

By: Representative Horne

To: Apportionment and
Elections

HOUSE BILL NO. 336

1 AN ACT TO ABOLISH PARTISAN PRIMARIES; TO PROVIDE THE TIME FOR
2 HOLDING GENERAL AND PREFERENTIAL ELECTIONS; TO PROVIDE THAT WHEN
3 ONLY ONE PERSON HAS QUALIFIED AS A CANDIDATE FOR AN OFFICE, SUCH
4 PERSON'S NAME SHALL BE PLACED ON THE GENERAL ELECTION BALLOT; TO
5 PROVIDE THAT A PREFERENTIAL ELECTION SHALL BE HELD THREE WEEKS
6 BEFORE THE GENERAL ELECTION AND THE CANDIDATE WHO RECEIVES A
7 MAJORITY OF THE VOTES CAST FOR SUCH OFFICE SHALL HAVE ONLY HIS OR
8 HER NAME PLACED ON THE GENERAL ELECTION BALLOT; TO PROVIDE THAT
9 WHEN NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST IN THE
10 PREFERENTIAL ELECTION FOR AN OFFICE, THAT THE TWO CANDIDATES WHO
11 RECEIVE THE HIGHEST NUMBER OF VOTES IN THE PREFERENTIAL ELECTION
12 SHALL HAVE THEIR NAMES PLACED ON THE GENERAL ELECTION BALLOT AS
13 CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE PROCEDURE TO FOLLOW IN
14 CASE OF TIES; TO PROVIDE THE MANNER FOR QUALIFYING AS A CANDIDATE
15 FOR PUBLIC OFFICE; TO PROVIDE FOR THE PRINTING OF NECESSARY
16 BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7, 21-9-15, 21-9-17,
17 21-15-1, 21-31-27, 23-15-11, 23-15-21, 23-15-31, 23-15-37,
18 23-15-153, 23-15-173, 23-15-197, 23-15-213, 23-15-239, 23-15-240,
19 23-15-266, 23-15-271, 23-15-313, 23-15-367, 23-15-375, 23-15-507,
20 23-15-511, 23-15-513, 23-15-523, 23-15-531.6, 23-15-557,
21 23-15-561, 23-15-573, 23-15-593, 23-15-595, 23-15-601, 23-15-605,
22 23-15-673, 23-15-687, 23-15-692, 23-15-713, 23-15-755, 23-15-771,
23 23-15-801, 23-15-807, 23-15-811, 23-15-833, 23-15-859, 23-15-873,
24 23-15-881, 23-15-885, 23-15-891, 23-15-911, 23-15-951, 23-15-961,
25 23-15-963, 23-15-1065, 23-15-1081, 23-15-1085, 23-15-1087,
26 23-15-1089, 23-15-1091, 23-15-1093, 23-15-1095, 23-15-1097,
27 25-4-3, 65-1-3, 79-19-21, 79-19-27, 95-1-5 AND 97-13-35,
28 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO BRING FORWARD
29 SECTION 23-15-575, MISSISSIPPI CODE OF 1972, FOR THE PURPOSES OF
30 POSSIBLE AMENDMENT; TO REPEAL SECTION 23-15-171, MISSISSIPPI CODE
31 OF 1972, WHICH PROVIDES FOR THE DATES OF MUNICIPAL PRIMARY
32 ELECTIONS; TO REPEAL SECTION 23-15-191, MISSISSIPPI CODE OF 1972,
33 WHICH PROVIDES FOR THE DATE OF STATE, DISTRICT AND COUNTY PRIMARY
34 ELECTIONS; TO REPEAL SECTIONS 23-15-263, 23-15-265, 23-15-267,



