensation paid to  
2143 any poll manager under this paragraph (b) shall not exceed  
2144 Twenty-five Dollars (\$25.00) per calendar year.

2145           (c) Every election held after January 1, 2018, shall  
2146 have at least one (1) certified poll manager appointed by the  
2147 county election officials to work in each polling place in the  
2148 county during each general election.

2149           **[From and after January 1, 2020, this section shall read as**  
2150 **follows:]**

2151           23-15-239. (1) \* \* \* The executive committee of each  
2152 county, in the case of a primary election, or the election  
2153 commissioners \* \* \* of each county, in the case of all other  
2154 elections, in conjunction with the circuit clerk, shall, in the  
2155 years in which counties conduct an election, sponsor and conduct,  
2156 not less than five (5) days \* \* \* before each election, not less  
2157 than four (4) hours and not more than eight (8) hours of poll  
2158 manager training \* \* \* to instruct poll managers as to their



2159 duties in the proper administration of the election and the  
2160 operation of the polling place. Any poll manager who completes  
2161 the online training course provided by the Secretary of State  
2162 shall only be required to complete two (2) hours of in-person poll  
2163 manager training. No poll manager shall serve in any election  
2164 unless he or she has received \* \* \* these instructions once during  
2165 the twelve (12) months immediately preceding the date upon  
2166 which \* \* \* the election is held; however, nothing in this section  
2167 shall prevent the appointment of an alternate poll manager to fill  
2168 a vacancy in case of an emergency. The county executive committee  
2169 or the election commissioners \* \* \*, as appropriate, shall train a  
2170 sufficient number of alternates to serve in the event a poll  
2171 manager is unable to serve for any reason.

2172 \* \* \*

2173 (2) (a) If it is eligible under Section 23-15-266, the  
2174 county executive committee may enter into a written agreement with  
2175 the circuit clerk or the county election commission authorizing  
2176 the circuit clerk or the county election commission to perform any  
2177 of the duties required of the county executive committee pursuant  
2178 to this section. Any agreement entered into pursuant to this  
2179 subsection shall be signed by the \* \* \* chair of the county  
2180 executive committee and the circuit clerk or the \* \* \* chair of  
2181 the county election commission, as appropriate. The county  
2182 executive committee shall notify the state executive committee and  
2183 the Secretary of State of the existence of \* \* \* the agreement.



2184 (b) If it is eligible under Section 23-15-266, the  
2185 municipal executive committee may enter into a written agreement  
2186 with the municipal clerk or the municipal election commission  
2187 authorizing the municipal clerk or the municipal election  
2188 commission to perform any of the duties required of the municipal  
2189 executive committee pursuant to this section. Any agreement  
2190 entered into pursuant to this subsection shall be signed by  
2191 the \* \* \* chair of the municipal executive committee and the  
2192 municipal clerk or the \* \* \* chair of the municipal election  
2193 commission, as appropriate. The municipal executive committee  
2194 shall notify the state executive committee and the Secretary of  
2195 State of the existence of \* \* \* the agreement.

2196 (3) The board of supervisors and the municipal governing  
2197 authority, in their discretion, may compensate poll managers who  
2198 attend \* \* \* these training sessions. The compensation shall be  
2199 at a rate of not less than the federal hourly minimum wage nor  
2200 more than Twelve Dollars (\$12.00) per hour. Poll managers shall  
2201 not be compensated for more than sixteen (16) hours of attendance  
2202 at the training sessions regardless of the actual amount of time  
2203 that they attended the training sessions.

2204 (4) The time and location of the training sessions required  
2205 pursuant to this section shall be announced to the general public  
2206 by posting a notice thereof at the courthouse and by delivering a  
2207 copy of the notice to the office of a newspaper having general  
2208 circulation in the county five (5) days before the date upon which



2209 the training session is to be conducted. Persons who will serve  
2210 as poll watchers for candidates and political parties, as well as  
2211 members of the general public, shall be allowed to attend the  
2212 sessions.

2213 (5) Subject to the following annual limitations, the  
2214 election commissioners \* \* \* shall be entitled to receive a per  
2215 diem in the amount of Eighty-four Dollars (\$84.00), to be paid  
2216 from the county general fund, for every day or period of no less  
2217 than five (5) hours accumulated over two (2) or more days actually  
2218 employed in the performance of their duties for the necessary time  
2219 spent in conducting training sessions as required by this section:

2220 (a) In counties having less than fifteen thousand  
2221 (15,000) residents according to the latest federal decennial  
2222 census, not more than five (5) days per year;

2223 (b) In counties having fifteen thousand (15,000)  
2224 residents according to the latest federal decennial census but  
2225 less than thirty thousand (30,000) residents according to the  
2226 latest federal decennial census, not more than eight (8) days per  
2227 year;

2228 (c) In counties having thirty thousand (30,000)  
2229 residents according to the latest federal decennial census but  
2230 less than seventy thousand (70,000) residents according to the  
2231 latest federal decennial census, not more than ten (10) days per  
2232 year;





2233 (d) In counties having seventy thousand (70,000)  
2234 residents according to the latest federal decennial census but  
2235 less than ninety thousand (90,000) residents according to the  
2236 latest federal decennial census, not more than twelve (12) days  
2237 per year;

2238 (e) In counties having ninety thousand (90,000)  
2239 residents according to the latest federal decennial census but  
2240 less than one hundred seventy thousand (170,000) residents  
2241 according to the latest federal decennial census, not more than  
2242 fifteen (15) days per year;

2243 (f) In counties having one hundred seventy thousand  
2244 (170,000) residents according to the latest federal decennial  
2245 census but less than two hundred thousand (200,000) residents  
2246 according to the latest federal decennial census, not more than  
2247 eighteen (18) days per year;

2248 (g) In counties having two hundred thousand (200,000)  
2249 residents according to the latest federal decennial census but  
2250 less than two hundred twenty-five thousand (225,000) residents  
2251 according to the latest federal decennial census, not more than  
2252 nineteen (19) days per year;

2253 (h) In counties having two hundred twenty-five thousand  
2254 (225,000) residents or more according to the latest federal  
2255 decennial census \* \* \*, not more than twenty-two (22) days per  
2256 year;

2257 \* \* \*



2258           (6) Election commissioners \* \* \* shall claim the per diem  
2259 authorized in subsection (5) of this section in the manner  
2260 provided for in Section 23-15-153(6).

2261           (7) (a) To provide poll manager training, the Secretary of  
2262 State has developed a single, comprehensive poll manager training  
2263 program to ensure uniform, secure elections throughout the state.  
2264 The program includes online training on all state and federal  
2265 election laws and procedures and voting machine opening and  
2266 closing procedures.

2267           (b) County poll managers who individually access and  
2268 complete the online training program, including all skills  
2269 assessments, at least five (5) days before an election shall be  
2270 defined as "certified poll manager," and entitled to a  
2271 "Certificate of Completion."

2272           (c) At least one (1) certified poll manager shall be  
2273 appointed by the county election officials to work in each polling  
2274 place in the county during each general election.

2275           **SECTION 52.** Section 23-15-240, Mississippi Code of 1972, is  
2276 amended as follows:

2277           23-15-240. (1) The officials in charge of the election in a  
2278 county or municipality may, in their discretion, appoint not more  
2279 than two (2) students for each precinct to serve as student  
2280 interns during elections. To be appointed a student intern a  
2281 student must:



2282 (a) Be recommended by a principal or other school  
2283 official, or the person responsible for the student's legitimate  
2284 home instruction program;

2285 (b) Be at least sixteen (16) years of age at the time  
2286 of the election for which the appointment is made;

2287 (c) Be a resident of the county or municipality for  
2288 which the appointment is made;

2289 (d) Be enrolled in a public high school, an accredited  
2290 private high school or a legitimate home instruction program and  
2291 be classified as a junior or senior or its equivalent, or be  
2292 enrolled in a junior college or a college or university; and

2293 (e) Meet any additional qualifications considered  
2294 necessary by the officials in charge of the election in the county  
2295 or municipality.

2296 (2) (a) The duties of the student interns appointed  
2297 pursuant to this section shall be determined by the officials in  
2298 charge of the election in the county or municipality;

2299 however, \* \* \* the duties shall not include:

2300 (i) Determining the qualifications of a voter in  
2301 case a voter is challenged;

2302 (ii) The discharge of any duties related to  
2303 affidavit ballots;

2304 (iii) The operation and maintenance of any voting  
2305 equipment;

2306 (iv) Any duties normally assigned to a bailiff; or



2307 (v) The tallying of votes.

2308 (b) Student interns shall at all times be under the  
2309 supervision of the poll managers \* \* \* of the election while  
2310 performing their duties at precincts.

2311 (3) Before performing any duties, student interns shall  
2312 attend all required training for poll managers \* \* \* of the county  
2313 or municipality and any additional training considered necessary  
2314 by the officials in charge of the election in the county or  
2315 municipality.

2316 (4) As used in this section "officials in charge of the  
2317 election" means the county or municipal executive committee, as  
2318 appropriate, in primary elections and the county or municipal  
2319 election commission, as appropriate, in all other elections.

2320 **SECTION 53.** Section 23-15-241, Mississippi Code of 1972, is  
2321 amended as follows:

2322 23-15-241. The poll manager designated an election bailiff  
2323 shall, in addition to his or her other duties, be present during  
2324 the election to keep the peace and to protect the voting place,  
2325 and to prevent improper intrusion upon the voting place or  
2326 interference with the election, and to arrest all persons creating  
2327 any disturbance about the voting place, and to enable all  
2328 qualified electors who have not voted, and who desire to vote, to  
2329 have unobstructed access to the polls for the purpose of voting  
2330 when others are not voting.



2331           **SECTION 54.** Section 23-15-243, Mississippi Code of 1972, is  
2332 amended as follows:

2333           23-15-243. If the election commissioners \* \* \* fail to  
2334 designate a poll manager as the bailiff, or if their designee  
2335 fails to serve, the poll managers \* \* \* may select an election  
2336 bailiff from among their number.

2337           **SECTION 55.** Section 23-15-245, Mississippi Code of 1972, is  
2338 amended as follows:

2339           23-15-245. It shall be the duty of the poll manager  
2340 designated as bailiff to be present at the voting place, and to  
2341 take such steps as will accomplish the purpose of his or her  
2342 appointment, and \* \* \* the poll manager designated as bailiff  
2343 shall have full power to do so \* \* \* and \* \* \* may summon to his  
2344 or her aid all persons present at the voting place. A space  
2345 thirty (30) feet in every direction from the polls, or the room in  
2346 which the election is held, shall be kept open and clear of all  
2347 persons except the election \* \* \* officials, individuals present  
2348 to vote and credentialed poll watchers as defined by Section  
2349 23-15-577. The electors shall approach the polls from one (1)  
2350 direction, line, door or passage, and depart in another as nearly  
2351 opposite as convenient.

2352           **SECTION 56.** Section 23-15-247, Mississippi Code of 1972, is  
2353 amended as follows:

2354           23-15-247. The election commissioners \* \* \* in each county  
2355 shall procure, if not already provided, a sufficient number of



2356 ballot boxes, which shall be distributed by them to the voting  
2357 precincts of the county before the time for opening the polls.  
2358 The boxes shall be \* \* \* securely sealed from the opening of the  
2359 polls \* \* \* on election day until the polls close on election day;  
2360 and the box shall be kept by one (1) of the managers \* \* \*, and  
2361 the manager having the box shall carefully keep it, and  
2362 neither \* \* \* open it himself or herself nor permit it to be \* \* \*  
2363 opened, nor permit any person to have any access to it \* \* \*  
2364 throughout the voting period during an election. The box shall  
2365 not be removed from the polling building or place after the polls  
2366 are opened until the polls close and the count is complete. \* \* \*  
2367 After each election the ballot boxes shall be delivered \* \* \* to  
2368 the clerk of the circuit court of the county for preservation; and  
2369 he or she shall keep them for future use, and, when called for,  
2370 deliver them to the election commissioners \* \* \*.

2371 **SECTION 57.** Section 23-15-249, Mississippi Code of 1972, is  
2372 amended as follows:

2373 23-15-249. The failure to distribute to the different voting  
2374 places the pollbooks containing the alphabetical list of voters,  
2375 or the ballot boxes provided for, shall not prevent the holding of  
2376 an election, but in such case the poll managers shall proceed to  
2377 hold the election without the books and ballot boxes, and shall  
2378 provide some suitable substitute for the ballot boxes, and conform  
2379 as nearly as possible to the law in the reception and disposition  
2380 of the official ballots.



2381           **SECTION 58.** Section 23-15-251, Mississippi Code of 1972, is  
2382 amended as follows:

2383           23-15-251. The election commissioners \* \* \*, in appointing  
2384 the poll managers of an election, shall designate one (1) of the  
2385 poll managers at each voting place to receive and distribute the  
2386 official ballots, and shall deliver to him or her the proper  
2387 number of ballots \* \* \* for his or her district not less than one  
2388 (1) day before the election; and the poll manager receiving the  
2389 ballots from the election commissioners shall distribute the same  
2390 to the electors of his or her district in the manner herein  
2391 provided. It shall be the duty of \* \* \* the designated poll  
2392 manager for service at a voting place other than the courthouse,  
2393 to carry to \* \* \* that voting place, on the day \* \* \* before the  
2394 election, or before 6:00 a.m. on the morning of the election, the  
2395 ballot box, the pollbook, the blank tally sheets, the blank forms  
2396 to be used in making returns, the other necessary stationery and  
2397 supplies and the official printed ballots aforesaid, and all of  
2398 the same used and unused shall be returned by the designated poll  
2399 manager \* \* \* to the election commissioners \* \* \* on the day next  
2400 following the election.

2401           **SECTION 59.** Section 23-15-253, Mississippi Code of 1972, is  
2402 amended as follows:

2403           23-15-253. The election commissioners \* \* \* shall furnish to  
2404 the poll managers at each voting place a sufficient quantity of  
2405 stationery for use in holding the election, and also blank forms



2406 to be used in making returns of the election, including \* \* \* the  
2407 precinct opening and closing log, the election ballot account form  
2408 and the electronic vote tally worksheet provided by the Secretary  
2409 of State's office.

2410       **SECTION 60.** Section 23-15-255, Mississippi Code of 1972, is  
2411 amended as follows:

2412       23-15-255. (1) The supervisor of each respective  
2413 supervisors district shall provide at each election place a  
2414 sufficient number of voting compartments, shelves and tables for  
2415 the use of electors, which shall be so arranged that it will be  
2416 impossible for a voter in one (1) compartment to see another voter  
2417 who is preparing his or her ballot. The number of voting  
2418 compartments and shelves or tables shall not be less than one (1)  
2419 to every two hundred (200) electors in the voting precinct. \* \* \*

2420       (2) The poll managers of each precinct shall publicly post  
2421 the following information at the precinct polling place on the day  
2422 of any election:

2423           (a) A sample \* \* \* ballot that will be used at the  
2424 election;

2425           (b) \* \* \* The hours during which the polling places  
2426 will be open;

2427           (c) Instructions on how to vote, including how to cast  
2428 a vote and how to cast an affidavit ballot;

2429           (d) Instructions for persons who have registered to  
2430 vote by mail and first time voters, if appropriate;





2431 (e) General information on voting rights, including  
2432 information on the right of an individual to cast an affidavit  
2433 ballot and instructions on how to contact the appropriate  
2434 officials if these rights are alleged to have been violated; and

2435 (f) The consequences under federal and state laws  
2436 regarding fraud and misrepresentation \* \* \*;

2437 (g) A list of voters in each polling place that have  
2438 already cast an absentee ballot; and

2439 (h) The acceptable forms of photo identification that  
2440 may be presented in the polling place.

2441 **SECTION 61.** Section 23-15-259, Mississippi Code of 1972, is  
2442 amended as follows:

2443 23-15-259. The boards of supervisors of the several counties  
2444 are authorized to allow compensation of the officers rendering  
2445 services in matters of registration and elections, to provide  
2446 ballot boxes, \* \* \* voter rolls as electronically maintained by  
2447 the Statewide Elections Management System, and all other things  
2448 required by law in registration and elections. \* \* \* The boards  
2449 are also authorized, by order spread upon the minutes of the board  
2450 setting forth the cost and source of funds therefor, \* \* \* to  
2451 allow such reasonable sum as may be expended in supplying voting  
2452 compartments, tables or shelves for use at elections.

2453 \* \* \*

2454 **SECTION 62.** Section 23-15-261, Mississippi Code of 1972, is  
2455 amended as follows:



2456           23-15-261. The election commissioners \* \* \* shall, after  
2457 each election, make out a list of all persons who served as poll  
2458 managers \* \* \* at the election, designating for what service each  
2459 is entitled to pay, certify to the correctness of the same, and  
2460 file it with the clerk of the board of supervisors \* \* \*. An  
2461 allowance shall not be made to any such officer unless his or her  
2462 service be so certified.

2463           **SECTION 63.** Section 23-15-265, Mississippi Code of 1972, is  
2464 amended as follows:

2465           23-15-265. (1) The county executive committee of each  
2466 county shall meet not less than two (2) weeks before the date of  
2467 any primary election and appoint the poll managers \* \* \* for same,  
2468 all of whom may be members of the same political party. The  
2469 number of poll managers \* \* \* appointed by the county executive  
2470 committee shall be the same number as election commissioners \* \* \*  
2471 are allowed to appoint pursuant to Sections 23-15-231 and  
2472 23-15-235. If the county executive committee fails to meet on the  
2473 date named, supra, further notice shall be given of the time and  
2474 place of meeting.

2475           (2) (a) If it is eligible under Section 23-15-266, the  
2476 county executive committee may enter into a written agreement with  
2477 the circuit clerk or the county election commission authorizing  
2478 the circuit clerk or the county election commission to perform any  
2479 of the duties required of the county executive committee pursuant  
2480 to this section. Any agreement entered into pursuant to this



2481 subsection shall be signed by the \* \* \* chair of the county  
2482 executive committee and the circuit clerk or the \* \* \* chair of  
2483 the county election commission, as appropriate. The county  
2484 executive committee shall notify the state executive committee and  
2485 the Secretary of State of the existence of \* \* \* the agreement.

2486 (b) If it is eligible under Section 23-15-266, the  
2487 municipal executive committee may enter into a written agreement  
2488 with the municipal clerk or the municipal election commission  
2489 authorizing the municipal clerk or the municipal election  
2490 commission to perform any of the duties required of the municipal  
2491 executive committee pursuant to this section. Any agreement  
2492 entered into pursuant to this subsection shall be signed by  
2493 the \* \* \* chair of the municipal executive committee and the  
2494 municipal clerk or the \* \* \* chair of the municipal election  
2495 commission, as appropriate. The municipal executive committee  
2496 shall notify the state executive committee and the Secretary of  
2497 State of the existence of such agreement.

2498 **SECTION 64.** Section 23-15-267, Mississippi Code of 1972, is  
2499 amended as follows:

2500 23-15-267. (1) The ballot boxes provided by the \* \* \*  
2501 election commissioners \* \* \* in each county shall be used in  
2502 primary elections, and the county executive committees shall  
2503 distribute them to the voting precincts of the county before the  
2504 time for opening the polls, in the same manner, as near as may be,  
2505 as that provided for in general elections.



2506           (2) \* \* \* The boxes shall be securely sealed and locked  
2507 beginning at the start of voting on election day until the end of  
2508 voting on election day; and the box shall be kept by one (1) of  
2509 the poll managers, and the poll manager having the box shall  
2510 carefully keep it, and neither open it himself or herself nor  
2511 permit it to be done, nor permit any person to have any access to  
2512 it throughout voting during election day. The box shall not be  
2513 removed from the polling \* \* \* place after the polls are open  
2514 until the polls close and the count is completed \* \* \*.

2515           (3) After each election, the ballot boxes \* \* \* shall be  
2516 delivered \* \* \* to the clerk of the circuit court of the county  
2517 for preservation; and he or she shall keep them for future use,  
2518 and, when called for, deliver them to the election commissioners.

2519           (4) (a) If it is eligible under Section 23-15-266, the  
2520 county executive committee may enter into a written agreement with  
2521 the circuit clerk or the county election commission authorizing  
2522 the circuit clerk or the county election commission to perform any  
2523 of the duties required of the county executive committee pursuant  
2524 to this section. Any agreement entered into pursuant to this  
2525 subsection shall be signed by the \* \* \* chair of the county  
2526 executive committee and the circuit clerk or the \* \* \* chair of  
2527 the county election commission, as appropriate. The county  
2528 executive committee shall notify the State Executive Committee and  
2529 the Secretary of State of the existence of such agreement.



2530 (b) If it is eligible under Section 23-15-266, the  
2531 municipal executive committee may enter into a written agreement  
2532 with the municipal clerk or the municipal election commission  
2533 authorizing the municipal clerk or the municipal election  
2534 commission to perform any of the duties required of the municipal  
2535 executive committee pursuant to this section. Any agreement  
2536 entered into pursuant to this subsection shall be signed by  
2537 the \* \* \* chair of the municipal executive committee and the  
2538 municipal clerk or the \* \* \* chair of the municipal election  
2539 commission, as appropriate. The municipal executive committee  
2540 shall notify the State Executive Committee and the Secretary of  
2541 State of the existence of such agreement.

2542 (5) The person, or persons, whose duty it is to comply with  
2543 the provisions of this section and who shall fail, or neglect,  
2544 from any cause, to deliver \* \* \* the boxes or any of them as  
2545 herein provided shall, upon conviction, be fined not less than Two  
2546 Hundred Dollars (\$200.00) and be imprisoned in the county jail of  
2547 the residence of the person, or persons, who violates any of the  
2548 provisions of this section, for a period of not less than thirty  
2549 (30) days or more than six (6) months, and fined not more than  
2550 Five Hundred Dollars (\$500.00).

2551 **SECTION 65.** Section 23-15-271, Mississippi Code of 1972, is  
2552 amended as follows:

2553 23-15-271. (1) The state executive committee of any  
2554 political party authorized to conduct political party primaries



2555 shall form an election integrity assurance committee for each  
2556 congressional district. The state executive committee shall  
2557 appoint three (3) of its members to each congressional district  
2558 election integrity assurance committee. The members so appointed  
2559 shall be residents of the congressional district for which the  
2560 election integrity assurance committee is formed. The state  
2561 executive committee shall name a \* \* \* chair and a secretary from  
2562 among the members of each committee. The state executive  
2563 committee shall provide to each circuit and municipal clerk a list  
2564 of the members of the congressional district integrity assurance  
2565 committee for the congressional district in which the county or  
2566 municipality of \* \* \* the clerk is located.

2567 (2) If within sixty (60) days of an election, \* \* \* a county  
2568 executive committee or a municipal executive committee fails to  
2569 attend training or perform in a timely manner any of the duties  
2570 specified in Sections 23-15-239, 23-15-265, 23-15-267, 23-15-333,  
2571 23-15-335 and 23-15-597 and there is no written agreement in place  
2572 between the county or municipal executive committee and the county  
2573 or municipal election commission or the circuit or municipal clerk  
2574 pursuant to such sections, or there is such an agreement in place  
2575 and it is not being executed, the circuit or municipal clerk \* \* \*  
2576 shall notify the \* \* \* chair and secretary of the congressional  
2577 district election integrity assurance committee or the \* \* \* chair  
2578 of the state executive committee of such failure and call upon  
2579 them to take immediate and appropriate action to \* \* \* ensure that



2580 such duties are performed in order to secure the orderly conduct  
2581 of the primary. \* \* \* Upon receiving the notice, the election  
2582 integrity assurance committee shall be responsible for conducting  
2583 any required training and shall be authorized to contract on  
2584 behalf of the county or municipal executive committee with the  
2585 county or municipal election commission or the circuit or  
2586 municipal clerk for the conduct of the primary election.

2587 (3) Nothing in this section shall be construed to authorize  
2588 the state executive committee or a congressional district election  
2589 assurance committee to conduct primaries.

2590 **SECTION 66.** Section 23-15-281, Mississippi Code of 1972, is  
2591 amended as follows:

2592 23-15-281. (1) Each county shall be divided into  
2593 supervisors districts, which shall be the same as those for the  
2594 election of members of the board of supervisors, and may be  
2595 subdivided thereafter into voting precincts; and there shall be  
2596 only one (1) voting place in each voting precinct \* \* \*.  
2597 Provided, however, that such boundaries, if altered, shall conform  
2598 to visible natural or artificial boundaries such as streets,  
2599 highways, railroads, rivers, lakes, bayous or other obvious lines  
2600 of demarcation except county lines and municipal corporate limits.  
2601 The board of supervisors \* \* \* shall notify the \* \* \* Office of  
2602 the Secretary of State of the boundary of each supervisors  
2603 district and voting precinct as then fixed and shall provide \* \* \*  
2604 the office a legal description and a map of each supervisors



2605 district and voting precinct and shall indicate the voting place  
2606 in each such district. The board of supervisors shall also ensure  
2607 the legal description and map of each supervisors district is  
2608 available in the circuit clerk's office for public inspection.

2609 (2) The board of supervisors is authorized, by order spread  
2610 upon the minutes of the board setting forth the cost and source of  
2611 funds therefor, to purchase improved or unimproved property and to  
2612 construct, reconstruct, repair, renovate and maintain polling  
2613 places, or to pay to private property owners reasonable rental  
2614 fees when the property is used as a polling place for a period not  
2615 to exceed the day immediately preceding the election, the day of  
2616 the election, and the day immediately following the election. On  
2617 or before May 1, 2019, the county board of supervisors shall  
2618 ensure each polling place is accessible to all voters,  
2619 structurally sound, capable of providing air conditioning and  
2620 heating and compliant with the Americans with Disabilities Act.

2621 (3) All facilities owned or leased by the state, county,  
2622 municipality, or school district may be made available at no cost  
2623 to the board of supervisors for use as polling places to such  
2624 extent as may be agreed to by the authority having control or  
2625 custody of these facilities.

2626 **SECTION 67.** Section 23-15-283, Mississippi Code of 1972, is  
2627 amended as follows:

2628 23-15-283. (1) The board of supervisors shall have power to  
2629 alter the boundaries of the supervisors districts, voting





2630 precincts and the voting place therein. If the board of  
2631 supervisors orders a change in the boundaries, they shall notify  
2632 the election commissioners \* \* \*, who shall at once cause  
2633 the \* \* \* voter rolls as electronically maintained by the  
2634 Statewide Elections Management System of voting precincts affected  
2635 by the order to be changed to conform to the change so as to  
2636 contain only the names of the qualified electors in the voting  
2637 precincts as made by the change of boundaries. Upon the order of  
2638 change in the boundaries of any voting precinct or the voting  
2639 place therein, the board of supervisors shall notify the Office of  
2640 the Secretary of State and provide the Office of the Secretary of  
2641 State a legal description and a map of any boundary change. No  
2642 change shall be implemented or enforced until the requirements of  
2643 this section have been met.

2644 (2) Only officials certified by the Secretary of State shall  
2645 be authorized to implement boundary line changes in the Statewide  
2646 Elections Management System. The training and certification  
2647 required under this subsection (2) shall be available to the  
2648 circuit clerk, county election commissioners or any other  
2649 individual designated by the board of supervisors to be  
2650 responsible for implementing boundary line changes into the  
2651 Statewide Elections Management System.

2652 (3) Any governmental entity authorized to adopt, amend or  
2653 change boundary lines shall immediately forward all changed  
2654 boundary lines to the appropriate circuit clerk, who shall, if



2655 authorized under subsection (2), implement the boundary line  
2656 changes in the Statewide Elections Management System. If the  
2657 circuit clerk is not the appropriate person to implement the  
2658 boundary line changes, the clerk shall immediately forward a copy  
2659 of all materials to the appropriate person. Copies of any  
2660 boundary line changes within the county shall be maintained in the  
2661 office of the circuit clerk and made available for public  
2662 inspection. No change shall be implemented or enforced until the  
2663 requirements of this section have been met.

2664       **SECTION 68.** Section 23-15-293, Mississippi Code of 1972, is  
2665 amended as follows:

2666       23-15-293. Candidates for state \* \* \*, state district \* \* \*  
2667 and \* \* \* legislative offices \* \* \* shall be voted for and  
2668 nominated by all the counties or parts of counties within their  
2669 respective districts, and all \* \* \* the district nominations shall  
2670 be under the supervision and control of the state executive  
2671 committee of the respective political parties, which committees  
2672 shall discharge in respect to such state district nominations all  
2673 the powers and duties imposed upon them in connection with  
2674 nominations of candidates for other state officers.

2675       **SECTION 69.** Section 23-15-299, Mississippi Code of 1972, is  
2676 amended as follows:

2677       23-15-299. (1) (a) Assessments made pursuant to paragraphs  
2678 (a), (b) and (c) of Section 23-15-297 shall be paid by each  
2679 candidate who seeks a nomination in the political party election



2680 to the secretary of the state executive committee with which the  
2681 candidate is affiliated by 5:00 p.m. on March 1 of the year in  
2682 which the primary election for the office is held or on the date  
2683 of the qualifying deadline provided by statute for the office,  
2684 whichever is earlier; however, no such assessments may be paid  
2685 before January 1 of the year in which the primary election for the  
2686 office is held. If March 1 or the date of the qualifying deadline  
2687 provided by statute for the office occurs on a Saturday, Sunday or  
2688 legal holiday, then the assessments required to be paid by this  
2689 paragraph (1)(a) shall be paid by 5:00 p.m. on the business day  
2690 immediately following the Saturday, Sunday or legal holiday.

2691 (b) Assessments made pursuant to paragraphs (a), (b)  
2692 and (c) of Section 23-15-297 shall be paid by each independent  
2693 candidate or special election candidate to the Secretary of State  
2694 by 5:00 p.m. on March 1 of the year in which the primary election  
2695 for the office is held or on the date of the qualifying deadline  
2696 provided by statute for the office, whichever is earlier; however,  
2697 no such assessments may be paid before January 1 of the year in  
2698 which the primary election for the office is held. If March 1 or  
2699 the date of the qualifying deadline provided by statute for the  
2700 office occurs on a Saturday, Sunday or legal holiday, then the  
2701 assessments required to be paid by this paragraph (1)(b) shall be  
2702 paid by 5:00 p.m. on the business day immediately following the  
2703 Saturday, Sunday or legal holiday.



2704           (2)   (a)   Assessments made pursuant to paragraphs (d) and (e)  
2705 of Section 23-15-297, shall be paid by each candidate who seeks a  
2706 nomination in the political party election to the circuit clerk  
2707 of \* \* \* that candidate's county of residence by 5:00 p.m. on  
2708 March 1 of the year in which the primary election for the office  
2709 is held or on the date of the qualifying deadline provided by  
2710 statute for the office, whichever is earlier; however, no such  
2711 assessments may be paid before January 1 of the year in which the  
2712 election for the office is held. If March 1 or the date of the  
2713 qualifying deadline provided by statute for the office occurs on a  
2714 Saturday, Sunday or legal holiday, then the assessments required  
2715 to be paid by this paragraph (2) (a) shall be paid by 5:00 p.m. on  
2716 the business day immediately following the Saturday, Sunday or  
2717 legal holiday. The circuit clerk shall forward the fee and all  
2718 necessary information to the secretary of the proper county  
2719 executive committee within two (2) business days. No candidate  
2720 may attempt to qualify with any political party that does not have  
2721 a duly organized county executive committee, and the circuit clerk  
2722 shall not accept any assessments paid for nonlegislative offices  
2723 pursuant to paragraphs (d) and (e) of Section 23-15-297 if the  
2724 circuit clerk does not have contact information for the secretary  
2725 of the county executive committee for that political party.

