

By: Representatives Blackmon, Sykes

To: Apportionment and
Elections

HOUSE BILL NO. 333

1 AN ACT TO CREATE PRE-ELECTION DAY VOTING ACT; TO PROVIDE
2 DEFINITIONS; TO PROVIDE THAT THE PRE-ELECTION DAY VOTING PERIOD
3 SHALL BEGIN TWENTY DAYS BEFORE THE ELECTION AND CONTINUE UNTIL
4 NOON ON THE SATURDAY IMMEDIATELY PRECEDING THE ELECTION; TO
5 PROVIDE THAT PRE-ELECTION DAY VOTING SHALL BE FOR EACH PRIMARY,
6 GENERAL, RUNOFF, SPECIAL AND MUNICIPAL ELECTION FOR PUBLIC OFFICE;
7 TO PROVIDE THE HOURS FOR PRE-ELECTION DAY VOTING IN THE
8 REGISTRAR'S OFFICE DURING REGULAR BUSINESS HOURS; TO PROVIDE
9 EXTENDED HOURS TO VOTE DURING THE LAST FULL WEEK PRECEDING AN
10 ELECTION; TO PROVIDE THAT NOTICE OF PRE-ELECTION DAY VOTING SHALL
11 BE PROVIDED IN THREE PUBLIC PLACES EIGHT DAYS BEFORE THE VOTING
12 BEGINS; TO PROVIDE THE PROCEDURES TO FOLLOW WHEN CASTING A BALLOT
13 DURING THE PRE-ELECTION DAY VOTING PERIOD; TO PROVIDE THE MANNER
14 FOR CHALLENGING THE QUALIFICATIONS OF A VOTER DURING THE
15 PRE-ELECTION DAY VOTING PERIOD; TO AMEND SECTIONS 23-15-625,
16 23-15-627, 23-15-629, 23-15-631, 23-15-635, 23-15-637, 23-15-639,
17 23-15-641, 23-15-643, 23-15-647, 23-15-649, 23-15-657, 23-15-713,
18 23-15-715, 23-15-717, 23-15-719, 23-15-721 AND 23-15-735,
19 MISSISSIPPI CODE OF 1972, TO REVISE THE VOTERS WHO ARE ELIGIBLE TO
20 VOTE BY ABSENTEE BALLOT; TO PROHIBIT A VOTER FROM CASTING AN
21 ABSENTEE BALLOT IN PERSON AT THE OFFICE OF THE COUNTY REGISTRAR;
22 TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND SECTIONS
23 23-15-31, 23-15-37, 23-15-43, 23-15-47, 23-15-65, 23-15-127,
24 23-15-153, 23-15-171, 23-15-173, 23-15-191, 23-15-195, 23-15-197,
25 23-15-231, 23-15-233, 23-15-239, 23-15-241, 23-15-245, 23-15-247,
26 23-15-251, 23-15-255, 23-15-263, 23-15-265, 23-15-267, 23-15-309,
27 23-15-331, 23-15-333, 23-15-335, 23-15-353, 23-15-357, 23-15-359,
28 23-15-363, 23-15-367, 7-3-39, 23-15-511, 23-15-515, 23-15-531.6,
29 23-15-545, 23-15-573, 23-15-613, 23-15-781, 23-15-785, 23-15-807,
30 23-15-833, 23-15-843, 23-15-851, 23-15-853, 23-15-855, 23-15-857,
31 23-15-859, 23-15-895, 23-15-913, 23-15-963, 23-15-977, 23-15-1031,
32 23-15-1081, 23-15-1083, 23-15-1085, 23-15-1091, 21-3-3, 21-9-17,
33 37-5-9, 21-8-7 AND 9-4-5, MISSISSIPPI CODE OF 1972, TO CONFORM TO
34 THE PROVISIONS OF THIS ACT; AND FOR RELATED PURPOSES.



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

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

39 **SECTION 2.** For purposes of this act, these words shall have
40 the following meanings, unless their context clearly suggests
41 otherwise:

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

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

50 **SECTION 3.** (1) The pre-election day voting period shall
51 begin twenty (20) days before the date of each primary, general,
52 runoff, special and municipal election for public office and
53 continue until 12:00 p.m. on the Saturday immediately preceding
54 the election day. Any qualified elector may vote during the times
55 established for pre-election day voting in this chapter in the
56 office of the registrar in which the elector is registered to
57 vote.

58 (2) Pre-election day voting shall be conducted in the office
59 of the appropriate registrar during regular business hours.



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

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

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



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

87 (3) The votes cast during the pre-election day voting period
88 shall be announced simultaneously with all other votes cast on
89 election day.

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

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

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

101 23-15-625. (1) The registrar shall be responsible for
102 providing applications for absentee voting as provided in this
103 section. At least sixty (60) days * * * before any election in
104 which absentee voting is provided for by law, the registrar shall
105 provide a sufficient number of applications. In the event a
106 special election is called and set at a date * * * that makes it
107 impractical or impossible to prepare applications for absent
108 elector's ballot sixty (60) days * * * before the election, the
109 registrar shall provide applications as soon as practicable after



110 the election is called. The registrar shall fill in the date of
111 the particular election on the application for which the
112 application will be used.

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

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

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



135 (b) A person designated in writing by the person for
136 whom the absentee ballot application or absentee ballot is
137 sought * * *.

138 As used in this subsection, "family member" means a spouse,
139 parent, grandparent, sibling, adult child, grandchild or legal
140 guardian.

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

157 (5) The registrar shall * * * be authorized to mail one (1)
158 application to any qualified elector of the county, who is



159 eligible to vote by absentee ballot, for use in a particular
160 election.

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

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

169 23-15-627. The registrar shall be responsible for furnishing
170 an absentee ballot application form to any elector authorized to
171 receive an absentee ballot. Except as otherwise provided in
172 Section 23-15-625, absentee ballot applications shall be furnished
173 to a person only upon the oral or written request of the elector
174 who seeks to vote by absentee ballot; however, the parent, child,
175 spouse, sibling, legal guardian, those empowered with a power of
176 attorney for that elector's affairs or agent of the elector, who
177 is designated in writing and witnessed by a resident of this state
178 who shall write his or her physical address on such designation,
179 may orally request an absentee ballot application on behalf of the
180 elector. The written designation shall be valid for one (1) year
181 after the date of the designation. An absentee ballot application
182 must have the seal of the circuit or municipal clerk affixed to it
183 and be initialed by the registrar or his or her deputy in order to



184 be utilized to obtain an absentee ballot. A reproduction of an
185 absentee ballot application shall not be valid unless it is a
186 reproduction provided by the office of the registrar of the
187 jurisdiction in which the election is being held and which
188 contains the seal and initials required by this section. * * *

189 The application shall be substantially in the following form:

190 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

201 () I am a member of the Merchant Marine or the American Red
202 Cross and am a citizen of Mississippi or spouse or dependent of
203 such member.

204 () I am a disabled war veteran who is a patient in any
205 hospital and am a citizen of Mississippi or spouse or dependent of
206 such veteran.

207 () I am a civilian attached to and serving outside of the
208 United States with any branch of the Armed Forces or with the



209 Merchant Marine or American Red Cross, and am a citizen of
210 Mississippi or spouse or dependent of such civilian.

211 () I am a citizen of Mississippi temporarily residing
212 outside the territorial limits of the United States and the
213 District of Columbia.

214 * * *

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

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

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

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

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

230 () I am a member of the congressional delegation, or spouse
231 or dependent of a member of the congressional delegation.

232 * * *



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

235 Mail 'Absent Elector's Ballot' to me at the following address
236 _____ * * *.

237 I realize that I can be fined up to Five Thousand Dollars
238 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
239 for making a false statement in this application and for selling
240 my vote and violating the Mississippi Absentee Voter Law. (This
241 sentence is to be in bold print.)

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

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

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

252 _____

253 (Signature of absent elector)

254 SWORN TO AND SUBSCRIBED before me this the _____ day of _____,
255 2____.

256 _____

257 (Official authorized to administer oaths



258 for absentee balloting.)

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

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

265 _____
266 (Signature of witness)

267 CERTIFICATE OF DELIVERY

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

272 _____
273 (Signature of person delivering application)

274 _____
275 (Address of person delivering application)"

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

278 23-15-629. (1) The application for an absentee ballot of a
279 person who is permanently or temporarily physically disabled shall
280 be accompanied by a statement signed by * * * that person's
281 physician, or nurse practitioner * * *. The statement must show
282 that the person signing the statement is a licensed,



283 practicing * * * physician or nurse practitioner and must indicate
284 that the person applying for the absentee ballot is permanently or
285 temporarily physically disabled to such a degree that it is
286 difficult for him or her to vote in person.

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

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



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

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

313 23-15-631. (1) The registrar shall enclose with each ballot
314 provided to an absent elector separate printed instructions
315 furnished by the registrar containing the following:

316 * * *

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

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



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

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

355 (* * * d) A candidate for public office, or the spouse,
356 parent or child of a candidate for public office, may not be an



357 attesting witness for any absentee ballot upon which the
358 candidate's name appears, unless the voter is related within the
359 first degree to the candidate or the spouse, parent or child of
360 the candidate.

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

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



381 law pertaining to the handling of absentee ballots by the elector
382 and registrar.

383 * * *

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

386 23-15-635. (1) The form of the elector's certificate,
387 attesting witness certification and certificate of person
388 providing voter assistance on the back of the envelope used by
389 absentee voters * * * not absent voters as defined in Section
390 23-15-673, shall be as follows:

391 "ELECTOR'S CERTIFICATE

392 STATE OF _____

393 COUNTY * * * OF _____

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

403 I further swear that I marked the enclosed ballot in secret.

404 **Penalties for vote fraud are up to five (5) years in prison and a**
405 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**



406 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
407 **to one (1) year in jail and a fine of up to * * * Three Thousand**
408 **Dollars (\$3,000.00). (Miss. Code. Ann. Section 97-13-37.)**

409 _____
410 (Signature of voter)

411 CERTIFICATE OF ATTESTING WITNESS

412 Under penalty of perjury I affirm that the above named voter
413 personally appeared before me, on this the ___ day of _____,
414 2____, and is known by me to be the person named, and who, after
415 being duly sworn or having affirmed, subscribed the foregoing oath
416 or affirmation. That the voter exhibited to me his or her blank
417 ballot; that the ballot was not marked or voted before the voter
418 exhibited the ballot to me; that the voter was not solicited or
419 advised by me to vote for any candidate, question or issue, and
420 that the voter, after marking his or her ballot, placed it in the
421 envelope, closed and sealed the envelope in my presence, and
422 signed and swore or affirmed the above certificate.

423 _____
424 (Attesting witness) (Address)

425 _____
426 (Official title) (City and State)

427 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

428 (* * * If the voter has received assistance in marking * * *
429 his or her absentee ballot, the person who provided assistance
430 shall complete the following form.) I, under penalty of perjury,



431 hereby certify that the above-named voter declared to me that he
432 or she is blind, temporarily or permanently physically disabled,
433 or cannot read or write, and that the voter requested that I
434 assist the voter in marking the enclosed absentee ballot. I
435 hereby certify that the ballot preferences on the enclosed ballot
436 are those communicated by the voter to me, and that I have marked
437 the enclosed ballot in accordance with the voter's instructions.
438 **Penalties for vote fraud are up to five (5) years in prison and a**
439 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
440 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
441 **to one (1) year in jail and a fine of up to * * * Three Thousand**
442 **Dollars (\$3,000.00). (Miss. Code. Ann. Section 97-13-37.)**

443 _____
444 Signature of person providing assistance

445 _____
446 Printed name of person providing assistance

447 _____
448 Address of person providing assistance

449 _____
450 Date and time assistance provided

451 _____
452 Family relationship to voter (if any)"

453 (2) The envelope used pursuant to this section * * * shall
454 have printed on the flap on the back of the envelope in bold print
455 and in a distinguishing color, the following: **"YOUR VOTE WILL BE**



456 REJECTED AND NOT COUNTED IF THIS ENVELOPE IS NOT SIGNED ACROSS THE
457 FLAP OF THIS ENVELOPE BY YOU AND AN ATTESTING WITNESS."

458 SECTION 12. Section 23-15-637, Mississippi Code of 1972, is
459 amended as follows:

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

467 SECTION 13. Section 23-15-639, Mississippi Code of 1972, is
468 amended as follows:

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

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

478 (b) The poll managers shall then compare the signature
479 on the application * * * with the signature on the back of the
480 envelope. If it corresponds and the affidavit, if one is



481 required, is sufficient and * * * the applicant is a registered
482 and qualified voter or otherwise qualified to vote, and * * * the
483 applicant has not appeared in person and voted at the election,
484 the poll managers shall open the envelope * * * and remove the
485 ballot * * *, without * * * unfolding the ballot, or * * *
486 permitting the ballot to be unfolded or examined.

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

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

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



506 inscribed on each envelope shall be announced by the * * * poll
507 managers.

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

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

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



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

533 * * *

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

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

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



555 the election. * * * The votes may be challenged in the same
556 manner and for the same reasons that any other vote cast in * * *
557 the election may be challenged.

558 * * *

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

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

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



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

582 23-15-647. The registrar shall keep safely and unopened all
583 official absentee ballots * * * that are received * * * after the
584 applicable cutoff period * * *. Upon receipt of * * * the ballot,
585 the registrar shall write the day and hour of the receipt of the
586 ballot on its envelope. All * * * absentee ballots * * * received
587 by the registrar after the cutoff time shall be safely kept
588 unopened by the registrar for the period of time required for the
589 preservation of ballots used in the election, and shall then,
590 without being opened, be destroyed in like manner as the used
591 ballots of the election.

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

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

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



605 23-15-657. The registrar is authorized to accept requests
606 for absentee ballots by telephone. * * * The registrar shall
607 ascertain the name and complete address of the person making the
608 telephone request and the person for whom the request is being
609 made if different than the requestor and shall print upon the
610 absentee ballot application the name and complete address of the
611 requestor * * *, the relation of * * * that person to the voter if
612 requested by a person other than the voter, the name and complete
613 address of the voter if requested by a person other than the voter
614 and the date * * * the request was made. * * * These requests
615 shall be processed through the Statewide Election Management
616 System.

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

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

624 * * *

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



630 absentee voter away from the county of the spouse's voting
631 residence * * *;

632 * * *

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

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

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

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

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



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

656 23-15-715. Any elector described in Section 23-15-713 and
657 desiring an absentee ballot as provided in this subarticle may
658 secure same if * * *, within forty-five (45) days before any
659 election day but not later than seven (7) days before the election
660 day, the elector applies for an absentee ballot as provided in the
661 provisions of this act. * * * All applications, other than those
662 of persons having a temporary or permanent physical disability,
663 shall * * * be sworn to and subscribed before an official who is
664 authorized to administer oaths or other official authorized to
665 witness absentee balloting as provided in this article. The
666 application must be accompanied by a verifying affidavit as
667 required by this article. The applications of persons having a
668 temporary or permanent physical disability are not required to be
669 accompanied by an affidavit but shall be witnessed and signed by a
670 person eighteen (18) years of age or older. * * *

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

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



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

680 23-15-719. * * * Upon receipt of a properly completed
681 application form by an elector qualified to vote absentee as
682 provided in this article, the registrar shall send the absent
683 voter an absentee ballot within one (1) business day, or as soon
684 as the absentee ballot is prepared and available, containing the
685 names of all the candidates or propositions to be voted on in the
686 election. The registrar shall include with the absentee ballot an
687 official envelope that complies with the provisions of this
688 article. * * * The registrar shall not personally hand deliver
689 ballots to voters * * *.

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

696 * * *

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

699 23-15-721. (1) Electors temporarily residing outside the
700 county and obtaining an absentee ballot under the provisions of
701 * * * Section 23-15-715 shall appear before any official
702 authorized to administer oaths or other official authorized to



703 witness absentee balloting as provided in this * * * article. The
704 elector shall exhibit to * * * the official his or her absentee
705 ballot unmarked and * * * then proceed in secret to fill in * * *
706 the ballot. After the elector has * * * marked the ballot
707 and * * * folded it, * * * the elector shall deposit it in the
708 official envelope * * *. After * * * sealing the envelope * * *
709 the elector shall deliver it to the official before whom he or she
710 is appearing and shall subscribe and swear to the elector's
711 certificate provided for in Section 23-15-635, * * * and that
712 affidavit shall be printed on the back of the envelope as provided
713 for in Section 23-15-635 containing the elector's ballot.

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



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

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

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

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

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

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



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

753 (2) The county registrar may keep his or her office open to
754 register voters from 8:00 a.m. until 7:00 p.m., including the noon
755 hour, for the five (5) business days immediately preceding the
756 thirtieth day before any regularly scheduled primary or general
757 election. The county registrar shall also keep his or her office
758 open from 8:00 a.m. until 12:00 noon on the Saturday immediately
759 preceding the thirtieth day before any regularly scheduled primary
760 or general election, unless that Saturday falls on a legal
761 holiday, in which case registration applications submitted on the
762 Monday immediately following the legal holiday shall be accepted
763 and entered in the Statewide Elections Management System for the
764 purpose of enabling such voters to vote in the next primary or
765 general election.

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

772 (4) A person who is physically disabled and unable to visit
773 the office of the registrar to register to vote due to such
774 disability may contact the registrar and request that the
775 registrar or the registrar's deputy visit him or her for the



776 purpose of registering such person to vote. The registrar or the
777 registrar's deputy shall visit that person as soon as possible
778 after such request and provide the person with an application for
779 registration, if necessary. The completed application for
780 registration shall be executed in the presence of the registrar or
781 the registrar's deputy.

782 (5) (a) In the fall and spring of each year the registrar
783 of each county shall furnish all public schools with mail-in voter
784 registration applications. The applications shall be provided in
785 a reasonable time to enable those students who will be eighteen
786 (18) years of age before a general election to be able to vote in
787 the primary and general elections.

788 (b) Each public school district shall permit access to
789 all public schools of this state for the county registrar or the
790 county registrar's deputy to register persons who are eligible to
791 vote and to provide voter education.

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

794 23-15-43. In the event an applicant is not registered, there
795 shall be an automatic review by the county election commissioners
796 under the procedures provided in Sections 23-15-61 through
797 23-15-79. In addition to the meetings of the election
798 commissioners provided in those sections, the commissioners are
799 required to hold such additional meetings to determine all pending
800 cases of registration on review before the election or



801 pre-election day voting period * * * during which the applicant
802 desires to vote.

803 It is not the purpose of this section to indicate the
804 decision that should be reached by the election commissioners in
805 certain cases but to define which applicants should receive
806 further examination by providing for an automatic review.

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

809 23-15-47. (1) Any person who is qualified to register to
810 vote in the State of Mississippi may register to vote by mail-in
811 application in the manner prescribed in this section.

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

814 (a) Any qualified elector may register to vote by
815 mailing or delivering a completed mail-in application to his or
816 her county registrar at least thirty (30) days before any election
817 day; however, if the thirtieth day to register before an election
818 falls on a Sunday or legal holiday, the registration applications
819 submitted on the business day immediately following the Sunday or
820 legal holiday shall be accepted and entered into the Statewide
821 Elections Management System for the purpose of enabling voters to
822 vote in the next election. The postmark date of a mailed
823 application shall be the applicant's date of registration.

824 (b) Upon receipt of a mail-in application, the county
825 registrar shall stamp the application with the date of receipt,



826 and shall verify the application either by matching the
827 applicant's Mississippi driver's license number through the
828 Mississippi Department of Public Safety or by matching the
829 applicant's social security number through the American
830 Association of Motor Vehicle Administrators. Within fourteen (14)
831 days of receipt of a mail-in registration application, the county
832 registrar shall complete action on the application, including any
833 attempts to notify the applicant of the status of his or her
834 application.