35 23-15-291 THROUGH 23-15-311, 23-15-317, 23-15-319, 23-15-331,
36 23-15-333 AND 23-15-335, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
37 FOR THE DUTIES OF THE STATE EXECUTIVE COMMITTEE AND COUNTY
38 EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS, PROVIDE FOR THE
39 QUALIFICATION OF CANDIDATES FOR PARTY PRIMARY ELECTIONS, AND
40 PROVIDE FOR THE CONDUCT OF PARTY PRIMARY ELECTIONS; TO REPEAL
41 SECTIONS 23-15-359, 23-15-361 AND 23-15-363, MISSISSIPPI CODE OF
42 1972, WHICH PROVIDE FOR THE CONTENTS OF GENERAL ELECTION BALLOTS;
43 TO REPEAL SECTIONS 23-15-597 AND 23-15-599, MISSISSIPPI CODE OF
44 1972, WHICH PROVIDE FOR THE CANVASS OF RETURNS AND ANNOUNCEMENT OF
45 VOTE BY THE COUNTY EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS AND
46 REQUIRE THE STATE EXECUTIVE COMMITTEE TO TRANSMIT TO THE SECRETARY
47 OF STATE A TABULATED STATEMENT OF THE PARTY VOTE FOR CERTAIN
48 OFFICES; TO REPEAL SECTIONS 23-15-921 THROUGH 23-15-941,
49 MISSISSIPPI CODE OF 1972, WHICH PROVIDE PROCEDURES FOR CONTESTS OF
50 PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1031, MISSISSIPPI CODE
51 OF 1972, WHICH PROVIDES FOR THE DATE OF PRIMARY ELECTIONS FOR
52 CONGRESSMEN AND UNITED STATES SENATORS; TO REPEAL SECTION
53 23-15-1063, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS UNREGISTERED
54 POLITICAL PARTIES FROM CONDUCTING PRIMARY ELECTIONS; TO REPEAL
55 SECTION 23-15-1083, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT
56 CERTAIN CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE
57 PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

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

59 **SECTION 1.** (1) For purposes of this act, the following
60 words shall have the meaning ascribed herein unless the context
61 otherwise requires:

62 (a) "Preferential election" means a primary election
63 held for the purpose of determining those candidates whose names
64 will be placed on the general or regular election ballot. Any
65 person who meets the qualifications to hold the office he or she
66 seeks may be a candidate in the preferential election without
67 regard to party affiliation or lack of party affiliation.

68 (b) "General election" or "regular election" means an
69 election held for the purpose of determining which candidate shall
70 be elected to office.



71 (c) "Political party" means a party defined as a
72 political party by the provisions of Sections 23-15-1059 and
73 23-15-1061.

74 (2) All qualified electors of the State of Mississippi may
75 participate, without regard to party affiliation or lack of party
76 affiliation, in any appropriate preferential, general or regular
77 election.

78 **SECTION 2.** The general election in 2018 and every general
79 election thereafter shall be held on the first Tuesday after the
80 first Monday of November of the year. When more than one (1)
81 person has qualified or been certified as a candidate for any
82 office, a preferential election for such office shall be held
83 three (3) weeks before the general election.

84 **SECTION 3.** A person who has qualified in the manner provided
85 by law as a candidate for election under Sections 1 through 11 of
86 this act shall have the right to withdraw his or her name as a
87 candidate by giving notice of the withdrawal in writing to the
88 secretary of the appropriate election commission at any time
89 before the printing of the official ballots, and in the event of
90 his or her withdrawal, the name of the candidate shall not be
91 printed on the ballot.

92 **SECTION 4.** When only one (1) person has qualified or been
93 certified as a candidate for any office, the person's name shall
94 be placed only on the general or regular election ballot and shall
95 not be placed on the ballot for a preferential election.



96 **SECTION 5.** When more than one (1) person has qualified or
97 been certified as a candidate for any office, a preferential
98 election for the office shall be held three (3) weeks before the
99 general or regular election, and any candidate who receives a
100 majority of the votes cast in such preferential election shall
101 have only his or her name placed on the ballot in the general or
102 regular election. Except as provided in Section 6 of this act, if
103 no person shall receive a majority of the votes cast at the
104 preferential election, then the two (2) persons receiving the
105 highest number of votes in the preferential election shall have
106 their names placed on the ballot in the general or regular
107 election as candidates for such office.