2726           (b)   Assessments made pursuant to paragraphs (d) and (e)  
2727 of Section 23-15-297 shall be paid by each independent candidate  
2728 or special election candidate to the circuit clerk of \* \* \* that



2729 candidate's county of residence by 5:00 p.m. on March 1 of the  
2730 year in which the primary election for the office is held or on  
2731 the date of the qualifying deadline provided by statute for the  
2732 office, whichever is earlier; however, no such assessments may be  
2733 paid before January 1 of the year in which the primary election  
2734 for the office is held. If March 1 or the date of the qualifying  
2735 deadline provided by statute for the office occurs on a Saturday,  
2736 Sunday or legal holiday, then the assessments required to be paid  
2737 by this paragraph (2) (b) shall be paid by 5:00 p.m. on the  
2738 business day immediately following the Saturday, Sunday or legal  
2739 holiday. The circuit clerk shall forward the fee and all  
2740 necessary information to the secretary of the proper county  
2741 election commission within two (2) business days.

2742 (3) (a) Assessments made pursuant to paragraphs (f) and (g)  
2743 of Section 23-15-297 must be paid by each candidate who seeks a  
2744 nomination in the political party election to the secretary of the  
2745 state executive committee with which the candidate is affiliated  
2746 by 5:00 p.m. sixty (60) days before the presidential preference  
2747 primary in years in which a presidential preference primary is  
2748 held; however, no such assessments may be paid before January 1 of  
2749 the year in which the primary election for the office is held.  
2750 Assessments made pursuant to paragraphs (f) and (g) of Section  
2751 23-15-297, in years when a presidential preference primary is not  
2752 being held, shall be paid by each candidate who seeks a nomination  
2753 in the political party election to the secretary of the state



2754 executive committee with which the candidate is affiliated by 5:00  
2755 p.m. on March 1 of the year in which the primary election for the  
2756 office is held; however, no such assessments may be paid before  
2757 January 1 of the year in which the primary election for the office  
2758 is held. If sixty (60) days before the presidential preference  
2759 primary in years in which a presidential preference primary is  
2760 held, March 1, or the date of the qualifying deadline provided by  
2761 statute for the office occurs on a Saturday, Sunday or legal  
2762 holiday, then the assessments required to be paid by this  
2763 paragraph (3) (a) shall be paid by 5:00 p.m. on the business day  
2764 immediately following the Saturday, Sunday or legal holiday.

2765 (b) Assessments made pursuant to paragraphs (f) and (g)  
2766 of Section 23-15-297 must be paid by each independent candidate or  
2767 special election candidate to the Secretary of State by 5:00 p.m.  
2768 sixty (60) days before the presidential preference primary in  
2769 years in which a presidential preference primary is held; however,  
2770 no such assessments may be paid before January 1 of the year in  
2771 which the primary election for the office is held. Assessments  
2772 made pursuant to paragraphs (f) and (g) of Section 23-15-297, in  
2773 years when a presidential preference primary is not being held,  
2774 shall be paid by each independent candidate or special election  
2775 candidate to the Secretary of State by 5:00 p.m. on March 1 of the  
2776 year in which the primary election for the office is held;  
2777 however, no such assessments may be paid before January 1 of the  
2778 year in which the primary election for the office is held. If



2779 sixty (60) days before the presidential preference primary in  
2780 years in which a presidential preference primary is held, March 1,  
2781 or the date of the qualifying deadline provided by statute for the  
2782 office occurs on a Saturday, Sunday or legal holiday, then the  
2783 assessments required to be paid by this paragraph (3)(b) shall be  
2784 paid by 5:00 p.m. on the business day immediately following the  
2785 Saturday, Sunday or legal holiday.

2786 (4) (a) The fees paid pursuant to subsections (1), (2) and  
2787 (3) of this section shall be accompanied by a written statement  
2788 containing the name and address of the candidate, the party with  
2789 which he or she is affiliated, if applicable, the email address of  
2790 the candidate, if any, and the office for which he or she is a  
2791 candidate.

2792 (b) The state executive committee shall transmit to the  
2793 Secretary of State a copy of the written statements accompanying  
2794 the fees paid pursuant to subsections (1) and (2) of this section.  
2795 All copies must be received by the Office of the Secretary of  
2796 State by not later than 6:00 p.m. on the date of the qualifying  
2797 deadline; provided, however, the failure of the Office of the  
2798 Secretary of State to receive such copies by 6:00 p.m. on the date  
2799 of the qualifying deadline shall not affect the qualification of a  
2800 person who pays the required fee and files the required statement  
2801 by 5:00 p.m. on the date of the qualifying deadline. The name of  
2802 any person who pays the required fee and files the required  
2803 statement after 5:00 p.m. on the date of the qualifying deadline



2804 shall not be placed on the primary election ballot or the general  
2805 election ballot.

2806 (5) The Secretary of State or the secretary or circuit clerk  
2807 to whom such payments are made shall promptly receipt for same  
2808 stating the office for which \* \* \* the candidate making payment is  
2809 running and the political party with which he or she is  
2810 affiliated, if applicable, and he or she shall keep an itemized  
2811 account in detail showing the exact time and date of the receipt  
2812 of each payment received by him or her and, where applicable, the  
2813 date of the postmark on the envelope containing the fee and from  
2814 whom, and for what office the party paying same is a candidate.

2815 (6) The secretaries of the proper executive committee shall  
2816 hold \* \* \* the funds to be finally disposed of by order of their  
2817 respective executive committees. \* \* \* The funds may be used or  
2818 disbursed by the executive committee receiving same to pay all  
2819 necessary traveling or other necessary expenses of the members of  
2820 the executive committee incurred in discharging their duties  
2821 as \* \* \* committee members, and of their secretary and may pay the  
2822 secretary such salary as may be reasonable. The Secretary of  
2823 State shall deposit any qualifying fees received from candidates  
2824 into the Elections Support Fund established in Section 23-15-5.

2825 (7) Upon receipt of the proper fee and all necessary  
2826 information, the proper executive committee or the Secretary of  
2827 State, whichever is applicable, shall then determine at the time  
2828 of the qualifying deadline, unless otherwise provided by law,





2829 whether each candidate is a qualified elector of the state, state  
2830 district, county or county district which they seek to serve, and  
2831 whether each candidate meets all other qualifications to hold the  
2832 office he or she is seeking or presents absolute proof that he or  
2833 she will, subject to no contingencies, meet all qualifications on  
2834 or before the date of the general or special election at which he  
2835 or she could be elected to office. The proper executive committee  
2836 or the Secretary of State, whichever is applicable, shall  
2837 determine whether the candidate has taken the steps necessary to  
2838 qualify for more than one (1) office at the election. The  
2839 committee or the Secretary of State, whichever is applicable,  
2840 shall also determine whether any candidate has been convicted of  
2841 any felony in a court of this state, or has been convicted on or  
2842 after December 8, 1992, of any offense in another state which is a  
2843 felony under the laws of this state, or has been convicted of any  
2844 felony in a federal court on or after December 8, 1992. Excepted  
2845 from the above are convictions of manslaughter and violations of  
2846 the United States Internal Revenue Code or any violations of the  
2847 tax laws of this state unless the offense also involved misuse or  
2848 abuse of his or her office or money coming into his or her hands  
2849 by virtue of \* \* \* the office. If the proper executive committee  
2850 or the Secretary of State, whichever is applicable, finds that a  
2851 candidate either (a) is not a qualified elector, (b) does not meet  
2852 all qualifications to hold the office he or she seeks and fails to  
2853 provide absolute proof, subject to no contingencies, that he or



2854 she will meet the qualifications on or before the date of the  
2855 general or special election at which he or she could be elected,  
2856 or (c) has been convicted of a felony as described in this  
2857 subsection, and not pardoned, then the executive committee shall  
2858 notify the candidate and give the candidate an opportunity to be  
2859 heard. The executive committee shall mail notice to the candidate  
2860 at least three (3) business days before the hearing to the address  
2861 provided by the candidate on the qualifying forms, and the  
2862 committee shall attempt to contact the candidate by telephone,  
2863 email and facsimile if the candidate provided this information on  
2864 the forms. If the candidate fails to appear at the hearing or to  
2865 prove that he or she meets all qualifications to hold the office  
2866 subject to no contingencies, then the name of \* \* \* that candidate  
2867 shall not be placed upon the ballot. If the proper executive  
2868 committee or the Secretary of State, whichever is applicable,  
2869 determines that the candidate has taken the steps necessary to  
2870 qualify for more than one (1) office at the election, the action  
2871 required by Section 23-15-905, shall be taken.

2872       Where there is but one (1) candidate for each office  
2873 contested at the primary election, the proper executive committee  
2874 or the Secretary of State, whichever is applicable, when the time  
2875 has expired within which the names of candidates shall be  
2876 furnished shall declare such candidates the nominees.

2877       (8) No candidate may qualify by filing the information  
2878 required by this section by using the Internet.



2879           **SECTION 70.** Section 23-15-303, Mississippi Code of 1972, is  
2880 amended as follows:

2881           23-15-303. When two (2) or more political parties or  
2882 political organizations are holding primary elections, each shall  
2883 be conducted entirely independent of the other but at the same  
2884 time.

2885           \* \* \*

2886           **SECTION 71.** Section 23-15-307, Mississippi Code of 1972, is  
2887 amended as follows:

2888           23-15-307. The name of any candidate shall not be placed  
2889 upon the official ballot in general elections as a party nominee  
2890 who is not nominated as herein provided, and the election of any  
2891 party nominee who shall be nominated otherwise than as provided in  
2892 this chapter shall be void and he or she shall not be entitled to  
2893 hold the office to which he or she may have been elected. \* \* \*

2894           **SECTION 72.** Section 23-15-309, Mississippi Code of 1972, is  
2895 amended as follows:

2896           23-15-309. (1) Nominations for all municipal officers which  
2897 are elective shall be made at a primary election, or elections, to  
2898 be held in the manner prescribed by law. All persons desiring to  
2899 be candidates for the nomination in the primary elections shall  
2900 first pay Ten Dollars (\$10.00) to the clerk of the municipality,  
2901 at least sixty (60) days \* \* \* before the first primary election,  
2902 no later than 5:00 p.m. on such deadline day. If the sixtieth day  
2903 to file the fee and written statement before an election falls on



2904 a Sunday or legal holiday, the fees and written statements  
2905 submitted on the business day immediately following the Sunday or  
2906 legal holiday shall be accepted.

2907 (2) The fee paid pursuant to subsection (1) of this section  
2908 shall be accompanied by a written statement containing the name  
2909 and address of the candidate, the party with which he or she is  
2910 affiliated, the email address of the candidate, if any, and the  
2911 office for which he or she is a candidate.

2912 (3) The clerk shall promptly receipt the payment, stating  
2913 the office for which the person making the payment is running and  
2914 the political party with which such person is affiliated. The  
2915 clerk shall keep an itemized account in detail showing the time  
2916 and date of the receipt of such payment received by him or her,  
2917 from whom such payment was received, the party with which such  
2918 person is affiliated and for what office the person paying the fee  
2919 is a candidate. No candidate may attempt to qualify with any  
2920 political party that does not have a duly organized municipal  
2921 executive committee, and the municipal clerk shall not accept any  
2922 assessments made pursuant to subsection (1) if the municipal clerk  
2923 does not have contact information for the secretary of the  
2924 municipal executive committee for that political party. The clerk  
2925 shall promptly supply all necessary information and pay over all  
2926 fees so received to the secretary of the proper municipal  
2927 executive committee. \* \* \* The funds may be used and disbursed in



2928 the same manner as is allowed in Section 23-15-299 in regard to  
2929 other executive committees.

2930 (4) Upon receipt of the above information, the proper  
2931 municipal executive committee shall then determine, at the time of  
2932 the qualifying deadline, whether each candidate is a qualified  
2933 elector of the municipality, and of the ward if the office sought  
2934 is a ward office, shall determine whether each candidate either  
2935 meets all other qualifications to hold the office he or she is  
2936 seeking or presents absolute proof that he or she will, subject to  
2937 no contingencies, meet all qualifications on or before the date of  
2938 the general or special election at which he or she could be  
2939 elected to office. The executive committee shall determine  
2940 whether the candidate has taken the steps necessary to qualify for  
2941 more than one (1) office at the election. The committee also  
2942 shall determine whether any candidate has been convicted of any  
2943 felony in a court of this state, or has been convicted on or after  
2944 December 8, 1992, of any offense in another state which is a  
2945 felony under the laws of this state, or has been convicted of any  
2946 felony in a federal court on or after December 8, 1992. Excepted  
2947 from the above are convictions of manslaughter and violations of  
2948 the United States Internal Revenue Code or any violations of the  
2949 tax laws of this state unless such offense also involved misuse or  
2950 abuse of his or her office or money coming into his or her hands  
2951 by virtue of \* \* \* the office. If the proper municipal executive  
2952 committee finds that a candidate either (a) does not meet all



2953 qualifications to hold the office he or she seeks and fails to  
2954 provide absolute proof, subject to no contingencies, that he or  
2955 she will meet the qualifications on or before the date of the  
2956 general or special election at which he or she could be elected,  
2957 or (b) has been convicted of a felony as described in this  
2958 subsection and not pardoned, then the executive committee shall  
2959 notify the candidate and give the candidate an opportunity to be  
2960 heard. The executive committee shall mail notice to the candidate  
2961 at least three (3) business days before the hearing to the address  
2962 provided by the candidate on the qualifying forms, and the  
2963 committee shall attempt to contact the candidate by telephone,  
2964 email and facsimile if the candidate provided this information on  
2965 the forms. If the candidate fails to appear at the hearing or to  
2966 prove he or she meets all qualifications to hold the office  
2967 subject to no contingencies. \* \* \* If the executive committee  
2968 determines that the candidate has taken the steps necessary to  
2969 qualify for more than one (1) office at the election, the action  
2970 required by Section 23-15-905, shall be taken.

2971 (5) Where there is but one (1) candidate, the proper  
2972 municipal executive committee when the time has expired within  
2973 which the names of candidates shall be furnished shall declare  
2974 such candidate the nominee.

2975 **SECTION 73.** Section 23-15-311, Mississippi Code of 1972, is  
2976 amended as follows:



2977           23-15-311. All the expenses of printing the tickets, paying  
2978 the poll managers, clerks and returning officer of a municipal  
2979 primary election shall be paid by the municipality from the  
2980 general funds thereof, but such officers of primary elections  
2981 shall receive only such compensation as is authorized by law or  
2982 ordinance to be paid poll managers, clerks and returning officer  
2983 for like services rendered in the \* \* \* general elections held  
2984 in \* \* \* the municipality.

2985           **SECTION 74.** Section 23-15-333, Mississippi Code of 1972, is  
2986 amended as follows:

2987           23-15-333. (1) The county executive committee shall have  
2988 printed all necessary ballots, for use in primary elections. The  
2989 county executive committee shall have printed all necessary  
2990 absentee ballots forty-five (45) days \* \* \* before the election as  
2991 required by law. The ballots shall contain the names of all the  
2992 candidates to be voted for at \* \* \* the election, and there shall  
2993 be left on each ballot one (1) blank space under the title of each  
2994 office for which a nominee is to be elected; and in the event of  
2995 the death of any candidate whose name shall have been printed on  
2996 the ballot, the name of the candidate duly substituted in the  
2997 place of the deceased candidate may be written in such blank space  
2998 by the voter. Except as otherwise provided in subsection (2) of  
2999 this section, the order in which the titles to the various offices  
3000 shall be printed, and the size, print and quality of the paper of  
3001 the ballot is left to the discretion of the county executive



3002 committee. Provided, however, that in all cases the arrangement  
3003 of the names of the candidates for each office shall be  
3004 alphabetical. No ballot shall be used except those so printed.

3005 (2) The titles for the various offices shall be listed in  
3006 the following order:

3007 (a) Candidates, electors or delegates for the following  
3008 national offices \* \* \*:

3009 (i) President of the United States of America;

3010 (ii) United States Senator or United States  
3011 Representative;

3012 (b) Candidates for the following statewide offices:  
3013 Governor, Lieutenant Governor, Secretary of State, Attorney  
3014 General, State Treasurer, Auditor of Public Accounts, Commissioner  
3015 of Agriculture and Commerce, Commissioner of Insurance;

3016 (c) Candidates for the following state district  
3017 offices \* \* \*: Mississippi Transportation Commissioner, Public  
3018 Service Commissioner, District Attorney;

3019 (d) Candidates for the following legislative  
3020 offices \* \* \*: Senator and House of Representatives;

3021 (e) Candidates for countywide office;

3022 (f) Candidates for county district office.

3023 The order in which the titles for the various offices are  
3024 listed within each of the categories listed in \* \* \* paragraphs  
3025 (e) and (f) \* \* \* are left to the discretion of the county





3026 executive committee. Candidates' names shall be listed  
3027 alphabetically under each office by the candidate's last name.

3028 (3) \* \* \* If after the deadline to qualify as a candidate  
3029 for an office, only one (1) person has duly qualified to be a  
3030 candidate for the office in the primary election, the name of that  
3031 person shall be placed on the ballot; provided, however, that if  
3032 not more than one (1) person has duly qualified to be a candidate  
3033 for each office on the primary election ballot, the election for  
3034 all offices on the ballot shall be dispensed with and the  
3035 appropriate executive committee shall declare each candidate as  
3036 the party nominee if the candidate meets all the qualifications to  
3037 hold the office.

3038 (4) (a) If it is eligible under Section 23-15-266, the  
3039 county executive committee may enter into a written agreement with  
3040 the circuit clerk or the county election commission authorizing  
3041 the circuit clerk or the county election commission to perform any  
3042 of the duties required of the county executive committee pursuant  
3043 to this section. Any agreement entered into pursuant to this  
3044 subsection shall be signed by the \* \* \* chair of the county  
3045 executive committee and the circuit clerk or the \* \* \* chair of  
3046 the county election commission, as appropriate. The county  
3047 executive committee shall notify the state executive committee and  
3048 the Secretary of State of the existence of such agreement.

3049 (b) If it is eligible under Section 23-15-266, the  
3050 municipal executive committee may enter into a written agreement



3051 with the municipal clerk or the municipal election commission  
3052 authorizing the municipal clerk or the municipal election  
3053 commission to perform any of the duties required of the municipal  
3054 executive committee pursuant to this section. Any agreement  
3055 entered into pursuant to this subsection shall be signed by  
3056 the \* \* \* chair of the municipal executive committee and the  
3057 municipal clerk or the \* \* \* chair of the municipal election  
3058 commission, as appropriate. The municipal executive committee  
3059 shall notify the state executive committee and the Secretary of  
3060 State of the existence of such agreement.

3061 **SECTION 75.** Section 23-15-351, Mississippi Code of 1972, is  
3062 amended as follows:

3063 23-15-351. It shall be the duty of the \* \* \* chair of the  
3064 election commission of each county to have printed all necessary  
3065 ballots for use in elections, except ballots in municipal  
3066 elections which shall be printed as herein provided by the  
3067 authorities of the respective municipalities; and the \* \* \*  
3068 election commissioner shall cause the official ballot to be  
3069 printed by a printer sworn to keep the ballots secret under the  
3070 penalties prescribed by law. The printer shall deliver to the  
3071 election commissioners for holding elections, a certificate of the  
3072 number of ballots printed for each precinct, and shall not print  
3073 any additional ballots, except on instruction of proper election  
3074 commissioners; and failure to observe either of these requirements  
3075 shall be a misdemeanor.



3076 \* \* \*

3077 **SECTION 76.** Section 23-15-353, Mississippi Code of 1972, is  
3078 amended as follows:

3079 23-15-353. The officer charged with printing and  
3080 distributing the official ballot shall ascertain from the  
3081 registrar, at least ten (10) days before the day of election, the  
3082 number of registered voters in each voting precinct; and he or she  
3083 shall have printed and distributed a sufficient number of ballots  
3084 for use in each precinct. \* \* \*

3085 **SECTION 77.** Section 23-15-355, Mississippi Code of 1972, is  
3086 amended as follows:

3087 23-15-355. Ballots in all elections shall be printed and  
3088 distributed at public expense and shall be known as "official  
3089 ballots." The expense of printing \* \* \* the ballots shall be paid  
3090 out of the county treasury, except that in municipal elections  
3091 such expenses shall be paid by the respective cities, towns and  
3092 villages. \* \* \*

3093 **SECTION 78.** Section 23-15-359, Mississippi Code of 1972, is  
3094 amended as follows:

3095 23-15-359. (1) Except as provided in this section, the  
3096 ballot shall contain the names of all party nominees certified by  
3097 the appropriate executive committee, and independent and special  
3098 election candidates who have timely filed petitions containing the  
3099 required signatures and assessments that must be paid pursuant to  
3100 Section 23-15-297, if the candidates and nominees meet all of the



3101 qualifications to hold the office sought. A petition requesting  
3102 that an independent or special election candidate's name be placed  
3103 on the ballot for any office shall be filed as provided for in  
3104 subsection (3) or (4) of this section, as appropriate, and shall  
3105 be signed by not less than the following number of qualified  
3106 electors:

3107           (a) For an office elected by the state at large, not  
3108 less than one thousand (1,000) qualified electors.

3109           (b) For an office elected by the qualified electors of  
3110 a Supreme Court district, not less than three hundred (300)  
3111 qualified electors.

3112           (c) For an office elected by the qualified electors of  
3113 a congressional district, not less than two hundred (200)  
3114 qualified electors.

3115           (d) For an office elected by the qualified electors of  
3116 a circuit or chancery court district, not less than one hundred  
3117 (100) qualified electors.

3118           (e) For an office elected by the qualified electors of  
3119 a senatorial or representative district, not less than fifty (50)  
3120 qualified electors.

3121           (f) For an office elected by the qualified electors of  
3122 a county, not less than fifty (50) qualified electors.

3123           (g) For an office elected by the qualified electors of  
3124 a supervisors district or justice court district, not less than  
3125 fifteen (15) qualified electors.



3126 (h) For the Office of President of the United States, a  
3127 party nominee or independent candidate shall pay an assessment in  
3128 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

3129 (2) (a) Unless the petition or fee, whichever is  
3130 applicable, required above shall be filed as provided for in  
3131 subsection (3), (4) or (5) of this section, as appropriate, the  
3132 name of the person requested to be a candidate, unless nominated  
3133 by a political party, shall not be placed upon the ballot. The  
3134 ballot shall contain the names of each candidate for each office,  
3135 and \* \* \* the names shall be listed under the name of the  
3136 political party \* \* \* that candidate represents as provided by law  
3137 and as certified to the circuit clerk by the state executive  
3138 committee of \* \* \* the political party. In the event \* \* \* the  
3139 candidate qualifies as an independent as provided in this section,  
3140 he or she shall be listed on the ballot as an independent  
3141 candidate.

3142 (b) The name of an independent or special election  
3143 candidate who dies before the printing of the ballots, shall not  
3144 be placed on the ballots.

3145 (3) Petitions for offices described in paragraphs (a), (b),  
3146 (c), (d) and (e) of subsection (1) of this section shall be filed  
3147 with the Secretary of State by no later than 5:00 p.m. on the same  
3148 date or business day, as applicable, by which candidates are  
3149 required to pay the fee provided for in Section 23-15-297 \* \* \*;



3150 however, no petition may be filed before January 1 of the year in  
3151 which the election for the office is held.

3152 (4) Petitions for offices described in paragraphs (f) and  
3153 (g) of subsection (1) of this section shall be filed with the  
3154 proper circuit clerk by no later than 5:00 p.m. on the same date  
3155 by which candidates are required to pay the fee provided for in  
3156 Section 23-15-297; however, no petition may be filed before  
3157 January 1 of the year in which the election for the office is  
3158 held. The circuit clerk shall notify the county election  
3159 commissioners \* \* \* of all persons who have filed petitions  
3160 with \* \* \* the clerk. \* \* \* The notification shall occur within  
3161 two (2) business days and shall contain all necessary information.

3162 (5) The assessment for the office described in paragraph (h)  
3163 of subsection (1) of this section shall be paid to the Secretary  
3164 of State. The Secretary of State shall deposit any qualifying  
3165 fees received from candidates into the Elections Support Fund  
3166 established in Section 23-15-5.

3167 (6) The election commissioners may also have printed upon  
3168 the ballot any local issue election matter that is authorized to  
3169 be held on the same date as the regular or general election  
3170 pursuant to Section 23-15-375; however, the ballot form of \* \* \*  
3171 the local issue must be filed with the election  
3172 commissioners \* \* \* by the appropriate governing authority not  
3173 less than sixty (60) days \* \* \* before the date of the election.



3174 (7) The provisions of this section shall not apply to  
3175 municipal elections or to the election of the offices of justice  
3176 of the Supreme Court, judge of the Court of Appeals, circuit  
3177 judge, chancellor, county court judge and family court judge.

3178 (8) Nothing in this section shall prohibit special elections  
3179 to fill vacancies in either house of the Legislature from being  
3180 held as provided in Section 23-15-851. In all elections conducted  
3181 under the provisions of Section 23-15-851, there shall be printed  
3182 on the ballot the name of any candidate who, not having been  
3183 nominated by a political party, shall have been requested to be a  
3184 candidate for any office by a petition filed with the Secretary of  
3185 State and signed by not less than fifty (50) qualified electors.

3186 (9) The appropriate election commission shall determine  
3187 whether each candidate is a qualified elector of the state, state  
3188 district, county or county district they seek to serve, and  
3189 whether each candidate meets all other qualifications to hold the  
3190 office he or she is seeking or presents absolute proof that he or  
3191 she will, subject to no contingencies, meet all qualifications on  
3192 or before the date of the general or special election at which he  
3193 or she could be elected to office. The election commission shall  
3194 determine whether the candidate has taken the steps necessary to  
3195 qualify for more than one (1) office at the election. The  
3196 election commission also shall determine whether any candidate has  
3197 been convicted of any felony in a court of this state, or has been  
3198 convicted on or after December 8, 1992, of any offense in another



3199 state which is a felony under the laws of this state, or has been  
3200 convicted of any felony in a federal court on or after December 8,  
3201 1992. Excepted from the above are convictions of manslaughter and  
3202 violations of the United States Internal Revenue Code or any  
3203 violations of the tax laws of this state, unless the offense also  
3204 involved misuse or abuse of his or her office or money coming into  
3205 his or her hands by virtue of \* \* \* the office. If the  
3206 appropriate election commission finds that a candidate either (a)  
3207 is not a qualified elector, (b) does not meet all qualifications  
3208 to hold the office he or she seeks and fails to provide absolute  
3209 proof, subject to no contingencies, that he or she will meet the  
3210 qualifications on or before the date of the general or special  
3211 election at which he or she could be elected, or (c) has been  
3212 convicted of a felony as described in this subsection, and not  
3213 pardoned, then the election commission shall notify the candidate  
3214 and give the candidate an opportunity to be heard. The election  
3215 commission shall mail notice to the candidate at least three (3)  
3216 business days before the hearing to the address provided by the  
3217 candidate on the qualifying forms, and the committee shall attempt  
3218 to contact the candidate by telephone, email and facsimile if the  
3219 candidate provided this information on the forms. If the  
3220 candidate fails to appear at the hearing or to prove that he or  
3221 she meets all qualifications to hold the office subject to no  
3222 contingencies, then the name of such candidate shall not be placed  
3223 upon the ballot. If the appropriate election commission





3224 determines that the candidate has taken the steps necessary to  
3225 qualify for more than one (1) office at the election, the action  
3226 required by Section 23-15-905, shall be taken.

3227 (10) If after the deadline to qualify as a candidate for an  
3228 office or after the time for holding any party primary for an  
3229 office, \* \* \* only one (1) person \* \* \* has duly qualified to be a  
3230 candidate for the office in the general election, the name  
3231 of \* \* \* that person shall be placed on the ballot; provided,  
3232 however, that if \* \* \* not more than one (1) person duly qualified  
3233 to be a candidate for each office on the general election ballot,  
3234 the election for all offices on the ballot shall be dispensed with  
3235 and the appropriate election commission shall declare each  
3236 candidate elected without opposition if the candidate meets all  
3237 the qualifications to hold the office as determined pursuant to a  
3238 review by the election commission in accordance with the  
3239 provisions of subsection (9) of this section and if the candidate  
3240 has filed all required campaign finance disclosure reports as  
3241 required by Section 23-15-807.

3242 (11) The petition required by this section may not be filed  
3243 by using the Internet.

3244 **SECTION 79.** Section 23-15-361, Mississippi Code of 1972, is  
3245 amended as follows:

3246 23-15-361. (1) The municipal general election ballot shall  
3247 contain the names of all candidates who have been put in  
3248 nomination by the municipal primary election of any political



3249 party. There shall be printed on the ballots the names of all  
3250 persons so nominated, whether the nomination be otherwise known or  
3251 not, upon the written request of one or more of the candidates so  
3252 nominated, or of any qualified elector who will make oath that he  
3253 or she was a participant in the primary election, and that the  
3254 person whose name is presented by him or her was nominated by such  
3255 primary election. The municipal election commissioners \* \* \* who  
3256 are required to have the ballots printed, shall also have printed  
3257 on the ballot in any municipal general election the name of any  
3258 candidate who, not having been nominated by a political party,  
3259 shall have been requested to be a candidate for any office by a  
3260 petition filed with the clerk of the municipality no later than  
3261 5:00 p.m. on the same date by which candidates for nomination in  
3262 the municipal primary elections are required to pay the fee  
3263 provided for in Section 23-15-309, and signed by not less than the  
3264 following number of qualified electors:

3265 (a) For an office elected by the qualified electors of  
3266 a municipality or a municipal district having a population of one  
3267 thousand (1,000) or more, not less than fifty (50) qualified  
3268 electors.

3269 (b) For an office elected by the qualified electors of  
3270 a municipality or a municipal district having a population of less  
3271 than one thousand (1,000), not less than fifteen (15) qualified  
3272 electors.



3273 (2) Unless the petition required above shall be filed no  
3274 later than 5:00 p.m. on the same date by which candidates for  
3275 nomination in the municipal primary election are required to pay  
3276 the fee provided for in Section 23-15-309, the name of the person  
3277 requested to be a candidate, unless nominated by a political  
3278 party, shall not be placed upon the ballot. The ballot shall  
3279 contain the names of each candidate for each municipal office,  
3280 and \* \* \* the names shall be listed under the name of the  
3281 political party \* \* \* the candidate represents as provided by law  
3282 and as certified to the municipal clerk by the municipal executive  
3283 committee of such political party. \* \* \* In the event such  
3284 candidate qualifies as an independent as herein provided, he or  
3285 she shall be listed on the ballot as an independent candidate.

3286 (3) The clerk of the municipality shall notify the municipal  
3287 election commissioners \* \* \* of all persons who have filed  
3288 petitions pursuant to subsection (1) of this section within two  
3289 (2) business days of the date of filing.

3290 (4) The ballot in elections to fill vacancies in municipal  
3291 elective office shall contain the names of all persons who have  
3292 qualified as required by Section 23-15-857.