835 (c) If the county registrar determines that the
836 applicant is qualified and his or her application is legible and
837 complete, the county registrar shall mail the applicant written
838 notification that the application has been approved, specifying
839 the county voting precinct, municipal voting precinct, if any,
840 polling place and supervisor district in which the person shall
841 vote. This written notification of approval containing the
842 specified information shall be the voter's registration card. The
843 registration card shall be provided by the county registrar to the
844 applicant in accordance with Section 23-15-39. Upon entry of the
845 voter registration information into the Statewide Elections
846 Management System, the system shall assign a voter registration
847 number to the applicant. The assigned voter registration number
848 shall be clearly shown on the written notification of approval.
849 In mailing the written notification, the county registrar shall
850 note the following on the envelope: "DO NOT FORWARD". If any



851 registration notification form is returned as undeliverable, the
852 voter's registration shall be void.

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

855 (i) An incomplete portion of the application makes
856 it impossible for the registrar to determine the eligibility of
857 the applicant to register;

858 (ii) A portion of the application is illegible in
859 the opinion of the county registrar and makes it impossible to
860 determine the eligibility of the applicant to register;

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

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

867 (v) The county registrar determines that the
868 applicant is already registered as a qualified elector of the
869 county;

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

872 (e) If the mail-in application of a person is subject
873 to rejection for any of the reasons set forth in paragraph (d)(i)
874 through (iii) of this subsection, and it appears to the county
875 registrar that the defect or omission is of such a minor nature



876 and that any necessary additional information may be supplied by
877 the applicant over the telephone or by further correspondence, the
878 county registrar may write or call the applicant at the telephone
879 number or address, or both, provided on the application. If the
880 county registrar is able to contact the applicant by mail or
881 telephone, the county registrar shall attempt to ascertain the
882 necessary information, and if this information is sufficient for
883 the registrar to complete the application, the applicant shall be
884 registered. If the necessary information cannot be obtained by
885 mail or telephone, or is not sufficient to complete the
886 application within fourteen (14) days of receipt, the county
887 registrar shall give the applicant written notice of the rejection
888 and provide the reason for the rejection. The county registrar
889 shall further inform the applicant that he or she has a right to
890 attempt to register by appearing in person or by filing another
891 mail-in application.

892 (f) If a mail-in application is subject to rejection
893 for the reason stated in paragraph (d)(v) of this subsection and
894 the "present home address" portion of the application is different
895 from the residence address for the applicant found in the
896 Statewide Elections Management System, the mail-in application
897 shall be deemed a written request to update the voter's
898 registration pursuant to Section 23-15-13. The county registrar
899 or the election commissioners shall update the voter's residence
900 address in the Statewide Elections Management System and, if



901 necessary, advise the voter of a change in the location of his or
902 her county or municipal polling place by mailing the voter a new
903 voter registration card.

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

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

912 (b) The Secretary of State shall distribute without
913 charge sufficient forms for application for voter registration by
914 mail to the Commissioner of Public Safety, who shall distribute
915 the forms to each driver's license examining and renewal station
916 in the state, and shall ensure that the forms are regularly
917 available to the public at such stations.

918 (c) Bulk quantities of forms for application for voter
919 registration by mail shall be furnished by the Secretary of State
920 to any person or organization. The Secretary of State shall
921 charge a person or organization the actual cost he or she incurs
922 in providing bulk quantities of forms for application for voter
923 registration to such person or organization.



924 (5) The originals of completed mail-in applications shall
925 remain on file in the office of the county registrar with copies
926 retained in the Statewide Elections Management System.

927 (6) If the applicant indicates on the application that he or
928 she resides within the city limits of a city or town in the county
929 of registration, the county registrar shall enter the information
930 into the Statewide Elections Management System.

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

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

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

943 23-15-65. The board of election commissioners shall meet at
944 the courthouse of its county on the second Monday in September
945 preceding any general election or in a sufficient amount of time
946 to hear appeals before the period for pre-election day voting
947 begins, and shall remain in session from day to day, so long as
948 business may require. Three (3) election commissioners shall



949 constitute a quorum to do business; but the concurrence of at
950 least three (3) election commissioners shall be necessary in all
951 cases for the rendition of a decision. The election commissioners
952 shall hear and determine all appeals from the decisions of the
953 registrar of their county, allowing or refusing the applications
954 of electors to be registered; and they shall correct illegal or
955 improper registrations, and shall secure the elective franchise,
956 as affected by registration, to those who may be illegally or
957 improperly denied the same.

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

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

970 (2) The election commissioners of the county or municipality
971 shall revise the primary pollbooks at the time and in the manner
972 and in accordance with the laws now fixed and in force for
973 revising pollbooks now provided for under the law, except they



974 shall not remove from the pollbook any person who is qualified to
975 participate in primary elections * * *. However, upon the written
976 request of the municipal election commission, the county election
977 commissioners * * * shall revise the primary pollbooks of the
978 municipality as provided in this subsection.

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

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

988 23-15-153. (1) At least during the following times, the
989 election commissioners shall meet at the office of the registrar
990 or the office of the election commissioners to carefully revise
991 the county voter roll as electronically maintained by the
992 Statewide Elections Management System and remove from the roll the
993 names of all voters who have requested to be purged from the voter
994 roll, died, received an adjudication of non compos mentis, been
995 convicted of a disenfranchising crime, or otherwise become
996 disqualified as electors for any cause, and shall register the
997 names of all persons who have duly applied to be registered but
998 have been illegally denied registration:



999 (a) On the Tuesday after the second Monday in January
1000 1987 and every following year;

1001 (b) On the first Tuesday in the month immediately * * *
1002 before the pre-election day voting period for the first primary
1003 election for members of Congress in the years when members of
1004 Congress are elected;

1005 (c) On the first Monday in the month immediately * * *
1006 before the pre-election day voting period for the first primary
1007 election for state, state district legislative, county and county
1008 district offices in the years in which those offices are elected;
1009 and

1010 (d) On the second Monday of September * * * before the
1011 pre-election day voting period for the general election or regular
1012 special election day in years in which a general election is not
1013 conducted.

1014 Except for the names of those voters who are duly qualified
1015 to vote in the election, no name shall be permitted to remain in
1016 the Statewide Elections Management System; however, no name shall
1017 be purged from the Statewide Elections Management System based on
1018 a change in the residence of an elector except in accordance with
1019 procedures provided for by the National Voter Registration Act of
1020 1993. Except as otherwise provided by Section 23-15-573, no
1021 person shall vote at any election whose name is not in the county
1022 voter roll electronically maintained by the Statewide Elections
1023 Management System.



1024 (2) Except as provided in this section, and subject to the
1025 following annual limitations, the election commissioners shall be
1026 entitled to receive a per diem in the amount of Eighty-four
1027 Dollars (\$84.00), to be paid from the county general fund, for
1028 every day or period of no less than five (5) hours accumulated
1029 over two (2) or more days actually employed in the performance of
1030 their duties in the conduct of an election or actually employed in
1031 the performance of their duties for the necessary time spent in
1032 the revision of the county voter roll as electronically maintained
1033 by the Statewide Elections Management System as required in
1034 subsection (1) of this section:

1035 (a) In counties having less than fifteen thousand
1036 (15,000) residents according to the latest federal decennial
1037 census, not more than fifty (50) days per year, with no more than
1038 fifteen (15) additional days allowed for the conduct of each
1039 election in excess of one (1) occurring in any calendar year;

1040 (b) In counties having fifteen thousand (15,000)
1041 residents according to the latest federal decennial census but
1042 less than thirty thousand (30,000) residents according to the
1043 latest federal decennial census, not more than seventy-five (75)
1044 days per year, with no more than twenty-five (25) additional days
1045 allowed for the conduct of each election in excess of one (1)
1046 occurring in any calendar year;

1047 (c) In counties having thirty thousand (30,000)
1048 residents according to the latest federal decennial census but



1049 less than seventy thousand (70,000) residents according to the
1050 latest federal decennial census, not more than one hundred (100)
1051 days per year, with no more than thirty-five (35) additional days
1052 allowed for the conduct of each election in excess of one (1)
1053 occurring in any calendar year;

1054 (d) In counties having seventy thousand (70,000)
1055 residents according to the latest federal decennial census but
1056 less than ninety thousand (90,000) residents according to the
1057 latest federal decennial census, not more than one hundred
1058 twenty-five (125) days per year, with no more than forty-five (45)
1059 additional days allowed for the conduct of each election in excess
1060 of one (1) occurring in any calendar year;

1061 (e) In counties having ninety thousand (90,000)
1062 residents according to the latest federal decennial census but
1063 less than one hundred seventy thousand (170,000) residents
1064 according to the latest federal decennial census, not more than
1065 one hundred fifty (150) days per year, with no more than
1066 fifty-five (55) additional days allowed for the conduct of each
1067 election in excess of one (1) occurring in any calendar year;

1068 (f) In counties having one hundred seventy thousand
1069 (170,000) residents according to the latest federal decennial
1070 census but less than two hundred thousand (200,000) residents
1071 according to the latest federal decennial census, not more than
1072 one hundred seventy-five (175) days per year, with no more than



1073 sixty-five (65) additional days allowed for the conduct of each
1074 election in excess of one (1) occurring in any calendar year;

1075 (g) In counties having two hundred thousand (200,000)
1076 residents according to the latest federal decennial census but
1077 less than two hundred twenty-five thousand (225,000) residents
1078 according to the latest federal decennial census, not more than
1079 one hundred ninety (190) days per year, with no more than
1080 seventy-five (75) additional days allowed for the conduct of each
1081 election in excess of one (1) occurring in any calendar year;

1082 (h) In counties having two hundred twenty-five thousand
1083 (225,000) residents according to the latest federal decennial
1084 census but less than two hundred fifty thousand (250,000)
1085 residents according to the latest federal decennial census, not
1086 more than two hundred fifteen (215) days per year, with no more
1087 than eighty-five (85) additional days allowed for the conduct of
1088 each election in excess of one (1) occurring in any calendar year;

1089 (i) In counties having two hundred fifty thousand
1090 (250,000) residents according to the latest federal decennial
1091 census but less than two hundred seventy-five thousand (275,000)
1092 residents according to the latest federal decennial census, not
1093 more than two hundred thirty (230) days per year, with no more
1094 than ninety-five (95) additional days allowed for the conduct of
1095 each election in excess of one (1) occurring in any calendar year;

1096 (j) In counties having two hundred seventy-five
1097 thousand (275,000) residents according to the latest federal



1098 decennial census or more, not more than two hundred forty (240)
1099 days per year, with no more than one hundred five (105) additional
1100 days allowed for the conduct of each election in excess of one (1)
1101 occurring in any calendar year.

1102 (3) In addition to the number of days authorized in
1103 subsection (2) of this section, the board of supervisors of a
1104 county may authorize, in its discretion, the election
1105 commissioners to receive a per diem in the amount provided for in
1106 subsection (2) of this section, to be paid from the county general
1107 fund, for every day or period of no less than five (5) hours
1108 accumulated over two (2) or more days actually employed in the
1109 performance of their duties in the conduct of an election or
1110 actually employed in the performance of their duties for the
1111 necessary time spent in the revision of the county voter roll as
1112 electronically maintained by the Statewide Elections Management
1113 System as required in subsection (1) of this section, for not to
1114 exceed five (5) days.

1115 (4) (a) The election commissioners shall be entitled to
1116 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
1117 to be paid from the county general fund, not to exceed ten (10)
1118 days for every day or period of no less than five (5) hours
1119 accumulated over two (2) or more days actually employed in the
1120 performance of their duties for the necessary time spent in the
1121 revision of the county voter roll as electronically maintained by
1122 the Statewide Elections Management System before any special



1123 election. For purposes of this paragraph, the regular special
1124 election day shall not be considered a special election. The
1125 annual limitations set forth in subsection (2) of this section
1126 shall not apply to this paragraph.

1127 (b) The election commissioners shall be entitled to
1128 receive a per diem in the amount of One Hundred Fifty Dollars
1129 (\$150.00), to be paid from the county general fund, for the
1130 performance of their duties on the day of any general or special
1131 election. The annual limitations set forth in subsection (2) of
1132 this section shall apply to this paragraph.

1133 (5) The election commissioners shall be entitled to receive
1134 a per diem in the amount of Eighty-four Dollars (\$84.00), to be
1135 paid from the county general fund, not to exceed fourteen (14)
1136 days for every day or period of no less than five (5) hours
1137 accumulated over two (2) or more days actually employed in the
1138 performance of their duties for the necessary time spent in the
1139 revision of the county voter roll as electronically maintained by
1140 the Statewide Elections Management System and in the conduct of a
1141 runoff election following either a general or special election.

1142 (6) The election commissioners shall be entitled to receive
1143 only one (1) per diem payment for those days when the election
1144 commissioners discharge more than one (1) duty or responsibility
1145 on the same day.

1146 (7) In preparation for a municipal primary, runoff, general
1147 or special election, the county registrar shall generate and



1148 distribute the master voter roll and pollbooks from the Statewide
1149 Elections Management System for the municipality located within
1150 the county. The municipality shall pay the county registrar for
1151 the actual cost of preparing and printing the municipal master
1152 voter roll pollbooks. A municipality may secure "read only"
1153 access to the Statewide Elections Management System and print its
1154 own pollbooks using this information.

1155 (8) County election commissioners who perform the duties of
1156 an executive committee with regard to the conduct of a primary
1157 election under a written agreement authorized by law to be entered
1158 into with an executive committee shall receive per diem as
1159 provided for in subsection (2) of this section. The days that
1160 county election commissioners are employed in the conduct of a
1161 primary election shall be treated the same as days county election
1162 commissioners are employed in the conduct of other elections.

1163 (9) In addition to any per diem authorized by this section,
1164 any election commissioner shall be entitled to the mileage
1165 reimbursement rate allowable to federal employees for the use of a
1166 privately owned vehicle while on official travel on election day.

1167 (10) Every election commissioner shall sign personally a
1168 certification setting forth the number of hours actually worked in
1169 the performance of the commissioner's official duties and for
1170 which the commissioner seeks compensation. The certification must
1171 be on a form as prescribed in this subsection. The commissioner's



1172 signature is, as a matter of law, made under the commissioner's
1173 oath of office and under penalties of perjury.

1174 The certification form shall be as follows:

1175 **COUNTY ELECTION COMMISSIONER**

1176 **PER DIEM CLAIM FORM**

1177 NAME: _____ COUNTY: _____

1178 ADDRESS: _____ DISTRICT: _____

1179 CITY: _____ ZIP: _____

1180 PURPOSE APPLICABLE ACTUAL PER DIEM

1181 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

1182 WORKED TIME TIME WORK SECTION WORKED EARNED

1183 _____

1184 _____

1185 _____

1186 TOTAL NUMBER OF PER DIEM DAYS EARNED

1187 EXCLUDING ELECTION DAYS _____

1188 PER DIEM RATE PER DAY EARNED X \$84.00

1189 TOTAL NUMBER PER DIEM DAYS EARNED

1190 FOR ELECTION DAYS _____

1191 PER DIEM RATE PER DAY EARNED X \$150.00

1192 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1193 I understand that I am signing this document under my oath as
1194 an election commissioner and under penalties of perjury.



1195 I understand that I am requesting payment from taxpayer funds
1196 and that I have an obligation to be specific and truthful as to
1197 the amount of hours worked and the compensation I am requesting.

1198 Signed this the _____ day of _____, ____.

1199 _____

1200 Commissioner's Signature

1201 When properly completed and signed, the certification must be
1202 filed with the clerk of the county board of supervisors before any
1203 payment may be made. The certification will be a public record
1204 available for inspection and reproduction immediately upon the
1205 oral or written request of any person.

1206 Any person may contest the accuracy of the certification in
1207 any respect by notifying the chair of the commission, any member
1208 of the board of supervisors or the clerk of the board of
1209 supervisors of the contest at any time before or after payment is
1210 made. If the contest is made before payment is made, no payment
1211 shall be made as to the contested certificate until the contest is
1212 finally disposed of. The person filing the contest shall be
1213 entitled to a full hearing, and the clerk of the board of
1214 supervisors shall issue subpoenas upon request of the contestor
1215 compelling the attendance of witnesses and production of documents
1216 and things. The contestor shall have the right to appeal de novo
1217 to the circuit court of the involved county, which appeal must be
1218 perfected within thirty (30) days from a final decision of the



1219 commission, the clerk of the board of supervisors or the board of
1220 supervisors, as the case may be.

1221 Any contestor who successfully contests any certification
1222 will be awarded all expenses incident to his or her contest,
1223 together with reasonable attorney's fees, which will be awarded
1224 upon petition to the chancery court of the involved county upon
1225 final disposition of the contest before the election commission,
1226 board of supervisors, clerk of the board of supervisors, or, in
1227 case of an appeal, final disposition by the court. The
1228 commissioner against whom the contest is decided shall be liable
1229 for the payment of the expenses and attorney's fees, and the
1230 county shall be jointly and severally liable for same.

1231 (11) Any election commissioner who has not received a
1232 certificate issued by the Secretary of State pursuant to Section
1233 23-15-211 indicating that the election commissioner has received
1234 the required elections seminar instruction and that the election
1235 commissioner is fully qualified to conduct an election, shall not
1236 receive any compensation authorized by this section or Section
1237 23-15-239.

1238 **SECTION 32.** Section 23-15-171, Mississippi Code of 1972, is
1239 amended as follows:

1240 23-15-171. (1) Except as otherwise provided in Section 3 of
1241 this act, municipal primary elections shall be held on the first
1242 Tuesday in April preceding the general municipal election and, in
1243 the event a second primary shall be necessary, such second primary



1244 shall be held on the fourth Tuesday in April preceding such
1245 general municipal election. The candidate receiving a majority of
1246 the votes cast in the election shall be the party nominee. If no
1247 candidate shall receive a majority vote at the election, the two
1248 (2) candidates receiving the highest number of votes shall have
1249 their names placed on the ballot for the second primary election.
1250 The candidate receiving the most votes cast in the second primary
1251 election shall be the party nominee. However, if no candidate
1252 shall receive a majority vote at the first primary, and there is a
1253 tie in the election of those receiving the next highest vote,
1254 those candidates receiving the next highest vote and the candidate
1255 receiving the highest vote shall have their names placed on the
1256 ballot for the second primary election, and whoever receives the
1257 most votes cast in the second primary election shall be the party
1258 nominee. At the primary election the municipal executive
1259 committee shall perform the same duties as are specified by law
1260 and performed by members of the county executive committee with
1261 regard to state and county primary elections. Each municipal
1262 executive committee shall have as many members as there are
1263 elective officers of the municipality, and the members of the
1264 municipal executive committee of each political party shall be
1265 elected in the primary elections held for the nomination of
1266 candidates for municipal offices. The provisions of this section
1267 shall govern all municipal primary elections as far as applicable,
1268 but the officers to prepare the ballots and the poll managers and



1269 other officials of the primary election shall be appointed by the
1270 municipal executive committee of the party holding the primary,
1271 and the returns of such election shall be made to such municipal
1272 executive committee. Vacancies in the executive committee shall
1273 be filled by it.

1274 (2) Provided, however, that in municipalities operating
1275 under a special or private charter which fixes a time for holding
1276 elections, other than the time fixed by Chapter 491, Laws of 1950,
1277 the first primary election shall be held on the first Tuesday, two
1278 (2) months before the time for holding the general election, as
1279 fixed by the charter, and the second primary election, where
1280 necessary, shall be held three (3) weeks after the first primary
1281 election, unless the charter of any such municipality provides
1282 otherwise, in which event the provisions of the special or private
1283 charter shall prevail as to the time of holding such primary
1284 elections.

1285 (3) All primary elections in municipalities shall be held
1286 and conducted in the same manner as is provided by law for state
1287 and county primary elections.

1288 **SECTION 33.** Section 23-15-173, Mississippi Code of 1972, is
1289 amended as follows:

1290 23-15-173. (1) A general municipal election shall be held
1291 in each city, town or village on the first Tuesday after the first
1292 Monday of June 1985, and every four (4) years thereafter, for the
1293 election of all municipal officers elected by the people.