108 **SECTION 6.** (1) When there is a tie in the preferential
109 election between the candidates receiving the highest number of
110 votes, then only those candidates shall be placed on the ballot as
111 candidates in the general election.

112 (2) When there is a tie in the preferential election between
113 the candidates receiving the next highest number of votes, and
114 there is not a tie for the highest number of votes, candidates
115 receiving the next highest number of votes, and the one candidate
116 receiving the highest number of votes, no one having received a
117 majority, shall have their names placed on the ballot as
118 candidates in the general or regular election.

119 (3) If (a) there are more than two (2) candidates in the
120 preferential election, and (b) no candidate in the election



121 receives a majority of the votes cast at the preferential
122 election, and (c) there is not a tie in the preferential election
123 that would require the procedure prescribed in subsection (2) of
124 this section to be followed, and (d) one (1) of the two (2)
125 candidates who receives the highest number of votes in the
126 preferential election withdraws or is otherwise unable to
127 participate in the general or regular election, then the remaining
128 candidate of the two (2) candidates and the candidate who receives
129 the third highest number of votes in the election shall be placed
130 on the ballot as candidates in the general or regular election.

131 **SECTION 7.** All candidates receiving the highest number of
132 votes for any office in the general or regular election shall be
133 declared elected to the office, subject to the requirements of
134 Sections 140, 141 and 143, Mississippi Constitution of 1890.

135 **SECTION 8.** All candidates upon entering the race for
136 election to any office, except municipal officers, no later than
137 5:00 p.m. sixty (60) days before the general election, shall file
138 their intent to be a candidate and pay to the secretary of the
139 proper executive committee of the political party with which the
140 candidate is affiliated or the appropriate election commission if
141 not affiliated with a political party for each election the
142 following amounts:

143 (a) Candidates for Governor, One Thousand Dollars
144 (\$1,000.00);



145 (b) Candidates for Lieutenant Governor, Attorney
146 General, Secretary of State, State Treasurer, Auditor of Public
147 Accounts, Commissioner of Insurance, Commissioner of Agriculture
148 and Commerce, State Highway Commissioner and State Public Service
149 Commissioner, Five Hundred Dollars (\$500.00);

150 (c) Candidates for district attorney, State Senator and
151 State Representative, Two Hundred Fifty Dollars (\$250.00);

152 (d) Candidates for sheriff, chancery clerk, circuit
153 clerk, tax assessor, tax collector, county attorney, county
154 superintendent of education and board of supervisors, One Hundred
155 Dollars (\$100.00);

156 (e) Candidates for county surveyor, county coroner,
157 justice court judge and constable, One Hundred Dollars (\$100.00);

158 (f) Candidates for United States Senator, One Thousand
159 Dollars (\$1,000.00); and

160 (g) Candidates for United States Representative, Five
161 Hundred Dollars (\$500.00).

162 **SECTION 9.** (1) Candidates for offices set out in Section 8
163 of this act under paragraphs (a), (b), (c), (f) and (g) shall file
164 their intent to be a candidate with the secretary of the state
165 executive committee of the political party with which the
166 candidate is affiliated or with the secretary of the state
167 election commission if not affiliated with a political party.

168 (2) Candidates for offices set out in Section 8 of this act
169 under paragraphs (d) and (e) shall file their intent to be a



170 candidate with the secretary of the county executive committee of
171 the political party with which the candidate is affiliated, or
172 with the county election commission if not affiliated with a
173 political party.

174 Not later than fifty-five (55) days before the general
175 election, the respective executive committee shall certify to the
176 appropriate election commission all candidates who have filed
177 their intent to be a candidate.

178 (3) (a) The fees required to be paid pursuant to Section 8
179 of this act shall be accompanied by a written statement containing
180 the name and address of the candidate, the party with which he or
181 she is affiliated, if any, and the office for which he or she is a
182 candidate.