3293 (5) The municipal election commission shall determine  
3294 whether each party candidate in the municipal general election is  
3295 a qualified elector of the municipality, and of the ward if the  
3296 office sought is a ward office and shall determine whether each  
3297 candidate either meets all other qualifications to hold the office



3298 he or she is seeking or presents absolute proof that he or she  
3299 will, subject to no contingencies, meet all qualifications on or  
3300 before the date of the general or special election at which he or  
3301 she could be elected to office. The municipal election commission  
3302 also shall determine whether any candidate has been convicted of  
3303 any felony in a court of this state, or has been convicted on or  
3304 after December 8, 1992, of any offense in another state which is a  
3305 felony under the laws of this state, or has been convicted of any  
3306 felony in a federal court on or after December 8, 1992. Excepted  
3307 from the above are convictions of manslaughter and violations of  
3308 the United States Internal Revenue Code or any violations of the  
3309 tax laws of this state unless such offense also involved misuse or  
3310 abuse of his or her office or money coming into his or her hands  
3311 by virtue of \* \* \* the office. If the municipal election  
3312 commission finds that a candidate either (a) is not a qualified  
3313 elector, (b) does not meet all qualifications to hold the office  
3314 he or she seeks and fails to provide absolute proof, subject to no  
3315 contingencies, that he or she will meet the qualifications on or  
3316 before the date of the general or special election at which he or  
3317 she could be elected, or (c) has been convicted of a felony as  
3318 described above and not pardoned, then the election commission  
3319 shall notify the candidate and give the candidate an opportunity  
3320 to be heard. The election commission shall mail notice to the  
3321 candidate at least three (3) business days before the hearing to  
3322 the address provided by the candidate on the qualifying forms, and



3323 the committee shall attempt to contact the candidate by telephone,  
3324 email and facsimile if the candidate provided this information on  
3325 the forms. If the candidate fails to appear at the hearing or to  
3326 prove he or she meets all qualifications to hold the office  
3327 subject to no contingencies, then the name of the candidate shall  
3328 not be placed upon the ballot.

3329 (6) If after the deadline to qualify as a candidate for an  
3330 office or after the time for holding any party primary election  
3331 for an office, \* \* \* only one (1) person \* \* \* has duly qualified  
3332 to be a candidate for the office in the general election the name  
3333 of \* \* \* that person shall be placed on the ballot; provided,  
3334 however, that if \* \* \* not more than one (1) person has duly  
3335 qualified to be a candidate for each office on the general  
3336 election ballot, the election for all offices on the ballot shall  
3337 be dispensed with and the municipal election commission shall  
3338 declare each candidate elected without opposition if the candidate  
3339 meets all the qualifications to hold the office as determined  
3340 pursuant to a review by the election commission in accordance with  
3341 the provisions of subsection (5) of this section and if the  
3342 candidate has filed all required campaign finance disclosure  
3343 reports as required by Section 23-15-807.

3344 **SECTION 80.** Section 23-15-365, Mississippi Code of 1972, is  
3345 amended as follows:

3346 23-15-365. (1) \* \* \* (a) In general and special  
3347 elections, \* \* \* one (1) blank space shall be left on each ballot



3348 under the title of each office to be voted for, and in the event  
3349 of the death, resignation, withdrawal or removal of any candidate  
3350 whose name \* \* \* was printed on the official ballot, the name of  
3351 the candidate duly substituted in the place of such candidate who  
3352 is qualified to hold the office may be written in \* \* \* the blank  
3353 space by the voter.

3354 (b) In all primary elections, one (1) blank space shall  
3355 be left on each ballot under the title of each office to be voted  
3356 for, and in the event of the death, resignation, or withdrawal of  
3357 a candidate, the name of any individual who is qualified to hold  
3358 the office may be written in the blank space by the voter.

3359 (2) The provisions of subsection (1) of this section shall  
3360 not apply to elections conducted under the Nonpartisan Judicial  
3361 Election Act.

3362 **SECTION 81.** Section 23-15-367, Mississippi Code of 1972, is  
3363 amended as follows:

3364 23-15-367. (1) Except as otherwise provided by Sections  
3365 23-15-974 through 23-15-985 and subsection (2) of this section,  
3366 \* \* \* the size, print and quality of paper of the official ballot  
3367 is left to the discretion of the officer charged with printing the  
3368 official ballot.

3369 (2) The titles for the various offices shall be listed in  
3370 the following order:

3371 (a) Candidates, electors or delegates for the following  
3372 national offices \* \* \* :



3373                    (i) President;  
3374                    (ii) United States Senator or United States  
3375 Representative;

3376                    (b) Candidates for the following statewide  
3377 office \* \* \*: Governor, Lieutenant Governor, Secretary of State,  
3378 Attorney General, State Treasurer, Auditor of Public Accounts,  
3379 Commissioner of Agriculture and Commerce, Commissioner of  
3380 Insurance;

3381                    (c) Candidates for the following state district  
3382 offices \* \* \*: Mississippi Transportation Commissioner, Public  
3383 Service Commissioner, District Attorney;

3384                    (d) Candidates for the following legislative  
3385 offices \* \* \*: Senate and House of Representatives;

3386                    (e) Candidates for countywide office;

3387                    (f) Candidates for county district office.

3388                    The order in which the titles for the various offices are  
3389 listed within \* \* \* paragraphs (e) and (f) is left to the  
3390 discretion of the \* \* \* county election commissioners. Nominees  
3391 of the political parties, qualified to conduct primary elections  
3392 as defined in Section 23-15-291, shall be listed first  
3393 alphabetically by the candidate's last name, followed by any other  
3394 candidates listed alphabetically by last name.

3395                    (3) It is the duty of the Secretary of State, with the  
3396 approval of the Governor, to furnish the designated election  
3397 commissioner of each county a sample of the official ballot, not



3398 less than fifty-five (55) days \* \* \* before the election, the  
3399 general form of which shall be followed as nearly as practicable.

3400 **SECTION 82.** Section 23-15-369, Mississippi Code of 1972, is  
3401 amended as follows:

3402 23-15-369. (1) (a) Whenever a constitutional amendment is  
3403 submitted to the vote of the people, the substance of \* \* \* the  
3404 amendment shall be printed in clear and unambiguous language on  
3405 the ballot after the list of candidates, if any, followed by the  
3406 word "YES" and also by the word "NO", and shall be styled in such  
3407 a manner that a "YES" vote will indicate approval of the proposal  
3408 and a "NO" vote will indicate rejection.

3409 (b) The substance of the amendment shall be an  
3410 explanatory statement not exceeding seventy-five (75) words in  
3411 length of the chief purpose of the measure. \* \* \* The statement  
3412 shall be prepared by the Legislature and included in the  
3413 concurrent resolution proposing the amendment to the Constitution.  
3414 The statement shall avoid, whenever possible, the use of legal  
3415 terminology or jargon and shall use instead, simple, ordinary,  
3416 everyday language. The Secretary of State shall give each  
3417 proposed constitutional amendment a designating number for  
3418 convenient reference specific to the election in which the  
3419 amendment appears on the ballot. This number designation shall  
3420 appear on the ballot. Designating numbers shall be assigned in  
3421 the order of filing or certification of the amendments. The  
3422 Secretary of State shall furnish the designating number and the





3423 substance of each amendment to the circuit clerk of each county in  
3424 which \* \* \* the amendment is to be voted on.

3425 (c) The full text of each proposed constitutional  
3426 amendment shall be published by the Secretary of State as provided  
3427 for in Section 7-3-39, \* \* \* and shall be posted prominently in  
3428 all polling places, with copies of \* \* \* the proposed amendment  
3429 to be otherwise available at each polling place.

3430 (2) Except as may be otherwise provided in subsection (1) of  
3431 this section, whenever any public measure, question or matter that  
3432 requires an affirmative or negative vote is submitted to a vote of  
3433 the electors, the measure or matter shall be printed on the ballot  
3434 and also the words "FOR" or "AGAINST" to be so arranged by the  
3435 proper officer so that the voter can intelligently vote his or her  
3436 preference.

3437 **SECTION 83.** Section 23-15-371, Mississippi Code of 1972, is  
3438 amended as follows:

3439 23-15-371. In case the official ballots prepared shall be  
3440 lost or destroyed, the election commissioners \* \* \* shall have  
3441 like ballots furnished in place of those lost or destroyed, if  
3442 time remain therefor. If from any cause there should be no  
3443 official ballots or an insufficient number at a voting place, and  
3444 not sufficient time in which to have them printed, the ballots may  
3445 be written; but, if written by anyone except the voter alone for  
3446 himself or herself, the names of all candidates shall be written  
3447 thereon, without any mark or device by which one (1) name may be



3448 distinguished from another, and \* \* \* the ballots shall be marked  
3449 by the voter as provided for printed ballots. If the poll manager  
3450 designated fails to have the ballots at the voting place at the  
3451 proper time, or if he or she fails to distribute them, the poll  
3452 managers, or those of them present at the election, shall provide  
3453 ballots, and select some suitable person to distribute them, who  
3454 shall take the oath required of the poll managers, and distribute  
3455 the ballots according to law.

3456       **SECTION 84.** Section 23-15-373, Mississippi Code of 1972, is  
3457 amended as follows:

3458       23-15-373. Within one (1) day after election day, the poll  
3459 managers \* \* \* shall report to the election commissioners, under  
3460 oath, as to the loss of official ballots, the number lost, and all  
3461 facts connected therewith, which report the commissioners may  
3462 deliver to the grand jury, if deemed advisable.

3463       **SECTION 85.** Section 23-15-375, Mississippi Code of 1972, is  
3464 amended as follows:

3465       23-15-375. Local issue elections may be held on the same  
3466 date as any regular or general election. A local issue election  
3467 held on the same date as the regular or general election shall be  
3468 conducted in the same manner as the regular or general election  
3469 using the same poll workers and the same equipment. A local issue  
3470 may be placed on the regular or general election ballot pursuant  
3471 to the provisions of Section 23-15-359 \* \* \*. The provisions of  
3472 this section and Section 23-15-359 with regard to local issue



3473 elections shall not be construed to affect any statutory  
3474 requirements specifying the notice procedure and the necessary  
3475 percentage of qualified electors voting in such an election which  
3476 is needed for adoption of the local issue. Whether or not a local  
3477 issue is adopted or defeated at a local issue election held on the  
3478 same day as a regular or general election shall be determined in  
3479 accordance with relevant statutory requirements regarding the  
3480 necessary percentage of qualified electors who voted in \* \* \* the  
3481 local issue election, and only those persons voting for or  
3482 against \* \* \* the issue shall be counted in making that  
3483 determination. As used in this section "local issue elections"  
3484 include elections regarding the issuance of bonds, local option  
3485 elections, elections regarding the levy of additional ad valorem  
3486 taxes and other similar elections authorized by law that are  
3487 called to consider issues that affect a single local governmental  
3488 entity. As used in this section "local issue" means any issue  
3489 that may be voted on in a local issue election.

3490 **SECTION 86.** Section 23-15-391, Mississippi Code of 1972, is  
3491 amended as follows:

3492 23-15-391. The board of supervisors of each county \* \* \* and  
3493 the governing authorities of each municipality shall \* \* \* use  
3494 optical mark reading equipment or direct recording electronic  
3495 voting equipment \* \* \* that complies with the specifications  
3496 provided by law. The election commissioners may \* \* \* conduct  
3497 special and municipal elections, as well as any necessary runoff



3498 elections, \* \* \* by paper ballot \* \* \* when the election  
3499 commissioners determine that administration of an election by  
3500 paper ballot will be less expensive than administration of the  
3501 same election by \* \* \* optical mark reading equipment or direct  
3502 recording electronic voting equipment.

3503 **SECTION 87.** Section 23-15-503, Mississippi Code of 1972, is  
3504 amended as follows:

3505 23-15-503. As used in this subarticle, unless otherwise  
3506 specified:

3507 (a) "Optimal mark reading (OMR)" means \* \* \* a method  
3508 of capturing data electronically into a computer system.

3509 (b) "Optical mark reading equipment (OMR)" means \* \* \*  
3510 an apparatus that reads pen and pencil marks made in pre-defined  
3511 positions on paper ballots \* \* \* to automatically examine and  
3512 count votes \* \* \*.

3513 (c) "Counting center" means one or more locations used  
3514 for the automatic counting of ballots.

3515 \* \* \*

3516 ( \* \* \*d) "Marking device" means a pen or pencil \* \* \*  
3517 that the voters use to record their \* \* \* paper ballots, which is  
3518 readable by the OMR equipment.

3519 ( \* \* \*e) "Ballot" means a paper ballot on which votes  
3520 are recorded by means of marking the ballot with a marking device.

3521 **SECTION 88.** Section 23-15-505, Mississippi Code of 1972, is  
3522 amended as follows:



3523           23-15-505. The board of supervisors of any county \* \* \* and  
3524 the governing authorities of any municipality \* \* \* are hereby  
3525 authorized and empowered, in their discretion, to purchase or  
3526 rent \* \* \* OMR equipment \* \* \* that meets the requirements of  
3527 Section 23-15-507 and may use such system in all or a part of the  
3528 precincts within its boundaries. \* \* \* The provisions of this  
3529 chapter shall be controlling with respect to elections \* \* \* in  
3530 which OMR \* \* \* equipment is used, and shall be liberally  
3531 construed so as to carry out the purpose of this chapter. The  
3532 provisions of the election law relating to the conduct of  
3533 elections with paper ballots, \* \* \* insofar as they are  
3534 applicable, \* \* \* shall apply.

3535           **SECTION 89.** Section 23-15-507, Mississippi Code of 1972, is  
3536 amended as follows:

3537           23-15-507. No \* \* \* OMR equipment shall be acquired or used  
3538 in accordance with this chapter unless it shall:

3539           (a) Permit \* \* \* eligible voters to vote at any  
3540 election for all persons \* \* \* for whom \* \* \* they are lawfully  
3541 entitled to vote; to vote for as many persons for an office as  
3542 they are lawfully entitled to vote \* \* \*; to vote for or against  
3543 any \* \* \* ballot initiative, measure or other local issue upon  
3544 which they are lawfully entitled to vote;

3545           (b) The OMR \* \* \* equipment shall be capable of  
3546 rejecting choices \* \* \* marked on the ballot if the number of



3547 choices exceeds the number \* \* \* that the voter is entitled to  
3548 vote for the office or on the measure;

3549 (c) Permit each voter, \* \* \* in presidential elections,  
3550 by one (1) mark to vote for the candidates of that party for  
3551 President, Vice President, and their presidential electors, or to  
3552 vote individually for the electors of their choice when permitted  
3553 by law;

3554 (d) Permit each voter, \* \* \* in other than primary  
3555 elections, to vote for the nominees of one or more parties and for  
3556 independent \* \* \* candidates;

3557 (e) Permit each voter to vote for candidates only in  
3558 the primary in which \* \* \* he or she is qualified to vote;

3559 (f) Permit each voter to vote for persons whose names  
3560 are not on the printed ballot;

3561 (g) Be suitably designed for the purpose used, of  
3562 durable construction, and may be used safely, efficiently and  
3563 accurately in the conduct of elections and the counting of  
3564 ballots;

3565 (h) Be provided with means for sealing the ballots  
3566 after the close of the polls \* \* \* ;

3567 (i) When properly operated, record correctly and count  
3568 accurately all votes cast; and

3569 (j) Provide the voter with a set of instructions that  
3570 will be \* \* \* displayed in such a way that a voter may readily  
3571 learn the method of voting.



3572           **SECTION 90.** Section 23-15-511, Mississippi Code of 1972, is  
3573 amended as follows:

3574           23-15-511. The ballots shall, as far as practicable, \* \* \*  
3575 be in the same order of arrangement as provided for paper ballots  
3576 that are to be counted manually, except that \* \* \* the information  
3577 may be printed in vertical or horizontal rows. Nothing in this  
3578 chapter shall be construed as prohibiting the information being  
3579 presented to the voters from being printed on both sides of a  
3580 single ballot. In those years when a special election shall occur  
3581 on the same day as the general election, the names of candidates  
3582 in any special election and the general election shall be placed  
3583 on the same ballot by the election commissioners \* \* \* or  
3584 officials in charge of the election, but the general election  
3585 candidates shall be clearly distinguished from the special  
3586 election candidates. At any time a special election is held on  
3587 the same day as a party primary election, the names of the  
3588 candidates in the special election may be placed on the same  
3589 ballot by the officials in charge of the election, but shall be  
3590 clearly distinguished as special election candidates or primary  
3591 election candidates.

3592           Ballots shall be printed in plain clear type in black ink and  
3593 upon clear white materials of such size and arrangement as to be  
3594 compatible with the OMR \* \* \* equipment. Absentee ballots shall  
3595 be prepared and printed in the same form and shall be on the same  
3596 size and texture as the regular official ballots, except that they



3597 shall be printed on tinted paper; or the ink used to print the  
3598 ballots shall be of a color different from that of the ink used to  
3599 print the regular official ballots. Arrows may be printed on the  
3600 ballot to indicate the place to mark the ballot, which may be to  
3601 the right or left of the names of candidates and propositions.  
3602 The titles of offices may be arranged in vertical columns on the  
3603 ballot and shall be printed above or at the side of the names of  
3604 candidates so as to indicate clearly the candidates for each  
3605 office and the number to be elected. In case there are more  
3606 candidates for an office \* \* \* than can be printed in one (1)  
3607 column, the ballot shall be clearly marked that the list of  
3608 candidates is continued on the following column. The names of  
3609 candidates for each office shall be printed in vertical columns,  
3610 grouped by the offices \* \* \* that they seek. In partisan  
3611 elections, the party designation of each candidate, which may be  
3612 abbreviated, shall be printed following his or her name.

3613 \* \* \* One (1) sample \* \* \* ballot, which shall be a  
3614 facsimile \* \* \* of the official ballot and instructions to the  
3615 voters, shall be provided for each precinct and shall be posted in  
3616 each polling place on election day.

3617 A separate ballot security envelope or suitable equivalent in  
3618 which the voter can place his or her ballot after voting, shall be  
3619 provided to conceal the choices the voter has made. Absentee  
3620 voters will receive a similar ballot security envelope provided by  
3621 the county in which the absentee voter will insert their voted





3622 ballot, which then can be inserted into a return envelope to be  
3623 mailed back to the election official. Absentee ballots will not  
3624 be required to be folded when a ballot security envelope is  
3625 provided.

3626 **SECTION 91.** Section 23-15-513, Mississippi Code of 1972, is  
3627 amended as follows:

3628 23-15-513. (1) The official ballots, sample ballots and  
3629 other necessary forms and supplies of the forms and description  
3630 required by this chapter or required for the conduct of elections  
3631 with an electronic voting system shall be prepared and furnished  
3632 by the same official, in the same manner and time, and delivered  
3633 to the same officials as provided by law with respect to paper  
3634 ballots that are to be counted manually.

3635 (2) For each primary \* \* \* election, the number of official  
3636 ballots that shall be printed by each executive committee shall  
3637 be \* \* \* not less than one hundred twenty-five percent (125%) of  
3638 the highest number of votes cast in a comparable primary election  
3639 conducted by the same political party in the preceding ten (10)  
3640 years.

3641 (3) For each general election, the number of official  
3642 ballots that shall be printed shall be a number equal to not less  
3643 than sixty percent (60%) of the registered voters eligible to vote  
3644 in the election.

3645 **SECTION 92.** Section 23-15-515, Mississippi Code of 1972, is  
3646 amended as follows:



3647           23-15-515. The circuit \* \* \* clerk shall be the custodian of  
3648 OMR \* \* \* equipment acquired by the county, who shall be charged  
3649 with the proper storage, maintenance and repair of the OMR  
3650 equipment \* \* \*. The municipal clerk shall be the custodian of  
3651 the OMR equipment acquired by the municipality, and shall be  
3652 charged with the proper storage, maintenance and repair of the OMR  
3653 equipment. The custodian or the officials in charge of the  
3654 election shall repair or replace any \* \* \* OMR equipment which  
3655 fails to function properly on election day. \* \* \*

3656           **SECTION 93.** Section 23-15-517, Mississippi Code of 1972, is  
3657 amended as follows:

3658           23-15-517. At least \* \* \* one (1) hour before the opening of  
3659 the polls, the \* \* \* officials in charge of the election shall  
3660 arrive at the polling place and set up the voting booths so that  
3661 they will be in clear view of the \* \* \* poll managers; the \* \* \*  
3662 poll managers shall examine the ballots to verify that they have  
3663 the correct ballots for their precinct and check the supplies,  
3664 records and forms, and post the sample ballots and instructions to  
3665 the voters. They shall also inspect the ballot boxes to \* \* \*  
3666 ensure they \* \* \* contain only voted absentee ballots in their  
3667 envelopes with the required applications, and then seal the box  
3668 for voting.

3669           Each voter shall receive written and/or verbal instructions  
3670 by the \* \* \* poll managers instructing the voter how to properly  
3671 vote the paper ballot before \* \* \* the voter enters the voting



3672 booth. If any voter needs additional instructions after entering  
3673 the voting booth, two (2) \* \* \* poll managers may, if necessary,  
3674 enter the booth and give him or her such additional instructions.  
3675 If any voter spoils a ballot \* \* \* the voter may obtain others,  
3676 one (1) at a time, not exceeding three (3) in all, upon returning  
3677 each spoiled ballot. The word "SPOILED" shall be written across  
3678 the face of the ballot and it shall be \* \* \* deposited into the  
3679 sealed ballot box. \* \* \* When the polls close once the last  
3680 ballot has been cast or at 7:00 p.m., whichever is later, the poll  
3681 managers shall break the seal on the ballot box to process the  
3682 absentee ballots. Ballots marked as spoiled shall be bundled  
3683 together and placed in an envelope designated for spoiled ballots.  
3684 Once the polls have officially closed, the envelope that contains  
3685 the spoiled ballots and the unused ballots \* \* \* shall be placed  
3686 in \* \* \* the ballot box or other container provided for that  
3687 purpose which shall be sealed and returned to the officials in  
3688 charge of the election.

3689 **SECTION 94.** Section 23-15-519, Mississippi Code of 1972, is  
3690 amended as follows:

3691 23-15-519. The poll managers shall prepare a ballot  
3692 accounting report \* \* \* that documents \* \* \* the number of voters  
3693 who have voted, as indicated by the \* \* \* receipt book and the  
3694 number of ballots used in the election. \* \* \* The poll managers  
3695 shall place the report in the ballot box, with the seal logs,  
3696 receipt books, absentee ballots, affidavit ballots, challenged



3697 ballots, curbside ballots, emergency ballots, spoiled ballots and  
3698 unused ballots, which thereupon shall be sealed with a \* \* \*  
3699 tamper-evident seal \* \* \*, which is a seal that has been designed  
3700 in such a way to allow someone to easily detect any tampering, so  
3701 that no additional ballots may be deposited or removed from the  
3702 ballot box. The poll managers, while they have possession of the  
3703 election materials, and the officials in charge of the election,  
3704 once the poll managers have delivered the ballot box to the  
3705 counting center or other designated place, shall be required to  
3706 keep a seal log to document each time a tamper-evident seal for a  
3707 ballot box is opened or changed. The seal log shall require the  
3708 name of the person who opened the seal, the old seal number, the  
3709 new seal number, the date the seal was opened and the purpose for  
3710 opening the seal. The receiving and returning poll manager \* \* \*  
3711 shall \* \* \* deliver the ballot box to the counting center or other  
3712 designated place and receive a signed, numbered receipt therefor.  
3713 The poll \* \* \* books and other records and supplies \* \* \* shall be  
3714 returned as directed by the officials in charge of the election.  
3715 Failure to strictly comply with the provisions of this section  
3716 shall not result in a presumption of fraud.

3717       **SECTION 95.** Section 23-15-521, Mississippi Code of 1972, is  
3718 amended as follows:

3719       23-15-521. \* \* \* Before counting the ballots, the election  
3720 commissioners, or their designees, \* \* \* shall have the OMR \* \* \*  
3721 equipment tested to ascertain that it will accurately count the



3722 votes cast for all offices and on all measures. Representatives  
3723 of the political parties, candidates, the press and the general  
3724 public may witness the test conducted on the OMR \* \* \* equipment.  
3725 The test shall be conducted by processing a preaudited group of  
3726 ballots so marked as to record a predetermined number of valid  
3727 votes for each candidate and on each measure, and shall include  
3728 for each office one or more ballots \* \* \* that have votes in  
3729 excess of the number allowed by law in order to test the ability  
3730 of the OMR \* \* \* equipment to reject such votes. If any error is  
3731 detected, the cause \* \* \* of the error shall be ascertained and  
3732 corrected and an errorless count shall be made and certified to by  
3733 the officials in charge before the count is started. On  
3734 completion of the count, the programs, test materials and ballots  
3735 shall be sealed and retained as provided for paper ballots.

3736 **SECTION 96.** Section 23-15-523, Mississippi Code of 1972, is  
3737 amended as follows:

3738 23-15-523. (1) All proceedings at the counting center shall  
3739 be under the direction of the election commissioners \* \* \* or  
3740 officials in charge of the election, and shall be conducted under  
3741 the observations of the public, but no persons except those  
3742 authorized for the purpose shall touch any ballot. All persons  
3743 who are engaged in processing and counting of the ballots  
3744 shall \* \* \* take the oath provided in Section 268, Mississippi  
3745 Constitution of 1890.



3746           (2) The election commissioners \* \* \* or the officials in  
3747 charge of the election shall appoint qualified electors who have  
3748 received the training required by subsection (11) of this section  
3749 to serve as \* \* \* members of the "resolution board." An odd  
3750 number of not less than three (3) members shall be appointed to  
3751 the resolution board. The members of the board shall take the  
3752 oath provided in Section 268, Mississippi Constitution of 1890.  
3753 All ballots that have been rejected by the OMR \* \* \* equipment and  
3754 that are damaged or defective, blank or overvoted will be reviewed  
3755 by \* \* \* the board. Election commissioners \* \* \*, candidates who  
3756 are on the ballot \* \* \* and the spouse, parents, siblings or  
3757 children of such a candidate shall not be appointed to the  
3758 resolution board. \* \* \* In general and special elections, members  
3759 of the party executive committees shall not be appointed to the  
3760 resolution board unless members of all of the party executive  
3761 committees who have a candidate on the ballot are appointed to the  
3762 resolution board.

3763           (3) (a) If any ballot is damaged or defective so that it  
3764 cannot be properly counted by the OMR \* \* \* equipment, the ballot  
3765 will be deposited in an envelope provided for that purpose marked  
3766 "RESOLUTION BOARD." All such ballots shall be carefully handled  
3767 so as to avoid altering, removing or adding any mark on the  
3768 ballot.

3769           (b) The election commissioners \* \* \* or the officials  
3770 in charge of the election shall have the \* \* \* members of the



3771 resolution board ascertain the intent of the voter, if possible,  
3772 and, if so, manually count any damaged or defective ballots \* \* \*.

3773 (c) \* \* \* The resolution board \* \* \* shall prepare a  
3774 duplicate to the damaged or defective ballot in the following  
3775 manner:

3776 (i) The resolution board shall prepare a duplicate  
3777 to the original damaged or defective ballot marked identically to  
3778 the original.

3779 (ii) The resolution board shall mark the first  
3780 original they examine as "Original #1" and the duplicate of this  
3781 original as "Duplicate #1." \* \* \* Later originals and duplicates  
3782 shall be likewise marked and numbered consecutively so the  
3783 duplicate of each original can be identified. Duplicate ballots  
3784 shall be stamped in a different manner from the original ballots  
3785 so that they may be easily distinguished from the originals.

3786 (iii) The duplicate ballots prepared pursuant to  
3787 this paragraph shall be counted by the OMR \* \* \* equipment.

3788 (4) The resolution board shall examine ballots that have  
3789 been rejected by the OMR \* \* \* equipment for appearing to be  
3790 "blank" \* \* \* to verify if they are blank or were marked with a  
3791 "nondetectable" marking device. If it is determined that the  
3792 ballot was marked with a nondetectable device, the resolution  
3793 board \* \* \* shall prepare a duplicate to the original blank ballot  
3794 in the same manner and in accordance with the same process  
3795 provided in subsection (3) (c).



3796 (5) All ballots that are rejected by the OMR \* \* \* equipment  
3797 and \* \* \* that contain overvotes shall be inspected by the  
3798 resolution board. Regarding those rejected ballots upon which an  
3799 overvote appears \* \* \*, if the voter intent cannot be determined  
3800 by \* \* \* the resolution board, the officials in charge of the  
3801 election may use the OMR \* \* \* equipment in determining the vote  
3802 in the races \* \* \* that are unaffected by the overvote. All other  
3803 ballots \* \* \* that are overvoted shall be counted manually  
3804 following the provisions of this section at the direction of the  
3805 officials in charge of the election. \* \* \* The return printed by  
3806 the OMR \* \* \* equipment to which have been added the manually  
3807 tallied ballots, which shall be duly certified by the officials in  
3808 charge of the election, shall constitute the official return of  
3809 each voting precinct. Unofficial and incomplete returns may be  
3810 released during the count. Upon the completion of the counting,  
3811 the official returns shall be open to the public.

3812 (6) When the resolution board reviews any OMR ballot in  
3813 which the voter has failed to fill in the arrow, oval, circle or  
3814 square for a candidate or a ballot measure \* \* \*, the resolution  
3815 board shall, if the intent of the voter can be ascertained, count  
3816 the vote if:

3817 (a) The voter marks the ballot with a "cross" (X) or  
3818 "checkmark" (✓) and the lines that form the mark intersect within  
3819 or on the line of the arrow, oval, circle or square by the ballot  
3820 measure or the name of the candidate.





3821           (b) The voter blackens the arrow, oval, circle or  
3822 square adjacent to the ballot measure or the name of the candidate  
3823 in pencil or ink and the blackened portion extends beyond the  
3824 boundaries of the arrow, oval, circle or square.

3825           (c) The voter marks the ballot with a "cross" (X) or  
3826 "checkmark" (✓) and the lines that form the mark intersect  
3827 adjacent to the ballot measure or the name of the candidate.

3828           (d) The voter underlines the ballot measure or the name  
3829 of a candidate.

3830           (e) The voter draws a line from the arrow, oval, circle  
3831 or square to a ballot measure or the name of a candidate.

3832           (f) The voter draws a circle or oval around the ballot  
3833 measure or the name of the candidate.

3834           (g) The voter draws a circle or oval around the arrow,  
3835 oval, circle or square adjacent to the ballot measure or the name  
3836 of the candidate.

3837           (7) The resolution board, when inspecting an OMR  
3838 ballot \* \* \* that contains or appears to contain one or more  
3839 overvotes, appears to be damaged or defective, or is rejected by  
3840 the OMR \* \* \* equipment for any reason or cannot be counted by the  
3841 OMR \* \* \* equipment, shall make its determination in accordance  
3842 with the following:

3843           (a) When an elector casts more votes for any office or  
3844 measure than he or she is entitled to cast at an election, all the  
3845 elector's votes for that office or measure are invalid and the



3846 elector is deemed to have voted for none of them. \* \* \* If an  
3847 elector casts less votes for any office or measure than he or she  
3848 is entitled to cast at an election, all votes cast by the elector  
3849 shall be counted but no vote shall be counted more than once.

3850 (b) If an elector casts more than one (1) vote for the  
3851 same candidate for the same office, the first vote is valid and  
3852 the remaining votes for that candidate are invalid.

3853 (c) No write-in vote for a candidate whose name is  
3854 printed on the ballot shall be regarded as \* \* \* invalid due to  
3855 misspelling a candidate's name, or by abbreviation, addition or  
3856 omission or use of a wrong initial in the name, as long as the  
3857 intent of the voter can be ascertained.