1294 Pre-election day voting for those general municipal elections
1295 shall be conducted as provided in Section 3 of this act.

1296 (2) All municipal general elections shall be held and
1297 conducted in the same manner as is provided by law for state and
1298 county general elections.

1299 (3) The provisions of Sections 23-15-171 and 23-15-173,
1300 which fix the times to hold primary and general elections, shall
1301 not apply to any municipality operating under a special or private
1302 charter where the governing board or authority thereof, on or
1303 before June 25, 1952, shall have adopted and spread upon its
1304 minutes a resolution or ordinance declining to accept the
1305 provisions, in which event the primary and general elections shall
1306 be held at the time fixed by the charter of the municipality.

1307 **SECTION 34.** Section 23-15-191, Mississippi Code of 1972, is
1308 amended as follows:

1309 23-15-191. The first primary shall be held on the first
1310 Tuesday after the first Monday of August preceding any regular or
1311 general election; and the second primary shall be held three (3)
1312 weeks thereafter. Pre-election day voting for the primary
1313 election shall be conducted as provided for in Section 3 of this
1314 act. The candidate that receives a majority of the votes cast in
1315 the election shall be the party nominee. If no candidate receives
1316 a majority vote at the election, then the two (2) candidates who
1317 receive the highest number of votes shall have their names placed
1318 on the ballot for the second primary election to be held three (3)



1319 weeks later. The candidate who receives the most votes in the
1320 second primary election shall be the party nominee. However, if
1321 no candidate receives a majority vote at the first primary, and
1322 there is a tie in the election of those receiving the next highest
1323 vote, then those candidates receiving the next highest vote and
1324 the candidate receiving the highest vote shall have their names
1325 placed on the ballot for the second primary election to be held
1326 three (3) weeks later, and whoever receives the most votes cast in
1327 the second primary election shall be the party nominee.

1328 **SECTION 35.** Section 23-15-195, Mississippi Code of 1972, is
1329 amended as follows:

1330 23-15-195. Except as otherwise provided in Sections 1
1331 through 6 of this act, all elections by the people shall be by
1332 ballot, and shall be concluded in one (1) day.

1333 **SECTION 36.** Section 23-15-197, Mississippi Code of 1972, is
1334 amended as follows:

1335 23-15-197. (1) Times for holding primary and general
1336 elections for congressional offices shall be as prescribed in
1337 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1338 (2) Times for holding elections for the office of judge of
1339 the Supreme Court shall be as prescribed in Section 23-15-991 and
1340 Sections 23-15-974 through 23-15-985, and times for holding
1341 elections for the office of judge of the Court of Appeals shall be
1342 as prescribed in Section 9-4-5.



1343 (3) Times for holding elections for the office of circuit
1344 court judge and the office of chancery court judge shall be as
1345 prescribed in Sections 23-15-974 through 23-15-985, and Section
1346 23-15-1015.

1347 (4) Times for holding elections for the office of county
1348 election commissioners shall be as prescribed in Section
1349 23-15-213.

1350 (5) Times for holding elections for the office of levee
1351 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1352 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1353 Laws of 1983; and Chapter 438, Laws of 2010.

1354 (6) Times for holding pre-election day voting shall be as
1355 provided in Sections 1 through 6 of this act.

1356 **SECTION 37.** Section 23-15-231, Mississippi Code of 1972, is
1357 amended as follows:

1358 23-15-231. Before every election or pre-election day voting
1359 period, the election commissioners shall appoint three (3) persons
1360 for each voting precinct to be poll managers, one (1) of whom
1361 shall be designated by the election commissioners as election
1362 bailiff. For general and special elections, the poll managers
1363 shall not all be of the same political party if suitable persons
1364 of different political parties can be found in the district. If
1365 any person appointed shall fail to attend and serve, the poll
1366 managers present, if any, may designate someone to fill his or her
1367 place; and if the election commissioners fail to make the



1368 appointments or in case of the failure of all those appointed to
1369 attend and serve, any three (3) qualified electors present when
1370 the polls should be opened may act as poll managers. Provided,
1371 however, any person appointed to be poll manager or act as poll
1372 manager shall be a qualified elector of the county in which the
1373 polling place is located.

1374 **SECTION 38.** Section 23-15-233, Mississippi Code of 1972, is
1375 amended as follows:

1376 23-15-233. The poll managers shall take care that the
1377 election * * * and the pre-election day voting are conducted
1378 fairly and agreeably to law, and they shall be judges of the
1379 qualifications of electors, and may examine, on oath, any person
1380 duly registered and offering to vote touching his or her
1381 qualifications as an elector, which oath any of the poll managers
1382 may administer.

1383 **SECTION 39.** Section 23-15-239, Mississippi Code of 1972, is
1384 amended as follows:

1385 **[Until January 1, 2020, this section shall read as follows:]**

1386 23-15-239. (1) The executive committee of each county, in
1387 the case of a primary election, or the election commissioners of
1388 each county, in the case of all other elections, in conjunction
1389 with the circuit clerk, shall, in the years in which counties
1390 conduct an election, sponsor and conduct, not less than five (5)
1391 days before the pre-election day voting period for each election,
1392 not less than four (4) hours and not more than eight (8) hours of



1393 poll manager training to instruct poll managers as to their duties
1394 in the proper administration of the election and the operation of
1395 the polling place. Any poll manager who completes the online
1396 training course provided by the Secretary of State shall only be
1397 required to complete two (2) hours of in-person poll manager
1398 training. No poll manager shall serve in any election unless he
1399 or she has received these instructions once during the twelve (12)
1400 months immediately preceding the date upon which the pre-election
1401 day voting period for each election * * * begins; however, nothing
1402 in this section shall prevent the appointment of an alternate poll
1403 manager to fill a vacancy in case of an emergency. The county
1404 executive committee or the election commissioners, as appropriate,
1405 shall train a sufficient number of alternates to serve in the
1406 event a poll manager is unable to serve for any reason.

1407 (2) (a) If it is eligible under Section 23-15-266, the
1408 county executive committee may enter into a written agreement with
1409 the circuit clerk or the county election commission authorizing
1410 the circuit clerk or the county election commission to perform any
1411 of the duties required of the county executive committee pursuant
1412 to this section. Any agreement entered into pursuant to this
1413 subsection shall be signed by the chair of the county executive
1414 committee and the circuit clerk or the chair of the county
1415 election commission, as appropriate. The county executive
1416 committee shall notify the state executive committee and the
1417 Secretary of State of the existence of the agreement.



1418 (b) If it is eligible under Section 23-15-266, the
1419 municipal executive committee may enter into a written agreement
1420 with the municipal clerk or the municipal election commission
1421 authorizing the municipal clerk or the municipal election
1422 commission to perform any of the duties required of the municipal
1423 executive committee pursuant to this section. Any agreement
1424 entered into pursuant to this subsection shall be signed by the
1425 chair of the municipal executive committee and the municipal clerk
1426 or the chair of the municipal election commission, as appropriate.
1427 The municipal executive committee shall notify the state executive
1428 committee and the Secretary of State of the existence of the
1429 agreement.

1430 (3) The board of supervisors and the municipal governing
1431 authority, in their discretion, may compensate poll managers who
1432 attend these training sessions. The compensation shall be at a
1433 rate of not less than the federal hourly minimum wage nor more
1434 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1435 compensated for more than sixteen (16) hours of attendance at the
1436 training sessions regardless of the actual amount of time that
1437 they attended the training sessions.

1438 (4) The time and location of the training sessions required
1439 pursuant to this section shall be announced to the general public
1440 by posting a notice thereof at the courthouse and by delivering a
1441 copy of the notice to the office of a newspaper having general
1442 circulation in the county five (5) days before the date upon which



1443 the training session is to be conducted. Persons who will serve
1444 as poll watchers for candidates and political parties, as well as
1445 members of the general public, shall be allowed to attend the
1446 sessions.

1447 (5) Subject to the following annual limitations, the
1448 election commissioners shall be entitled to receive a per diem in
1449 the amount of Eighty-four Dollars (\$84.00), to be paid from the
1450 county general fund, for every day or period of no less than five
1451 (5) hours accumulated over two (2) or more days actually employed
1452 in the performance of their duties for the necessary time spent in
1453 conducting training sessions as required by this section:

1454 (a) In counties having less than fifteen thousand
1455 (15,000) residents according to the latest federal decennial
1456 census, not more than five (5) days per year;

1457 (b) In counties having fifteen thousand (15,000)
1458 residents according to the latest federal decennial census but
1459 less than thirty thousand (30,000) residents according to the
1460 latest federal decennial census, not more than eight (8) days per
1461 year;

1462 (c) In counties having thirty thousand (30,000)
1463 residents according to the latest federal decennial census but
1464 less than seventy thousand (70,000) residents according to the
1465 latest federal decennial census, not more than ten (10) days per
1466 year;



1467 (d) In counties having seventy thousand (70,000)
1468 residents according to the latest federal decennial census but
1469 less than ninety thousand (90,000) residents according to the
1470 latest federal decennial census, not more than twelve (12) days
1471 per year;

1472 (e) In counties having ninety thousand (90,000)
1473 residents according to the latest federal decennial census but
1474 less than one hundred seventy thousand (170,000) residents
1475 according to the latest federal decennial census, not more than
1476 fifteen (15) days per year;

1477 (f) In counties having one hundred seventy thousand
1478 (170,000) residents according to the latest federal decennial
1479 census but less than two hundred thousand (200,000) residents
1480 according to the latest federal decennial census, not more than
1481 eighteen (18) days per year;

1482 (g) In counties having two hundred thousand (200,000)
1483 residents according to the latest federal decennial census but
1484 less than two hundred twenty-five thousand (225,000) residents
1485 according to the latest federal decennial census, not more than
1486 nineteen (19) days per year;

1487 (h) In counties having two hundred twenty-five thousand
1488 (225,000) residents or more according to the latest federal
1489 decennial census, not more than twenty-two (22) days per
1490 year * * *.



1491 (6) Election commissioners shall claim the per diem
1492 authorized in subsection (5) of this section in the manner
1493 provided for in Section 23-15-153(6).

1494 (7) (a) To provide poll manager training, the Secretary of
1495 State has developed a single, comprehensive poll manager training
1496 program to ensure uniform, secure elections throughout the state.
1497 The program includes online training on all state and federal
1498 election laws and procedures and voting machine opening and
1499 closing procedures.

1500 (b) County election commissioners shall designate no
1501 more than two (2) poll managers per precinct, who shall
1502 individually access and complete the online training program,
1503 including all skills assessments, at least five (5) days before
1504 the pre-election day voting period for an election begins. The
1505 poll managers shall be defined as "certified poll managers," and
1506 entitled to a "Certificate of Completion" and compensation for the
1507 successful completion of the training and skills assessment in the
1508 amount of Twenty-five Dollars (\$25.00) payable from the Help
1509 Mississippi Vote Fund. Compensation paid to any poll manager
1510 under this paragraph (b) shall not exceed Twenty-five Dollars
1511 (\$25.00) per calendar year.

1512 (c) Every election held after January 1, 2018, shall
1513 have at least one (1) certified poll manager appointed by the
1514 county election officials to work in each polling place in the
1515 county during each general election.



1516 **[From and after January 1, 2020, this section shall read as**
1517 **follows:]**

1518 23-15-239. (1) The executive committee of each county, in
1519 the case of a primary election, or the election commissioners of
1520 each county, in the case of all other elections, in conjunction
1521 with the circuit clerk, shall, in the years in which counties
1522 conduct an election, sponsor and conduct, not less than five (5)
1523 days before the pre-election day voting period for each election
1524 begins, not less than four (4) hours and not more than eight (8)
1525 hours of poll manager training to instruct poll managers as to
1526 their duties in the proper administration of the election and the
1527 operation of the polling place. Any poll manager who completes
1528 the online training course provided by the Secretary of State
1529 shall only be required to complete two (2) hours of in-person poll
1530 manager training. No poll manager shall serve in any election
1531 unless he or she has received these instructions once during the
1532 twelve (12) months immediately preceding the date upon which the
1533 election is held; however, nothing in this section shall prevent
1534 the appointment of an alternate poll manager to fill a vacancy in
1535 case of an emergency. The county executive committee or the
1536 election commissioners, as appropriate, shall train a sufficient
1537 number of alternates to serve in the event a poll manager is
1538 unable to serve for any reason.

1539 (2) (a) If it is eligible under Section 23-15-266, the
1540 county executive committee may enter into a written agreement with



1541 the circuit clerk or the county election commission authorizing
1542 the circuit clerk or the county election commission to perform any
1543 of the duties required of the county executive committee pursuant
1544 to this section. Any agreement entered into pursuant to this
1545 subsection shall be signed by the chair of the county executive
1546 committee and the circuit clerk or the chair of the county
1547 election commission, as appropriate. The county executive
1548 committee shall notify the state executive committee and the
1549 Secretary of State of the existence of the agreement.

1550 (b) If it is eligible under Section 23-15-266, the
1551 municipal executive committee may enter into a written agreement
1552 with the municipal clerk or the municipal election commission
1553 authorizing the municipal clerk or the municipal election
1554 commission to perform any of the duties required of the municipal
1555 executive committee pursuant to this section. Any agreement
1556 entered into pursuant to this subsection shall be signed by the
1557 chair of the municipal executive committee and the municipal clerk
1558 or the chair of the municipal election commission, as appropriate.
1559 The municipal executive committee shall notify the state executive
1560 committee and the Secretary of State of the existence of the
1561 agreement.

1562 (3) The board of supervisors and the municipal governing
1563 authority, in their discretion, may compensate poll managers who
1564 attend these training sessions. The compensation shall be at a
1565 rate of not less than the federal hourly minimum wage nor more



1566 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1567 compensated for more than sixteen (16) hours of attendance at the
1568 training sessions regardless of the actual amount of time that
1569 they attended the training sessions.

1570 (4) The time and location of the training sessions required
1571 pursuant to this section shall be announced to the general public
1572 by posting a notice thereof at the courthouse and by delivering a
1573 copy of the notice to the office of a newspaper having general
1574 circulation in the county five (5) days before the date upon which
1575 the training session is to be conducted. Persons who will serve
1576 as poll watchers for candidates and political parties, as well as
1577 members of the general public, shall be allowed to attend the
1578 sessions.

1579 (5) Subject to the following annual limitations, the
1580 election commissioners shall be entitled to receive a per diem in
1581 the amount of Eighty-four Dollars (\$84.00), to be paid from the
1582 county general fund, for every day or period of no less than five
1583 (5) hours accumulated over two (2) or more days actually employed
1584 in the performance of their duties for the necessary time spent in
1585 conducting training sessions as required by this section:

1586 (a) In counties having less than fifteen thousand
1587 (15,000) residents according to the latest federal decennial
1588 census, not more than five (5) days per year;

1589 (b) In counties having fifteen thousand (15,000)
1590 residents according to the latest federal decennial census but



1591 less than thirty thousand (30,000) residents according to the
1592 latest federal decennial census, not more than eight (8) days per
1593 year;

1594 (c) In counties having thirty thousand (30,000)
1595 residents according to the latest federal decennial census but
1596 less than seventy thousand (70,000) residents according to the
1597 latest federal decennial census, not more than ten (10) days per
1598 year;

1599 (d) In counties having seventy thousand (70,000)
1600 residents according to the latest federal decennial census but
1601 less than ninety thousand (90,000) residents according to the
1602 latest federal decennial census, not more than twelve (12) days
1603 per year;

1604 (e) In counties having ninety thousand (90,000)
1605 residents according to the latest federal decennial census but
1606 less than one hundred seventy thousand (170,000) residents
1607 according to the latest federal decennial census, not more than
1608 fifteen (15) days per year;

1609 (f) In counties having one hundred seventy thousand
1610 (170,000) residents according to the latest federal decennial
1611 census but less than two hundred thousand (200,000) residents
1612 according to the latest federal decennial census, not more than
1613 eighteen (18) days per year;

1614 (g) In counties having two hundred thousand (200,000)
1615 residents according to the latest federal decennial census but



1616 less than two hundred twenty-five thousand (225,000) residents
1617 according to the latest federal decennial census, not more than
1618 nineteen (19) days per year;

1619 (h) In counties having two hundred twenty-five thousand
1620 (225,000) residents or more according to the latest federal
1621 decennial census, not more than twenty-two (22) days per
1622 year * * *.

1623 (6) Election commissioners shall claim the per diem
1624 authorized in subsection (5) of this section in the manner
1625 provided for in Section 23-15-153(6).

1626 (7) (a) To provide poll manager training, the Secretary of
1627 State has developed a single, comprehensive poll manager training
1628 program to ensure uniform, secure elections throughout the state.
1629 The program includes online training on all state and federal
1630 election laws and procedures and voting machine opening and
1631 closing procedures.

1632 (b) County poll managers who individually access and
1633 complete the online training program, including all skills
1634 assessments, at least five (5) days before the pre-election day
1635 voting period for an election begins shall be defined as
1636 "certified poll manager," and entitled to a "Certificate of
1637 Completion."

1638 (c) At least one (1) certified poll manager shall be
1639 appointed by the county election officials to work in each polling
1640 place in the county during each general election.



1641 **SECTION 40.** Section 23-15-241, Mississippi Code of 1972, is
1642 amended as follows:

1643 23-15-241. The poll manager designated an election bailiff
1644 shall, in addition to his or her other duties, be present during
1645 the pre-election day voting period and on election day to keep the
1646 peace and to protect the voting place, and to prevent improper
1647 intrusion upon the voting place or interference with the election,
1648 and to arrest all persons creating any disturbance about the
1649 voting place, and to enable all qualified electors who have not
1650 voted, and who desire to vote, to have unobstructed access to the
1651 polls for the purpose of voting when others are not voting.

1652 **SECTION 41.** Section 23-15-245, Mississippi Code of 1972, is
1653 amended as follows:

1654 23-15-245. It shall be the duty of the poll manager
1655 designated as bailiff to be present at the voting place, and to
1656 take such steps as will accomplish the purpose of his or her
1657 appointment, and the poll manager designated as bailiff shall have
1658 full power to do so and may summon to his or her aid all persons
1659 present at the voting place. A space thirty (30) feet in every
1660 direction from the polls, or the room in which the * * * voting is
1661 held, shall be kept open and clear of all persons except the
1662 election officials, individuals present to vote and credentialed
1663 poll watchers as defined by Section 23-15-577. The electors shall
1664 approach the polls from one (1) direction, line, door or passage,
1665 and depart in another as nearly opposite as convenient.



1666 **SECTION 42.** Section 23-15-247, Mississippi Code of 1972, is
1667 amended as follows:

1668 23-15-247. The election commissioners in each county shall
1669 procure, if not already provided, a sufficient number of ballot
1670 boxes, which shall be distributed by them to the voting precincts
1671 of the county before the time for opening the polls for
1672 pre-election day voting and on election day. The boxes shall be
1673 securely sealed from the opening of the polls * * * for
1674 pre-election day voting until the polls close on election day; and
1675 the box shall be kept by one (1) of the managers, and the manager
1676 having the box shall carefully keep it, and neither open it
1677 himself or herself nor permit it to be opened, nor permit any
1678 person to have any access to it throughout the voting period
1679 during an election. The box shall not be removed from the polling
1680 building or place after the polls are opened until the polls close
1681 and the count is complete. After each election the ballot boxes
1682 shall be delivered to the clerk of the circuit court of the county
1683 for preservation; and he or she shall keep them for future use,
1684 and, when called for, deliver them to the election commissioners.