183 (b) The appropriate executive committee or election
184 commission, as the case may be, shall transmit to the Secretary of
185 State a copy of the written statements accompanying the fees paid
186 pursuant to subsections (1) and (2) of this section. All copies
187 must be received by the Office of the Secretary of State no later
188 than 6:00 p.m. on the date of the qualifying deadline; provided,
189 however, the failure of the Office of the Secretary of State to
190 receive such copies by 6:00 p.m. on the date of the qualifying
191 deadline shall not affect the qualification of a person who pays
192 the required fee and files the required statement by 5:00 p.m. not
193 later than sixty (60) days before the general election. The name
194 of any person who pays the required fee and files the required



195 statement after 5:00 p.m. on the date of the qualifying deadline
196 shall not be placed on the preferential election ballot.

197 (4) The secretary to whom such payments are made pursuant to
198 Section 8 of this act shall promptly receipt for same stating the
199 office for which such candidate making payment is running and the
200 political party with which he or she is affiliated, if any, and
201 the secretary shall keep an itemized account in detail showing the
202 exact time and date of the receipt of each payment received by him
203 or her and, where applicable, the date of the postmark on the
204 envelope containing the fee and from whom, and for what office the
205 party paying same is a candidate.

206 (5) The secretaries of the proper executive committee shall
207 hold the funds to be finally disposed of by order of their
208 respective executive committees. The funds may be used or
209 disbursed by the executive committee receiving same to pay all
210 necessary traveling or other necessary expenses of the members of
211 the executive committee incurred in discharging their duties as
212 committee members, and of their secretary and may pay the
213 secretary such salary as may be reasonable.

214 (6) Upon receipt of the proper fee and all necessary
215 information, the proper executive committee or election commission
216 shall then determine whether each candidate is a qualified elector
217 of the state, state district, county or county district which they
218 seek to serve, and whether each candidate meets all other
219 qualifications to hold the office he or she is seeking or presents



220 absolute proof that he or she will, subject to no contingencies,
221 meet all qualifications on or before the date of the general or
222 special election at which he or she could be elected to office.
223 The executive committee or election commission shall determine
224 whether the candidate has taken the steps necessary to qualify for
225 more than one (1) office at the election. The committee also
226 shall determine whether any candidate has been convicted of any
227 felony in a court of this state, or has been convicted of any
228 offense in another state which is a felony under the laws of this
229 state, or has been convicted of any felony in a federal court.
230 Excepted from the above are convictions of manslaughter and
231 violations of the United States Internal Revenue Code or any
232 violations of the tax laws of this state unless the offense also
233 involved misuse or abuse of his or her office or money coming into
234 his or her hands by virtue of the office. If the proper executive
235 committee or election commission finds that a candidate either (a)
236 is not a qualified elector, (b) does not meet all qualifications
237 to hold the office he or she seeks and fails to provide absolute
238 proof, subject to no contingencies, that he or she will meet the
239 qualifications on or before the date of the general or special
240 election at which he or she could be elected, or (c) has been
241 convicted of a felony as described in this subsection, and not
242 pardoned, then the name of the candidate shall not be placed upon
243 the ballot. If the proper executive committee or election
244 commission determines that the candidate has taken the steps



245 necessary to qualify for more than one (1) office at the election,
246 the action required by Section 23-15-905, shall be taken.

247 Where there is but one (1) candidate for each office
248 contested at the preferential election, the proper executive
249 committee or election commission when the time has expired within
250 which the names of candidates shall be furnished shall declare
251 such candidates the nominees.

252 (7) No candidate may qualify by filing the information
253 required by this section by using the Internet.

254 **SECTION 10.** (1) Necessary ballots for use in elections
255 shall be printed as provided for in Section 23-15-351. The
256 ballots shall contain the names of all candidates who have filed
257 their intention to be a candidate in the manner and within the
258 time prescribed herein. The names shall be listed alphabetically
259 on the ballot without regard to party affiliation, if any, with
260 indication of the political party, if any, with which the
261 candidate qualified and placed in parentheses following the name
262 of the candidate.

263 (2) The county election commissioners may also have printed
264 upon the ballot any local issue election matter that is authorized
265 to be held on the same date as the general election pursuant to
266 Section 23-15-375; provided, however, that the ballot form of the
267 local issue must be filed with the election commissioners by the
268 appropriate governing authority not less than sixty (60) days
269 before the election.