3858 (d) In any case where a voter writes in the name of a  
3859 candidate for President of the United States whose name is printed  
3860 on the general election ballot, the failure by the voter to write  
3861 in the name of a candidate for the Office of Vice President of the  
3862 United States on the general election ballot does not invalidate  
3863 the elector's vote for the slate of electors for any candidate  
3864 whose name is written in for the Office of President of the United  
3865 States.

3866 (e) For any ballot measure in which the words "for" or  
3867 "against" are printed on a ballot, if the voter shall write the  
3868 word "for" or the word "against" instead of or in addition to  
3869 marking the ballot in accordance with the ballot instruction in  
3870 the space adjacent to the preprinted words "for" or "against," the



3871 resolution board shall, in reviewing such ballot, count the vote  
3872 in accordance with the voter's handwritten preference, unless the  
3873 voter marks the ballot in the space adjacent to the preprinted  
3874 words "for" or "against" contrary to the handwritten preference,  
3875 in which case no vote shall be recorded for such ballot in regard  
3876 to the ballot measure.

3877 (f) For any ballot measure in which the words "yes" or  
3878 "no" are printed on a ballot, if the voter shall write the word  
3879 "yes" or the word "no" instead of or in addition to marking the  
3880 ballot in accordance with the ballot instructions in the space  
3881 adjacent to the preprinted words "yes" or "no," the resolution  
3882 board shall, in reviewing such ballot, count the vote in  
3883 accordance with the voter's handwritten preference, unless the  
3884 voter marks the ballot in the space adjacent to the preprinted  
3885 words "yes" or "no" contrary to the handwritten preference, in  
3886 which case no vote shall be recorded for such ballot in regard to  
3887 the ballot measure.

3888 (8) OMR \* \* \* equipment shall be programmed, calibrated,  
3889 adjusted and set up to reject ballots \* \* \* that appear to be  
3890 damaged or defective. Any switch, lever or feature on OMR \* \* \*  
3891 equipment that enables or permits the OMR \* \* \* equipment to  
3892 override the rejection of damaged or defective ballots \* \* \* so  
3893 that such \* \* \* ballots will not be reviewed by the resolution  
3894 board, shall not be \* \* \* used.



3895 (9) Ballots shall be manually counted by the resolution  
3896 board only when the ballots are:

3897 (a) Properly before the resolution board due to being  
3898 rejected by the OMR \* \* \* equipment because the ballots appear to  
3899 be damaged or defective or are rejected by the OMR equipment for  
3900 any other reason; or

3901 (b) Properly before the resolution board due to a  
3902 malfunction in the OMR \* \* \* equipment.

3903 (10) The resolution board shall make and keep a record  
3904 regarding the handling and counting of all ballots inspected under  
3905 this section.

3906 (11) \* \* \* The executive committee of each county or  
3907 municipality, in the case of a primary election, or the election  
3908 commissioners of each county or municipality, in the case of all  
3909 other elections, in conjunction with the circuit or municipal  
3910 clerk respectively, shall sponsor and conduct, a training session  
3911 for up to two (2) hours, not less than five (5) days before each  
3912 election, to instruct those qualified electors who are appointed  
3913 to serve as members of the resolution board as to their specific  
3914 duties in the election. No member appointed to serve on the  
3915 resolution board shall serve in any election unless he or she has  
3916 received such instruction once during the twelve (12) months  
3917 immediately preceding the date upon which the election is held.  
3918 Online training courses developed by the Secretary of State,  
3919 though not sponsored or conducted by the executive committee or



3920 the election commissioners, may be used to meet the requirements  
3921 of this subsection (11).

3922 **SECTION 97.** Section 23-15-525, Mississippi Code of 1972, is  
3923 amended as follows:

3924 23-15-525. (1) The Secretary of State shall have the power  
3925 to issue supplementary instructions and procedures for the safe  
3926 and efficient use of OMR \* \* \* equipment within the State of  
3927 Mississippi and to carry out the purpose of the chapter. Subject  
3928 to such instructions and procedures provided by the Secretary of  
3929 State and the provisions of this chapter, the election  
3930 commissioners \* \* \* shall have the power to make \* \* \* additional  
3931 provisions for the conduct of elections with \* \* \* the OMR  
3932 equipment.

3933 (2) If for any reason the OMR equipment shall become  
3934 inoperable, the poll managers shall direct voters to operating OMR  
3935 equipment or to cast emergency paper ballots. The paper ballots  
3936 shall be administered in accordance with the laws concerning paper  
3937 ballots.

3938 **SECTION 98.** Section 23-15-531, Mississippi Code of 1972, is  
3939 amended as follows:

3940 23-15-531. \* \* \*

3941 "Direct recording electronic voting equipment (DRE unit)"  
3942 means a computer driven unit for casting and counting votes on  
3943 which an elector touches a video screen or a button adjacent to a  
3944 video screen to cast his or her vote.



3945           **SECTION 99.** Section 23-15-531.1, Mississippi Code of 1972,  
3946 is amended as follows:

3947           23-15-531.1.   \* \* \*

3948           (1) The board of supervisors of each county and the  
3949 governing authorities of each municipality are hereby authorized  
3950 and empowered, in their discretion, to purchase or rent DRE units  
3951 that meets the requirements of subsection (2) of this section and  
3952 may use such system in all or a part of the precincts within its  
3953 boundaries. The provisions of this chapter shall be controlling  
3954 with respect to elections in which a DRE unit is used, and shall  
3955 be liberally construed so as to carry out the purpose of this  
3956 chapter. The provisions of the election law relating to the  
3957 conduct of elections with paper ballots, insofar as they are  
3958 applicable, shall apply.

3959           (2) No DRE unit shall be acquired or used in accordance with  
3960 this chapter unless it shall:

3961                   (a) Permit the voter to verify, in a private and  
3962 independent manner, the votes selected by the voter on the ballot  
3963 before the ballot is cast and counted;

3964                   (b) Provide the voter with the opportunity, in a  
3965 private and independent manner, to change the ballot or correct  
3966 any error before the ballot is cast and counted, including, but  
3967 not limited to, the opportunity to correct the error through the  
3968 issuance of a replacement ballot if the voter is otherwise unable  
3969 to change the ballot or correct any error;



3970 (c) If the voter \* \* \* votes for more candidates for a  
3971 single office than are eligible for election:

3972 (i) Notify the voter that he or she has selected  
3973 more candidates for that office than are eligible for election;

3974 (ii) Notify the voter before his or her vote is  
3975 cast and counted of the effect of casting multiple votes for such  
3976 an office; and

3977 (iii) Provide the voter with the opportunity to  
3978 correct the ballot before the ballot is cast and counted \* \* \*;

3979 (d) Produce a permanent paper record with a manual  
3980 audit \* \* \* capability;

3981 (e) Have the capability to print the ballots cast by  
3982 electors \* \* \*;

3983 (f) Be accessible for individuals with disabilities,  
3984 including, but not limited to, nonvisual accessibility for the  
3985 blind and visually impaired, in a manner that provides the same  
3986 opportunity for access and participation, including privacy and  
3987 independence, as for other voters. This requirement may be  
3988 satisfied through the use of at least one (1) DRE unit or other  
3989 voting unit equipped for individuals with disabilities at each  
3990 polling place;

3991 (g) Provide alternative language accessibility pursuant  
3992 to the requirements of the Voting Rights Act of 1965; and

3993 (h) Have a residual vote rate in counting ballots  
3994 attributable to the voting system and not to voter error that



3995 complies with error rate standards established under the voting  
3996 system standards issued by the Federal Election Commission \* \* \*  
3997 in effect as of October 29, 2002.

3998         **SECTION 100.** Section 23-15-531.2, Mississippi Code of 1972,  
3999 is amended as follows:

4000             23-15-531.2. \* \* \* DRE units shall be arranged in the  
4001 polling place in such a manner as to:

4002                 (a) Ensure the privacy of the elector while voting  
4003 on \* \* \* the units;

4004                 (b) Allow monitoring of the units by the poll managers  
4005 while the polls are open; and

4006                 (c) Permit the public and lawful poll watchers to  
4007 observe the voting without affecting the privacy of the electors  
4008 as they vote.

4009         **SECTION 101.** Section 23-15-531.3, Mississippi Code of 1972,  
4010 is amended as follows:

4011             23-15-531.3. (1) The ballots for \* \* \* DRE units shall be  
4012 of such size and arrangement as will suit the construction of the  
4013 DRE screen and shall be in plain, clear type that is easily  
4014 readable by persons with normal vision.

4015                 (2) (a) If the \* \* \* DRE unit has the capacity for color  
4016 display, the names of all candidates in a particular race shall be  
4017 displayed in the same color, font and size, and the political  
4018 party or affiliation of candidates may be displayed in a color  
4019 different from that used to display the names of the candidates,





4020 but all political \* \* \* parties or affiliations shall be displayed  
4021 in the same color. All political party names shall be displayed  
4022 in the same size and font.

4023 (b) All ballot questions, local options, referenda and  
4024 constitutional amendments shall be displayed in the same color.

4025 **SECTION 102.** Section 23-15-531.4, Mississippi Code of 1972,  
4026 is amended as follows:

4027 23-15-531.4. \* \* \*

4028 ( \* \* \*1) The circuit clerk shall be the custodian of the  
4029 DRE units acquired by the county and shall be charged with the  
4030 proper storage, maintenance and repair of the county's DRE units.

4031 \* \* \*

4032 ( \* \* \*2) \* \* \* The municipal clerk shall be the custodian  
4033 of the DRE unit acquired by the municipality, and shall be charged  
4034 with the proper storage, maintenance and repair of the DRE unit.

4035 \* \* \*

4036 (3) The custodian shall provide compensation for the safe  
4037 storage and care of the DRE units and related equipment if the  
4038 same are stored and secured by a person or entity other than the  
4039 circuit or municipal clerk.

4040 **SECTION 103.** Section 23-15-531.5, Mississippi Code of 1972,  
4041 is amended as follows:

4042 23-15-531.5. (1) The arrangement of offices, names of  
4043 candidates and ballot questions upon the DRE ballots shall conform



4044 as nearly as practicable to the arrangement of offices, names of  
4045 candidates and ballot questions on paper ballots.

4046 \* \* \*

4047 (2) The officials in charge of the election of each county  
4048 or municipality shall cause the creation of the database for each  
4049 DRE unit that is to be used in any precinct within the county or  
4050 municipality.

4051 **SECTION 104.** Section 23-15-531.6, Mississippi Code of 1972,  
4052 is amended as follows:

4053 23-15-531.6. (1) For each primary or general election, the  
4054 officials in charge of the election shall \* \* \* use at least  
4055 seventy-five percent (75%) of all \* \* \* DRE units \* \* \* available  
4056 to the county or municipality, as the case may be. For all other  
4057 elections in which the officials in charge of the election choose  
4058 to use DRE units, at least one-third (1/3) of all DRE units  
4059 available to the county or municipality, as the case may be, shall  
4060 be used in such elections.

4061 (2) The officials in charge of the election shall ensure the  
4062 delivery of the proper DRE units to the polling places of the  
4063 respective precincts at least one (1) hour before the time for  
4064 opening the polls at each election and shall cause each unit to be  
4065 set up in the proper manner for use in voting.

4066 (3) (a) On or before the second day before any election,  
4067 the officials in charge of the conduct of the election shall cause  
4068 each DRE unit to be tested for logic and accuracy to ascertain



4069 that the units will correctly count the votes cast for all offices  
4070 and on all questions, in a manner the Secretary of State may  
4071 further prescribe by rule or regulation.

4072 (b) Public notice of the time and place of the test  
4073 shall be made at least five (5) days before the date of the test.  
4074 Candidates, representatives of candidates, political parties, news  
4075 media and the public shall be permitted to observe the testing of  
4076 the DRE units.

4077 (4) The officials in charge of the conduct of the election  
4078 shall test all memory cards and encoders to be used in any  
4079 election.

4080 ( \* \* \*5) The officials in charge of the election shall  
4081 require that each DRE unit be \* \* \* inspected and sealed \* \* \*  
4082 before the delivery of each DRE unit to the polling place. \* \* \*  
4083 Before opening the polls each day on which the DRE units will be  
4084 used in an election, the poll manager shall break the seal on each  
4085 unit, turn on each unit, certify that each unit is operating  
4086 properly and is set to zero, and print a zero tape certifying that  
4087 each unit is set to zero and shall keep or record such  
4088 certification on each unit.

4089 ( \* \* \*6) The officials in charge of the election, election  
4090 commissioners and poll managers shall provide ample protection  
4091 against molestation of and injury to the DRE units, and, for that  
4092 purpose, the officials in charge of the election, election  
4093 commissioners and poll managers may call upon any law enforcement



4094 officer to furnish any assistance that may be necessary. It shall  
4095 be the duty of any law enforcement officer to furnish assistance  
4096 when so requested by the officials in charge of the election,  
4097 election commissioner or poll manager.

4098 ( \* \* \*7) The officials in charge of the election, in  
4099 conjunction with the governing authorities, shall, at least one  
4100 (1) hour \* \* \* before opening \* \* \* the polls:

4101 (a) Provide sufficient lighting to enable electors to  
4102 read the ballot and \* \* \* to enable poll managers \* \* \* to examine  
4103 the booth and \* \* \* conduct their responsibilities;

4104 (b) Provide directions for voting on the DRE  
4105 units \* \* \* that shall be prominently posted within each voting  
4106 booth and provide at least \* \* \* one (1) sample \* \* \* ballot  
4107 for \* \* \* each primary or general election \* \* \* shall be  
4108 prominently posted outside the enclosed space within the polling  
4109 place;

4110 (c) Ensure that each DRE \* \* \* unit and its tabulating  
4111 mechanism is secure throughout the day \* \* \*; and

4112 (d) Provide such other materials and supplies as may be  
4113 necessary or required by law.

4114 **SECTION 105.** Section 23-15-531.9, Mississippi Code of 1972,  
4115 is amended as follows:

4116 23-15-531.9. (1) A duly qualified elector shall cast his or  
4117 her vote on a DRE unit by touching the screen or pressing the  
4118 appropriate button on the DRE unit for the candidate or \* \* \*



4119 ballot measure of the elector's choice. After pressing the  
4120 appropriate button on the DRE unit or location on the screen to  
4121 cast the ballot, the elector's vote shall be final and shall not  
4122 be subsequently altered.

4123 (2) If an elector leaves the voting booth without having  
4124 pressed the appropriate button on the DRE unit or location on the  
4125 screen to finally cast his or her ballot and cannot be located to  
4126 return to the booth to complete the voting process, then a poll  
4127 manager shall take the steps necessary to void the ballot that was  
4128 not completed by the elector and an appropriate record shall be  
4129 made of the event, or the DRE unit shall be allowed to time-out,  
4130 thereby voiding the ballot.

4131 **SECTION 106.** Section 23-15-531.10, Mississippi Code of 1972,  
4132 is amended as follows:

4133 23-15-531.10. (1) In elections in which DRE \* \* \* units are  
4134 used, the ballots shall be counted at the precinct under the  
4135 direction of the officials in charge of the election. All persons  
4136 who perform any duties at the precinct shall \* \* \* take the \* \* \*  
4137 oath provided in \* \* \* Section 268, Mississippi Constitution of  
4138 1890 \* \* \* and only those persons \* \* \* shall touch any ballot,  
4139 container, paper or machine \* \* \* used in the conduct of the count  
4140 or be permitted \* \* \* in the immediate area \* \* \* where the  
4141 ballots are counted.

4142 (2) All proceedings at the precincts shall be open to the  
4143 view of the public, but no person except one employed and



4144 designated for the purpose by the officials in charge of the  
4145 election shall touch any ballot, any DRE unit or the tabulating  
4146 equipment.

4147 (3) After the polls have closed and all voting in the  
4148 precinct has ceased, the poll manager shall shut down the DRE  
4149 units and extract the election results from each unit as follows:

4150 (a) The poll manager shall obtain the results tape from  
4151 each DRE unit and verify that the number of ballots cast as  
4152 recorded on the tape matches the public count number as displayed  
4153 on the DRE unit; and

4154 (b) \* \* \* The poll manager shall \* \* \* extract the  
4155 memory card, if applicable, from each DRE unit.

4156 (4) (a) Upon completion of shutting down each DRE unit and  
4157 extracting the election results, the poll manager shall cause to  
4158 be completed and signed a ballot recap form, in sufficient  
4159 counterparts, showing:

4160 (i) The number of valid ballots;

4161 (ii) The number of spoiled \* \* \* ballots;

4162 (iii) The number of affidavit ballots; \* \* \*

4163 (iv) The number of accepted and rejected absentee  
4164 ballots;

4165 (v) The number of challenged and rejected ballots;

4166 and

4167 (vi) The number of unused \* \* \* paper

4168 ballots \* \* \*.



4169 (b) The poll manager shall cause to be placed in the  
4170 ballot box or supply container, should the supply container be  
4171 capable of being sealed and secured, one (1) copy of the recap  
4172 form \* \* \*, affidavit ballots, absentee ballots, spoiled \* \* \*  
4173 ballots, challenged and rejected ballots and any unused paper  
4174 ballots.

4175 (5) The poll manager shall collect and retain the zero tape  
4176 and the results tape for each DRE unit and place the tapes with  
4177 the memory card, if any, for each unit and enclose all such items  
4178 for all of the DRE units used in the precinct in \* \* \* the memory  
4179 card transport bag which shall be sealed and initialed by the poll  
4180 manager so that it cannot be opened without breaking the seal.  
4181 The memory card transport bag shall be placed in the ballot box.

4182 (6) The receiving and returning poll manager shall then  
4183 deliver the \* \* \* sealed ballot box to the tabulating center for  
4184 the county or municipality or to such other place designated by  
4185 the officials in charge of the election and shall receive a  
4186 receipt therefor. The copies of the recap forms, unused ballots,  
4187 records and other materials shall be returned to the designated  
4188 location and retained as provided by law.

4189 (7) Upon receipt of the sealed \* \* \* ballot box and memory  
4190 card transport bag that contains the zero tapes, results tapes and  
4191 memory cards, the officials in charge of the election shall \* \* \*  
4192 break the seal of the \* \* \* memory card transport bag and remove  
4193 its contents. The officials in charge of the election shall then



4194 download the results stored on the memory card from each DRE unit  
4195 into the election management system located at the central  
4196 tabulation point of the county in order to obtain election results  
4197 for certification.

4198 **SECTION 107.** Section 23-15-531.12, Mississippi Code of 1972,  
4199 is amended as follows:

4200 23-15-531.12. If for any reason any \* \* \* DRE unit shall  
4201 become inoperable, the poll managers, or the officials in charge  
4202 of the election, shall direct voters to \* \* \* an operating \* \* \*  
4203 DRE unit or to cast \* \* \* emergency paper ballots. Such paper  
4204 ballots shall be administered \* \* \* in accordance with the laws  
4205 concerning paper ballots.

4206 **SECTION 108.** Section 23-15-541, Mississippi Code of 1972, is  
4207 amended as follows:

4208 23-15-541. (1) At all elections, the polls shall be opened  
4209 promptly at \* \* \* 7:00 a.m. and be kept open until the last  
4210 qualified voter, who was standing in line at the polling place at  
4211 7:00 p.m., has cast his or her ballot, or 7:00 p.m., whichever is  
4212 later. \* \* \* One (1) hour before opening \* \* \* the polls, and not  
4213 before, the poll managers \* \* \* shall designate two (2) of their  
4214 number, other than the poll manager \* \* \* who was designated as  
4215 the receiving and returning poll manager \* \* \*, who shall \* \* \* be  
4216 known respectively as the initialing poll manager and the  
4217 alternate initialing poll manager. The alternate initialing poll  
4218 manager, in the absence of the initialing poll manager, shall





4219 perform all of the duties and undertake all of the  
4220 responsibilities of the initialing poll manager. When any person  
4221 entitled to vote shall appear to vote, the poll managers shall  
4222 locate the name of the voter in the pollbook, identify the voter  
4223 by requiring the voter to submit acceptable photo identification  
4224 as required by Section 23-15-563, and then allow the voter \* \* \*  
4225 to sign his or her name in a receipt book or booklet provided for  
4226 that purpose and to be used at that election only. \* \* \* After  
4227 the voter has signed the receipt book or booklet, the initialing  
4228 poll manager or, in his or her absence, the alternate initialing  
4229 poll manager shall endorse his or her initials on the back of an  
4230 official blank ballot, prepared in accordance with law, and at  
4231 such place on the back of the ballot that the initials may be seen  
4232 after the ballot has been marked and folded, and when so endorsed  
4233 he or she shall deliver it to the voter, which ballot the voter  
4234 shall mark in the manner provided by law, which when done the  
4235 voter shall deliver the ballot to the initialing poll manager or,  
4236 in his or her absence, to the alternate initialing poll manager,  
4237 in the presence of the others, and the poll manager shall see that  
4238 the ballot so delivered bears on the back thereof the genuine  
4239 initials of the initialing poll manager, or alternate initialing  
4240 poll manager, and if so, but not otherwise, the ballot shall be  
4241 put into the ballot box; and when so done one (1) of the poll  
4242 managers \* \* \* shall mark the pollbook "VOTED" across from the  
4243 name of the voter and in the appropriate column. If the voter is



4244 unable to write his or her name on the receipt book, a poll  
4245 manager \* \* \* shall note on the back of the ballot that it was  
4246 receipted for by \* \* \* the poll manager's assistance.

4247 (2) \* \* \* A poll manager shall be authorized to allow a  
4248 physically disabled person to vote curbside during the hours in  
4249 which the polls are open as described in this section.

4250 (a) Where the poll managers of an election, exercising  
4251 their sound discretion, determine that a physically disabled  
4252 person has arrived at the polls in a motor vehicle to vote, two  
4253 (2) \* \* \* poll managers shall carry the pollbook, the receipt  
4254 book, and a ballot or voting device to the motor vehicle \* \* \*.  
4255 After determining \* \* \* the disabled person is a qualified elector  
4256 as provided by law by locating the disabled elector's name in the  
4257 pollbook, the poll managers shall identify the disabled elector by  
4258 requiring the elector to submit acceptable photo identification as  
4259 required by Section 23-15-563 and then allow the elector to sign  
4260 his or her name in the receipt book and \* \* \* cast his or her  
4261 ballot in secret. To ensure the secrecy of the vote of the  
4262 disabled elector, other passengers in the motor vehicle, except  
4263 the disabled elector and any other disabled persons in the motor  
4264 vehicle, shall exit the motor vehicle until the disabled elector  
4265 has completed the casting of his or her ballot. After the  
4266 disabled elector casts his or her ballot, the poll managers shall  
4267 mark \* \* \* "VOTED" by the elector's name and in the appropriate  
4268 column in the pollbook.



4269 (b) If the ballot that is provided to the disabled  
4270 elector is a paper ballot, the initialing poll manager shall  
4271 initial the ballot as provided by law, and the disabled elector,  
4272 after marking his or her ballot shall fold the ballot or place it  
4273 in the ballot sleeve. The initialing poll manager or alternate  
4274 initialing poll manager shall determine whether the initials on  
4275 the ballot are genuine, and upon a determination that the initials  
4276 are genuine, mark "VOTED" by the elector's name and in the  
4277 appropriate column in the pollbook. The initialing poll manager  
4278 or alternate initialing poll manager shall without delay place the  
4279 ballot in the ballot box.

4280 (c) If, while a voter is voting by curbside, there are  
4281 less than three (3) poll managers immediately present within the  
4282 polling place conducting an election \* \* \*, all voting at the  
4283 polls shall stop until the poll managers conducting the curbside  
4284 voting \* \* \* return to the polls so that there are at least three  
4285 (3) poll managers immediately present within the polling place to  
4286 conduct the election \* \* \*, and until a minimum of three (3) poll  
4287 managers are present, the remaining poll manager or poll managers  
4288 shall ensure the security of the ballot box, the voting devices,  
4289 and any ballots and election materials.

4290 (3) Nothing in this section shall prevent a voter from  
4291 requesting voter assistance as provided in Section 23-15-549.

4292 **SECTION 109.** Section 23-15-543, Mississippi Code of 1972, is  
4293 amended as follows:



4294 23-15-543. The receipt booklet, mentioned in Section  
4295 23-15-541, shall not be taken out of the polling place at any time  
4296 until finally \* \* \* enclosed in the ballot box, except in case of  
4297 any adjournment, when the receipt \* \* \* book shall be \* \* \* sealed  
4298 in the ballot box.

4299 **SECTION 110.** Section 23-15-547, Mississippi Code of 1972, is  
4300 amended as follows:

4301 23-15-547. \* \* \* Instead of placing the signatures of voters  
4302 in a paper receipt book, the signatures of voters may be  
4303 electronically captured in the polling place and a paper version  
4304 of the signatures of voters may be generated after the close of  
4305 the polling place, which shall be sealed in the ballot box.

4306 **SECTION 111.** Section 23-15-551, Mississippi Code of 1972, is  
4307 amended as follows:

4308 23-15-551. On receiving his or her ballot, the voter  
4309 shall \* \* \* go without undue delay into one (1) of the voting  
4310 compartments \* \* \* and shall there prepare his or her ballot by  
4311 marking with ink or indelible pencil on the appropriate margin or  
4312 place a cross (X) opposite the name of the candidate of his or her  
4313 choice for each office \* \* \* or by \* \* \* writing in the name  
4314 of \* \* \* a candidate \* \* \* in the blank space provided \* \* \*, and  
4315 marking a cross (X) opposite thereto, and likewise a cross (X)  
4316 opposite the answer he or she desires to give in case of an  
4317 election on a constitutional amendment, local option election,  
4318 referenda or any other question or matter. As an alternative



4319 method, a voter may, at his or her option, prepare \* \* \* a ballot  
4320 by marking with ink or indelible pencil in the appropriate margin  
4321 or place a check, in the form of and similar to a "V", opposite  
4322 the name of the candidate of his or her choice for each  
4323 office \* \* \* or by \* \* \* writing in the name of \* \* \* a  
4324 candidate \* \* \* in the blank space provided \* \* \* and marking a  
4325 check \* \* \* in the form of and similar to a "V", opposite thereto,  
4326 and likewise a check, in the form of and similar to a "V",  
4327 opposite the answer he or she desires to give in case of an  
4328 election on a constitutional amendment, local option election,  
4329 referenda or other question or matter, either of which methods of  
4330 marking, whether by a cross (X) or by a check in the form of and  
4331 similar to a "V", is authorized. Before leaving the voting  
4332 compartment, the voter shall fold his or her ballot without  
4333 displaying \* \* \* its markings \* \* \*, but so that the words  
4334 "OFFICIAL BALLOT," followed by the designation of the voting  
4335 precinct and the date of the election, shall be visible to  
4336 the \* \* \* poll managers \* \* \*, then deposit \* \* \* his or her  
4337 ballot directly into the ballot box \* \* \*. This \* \* \* shall \* \* \*  
4338 be done without undue delay, and as soon as \* \* \* the voter has  
4339 voted he or she shall \* \* \* promptly exit the \* \* \* polling  
4340 place \* \* \*. A voter shall not be allowed to occupy a voting  
4341 compartment already occupied by another voter, nor any compartment  
4342 longer than ten (10) minutes, if other voters \* \* \* are not  
4343 waiting, nor longer than five (5) minutes if other voters \* \* \*



4344 are waiting. A person shall not be allowed in the room in which  
4345 the ballot boxes, compartments, tables and shelves are, except the  
4346 officers of the election, and those appointed by them to assist  
4347 therein, and those authorized by Section 23-15-577.

4348 **SECTION 112.** Section 23-15-553, Mississippi Code of 1972, is  
4349 amended as follows:

4350 23-15-553. A person shall not take or remove any ballot from  
4351 the polling place before the close of the polls. If any voter  
4352 spoils a ballot he or she may obtain others, one (1) at a time,  
4353 not exceeding three (3) in all, upon returning each spoiled  
4354 ballot. The word "SPOILED" shall be written across the face of  
4355 the ballot and each ballot shall be deposited into the sealed  
4356 ballot box. When the polls have closed upon the casting of the  
4357 last ballot or 7:00 p.m., whichever is later, and the poll  
4358 managers break the seal on the ballot box to begin closing  
4359 procedures, those ballots marked as "SPOILED" shall be bundled  
4360 together and placed in a separate strong envelope provided for  
4361 spoiled ballots. The envelope containing all spoiled ballots  
4362 shall be sealed in the ballot box once the poll managers have  
4363 completed the closing procedures and returned the materials to the  
4364 officials in charge of the election.

4365 **SECTION 113.** Section 23-15-563, Mississippi Code of 1972, is  
4366 amended as follows:

4367 23-15-563. (1) Each person who \* \* \* appears to vote in  
4368 person at a polling place or the registrar's office shall be



4369 required to identify himself or herself to \* \* \* a poll manager or  
4370 the registrar by presenting current and valid photo identification  
4371 before such person shall be allowed to vote.

4372 (2) The identification required by subsection (1) of this  
4373 section shall include, but not be limited to, the following:

4374 (a) A current and valid Mississippi driver's license;

4375 (b) A current and valid identification card issued by a  
4376 branch, department, agency or entity of the State of Mississippi;

4377 (c) A current and valid United States passport;

4378 (d) A current and valid employee identification card  
4379 containing a photograph of the elector and issued by any branch,  
4380 department, agency or entity of the United States government, the  
4381 State of Mississippi, or any county, municipality, board,  
4382 authority or other entity of this state;

4383 (e) A current and valid Mississippi license to carry a  
4384 pistol or revolver;

4385 (f) A valid tribal identification card containing a  
4386 photograph of the elector;

4387 (g) A current and valid United States military  
4388 identification card;

4389 (h) A current and valid student identification card,  
4390 containing a photograph of the elector, issued by any accredited  
4391 college, university or community or junior college in the State of  
4392 Mississippi; and



4393 (i) An official Mississippi voter identification card  
4394 containing a photograph of the elector.

4395 (3) (a) A person who appears to vote in person at a polling  
4396 place and does not have identification as required by this section  
4397 may vote by affidavit ballot. The affidavit ballot shall then be  
4398 counted if the person shall present acceptable photo  
4399 identification to the registrar within five (5) days.

4400 (b) An elector who has a religious objection to being  
4401 photographed may vote by affidavit ballot, and the elector, within  
4402 five (5) days after the election, shall execute an affidavit in  
4403 the registrar's office affirming that the exemption applies.

4404 \* \* \*

4405 ( \* \* \*4) The intentional failure of an election official to  
4406 require a voter to present identification as required by this  
4407 section shall be considered corrupt conduct under Section 97-13-19  
4408 and shall be reported to the Secretary of State and the Attorney  
4409 General.

4410 **SECTION 114.** Section 23-15-571, Mississippi Code of 1972, is  
4411 amended as follows:

4412 23-15-571. (1) The following persons shall be designated as  
4413 authorized challengers and shall be allowed to challenge the  
4414 qualifications of any person offering to vote:

4415 (a) Any candidate whose name is on the ballot in the  
4416 precinct in which the challenge is made;





4417 (b) Any official poll watcher of a candidate whose name  
4418 is on the ballot in the precinct in which the challenge is made;

4419 (c) Any official poll watcher of a political party for  
4420 the precinct in which the challenge is made;

4421 (d) Any qualified elector from the precinct in which  
4422 the challenge is made; or

4423 (e) Any poll manager \* \* \* or poll worker in the  
4424 polling place where the person whose qualifications are challenged  
4425 is offering to vote.