1685 **SECTION 43.** Section 23-15-251, Mississippi Code of 1972, is
1686 amended as follows:

1687 23-15-251. The election commissioners, in appointing the
1688 poll managers of an election, shall designate one (1) of the poll
1689 managers at each voting place to receive and distribute the
1690 official ballots, and shall deliver to him or her the proper



1691 number of ballots for his or her district not less than one (1)
1692 day before the pre-election day voting period begins and not less
1693 than one (1) day before election day; and the poll manager
1694 receiving the ballots from the election commissioners shall
1695 distribute the same to the electors of his or her district in the
1696 manner herein provided. It shall be the duty of the designated
1697 poll manager for service at a voting place other than the
1698 courthouse, to carry to that voting place, on the day before the
1699 pre-election day voting period begins and on the day before
1700 election day, or before 6:00 a.m. on the morning the pre-election
1701 day voting period begins and on the morning of the election day,
1702 the ballot box, the pollbook, the blank tally sheets, the blank
1703 forms to be used in making returns, the other necessary stationery
1704 and supplies and the official printed ballots aforesaid, and all
1705 of the same used and unused shall be returned by the designated
1706 poll manager to the election commissioners on the day * * * after
1707 the election.

1708 **SECTION 44.** Section 23-15-255, Mississippi Code of 1972, is
1709 amended as follows:

1710 23-15-255. (1) The supervisor of each respective
1711 supervisors district shall provide at each election place a
1712 sufficient number of voting compartments, shelves and tables for
1713 the use of electors, which shall be so arranged that it will be
1714 impossible for a voter in one (1) compartment to see another voter
1715 who is preparing his or her ballot. The number of voting



1716 compartments and shelves or tables shall not be less than one (1)
1717 to every two hundred (200) electors in the voting precinct.

1718 (2) The poll managers of each precinct shall publicly post
1719 the following information at the precinct polling place * * *
1720 during any election:

1721 (a) A sample ballot that will be used at the election;

1722 (b) The hours during which the polling places will be
1723 open for pre-election day voting and on election day;

1724 (c) Instructions on how to vote, including how to cast
1725 a vote and how to cast an affidavit ballot;

1726 (d) Instructions for persons who have registered to
1727 vote by mail and first time voters, if appropriate;

1728 (e) General information on voting rights, including
1729 information on the right of an individual to cast an affidavit
1730 ballot and instructions on how to contact the appropriate
1731 officials if these rights are alleged to have been violated; * * *

1732 (f) The consequences under federal and state laws
1733 regarding fraud and misrepresentation;

1734 (g) A list of voters in each polling place that have
1735 already cast an absentee ballot or voting during the pre-election
1736 day voting period; and

1737 (h) The acceptable forms of photo identification that
1738 may be presented in the polling place.

1739 **SECTION 45.** Section 23-15-263, Mississippi Code of 1972, is
1740 amended as follows:



1741 23-15-263. (1) Unless otherwise provided in this chapter,
1742 the county executive committee at primary elections shall perform
1743 all duties that relate to the qualification of candidates for
1744 primary elections, print ballots for the pre-election day voting
1745 period for primary elections and for primary * * * election day,
1746 appoint the primary election officers, resolve contests in regard
1747 to primary elections, and perform all other duties required by law
1748 to be performed by the county executive committee; however, each
1749 house of the Legislature shall rule on the qualifications of the
1750 membership of its respective body in contests involving the
1751 qualifications of * * * its members. The executive committee
1752 shall be subject to all the penalties to which county election
1753 commissioners are subject, except that Section 23-15-217 shall not
1754 apply to members of the county executive committee who seek
1755 elective office.

1756 (2) A member of a county executive committee shall be
1757 automatically disqualified to serve on the county executive
1758 committee, and shall be considered to have resigned * * * from the
1759 county executive committee, upon his or her qualification as a
1760 candidate for any elective office. The provisions of this
1761 subsection shall not apply to a member of a county executive
1762 committee who qualifies as a candidate for a municipal elective
1763 office.

1764 (3) The primary election officers appointed by the executive
1765 committee of the party shall have the powers and perform the



1766 duties, where not otherwise provided, required of * * * those
1767 officers in a general election, and any * * * act or omission
1768 which by law is an offense when committed in or about or in
1769 respect to * * * the general elections, shall be an offense if
1770 committed in or about or in respect to a primary election; and the
1771 same shall be indictable and punishable in the same way as if the
1772 election was a general election for the election of state and
1773 county officers, except as specially modified or otherwise
1774 provided in this chapter.

1775 **SECTION 46.** Section 23-15-265, Mississippi Code of 1972, is
1776 amended as follows:

1777 23-15-265. (1) The county executive committee of each
1778 county shall meet not less than two (2) weeks before the
1779 date * * * the period for pre-election day voting begins for any
1780 primary election and appoint the poll managers for same, all of
1781 whom may be members of the same political party. The number of
1782 poll managers appointed by the county executive committee shall be
1783 the same number as election commissioners are allowed to appoint
1784 pursuant to Sections 23-15-231 and 23-15-235. If the county
1785 executive committee fails to meet on the date named, supra,
1786 further notice shall be given of the time and place of meeting.

1787 (2) (a) If it is eligible under Section 23-15-266, the
1788 county executive committee may enter into a written agreement with
1789 the circuit clerk or the county election commission authorizing
1790 the circuit clerk or the county election commission to perform any



1791 of the duties required of the county executive committee pursuant
1792 to this section. Any agreement entered into pursuant to this
1793 subsection shall be signed by the chair of the county executive
1794 committee and the circuit clerk or the chair of the county
1795 election commission, as appropriate. The county executive
1796 committee shall notify the state executive committee and the
1797 Secretary of State of the existence of the agreement.

1798 (b) If it is eligible under Section 23-15-266, the
1799 municipal executive committee may enter into a written agreement
1800 with the municipal clerk or the municipal election commission
1801 authorizing the municipal clerk or the municipal election
1802 commission to perform any of the duties required of the municipal
1803 executive committee pursuant to this section. Any agreement
1804 entered into pursuant to this subsection shall be signed by the
1805 chair of the municipal executive committee and the municipal clerk
1806 or the chair of the municipal election commission, as appropriate.
1807 The municipal executive committee shall notify the state executive
1808 committee and the Secretary of State of the existence of such
1809 agreement.

1810 **SECTION 47.** Section 23-15-267, Mississippi Code of 1972, is
1811 amended as follows:

1812 23-15-267. (1) The ballot boxes provided by the election
1813 commissioners in each county shall be used in primary elections,
1814 and the county executive committees shall distribute them to the
1815 voting precincts of the county before the time for opening the



1816 polls, in the same manner, as near as may be, as that provided for
1817 in general elections.

1818 (2) The boxes shall be securely sealed and locked beginning
1819 at the start of voting during the period for pre-election day
1820 voting and on election day until the end of voting on election
1821 day; and the box shall be kept by one (1) of the poll managers,
1822 and the poll manager having the box shall carefully keep it, and
1823 neither open it himself or herself nor permit it to be done, nor
1824 permit any person to have any access to it throughout voting
1825 during the period for pre-election day voting and during election
1826 day. The box shall not be removed from the polling place after
1827 the polls are open until the polls close and the count is
1828 completed.

1829 (3) After each election, the ballot boxes shall be delivered
1830 to the clerk of the circuit court of the county for preservation;
1831 and he or she shall keep them for future use, and, when called
1832 for, deliver them to the election commissioners.

1833 (4) (a) If it is eligible under Section 23-15-266, the
1834 county executive committee may enter into a written agreement with
1835 the circuit clerk or the county election commission authorizing
1836 the circuit clerk or the county election commission to perform any
1837 of the duties required of the county executive committee pursuant
1838 to this section. Any agreement entered into pursuant to this
1839 subsection shall be signed by the chair of the county executive
1840 committee and the circuit clerk or the chair of the county



1841 election commission, as appropriate. The county executive
1842 committee shall notify the State Executive Committee and the
1843 Secretary of State of the existence of such agreement.

1844 (b) If it is eligible under Section 23-15-266, the
1845 municipal executive committee may enter into a written agreement
1846 with the municipal clerk or the municipal election commission
1847 authorizing the municipal clerk or the municipal election
1848 commission to perform any of the duties required of the municipal
1849 executive committee pursuant to this section. Any agreement
1850 entered into pursuant to this subsection shall be signed by the
1851 chair of the municipal executive committee and the municipal clerk
1852 or the chair of the municipal election commission, as appropriate.
1853 The municipal executive committee shall notify the State Executive
1854 Committee and the Secretary of State of the existence of such
1855 agreement.

1856 (5) The person, or persons, whose duty it is to comply with
1857 the provisions of this section and who shall fail, or neglect,
1858 from any cause, to deliver the boxes or any of them as herein
1859 provided shall, upon conviction, be fined not less than Two
1860 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1861 the residence of the person, or persons, who violates any of the
1862 provisions of this section, for a period of not less than thirty
1863 (30) days or more than six (6) months, and fined not more than
1864 Five Hundred Dollars (\$500.00).



1865 **SECTION 48.** Section 23-15-309, Mississippi Code of 1972, is
1866 amended as follows:

1867 23-15-309. (1) Nominations for all municipal officers which
1868 are elective shall be made * * * during the days for conducting a
1869 primary election, or elections, to be held in the manner
1870 prescribed by law. All persons desiring to be candidates for the
1871 nomination in the primary elections shall first pay Ten Dollars
1872 (\$10.00) to the clerk of the municipality, at least sixty (60)
1873 days before the date the pre-election day voting period begins for
1874 the first primary election, no later than 5:00 p.m. on such
1875 deadline day. If the sixtieth day to file the fee and written
1876 statement before the date the pre-election day voting period
1877 begins for an election falls on a Sunday or legal holiday, the
1878 fees and written statements submitted on the business day
1879 immediately following the Sunday or legal holiday shall be
1880 accepted.

1881 (2) The fee paid pursuant to subsection (1) of this section
1882 shall be accompanied by a written statement containing the name
1883 and address of the candidate, the party with which he or she is
1884 affiliated, the email address of the candidate, if any, and the
1885 office for which he or she is a candidate.

1886 (3) The clerk shall promptly receipt the payment, stating
1887 the office for which the person making the payment is running and
1888 the political party with which such person is affiliated. The
1889 clerk shall keep an itemized account in detail showing the time



1890 and date of the receipt of such payment received by him or her,
1891 from whom such payment was received, the party with which such
1892 person is affiliated and for what office the person paying the fee
1893 is a candidate. No candidate may attempt to qualify with any
1894 political party that does not have a duly organized municipal
1895 executive committee, and the municipal clerk shall not accept any
1896 assessments made pursuant to subsection (1) if the municipal clerk
1897 does not have contact information for the secretary of the
1898 municipal executive committee for that political party. The clerk
1899 shall promptly supply all necessary information and pay over all
1900 fees so received to the secretary of the proper municipal
1901 executive committee. The funds may be used and disbursed in the
1902 same manner as is allowed in Section 23-15-299 in regard to other
1903 executive committees.

1904 (4) Upon receipt of the above information, the proper
1905 municipal executive committee shall then determine, at the time of
1906 the qualifying deadline, whether each candidate is a qualified
1907 elector of the municipality, and of the ward if the office sought
1908 is a ward office, shall determine whether each candidate either
1909 meets all other qualifications to hold the office he or she is
1910 seeking or presents absolute proof that he or she will, subject to
1911 no contingencies, meet all qualifications on or before the date of
1912 the general or special election at which he or she could be
1913 elected to office. The executive committee shall determine
1914 whether the candidate has taken the steps necessary to qualify for



1915 more than one (1) office at the election. The committee also
1916 shall determine whether any candidate has been convicted of any
1917 felony in a court of this state, or has been convicted on or after
1918 December 8, 1992, of any offense in another state which is a
1919 felony under the laws of this state, or has been convicted of any
1920 felony in a federal court on or after December 8, 1992. Excepted
1921 from the above are convictions of manslaughter and violations of
1922 the United States Internal Revenue Code or any violations of the
1923 tax laws of this state unless such offense also involved misuse or
1924 abuse of his or her office or money coming into his or her hands
1925 by virtue of the office. If the proper municipal executive
1926 committee finds that a candidate either (a) does not meet all
1927 qualifications to hold the office he or she seeks and fails to
1928 provide absolute proof, subject to no contingencies, that he or
1929 she will meet the qualifications on or before the date * * * the
1930 pre-election day voting period begins for the general or special
1931 election at which he or she could be elected, or (b) has been
1932 convicted of a felony as described in this subsection and not
1933 pardoned, then the executive committee shall notify the candidate
1934 and give the candidate an opportunity to be heard. The executive
1935 committee shall mail notice to the candidate at least three (3)
1936 business days before the hearing to the address provided by the
1937 candidate on the qualifying forms, and the committee shall attempt
1938 to contact the candidate by telephone, email and facsimile if the
1939 candidate provided this information on the forms. If the



1940 candidate fails to appear at the hearing or to prove he or she
1941 meets all qualifications to hold the office subject to no
1942 contingencies, then the name of such candidate shall not be placed
1943 upon the ballot. If the executive committee determines that the
1944 candidate has taken the steps necessary to qualify for more than
1945 one (1) office at the election, the action required by Section
1946 23-15-905, shall be taken.

1947 (5) Where there is but one (1) candidate, the proper
1948 municipal executive committee when the time has expired within
1949 which the names of candidates shall be furnished shall declare
1950 such candidate the nominee.

1951 **SECTION 49.** Section 23-15-331, Mississippi Code of 1972, is
1952 amended as follows:

1953 23-15-331. It shall be the duty of the state executive
1954 committee of each political party to furnish to each county
1955 executive committee, not less than fifty (50) days * * * before
1956 the * * * period for pre-election day voting begins the names of
1957 all state and state district candidates and all candidates for
1958 legislative districts composed of more than one (1) county or
1959 parts of more than one (1) county who have qualified as provided
1960 by law, and in accordance with the requirements of Section
1961 23-15-333 a sample of the official ballot to be used in the
1962 primary, the general form of which shall be followed as nearly as
1963 practicable.



1964 **SECTION 50.** Section 23-15-333, Mississippi Code of 1972, is
1965 amended as follows:

1966 23-15-333. (1) The county executive committee shall have
1967 printed all necessary ballots, for use in primary elections. The
1968 county executive committee shall have printed all necessary
1969 absentee ballots forty-five (45) days before the period for
1970 pre-election day voting begins for the election as required by
1971 law. The ballots shall contain the names of all the candidates to
1972 be voted for at the election, and there shall be left on each
1973 ballot one (1) blank space under the title of each office for
1974 which a nominee is to be elected; and in the event of the death of
1975 any candidate whose name shall have been printed on the ballot,
1976 the name of the candidate duly substituted in the place of the
1977 deceased candidate may be written in such blank space by the
1978 voter. Except as otherwise provided in subsection (2) of this
1979 section, the order in which the titles to the various offices
1980 shall be printed, and the size, print and quality of the paper of
1981 the ballot is left to the discretion of the county executive
1982 committee. Provided, however, that in all cases the arrangement
1983 of the names of the candidates for each office shall be
1984 alphabetical. No ballot shall be used except those so printed.

1985 (2) The titles for the various offices shall be listed in
1986 the following order:

1987 (a) Candidates, electors or delegates for the following
1988 national offices:



1989 (i) President of the United States of America;

1990 (ii) United States Senator or United States

1991 Representative;

1992 (b) Candidates for the following statewide offices:

1993 Governor, Lieutenant Governor, Secretary of State, Attorney

1994 General, State Treasurer, Auditor of Public Accounts, Commissioner

1995 of Agriculture and Commerce, Commissioner of Insurance;

1996 (c) Candidates for the following state district

1997 offices: Mississippi Transportation Commissioner, Public Service

1998 Commissioner, District Attorney;

1999 (d) Candidates for the following legislative offices:

2000 Senator and House of Representatives;

2001 (e) Candidates for countywide office;

2002 (f) Candidates for county district office.

2003 The order in which the titles for the various offices are

2004 listed within each of the categories listed in paragraphs (e) and

2005 (f) are left to the discretion of the county executive committee.

2006 Candidates' names shall be listed alphabetically under each office

2007 by the candidate's last name.

2008 (3) If after the deadline to qualify as a candidate for an

2009 office, only one (1) person has duly qualified to be a candidate

2010 for the office in the primary election, the name of that person

2011 shall be placed on the ballot; provided, however, that if not more

2012 than one (1) person has duly qualified to be a candidate for each

2013 office on the primary election ballot, the election for all



2014 offices on the ballot shall be dispensed with and the appropriate
2015 executive committee shall declare each candidate as the party
2016 nominee if the candidate meets all the qualifications to hold the
2017 office.

2018 (4) (a) If it is eligible under Section 23-15-266, the
2019 county executive committee may enter into a written agreement with
2020 the circuit clerk or the county election commission authorizing
2021 the circuit clerk or the county election commission to perform any
2022 of the duties required of the county executive committee pursuant
2023 to this section. Any agreement entered into pursuant to this
2024 subsection shall be signed by the chair of the county executive
2025 committee and the circuit clerk or the chair of the county
2026 election commission, as appropriate. The county executive
2027 committee shall notify the state executive committee and the
2028 Secretary of State of the existence of such agreement.

2029 (b) If it is eligible under Section 23-15-266, the
2030 municipal executive committee may enter into a written agreement
2031 with the municipal clerk or the municipal election commission
2032 authorizing the municipal clerk or the municipal election
2033 commission to perform any of the duties required of the municipal
2034 executive committee pursuant to this section. Any agreement
2035 entered into pursuant to this subsection shall be signed by the
2036 chair of the municipal executive committee and the municipal clerk
2037 or the chair of the municipal election commission, as appropriate.
2038 The municipal executive committee shall notify the state executive



2039 committee and the Secretary of State of the existence of such
2040 agreement.

2041 **SECTION 51.** Section 23-15-335, Mississippi Code of 1972, is
2042 amended as follows:

2043 23-15-335. (1) The county executive committee shall
2044 designate a person whose duty it shall be to distribute all
2045 necessary ballots for use * * * during a primary election, and
2046 shall designate one (1) among the poll managers at each polling
2047 place to receive and receipt for the blank ballots to be used at
2048 that place. When the blank ballots are delivered to a local poll
2049 manager, the distributor shall take from the local poll manager a
2050 receipt therefor signed in duplicate by both the distributor and
2051 the poll manager, one (1) of which receipts the distributor shall
2052 deliver to the circuit clerk and the other shall be retained by
2053 the local poll manager and the last mentioned duplicate receipt
2054 shall be enclosed in the ballot box with the voted ballots when
2055 the polls have been closed and the votes have been counted. The
2056 printer of the ballots shall take a receipt from the distributor
2057 of the ballots for the total number of the blank ballots delivered
2058 to the distributor. The printer shall secure all ballots printed
2059 by him or her in such a safe manner that no person can procure
2060 them or any of them, and he or she shall deliver no blank ballot
2061 or ballots to any person except the distributor above mentioned,
2062 and then only upon his or her receipt therefor as above specified.
2063 The distributor of the blank ballots shall so securely hold the



2064 same that no person can obtain any of them, and he or she shall
2065 not deliver any of them to any person other than to the authorized
2066 local poll managers and upon their respective receipts therefor.
2067 The executive committee shall see to it that the total blank
2068 ballots delivered to the distributor, shall correspond with the
2069 total of the receipts executed by the local poll managers.

2070 (2) (a) If it is eligible under Section 23-15-266, the
2071 county executive committee may enter into a written agreement with
2072 the circuit clerk or the county election commission authorizing
2073 the circuit clerk or the county election commission to perform any
2074 of the duties required of the county executive committee pursuant
2075 to this section. Any agreement entered into pursuant to this
2076 subsection shall be signed by the chair of the county executive
2077 committee and the circuit clerk or the chair of the county
2078 election commission, as appropriate. The county executive
2079 committee shall notify the state executive committee and the
2080 Secretary of State of the existence of such agreement.

2081 (b) If it is eligible under Section 23-15-266, the
2082 municipal executive committee may enter into a written agreement
2083 with the municipal clerk or the municipal election commission
2084 authorizing the municipal clerk or the municipal election
2085 commission to perform any of the duties required of the municipal
2086 executive committee pursuant to this section. Any agreement
2087 entered into pursuant to this subsection shall be signed by the
2088 chair of the municipal executive committee and the municipal clerk



2089 or the chair of the municipal election commission, as appropriate.
2090 The municipal executive committee shall notify the state executive
2091 committee and the Secretary of State of the existence of such
2092 agreement.