270 SECTION 11. (1) All candidates upon entering the race for
271 election to any municipal office shall, not later than 5:00 p.m.
272 sixty (60) days before any municipal general or regular election,
273 file their intent to be a candidate and pay to the secretary of
274 the municipal executive committee of their political party or to
275 the municipal election commission for each election the amount of
276 Ten Dollars (\$10.00).

277 (2) Candidates for municipal office shall file their intent
278 to be a candidate with the secretary of the municipal executive
279 committee of the political party with which the candidate is
280 affiliated, or with the secretary of the municipal election
281 commission if not affiliated with a political party.

282 (3) The election shall be held on the date provided for in
283 Section 23-15-173; and if a preferential election is necessary,
284 the preferential election shall be held three (3) weeks before the
285 general or regular municipal election. At the election, or
286 elections, the municipal election commissioners shall perform the
287 same duties as are specified by law and performed by the county
288 election commissioners with regard to state and county general and
289 preferential elections. Except as otherwise provided by law, all
290 municipal elections shall be held and conducted as is provided by
291 law for state and county elections.

292 (4) Provided, however, that in municipalities operating
293 under a special or private charter which fixes a time for holding
294 elections other than the time fixed herein, the preferential



295 election shall be three (3) weeks before the general election as
296 fixed by the charter.

297 (5) Not later than fifty-five (55) days before the general
298 election, the respective municipal executive committees shall
299 certify to the municipal election commission all candidates who
300 have filed, within the time prescribed in this section, with such
301 executive committees their intent to be a candidate.

302 **SECTION 12.** Sections 1 through 11 of this act shall apply to
303 all elections to public office, except elections for judicial
304 office as defined in Section 23-15-975 and special elections.

305 **SECTION 13.** Nothing in Sections 1 through 11 of this act
306 shall prohibit special elections to fill vacancies in either house
307 of the Legislature from being held as provided in Section
308 23-15-851. In all elections conducted under the provisions of
309 Section 23-15-851 the commissioners shall have printed on the
310 ballot the name of any candidate who shall have been requested to
311 be a candidate for the office by a petition filed with the
312 commissioners not less than ten (10) working days before the
313 election and signed by not less than fifty (50) qualified
314 electors.

315 **SECTION 14.** The state executive committee of a political
316 party is hereby authorized to make and promulgate reasonable rules
317 and regulations for the affairs of the political party and may
318 authorize the county executive committee of the party to have a
319 new registration of the members of that party.



320 **SECTION 15.** It shall be the duty of the state executive
321 committee of each political party to furnish to the election
322 commissioners of each county the names of all state and state
323 district candidates who have qualified as provided in Sections 8
324 and 9 of this act.

325 **SECTION 16.** The chairs of the state and county election
326 commissioners, respectively, shall transmit to the Secretary of
327 State a tabulated statement of the vote cast in each county in
328 each state and district election, which statement shall be filed
329 by the Secretary of State and preserved among the records of his
330 or her office.

331 **SECTION 17.** Candidates for the offices of Public Service
332 Commissioner, State Highway Commissioner, any other officers
333 elected from each Supreme Court district, representatives in
334 Congress, district attorneys and any other offices elected by
335 districts, shall be voted for by all the counties within their
336 respective districts, and all district candidates, shall be under
337 the supervision and control of the state election commissioners.
338 The commissioners shall discharge, for such state district
339 elections, all the powers and duties imposed upon them in
340 connection with elections of candidates for other state offices.

341 **SECTION 18.** The Secretary of State shall promulgate rules
342 and regulations necessary to effectuate the provisions of Sections
343 1 through 17.