4426 (2) The challenge of any authorized challenger shall be  
4427 considered and acted upon by the poll managers of the election.

4428 (3) A person offering to vote may be challenged upon the  
4429 following grounds:

4430 (a) That \* \* \* the voter is not a registered voter in  
4431 the precinct;

4432 (b) That \* \* \* the voter is not the registered voter  
4433 under whose name \* \* \* the voter has applied to vote;

4434 (c) That \* \* \* the voter has already voted in the  
4435 election;

4436 (d) That \* \* \* the voter is not a resident in the  
4437 precinct where \* \* \* the voter is registered;

4438 (e) That \* \* \* the voter has illegally registered to  
4439 vote;

4440 (f) That \* \* \* the voter has removed his or her ballot  
4441 from the polling place; or



4442 (g) That \* \* \* the voter is otherwise disqualified by  
4443 law.

4444 **SECTION 115.** Section 23-15-573, Mississippi Code of 1972, is  
4445 amended as follows:

4446 23-15-573. (1) If any person declares that he or she is a  
4447 registered voter in the jurisdiction in which he or she offers to  
4448 vote and that he or she is eligible to vote in the election, but  
4449 his or her name does not appear upon the pollbooks, or that he or  
4450 she is not able to cast a regular election day ballot under a  
4451 provision of state or federal law but is otherwise qualified to  
4452 vote, or that he or she has been illegally denied registration, or  
4453 that he or she is unable to present an acceptable form of photo  
4454 identification:

4455 (a) A poll manager shall notify the person that he or  
4456 she may cast an affidavit ballot at the election.

4457 (b) The person shall be permitted to cast an affidavit  
4458 ballot at the polling place upon execution of a written affidavit  
4459 before one (1) of the poll managers \* \* \* stating that the  
4460 individual:

4461 (i) Believes he or she is a registered voter in  
4462 the jurisdiction in which he or she desires to vote and is  
4463 eligible to vote in the election; or

4464 (ii) Is not able to cast a regular election day  
4465 ballot under a provision of state or federal law but is otherwise  
4466 qualified to vote; or



4467 (iii) Believes that he or she has been illegally  
4468 denied registration; or

4469 (iv) Is unable to present an acceptable form of  
4470 photo identification.

4471 (c) The poll manager shall allow the individual  
4472 to \* \* \* mark a paper ballot properly endorsed by the initialing  
4473 poll manager or alternate initialing poll manager in accordance  
4474 with Section 23-15-541, which shall be delivered by him or her to  
4475 the proper election official who shall enclose it in an affidavit  
4476 ballot envelope, with the written and signed affidavit of the  
4477 voter affixed to the envelope, seal the envelope and mark plainly  
4478 upon it the name of the person offering to vote.

4479 (2) The affidavit ballot envelope shall include:

4480 (a) The complete name \* \* \* of the voter;

4481 (b) A present and previous physical and mailing address  
4482 of the voter;

4483 (c) Telephone numbers where the voter may be contacted;

4484 ( \* \* \* d) A statement that the affiant believes he or  
4485 she is registered to vote in the jurisdiction in which he or she  
4486 offers to vote;

4487 ( \* \* \* e) The signature of the affiant; and

4488 ( \* \* \* f) The signature of \* \* \* the poll manager at  
4489 the \* \* \* polling place at which the affiant offers to vote.



4490 (3) (a) A separate \* \* \* receipt book shall be maintained  
4491 for affidavit \* \* \* voters and the \* \* \* affidavit voters shall  
4492 sign the \* \* \* receipt book upon completing the affidavit ballot.

4493 (b) If the affidavit voter is casting an affidavit  
4494 ballot because the voter is unable to present an acceptable form  
4495 of photo identification and the voter's name appears in the  
4496 pollbook, then the poll manager shall write "NO ID" across from  
4497 the voter's name and in the appropriate column in the pollbook.

4498 ( \* \* \* c) In canvassing the returns of the election,  
4499 the executive committee in primary elections, or the election  
4500 commissioners in other elections, shall examine the records and  
4501 allow the ballot to be counted, or not counted as it appears  
4502 legal.

4503 (d) An affidavit ballot of a voter who was unable to  
4504 present an acceptable form of photo identification shall not be  
4505 rejected for this reason if the voter does either of the  
4506 following:

4507 (i) Returns to the circuit clerk's office within  
4508 five (5) business days after the date of the election and presents  
4509 an acceptable form of photo identification;

4510 (ii) Returns to the circuit clerk's office within  
4511 five (5) business days after the date of the election to obtain  
4512 the Mississippi Voter Identification Card; or



4513                   (iii) Returns to the circuit clerk's office within  
4514 five (5) business days after the date of the election to execute a  
4515 separate Affidavit of Religious Objection.

4516           (4) When a person is offered the opportunity to vote by  
4517 affidavit ballot, he or she shall be provided with written  
4518 information that informs the person how to ascertain whether his  
4519 or her affidavit ballot was counted and, if the vote was not  
4520 counted, the reasons the vote was not counted.

4521           (5) The officials in charge of the election shall process  
4522 all affidavit ballots by using the Statewide Elections Management  
4523 System. The officials in charge of the election shall account for  
4524 all affidavit ballots cast in each election, categorizing the  
4525 affidavit ballots cast by reason and recording the total number of  
4526 affidavit ballots counted and not counted in each such category in  
4527 the Statewide Elections Management System.

4528           ( \* \* \*6) The Secretary of State shall, by rule duly  
4529 adopted, establish a uniform \* \* \* affidavit ballot envelope \* \* \*  
4530 that shall be used in all elections in this state. The Secretary  
4531 of State shall print and distribute a sufficient number of \* \* \*  
4532 affidavit ballot envelopes to the registrar of each county for use  
4533 in elections. The registrar shall distribute the \* \* \* affidavit  
4534 ballot envelopes to municipal and county executive committees for  
4535 use in primary elections and to municipal and county election  
4536 commissioners for use in all other elections.



4537 ( \* \* \*7) County registrars and municipal registrars shall  
4538 \* \* \* maintain a secure free access system that complies with the  
4539 Help America Vote Act of 2002, by which persons who vote by  
4540 affidavit ballot may determine if their ballots were counted, and  
4541 if not, the reasons the ballot was not counted.

4542 ( \* \* \*8) Any person who votes in any election as a result  
4543 of a federal or state court order or other order extending the  
4544 time established by law for closing the polls on an election day,  
4545 may only vote by affidavit ballot. Any affidavit ballot cast  
4546 under this subsection shall be separated and kept apart from other  
4547 affidavit ballots cast by voters not affected by the order.

4548 **SECTION 116.** Section 23-15-575, Mississippi Code of 1972, is  
4549 amended as follows:

4550 23-15-575. \* \* \* No person shall vote or attempt to vote in  
4551 the primary election of one (1) party when he or she has voted on  
4552 the same date in the primary election of another party. No person  
4553 shall vote or attempt to vote in the second primary election of  
4554 one (1) party when he or she has voted in the first primary  
4555 election of another party.

4556 **SECTION 117.** Section 23-15-577, Mississippi Code of 1972, is  
4557 amended as follows:

4558 23-15-577. (1) Each candidate on the ballot shall have the  
4559 right, either in person or by a \* \* \* credentialed poll watcher,  
4560 to be present at the polling place \* \* \*. In general and special  
4561 elections, each political party that has a candidate on the ballot



4562 shall have the right to be represented at the polling place by two  
4563 (2) credentialed poll watchers.

4564 (2) A credentialed poll watcher means a poll watcher of good  
4565 conduct and behavior, authorized in writing to act as the  
4566 representative of a candidate on the ballot or political party  
4567 that has a candidate on the ballot. The written authorization of  
4568 the candidate or political party must be presented to a poll  
4569 manager by the certified poll watcher upon arrival at the polling  
4570 place.

4571 (3) Poll managers shall provide \* \* \* candidates and  
4572 credentialed poll watchers with a suitable position from  
4573 which \* \* \* they may be able to \* \* \* clearly see and hear the  
4574 manner in which the election is held. Candidates and credentialed  
4575 poll watchers shall be authorized to bring their own pollbooks,  
4576 whether in a print or electronic form, to the polling place during  
4577 each general and special election.

4578 (4) \* \* \* Candidates and credentialed poll watchers shall be  
4579 allowed to challenge the qualifications of any person offering to  
4580 vote, and \* \* \* their challenge shall be considered and acted upon  
4581 by the poll managers. However, candidates and credentialed poll  
4582 watchers shall not be allowed to interfere in the election  
4583 process, which shall include, but not be limited to, the  
4584 following:

4585 (a) Communicating with any voter;



4586           (b) Physically touching or handling any ballot,  
4587 absentee ballot envelope, absentee ballot application or  
4588 affidavit ballot envelope;

4589           (c) Viewing or photographing the pollbooks while at  
4590 the polling place; or

4591           (d) Photographing the receipt books while at the  
4592 polling place.

4593           **SECTION 118.** Section 23-15-579, Mississippi Code of 1972, is  
4594 amended as follows:

4595           23-15-579. (1) All votes, which shall be challenged at the  
4596 polls, whether the question be raised by a poll manager or \* \* \*  
4597 another authorized challenger, shall be \* \* \* considered by \* \* \*  
4598 the poll managers \* \* \* at that time.

4599           (2) When it so clearly appears in the unanimous opinion of  
4600 the poll managers, either by the admissions or statements of the  
4601 person challenged or from \* \* \* documentary \* \* \* or \* \* \* oral  
4602 evidence then presented to the poll managers, that the challenge  
4603 is well taken, the vote shall be rejected entirely and shall not  
4604 be counted \* \* \*. In such case, the \* \* \* challenged voter shall  
4605 mark his or her choices and cast his or her vote by paper ballot.  
4606 After the ballot has been marked by the challenged voter, it shall  
4607 be marked by the poll manager on the back "REJECTED" and the name  
4608 of the voter and the reason the ballot of the challenged voter was  
4609 rejected shall also be written on the back \* \* \* of the ballot.  
4610 All rejected ballots shall be placed in the ballot box until the





4611 close of the polls at which time, upon the opening of the ballot  
4612 box, all rejected \* \* \* ballots shall be placed in a separate  
4613 strong envelope \* \* \* and returned \* \* \* to the box. \* \* \*

4614 (3) When it so clearly appears in the \* \* \* unanimous  
4615 opinion of the poll managers, either by the admissions or  
4616 statements of the person challenged or from documentary or oral  
4617 evidence then presented to the poll managers, that the challenge  
4618 is frivolous and not made in good faith, \* \* \* the poll managers  
4619 shall disregard \* \* \* the challenge and \* \* \* the voter shall cast  
4620 his or her vote as other voters in the polling place as though not  
4621 challenged.

4622 (4) When it does not so clearly appear whether the challenge  
4623 is well taken or frivolous and no unanimous decision can be made  
4624 by the poll managers, the challenged voter shall mark his or her  
4625 choices and cast his or her vote by paper ballot. After the  
4626 ballot has been marked by the challenged voter, it shall be marked  
4627 by the poll managers on the back "CHALLENGED," and the name of the  
4628 voter and the reason the challenge of the voter was made shall  
4629 also be written on the back of the ballot. All challenged ballots  
4630 shall be placed in the ballot box until the close of the polls at  
4631 which time, upon the opening of the ballot box, all challenged  
4632 ballots shall be removed therefrom and separately counted, tallied  
4633 and totaled with a separate return made of the challenged votes.  
4634 Challenged ballots shall be placed in a separate strong envelope,  
4635 and returned to the ballot box.



4636           **SECTION 119.** Section 23-15-581, Mississippi Code of 1972, is  
4637 amended as follows:

4638           23-15-581. When the \* \* \* last qualified voter, who was  
4639 standing in line at the polling place at 7:00 p.m., has cast his  
4640 or her ballot, or 7:00 p.m., whichever is later, the poll managers  
4641 shall proclaim that the polls are closed and \* \* \* publicly break  
4642 the seal and open the ballot box \* \* \* to immediately proceed to  
4643 count the ballots, at the same time reading aloud the names of the  
4644 persons voted for, which shall be taken down \* \* \*. During the  
4645 holding of the election and the counting of the ballots, the whole  
4646 proceedings shall be in fair and full view of the voting public,  
4647 candidates or their duly authorized representatives and other  
4648 authorized poll watchers, without unnecessary interference, delay  
4649 or encroachment upon the good order of the duties and proceedings  
4650 of the poll managers and other officers of the election. \* \* \*  
4651 There shall be no unnecessary delay and no adjournment except as  
4652 provided by law.

4653           **SECTION 120.** Section 23-15-591, Mississippi Code of 1972, is  
4654 amended as follows:

4655           23-15-591. When the votes have been completely and correctly  
4656 counted and tallied by the poll managers they shall publicly  
4657 proclaim the result of the election at their box and shall certify  
4658 in duplicate a statement of the \* \* \* result, \* \* \* the  
4659 certificate to be signed by the poll managers \* \* \*, one (1) of  
4660 the certificates to be \* \* \* enclosed in the ballot box, and the



4661 other to be delivered to and to be kept by one (1) of the poll  
4662 managers and to be inspected at any time by any voter who so  
4663 requests. When the count of the votes and the tally \* \* \* of the  
4664 votes have been completed, the poll managers shall lock and seal  
4665 the ballot box, having first placed therein all ballots voted, all  
4666 spoiled ballots and all unused ballots. There shall \* \* \* also be  
4667 enclosed one (1) of the duplicate receipts given by the poll  
4668 manager who received the blank ballots received for that box; and  
4669 the total ballots voted, and the spoiled ballots, and the unused  
4670 ballots must correspond in total with the \* \* \* duplicate receipt  
4671 or else the failure thereof must be perfectly accounted for by a  
4672 written statement, under oath of the poll managers, which  
4673 statement must be \* \* \* enclosed in the ballot box. There  
4674 shall \* \* \* also \* \* \* be enclosed in \* \* \* the box the tally  
4675 list, the receipt \* \* \* book containing the signed names of the  
4676 voters who voted; and the number of ballots voted must correspond  
4677 with the number of names signed in \* \* \* the receipt \* \* \* book.

4678 **SECTION 121.** Section 23-15-593, Mississippi Code of 1972, is  
4679 amended as follows:

4680 23-15-593. When the ballot box is opened and examined by the  
4681 county executive committee in the case of a primary election, or  
4682 county election commissioners in the case of other elections, and  
4683 it is found that there have been failures in material particulars  
4684 to comply with the requirements of Section 23-15-591 and Section  
4685 23-15-895 to such an extent that it is impossible to arrive at the



4686 will of the voters at such precinct, the entire box may be thrown  
4687 out unless it be made to appear with reasonable certainty that the  
4688 irregularities were not deliberately permitted or engaged in by  
4689 the poll managers at that box, or by one (1) of them responsible  
4690 for the wrong or wrongs, for the purpose of electing or defeating  
4691 a certain candidate or candidates by manipulating the election or  
4692 the returns thereof at that box in such manner as to have it  
4693 thrown out; in which latter case the county executive committee,  
4694 or the county election commission, as appropriate, shall conduct  
4695 such hearing and make such determination in respect to \* \* \* the  
4696 box as may appear lawfully just, subject to a judicial review  
4697 of \* \* \* the matter as elsewhere provided by this chapter. Or the  
4698 executive committee, or the election commission, or the court upon  
4699 review, may order another election to be held at that box  
4700 appointing new poll managers to hold the same.

4701 **SECTION 122.** Section 23-15-595, Mississippi Code of 1972, is  
4702 amended as follows:

4703 23-15-595. The box containing the ballots and other records  
4704 required by this chapter shall, \* \* \* immediately after the  
4705 ballots have been counted, be delivered by one (1) of the \* \* \*  
4706 poll managers to the clerk of the circuit court of the county  
4707 and \* \* \* the clerk shall, in the presence of the poll manager  
4708 making delivery of the box, place upon the lock of such box a  
4709 \* \* \* tamper-evident seal \* \* \*. \* \* \* The seals shall be  
4710 numbered consecutively to the number of ballot boxes used in the



4711 election in the county, and the clerk shall keep in a place  
4712 separate from such boxes a record of the number of the seal of  
4713 each separate box in the county. The board of supervisors of the  
4714 county shall pay the cost of providing \* \* \* the seals. Upon  
4715 demand of the \* \* \* chair of the county executive committee in the  
4716 case of primary elections, or the county election commissioner in  
4717 the case of other elections, the boxes and their contents shall be  
4718 delivered to the county executive committee, or the county  
4719 election commission, as appropriate, and after such committee or  
4720 commission, as appropriate, has finished the work of tabulating  
4721 returns and counting ballots as required by law, the \* \* \*  
4722 committee or commission, as appropriate, shall return all papers  
4723 and ballots to the box of the precinct where \* \* \* the election  
4724 was held, and it shall make redelivery of \* \* \* the boxes and  
4725 their contents to the circuit clerk who shall reseal \* \* \* the  
4726 boxes. Upon every occasion \* \* \* the boxes shall be reopened and  
4727 each resealing shall be done as provided in this chapter.

4728         **SECTION 123.** Section 23-15-597, Mississippi Code of 1972, is  
4729 amended as follows:

4730         23-15-597. (1) The county executive committee shall meet  
4731         \* \* \* no later than one (1) week from the day \* \* \* following  
4732 each primary election \* \* \* to receive and canvass the  
4733 returns \* \* \* that must be made within the time fixed by law for  
4734 returns of general elections and declare the result, and announce  
4735 the name of the nominees for county and county district offices



4736 and the names of those candidates to be submitted to the second  
4737 primary. The vote for state, state district offices and  
4738 legislative offices shall be tabulated by precincts and certified  
4739 to and returned to the State Executive Committee, such returns to  
4740 be mailed by registered letter or any safe mode of transmission  
4741 within thirty-six (36) hours after the returns are canvassed and  
4742 the result ascertained. The State Executive Committee shall  
4743 meet \* \* \* one (1) week from the day following the first primary  
4744 election held for state, state district offices and legislative  
4745 offices, and shall proceed to canvass the returns and to declare  
4746 the result, and announce the names of those nominated for the  
4747 different offices in the first primary and the names of those  
4748 candidates whose names are to be submitted to the second primary  
4749 election. The State Executive Committee shall also meet \* \* \* one  
4750 (1) week from the day on which the second primary election was  
4751 held and receive and canvass the returns for state and district  
4752 offices, if any, and legislative offices, if any, voted on  
4753 in \* \* \* the second primary. An exact and full duplicate of all  
4754 tabulations by precincts as certified under this section shall be  
4755 filed with the circuit clerk of the county who shall safely  
4756 preserve the same in his or her office.

4757 (2) (a) If it is eligible under Section 23-15-266, the  
4758 county executive committee may enter into a written agreement with  
4759 the circuit clerk or the county election commission authorizing  
4760 the circuit clerk or the county election commission to perform any



4761 of the duties required of the county executive committee pursuant  
4762 to this section. Any agreement entered into pursuant to this  
4763 subsection shall be signed by the \* \* \* chair of the county  
4764 executive committee and the circuit clerk or the \* \* \* chair of  
4765 the county election commission, as appropriate. The county  
4766 executive committee shall notify the State Executive Committee and  
4767 the Secretary of State of the existence of \* \* \* the agreement.

4768 (b) If it is eligible under Section 23-15-266, the  
4769 municipal executive committee may enter into a written agreement  
4770 with the municipal clerk or the municipal election commission  
4771 authorizing the municipal clerk or the municipal election  
4772 commission to perform any of the duties required of the municipal  
4773 executive committee pursuant to this section. Any agreement  
4774 entered into pursuant to this subsection shall be signed by  
4775 the \* \* \* chair of the municipal executive committee and the  
4776 municipal clerk or the \* \* \* chair of the municipal election  
4777 commission, as appropriate. The municipal executive committee  
4778 shall notify the State Executive Committee and the Secretary of  
4779 State of the existence of \* \* \* the agreement.

4780 **SECTION 124.** Section 23-15-601, Mississippi Code of 1972, is  
4781 amended as follows:

4782 23-15-601. (1) When the result of the election shall have  
4783 been ascertained by the poll managers they, or one (1) of their  
4784 number, or some fit person designated by them, shall, \* \* \* on the  
4785 night of the election, deliver to the election



4786 commissioners \* \* \*, at the courthouse, a statement of the whole  
4787 number of votes given for each person and for what office; and the  
4788 election commissioners \* \* \* shall canvass the returns, ascertain  
4789 and declare the result, and, within ten (10) days after the day of  
4790 the election, shall deliver a certificate of \* \* \* the election to  
4791 the person having the greatest number of votes for representative  
4792 in the Legislature of districts composed of one (1) county or  
4793 less, or other county office, board of supervisors, justice court  
4794 judge and constable. If it appears that two (2) or more  
4795 candidates for Representative of the county, or part of the  
4796 county, or for any county office, board of supervisors, justice  
4797 court judge or constable standing highest on the list, and not  
4798 elected, have an equal number of votes, the interested candidates  
4799 shall appear before the election commissioners within two (2) days  
4800 after the canvass and the tie shall be \* \* \* determined by a toss  
4801 of a coin or by lot fairly and publicly drawn \* \* \*, and a  
4802 certificate of election shall be given accordingly. The foregoing  
4803 provisions shall apply to Senators, if the county be a senatorial  
4804 district.

4805 (2) The election commissioners \* \* \* shall transmit to the  
4806 Secretary of State, on such forms and by such methods as may be  
4807 required by rules and regulations promulgated by the Secretary of  
4808 State, a statement of the total number of votes cast in the county  
4809 for each candidate for each office and the total number of votes





4810 cast for such candidates in each precinct in the district in which  
4811 the candidate ran.

4812           **SECTION 125.** Section 23-15-603, Mississippi Code of 1972, is  
4813 amended as follows:

4814           23-15-603. (1) The election commissioners \* \* \* shall,  
4815 within ten (10) days after the general election, transmit to the  
4816 Secretary of State, to be filed in his or her office, a statement  
4817 of the whole number of votes given in their county and the whole  
4818 number of votes given in each precinct in their county, for each  
4819 candidate for any office at the election; but the returns of every  
4820 election for Governor, Lieutenant Governor, Secretary of State,  
4821 Attorney General, Auditor of Public Accounts, State Treasurer,  
4822 Commissioner of Insurance and other state officers, shall each be  
4823 made out separately, sealed up together and transmitted to the  
4824 seat of government, directed to the Secretary of State, and  
4825 endorsed the "VOTE FOR STATE OFFICERS," to be delivered by the  
4826 Secretary of State to the Speaker of the House of Representatives  
4827 at the next ensuing session of the Legislature. In addition to  
4828 the other information required pursuant to this subsection, the  
4829 returns for state officers shall contain a statement of the whole  
4830 number of votes given in each House of Representative district or  
4831 portion thereof for each candidate for state office at the  
4832 election.

4833           (2) Constitutional amendments shall be voted for at the time  
4834 fixed by the concurrent resolution. The election, whether held



4835 separately or with other elections, shall be conducted, in all  
4836 respects, as required for elections generally. The election  
4837 commissioners \* \* \* shall, within ten (10) days after the  
4838 election, transmit to the Secretary of State a statement of the  
4839 whole number of votes given in their county and the whole number  
4840 of votes given in each precinct in their county for or against  
4841 constitutional amendments.

4842 (3) The statements certified by the election commissioners  
4843 and transmitted to the Secretary of State, as required by this  
4844 section, shall be tabulated by the Secretary of State and  
4845 submitted to each branch of the Legislature, at the session next  
4846 ensuing. Certified county vote totals shall represent the final  
4847 results of the election.

4848 (4) The statements required by this section shall contain a  
4849 certification, signed and dated by a majority of the election  
4850 commissioners \* \* \*, which shall read as follows:

4851 "We, the undersigned election commissioners \* \* \*, do  
4852 hereby certify that this statement of the whole number of  
4853 votes contains the official vote for the election reflected  
4854 therein."

4855 (5) The statements required by this section shall be  
4856 transmitted to the Secretary of State on such forms and by such  
4857 methods as may be required by rules and regulations promulgated by  
4858 the Secretary of State.



4859           **SECTION 126.** Section 23-15-605, Mississippi Code of 1972, is  
4860 amended as follows:

4861           23-15-605. The Secretary of State, immediately after  
4862 receiving the returns of an election, not longer than thirty (30)  
4863 days after the election, shall sum up the whole number of votes  
4864 given for each candidate other than candidates for state offices,  
4865 legislative offices composed of one (1) county or less, county  
4866 offices and county district offices, according to the statements  
4867 of the votes certified to him or her and ascertain the person or  
4868 persons having the largest number of votes for each office, and  
4869 declare such person or persons to be duly elected; and thereupon  
4870 all persons chosen to any office at the election shall be  
4871 commissioned by the Governor; but if it appears that two (2) or  
4872 more candidates for any district office where the district is  
4873 composed of two (2) or more counties, standing highest on the  
4874 list, and not elected, have an equal number of votes, the election  
4875 shall be \* \* \* decided between the candidates having an equal  
4876 number of votes by \* \* \* each candidate individually drawing one  
4877 (1) of the two (2) sealed containers from an opaque bag, under the  
4878 direction of the Governor and Secretary of State. The containers  
4879 shall consist of a straw of conspicuous length, and the candidate  
4880 drawing the container with the longer of the two (2) straws shall  
4881 be declared the winner.

4882           **SECTION 127.** Section 23-15-607, Mississippi Code of 1972, is  
4883 amended as follows:



4884           23-15-607. (1) The election commissioners \* \* \* shall,  
4885 within ten (10) days after an election for judges of the Supreme  
4886 Court or Court of Appeals, transmit to the Secretary of State, to  
4887 be filed in his or her office, a statement of the whole number of  
4888 votes given in their county, and the whole number of votes given  
4889 in each precinct in their county, for each candidate for the  
4890 Office of Judge of the Supreme Court or Court of Appeals, and the  
4891 Secretary of State shall immediately notify each member of the  
4892 State Board of Election Commissioners in writing to assemble at  
4893 his or her office on a day to be fixed by him or her, to be within  
4894 ten (10) days after the receipt by him or her of such statement,  
4895 and when assembled pursuant to such notice the State Board of  
4896 Election Commissioners shall sum up the whole number of votes  
4897 given for each candidate for judge of the Supreme Court or Court  
4898 of Appeals according to the total number of votes in each county  
4899 for each candidate as certified to the Secretary of State,  
4900 ascertain the person or persons to be elected; and thereupon all  
4901 persons chosen to such office at the election shall be  
4902 commissioned by the Governor; but if it appears that two (2) or  
4903 more candidates for judge of the Supreme Court or Court of Appeals  
4904 standing highest on the list, and not elected, have an equal  
4905 number of votes, the election shall be \* \* \* decided between the  
4906 candidates having an equal number of votes by \* \* \* each candidate  
4907 individually drawing one (1) of the two (2) sealed containers from  
4908 an opaque bag, under the direction of the Governor and Secretary



4909 of State. The containers shall consist of a straw of conspicuous  
4910 length, and the candidate drawing the container with the longer of  
4911 the two (2) straws shall be declared the winner.

4912 (2) The statements required by this section shall contain a  
4913 certification, signed and dated by a majority of the election  
4914 commissioners \* \* \*, which shall read as follows:

4915 "We, the undersigned election commissioners \* \* \*, do  
4916 hereby certify that this statement of the whole number of  
4917 votes contain the official vote for the election reflected  
4918 therein."

4919 (3) The statements required by this section shall be  
4920 transmitted to the Secretary of State on such forms and by such  
4921 methods as may be required by rules and regulations promulgated by  
4922 the Secretary of State.

4923 **SECTION 128.** Section 23-15-609, Mississippi Code of 1972, is  
4924 amended as follows:

4925 23-15-609. When a city or part of a county is entitled to  
4926 separate representation in the Legislature, the election  
4927 commissioners \* \* \* shall prepare for the election, and shall  
4928 receive and canvass the returns, declare the result, and transmit  
4929 it to the Secretary of State, and act in all respects as in other  
4930 elections.

4931 **SECTION 129.** Section 23-15-611, Mississippi Code of 1972, is  
4932 amended as follows:



4933           23-15-611. (1) In municipal elections, poll managers \* \* \*  
4934 shall, immediately upon the closing of the polls, count the  
4935 ballots and ascertain the number of votes cast in each voting  
4936 precinct for each of the candidates or ballot measures and make a  
4937 return thereof to the municipal election commissioners. On the  
4938 day following the election, the election commissioners shall  
4939 canvass the returns so received from all voting precincts and  
4940 shall, within \* \* \* six (6) days after \* \* \* the election, deliver  
4941 to each person receiving the highest number of votes a certificate  
4942 of election. If it shall appear that any two (2) or more of the  
4943 candidates receiving the highest number of votes shall have  
4944 received an equal number of votes, the election shall be decided  
4945 by a toss of a coin or by lot \* \* \* fairly and publicly  
4946 drawn \* \* \* under the direction of the election  
4947 commissioners \* \* \*.

4948           (2) (a) Within \* \* \* six (6) days after any election, the  
4949 municipal election commissioners shall transmit a statement to the  
4950 Secretary of State certifying the name or names of the person or  
4951 persons elected \* \* \*, and such person or persons shall be issued  
4952 commissions by the Governor. The statement shall also include  
4953 vote totals for each candidate for each office and vote totals for  
4954 and against ballot measures, if any, including the vote totals for  
4955 each candidate \* \* \* and ballot measure in each precinct in the  
4956 municipality.



4957           (b) The statements required by this subsection (2)  
4958 shall contain a certification, signed and dated by a majority of  
4959 the municipal election commissioners, which shall read as follows:

4960           "We, the undersigned municipal election commissioners, do  
4961 hereby certify that this statement contains the official vote for  
4962 the election reflected therein."

4963           (c) The statements required by this subsection (2)  
4964 shall be transmitted to the Secretary of State on such forms and  
4965 by such methods as may be required by rules and regulations  
4966 promulgated by the Secretary of State.

4967           (d) If the statement certifying the names of the  
4968 persons elected is not transmitted to the Secretary of State as  
4969 required by this subsection (2), the Secretary of State may issue  
4970 a show cause order directing the municipal election commissioners  
4971 to provide to the Secretary of State written response containing  
4972 the reasons for their failure to transmit the statement. The  
4973 municipal election commissioners shall file their response to the  
4974 show cause order with the Secretary of State within five (5)  
4975 working days after the issuance of the show cause order. If the  
4976 statement certifying the names of the persons elected is not  
4977 transmitted to the Secretary of State within five (5) working days  
4978 after the issuance of the show cause order, the Secretary of State  
4979 may petition a court of competent jurisdiction to compel the  
4980 municipal election commissioners to comply with this subsection  
4981 (2). If the statement certifying the names of the persons elected



4982 is received by the Secretary of State within five (5) days after  
4983 the issuance of the show cause order, a response to the show cause  
4984 order shall not be required.

4985           **SECTION 130.** Section 23-15-613, Mississippi Code of 1972, is  
4986 amended as follows:

4987           23-15-613. (1) As used in this section "residual votes"  
4988 means overvotes, undervotes and any other vote not counted for any  
4989 reason.

4990           (2) For every election, election commissions and county and  
4991 municipal executive committees shall report to the Secretary of  
4992 State residual vote information; however, if the voting devices  
4993 utilized in the election do not produce a ballot, other  
4994 information shall be reported as required in this section.