2093 (3) Any person charged with any of the duties prescribed in
2094 this section who shall willfully or with culpable carelessness
2095 violate the same shall be guilty of a misdemeanor.

2096 **SECTION 52.** Section 23-15-353, Mississippi Code of 1972, is
2097 amended as follows:

2098 23-15-353. The officer charged with printing and
2099 distributing the official ballot shall ascertain from the
2100 registrar, at least ten (10) days before the day * * *
2101 pre-election day voting for that election begins, the number of
2102 registered voters in each voting precinct; and he or she shall
2103 have printed and distributed a sufficient number of ballots for
2104 use in each precinct.

2105 **SECTION 53.** Section 23-15-357, Mississippi Code of 1972, is
2106 amended as follows:

2107 23-15-357. On the back and outside of the ballot shall be
2108 printed the words "OFFICIAL BALLOT," the name of the voting
2109 precinct or place for which the ballot is prepared, * * * the date
2110 of the election and the date the voter cast his or her ballot if
2111 the ballot was cast during the period for pre-election day voting.

2112 **SECTION 54.** Section 23-15-359, Mississippi Code of 1972, is
2113 amended as follows:



2114 23-15-359. (1) Except as provided in this section, the
2115 ballot shall contain the names of all party nominees certified by
2116 the appropriate executive committee, and independent and special
2117 election candidates who have timely filed petitions containing the
2118 required signatures and assessments that must be paid pursuant to
2119 Section 23-15-297, if the candidates and nominees meet all of the
2120 qualifications to hold the office sought. A petition requesting
2121 that an independent or special election candidate's name be placed
2122 on the ballot for any office shall be filed as provided for in
2123 subsection (3) or (4) of this section, as appropriate, and shall
2124 be signed by not less than the following number of qualified
2125 electors:

2126 (a) For an office elected by the state at large, not
2127 less than one thousand (1,000) qualified electors.

2128 (b) For an office elected by the qualified electors of
2129 a Supreme Court district, not less than three hundred (300)
2130 qualified electors.

2131 (c) For an office elected by the qualified electors of
2132 a congressional district, not less than two hundred (200)
2133 qualified electors.

2134 (d) For an office elected by the qualified electors of
2135 a circuit or chancery court district, not less than one hundred
2136 (100) qualified electors.



2137 (e) For an office elected by the qualified electors of
2138 a senatorial or representative district, not less than fifty (50)
2139 qualified electors.

2140 (f) For an office elected by the qualified electors of
2141 a county, not less than fifty (50) qualified electors.

2142 (g) For an office elected by the qualified electors of
2143 a supervisors district or justice court district, not less than
2144 fifteen (15) qualified electors.

2145 (h) For the Office of President of the United States, a
2146 party nominee or independent candidate shall pay an assessment in
2147 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

2148 (2) (a) Unless the petition or fee, whichever is
2149 applicable, required above shall be filed as provided for in
2150 subsection (3), (4) or (5) of this section, as appropriate, the
2151 name of the person requested to be a candidate, unless nominated
2152 by a political party, shall not be placed upon the ballot. The
2153 ballot shall contain the names of each candidate for each office,
2154 and the names shall be listed under the name of the political
2155 party that candidate represents as provided by law and as
2156 certified to the circuit clerk by the state executive committee of
2157 the political party. In the event the candidate qualifies as an
2158 independent as provided in this section, he or she shall be listed
2159 on the ballot as an independent candidate.



2160 (b) The name of an independent or special election
2161 candidate who dies before the printing of the ballots, shall not
2162 be placed on the ballots.

2163 (3) Petitions for offices described in paragraphs (a), (b),
2164 (c), (d) and (e) of subsection (1) of this section shall be filed
2165 with the Secretary of State by no later than 5:00 p.m. on the same
2166 date or business day, as applicable, by which candidates are
2167 required to pay the fee provided for in Section 23-15-297;
2168 however, no petition may be filed before January 1 of the year in
2169 which the election for the office is held.

2170 (4) Petitions for offices described in paragraphs (f) and
2171 (g) of subsection (1) of this section shall be filed with the
2172 proper circuit clerk by no later than 5:00 p.m. on the same date
2173 by which candidates are required to pay the fee provided for in
2174 Section 23-15-297; however, no petition may be filed before
2175 January 1 of the year in which the election for the office is
2176 held. The circuit clerk shall notify the county election
2177 commissioners of all persons who have filed petitions with the
2178 clerk. The notification shall occur within two (2) business days
2179 and shall contain all necessary information.

2180 (5) The assessment for the office described in paragraph (h)
2181 of subsection (1) of this section shall be paid to the Secretary
2182 of State. The Secretary of State shall deposit any qualifying
2183 fees received from candidates into the Elections Support Fund
2184 established in Section 23-15-5.



2185 (6) The election commissioners may also have printed upon
2186 the ballot any local issue election matter that is authorized to
2187 be * * * voted on * * * during the regular or general election
2188 pursuant to Section 23-15-375; however, the ballot form of the
2189 local issue must be filed with the election commissioners by the
2190 appropriate governing authority not less than sixty (60) days
2191 before the date * * * the pre-election day voting period begins
2192 for the election.

2193 (7) The provisions of this section shall not apply to
2194 municipal elections or to the election of the offices of justice
2195 of the Supreme Court, judge of the Court of Appeals, circuit
2196 judge, chancellor, county court judge and family court judge.

2197 (8) Nothing in this section shall prohibit special elections
2198 to fill vacancies in either house of the Legislature from being
2199 held as provided in Section 23-15-851. In all elections conducted
2200 under the provisions of Section 23-15-851, there shall be printed
2201 on the ballot the name of any candidate who, not having been
2202 nominated by a political party, shall have been requested to be a
2203 candidate for any office by a petition filed with the Secretary of
2204 State and signed by not less than fifty (50) qualified electors.

2205 (9) The appropriate election commission shall determine
2206 whether each candidate is a qualified elector of the state, state
2207 district, county or county district they seek to serve, and
2208 whether each candidate meets all other qualifications to hold the
2209 office he or she is seeking or presents absolute proof that he or



2210 she will, subject to no contingencies, meet all qualifications on
2211 or before the date * * * the pre-election day voting period begins
2212 for the general or special election at which he or she could be
2213 elected to office. The election commission shall determine
2214 whether the candidate has taken the steps necessary to qualify for
2215 more than one (1) office at the election. The election commission
2216 also shall determine whether any candidate has been convicted of
2217 any felony in a court of this state, or has been convicted on or
2218 after December 8, 1992, of any offense in another state which is a
2219 felony under the laws of this state, or has been convicted of any
2220 felony in a federal court on or after December 8, 1992. Excepted
2221 from the above are convictions of manslaughter and violations of
2222 the United States Internal Revenue Code or any violations of the
2223 tax laws of this state, unless the offense also involved misuse or
2224 abuse of his or her office or money coming into his or her hands
2225 by virtue of the office. If the appropriate election commission
2226 finds that a candidate either (a) is not a qualified elector, (b)
2227 does not meet all qualifications to hold the office he or she
2228 seeks and fails to provide absolute proof, subject to no
2229 contingencies, that he or she will meet the qualifications on or
2230 before the date * * * the pre-election day voting period begins
2231 for the general or special election at which he or she could be
2232 elected, or (c) has been convicted of a felony as described in
2233 this subsection, and not pardoned, then the election commission
2234 shall notify the candidate and give the candidate an opportunity



2235 to be heard. The election commission shall mail notice to the
2236 candidate at least three (3) business days before the hearing to
2237 the address provided by the candidate on the qualifying forms, and
2238 the committee shall attempt to contact the candidate by telephone,
2239 email and facsimile if the candidate provided this information on
2240 the forms. If the candidate fails to appear at the hearing or to
2241 prove that he or she meets all qualifications to hold the office
2242 subject to no contingencies, then the name of such candidate shall
2243 not be placed upon the ballot. If the appropriate election
2244 commission determines that the candidate has taken the steps
2245 necessary to qualify for more than one (1) office at the election,
2246 the action required by Section 23-15-905, shall be taken.

2247 (10) If after the deadline to qualify as a candidate for an
2248 office or after the time for holding any party primary for an
2249 office, only one (1) person has duly qualified to be a candidate
2250 for the office in the general election, the name of that person
2251 shall be placed on the ballot; provided, however, that if not more
2252 than one (1) person duly qualified to be a candidate for each
2253 office on the general election ballot, the election for all
2254 offices on the ballot shall be dispensed with and the appropriate
2255 election commission shall declare each candidate elected without
2256 opposition if the candidate meets all the qualifications to hold
2257 the office as determined pursuant to a review by the election
2258 commission in accordance with the provisions of subsection (9) of



2259 this section and if the candidate has filed all required campaign
2260 finance disclosure reports as required by Section 23-15-807.

2261 (11) The petition required by this section may not be filed
2262 by using the Internet.

2263 **SECTION 55.** Section 23-15-363, Mississippi Code of 1972, is
2264 amended as follows:

2265 23-15-363. After the proper officer has knowledge of or has
2266 been notified of the nomination, as provided, of any candidate for
2267 office, the officer shall not omit his or her name from the
2268 ballot, unless upon the written request of the candidate
2269 nominated, made at least ten (10) days before the pre-election day
2270 voting for the election begins, and in no case after * * * the
2271 ballot has been printed; and every ballot shall contain the names
2272 of all candidates nominated as specified, and not duly withdrawn.

2273 **SECTION 56.** Section 23-15-367, Mississippi Code of 1972, is
2274 amended as follows:

2275 23-15-367. (1) Except as otherwise provided by Sections
2276 23-15-974 through 23-15-985 and subsection (2) of this section,
2277 the size, print and quality of paper of the official ballot is
2278 left to the discretion of the officer charged with printing the
2279 official ballot.

2280 (2) The titles for the various offices shall be listed in
2281 the following order:

2282 (a) Candidates, electors or delegates for the following
2283 national offices:



- 2284 (i) President;
- 2285 (ii) United States Senator or United States
2286 Representative;
- 2287 (b) Candidates for the following statewide office:
2288 Governor, Lieutenant Governor, Secretary of State, Attorney
2289 General, State Treasurer, Auditor of Public Accounts, Commissioner
2290 of Agriculture and Commerce, Commissioner of Insurance;
- 2291 (c) Candidates for the following state district
2292 offices: Mississippi Transportation Commissioner, Public Service
2293 Commissioner, District Attorney;
- 2294 (d) Candidates for the following legislative offices:
2295 Senate and House of Representatives;
- 2296 (e) Candidates for countywide office;
- 2297 (f) Candidates for county district office.

2298 The order in which the titles for the various offices are
2299 listed within paragraphs (e) and (f) is left to the discretion of
2300 the county election commissioners. Nominees of the political
2301 parties, qualified to conduct primary elections as defined in
2302 Section 23-15-291, shall be listed first alphabetically by the
2303 candidate's last name, followed by any other candidates listed
2304 alphabetically by last name.

2305 (3) It is the duty of the Secretary of State, with the
2306 approval of the Governor, to furnish the designated election
2307 commissioner of each county a sample of the official ballot, not
2308 less than fifty-five (55) days before the pre-election day voting



2309 period begins for the election, the general form of which shall be
2310 followed as nearly as practicable.

2311 **SECTION 57.** Section 7-3-39, Mississippi Code of 1972, is
2312 amended as follows:

2313 7-3-39. The Secretary of State shall have published in full
2314 each constitutional amendment two (2) weeks * * * before the
2315 period for pre-election day voting for the election, if
2316 pre-election day voting is authorized for that election, at which
2317 the qualified electors shall vote on * * * the amendments, in each
2318 county in each newspaper having a general circulation in the
2319 county, as defined in Section 13-3-31; or * * * the Secretary of
2320 State shall have each amendment posted in three (3) public places
2321 in the county if all * * * the newspapers in the county refuse to
2322 publish same at the price provided in Section 7-3-41.

2323 **SECTION 58.** Section 23-15-511, Mississippi Code of 1972, is
2324 amended as follows:

2325 23-15-511. The ballots shall, as far as practicable, be in
2326 the same order of arrangement as provided for paper ballots that
2327 are to be counted manually, except that the information may be
2328 printed in vertical or horizontal rows. Nothing in this chapter
2329 shall be construed as prohibiting the information being presented
2330 to the voters from being printed on both sides of a single ballot.
2331 In those years when a special election shall occur * * * during
2332 the same voting period as the general election, the names of
2333 candidates in any special election and the general election shall



2334 be placed on the same ballot by the election commissioners or
2335 officials in charge of the election, but the general election
2336 candidates shall be clearly distinguished from the special
2337 election candidates. At any time a special election is * * *
2338 during the same voting period as a party primary election, the
2339 names of the candidates in the special election may be placed on
2340 the same ballot by the officials in charge of the election, but
2341 shall be clearly distinguished as special election candidates or
2342 primary election candidates.

2343 Ballots shall be printed in plain clear type in black ink and
2344 upon clear white materials of such size and arrangement as to be
2345 compatible with the OMR equipment. Absentee ballots shall be
2346 prepared and printed in the same form and shall be on the same
2347 size and texture as the regular official ballots, except that they
2348 shall be printed on tinted paper; or the ink used to print the
2349 ballots shall be of a color different from that of the ink used to
2350 print the regular official ballots. Arrows may be printed on the
2351 ballot to indicate the place to mark the ballot, which may be to
2352 the right or left of the names of candidates and propositions.
2353 The titles of offices may be arranged in vertical columns on the
2354 ballot and shall be printed above or at the side of the names of
2355 candidates so as to indicate clearly the candidates for each
2356 office and the number to be elected. In case there are more
2357 candidates for an office than can be printed in one (1) column,
2358 the ballot shall be clearly marked that the list of candidates is



2359 continued on the following column. The names of candidates for
2360 each office shall be printed in vertical columns, grouped by the
2361 offices that they seek. In partisan elections, the party
2362 designation of each candidate, which may be abbreviated, shall be
2363 printed following his or her name.

2364 One (1) sample ballot, which shall be a facsimile of the
2365 official ballot and instructions to the voters, shall be provided
2366 for each precinct and shall be posted in each polling place during
2367 pre-election day voting and on election day.

2368 A separate ballot security envelope or suitable equivalent in
2369 which the voter can place his or her ballot after voting, shall be
2370 provided to conceal the choices the voter has made. Absentee
2371 voters will receive a similar ballot security envelope provided by
2372 the county in which the absentee voter will insert their voted
2373 ballot, which then can be inserted into a return envelope to be
2374 mailed back to the election official. Absentee ballots will not
2375 be required to be folded when a ballot security envelope is
2376 provided.

2377 **SECTION 59.** Section 23-15-515, Mississippi Code of 1972, is
2378 amended as follows:

2379 23-15-515. The circuit clerk shall be the custodian of OMR
2380 equipment acquired by the county, who shall be charged with the
2381 proper storage, maintenance and repair of the OMR equipment. The
2382 municipal clerk shall be the custodian of the OMR equipment
2383 acquired by the municipality, and shall be charged with the proper



2384 storage, maintenance and repair of the OMR equipment. The
2385 custodian or the officials in charge of the election shall repair
2386 or replace any OMR equipment which fails to function properly
2387 during pre-election day voting or on election day.

2388 **SECTION 60.** Section 23-15-531.6, Mississippi Code of 1972,
2389 is amended as follows:

2390 23-15-531.6. (1) For each primary or general election, the
2391 officials in charge of the election shall use at least
2392 seventy-five percent (75%) of all DRE units available to the
2393 county or municipality, as the case may be. For all other
2394 elections in which the officials in charge of the election choose
2395 to use DRE units, at least one-third (1/3) of all DRE units
2396 available to the county or municipality, as the case may be, shall
2397 be used in such elections.

2398 (2) The officials in charge of the election shall ensure the
2399 delivery of the proper DRE units to the polling places of the
2400 respective precincts at least one (1) hour before the time for
2401 opening the polls during the pre-election day voting period and at
2402 each election and shall cause each unit to be set up in the proper
2403 manner for use in voting.

2404 (3) (a) On or before the second day before the pre-election
2405 day voting period begins and before any election day, the
2406 officials in charge of the conduct of the election shall cause
2407 each DRE unit to be tested for logic and accuracy to ascertain
2408 that the units will correctly count the votes cast for all offices



2409 and on all questions, in a manner the Secretary of State may
2410 further prescribe by rule or regulation.

2411 (b) Public notice of the time and place of the test
2412 shall be made at least five (5) days before the date of the test.
2413 Candidates, representatives of candidates, political parties, news
2414 media and the public shall be permitted to observe the testing of
2415 the DRE units.

2416 (4) The officials in charge of the conduct of the election
2417 shall test all memory cards and encoders to be used in any
2418 election.

2419 (5) The officials in charge of the election shall require
2420 that each DRE unit be inspected and sealed before the delivery of
2421 each DRE unit to the polling place. Before opening the polls each
2422 day on which the DRE units will be used * * * during an election,
2423 the poll manager shall break the seal on each unit, turn on each
2424 unit, certify that each unit is operating properly and is set to
2425 zero, and print a zero tape certifying that each unit is set to
2426 zero and shall keep or record such certification on each unit.

2427 (6) The officials in charge of the election, election
2428 commissioners and poll managers shall provide ample protection
2429 against molestation of and injury to the DRE units, and, for that
2430 purpose, the officials in charge of the election, election
2431 commissioners and poll managers may call upon any law enforcement
2432 officer to furnish any assistance that may be necessary. It shall
2433 be the duty of any law enforcement officer to furnish assistance



2434 when so requested by the officials in charge of the election,
2435 election commissioner or poll manager.

2436 (7) The officials in charge of the election, in conjunction
2437 with the governing authorities, shall, at least one (1) hour
2438 before opening the polls for pre-election day voting and on
2439 election day:

2440 (a) Provide sufficient lighting to enable electors to
2441 read the ballot and to enable poll managers to examine the booth
2442 and conduct their responsibilities;

2443 (b) Provide directions for voting on the DRE units that
2444 shall be prominently posted within each voting booth and provide
2445 at least one (1) sample ballot for each primary or general
2446 election shall be prominently posted outside the enclosed space
2447 within the polling place;

2448 (c) Ensure that each DRE unit and its tabulating
2449 mechanism is secure throughout the day; and

2450 (d) Provide such other materials and supplies as may be
2451 necessary or required by law.

2452 **SECTION 61.** Section 23-15-545, Mississippi Code of 1972, is
2453 amended as follows:

2454 23-15-545. At each election, at least one (1) poll manager
2455 shall be charged with writing in the pollbook the word "VOTED," in
2456 the column having at its head the date of the pre-election day
2457 voting period or the date of the election, opposite the name of
2458 each elector upon return of a marked paper ballot by the elector



2459 with the initials of the initialing poll manager or alternate
2460 initialing poll manager affixed thereon. When a DRE unit is used
2461 in the polling place, the word "VOTED" shall be marked by at least
2462 one (1) poll manager in the pollbook in the column having at its
2463 head the date of the election, opposite the name of the elector.

2464 **SECTION 62.** Section 23-15-573, Mississippi Code of 1972, is
2465 amended as follows:

2466 23-15-573. (1) If any person declares that he or she is a
2467 registered voter in the jurisdiction in which he or she offers to
2468 vote and that he or she is eligible to vote during the
2469 pre-election day voting period or in the election, but his or her
2470 name does not appear upon the pollbooks, or that he or she is not
2471 able to cast a regular pre-election voting day or election day
2472 ballot under a provision of state or federal law but is otherwise
2473 qualified to vote, or that he or she has been illegally denied
2474 registration, or that he or she is unable to present an acceptable
2475 form of photo identification:

2476 (a) A poll manager shall notify the person that he or
2477 she may cast an affidavit ballot * * * during the election.