4995           (3) For every election, election commissions and county and  
4996 municipal executive committees responsible for the conduct of  
4997 elections in which ballots are generated that are counted by hand  
4998 or by \* \* \* OMR equipment or the tabulating mechanism of a DRE  
4999 unit shall report to the Secretary of State all residual votes for  
5000 all candidates and ballot measures in the elections for which they  
5001 are responsible for conducting. \* \* \* The residual vote reports  
5002 shall:

5003           (a) Be received by the Secretary of State no later than  
5004 December 15 of the year in which the election is held;

5005           (b) Include any suggested explanation or suspected  
5006 cause of the residual votes;





5007 (c) Include a copy of a voided official ballot for the  
5008 election as such ballot appeared to voters at the election and  
5009 copies of voided affidavit and absentee ballots if they are  
5010 different from the official ballot;

5011 (d) Include the total voter turnout for each election  
5012 to be determined by totaling the number of persons signing the  
5013 receipt book at each precinct, absentee voters and persons who  
5014 voted by affidavit ballot and persons whose ballots were  
5015 challenged and rejected; and

5016 (e) Include a copy of any printed voting instructions  
5017 given or visible to voters in the election and a description of  
5018 any verbal instructions and any other evidence of voter education  
5019 that was \* \* \* used in the election.

5020 (4) For every election, election commissions and county and  
5021 municipal executive committees responsible for the conduct of  
5022 election in which voting devices are used that do not generate  
5023 ballots that are counted by hand or by \* \* \* OMR equipment or the  
5024 tabulating mechanism of a DRE unit, shall file a report with the  
5025 Secretary of State which shall:

5026 (a) Be received by the Secretary of State no later than  
5027 December 15 of the year in which the election is held;

5028 (b) Include the total voter turnout for each election  
5029 to be determined by totaling the number of persons signing the  
5030 receipt book at each precinct, absentee voters and persons who



5031 voted by affidavit ballot and persons whose ballots were  
5032 challenged and rejected;

5033 (c) Include in the report any anecdotal information  
5034 obtained concerning voter problems with the voting equipment or  
5035 ballot layout;

5036 (d) Include in the report any suggested explanation or  
5037 suspected cause of any difference in the amount of total voter  
5038 turnout and the number of counted votes for candidates for various  
5039 offices; and

5040 (e) Include a copy of any printed voting instructions  
5041 given or visible to voters in the election and a description of  
5042 any verbal instructions and any other evidence of voter education  
5043 that was \* \* \* used in the election.

5044 (5) Not later than January 31 of the year following the  
5045 election, the Secretary of State shall submit a report to the  
5046 Governor, Lieutenant Governor and Speaker of the House of  
5047 Representatives analyzing the reports required to be filed  
5048 pursuant to this section. The analysis shall include the  
5049 following:

5050 (a) The performance of each voting device type used in  
5051 the election;

5052 (b) Any problems with voter or poll worker instructions  
5053 or ballot design and layout that have been identified as a result  
5054 of analyzing the reports received;



5055 (c) Recommendations for reducing the number of residual  
5056 votes reported; and

5057 (d) Such other information as the Secretary of State  
5058 deems beneficial.

5059 (6) The reports required pursuant to this section shall be  
5060 in such form as may be required by rules and regulations  
5061 promulgated by the Secretary of State.

5062 **SECTION 131.** The following shall be codified as Section  
5063 23-15-819, Mississippi Code of 1972:

5064 23-15-819. (1) It shall be unlawful for a foreign national,  
5065 directly or through any other person, to make any contribution or  
5066 any expenditure of money or other thing of value, or to promise  
5067 expressly or impliedly to make any such contribution or  
5068 expenditure, in connection with an election to any political  
5069 office or in connection with any primary election, convention or  
5070 caucus held to select candidates for any political office.

5071 (2) No person shall solicit, accept or receive any such  
5072 contribution from a foreign national.

5073 (3) The term "foreign national" means:

5074 (a) A foreign national as defined in 22 USCS 611(b),  
5075 except that the terms "foreign national" does not include any  
5076 individual who is a citizen of the United States; or

5077 (b) An individual who is not a citizen of the United  
5078 States and who is not lawfully admitted for permanent residence.



5079           **SECTION 132.** Section 23-15-831, Mississippi Code of 1972, is  
5080 amended as follows:

5081           23-15-831. When a vacancy other than in the  
5082 Legislature \* \* \* occurs by \* \* \* by death, resignation or otherwise,  
5083 in any state or state district elected office, \* \* \* and there is  
5084 no special provision of law for \* \* \* filling \* \* \* the vacancy,  
5085 the same shall be filled for the unexpired term by appointment by  
5086 the Governor.

5087           **SECTION 133.** Section 23-15-833, Mississippi Code of 1972, is  
5088 amended as follows:

5089           23-15-833. Except as otherwise provided by law, the first  
5090 Tuesday after the first Monday in November of each year shall be  
5091 designated the regular special election day, and on that day an  
5092 election shall be held to fill any vacancy in county, county  
5093 district, and district attorney elective offices, and any vacancy  
5094 in the office of circuit judge or chancellor.

5095           All special elections, or elections to fill vacancies, shall  
5096 in all respects be held, conducted and returned in the same manner  
5097 as general elections, except that where no candidate receives a  
5098 majority of the votes cast in \* \* \* the election, \* \* \* a runoff  
5099 election shall be held three (3) weeks after \* \* \* the  
5100 election \* \* \* . The two (2) candidates who receive the highest  
5101 popular votes for \* \* \* the office shall have their names  
5102 submitted as \* \* \* the candidates to the \* \* \* runoff and the  
5103 candidate who leads in \* \* \* the runoff election shall be elected



5104 to the office. When there is a tie in the first election of those  
5105 receiving the next highest vote, these two (2) and the one  
5106 receiving the highest vote, none having received a majority, shall  
5107 go into the runoff election and whoever leads in \* \* \* the runoff  
5108 election shall be entitled to the office.

5109 In those years when the regular special election day shall  
5110 occur on the same day as the general election, the names of  
5111 candidates in any special election and the general election shall  
5112 be placed on the same ballot, but shall be clearly distinguished  
5113 as general election candidates or special election candidates. At  
5114 any time a special election is held on the same day as a party  
5115 primary election, the names of the candidates in the special  
5116 election may be placed on the same ballot, but shall be clearly  
5117 distinguished as special election candidates or primary election  
5118 candidates.

5119 **SECTION 134.** Section 23-15-835, Mississippi Code of 1972, is  
5120 amended as follows:

5121 23-15-835. The election commissioners \* \* \* of the several  
5122 counties to whom the writ of election may be directed shall,  
5123 immediately \* \* \* upon receipt \* \* \* of the writ, give notice  
5124 of \* \* \* the special election to fill a vacancy in such county or  
5125 county district office by posting notices at the courthouse and in  
5126 each supervisor's district in the county for ninety (90)  
5127 days \* \* \* before the election; and \* \* \* the election shall be  
5128 prepared for and held as in case of a general election.



5129           **SECTION 135.** Section 23-15-837, Mississippi Code of 1972, is  
5130 amended as follows:

5131           23-15-837. (1) When a special election \* \* \* is called to  
5132 fill any state district office or legislative office and where  
5133 only one (1) person has duly qualified with the State Board of  
5134 Election Commissioners to be a candidate in \* \* \* the special  
5135 election within the time prescribed by law for qualifying as \* \* \*  
5136 a candidate, the State Board of Election Commissioners shall make  
5137 a finding and determination of \* \* \* that fact, which shall be  
5138 duly entered upon its official minutes.

5139           (2) A finding and determination and certification to office  
5140 by the State Board of Election Commissioners, as herein provided,  
5141 shall dispense with the holding of the special election.

5142           (3) A certified copy of the finding and determination of the  
5143 State Board of Election Commissioners shall be \* \* \* filed with  
5144 the Governor, and the Governor shall appoint the candidate so  
5145 certified to fill the unexpired term.

5146           **SECTION 136.** Section 23-15-839, Mississippi Code of 1972, is  
5147 amended as follows:

5148           23-15-839. (1) When a vacancy \* \* \* occurs in any county or  
5149 county district office, the same shall be filled by appointment by  
5150 the board of supervisors of the county, by order entered upon its  
5151 minutes, where the vacancy occurs, or by appointment of the  
5152 president of the board of supervisors, by and with the consent of  
5153 the majority of the board of supervisors, if such vacancy occurs



5154 when \* \* \* the board is not in session, and the clerk of the board  
5155 shall certify to the Secretary of State the \* \* \* appointment, and  
5156 the \* \* \* appointed person shall be commissioned by the Governor;  
5157 and if the unexpired term be longer than six (6) months, such  
5158 appointee shall serve until a successor is elected as hereinafter  
5159 provided, unless the regular special election day on which the  
5160 vacancy should be filled occurs in a year in which an election  
5161 would normally be held for that office as provided by law, in  
5162 which case the person so appointed shall serve the unexpired  
5163 portion of the term. Such vacancies shall be filled for the  
5164 unexpired term by the qualified electors at the next regular  
5165 special election day occurring more than ninety (90) days after  
5166 the \* \* \* vacancy occurs. The board of supervisors of the county  
5167 shall, within ten (10) days after the \* \* \* vacancy occurs, make  
5168 an order, in writing, directed to the election  
5169 commissioners \* \* \*, commanding an election to be held on the next  
5170 regular special election day to fill the vacancy. The election  
5171 commissioners shall require each candidate to qualify at least  
5172 sixty (60) days before the date of the election, and shall give a  
5173 certificate of election to the person elected, and shall return to  
5174 the Secretary of State a copy of the order of holding the  
5175 election, showing the election results \* \* \*, certified by the  
5176 clerk of the board of supervisors. The person elected shall be  
5177 commissioned by the Governor to take office once the election is  
5178 certified.



5179           (2) In any election ordered pursuant to this section where  
5180 only one (1) person \* \* \* qualifies with the election  
5181 commissioners \* \* \* to be a candidate within the time provided by  
5182 law, the election commissioners \* \* \* shall certify to the board  
5183 of supervisors that there is \* \* \* only one (1) candidate.  
5184 Thereupon, the board of supervisors shall dispense with the  
5185 election and \* \* \* appoint the certified candidate \* \* \* to fill  
5186 the unexpired term. The clerk of the board shall certify the  
5187 appointed candidate to the Secretary of State and the  
5188 candidate \* \* \* shall be commissioned by the Governor. In the  
5189 event \* \* \* no person \* \* \* qualifies by 5:00 p.m. sixty (60)  
5190 days \* \* \* before the date of the election, the election  
5191 commissioners \* \* \* shall certify that fact to the board of  
5192 supervisors \* \* \* who shall dispense with the election and fill  
5193 the vacancy by appointment. The clerk of the board of supervisors  
5194 shall certify the appointment to the Secretary of State \* \* \*, and  
5195 the \* \* \* appointed person shall be commissioned by the Governor.

5196           **SECTION 137.** Section 23-15-843, Mississippi Code of 1972, is  
5197 amended as follows:

5198           23-15-843. In case of death, resignation or vacancy from any  
5199 cause in the office of district attorney, the unexpired term of  
5200 which shall exceed six (6) months, the Governor shall within ten  
5201 (10) days after \* \* \* the vacancy occurs issue \* \* \* a  
5202 proclamation calling an election to fill a vacancy in the office  
5203 of district attorney to be held on the next regular special





5204 election day in the district \* \* \* where the vacancy \* \* \*  
5205 occurred unless the vacancy \* \* \* occurs \* \* \* in a year in  
5206 which \* \* \* a general election would normally be held for that  
5207 office as provided by law, in which case the \* \* \* appointed  
5208 person shall serve the unexpired portion of the term. Candidates  
5209 in such a special election shall qualify in the same manner  
5210 and \* \* \* be subject to the same time limitations as set forth in  
5211 Section 23-15-839. Pending the holding of \* \* \* a special  
5212 election, the Governor shall make an emergency appointment to fill  
5213 the vacancy until the same shall be filled by election \* \* \*.

5214 **SECTION 138.** Section 23-15-849, Mississippi Code of 1972, is  
5215 amended as follows:

5216 23-15-849. (1) Vacancies in the office of circuit judge or  
5217 chancellor shall be filled for the unexpired term by the qualified  
5218 electors at the next regular special election occurring more than  
5219 nine (9) months after the \* \* \* vacancy to be filled occurred, and  
5220 the term of office of the person elected to fill a vacancy shall  
5221 commence on the first Monday in January following \* \* \* the  
5222 election. Upon the \* \* \* occurrence of \* \* \* a vacancy, the  
5223 Governor shall appoint a qualified person from the district in  
5224 which the vacancy exists to hold the office and discharge the  
5225 duties thereof until the vacancy \* \* \* is filled by election as  
5226 provided in this subsection.

5227 (2) (a) If half or more than half of the term remains,  
5228 vacancies in the office of \* \* \* justice of the Supreme Court or



5229 judge of the Court of Appeals shall be filled for the unexpired  
5230 term by the qualified electors at the next regular election for  
5231 state officers or for representatives in Congress occurring more  
5232 than nine (9) months after the \* \* \* vacancy to be filled  
5233 occurred, and the term of office of the person elected to fill a  
5234 vacancy shall commence on the first Monday in January  
5235 following \* \* \* the election. If less than half of the term  
5236 remains, vacancies in the office of \* \* \* justice of the Supreme  
5237 Court or judge of the Court of Appeals shall be filled for the  
5238 remaining unexpired term solely by appointment as provided in this  
5239 subsection.

5240 (b) Upon occurrence of a vacancy, the Governor shall  
5241 appoint a qualified person from the district in which the vacancy  
5242 exists to hold the office and discharge the duties thereof as  
5243 follows:

5244 (i) If less than half of the term remains, the  
5245 appointee shall serve until expiration of the term;

5246 (ii) If half or more than half of the term  
5247 remains, the appointee shall serve until the vacancy \* \* \* is  
5248 filled by election as provided in subsection (1) of this section  
5249 for judges of the circuit and chancery courts. Elections to fill  
5250 vacancies in the office of \* \* \* justice of the Supreme Court or  
5251 judge of the Court of Appeals shall be held, conducted, returned  
5252 and the persons elected commissioned in accordance with the law  
5253 governing regular elections for \* \* \* justices of the Supreme



5254 Court or judges of the Court of Appeals \* \* \* to the extent  
5255 applicable.

5256 \* \* \*

5257 **SECTION 139.** Section 23-15-851, Mississippi Code of 1972, is  
5258 amended as follows:

5259 23-15-851. (1) Except as otherwise provided in subsection  
5260 (2) of this section, within thirty (30) days after vacancies occur  
5261 in either house of the Legislature, the Governor shall issue writs  
5262 of election to fill the vacancies on a day specified in the writ  
5263 of election. At least \* \* \* sixty (60) days' notice shall be  
5264 given of the election in each county or part of a county in which  
5265 the election shall be held. The qualifying deadline for the  
5266 election shall be \* \* \* fifty (50) days \* \* \* before the election.  
5267 Notice of the election shall be posted at the courthouse and in  
5268 each supervisors district in the county or part of county in which  
5269 such election shall be held for as near \* \* \* sixty (60) days as  
5270 may be practicable. The election shall be prepared for and held  
5271 as in the case of a general election.

5272 (2) If a vacancy occurs \* \* \* in a calendar year in which  
5273 the general election for state officers is held, the Governor may  
5274 elect not to issue a writ of election to fill the vacancy.

5275 **SECTION 140.** Section 23-15-853, Mississippi Code of 1972, is  
5276 amended as follows:

5277 23-15-853. (1) If a vacancy \* \* \* occurs in the  
5278 representation in Congress, the vacancy shall be filled for the



5279 unexpired term by a special election, to be ordered by the  
5280 Governor, within sixty (60) days after \* \* \* the vacancy occurs,  
5281 and \* \* \* held at a time fixed by his or her order, and which time  
5282 shall be not less than sixty (60) days after the issuance of the  
5283 order of the Governor, which shall be directed to the election  
5284 commissioners \* \* \* of the several counties of the district, who  
5285 shall, immediately on the receipt of the order, give notice of the  
5286 election by publishing the same in \* \* \* a newspaper having a  
5287 general circulation in the county and by posting the notice \* \* \*  
5288 at the front door of the courthouse. The order shall also be  
5289 directed to the State Board of Election Commissioners. The  
5290 election shall be prepared for and conducted, and returns shall be  
5291 made, in all respects as provided for a special election to fill  
5292 vacancies.

5293 (2) Candidates for the office in such an election must  
5294 qualify with the Secretary of State by 5:00 p.m. not less  
5295 than \* \* \* fifty (50) days \* \* \* before the date of the election.  
5296 If the fiftieth day to qualify before an election falls on a  
5297 Sunday or legal holiday, the qualification submitted on the  
5298 business day immediately following the Sunday or legal holiday  
5299 shall be accepted. The election commissioners \* \* \* shall have  
5300 printed on the ballot in such special election the name of any  
5301 candidate who shall have been requested to be a candidate for the  
5302 office by a petition filed with the Secretary of State and  
5303 personally signed by not less than one thousand (1,000) qualified



5304 electors of the district. The petition shall be filed by 5:00  
5305 p.m. not less than \* \* \* fifty (50) days \* \* \* before the date of  
5306 the election. If the fiftieth day to file the petition before an  
5307 election falls on a Sunday or legal holiday, the petition filed on  
5308 the business day immediately following the Sunday or legal holiday  
5309 shall be accepted.

5310 There shall be attached to each petition above provided for,  
5311 upon the time of filing with \* \* \* the Secretary of State, a  
5312 certificate from the appropriate registrar or registrars showing  
5313 the number of qualified electors appearing upon each \* \* \*  
5314 petition which the registrar shall furnish to the petitioner upon  
5315 request.

5316 **SECTION 141.** Section 23-15-855, Mississippi Code of 1972, is  
5317 amended as follows:

5318 23-15-855. (1) If a vacancy shall occur in the office of  
5319 United States Senator from Mississippi by death, resignation or  
5320 otherwise, the Governor shall, within ten (10) days after  
5321 receiving official notice of \* \* \* the vacancy, issue \* \* \* a  
5322 proclamation for an election to be held in the state to elect a  
5323 Senator to fill \* \* \* the remaining unexpired term \* \* \* , provided  
5324 the unexpired term is more than twelve (12) months and the  
5325 election shall be held within ninety (90) days from the time the  
5326 proclamation is issued and the returns of such election shall be  
5327 certified to the Governor in the manner set out above for regular  
5328 elections, unless the vacancy \* \* \* occurs in a year \* \* \* in



5329 which a general state or congressional election is held, in which  
5330 event the Governor's proclamation shall designate the general  
5331 election day as the time for electing a Senator, and the vacancy  
5332 shall be filled by appointment as hereinafter provided.

5333 (2) In case of a vacancy in the office of United States  
5334 Senator, the Governor may appoint a Senator to fill \* \* \* the  
5335 vacancy temporarily, and if the United States Senate be in session  
5336 at the time the vacancy occurs the Governor shall appoint a  
5337 Senator within ten (10) days after receiving official notice  
5338 thereof, and the \* \* \* appointed Senator shall serve until \* \* \* a  
5339 successor is elected and commissioned as provided for in  
5340 subsection (1) of this section, provided that such unexpired term  
5341 as he or she may be appointed to fill shall be for a longer time  
5342 than one (1) year, but if for a shorter time than one (1) year, he  
5343 or she shall serve for the full time of the unexpired term and no  
5344 special election shall be called by the Governor but \* \* \* a  
5345 successor shall be elected at the regular election.

5346 **SECTION 142.** Section 23-15-857, Mississippi Code of 1972, is  
5347 amended as follows:

5348 23-15-857. (1) When \* \* \* there is \* \* \* a vacancy in an  
5349 elective office in a city, town or village \* \* \*, the unexpired  
5350 term of which shall not exceed six (6) months, the same shall be  
5351 filled by appointment by the governing authority or remainder of  
5352 the governing authority of \* \* \* the city, town or village. The  
5353 municipal clerk shall certify the appointment to the Secretary of



5354 State \* \* \* and the appointed person or persons \* \* \* shall be  
5355 commissioned by the Governor.

5356 (2) When \* \* \* there is \* \* \* a vacancy in an elective  
5357 office in a city, town or village, the unexpired term of which  
5358 shall exceed six (6) months, the governing authority or remainder  
5359 of the governing authority of \* \* \* the city, town or village  
5360 shall make and enter on the minutes an order for an election to be  
5361 held in \* \* \* the city, town or village to fill the vacancy and  
5362 fix a date upon which \* \* \* the election shall be held. \* \* \* The  
5363 order shall be made and entered upon the minutes at the next  
5364 regular meeting of the governing authority after \* \* \* the  
5365 vacancy \* \* \* occurs, or at a special meeting to be held not later  
5366 than ten (10) days after the vacancy \* \* \* occurs, Saturdays,  
5367 Sundays and legal holidays excluded, whichever shall occur first.  
5368 \* \* \* The election shall be held on a date not less than thirty  
5369 (30) days nor more than forty-five (45) days after the date upon  
5370 which the order is adopted.

5371 Notice of \* \* \* the election shall be given by the municipal  
5372 clerk by notice published in a newspaper published in the  
5373 municipality. \* \* \* The notice shall be published once each week  
5374 for three (3) successive weeks preceding the date of \* \* \* the  
5375 election. The first notice \* \* \* shall be published at least  
5376 thirty (30) days before the date of \* \* \* the election. Notice  
5377 shall also be given by posting a copy of \* \* \* the notice at three  
5378 (3) public places in \* \* \* the municipality not less than



5379 twenty-one (21) days \* \* \* before the date of \* \* \* the election.  
5380 One (1) of \* \* \* the notices shall be posted at the city, town or  
5381 village hall. In the event that there is no newspaper published  
5382 in the municipality, \* \* \* such notice shall be published as  
5383 provided for above in a newspaper \* \* \* that has a general  
5384 circulation within the municipality and by posting as provided for  
5385 above. \* \* \* Additionally, the governing authority may  
5386 publish \* \* \* the notice in \* \* \* that newspaper for \* \* \* as many  
5387 additional times as may be deemed necessary by the governing  
5388 authority.

5389 Each candidate shall qualify by petition filed with the  
5390 municipal clerk by 5:00 p.m. at least twenty (20) days before the  
5391 date of the election \* \* \*. If the twentieth day to file the  
5392 petition before the election falls on a Sunday or legal holiday,  
5393 the petition filed on the business day immediately following the  
5394 Sunday or legal holiday shall be accepted. The petition shall be  
5395 signed by not less than the following number of qualified  
5396 electors:

5397 (a) For an office of a city, town \* \* \*, village or  
5398 municipal district having a population of one thousand (1,000) or  
5399 more, not less than fifty (50) qualified electors.

5400 (b) For an office of a city, town \* \* \*, village or  
5401 municipal district having a population of less than one thousand  
5402 (1,000), not less than fifteen (15) qualified electors.





5403 No qualifying fee shall be required of any candidate, and the  
5404 election \* \* \* shall be held as far as practicable in the same  
5405 manner as municipal general elections.

5406 The candidate receiving a majority of the votes cast in  
5407 \* \* \* the election shall be elected. If no candidate \* \* \*  
5408 receives a majority vote at the election, the two (2) candidates  
5409 receiving the highest number of votes shall have their names  
5410 placed on the ballot for the election to be held \* \* \* three (3)  
5411 weeks thereafter. The candidate receiving a majority of the votes  
5412 cast in \* \* \* the election shall be elected. However, if no  
5413 candidate \* \* \* receives a majority and there is a tie in the  
5414 election of those receiving the next highest vote, those receiving  
5415 the next highest vote and the candidate receiving the highest vote  
5416 shall have their names placed on the ballot for the election to be  
5417 held \* \* \* three (3) weeks thereafter, and whoever receives the  
5418 most votes cast in \* \* \* the election shall be elected.

5419 Should the election \* \* \* held \* \* \* three (3) weeks  
5420 thereafter result in a tie vote, the prevailing candidate \* \* \*  
5421 shall be decided by a toss of a coin or by lot \* \* \* fairly and  
5422 publicly drawn under the supervision \* \* \* of the election  
5423 commission \* \* \*.

5424 The clerk of the election commission shall then give a  
5425 certificate of election to the person elected, and \* \* \* return to  
5426 the Secretary of State a copy of the order of holding the election  
5427 and runoff election \* \* \* results \* \* \*, certified by the clerk of



5428 the governing authority. The person elected shall be commissioned  
5429 by the Governor.

5430 However, if nineteen (19) days \* \* \* before the date of the  
5431 election only one (1) person shall have qualified as a candidate,  
5432 the governing authority, or remainder of the governing authority,  
5433 shall dispense with the election and appoint that one (1)  
5434 candidate in lieu of an election. In the event no person shall  
5435 have qualified by 5:00 p.m. at least twenty (20) days \* \* \* before  
5436 the date of the election, the governing authority or remainder of  
5437 the governing authority shall dispense with the election and fill  
5438 the vacancy by appointment. The clerk of the governing authority  
5439 shall certify the appointment to the Secretary of State \* \* \*, and  
5440 the appointed person \* \* \* shall be commissioned by the Governor.

5441 **SECTION 143.** Section 23-15-859, Mississippi Code of 1972, is  
5442 amended as follows:

5443 23-15-859. Whenever under any statute a special election is  
5444 required or authorized to be held in any municipality, and the  
5445 statute authorizing or requiring \* \* \* the election does not  
5446 specify the time within which \* \* \* the election shall be called,  
5447 or the notice which shall be given \* \* \*, the governing  
5448 authorities of the municipality shall, by resolution, fix a date  
5449 upon which \* \* \* the election shall be held. \* \* \* The date shall  
5450 not be less than twenty-one (21) nor more than thirty (30) days  
5451 after the date upon which such resolution is adopted, and not less  
5452 than three (3) weeks' notice of \* \* \* the election shall be given



5453 by the clerk by a notice published in a newspaper published in the  
5454 municipality once each week for three (3) weeks next preceding the  
5455 date of \* \* \* the election, and by posting a copy of \* \* \* the  
5456 notice at three (3) public places in \* \* \* the municipality.  
5457 Nothing herein, however, shall be applicable to elections on the  
5458 question of the issuance of the bonds of a municipality or to  
5459 general or primary elections for the election of municipal  
5460 officers.

5461 The provisions of this section shall be applicable to all  
5462 municipalities of this state, whether operating under a code  
5463 charter, special charter or the commission form of government,  
5464 except in cases of conflicts between the provisions of the section  
5465 and the provisions of the special charter of a municipality, or  
5466 the law governing the commission form of government, in which  
5467 cases of conflict the provisions of the special charter or the  
5468 statutes relative to the commission form of government shall  
5469 apply.

5470 **SECTION 144.** Section 23-15-873, Mississippi Code of 1972, is  
5471 amended as follows:

5472 23-15-873. (1) No person, whether an officer or not, shall,  
5473 in order to promote his or her own candidacy, or that of any other  
5474 person, to be a candidate for public office in this state,  
5475 directly or indirectly, himself, or herself or through another  
5476 person, promise to appoint, or promise to secure or assist in  
5477 securing the appointment, nomination or election of another person



5478 to any public position or employment, or to secure or assist in  
5479 securing any public contract or the employment of any person under  
5480 any public contractor, or to secure or assist in securing the  
5481 expenditure of any public funds in the personal behalf of any  
5482 particular person or group of persons, except that the candidate  
5483 may publicly announce what is his or her choice or purpose in  
5484 relation to an election in which he or she may be called on to  
5485 take part if elected.

5486       (2) It shall be unlawful for any person to directly or  
5487 indirectly solicit or receive any promise by this section  
5488 prohibited \* \* \*, but this does not apply to \* \* \* any person when  
5489 it comes to their office force.

5490       (3) Any violation of this section shall constitute a  
5491 violation of Section 97-13-37 and shall be referred to the  
5492 district attorney for prosecution.

5493       **SECTION 145.** Section 23-15-874, Mississippi Code of 1972, is  
5494 amended as follows:

5495       23-15-874. A candidate for judicial office shall not use  
5496 court administrators, deputy court administrators, court  
5497 reporters, deputy court reporters, judges' secretaries or law  
5498 clerks as workers in his or her campaign activities. Violations  
5499 of this section shall be referred to the Commission on Judicial  
5500 Performance.

5501       **SECTION 146.** Section 23-15-875, Mississippi Code of 1972, is  
5502 amended as follows:



5503           23-15-875. No person, including a candidate, shall publicly  
5504 or privately make, in a campaign then in progress, any charge or  
5505 charges reflecting upon the honesty, integrity or moral character  
5506 of any candidate, so far as his or her private life is concerned,  
5507 unless the charge be in fact true and actually capable of proof;  
5508 and any person who makes any such charge shall have the burden of  
5509 proof to show the truth thereof when called to account therefor  
5510 under any affidavit or indictment against him or her for a  
5511 violation of this section. Any language deliberately uttered or  
5512 published which, when fairly and reasonably construed and as  
5513 commonly understood, would clearly and unmistakably imply any such  
5514 charge, shall be deemed and held to be the equivalent of a direct  
5515 charge. \* \* \*

5516           \* \* \*

5517           **SECTION 147.** Section 23-15-881, Mississippi Code of 1972, is  
5518 amended as follows:

5519           23-15-881. It shall be unlawful for the \* \* \* Mississippi  
5520 Transportation Commission or any member of the \* \* \* Mississippi  
5521 Transportation Commission, or the board of supervisors of any  
5522 county or any member of the board of supervisors of such county,  
5523 to employ, during the months of May, June, July and August of any  
5524 year in which a general primary election is held for the  
5525 nomination and election of members of the \* \* \* Mississippi  
5526 Transportation Commission and members of the boards of  
5527 supervisors, a greater number of persons to work and maintain the



5528 state highways, in any highway district, or the public roads, in  
5529 any supervisors district of the county, as the case may be, than  
5530 the average number of persons employed for similar purposes in  
5531 such highway district or supervisors district, as the case may be,  
5532 during the months of May, June, July and August of the three (3)  
5533 years immediately preceding the year in which such general primary  
5534 election is held. It shall be unlawful for the \* \* \* Mississippi  
5535 Transportation Commission, or the board of supervisors of any  
5536 county, to expend out of the state highway funds, or the road  
5537 funds of the county or any supervisors district thereof, as the  
5538 case may be, in the payment of wages or other compensation for  
5539 labor performed in working and maintaining the highways of any  
5540 highway district, or the public roads of any supervisors district  
5541 of the county, as the case may be, during the months of May, June,  
5542 July and August of such election year, a total amount in excess of  
5543 the average total amount expended for such labor, in such highway  
5544 district or supervisors district, as the case may be, during the  
5545 corresponding four \* \* \* -month period of the three (3) years  
5546 immediately preceding.

5547 It shall be the duty of the \* \* \* Mississippi Transportation  
5548 Commission and the board of supervisors of each county,  
5549 respectively, to keep sufficient records of the numbers of  
5550 employees and expenditures made for labor on the state highways of  
5551 each highway district, and the public roads of each supervisors  
5552 district, for the months of May, June, July and August of each



5553 year, to show the number of persons employed for such work in each  
5554 highway district and each supervisors district, as the case may  
5555 be, during said four \* \* \*-month period, and the total amount  
5556 expended in the payment of salaries and other compensation to such  
5557 employees, so that it may be ascertained, from an examination of  
5558 such records, whether or not the provisions of this chapter have  
5559 been violated.

5560 \* \* \*

5561 **SECTION 148.** Section 23-15-891, Mississippi Code of 1972, is  
5562 amended as follows:

5563 23-15-891. No common carrier, \* \* \* Internet service  
5564 provider or telephone company shall give to any candidate, or to  
5565 any member of any political committee, or to any person to be used  
5566 to aid or promote the success or defeat of any candidate for  
5567 election for any public office, free transportation or \* \* \*  
5568 Internet service or telephone service, as the case may be, or any  
5569 reduction thereof that is not made alike to all other persons.

5570 All persons required by the provisions of this chapter to make and  
5571 file statements shall make oath that they have not received or  
5572 made use of, directly or indirectly, in connection with any  
5573 candidacy for nomination to any public office, free transportation  
5574 or \* \* \* Internet or telephone service.

5575 **SECTION 149.** Section 23-15-895, Mississippi Code of 1972, is  
5576 amended as follows:



5577           23-15-895. \* \* \* No candidate for an elective office, or any  
5578 representative of such candidate, \* \* \* and no proponent or  
5579 opponent of any constitutional amendment, local issue or other  
5580 measure printed on the ballot \* \* \* may post or distribute cards,  
5581 posters or other campaign literature within one hundred fifty  
5582 (150) feet of any entrance of the building wherein any election is  
5583 being held. \* \* \* No candidate or a representative named by him  
5584 or her in writing \* \* \* may appear at any polling place while  
5585 armed or uniformed, \* \* \* or display any badge or credentials  
5586 except as may be issued by the manager of the polling place. As  
5587 used in this section, the term "local issue" shall have the  
5588 meaning ascribed to such term in Section 23-15-375. This section  
5589 shall be enforced by election officials and law enforcement  
5590 officials.

5591           **SECTION 150.** Section 23-15-897, Mississippi Code of 1972, is  
5592 amended as follows:

5593           23-15-897. \* \* \*

5594           (1) The following words and phrases shall have the meanings  
5595 as defined in this section unless the context clearly indicates  
5596 otherwise:

5597           (a) "Campaign materials" include any materials designed  
5598 to influence voters for or against any candidate, party or measure  
5599 to be voted on at any election, or containing information about  
5600 any candidate, party or measure paid for by a candidate, political





5601 committee, or independent expenditure which requires disclosure  
5602 under campaign finance laws.

5603 (b) "Publish" means the act or instance of making  
5604 campaign material available to the public, or to a list of  
5605 subscribers, by mail, telephone, electronic communications  
5606 platforms, Internet, software applications, printed materials or  
5607 any other means of distribution.

5608 (c) "Printed material" shall include, but not be  
5609 limited to, any notice, placard, bill, poster, dodger, pamphlet,  
5610 advertisement, sign or any other form of printed publication,  
5611 except notices, posters and the like, which simply announce a  
5612 speaking date and invite attendance thereon.

5613 (2) No candidate, political committee or other person shall  
5614 publish, or knowingly cause to be published, any campaign  
5615 materials unless it contains the following information:

5616 (a) The name of the candidate along with a statement  
5617 that the message is approved by the candidate; or

5618 (b) If the message has not been approved by a specific  
5619 candidate, the name of the person, political committee or  
5620 organization paying for the publication of the message; or

5621 (c) If the message has not been approved by the  
5622 candidate and no person, political committee or organization is  
5623 identified as having paid for the publication, the entity  
5624 producing the campaign materials must be identified.



5625       (3) Publication of campaign materials through an electronic  
5626 platform shall be deemed to comply with the requirements of this  
5627 section if the home page of the candidate or political committee  
5628 provides the information required by subsection (2), and each  
5629 electronic publication provides a link to that home page.

5630       **SECTION 151.** Section 23-15-903, Mississippi Code of 1972, is  
5631 amended as follows:

5632       23-15-903. In addition to any other procedure provided by  
5633 law, any person who has reason to believe that any election law  
5634 has been violated may file a written complaint with the election  
5635 commissioners \* \* \* of the county in which the alleged violation  
5636 occurred. \* \* \* If the election commissioners \* \* \* determine the  
5637 allegations in the complaint, if true, would be a violation \* \* \*  
5638 of this chapter or Section 97-13-1, et seq., the election  
5639 commissioners shall refer the complaint to the district  
5640 attorney \* \* \* for prosecution.

5641       **SECTION 152.** Section 23-15-905, Mississippi Code of 1972, is  
5642 amended as follows:

5643       23-15-905. (1) \* \* \* No person may qualify as a candidate  
5644 for more than one (1) office if the election for those offices  
5645 occurs on the same day. If a person takes the steps necessary to  
5646 qualify for more than one (1) office, the appropriate executive  
5647 committee or election commissioner shall determine the last office  
5648 for which the person qualified and the person shall be considered  
5649 to be qualified as a candidate for that office only and the person



5650 shall be notified of this determination. The provisions of this  
5651 subsection shall not apply to elections for municipal office.

5652 (2) \* \* \* No person may qualify as a candidate for more than  
5653 one (1) municipal office if the election for those offices occurs  
5654 on the same day. If a person takes the steps necessary to qualify  
5655 for more than one (1) office, the appropriate executive committee  
5656 or election commissioner shall determine the last office for which  
5657 the person qualified and the person shall be considered to be  
5658 qualified as a candidate for that office only and the person shall  
5659 be notified of this determination.

5660 **SECTION 153.** Section 23-15-911, Mississippi Code of 1972, is  
5661 amended as follows:

5662 23-15-911. (1) (a) When the returns for a box and the  
5663 contents of the ballot box and the conduct of the election \* \* \*  
5664 have been canvassed and reviewed by the county election commission  
5665 in the case of general elections or the county executive committee  
5666 in the case of primary elections, all the contents of the box  
5667 required to be placed and sealed in the ballot box by the poll  
5668 managers shall be replaced therein by the election commission or  
5669 executive committee, as the case may be, and the box shall be  
5670 forthwith resealed and delivered to the circuit clerk, who shall  
5671 safely keep and secure the same against any tampering \* \* \*. At  
5672 any time within twelve (12) days after the canvass and examination  
5673 of the box and its contents by the election commission or  
5674 executive committee, as the case may be, any candidate or his or



5675 her representative authorized in writing by him or her shall have  
5676 the right of full examination of \* \* \* the box and its contents  
5677 upon three (3) days' notice of his or her application therefor  
5678 served upon the opposing candidates. \* \* \* The service of notice  
5679 shall be provided to each opposing candidate by delivering a copy  
5680 personally to each candidate, or by performing two (2) of the  
5681 following:

5682 (i) By leaving a copy at each candidate's usual  
5683 place of residence with a family member, who shall be no less than  
5684 sixteen (16) years of age and, who resides in the candidate's  
5685 residence;

5686 (ii) By email or other electronic means, with  
5687 receipt deemed upon transmission; or

5688 (iii) By mailing a copy of the notice by  
5689 registered or certified mail that is addressed to each opposing  
5690 candidate at that candidate's residence with receipt deemed  
5691 mailing.

5692 (b) If service of notice cannot be made to any opposing  
5693 candidate, then notice may be posted on the door of each  
5694 candidate's usual place of abode. If any candidate's usual place  
5695 of residence is a multi-family dwelling, a copy of the notice must  
5696 be mailed to the candidate or candidates by United States  
5697 first-class mail, postage prepaid, return receipt requested.  
5698 Proof of service of notice upon any opposing candidate shall be



5699 made to the circuit clerk within three (3) days before a full  
5700 examination of the ballot box may be conducted.

5701           (c) The examination shall be conducted in the presence  
5702 of the circuit clerk or his or her deputy who shall be charged  
5703 with the duty to see that none of the contents of the box are  
5704 removed from the presence of the clerk or in any way tampered  
5705 with. Upon the completion of \* \* \* the examination the box shall  
5706 be resealed with all its original contents \* \* \* inside. And if  
5707 any contest or complaint before the court shall arise over \* \* \*  
5708 the box, it shall be kept intact and sealed until the court  
5709 hearing and another ballot box, if necessary, shall be furnished  
5710 for the precinct involved.

5711           (2) The provisions of this section allowing the examination  
5712 of ballot boxes shall apply in the case of an election contest  
5713 regarding the seat of a member of the state Legislature. In such  
5714 a case, the results of the examination shall be reported by the  
5715 applicable circuit clerk to the Clerk of the House of  
5716 Representatives or the Secretary of the Senate, as the case may  
5717 be.

5718           **SECTION 154.** Section 23-15-913, Mississippi Code of 1972, is  
5719 amended as follows:

5720           23-15-913. The judges listed and selected to hear election  
5721 disputes, as provided in Section 23-15-951, shall be available on  
5722 election day to immediately hear and resolve any election day  
5723 disputes. The rules for filing pleadings shall be relaxed to



5724 carry out the purposes of this section. The judges selected shall  
5725 perform no other judicial duties on election day. The Supreme  
5726 Court shall make judges available to hear disputes in the county  
5727 in which the disputes occur but no judge shall hear disputes in  
5728 the district \* \* \* or county in which he or she was elected nor  
5729 shall any judge hear any dispute in which any potential conflict  
5730 may arise. Each judge shall be fair and impartial and shall be  
5731 assigned on that basis.

5732 **SECTION 155.** Section 23-15-939, Mississippi Code of 1972, is  
5733 amended as follows:

5734 23-15-939. The reasonable traveling expenses of the judge or  
5735 chancellor shall be paid by order of the board of supervisors of  
5736 the county or counties in which a contest or complaint is heard,  
5737 upon an itemized certificate thereof by the judge or chancellor.  
5738 The election commissioners shall be compensated for their services  
5739 rendered under this section as is provided in Section 23-15-227.

5740 **SECTION 156.** Section 23-15-977, Mississippi Code of 1972, is  
5741 amended as follows:

5742 23-15-977. (1) Except as otherwise provided in this  
5743 section, all candidates for judicial office as defined in Section  
5744 23-15-975 of this subarticle shall file their intent to be a  
5745 candidate with the proper officials not later than 5:00 p.m. on  
5746 the first Friday after the first Monday in May \* \* \* before the  
5747 general election for judicial office and shall pay to the proper  
5748 officials the following amounts:



5749 (a) Candidates for Supreme Court judge and Court of  
5750 Appeals, the sum of Two Hundred Dollars (\$200.00).

5751 (b) Candidates for circuit judge and chancellor, the  
5752 sum of One Hundred Dollars (\$100.00).

5753 (c) Candidates for county judge and family court judge,  
5754 the sum of Fifteen Dollars (\$15.00).

5755 Candidates for judicial office may not file their intent to  
5756 be a candidate and pay the proper assessment before January 1 of  
5757 the year in which the election for the judicial office is held.

5758 (2) Candidates for judicial offices listed in paragraphs (a)  
5759 and (b) of subsection (1) of this section shall file their intent  
5760 to be a candidate with, and pay the proper assessment made  
5761 pursuant to subsection (1) of this section to, the State Board of  
5762 Election Commissioners.

5763 (3) Candidates for judicial offices listed in paragraph (c)  
5764 of subsection (1) of this section shall file their intent to be a  
5765 candidate with, and pay the proper assessment made pursuant to  
5766 subsection (1) of this section to, the circuit clerk of the proper  
5767 county. The circuit clerk shall notify the county election  
5768 commissioners \* \* \* of all persons who have filed their intent to  
5769 be a candidate with, and paid the proper assessment to, such  
5770 clerk. \* \* \* The notification shall occur within two (2) business  
5771 days and shall contain all necessary information.

5772 (4) If only one (1) person files his or her intent to be a  
5773 candidate for a judicial office and that person \* \* \* later dies,



5774 resigns or is otherwise disqualified from holding the judicial  
5775 office after the deadline provided for in subsection (1) of this  
5776 section but more than seventy (70) days before the date of the  
5777 general election, the Governor, upon notification of the death,  
5778 resignation or disqualification of the person, shall issue a  
5779 proclamation authorizing candidates to file their intent to be a  
5780 candidate for that judicial office for a period of not less than  
5781 seven (7) nor more than ten (10) days from the date of the  
5782 proclamation.

5783 (5) If only one (1) person qualifies as a candidate for a  
5784 judicial office and that person \* \* \* later dies, resigns or is  
5785 otherwise disqualified from holding the judicial office within  
5786 seventy (70) days before the date of the general election, the  
5787 judicial office shall be considered vacant for the new term and  
5788 the vacancy shall be filled as provided in by law.

5789 **SECTION 157.** The following shall be codified as Section  
5790 23-15-994, Mississippi Code of 1972:

5791 23-15-994. Elections for the office of judge of the Court of  
5792 Appeals shall be as prescribed in Section 9-4-1, et seq.

5793 **SECTION 158.** Section 23-15-1031, Mississippi Code of 1972,  
5794 is amended as follows:

5795 23-15-1031. Except as \* \* \* provided by Section 23-15-1081,  
5796 the first primary election for Congressmen shall be held on the  
5797 first Tuesday in June of the years in which congressmen are  
5798 elected, and \* \* \* a second primary, \* \* \* if necessary, shall be





5799 held three (3) weeks thereafter. Each year in which a  
5800 presidential election is held, the congressional primary shall be  
5801 held as provided in Section 23-15-1081. The election shall be  
5802 held in all districts of the state on the same day. Candidates  
5803 for United States Senator shall be nominated at the congressional  
5804 primary next preceding the general election at which a senator is  
5805 to be elected and in the same manner that congressmen are  
5806 nominated \* \* \*. The chair and secretary of the state executive  
5807 committee shall certify the vote for United States Senator to the  
5808 Secretary of State in the same manner that county executive  
5809 committees certify the returns of counties in general state and  
5810 county primary elections.

5811 **SECTION 159.** Section 23-15-1033, Mississippi Code of 1972,  
5812 is amended as follows:

5813 23-15-1033. Representatives in the Congress of the United  
5814 States shall be chosen by districts on the first Tuesday after the  
5815 first Monday of November in the year 1986, and every two (2) years  
5816 thereafter \* \* \*. The laws regulating general elections shall  
5817 \* \* \* apply to and govern elections for representatives in  
5818 Congress; and the Governor shall issue a commission to the person  
5819 elected in each \* \* \* district.

5820 **SECTION 160.** Section 23-15-1039, Mississippi Code of 1972,  
5821 is amended as follows:

5822 23-15-1039. Should an election of representatives in  
5823 Congress occur after the number of representatives to which the



5824 state is entitled \* \* \* changes, and before the districts \* \* \*  
5825 have \* \* \* changed to conform to the new apportionment,  
5826 representatives shall be chosen as follows: \* \* \* If the number  
5827 of representatives \* \* \* is \* \* \* increased, then one (1) member  
5828 shall be chosen in each district as organized, and the additional  
5829 member or members shall be chosen by the electors of the state at  
5830 large; and if the number of representatives \* \* \* is decreased,  
5831 then the whole number shall be chosen by the electors of the state  
5832 at large.

5833         **SECTION 161.** Section 23-15-1041, Mississippi Code of 1972,  
5834 is amended as follows:

5835             23-15-1041. There shall be elected, by the qualified  
5836 electors of Mississippi, \* \* \* one (1) United States Senator at  
5837 the same time and in the same manner that members of the lower  
5838 house of Congress are elected in 1988, and every six (6) years  
5839 thereafter; and in the same manner there shall be one (1) United  
5840 States Senator elected at the congressional election in 1990, and  
5841 every six (6) years thereafter; and the person elected shall be  
5842 commissioned by the Governor.

5843         **SECTION 162.** Section 23-15-1051, Mississippi Code of 1972,  
5844 is amended as follows:

5845             23-15-1051. All duties in regard to senatorial or other  
5846 districts of more than one (1) county shall be performed by the  
5847 State Executive Committee \* \* \*. All candidates for any such



5848 office \* \* \* shall qualify with the State Executive  
5849 Committee \* \* \* in the time and manner established by law.

5850 **SECTION 163.** Section 23-15-1053, Mississippi Code of 1972,  
5851 is amended as follows:

5852 23-15-1053. Subject to federal law and national party rules,  
5853 the State Executive Committee of each political party shall  
5854 determine the method and procedures \* \* \* for the selection of  
5855 county executive committees and the State Executive  
5856 Committees \* \* \*. The State Executive Committee of the political  
5857 party shall establish \* \* \* procedures for the selection of county  
5858 and State Executive Committees at least ninety (90) days \* \* \*  
5859 before the implementation \* \* \* of the procedures \* \* \*. A copy  
5860 of any rule or regulation adopted by the State Executive Committee  
5861 shall be sent to the Secretary of State within seven (7) days  
5862 after its adoption to become a public record.

5863 **SECTION 164.** Section 23-15-1054, Mississippi Code of 1972,  
5864 is amended as follows:

5865 23-15-1054. (1) If there be any political party \* \* \* or  
5866 parties \* \* \* in any county \* \* \* without a party executive  
5867 committee \* \* \*, such political party \* \* \* or parties \* \* \* shall  
5868 select qualified electors of that county and of that party's  
5869 political faith to serve on a temporary county executive committee  
5870 until members of a county executive committee are elected at the  
5871 next regular election for executive committees. The selection of  
5872 qualified electors to serve on the temporary county executive



5873 committee shall occur thirty (30) days before the date for which a  
5874 candidate for a county office is required to qualify. The  
5875 temporary county executive committee shall be selected in the  
5876 following manner: \* \* \* Upon petition of five (5) or more members  
5877 of that political faith, the chair of the State Executive  
5878 Committee \* \* \* desiring to select a temporary county executive  
5879 committee \* \* \* shall call a mass meeting of the qualified  
5880 electors of their political faith who reside in \* \* \* the county  
5881 to meet at some convenient place within \* \* \* the county, at a  
5882 time to be designated in the call \* \* \* At the mass convention,  
5883 the members of that political faith shall select a temporary  
5884 county executive committee \* \* \*. The temporary county executive  
5885 committee shall serve until members of a county executive  
5886 committee are elected at the next regular election for executive  
5887 committees. The public shall be given notice of \* \* \* the mass  
5888 meeting as provided in subsection (4) of this section. The \* \* \*  
5889 chair of the State Executive Committee shall authorize the call  
5890 within five (5) calendar days of receipt of the petition. If  
5891 the \* \* \* chair of the State Executive Committee is either  
5892 incapacitated, unavailable or nonresponsive and does not authorize  
5893 the mass call within five (5) calendar days of receipt of the  
5894 petition, any elected officer of the State Executive Committee may  
5895 authorize the call within five (5) calendar days. If no elected  
5896 officer of the State Executive Committee acts to approve such



5897 petition after an additional five (5) calendar days \* \* \* the  
5898 petitioners shall be authorized to produce the call \* \* \*.

5899 (2) If no county executive committee is selected or  
5900 otherwise formed before an election, the State Executive Committee  
5901 may serve as the temporary county executive committee and exercise  
5902 all of the duties of the county executive committee for the county  
5903 election. After a State Executive Committee has fulfilled its  
5904 duties as the temporary county executive committee, \* \* \* it shall  
5905 select a county executive committee \* \* \* before the next county  
5906 election.

5907 (3) A person \* \* \* convicted of a felony in a court of this  
5908 state, \* \* \* any other state, or \* \* \* of the United States shall  
5909 be barred from serving as a member of a county executive  
5910 committee.

5911 (4) The State Executive Committee shall publish a copy of  
5912 its call for a meeting in some newspaper published in the \* \* \*  
5913 affected county for three (3) weeks \* \* \* before the date set for  
5914 the mass convention \* \* \*. If no newspaper is published in the  
5915 county, then a copy of the call shall be published in \* \* \* a  
5916 newspaper having general circulation in the county and by posting  
5917 notices in three (3) public places in the county, one (1) of which  
5918 shall be the county courthouse or the location where the county  
5919 board of supervisors meets to conduct business. The publication  
5920 shall occur not less than three (3) weeks before the date for the  
5921 mass convention.



5922           **SECTION 165.** Section 23-15-1057, Mississippi Code of 1972,  
5923 is amended as follows:

5924           23-15-1057. \* \* \* (1) In the event sufficient cause should  
5925 arise, and a majority of the membership of the State Executive  
5926 Committee deems \* \* \* it necessary for the best interest of \* \* \*  
5927 the political party and the state, the State Executive  
5928 Committee \* \* \* is authorized \* \* \* to reconvene the state  
5929 convention that selected them as members of the state executive  
5930 committee at any time after the adjournment of \* \* \* the  
5931 convention, but not later than the last day of the year in which  
5932 \* \* \* the convention was held.

5933           (2) The delegates chosen from the respective counties to a  
5934 state convention in accordance with Section 23-15-1055 shall  
5935 continue to be delegates from \* \* \* the county to \* \* \* the  
5936 convention for a period not later than the last day of the year in  
5937 which \* \* \* the convention was held.

5938           (3) \* \* \* A convention may be reconvened upon the call of  
5939 the \* \* \* chair of the State Executive Committee \* \* \* only \* \* \*  
5940 with the approval of a majority of the State Executive Committee.  
5941 At least ten (10) days notice shall be given by the \* \* \* chair of  
5942 the State Executive Committee of the reconvening of the state  
5943 convention. \* \* \* The notice \* \* \* shall be given by publication  
5944 of the call of the \* \* \* chair in any newspaper or newspapers  
5945 having general circulation throughout the state.



5946           (4) In the event a state convention is reconvened as \* \* \*  
5947 provided \* \* \* in this section, the state convention may exercise  
5948 all the power and authority conferred upon \* \* \* the convention by  
5949 Section 23-15-1055, and \* \* \* may revise or rescind any action  
5950 taken at its previous regular session.

5951           **SECTION 166.** Section 23-15-1059, Mississippi Code of 1972,  
5952 is amended as follows:

5953           23-15-1059. (1) The \* \* \* chair or secretary of the State  
5954 Executive Committee of each political party chosen as provided in  
5955 Section 23-15-1053 shall register the name of the political party  
5956 it represents, and the names of all organizations officially  
5957 sanctioned by the political party, with the Secretary of State  
5958 within thirty (30) days after \* \* \* the political party is  
5959 organized. Thereafter, no political party shall use or register  
5960 any name \* \* \* that is the same as or deceptively similar to the  
5961 name of a political party or officially sanctioned  
5962 organization \* \* \* that has already been registered with the  
5963 Secretary of State by any other political party. No political  
5964 party or officially sanctioned organization shall use any name in  
5965 any campaign literature listing or describing its candidates \* \* \*  
5966 that does not correspond with the name of \* \* \* the political  
5967 party or officially sanctioned organization registered with the  
5968 Secretary of State.

5969           (2) \* \* \* The chair or secretary of the State Executive  
5970 Committee of a political party \* \* \* shall \* \* \* update the



5971 registration of the name of the political party it represents and  
5972 the names of all organizations officially sanctioned by the  
5973 political party with the Secretary of State \* \* \* on an annual  
5974 basis, disclosing any revisions or additions to the information to  
5975 be provided by affidavit in accordance with Section 25-15-1061.

5976 **SECTION 167.** Section 23-15-1061, Mississippi Code of 1972,  
5977 is amended as follows:

5978 23-15-1061. (1) The application for registration of the  
5979 political party and any officially sanctioned organizations named  
5980 to be presented to the Secretary of State shall be accompanied by  
5981 an affidavit of the \* \* \* chair or secretary of the political  
5982 party seeking \* \* \* the registration. \* \* \* The affidavit shall  
5983 contain a list of the names of the members of the State Executive  
5984 Committee, showing the \* \* \* chair and secretary, \* \* \* the names  
5985 of the national committeeman and committeewoman, and \* \* \* the  
5986 officers of \* \* \* the party, \* \* \* setting forth that \* \* \* the  
5987 executive committee and other officers of \* \* \* the party have  
5988 been elected in accordance with the provisions of Section  
5989 23-15-1053, or any laws supplementary or amendatory thereof \* \* \*.

5990 \* \* \* The Secretary of State is authorized to require further  
5991 proof as to the compliance with the provisions of \* \* \* Section  
5992 23-15-1053 when \* \* \* it is reasonable to do so.

5993 (2) The \* \* \* chair or secretary of the district and county  
5994 executive committees of each political party, chosen as \* \* \*  
5995 provided in Section 23-15-1053, shall register the name of the





5996 political party it represents with the \* \* \* chair or secretary of  
5997 the State Executive Committee of \* \* \* that political party within  
5998 thirty (30) days after \* \* \* December 31, 2017. \* \* \* The  
5999 application for registration shall be accompanied by an affidavit  
6000 of the \* \* \* chair or secretary of the party seeking such  
6001 registration listing the names of the members of the district  
6002 executive committee and of the State Executive Committee, \* \* \*  
6003 showing the \* \* \* chair and secretary and other officers of \* \* \*  
6004 the party, \* \* \* setting forth that \* \* \* the executive committee  
6005 of \* \* \* the party has been elected in accordance with the  
6006 provisions of Section 23-15-1053, or any laws supplementary or  
6007 amendatory thereof \* \* \*. \* \* \* The \* \* \* chair or the secretary  
6008 of the State Executive Committee is authorized to require further  
6009 proof \* \* \* of compliance with the provisions of \* \* \* Section  
6010 23-15-1053 when \* \* \* it is reasonable to do so. Thereafter, no  
6011 political party shall use or register any name \* \* \* that is the  
6012 same as or deceptively similar to the name of a political party or  
6013 officially sanctioned organization \* \* \* that has already been  
6014 registered with the \* \* \* chair or secretary of the State  
6015 Executive Committee by any other political party. No political  
6016 party or officially sanctioned organization shall use any name in  
6017 any campaign literature listing or describing its candidates \* \* \*  
6018 that does not correspond with the name of \* \* \* the political  
6019 party or officially sanctioned organization registered with the  
6020 secretary or \* \* \* chair of the State Executive Committee.



6021           **SECTION 168.** Section 23-15-1063, Mississippi Code of 1972,  
6022 is amended as follows:

6023           23-15-1063. No political party in the State of Mississippi  
6024 shall conduct primaries or enter candidates in any election  
6025 unless \* \* \* the party \* \* \* has been duly organized under the  
6026 provisions of this chapter, and the name of \* \* \* the party \* \* \*  
6027 has been registered as provided in this chapter.

6028           **SECTION 169.** Section 23-15-1065, Mississippi Code of 1972,  
6029 is amended as follows:

6030           23-15-1065. \* \* \* A person shall be barred from  
6031 participating in any primary election held by a political party if  
6032 that person claims \* \* \* or represents himself or herself in any  
6033 manner to be a member of any state, district or county executive  
6034 committee of any political party in this state, or claims to be  
6035 the national committeeman or national committeewoman or any other  
6036 officer or representative of \* \* \* the political party without  
6037 having been lawfully elected or chosen as such in the manner  
6038 provided by the laws of this state, or by \* \* \* the political  
6039 party in the manner provided by the laws of this state, or \* \* \*  
6040 claims to be the nominee of any political party authorized by the  
6041 laws of this state to hold primary elections and choose party  
6042 nominees, when in fact such person has not been declared the  
6043 nominee of such political party for such office by such political  
6044 party operating under the laws of this state \* \* \*. Any person or  
6045 persons who \* \* \* violate the provisions of this section, in



6046 addition to other measures or penalties provided by law, may be  
6047 enjoined therefrom upon application to the courts by any person or  
6048 persons, or any political party, official or representative  
6049 of \* \* \* the political party aggrieved \* \* \*.

6050 **SECTION 170.** Section 23-15-1067, Mississippi Code of 1972,  
6051 is amended as follows:

6052 23-15-1067. It shall be unlawful for any person or group of  
6053 persons to set up or establish any political party in this state  
6054 except in the manner provided by the laws of this state, and it  
6055 shall be unlawful for any person or group of persons not lawful  
6056 members \* \* \* of a political party to use, \* \* \* attempt to use or  
6057 to operate under the name of any other political party \* \* \*  
6058 lawfully existing and operating under the laws of this  
6059 state \* \* \*. Any person \* \* \* or persons violating this section,  
6060 in addition to such other measures or penalties provided by law,  
6061 may be enjoined therefrom upon application to the courts by any  
6062 person, or persons, or any political party, official or  
6063 representative of \* \* \* the political party aggrieved \* \* \*.

6064 **SECTION 171.** Section 23-15-11, Mississippi Code of 1972, is  
6065 amended as follows:

6066 23-15-11. Every inhabitant of this state, except persons  
6067 adjudicated to be non compos mentis, who is a citizen of the  
6068 United States of America, eighteen (18) years old and upwards, who  
6069 has resided in this state for thirty (30) days and for thirty (30)  
6070 days in the county in which he or she seeks to vote, and for



6071 thirty (30) days in the incorporated municipality in which he or  
6072 she seeks to vote, and who has been duly registered as an elector  
6073 under Section 23-15-33, and who has never been convicted of vote  
6074 fraud or of any crime listed in Section 241, Mississippi  
6075 Constitution of 1890, shall be a qualified elector in and for the  
6076 county, municipality and voting precinct of his or her residence,  
6077 and shall be entitled to vote at any election upon compliance with  
6078 Section 23-15-563. If the thirtieth day to register before an  
6079 election falls on a Sunday or legal holiday, the registration  
6080 applications submitted on the business day immediately following  
6081 the Sunday or legal holiday shall be accepted and entered in the  
6082 Statewide Elections Management System for the purpose of enabling  
6083 voters to vote in the next election. Any person who will be  
6084 eighteen (18) years of age or older on or before the date of the  
6085 general election and who is duly registered to vote not less than  
6086 thirty (30) days before the primary election associated with the  
6087 general election, may vote in the primary election even though the  
6088 person has not reached his or her eighteenth birthday at the time  
6089 that the person seeks to vote at the primary election. No others  
6090 than those specified in this section shall be entitled, or shall  
6091 be allowed, to vote at any election.

6092       **SECTION 172.** Section 23-15-17, Mississippi Code of 1972, is  
6093 amended as follows:

6094       23-15-17.   \* \* \*



6095 \* \* \* Any person who has reasonable cause to suspect that \* \* \* a  
6096 false registration as provided in Section 97-13-25 has occurred  
6097 may notify any authorized law enforcement officer with proper  
6098 jurisdiction. Upon such notification, \* \* \* law enforcement  
6099 officer shall be required to conduct an investigation into the  
6100 matter and file a report with the registrar and the appropriate  
6101 district attorney. The registrar shall, within twenty-four (24)  
6102 hours of receipt of the investigating officer's report, accept or  
6103 reject the registration. Any person who so notifies an authorized  
6104 law enforcement officer shall be presumed to be acting in good  
6105 faith and shall be immune from any liability, civil or criminal,  
6106 that might otherwise be incurred or imposed.

6107 **SECTION 173.** Section 23-15-93, Mississippi Code of 1972, is  
6108 amended as follows:

6109 23-15-93. If any \* \* \* election commissioner \* \* \* or  
6110 registrar shall refuse or neglect to perform any of the duties  
6111 imposed upon him or her by this chapter regarding the registration  
6112 of electors, or shall knowingly permit any person to sign a false  
6113 affidavit or otherwise knowingly permit any person to violate any  
6114 provision of this chapter regarding the registration of electors,  
6115 or shall violate any of the provisions of this chapter regarding  
6116 the registration of electors, or if any officer taking the  
6117 affidavits as provided in this chapter regarding registration of  
6118 electors shall make any false statement in his or her certificate  
6119 thereto attached, he or she shall be deemed guilty of a crime and



6120 shall be punished by a fine not exceeding One Thousand Dollars  
6121 (\$1,000.00) or by imprisonment in the penitentiary not exceeding  
6122 one (1) year, and shall be removed from office.