2478 (b) The person shall be permitted to cast an affidavit
2479 ballot at the polling place upon execution of a written affidavit
2480 before one (1) of the poll managers stating that the individual:

2481 (i) Believes he or she is a registered voter in
2482 the jurisdiction in which he or she desires to vote and is
2483 eligible to vote * * * during the election; or



2484 (ii) Is not able to cast a regular pre-election
2485 voting day or election day ballot under a provision of state or
2486 federal law but is otherwise qualified to vote; or

2487 (iii) Believes that he or she has been illegally
2488 denied registration; or

2489 (iv) Is unable to present an acceptable form of
2490 photo identification.

2491 (c) The poll manager shall allow the individual to mark
2492 a paper ballot properly endorsed by the initialing poll manager or
2493 alternate initialing poll manager in accordance with Section
2494 23-15-541, which shall be delivered by him or her to the proper
2495 election official who shall enclose it in an affidavit ballot
2496 envelope, with the written and signed affidavit of the voter
2497 affixed to the envelope, seal the envelope and mark plainly upon
2498 it the name of the person offering to vote.

2499 (2) The affidavit ballot envelope shall include:

2500 (a) The complete name of the voter;

2501 (b) A present and previous physical and mailing address
2502 of the voter;

2503 (c) Telephone numbers where the voter may be contacted;

2504 (d) A statement that the affiant believes he or she is
2505 registered to vote in the jurisdiction in which he or she offers
2506 to vote;

2507 (e) The signature of the affiant; and



2508 (f) The signature of the poll manager at the polling
2509 place at which the affiant offers to vote.

2510 (3) (a) A separate receipt book shall be maintained for
2511 affidavit voters and the affidavit voters shall sign the receipt
2512 book upon completing the affidavit ballot.

2513 (b) If the affidavit voter is casting an affidavit
2514 ballot because the voter is unable to present an acceptable form
2515 of photo identification and the voter's name appears in the
2516 pollbook, then the poll manager shall write "NO ID" across from
2517 the voter's name and in the appropriate column in the pollbook.

2518 (c) In canvassing the returns of the election, the
2519 executive committee in primary elections, or the election
2520 commissioners in other elections, shall examine the records and
2521 allow the ballot to be counted, or not counted as it appears
2522 legal.

2523 (d) An affidavit ballot of a voter who was unable to
2524 present an acceptable form of photo identification shall not be
2525 rejected for this reason if the voter does either of the
2526 following:

2527 (i) Returns to the circuit clerk's office within
2528 five (5) business days after the date * * * the person voted
2529 during the election and presents an acceptable form of photo
2530 identification;

2531 (ii) Returns to the circuit clerk's office within
2532 five (5) business days after the date * * * the person voted



2533 during the election to obtain the Mississippi Voter Identification
2534 Card; or

2535 (iii) Returns to the circuit clerk's office within
2536 five (5) business days after the date * * * the person voted
2537 during the election to execute a separate Affidavit of Religious
2538 Objection.

2539 (4) When a person is offered the opportunity to vote by
2540 affidavit ballot, he or she shall be provided with written
2541 information that informs the person how to ascertain whether his
2542 or her affidavit ballot was counted and, if the vote was not
2543 counted, the reasons the vote was not counted.

2544 (5) The officials in charge of the election shall process
2545 all affidavit ballots by using the Statewide Elections Management
2546 System. The officials in charge of the election shall account for
2547 all affidavit ballots cast in each election, categorizing the
2548 affidavit ballots cast by reason and recording the total number of
2549 affidavit ballots counted and not counted in each such category in
2550 the Statewide Elections Management System.

2551 (6) The Secretary of State shall, by rule duly adopted,
2552 establish a uniform affidavit ballot envelope that shall be used
2553 in all elections in this state. The Secretary of State shall
2554 print and distribute a sufficient number of affidavit ballot
2555 envelopes to the registrar of each county for use in elections.
2556 The registrar shall distribute the affidavit ballot envelopes to
2557 municipal and county executive committees for use in primary



2558 elections and to municipal and county election commissioners for
2559 use in all other elections.

2560 (7) County registrars and municipal registrars shall
2561 maintain a secure free access system that complies with the Help
2562 America Vote Act of 2002, by which persons who vote by affidavit
2563 ballot may determine if their ballots were counted, and if not,
2564 the reasons the ballot was not counted.

2565 (8) Any person who votes * * * during any election as a
2566 result of a federal or state court order or other order extending
2567 the time established by law for closing the polls on an election
2568 day, may only vote by affidavit ballot. Any affidavit ballot cast
2569 under this subsection shall be separated and kept apart from other
2570 affidavit ballots cast by voters not affected by the order.

2571 **SECTION 63.** Section 23-15-613, Mississippi Code of 1972, is
2572 amended as follows:

2573 23-15-613. (1) As used in this section "residual votes"
2574 means overvotes, undervotes and any other vote not counted for any
2575 reason.

2576 (2) For every election, election commissions and county and
2577 municipal executive committees shall report to the Secretary of
2578 State residual vote information; however, if the voting
2579 devices * * * used in the election do not produce a ballot, other
2580 information shall be reported as required in this section.

2581 (3) For every election, election commissions and county and
2582 municipal executive committees responsible for the conduct of



2583 elections in which ballots are generated that are counted by hand
2584 or by OMR equipment or the tabulating mechanism of a DRE unit
2585 shall report to the Secretary of State all residual votes for all
2586 candidates and ballot measures in the elections for which they are
2587 responsible for conducting. The residual vote reports shall:

2588 (a) Be received by the Secretary of State no later than
2589 December 15 of the year in which the election is held;

2590 (b) Include any suggested explanation or suspected
2591 cause of the residual votes;

2592 (c) Include a copy of a voided official ballot for the
2593 election as such ballot appeared to voters at the election and
2594 copies of voided affidavit and absentee ballots if they are
2595 different from the official ballot;

2596 (d) Include the total voter turnout for each election,
2597 including the period for pre-election day voting, to be determined
2598 by totaling the number of persons signing the receipt book at each
2599 precinct, absentee voters and persons who voted by affidavit
2600 ballot and persons whose ballots were challenged and rejected; and

2601 (e) Include a copy of any printed voting instructions
2602 given or visible to voters * * * during the election and a
2603 description of any verbal instructions and any other evidence of
2604 voter education that was used in the election.

2605 (4) For every election, election commissions and county and
2606 municipal executive committees responsible for the conduct of
2607 election in which voting devices are used that do not generate



2608 ballots that are counted by hand or by OMR equipment or the
2609 tabulating mechanism of a DRE unit, shall file a report with the
2610 Secretary of State which shall:

2611 (a) Be received by the Secretary of State no later than
2612 December 15 of the year in which the election is held;

2613 (b) Include the total voter turnout for each election,
2614 including the period for pre-election day voting, to be determined
2615 by totaling the number of persons signing the receipt book at each
2616 precinct, absentee voters and persons who voted by affidavit
2617 ballot and persons whose ballots were challenged and rejected;

2618 (c) Include in the report any anecdotal information
2619 obtained concerning voter problems with the voting equipment or
2620 ballot layout;

2621 (d) Include in the report any suggested explanation or
2622 suspected cause of any difference in the amount of total voter
2623 turnout and the number of counted votes for candidates for various
2624 offices; and

2625 (e) Include a copy of any printed voting instructions
2626 given or visible to voters * * * during the election and a
2627 description of any verbal instructions and any other evidence of
2628 voter education that was used * * * during the election.

2629 (5) Not later than January 31 of the year following the
2630 election, the Secretary of State shall submit a report to the
2631 Governor, Lieutenant Governor and Speaker of the House of
2632 Representatives analyzing the reports required to be filed



2633 pursuant to this section. The analysis shall include the
2634 following:

2635 (a) The performance of each voting device type
2636 used * * * during the election;

2637 (b) Any problems with voter or poll worker instructions
2638 or ballot design and layout that have been identified as a result
2639 of analyzing the reports received;

2640 (c) Recommendations for reducing the number of residual
2641 votes reported; and

2642 (d) Such other information as the Secretary of State
2643 deems beneficial.

2644 (6) The reports required pursuant to this section shall be
2645 in such form as may be required by rules and regulations
2646 promulgated by the Secretary of State.

2647 **SECTION 64.** Section 23-15-781, Mississippi Code of 1972, is
2648 amended as follows:

2649 23-15-781. The number of electors of President and Vice
2650 President of the United States to which this state may be
2651 entitled, shall be chosen by the qualified electors of the state
2652 at large, on the first Tuesday after the first Monday of November
2653 in the year in which an election of President and Vice President
2654 shall occur and during the pre-election day voting period.

2655 **SECTION 65.** Section 23-15-785, Mississippi Code of 1972, is
2656 amended as follows:



2657 23-15-785. (1) When presidential electors are to be chosen,
2658 the Secretary of State of Mississippi shall certify to the circuit
2659 clerks of the several counties the names of all candidates for
2660 President and Vice President who are nominated by any national
2661 convention or other like assembly of any political party or by
2662 written petition signed by at least one thousand (1,000) qualified
2663 voters of this state.

2664 (2) The certificate of nomination by a political party
2665 convention must be signed by the presiding officer and secretary
2666 of the convention and by the * * * chair of the state executive
2667 committee of the political party making the nomination. Any
2668 nominating petition, to be valid, must contain the signatures as
2669 well as the addresses of the petitioners. The certificates and
2670 petitions must be filed with the State Board of Election
2671 Commissioners by filing them in the Office of the Secretary of
2672 State by 5:00 p.m. not less than sixty (60) days * * * before the
2673 day * * * pre-election day voting begins for the election.

2674 (3) Each certificate of nomination and nominating petition
2675 must be accompanied by a list of the names and addresses of
2676 persons, who shall be qualified voters of this state, equal in
2677 number to the number of presidential electors to be chosen. Each
2678 person so listed shall execute the following statement which shall
2679 be attached to the certificate or petition when it is filed with
2680 the State Board of Election Commissioners: "I do hereby consent
2681 and do hereby agree to serve as elector for President and Vice



2682 President of the United States, if elected to that position, and
2683 do hereby agree that, if so elected, I shall cast my ballot as
2684 such for _____ for President and _____ for Vice President of
2685 the United States" (inserting in * * * the blank spaces the
2686 respective names of the persons named as nominees for * * * the
2687 respective offices in the certificate to which this statement is
2688 attached).

2689 (4) The State Board of Election Commissioners and any other
2690 official charged with the preparation of official ballots shall
2691 place on * * * the official ballots the words "PRESIDENTIAL
2692 ELECTORS FOR (here insert the name of the candidate for President,
2693 the word 'AND' and the name of the candidate for Vice President)"
2694 in lieu of placing the names of such presidential electors on the
2695 official ballots, and a vote cast therefor shall be counted and
2696 shall be in all respects effective as a vote for each of the
2697 presidential electors representing those candidates for President
2698 and Vice President of the United States. In the case of unpledged
2699 electors, the State Board of Election Commissioners and any other
2700 official charged with the preparation of official ballots shall
2701 place on * * * the official ballots the words "UNPLEDGED
2702 ELECTOR(S) (here insert the name(s) of individual unpledged
2703 elector(s) if placed upon the ballot based upon a petition granted
2704 in the manner provided by law stating the individual name(s) of
2705 the elector(s) rather than a slate of electors)."



2706 **SECTION 66.** Section 23-15-807, Mississippi Code of 1972, is
2707 amended as follows:

2708 23-15-807. (a) Each candidate or political committee shall
2709 file reports of contributions and disbursements in accordance with
2710 the provisions of this section. All candidates or political
2711 committees required to report such contributions and disbursements
2712 may terminate the obligation to report only upon submitting a
2713 final report that contributions will no longer be received or
2714 disbursements made and that the candidate or committee has no
2715 outstanding debts or obligations. The candidate, treasurer or
2716 chief executive officer shall sign the report.

2717 (b) Candidates seeking election, or nomination for election,
2718 and political committees making expenditures to influence or
2719 attempt to influence voters for or against the nomination for
2720 election of one or more candidates or balloted measures * * *
2721 during such election, shall file the following reports:

2722 (i) In any calendar year during which there is a
2723 regularly scheduled election, a pre-election report shall be filed
2724 no later than the seventh day before pre-election day voting
2725 begins for any election in which the candidate or political
2726 committee has accepted contributions or made expenditures and
2727 shall be completed as of the tenth day before pre-election day
2728 voting begins for the election;

2729 (ii) In 1987 and every fourth year thereafter, periodic
2730 reports shall be filed no later than the tenth day after April 30,



2731 May 31, June 30, September 30 and December 31, and shall be
2732 completed as of the last day of each period;

2733 (iii) In any calendar years except 1987 and except
2734 every fourth year thereafter, a report covering the calendar year
2735 shall be filed no later than January 31 of the following calendar
2736 year; and

2737 (iv) Except as otherwise provided in the requirements
2738 of paragraph (i) of this subsection (b), unopposed candidates are
2739 not required to file pre-election reports but must file all other
2740 reports required by paragraphs (ii) and (iii) of this subsection
2741 (b).

2742 (c) All candidates for judicial office as defined in Section
2743 23-15-975, or their political committees, shall file periodic
2744 reports in the year in which they are to be elected no later than
2745 the tenth day after April 30, May 31, June 30, September 30 and
2746 December 31.

2747 (d) Each report under this article shall disclose:

2748 (i) For the reporting period and the calendar year, the
2749 total amount of all contributions and the total amount of all
2750 expenditures of the candidate or reporting committee, including
2751 those required to be identified pursuant to paragraph (ii) of this
2752 subsection (d) as well as the total of all other contributions and
2753 expenditures during the calendar year. The reports shall be
2754 cumulative during the calendar year to which they relate;

2755 (ii) The identification of:



2756 1. Each person or political committee who makes a
2757 contribution to the reporting candidate or political committee
2758 during the reporting period, whose contribution or contributions
2759 within the calendar year have an aggregate amount or value in
2760 excess of Two Hundred Dollars (\$200.00) together with the date and
2761 amount of any such contribution;

2762 2. Each person or organization, candidate or
2763 political committee who receives an expenditure, payment or other
2764 transfer from the reporting candidate, political committee or its
2765 agent, employee, designee, contractor, consultant or other person
2766 or persons acting in its behalf during the reporting period when
2767 the expenditure, payment or other transfer to the person,
2768 organization, candidate or political committee within the calendar
2769 year have an aggregate value or amount in excess of Two Hundred
2770 Dollars (\$200.00) together with the date and amount of the
2771 expenditure;

2772 (iii) The total amount of cash on hand of each
2773 reporting candidate and reporting political committee;

2774 (iv) In addition to the contents of reports specified
2775 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2776 political party shall disclose:

2777 1. Each person or political committee who makes a
2778 contribution to a political party during the reporting period and
2779 whose contribution or contributions to a political party within
2780 the calendar year have an aggregate amount or value in excess of



2781 Two Hundred Dollars (\$200.00), together with the date and amount
2782 of the contribution;

2783 2. Each person or organization who receives an
2784 expenditure or expenditures by a political party during the
2785 reporting period when the expenditure or expenditures to the
2786 person or organization within the calendar year have an aggregate
2787 value or amount in excess of Two Hundred Dollars (\$200.00),
2788 together with the date and amount of the expenditure;

2789 (v) Disclosure required under this section of an
2790 expenditure to a credit card issuer, financial institution or
2791 business allowing payments and money transfers to be made over the
2792 Internet must include, by way of detail or separate entry, the
2793 amount of funds passing to each person, business entity or
2794 organization receiving funds from the expenditure.

2795 (e) The appropriate office specified in Section 23-15-805
2796 must be in actual receipt of the reports specified in this article
2797 by 5:00 p.m. on the dates specified in subsection (b) of this
2798 section. If the date specified in subsection (b) of this section
2799 shall fall on a weekend or legal holiday then the report shall be
2800 due in the appropriate office at 5:00 p.m. on the first working
2801 day before the date specified in subsection (b) of this section.
2802 The reporting candidate or reporting political committee shall
2803 ensure that the reports are delivered to the appropriate office by
2804 the filing deadline. The Secretary of State may approve specific
2805 means of electronic transmission of completed campaign finance



2806 disclosure reports, which may include, but not be limited to,
2807 transmission by electronic facsimile (FAX) devices.

2808 (f) (i) If any contribution of more than Two Hundred
2809 Dollars (\$200.00) is received by a candidate or candidate's
2810 political committee after the tenth day, but more than forty-eight
2811 (48) hours before 12:01 a.m. of the day of pre-election day voting
2812 begins for the election, the candidate or political committee
2813 shall notify the appropriate office designated in Section
2814 23-15-805, within forty-eight (48) hours of receipt of the
2815 contribution. The notification shall include:

- 2816 1. The name of the receiving candidate;
- 2817 2. The name of the receiving candidate's political
2818 committee, if any;
- 2819 3. The office sought by the candidate;
- 2820 4. The identification of the contributor;
- 2821 5. The date of receipt;
- 2822 6. The amount of the contribution;
- 2823 7. If the contribution is in-kind, a description
2824 of the in-kind contribution; and
- 2825 8. The signature of the candidate or the treasurer
2826 or chair of the candidate's political organization.

2827 (ii) The notification shall be in writing, and may be
2828 transmitted by overnight mail, courier service, or other reliable
2829 means, including electronic facsimile (FAX), but the candidate or
2830 candidate's committee shall ensure that the notification shall in



2831 fact be received in the appropriate office designated in Section
2832 23-15-805 within forty-eight (48) hours of the contribution.

2833 **SECTION 67.** Section 23-15-833, Mississippi Code of 1972, is
2834 amended as follows:

2835 23-15-833. Except as otherwise provided by law, the first
2836 Tuesday after the first Monday in November of each year shall be
2837 designated the regular special election day, and on that day and
2838 during the period established for pre-election day voting an
2839 election shall be held to fill any vacancy in county, county
2840 district, and district attorney elective offices, and any vacancy
2841 in the office of circuit judge or chancellor.

2842 All special elections, or elections to fill vacancies, shall
2843 in all respects be held, conducted and returned in the same manner
2844 as general elections, except that where no candidate receives a
2845 majority of the votes cast in the election, a runoff election
2846 shall be held three (3) weeks after the election. The two (2)
2847 candidates who receive the highest popular votes for the office
2848 shall have their names submitted as the candidates to the runoff
2849 and the candidate who leads in the runoff election shall be
2850 elected to the office. When there is a tie in the first election
2851 of those receiving the next highest vote, these two (2) and the
2852 one receiving the highest vote, none having received a majority,
2853 shall go into the runoff election and whoever leads in the runoff
2854 election shall be entitled to the office.



2855 In those years when the regular special election day shall
2856 occur * * * during the same * * * period of time as the general
2857 election, the names of candidates in any special election and the
2858 general election shall be placed on the same ballot, but shall be
2859 clearly distinguished as general election candidates or special
2860 election candidates. At any time a special election is held * * *
2861 during the same * * * period of time as a party primary election,
2862 the names of the candidates in the special election may be placed
2863 on the same ballot, but shall be clearly distinguished as special
2864 election candidates or primary election candidates.

2865 **SECTION 68.** Section 23-15-843, Mississippi Code of 1972, is
2866 amended as follows:

2867 23-15-843. In case of death, resignation or vacancy from any
2868 cause in the office of district attorney, the unexpired term of
2869 which shall exceed six (6) months, the Governor shall within ten
2870 (10) days after the vacancy occurs issue a proclamation calling an
2871 election to fill a vacancy in the office of district attorney to
2872 be held * * * during the next regular special election * * *
2873 period of time in the district where the vacancy occurred unless
2874 the vacancy occurs in a year in which a general election would
2875 normally be held for that office as provided by law, in which case
2876 the appointed person shall serve the unexpired portion of the
2877 term. Candidates in such a special election shall qualify in the
2878 same manner and be subject to the same time limitations as set
2879 forth in Section 23-15-839. Pending the holding of a special



2880 election, the Governor shall make an emergency appointment to fill
2881 the vacancy until the same shall be filled by election.