6123         **SECTION 174.** Section 23-15-285, Mississippi Code of 1972, is  
6124 amended as follows:

6125         23-15-285. The board of supervisors shall cause an entry to  
6126 be made on the minutes of the board at some meeting, as early as  
6127 convenient, defining the boundaries of the several supervisors  
6128 districts and voting precincts in the county, and designating the  
6129 voting place in each voting precinct; and as soon as practicable  
6130 after any change is made in any supervisors district, voting  
6131 precinct or any voting place, the board of supervisors shall  
6132 cause \* \* \* the change to be entered on the minutes of the board  
6133 in such manner as to be easily understood. The changed boundaries  
6134 shall conform to visible natural or artificial boundaries such as  
6135 streets, highways, railroads, rivers, lakes, bayous or other  
6136 obvious lines of demarcation, with the exception of county lines  
6137 and municipal corporate limits.

6138         No voting precinct shall have more than five hundred (500)  
6139 qualified electors residing in its boundaries. Subject to the  
6140 provisions of this section, each board of supervisors of the  
6141 various counties of this state shall as soon as practical after  
6142 January 1, 1987, alter or change the boundaries of the various  
6143 voting precincts to comply herewith and shall from time to time  
6144 make such changes in the boundaries of voting precincts so that



6145 there shall never be more than five hundred (500) qualified  
6146 electors within the boundaries of the various voting precincts of  
6147 this state; provided further, this limitation shall not apply to  
6148 voting precincts that are so divided, alphabetically or otherwise,  
6149 so as to have less than five hundred (500) qualified electors in  
6150 any one (1) box within a voting precinct. However, the limitation  
6151 of five hundred (500) qualified electors to the voting precinct  
6152 shall not apply to voting precincts in which voting machines are  
6153 used at all elections held in that voting precinct. No change in  
6154 any supervisors district or voting precinct shall take effect less  
6155 than thirty (30) days before the qualifying deadline for the  
6156 office of county supervisor. Any change in any boundary of a  
6157 supervisors district or voting precinct that is approved under the  
6158 Voting Rights Act of 1965 less than thirty (30) days before such  
6159 qualifying deadline shall be effective only for an election for  
6160 county supervisor held in a year following the year in which such  
6161 change is approved under the Voting Rights Act of 1965. Provided,  
6162 however, that, with the exception of county lines and municipal  
6163 corporate limits, such altered boundaries shall conform to visible  
6164 natural or artificial boundaries such as streets, highways,  
6165 railroads, rivers, lakes, bayous or other obvious lines of  
6166 demarcation.

6167         **SECTION 175.** Section 23-15-295, Mississippi Code of 1972, is  
6168 amended as follows:



6169           23-15-295. When any person has qualified in the manner  
6170 provided by law as a candidate for party nomination in any primary  
6171 election, such person shall have the right to withdraw his or her  
6172 name as a candidate by giving notice of his or her withdrawal in  
6173 writing to the secretary of the proper executive committee at any  
6174 time \* \* \* before the printing of the official ballots, and in the  
6175 event of such withdrawal the name of \* \* \* the candidate shall not  
6176 be printed on the ballot. When a candidate for party nomination  
6177 for a state or district office who has qualified with the state  
6178 executive committee withdraws as a candidate as is herein set  
6179 forth after the sample of the official ballot has been approved  
6180 and certified by the state executive committee the secretary  
6181 or \* \* \* chair of the State Executive Committee shall forthwith  
6182 notify the county executive committee of each county affected or  
6183 involved of the fact of \* \* \* the withdrawal and such notification  
6184 shall authorize \* \* \* the county executive committees to omit the  
6185 name of the withdrawn candidate from the ballot if such  
6186 notification is received \* \* \* before the printing of the ballot.  
6187 In the case of the withdrawal of any candidate, the fee paid  
6188 by \* \* \* the candidate shall be retained by the state or county  
6189 executive committee, as the case may be.

6190           **SECTION 176.** Section 23-15-317, Mississippi Code of 1972, is  
6191 amended as follows:

6192           23-15-317. If any person nominated for office in a primary  
6193 election shall die, be removed after his or her nomination or





6194 withdraw or resign from his or her candidacy for a legitimate  
6195 nonpolitical reason as defined in this section, and \* \* \* the  
6196 vacancy in nomination shall occur between the primary election and  
6197 the ensuing general election, then the municipal, county or state  
6198 executive committee with which the original nominee qualified as a  
6199 candidate in the primary election shall nominate a nominee for  
6200 such office. Where such a party nominee is unopposed each  
6201 political party registered with the State Board of Election  
6202 Commissioners shall have the privilege of nominating a candidate  
6203 for the office involved. Such nominee shall be duly certified by  
6204 the respective executive committee \* \* \* chair. Within two (2)  
6205 days after such nomination is made by the appropriate executive  
6206 committee, such committee shall formally notify the Secretary of  
6207 State of the name of the nominee. The Secretary of State shall  
6208 thereupon officially notify the appropriate officials charged with  
6209 conducting the election for the office wherein the vacancy  
6210 occurred of the name of the nominee. All nominations made  
6211 pursuant to the provisions of this section shall have the same  
6212 force and effect and shall entitle the nominees to all rights and  
6213 privileges that would accrue to them as if they had been nominated  
6214 in the regular primary election.

6215 "Legitimate nonpolitical reason" as used in this section  
6216 shall be limited to the following:



6217 (a) Reasons of health, which shall include any health  
6218 condition which, in the written opinion of a medical doctor, would  
6219 be harmful to the health of the candidate if he or she continued.

6220 (b) Family crises, which shall include circumstances  
6221 which would substantially alter the duties and responsibilities of  
6222 the candidate to the family or to a family business.

6223 (c) Substantial business conflict, which shall include  
6224 the policy of an employer prohibiting employees being candidates  
6225 for public offices and an employment change which would result in  
6226 the ineligibility of the candidate or which would impair his or  
6227 her capability to properly carry out the functions of the office  
6228 being sought.

6229 Any candidate who withdraws based upon a "legitimate  
6230 nonpolitical reason" which is not covered by the above definition  
6231 shall have the strict burden of proof for his or her reason.

6232 A candidate who wishes to withdraw for a legitimate  
6233 nonpolitical reason shall submit his or her reason by sworn  
6234 affidavit. Such affidavit shall be filed with the state  
6235 party \* \* \* chair of the nominee's party and the State Board of  
6236 Election Commissioners. No substitution of candidates shall be  
6237 authorized, except for death or disqualification, unless the State  
6238 Board of Election Commissioners approves the affidavit as  
6239 constituting a "legitimate nonpolitical reason" for the  
6240 candidate's resignation within five (5) days of the date the  
6241 affidavit is submitted to the board.



6242           Immediately upon approval or disapproval of such affidavit,  
6243 the State Board of Election Commissioners shall notify the  
6244 respective executive committee of same.

6245           **SECTION 177.** Section 23-15-335, Mississippi Code of 1972, is  
6246 amended as follows:

6247           23-15-335. (1) The county executive committee shall  
6248 designate a person whose duty it shall be to distribute all  
6249 necessary ballots for use in a primary election, and shall  
6250 designate one (1) among the poll managers at each polling place to  
6251 receive and receipt for the blank ballots to be used at that  
6252 place. When the blank ballots are delivered to a local poll  
6253 manager, the distributor shall take from the local poll manager a  
6254 receipt therefor signed in duplicate by both the distributor and  
6255 the poll manager, one (1) of which receipts the distributor shall  
6256 deliver to the circuit clerk and the other shall be retained by  
6257 the local poll manager and \* \* \* the last mentioned duplicate  
6258 receipt shall be enclosed in the ballot box with the voted ballots  
6259 when the polls have been closed and the votes have been counted.  
6260 The printer of the ballots shall take a receipt from the  
6261 distributor of the ballots for the total number of the blank  
6262 ballots delivered to the distributor. The printer shall secure  
6263 all ballots printed by him or her in such a safe manner that no  
6264 person can procure them or any of them, and he or she shall  
6265 deliver no blank ballot or ballots to any person except the  
6266 distributor above mentioned, and then only upon his or her receipt



6267 therefor as above specified. The distributor of the blank ballots  
6268 shall so securely hold the same that no person can obtain any of  
6269 them, and he or she shall not deliver any of them to any person  
6270 other than to the authorized local poll managers and upon their  
6271 respective receipts therefor. The executive committee shall see  
6272 to it that the total blank ballots delivered to the distributor,  
6273 shall correspond with the total of the receipts executed by the  
6274 local poll managers.

6275 (2) (a) If it is eligible under Section 23-15-266, the  
6276 county executive committee may enter into a written agreement with  
6277 the circuit clerk or the county election commission authorizing  
6278 the circuit clerk or the county election commission to perform any  
6279 of the duties required of the county executive committee pursuant  
6280 to this section. Any agreement entered into pursuant to this  
6281 subsection shall be signed by the \* \* \* chair of the county  
6282 executive committee and the circuit clerk or the \* \* \* chair of  
6283 the county election commission, as appropriate. The county  
6284 executive committee shall notify the state executive committee and  
6285 the Secretary of State of the existence of such agreement.

6286 (b) If it is eligible under Section 23-15-266, the  
6287 municipal executive committee may enter into a written agreement  
6288 with the municipal clerk or the municipal election commission  
6289 authorizing the municipal clerk or the municipal election  
6290 commission to perform any of the duties required of the municipal  
6291 executive committee pursuant to this section. Any agreement



6292 entered into pursuant to this subsection shall be signed by  
6293 the \* \* \* chair of the municipal executive committee and the  
6294 municipal clerk or the \* \* \* chair of the municipal election  
6295 commission, as appropriate. The municipal executive committee  
6296 shall notify the state executive committee and the Secretary of  
6297 State of the existence of such agreement.

6298 (3) Any person charged with any of the duties prescribed in  
6299 this section who shall willfully or with culpable carelessness  
6300 violate the same shall be guilty of a misdemeanor.

6301 **SECTION 178.** Section 23-15-545, Mississippi Code of 1972, is  
6302 amended as follows:

6303 23-15-545. At each election, \* \* \* at least one (1) poll  
6304 manager shall \* \* \* be charged with writing in the pollbook the  
6305 word "VOTED," in the column having at its head the date of the  
6306 election, opposite the name of each elector \* \* \* upon return of a  
6307 marked paper ballot by the elector with the initials of the  
6308 initialing poll manager or alternate initialing poll manager  
6309 affixed thereon. When a DRE unit is used in the polling place,  
6310 the word "VOTED" shall be marked by at least one (1) poll manager  
6311 in the pollbook in the column having at its head the date of the  
6312 election, opposite the name of the elector.

6313 **SECTION 179.** Section 23-15-549, Mississippi Code of 1972, is  
6314 amended as follows:

6315 23-15-549. Any voter who declares to the poll managers of  
6316 the election that he or she requires assistance to vote by reason



6317 of blindness, disability or inability to read or write may be  
6318 given assistance by a person of the voter's choice \* \* \*, except  
6319 that voter assistance shall not be provided by a candidate whose  
6320 name is on the ballot, or by a spouse, parent, sibling or child of  
6321 a candidate whose name is on the ballot, or by a poll watcher who  
6322 is observing the polling place on election day, or the voter's  
6323 employer, or agent of that employer, or officer or agent of the  
6324 voter's union; however, a candidate for public office or the  
6325 spouse, parent or child of a candidate may provide assistance upon  
6326 request of any voter who is related within the first degree.

6327       **SECTION 180.** Section 23-15-871, Mississippi Code of 1972, is  
6328 amended as follows:

6329       23-15-871. \* \* \* (1) No corporation or any officer or  
6330 employee thereof, or any member of a firm, or trustee or any  
6331 member of any association, or any other employer, \* \* \* may direct  
6332 or coerce, directly or indirectly, any employee to vote or not to  
6333 vote for any particular person or group of persons in any  
6334 election, or to discharge or to threaten to discharge any such  
6335 employee, or to increase or decrease the salary or wages of an  
6336 employee, or otherwise promote or demote \* \* \* the employee,  
6337 because of his or her vote or failure to vote for any particular  
6338 candidate or group of candidates \* \* \* .

6339       (2) No employer, or employee having the authority to employ  
6340 or discharge other employees, \* \* \* may make any statement public  
6341 or private, or \* \* \* give out or circulate any report or



6342 statement, calculated to intimidate or coerce or otherwise  
6343 influence any \* \* \* vote of an employee, and when any such  
6344 statement has \* \* \* been circulated, it shall be the duty of \* \* \*  
6345 the employer to publicly repudiate it \* \* \* or the employer shall  
6346 be deemed by way of ratification to have made it himself or  
6347 herself. \* \* \*

6348 (3) No employee may be requested, directed or permitted to  
6349 canvass for or against any candidate or render any other services  
6350 for or against any candidate or group of candidates, during any of  
6351 the hours within which the salary of \* \* \* the employee as an  
6352 employee is being paid or agreed to be paid \* \* \*. No employee  
6353 may be allowed any vacation or leave of absence at the expense of  
6354 the employer to render any service or services for or against any  
6355 candidate or group of candidates, or to take any active part in  
6356 any election campaign whatsoever \* \* \*, except the necessary time  
6357 to cast his or her vote.

6358 (4) The prohibitions of this section shall apply to all  
6359 state, state district, county and county district officers, and to  
6360 any board or commission and the members thereof by whatever name  
6361 designated and whether elective or appointive, and to each \* \* \*  
6362 one of those employed by them or any of them. \* \* \*

6363 (5) No state, state district, county or county district  
6364 officer, or any employee \* \* \* who directly or indirectly has the  
6365 control, \* \* \* or who asserts \* \* \* that he or she has such power,  
6366 over the expenditure of any public funds in this state \* \* \* shall



6367 state, suggest or intimate, publicly or privately, or in any  
6368 manner or form, that any such expenditure shall \* \* \* depend upon  
6369 or be influenced by the vote of any person, group of persons, or  
6370 community or group of communities, whether for or against any  
6371 candidate or group of candidates at any election.

6372 (6) This section and every part of it shall apply also to  
6373 all federal officers, agents, employees, boards and  
6374 commissions \* \* \* as to any interference \* \* \* contrary to the  
6375 provisions of this chapter, in the elections of this state.

6376 (7) Any violation of this section shall be a violation of  
6377 Section 97-13-37 and shall be referred to a district attorney for  
6378 prosecution.

6379 **SECTION 181.** Section 23-15-883, Mississippi Code of 1972, is  
6380 amended as follows:

6381 23-15-883. The restriction imposed upon the \* \* \*  
6382 Mississippi Transportation Commission and the boards of  
6383 supervisors of the several counties in the employment of labor to  
6384 work and maintain the state highways and the public roads of the  
6385 several supervisors' districts of the county, as provided in  
6386 Section 23-15-881, shall not apply to road contractors or bridge  
6387 contractors engaged in the construction or maintenance of state  
6388 highways or county roads under contracts awarded by the \* \* \*  
6389 Mississippi Transportation Commission, or the board of  
6390 supervisors, as the case may be, where such contracts shall have  
6391 been awarded to the lowest responsible bidder, after legal





6392 advertisement, as provided by law; nor shall the restriction  
6393 imposed in Section 23-15-881 apply to the labor employed by such  
6394 road contractors or bridge contractors in carrying out such  
6395 contracts. Nor shall the provisions of this chapter apply to the  
6396 employment by the \* \* \* Mississippi Transportation Commission, or  
6397 the board of supervisors, as the case may be, of extra labor  
6398 employed to make repairs upon the state highways or highway  
6399 bridges, or upon the county roads or bridges, in cases where such  
6400 state highways or highway bridges, or such county roads or  
6401 bridges, have been damaged or destroyed by severe storms, floods  
6402 or other unforeseen disasters.

6403         **SECTION 182.** Section 23-15-887, Mississippi Code of 1972, is  
6404 amended as follows:

6405         23-15-887. If any member of the \* \* \* Mississippi  
6406 Transportation Commission, and any member of the board of  
6407 supervisors, or the mayor or any member of the board of aldermen  
6408 or other governing authority of any municipality, shall violate  
6409 the provisions of this article, he or she shall be guilty of a  
6410 misdemeanor, and upon conviction thereof, shall be punished by a  
6411 fine of not less than One Hundred Dollars (\$100.00) nor more than  
6412 Five Hundred Dollars (\$500.00), or by imprisonment in the county  
6413 jail for a term not to exceed six (6) months, or by both such fine  
6414 and imprisonment.

6415         **SECTION 183.** Section 23-15-889, Mississippi Code of 1972, is  
6416 amended as follows:



6417 23-15-889. It shall be unlawful for any person to sell or  
6418 offer to sell his or her vote and it shall be likewise unlawful  
6419 for any person to offer money or anything of substantial value to  
6420 anyone for his vote. Anyone violating the provisions of this  
6421 section shall be guilty of a misdemeanor and upon conviction shall  
6422 be fined not less than Fifty Dollars (\$50.00) nor more than Five  
6423 Hundred Dollars (\$500.00), or imprisoned not more than six (6)  
6424 months, or both.

6425 **SECTION 184.** Section 21-9-19, Mississippi Code of 1972, is  
6426 amended as follows:

6427 21-9-19. At all elections held to choose a mayor and  
6428 councilmen, or any of them, the choice of the person or persons  
6429 voting shall be indicated and the ballots shall be marked in like  
6430 manner as is provided by law for general state and county  
6431 elections. \* \* \*

6432 The poll managers \* \* \* at all special and general elections  
6433 for mayor and councilmen, or any of them, shall immediately, upon  
6434 the closing of the polls, count the ballots and ascertain the  
6435 number of votes cast in each voting precinct for each of the  
6436 candidates and make return thereof to the municipal election  
6437 commissioners. On the day following any special or general  
6438 election, the \* \* \* municipal election commissioners shall  
6439 canvass \* \* \* the returns so received from all the voting  
6440 precincts, and shall within \* \* \* six (6) business days after such  
6441 special or general election, deliver to each person receiving the



6442 highest number of votes a certificate of election. If it shall  
6443 appear by the returns that any two (2) candidates for mayor or  
6444 councilmen, have received an equal number of votes, the election  
6445 shall be decided by a toss of a coin or by lot, fairly and  
6446 publicly drawn \* \* \* under the direction of the election  
6447 commissioners, with the aid of a friend of each such candidates,  
6448 and a certificate of election shall be given accordingly.

6449 The election commissioners shall, within \* \* \* ten (10)  
6450 business days after any special or general election, certify to  
6451 the Secretary of State the name or names of the person or persons  
6452 elected at such special or general election, and the Secretary of  
6453 State shall, immediately upon receiving such certificates, deliver  
6454 the same to the Governor, who shall immediately issue commissions  
6455 to the persons mentioned in certificate.

6456 **SECTION 185.** Section 37-65-123, Mississippi Code of 1972, is  
6457 amended as follows:

6458 37-65-123. The words "qualified elector" or "qualified  
6459 electors" for the purposes of this article, shall in addition to  
6460 the provisions of the first paragraph of Section 37-65-119, mean:

6461 A person, who on the day he or she signs any petition  
6462 provided for in \* \* \* the section, is properly registered and  
6463 qualified to vote in a county wide election of the county if such  
6464 were then held, according to the \* \* \* voter roll as  
6465 electronically maintained in the Statewide Elections Management  
6466 System in the office of the circuit clerk and registrar of the



6467 county, in which all or any part of the school district is  
6468 located, and who is a resident of the school district in which one  
6469 or more schools have been closed, and who (a) is qualified to vote  
6470 in an election of a trustee of that school district, if any be  
6471 elective and (b) if the school district be a municipal separate  
6472 school district or a special municipal separate school district  
6473 and such person lives within the corporate limits of the  
6474 municipality then such person must be qualified to vote in a city  
6475 wide election if such were held on the day he or she signs any  
6476 petition herein provided for.

6477 **SECTION 186.** Section 37-7-229, Mississippi Code of 1972, is  
6478 amended as follows:

6479 37-7-229. For the purpose of holding such election, it shall  
6480 be the duty of the county election commissioners to prepare from  
6481 the records in the office of the county registrar a list of the  
6482 qualified electors of the school district in which such election  
6483 is to be held who are eligible to participate in \* \* \* the  
6484 election. \* \* \* The list shall be furnished to the \* \* \* poll  
6485 managers in each precinct, together with the ballots and other  
6486 election supplies.

6487 In the event that any election precinct embraces parts of two  
6488 (2) or more school districts it shall be the duty of the county  
6489 election commissioners to prepare from the records in the office  
6490 of the county registrar separate lists of the qualified electors  
6491 of each school district who reside in \* \* \* the precinct and who



6492 are eligible to participate in \* \* \* the election. \* \* \* The  
6493 election commissioners shall furnish to the \* \* \* poll managers  
6494 in \* \* \* the precinct separate ballots and separate ballot boxes  
6495 and separate voting lists for each school district.

6496 For each day spent in carrying out the provisions of Sections  
6497 37-7-225 through 37-7-229 the county election commissioners shall  
6498 be paid at the rate prescribed by law.

6499 **SECTION 187.** Section 23-15-631, Mississippi Code of 1972, is  
6500 amended as follows:

6501 23-15-631. (1) The registrar shall enclose with each ballot  
6502 provided to an absent elector separate printed instructions  
6503 furnished by \* \* \* the registrar containing the following:

6504 (a) All absentee voters, excepting those with temporary  
6505 or permanent physical disabilities or those who are sixty-five  
6506 (65) years of age or older, who mark their ballots in the county  
6507 of the residence shall use the registrar of that county as the  
6508 witness. The absentee voter shall come to the office of the  
6509 registrar and neither the registrar nor his or her deputy shall be  
6510 required to go out of the registrar's office to serve as an  
6511 attesting witness.

6512 (b) Upon receipt of the enclosed ballot, you will not  
6513 mark the ballot except in view or sight of the attesting witness.  
6514 In the sight or view of the attesting witness, mark the ballot  
6515 according to instructions.



6516 (c) After marking the ballot, fill out and sign the  
6517 "ELECTOR'S CERTIFICATE" on the back of the envelope so that the  
6518 signature \* \* \* is across the flap of the envelope \* \* \* to \* \* \*  
6519 ensure the integrity of the ballot. All absent electors shall  
6520 have the attesting witness sign the "ATTESTING WITNESS  
6521 CERTIFICATE" across the flap on the back of the envelope. Place  
6522 the necessary postage on the envelope and deposit it in the post  
6523 office or some government receptacle provided for deposit of mail  
6524 so that the absent elector's ballot, excepting presidential  
6525 absentee ballots, will reach the registrar in which your precinct  
6526 is located not later than 5:00 p.m. on the day preceding the date  
6527 of the election.

6528 Any notary public, United States postmaster, assistant United  
6529 States postmaster, United States postal supervisor, clerk in  
6530 charge of a contract postal station, or \* \* \* other officer having  
6531 authority to administer an oath or take an acknowledgment may be  
6532 an attesting witness; provided, however, that in the case of an  
6533 absent elector who is temporarily or permanently physically  
6534 disabled, the attesting witness may be any person eighteen (18)  
6535 years of age or older and such person is not required to have the  
6536 authority to administer an oath. If a postmaster, assistant  
6537 postmaster, postal supervisor, or clerk in charge of a contract  
6538 postal station acts as an attesting witness, his or her signature  
6539 on the elector's certificate must be authenticated by the  
6540 cancellation stamp of their respective post offices. If \* \* \* an



6541 officer having authority to administer an oath or take an  
6542 acknowledgement acts as attesting witness, his or her signature on  
6543 the elector's certificate, together with his or her title and  
6544 address, but no seal, shall be required. Any affidavits made by  
6545 an absent elector who is in the Armed Forces may be executed  
6546 before a commissioned officer, warrant officer, or noncommissioned  
6547 officer not lower in grade than sergeant rating or any person  
6548 authorized to administer oaths.

6549 (d) When the application accompanies the ballot it  
6550 shall not be returned in the same envelope as the ballot but shall  
6551 be returned in a separate preaddressed envelope provided by the  
6552 registrar.

6553 (e) A \* \* \* candidate for public office, or the spouse,  
6554 parent or child of a candidate for public office, may not be an  
6555 attesting witness for any absentee ballot upon which the \* \* \*  
6556 candidate's name appears, unless the voter is related within the  
6557 first degree to the candidate or the spouse, parent or child of  
6558 the candidate.

6559 (f) Any voter casting an absentee ballot who declares  
6560 that he or she requires assistance to vote by reason of blindness,  
6561 temporary or permanent physical disability or inability to read or  
6562 write, shall be entitled to receive assistance in the marking of  
6563 his or her absentee ballot and in completing the affidavit on the  
6564 absentee ballot envelope. The voter may be given assistance by  
6565 anyone of the voter's choice other than a candidate whose name



6566 appears on the absentee ballot being marked, the spouse, parent or  
6567 child of a candidate whose name appears on the absentee ballot  
6568 being marked or the voter's employer, \* \* \* an agent of that  
6569 employer or a union representative; however, a candidate whose  
6570 name is on the ballot or the spouse, parent or child of such  
6571 candidate may provide assistance upon request to any voter who is  
6572 related within the first degree. In order to ensure the integrity  
6573 of the ballot, any person who provides assistance to an absentee  
6574 voter shall be required to sign and complete the "Certificate of  
6575 Person Providing Voter Assistance" on the absentee ballot  
6576 envelope.

6577 (2) The foregoing instructions required to be provided by  
6578 the registrar to the elector shall also constitute the substantive  
6579 law pertaining to the handling of absentee ballots by the elector  
6580 and registrar.

6581 (3) The Secretary of State shall prepare instructions on how  
6582 absent voters may comply with the identification requirements of  
6583 Section 23-15-563.

6584 **SECTION 188.** Section 23-15-13, Mississippi Code of 1972, is  
6585 amended as follows:

6586 23-15-13. (1) An elector who moves from one (1) ward or  
6587 voting precinct to another ward within the same municipality or  
6588 voting precinct within the same county shall not be disqualified  
6589 to vote, but he or she shall be entitled to have his or her  
6590 registration transferred to his or her new ward or voting precinct





6591 upon making written request therefor at any time up to thirty (30)  
6592 days \* \* \* before the election at which he or she offers to vote,  
6593 and if the removal occurs within thirty (30) days of such election  
6594 he or she shall be entitled to vote in his or her new ward or  
6595 voting precinct by affidavit ballot as provided in Section  
6596 23-15-573. If the thirtieth day to transfer the elector's  
6597 registration before an election falls on a Sunday or legal  
6598 holiday, the transfer of the elector's registration submitted on  
6599 the business day immediately following the Sunday or legal holiday  
6600 shall be accepted and entered into the Statewide Elections  
6601 Management System for the purpose of enabling voters to vote in  
6602 the next election.

6603 (2) If an elector requests a change in his or her address  
6604 under Section 23-15-49 and the address is located in a precinct in  
6605 the county or municipality that differs from the precinct as  
6606 reflected in the then current registration records, the request  
6607 shall be treated in the same manner as a written request to  
6608 transfer the elector's registration under subsection (1) of this  
6609 section.

6610 **SECTION 189.** Sections 23-15-111, 23-15-119, 23-15-127,  
6611 23-15-129, 23-15-133, 23-15-137 and 23-15-160, Mississippi Code of  
6612 1972, which provide for the preparation, revision and maintenance  
6613 of registration books and poll books, are repealed.



6614           **SECTION 190.** Section 23-15-167, Mississippi Code of 1972,  
6615 which provides for the funding to purchase computer hardware or  
6616 software for the Centralized Statewide Voter System, is repealed.

6617           **SECTION 191.** Section 23-15-169.6, Mississippi Code of 1972,  
6618 which created a task force to study voting systems that comply  
6619 with the Help America Vote Act of 2002 and their suitability for  
6620 use in elections in Mississippi, is repealed.

6621           **SECTION 192.** Section 23-15-212, Mississippi Code of 1972,  
6622 which created a study committee to conduct a study to determine  
6623 how registrars, election commissioners, executive committee  
6624 members and poll workers can be better trained in the conduct of  
6625 elections, is repealed.

6626           **SECTION 193.** Section 23-15-269, Mississippi Code of 1972,  
6627 which provides the penalties for an election commissioner, or any  
6628 other officer or person acting as such, or performing election  
6629 duty, who willfully refuse or knowingly fail to perform any duty  
6630 required of him or her by the election laws, is repealed.

6631           **SECTION 194.** Sections 23-15-393, 23-15-401, 23-15-403,  
6632 23-15-405, 23-15-407, 23-15-409, 23-15-411, 23-15-413, 23-15-415,  
6633 23-15-417, 23-15-419, 23-15-421, 23-15-423, 23-15-425, 23-15-427,  
6634 23-15-429, 23-15-431, 23-15-433, 23-15-435, 23-15-437, 23-15-439,  
6635 23-15-441, 23-15-443, 23-15-445, 23-15-447, 23-15-449 and  
6636 23-15-451, Mississippi Code of 1972, which provide for the use of  
6637 voting machines in elections, are repealed.



6638           **SECTION 195.** Sections 23-15-461, 23-15-463, 23-15-465,  
6639 23-15-467, 23-15-469, 23-15-471, 23-15-473, 23-15-475, 23-15-477,  
6640 23-15-479, 23-15-481, 23-15-483, 23-15-485 and 23-15-501,  
6641 Mississippi Code of 1972, which provide for the use of electronic  
6642 voting systems, are repealed.

6643           **SECTION 196.** Section 23-15-509, Mississippi Code of 1972,  
6644 which provides when and where OMR equipment may be used, is  
6645 repealed.

6646           **SECTION 197.** Section 23-15-531.7, Mississippi Code of 1972,  
6647 which provides for the demonstration of DRE units, is repealed.

6648           **SECTION 198.** Section 23-15-531.8, Mississippi Code of 1972,  
6649 which provides for the storage and security of DRE units, is  
6650 repealed.

6651           **SECTION 199.** Section 23-15-531.11, Mississippi Code of 1972,  
6652 which provides for the coding of challenged ballots on DRE units,  
6653 is repealed.

6654           **SECTION 200.** Section 23-15-559, Mississippi Code of 1972,  
6655 which provides the times for holding primary and general election  
6656 for municipalities that operate under a special or private  
6657 charter, is repealed.

6658           **SECTION 201.** Section 23-15-841, Mississippi Code of 1972,  
6659 which provides for the holding of a primary election in special  
6660 elections for county and county district seats, is repealed.



6661           **SECTION 202.** Section 23-15-893, Mississippi Code of 1972,  
6662 which provides the penalty for being intoxicated in or about a  
6663 polling place during an election, is repealed.

6664           **SECTION 203.** Section 23-15-899, Mississippi Code of 1972,  
6665 which provides for identifying information to be posted on  
6666 campaign materials, is repealed.

6667           **SECTION 204.** Section 97-13-18, Mississippi code of 1972,  
6668 which prohibits foreign nationals from making contributions or  
6669 expenditures to or on behalf of political parties or candidates,  
6670 is repealed.

6671           **SECTION 205.** This act shall take effect and be in force from  
6672 and after July 1, 2017, except for Sections 3, 9, 13, 14, 15, 18,  
6673 19, 21, 24, 31, 70, 108, 115, 116, 117, 118, 119, 184 and 188,  
6674 which shall take effect and be in force from and after passage.