2882 **SECTION 69.** Section 23-15-851, Mississippi Code of 1972, is
2883 amended as follows:

2884 23-15-851. (1) Except as otherwise provided in subsection
2885 (2) of this section, within thirty (30) days after vacancies occur
2886 in either house of the Legislature, the Governor shall issue writs
2887 of election to fill the vacancies on a day specified in the writ
2888 of election. At least sixty (60) days' notice shall be given of
2889 the election in each county or part of a county in which the
2890 election shall be held. The qualifying deadline for the election
2891 shall be fifty (50) days before the pre-election day voting begins
2892 for the election. Notice of the election shall be posted at the
2893 courthouse and in each supervisors district in the county or part
2894 of county in which such election shall be held for as near sixty
2895 (60) days as may be practicable. The election shall be prepared
2896 for and held as in the case of a general election.

2897 (2) If a vacancy occurs in a calendar year in which the
2898 general election for state officers is held, the Governor may
2899 elect not to issue a writ of election to fill the vacancy.

2900 **SECTION 70.** Section 23-15-853, Mississippi Code of 1972, is
2901 amended as follows:

2902 23-15-853. (1) If a vacancy occurs in the representation in
2903 Congress, the vacancy shall be filled for the unexpired term by a
2904 special election, to be ordered by the Governor, within sixty (60)



2905 days after the vacancy occurs, and held at a time fixed by his or
2906 her order, and which time shall * * * begin not less than sixty
2907 (60) days after the issuance of the order of the Governor, which
2908 shall be directed to the election commissioners of the several
2909 counties of the district, who shall, immediately on the receipt of
2910 the order, give notice of the election by publishing the same in a
2911 newspaper having a general circulation in the county and by
2912 posting the notice at the front door of the courthouse. The order
2913 shall also be directed to the State Board of Election
2914 Commissioners. The election shall be prepared for and conducted,
2915 and returns shall be made, in all respects as provided for a
2916 special election to fill vacancies.

2917 (2) Candidates for the office in such an election must
2918 qualify with the Secretary of State by 5:00 p.m. not less than
2919 fifty (50) days before the * * * pre-election day voting period
2920 begins for the election. If the fiftieth day to qualify before an
2921 election falls on a Sunday or legal holiday, the qualification
2922 submitted on the business day immediately following the Sunday or
2923 legal holiday shall be accepted. The election commissioners shall
2924 have printed on the ballot in such special election the name of
2925 any candidate who shall have been requested to be a candidate for
2926 the office by a petition filed with the Secretary of State and
2927 personally signed by not less than one thousand (1,000) qualified
2928 electors of the district. The petition shall be filed by 5:00
2929 p.m. not less than fifty (50) days before the * * * pre-election



2930 day voting period begins for the election. If the fiftieth day to
2931 file the petition before an election falls on a Sunday or legal
2932 holiday, the petition filed on the business day immediately
2933 following the Sunday or legal holiday shall be accepted.

2934 There shall be attached to each petition above provided for,
2935 upon the time of filing with the Secretary of State, a certificate
2936 from the appropriate registrar or registrars showing the number of
2937 qualified electors appearing upon each petition which the
2938 registrar shall furnish to the petitioner upon request.

2939 **SECTION 71.** Section 23-15-855, Mississippi Code of 1972, is
2940 amended as follows:

2941 23-15-855. (1) If a vacancy shall occur in the office of
2942 United States Senator from Mississippi by death, resignation or
2943 otherwise, the Governor shall, within ten (10) days after
2944 receiving official notice of the vacancy, issue a proclamation for
2945 an election to be held in the state to elect a Senator to fill the
2946 remaining unexpired term, provided the unexpired term is more than
2947 twelve (12) months and the election shall * * * begin within
2948 ninety (90) days from the time the proclamation is issued and the
2949 returns of such election shall be certified to the Governor in the
2950 manner set out above for regular elections, unless the vacancy
2951 occurs in a year in which a general state or congressional
2952 election is held, in which event the Governor's proclamation shall
2953 designate the period for conducting the general election * * * as



2954 the time for electing a Senator, and the vacancy shall be filled
2955 by appointment as hereinafter provided.

2956 (2) In case of a vacancy in the office of United States
2957 Senator, the Governor may appoint a Senator to fill the vacancy
2958 temporarily, and if the United States Senate be in session at the
2959 time the vacancy occurs the Governor shall appoint a Senator
2960 within ten (10) days after receiving official notice thereof, and
2961 the appointed Senator shall serve until a successor is elected and
2962 commissioned as provided for in subsection (1) of this section,
2963 provided that such unexpired term as he or she may be appointed to
2964 fill shall be for a longer time than one (1) year, but if for a
2965 shorter time than one (1) year, he or she shall serve for the full
2966 time of the unexpired term and no special election shall be called
2967 by the Governor but a successor shall be elected at the regular
2968 election.

2969 **SECTION 72.** Section 23-15-857, Mississippi Code of 1972, is
2970 amended as follows:

2971 23-15-857. (1) When there is a vacancy in an elective
2972 office in a city, town or village, the unexpired term of which
2973 shall not exceed six (6) months, the same shall be filled by
2974 appointment by the governing authority or remainder of the
2975 governing authority of the city, town or village. The municipal
2976 clerk shall certify the appointment to the Secretary of State and
2977 the appointed person or persons shall be commissioned by the
2978 Governor.



2979 (2) When there is a vacancy in an elective office in a city,
2980 town or village, the unexpired term of which shall exceed six (6)
2981 months, the governing authority or remainder of the governing
2982 authority of the city, town or village shall make and enter on the
2983 minutes an order for an election to be held in the city, town or
2984 village to fill the vacancy and fix a * * * time period upon which
2985 the pre-election day voting and election day shall be held. The
2986 order shall be made and entered upon the minutes at the next
2987 regular meeting of the governing authority after the vacancy
2988 occurs, or at a special meeting to be held not later than ten (10)
2989 days after the vacancy occurs, Saturdays, Sundays and legal
2990 holidays excluded, whichever shall occur first. The election
2991 shall be held on a date not less than thirty (30) days nor more
2992 than forty-five (45) days after the date upon which the order is
2993 adopted.

2994 Notice of the election shall be given by the municipal clerk
2995 by notice published in a newspaper published in the municipality.
2996 The notice shall be published once each week for three (3)
2997 successive weeks * * * before the date pre-election day voting
2998 begins for * * * the election. The first notice shall be
2999 published at least thirty (30) days before * * * pre-election day
3000 voting begins for the election. Notice shall also be given by
3001 posting a copy of the notice at three (3) public places in the
3002 municipality not less than twenty-one (21) days before * * *
3003 pre-election day voting begins for the election. One (1) of the



3004 notices shall be posted at the city, town or village hall. In the
3005 event that there is no newspaper published in the municipality,
3006 such notice shall be published as provided for above in a
3007 newspaper that has a general circulation within the municipality
3008 and by posting as provided for above. Additionally, the governing
3009 authority may publish the notice in that newspaper for as many
3010 additional times as may be deemed necessary by the governing
3011 authority.

3012 Each candidate shall qualify by petition filed with the
3013 municipal clerk by 5:00 p.m. at least twenty (20) days before
3014 the * * * pre-election day voting period begins for the election.

3015 If the twentieth day to file the petition before the election
3016 falls on a Sunday or legal holiday, the petition filed on the
3017 business day immediately following the Sunday or legal holiday
3018 shall be accepted. The petition shall be signed by not less than
3019 the following number of qualified electors:

3020 (a) For an office of a city, town, village or municipal
3021 district having a population of one thousand (1,000) or more, not
3022 less than fifty (50) qualified electors.

3023 (b) For an office of a city, town, village or municipal
3024 district having a population of less than one thousand (1,000),
3025 not less than fifteen (15) qualified electors.

3026 No qualifying fee shall be required of any candidate, and the
3027 election shall be held as far as practicable in the same manner as
3028 municipal general elections.



3029 The candidate receiving a majority of the votes cast in the
3030 election shall be elected. If no candidate receives a majority
3031 vote at the election, the two (2) candidates receiving the highest
3032 number of votes shall have their names placed on the ballot for
3033 the election to be held three (3) weeks thereafter. The candidate
3034 receiving a majority of the votes cast in the election shall be
3035 elected. However, if no candidate receives a majority and there
3036 is a tie in the election of those receiving the next highest vote,
3037 those receiving the next highest vote and the candidate receiving
3038 the highest vote shall have their names placed on the ballot for
3039 the election to be held three (3) weeks thereafter, and whoever
3040 receives the most votes cast in the election shall be elected.

3041 Should the election held three (3) weeks thereafter result in
3042 a tie vote, the prevailing candidate shall be decided by a toss of
3043 a coin or by lot fairly and publicly drawn under the supervision
3044 of the election commission.

3045 The clerk of the election commission shall then give a
3046 certificate of election to the person elected, and return to the
3047 Secretary of State a copy of the order of holding the election and
3048 runoff election results, certified by the clerk of the governing
3049 authority. The person elected shall be commissioned by the
3050 Governor.

3051 However, if nineteen (19) days before the * * * pre-election
3052 day voting period begins for the election only one (1) person
3053 shall have qualified as a candidate, the governing authority, or



3054 remainder of the governing authority, shall dispense with the
3055 election and appoint that one (1) candidate in lieu of an
3056 election. In the event no person shall have qualified by 5:00
3057 p.m. at least twenty (20) days before * * * the pre-election day
3058 voting period begins for the election, the governing authority or
3059 remainder of the governing authority shall dispense with the
3060 election and fill the vacancy by appointment. The clerk of the
3061 governing authority shall certify the appointment to the Secretary
3062 of State, and the appointed person shall be commissioned by the
3063 Governor.

3064 **SECTION 73.** Section 23-15-859, Mississippi Code of 1972, is
3065 amended as follows:

3066 23-15-859. Whenever under any statute a special election is
3067 required or authorized to be held in any municipality, and the
3068 statute authorizing or requiring the election does not specify the
3069 time within which the election shall be called, or the notice
3070 which shall be given, the governing authorities of the
3071 municipality shall, by resolution, fix a date upon which the
3072 election shall be held. The date shall not be less than
3073 twenty-one (21) nor more than thirty (30) days after the date upon
3074 which such resolution is adopted, and not less than three (3)
3075 weeks' notice of the election shall be given by the clerk by a
3076 notice published in a newspaper published in the municipality once
3077 each week for three (3) weeks next * * * before the * * *
3078 pre-election day voting period begins for the election, and by



3079 posting a copy of the notice at three (3) public places in the
3080 municipality. Nothing herein, however, shall be applicable to
3081 elections on the question of the issuance of the bonds of a
3082 municipality or to general or primary elections for the election
3083 of municipal officers.

3084 The provisions of this section shall be applicable to all
3085 municipalities of this state, whether operating under a code
3086 charter, special charter or the commission form of government,
3087 except in cases of conflicts between the provisions of the section
3088 and the provisions of the special charter of a municipality, or
3089 the law governing the commission form of government, in which
3090 cases of conflict the provisions of the special charter or the
3091 statutes relative to the commission form of government shall
3092 apply.

3093 **SECTION 74.** Section 23-15-895, Mississippi Code of 1972, is
3094 amended as follows:

3095 23-15-895. No candidate for an elective office, or any
3096 representative of such candidate, and no proponent or opponent of
3097 any constitutional amendment, local issue or other measure printed
3098 on the ballot may post or distribute cards, posters or other
3099 campaign literature within one hundred fifty (150) feet of any
3100 entrance of the building wherein pre-election day voting or any
3101 election is being held. No candidate or a representative named by
3102 him or her in writing may appear at any polling place while armed
3103 or uniformed, or display any badge or credentials except as may be



3104 issued by the manager of the polling place. As used in this
3105 section, the term "local issue" shall have the meaning ascribed to
3106 such term in Section 23-15-375. This section shall be enforced by
3107 election officials and law enforcement officials.

3108 **SECTION 75.** Section 23-15-913, Mississippi Code of 1972, is
3109 amended as follows:

3110 23-15-913. The judges listed and selected to hear election
3111 disputes, as provided in Section 23-15-951, shall be available
3112 during pre-election day voting and on election day to immediately
3113 hear and resolve any election * * * disputes. The rules for
3114 filing pleadings shall be relaxed to carry out the purposes of
3115 this section. The judges selected shall perform no other judicial
3116 duties * * * during the election * * * period. The Supreme Court
3117 shall make judges available to hear disputes in the county in
3118 which the disputes occur but no judge shall hear disputes in the
3119 district or county in which he or she was elected nor shall any
3120 judge hear any dispute in which any potential conflict may arise.
3121 Each judge shall be fair and impartial and shall be assigned on
3122 that basis.

3123 **SECTION 76.** Section 23-15-963, Mississippi Code of 1972, is
3124 amended as follows:

3125 23-15-963. (1) Any person desiring to contest the
3126 qualifications of another person who has qualified pursuant to the
3127 provisions of Section 23-15-359 * * * as a candidate for any
3128 office elected at a general election, shall file a petition



3129 specifically setting forth the grounds of the challenge not later
3130 than thirty-one (31) days after the date of the first primary
3131 election set forth in Section 23-15-191 * * *. * * * The petition
3132 shall be filed with the same body with whom the candidate in
3133 question qualified pursuant to Section 23-15-359 * * *.

3134 (2) Any person desiring to contest the qualifications of
3135 another person who has qualified pursuant to the provisions of
3136 Section 23-15-213 * * * as a candidate for county election
3137 commissioner elected at a general election, shall file a petition
3138 specifically setting forth the grounds of the challenge no later
3139 than sixty (60) days * * * before the period for pre-election day
3140 voting begins for the general election. * * * The petition shall
3141 be filed with the county board of supervisors, being the same body
3142 with whom the candidate in question qualified pursuant to Section
3143 23-15-213 * * *.

3144 (3) Any person desiring to contest the qualifications of
3145 another person who has qualified pursuant to the provisions of
3146 Section 23-15-361 * * * as a candidate for municipal office
3147 elected on the date designated by law for regular municipal
3148 elections, shall file a petition specifically setting forth the
3149 grounds of the challenge no later than thirty-one (31) days after
3150 the date of the first primary election set forth in Section
3151 23-15-309 * * *. * * * The petition shall be filed with the
3152 municipal commissioners of election, being the same body with whom



3153 the candidate in question qualified pursuant to Section
3154 23-15-361 * * *.

3155 (4) Within ten (10) days of receipt of the petition
3156 described in subsections (1), (2) and (3) of this section, the
3157 appropriate election officials shall meet and rule upon the
3158 petition. At least two (2) days before the hearing to consider
3159 the petition, the appropriate election officials shall give notice
3160 to both the petitioner and the contested candidate of the time and
3161 place of the hearing on the petition. Each party shall be given
3162 an opportunity to be heard at such meeting and present evidence in
3163 support of his or her position.

3164 (5) If the appropriate election officials fail to rule upon
3165 the petition within the time required above, such inaction shall
3166 be interpreted as a denial of the request for relief contained in
3167 the petition.

3168 (6) Any party aggrieved by the action or inaction of the
3169 appropriate election officials may file a petition for judicial
3170 review to the circuit court of the county in which the election
3171 officials whose decision is being reviewed sits. * * * The
3172 petition must be filed no later than fifteen (15) days after the
3173 date the petition was originally filed with the appropriate
3174 election officials. * * * The person filing for judicial review
3175 shall give a cost bond in the sum of Three Hundred Dollars
3176 (\$300.00) with two (2) or more sufficient sureties conditioned to
3177 pay all costs in case his or her petition be dismissed, and an



3178 additional bond may be required, by the court, if necessary, at
3179 any subsequent stage of the proceedings.

3180 (7) The circuit court with whom such a petition for judicial
3181 review has been filed shall at the earliest possible date set the
3182 matter for hearing. Notice shall be given to the interested
3183 parties of the time set for hearing by the circuit clerk. The
3184 hearing before the circuit court shall be de novo. The matter
3185 shall be tried to the circuit judge, without a jury. After
3186 hearing the evidence, the circuit judge shall determine whether
3187 the candidate whose qualifications have been challenged is legally
3188 qualified to have his or her name placed upon the ballot in
3189 question. The circuit judge may, upon disqualification of any
3190 such candidate, order that * * * the candidate * * * bear the
3191 court costs of the proceedings.

3192 (8) Within three (3) days after judgment is rendered by the
3193 circuit court, the contestant or contestee, or both, may file an
3194 appeal in the Supreme Court upon giving a cost bond in the sum of
3195 Three Hundred Dollars (\$300.00), together with a bill of
3196 exceptions * * * that shall state the point or points of law at
3197 issue with a sufficient synopsis of the facts to fully disclose
3198 the bearing and relevancy of such points of law. The bill of
3199 exceptions shall be signed by the trial judge, or in case of his
3200 or her absence, refusal or disability, by two (2) disinterested
3201 attorneys, as is provided by law in other cases of bills of
3202 exception. The filing of * * * the appeals shall automatically



3203 suspend the decision of the circuit court and the appropriate
3204 election officials are entitled to proceed based upon their
3205 decision * * * until the Supreme Court, in its discretion, stays
3206 further proceedings in the matter. The appeal shall be
3207 immediately docketed in the Supreme Court and referred to the
3208 court en banc upon briefs without oral argument unless the court
3209 shall call for oral argument, and shall be decided at the earliest
3210 possible date, as a preference case over all others. The Supreme
3211 Court shall have the authority to grant such relief as is
3212 appropriate under the circumstances.

3213 (9) The procedure set forth above shall be the * * * only
3214 manner in which the qualifications of a candidate seeking public
3215 office who qualified pursuant to the provisions of Sections
3216 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
3217 before the time of his or her election. After any such person has
3218 been elected to public office, the election may be challenged as
3219 otherwise provided by law. After any person assumes an elective
3220 office, his or her qualifications to hold that office may be
3221 contested as otherwise provided by law.

3222 **SECTION 77.** Section 23-15-977, Mississippi Code of 1972, is
3223 amended as follows:

3224 23-15-977. (1) Except as otherwise provided in this
3225 section, all candidates for judicial office as defined in Section
3226 23-15-975 of this subarticle shall file their intent to be a
3227 candidate with the proper officials not later than 5:00 p.m. on



3228 the first Friday after the first Monday in May before the
3229 pre-election day voting begins for the general election for
3230 judicial office and shall pay to the proper officials the
3231 following amounts:

3232 (a) Candidates for Supreme Court judge and Court of
3233 Appeals, the sum of Two Hundred Dollars (\$200.00).

3234 (b) Candidates for circuit judge and chancellor, the
3235 sum of One Hundred Dollars (\$100.00).

3236 (c) Candidates for county judge and family court judge,
3237 the sum of Fifteen Dollars (\$15.00).

3238 Candidates for judicial office may not file their intent to
3239 be a candidate and pay the proper assessment before January 1 of
3240 the year in which the election for the judicial office is held.

3241 (2) Candidates for judicial offices listed in paragraphs (a)
3242 and (b) of subsection (1) of this section shall file their intent
3243 to be a candidate with, and pay the proper assessment made
3244 pursuant to subsection (1) of this section to, the State Board of
3245 Election Commissioners.

3246 (3) Candidates for judicial offices listed in paragraph (c)
3247 of subsection (1) of this section shall file their intent to be a
3248 candidate with, and pay the proper assessment made pursuant to
3249 subsection (1) of this section to, the circuit clerk of the proper
3250 county. The circuit clerk shall notify the county election
3251 commissioners of all persons who have filed their intent to be a
3252 candidate with, and paid the proper assessment to, such clerk.



3253 The notification shall occur within two (2) business days and
3254 shall contain all necessary information.

3255 (4) If only one (1) person files his or her intent to be a
3256 candidate for a judicial office and that person later dies,
3257 resigns or is otherwise disqualified from holding the judicial
3258 office after the deadline provided for in subsection (1) of this
3259 section but more than seventy (70) days before the date * * * that
3260 pre-election day voting begins for the general election, the
3261 Governor, upon notification of the death, resignation or
3262 disqualification of the person, shall issue a proclamation
3263 authorizing candidates to file their intent to be a candidate for
3264 that judicial office for a period of not less than seven (7) nor
3265 more than ten (10) days from the date of the proclamation.

3266 (5) If only one (1) person qualifies as a candidate for a
3267 judicial office and that person later dies, resigns or is
3268 otherwise disqualified from holding the judicial office within
3269 seventy (70) days before the date * * * that pre-election day
3270 voting begins for the general election, the judicial office shall
3271 be considered vacant for the new term and the vacancy shall be
3272 filled as provided in by law.

3273 **SECTION 78.** Section 23-15-1031, Mississippi Code of 1972, is
3274 amended as follows:

3275 23-15-1031. Except as provided by Section 23-15-1081, the
3276 first primary election for * * * members of Congress shall be held
3277 on the first Tuesday in June of the years in which * * * members



3278 of Congress are elected, and a second primary, if necessary, shall
3279 be held three (3) weeks thereafter. Each year in which a
3280 presidential election is held, the congressional primary shall be
3281 held as provided in Section 23-15-1081. The election shall be
3282 held in all districts of the state during the same period for
3283 pre-election day voting and on the same day. Candidates for
3284 United States Senator shall be nominated at the congressional
3285 primary next preceding the general election at which a senator is
3286 to be elected and in the same manner that * * * members of
3287 Congress are nominated. The chair and secretary of the state
3288 executive committee shall certify the vote for United States
3289 Senator to the Secretary of State in the same manner that county
3290 executive committees certify the returns of counties in general
3291 state and county primary elections.

3292 **SECTION 79.** Section 23-15-1081, Mississippi Code of 1972, is
3293 amended as follows:

3294 23-15-1081. A presidential preference primary may be held on
3295 the second Tuesday in March of each year in which a President of
3296 the United States is to be elected and during the pre-election day
3297 voting period established in this act. Each political party * * *
3298 that has cast for its candidates for President and Vice President
3299 in the previous presidential election more than twenty percent
3300 (20%) of the total vote cast for President and Vice President in
3301 the state, may conduct a presidential preference primary. No



3302 elector shall vote in the primary of more than one (1) political
3303 party in the same presidential preference primary.

3304 **SECTION 80.** Section 23-15-1083, Mississippi Code of 1972, is
3305 amended as follows:

3306 23-15-1083. Beginning in 1988, as an alternative to the
3307 congressional primary election date set forth in Section
3308 23-15-1031, when a political party elects to conduct a
3309 presidential preference primary, the first primary election for
3310 congressmen, and senators, if senators are to be elected, shall be
3311 held on the second Tuesday in March and during the pre-election
3312 day voting period established in this act, and the second primary,
3313 when one is necessary, shall be held three (3) weeks thereafter,
3314 and the election shall be held in all districts of the state on
3315 the same day.

3316 **SECTION 81.** Section 23-15-1085, Mississippi Code of 1972, is
3317 amended as follows:

3318 23-15-1085. The * * * chair of a party's state executive
3319 committee shall notify the Secretary of State if the party intends
3320 to hold a presidential preference primary. The Secretary of State
3321 shall be notified * * * before December 1 of the year preceding
3322 the year in which a presidential preference primary may be held
3323 pursuant to Section 23-15-1081. Upon * * * the notification, the
3324 Secretary of State shall issue a proclamation setting every
3325 party's congressional and senatorial primary elections, including
3326 the period for pre-election day voting, that are to be held in the



3327 year in which the presidential preference primary is to be held on
3328 the date provided for in Section 23-15-1083. Once the Secretary of
3329 State has issued a proclamation pursuant to this section, the
3330 dates of the congressional and senatorial primary elections shall
3331 not be changed.

3332 **SECTION 82.** Section 23-15-1091, Mississippi Code of 1972, is
3333 amended as follows:

3334 23-15-1091. When the Secretary of State places the name of a
3335 candidate on the ballot pursuant to Section 23-15-1093, he or she
3336 shall notify the candidate that his or her name will appear on the
3337 ballot of this state in the presidential preference primary
3338 election.

3339 The secretary shall also notify the candidate that he or she
3340 may withdraw his or her name from the ballot by filing with the
3341 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3342 later than the sixtieth day before the period for pre-election day
3343 voting begins for that election.

3344 **SECTION 83.** Section 21-3-3, Mississippi Code of 1972, is
3345 amended as follows:

3346 21-3-3. The elective officers of all municipalities
3347 operating under a code charter shall be the mayor, the aldermen,
3348 municipal judge, the marshal or chief of police, the tax collector
3349 and the tax assessor. From and after July 1, 2017, the governing
3350 authorities of the municipality shall appoint a city or town clerk
3351 who shall likewise serve as an officer of the municipality.



3352 However, the governing authorities of the municipality shall have
3353 the power, by ordinance, to combine the office of clerk or marshal
3354 with the office of tax collector and/or tax assessor. * * * The
3355 governing authorities shall have the further power to provide
3356 that * * * any of * * * those officers, except those of mayor and
3357 aldermen, shall be appointive, in which case the marshal or chief
3358 of police, the tax collector, the tax assessor, and the city or
3359 town clerk, or such of * * * the officers as may be made
3360 appointive, shall be appointed by the governing authorities. Any
3361 action taken by the governing authorities to make any of * * * the
3362 offices appointive shall be by ordinance of * * * the
3363 municipality, and no such ordinance shall be adopted within ninety
3364 (90) days * * * before the period for pre-election day voting
3365 begins for any regular general election for the election of
3366 municipal officers. No such ordinance shall become effective
3367 during the term of office of any officer whose office shall be
3368 affected thereby. If any such office is made appointive, the
3369 person appointed thereto shall hold office at the pleasure of the
3370 governing authorities and may be discharged by * * * the governing
3371 authorities at any time, either with or without cause, and it
3372 shall be discretionary with the governing authorities whether or
3373 not to require * * * the person appointed thereto to reside within
3374 the corporate limits of the municipality in order to hold * * *
3375 the office.



3376 **SECTION 84.** Section 21-9-17, Mississippi Code of 1972, is
3377 amended as follows:

3378 21-9-17. Except as otherwise provided, all candidates for
3379 mayor and councilmen, or any of them, to be voted for * * * during
3380 the periods for holding any general or special municipal election,
3381 shall be nominated by party primary election, and no other name or
3382 names shall be placed on the official ballot at * * * the general
3383 or special election than those selected in the manner prescribed
3384 herein. Such primary election or elections, shall be held not
3385 less than ten (10), nor more than thirty (30) days, * * * before
3386 the general or special election, and * * * the primary election or
3387 elections shall be held and conducted in the manner as near as may
3388 be as is provided by law for state and county primary elections.

3389 **SECTION 85.** Section 37-5-9, Mississippi Code of 1972, is
3390 amended as follows:

3391 37-5-9. The name of any qualified elector who is a candidate
3392 for the county board of education shall be placed on the ballot
3393 used in the general elections by the county election
3394 commissioners, provided that the candidate files with the county
3395 election commissioners, not more than ninety (90) days and not
3396 less than sixty (60) days * * * before the date * * * pre-election
3397 day voting begins for the general election, a petition of
3398 nomination signed by not less than fifty (50) qualified electors
3399 of the county residing within each supervisors district. Where
3400 there are less than one hundred (100) qualified electors in * * *



3401 the supervisors district, it shall only be required that * * * the
3402 petition of nomination be signed by at least twenty percent (20%)
3403 of the qualified electors of * * * the supervisors district. The
3404 candidate in each supervisors district who receives the highest
3405 number of votes cast in the district shall be declared elected.

3406 When any member of the county board of education is to be
3407 elected from the county at large under the provisions of this
3408 chapter, then the petition required by the preceding paragraph
3409 hereof shall be signed by the required number of qualified
3410 electors residing in any part of the county outside of the
3411 territory embraced within a municipal separate school district or
3412 special municipal separate school district. The candidate who
3413 receives the highest number of votes cast in the election shall be
3414 declared elected.

3415 In no case shall any qualified elector residing within a
3416 municipal separate school district or special municipal separate
3417 school district be eligible to sign a petition of nomination for
3418 any candidate for the county board of education under any of the
3419 provisions of this section.

3420 **SECTION 86.** Section 21-8-7, Mississippi Code of 1972, is
3421 amended as follows:

3422 21-8-7. (1) Each municipality operating under the
3423 mayor-council form of government shall be governed by an elected
3424 council and an elected mayor. Other officers and employees shall



3425 be duly appointed pursuant to this chapter, general law or
3426 ordinance.

3427 (2) Except as otherwise provided in subsection (4) of this
3428 section, the mayor and council members shall be elected by the
3429 voters of the municipality at a regular municipal election held on
3430 the first Tuesday after the first Monday in June as provided in
3431 Section 21-11-7, and shall serve for a term of four (4) years
3432 beginning on the first day of July next following the election
3433 that is not on a weekend. Votes for mayor and council members may
3434 also be cast during the period for pre-election day voting as
3435 provided for in this act.

3436 (3) The terms of the initial mayor and council members shall
3437 commence at the expiration of the terms of office of the elected
3438 officials of the municipality serving at the time of adoption of
3439 the mayor-council form.

3440 (4) (a) The council shall consist of five (5), seven (7) or
3441 nine (9) members. In the event there are five (5) council
3442 members, the municipality shall be divided into either five (5) or
3443 four (4) wards. In the event there are seven (7) council members,
3444 the municipality shall be divided into either seven (7), six (6)
3445 or five (5) wards. In the event there are nine (9) council
3446 members, the municipality shall be divided into seven (7) or nine
3447 (9) wards. If the municipality is divided into fewer wards than
3448 it has council members, the other council member or members shall
3449 be elected from the municipality at large. The total number of



3450 council members and the number of council members elected from
3451 wards shall be established by the petition or petitions presented
3452 pursuant to Section 21-8-3. One (1) council member shall be
3453 elected from each ward by the voters of that ward. Council
3454 members elected to represent wards must be residents of their
3455 wards at the time of qualification for election, and any council
3456 member who removes the member's residence from the municipality or
3457 from the ward from which elected shall vacate that office.
3458 However, any candidate for council member who is properly
3459 qualified as a candidate under applicable law shall be deemed to
3460 be qualified as a candidate in whatever ward the member resides if
3461 the ward has changed after the council has redistricted the
3462 municipality as provided in paragraph (c)(ii) of this subsection
3463 (4), and if the wards have been so changed, any person may qualify
3464 as a candidate for council member, using the person's existing
3465 residence or by changing the person's residence, not less than
3466 fifteen (15) days before the period for pre-election day voting
3467 begins for the first party primary or special party primary, as
3468 the case may be, notwithstanding any other residency or
3469 qualification requirements to the contrary.

3470 (b) The council or board existing at the time of the
3471 adoption of the mayor-council form of government shall designate
3472 the geographical boundaries of the wards within one hundred twenty
3473 (120) days after the election in which the mayor-council form of
3474 government is selected. In designating the geographical



3475 boundaries of the wards, each ward shall contain, as nearly as
3476 possible, the population factor obtained by dividing the
3477 municipality's population as shown by the most recent decennial
3478 census by the number of wards into which the municipality is to be
3479 divided.

3480 (c) (i) It shall be the mandatory duty of the council
3481 to redistrict the municipality by ordinance, which ordinance may
3482 not be vetoed by the mayor, within six (6) months after the
3483 official publication by the United States of the population of the
3484 municipality as enumerated in each decennial census, and within
3485 six (6) months after the effective date of any expansion of
3486 municipal boundaries; however, if the publication of the most
3487 recent decennial census or effective date of an expansion of the
3488 municipal boundaries occurs six (6) months or more before the
3489 first party primary of a general municipal election, then the
3490 council shall redistrict the municipality by ordinance not less
3491 than sixty (60) days before the period for pre-election day voting
3492 begins for the first party primary.

3493 (ii) If the publication of the most recent
3494 decennial census occurs less than six (6) months before the first
3495 primary of a general municipal election, the election shall be
3496 held with regard to the existing defined wards; reapportioned
3497 wards based on the census shall not serve as the basis for
3498 representation until the next regularly scheduled election in
3499 which council members shall be elected.



3500 (d) If annexation of additional territory into the
3501 municipal corporate limits of the municipality occurs less than
3502 six (6) months before the first party primary of a general
3503 municipal election, the council shall, by ordinance adopted within
3504 three (3) days of the effective date of the annexation, assign the
3505 annexed territory to an adjacent ward or wards so as to maintain
3506 as nearly as possible substantial equality of population between
3507 wards; any subsequent redistricting of the municipality by
3508 ordinance, as required by this chapter, shall not serve as the
3509 basis for representation until the next regularly scheduled
3510 election for municipal council members.

3511 (5) Vacancies occurring in the council shall be filled as
3512 provided in Section 23-15-857.

3513 (6) The mayor shall maintain an office at the city hall.
3514 The council members shall not maintain individual offices at the
3515 city hall; however, in a municipality having a population of one
3516 hundred thousand (100,000) and above according to the latest
3517 federal decennial census, council members may have individual
3518 offices in the city hall. Clerical work of council members in the
3519 performance of the duties of their office shall be performed by
3520 municipal employees or at municipal expense, and council members
3521 shall be reimbursed for the reasonable expenses incurred in the
3522 performance of the duties of their office.

3523 **SECTION 87.** Section 9-4-5, Mississippi Code of 1972, is
3524 amended as follows:



3525 9-4-5. (1) The term of office of judges of the Court of
3526 Appeals shall be eight (8) years. An election shall be held on
3527 the first Tuesday after the first Monday in November 1994, to
3528 elect the ten (10) judges of the Court of Appeals, two (2) from
3529 each congressional district; provided, however, judges of the
3530 Court of Appeals who are elected to take office after the first
3531 Monday of January 2002, shall be elected from the Court of Appeals
3532 Districts described in subsection (5) of this section. The judges
3533 of the Court of Appeals shall begin service on the first Monday of
3534 January 1995. Votes for judges of the Court of Appeals may be
3535 cast, if applicable, during the period for pre-election day voting
3536 provided for in this act.

3537 (2) (a) In order to provide that the offices of not more
3538 than a majority of the judges of * * * the court shall become
3539 vacant at any one (1) time, the terms of office of six (6) of the
3540 judges first to be elected shall expire in less than eight (8)
3541 years. For the purpose of all elections of members of the court,
3542 each of the ten (10) judges of the Court of Appeals shall be
3543 considered a separate office. The two (2) offices in each of the
3544 five (5) districts shall be designated Position Number 1 and
3545 Position Number 2, and in qualifying for office as a candidate for
3546 any office of judge of the Court of Appeals each candidate shall
3547 state the position number of the office to which he or she aspires
3548 and the election ballots shall so indicate.



3549 (i) In Congressional District Number 1, the judge
3550 of the Court of Appeals for Position Number 1 shall be that office
3551 for which the term ends January 1, 1999, and the judge of the
3552 Court of Appeals for Position Number 2 shall be that office for
3553 which the term ends January 1, 2003.

3554 (ii) In Congressional District Number 2, the judge
3555 of the Court of Appeals for Position Number 1 shall be that office
3556 for which the term ends on January 1, 2003, and the judge of the
3557 Court of Appeals for Position Number 2 shall be that office for
3558 which the term ends January 1, 2001.

3559 (iii) In Congressional District Number 3, the
3560 judge of the Court of Appeals for Position Number 1 shall be that
3561 office for which the term ends on January 1, 2001, and the judge
3562 of the Court of Appeals for Position Number 2 shall be that office
3563 for which the term ends January 1, 1999.

3564 (iv) In Congressional District Number 4, the judge
3565 of the Court of Appeals for Position Number 1 shall be that office
3566 for which the term ends on January 1, 1999, and the judge of the
3567 Court of Appeals for Position Number 2 shall be that office for
3568 which the term ends January 1, 2003.

3569 (v) In Congressional District Number 5, the judge
3570 of the Court of Appeals for Position Number 1 shall be that office
3571 for which the term ends on January 1, 2003, and the judge of the
3572 Court of Appeals for Position Number 2 shall be that office for
3573 which the term ends January 1, 2001.



3574 (b) The laws regulating the general elections shall
3575 apply to and govern the elections of judges of the Court of
3576 Appeals except as otherwise provided in Sections 23-15-974 through
3577 23-15-985.

3578 (c) In the year * * * before the expiration of the term
3579 of an incumbent, and likewise each eighth year thereafter, an
3580 election shall be held in the manner provided in this section in
3581 the district from which the incumbent Court of Appeals judge was
3582 elected at which there shall be elected a successor to the
3583 incumbent, whose term of office shall thereafter begin on the
3584 first Monday of January of the year in which the term of the
3585 incumbent he or she succeeds expires.

3586 (3) No person shall be eligible for the office of judge of
3587 the Court of Appeals who has not attained the age of thirty (30)
3588 years at the time of his or her election and who has not been a
3589 practicing attorney and citizen of the state for five (5) years
3590 immediately * * * before the election.

3591 (4) Any vacancy on the Court of Appeals shall be filled by
3592 appointment of the Governor for that portion of the unexpired
3593 term * * * before the election to fill the remainder of * * * the
3594 term according to provisions of Section 23-15-849 * * *.

3595 (5) (a) The State of Mississippi is hereby divided into
3596 five (5) Court of Appeals Districts as follows:

3597 **FIRST DISTRICT.** The First Court of Appeals District shall be
3598 composed of the following counties and portions of counties:



3599 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3600 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3601 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3602 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3603 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3604 Nations and Poplar Creek; in Panola County the precincts of East
3605 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3606 Springport, South Springport, Eureka, Williamson, East Batesville
3607 4, West Batesville 4, Fern Hill, North Batesville A, East
3608 Batesville 5 and West Batesville 5; and in Tallahatchie County the
3609 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3610 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3611 Murphreesboro and Rosebloom.

3612 **SECOND DISTRICT.** The Second Court of Appeals District shall
3613 be composed of the following counties and portions of counties:
3614 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3615 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
3616 Tunica, Warren, Washington and Yazoo; in Attala County the
3617 precincts of Northeast, Hesterville, Possomneck, North Central,
3618 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3619 County not included in the First Court of Appeals District; in
3620 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3621 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3622 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3623 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the



3624 precincts of Conway, West Carthage, Wiggins, Thomastown and
3625 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3626 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3627 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3628 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3629 Canton Precinct 1 and Canton Precinct 4; that portion of
3630 Montgomery County not included in the First Court of Appeals
3631 District; that portion of Panola County not included in the First
3632 Court of Appeals District; and that portion of Tallahatchie County
3633 not included in the First Court of Appeals District.

3634 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3635 composed of the following counties and portions of counties:
3636 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3637 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3638 portion of Attala County not included in the Second Court of
3639 Appeals District; in Jones County the precincts of Northwest High
3640 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
3641 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3642 Antioch and Landrum; that portion of Leake County not included in
3643 the Second Court of Appeals District; that portion of Madison
3644 County not included in the Second Court of Appeals District; and
3645 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3646 Diamond, Chaparral, Matherville, Coit and Eucutta.

3647 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3648 be composed of the following counties and portions of counties:



3649 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3650 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3651 that portion of Hinds County not included in the Second Court of
3652 Appeals District; and that portion of Jones county not included in
3653 the Third Court of Appeals District.

3654 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3655 composed of the following counties and portions of counties:
3656 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3657 River, Perry and Stone; and that portion of Wayne County not
3658 included in the Third Court of Appeals District.

3659 (b) The boundaries of the Court of Appeals Districts
3660 described in paragraph (a) of this subsection shall be the
3661 boundaries of the counties and precincts listed in paragraph (a)
3662 of this subsection as such boundaries existed on October 1, 1990.

3663 **SECTION 88.** This act shall take effect and be in force from
3664 and after July 1, 2018.