344 **SECTION 19.** Section 21-7-7, Mississippi Code of 1972, is
345 amended as follows:

346 21-7-7. The governing body of any such municipality shall be
347 a council, known and designated as such, consisting of seven (7)
348 members. One (1) of the members shall be the mayor, having the
349 qualifications as prescribed by Section 21-3-9, who shall have
350 full rights, powers and privileges of other councilmen. The mayor
351 shall be nominated and elected at large; the remaining councilmen
352 shall be nominated and elected one (1) from each ward into which
353 the city shall be divided. However, if the city be divided into
354 less than six (6) wards, the remaining councilmen shall be
355 nominated and elected at large. The councilmen, including the
356 mayor, shall be elected for a term of four (4) years to serve
357 until their successors are elected and qualified in accordance
358 with the provisions of Section * * * 11 of this act, * * * the
359 term commencing on the first Monday of January after the municipal
360 election first following the adoption of the form of government as
361 provided by this chapter.

362 The compensation for the members of the council shall, for
363 the first four (4) years of operation, under this chapter, be
364 fixed by the * * * mayor and board of aldermen holding
365 office * * * before the change in form of government. Thereafter
366 the amount of compensation for each * * * member may be increased
367 or decreased by the council, by council action taken * * * before



368 the election of members thereof for the ensuing term, such action
369 to become effective with the ensuing terms.

370 **SECTION 20.** Section 21-8-7, Mississippi Code of 1972, is
371 amended as follows:

372 21-8-7. (1) Each municipality operating under the
373 mayor-council form of government shall be governed by an elected
374 council and an elected mayor. Other officers and employees shall
375 be duly appointed pursuant to this chapter, general law or
376 ordinance.

377 (2) Except as otherwise provided in subsection (4) of this
378 section, the mayor and council members shall be elected by the
379 voters of the municipality at a regular municipal election held on
380 the first Tuesday after the first Monday in June as provided in
381 Section * * * 11 of this act, and shall serve for a term of four
382 (4) years beginning on the first day of July next following the
383 election that is not on a weekend.

384 (3) The terms of the initial mayor and council members shall
385 commence at the expiration of the terms of office of the elected
386 officials of the municipality serving at the time of adoption of
387 the mayor-council form of government.

388 (4) (a) The council shall consist of five (5), seven (7) or
389 nine (9) members. In the event there are five (5) council
390 members, the municipality shall be divided into either five (5) or
391 four (4) wards. In the event there are seven (7) council members,
392 the municipality shall be divided into either seven (7), six (6)



393 or five (5) wards. In the event there are nine (9) council
394 members, the municipality shall be divided into seven (7) or nine
395 (9) wards. If the municipality is divided into fewer wards than
396 it has council members, the other council member or members shall
397 be elected from the municipality at large. The total number of
398 council members and the number of council members elected from
399 wards shall be established by the petition or petitions presented
400 pursuant to Section 21-8-3. One (1) council member shall be
401 elected from each ward by the voters of that ward. Council
402 members elected to represent wards must be residents of their
403 wards at the time of qualification for election, and any council
404 member who removes the member's residence from the municipality or
405 from the ward from which elected shall vacate that office.
406 However, any candidate for council member who is properly
407 qualified as a candidate under applicable law shall be deemed to
408 be qualified as a candidate in whatever ward the member resides if
409 the ward has changed after the council has redistricted the
410 municipality as provided in paragraph (c)(ii) of this subsection
411 (4), and if the wards have been so changed, any person may qualify
412 as a candidate for council member, using the person's existing
413 residence or by changing the person's residence, not less than
414 fifteen (15) days before the * * * preferential election or
415 special party primary, as the case may be, notwithstanding any
416 other residency or qualification requirements to the contrary.



417 (b) The council or board existing at the time of the
418 adoption of the mayor-council form of government shall designate
419 the geographical boundaries of the wards within one hundred twenty
420 (120) days after the election in which the mayor-council form of
421 government is selected. In designating the geographical
422 boundaries of the wards, each ward shall contain, as nearly as
423 possible, the population factor obtained by dividing the
424 municipality's population as shown by the most recent decennial
425 census by the number of wards into which the municipality is to be
426 divided.

427 (c) (i) It shall be the mandatory duty of the council
428 to redistrict the municipality by ordinance, which ordinance may
429 not be vetoed by the mayor, within six (6) months after the
430 official publication by the United States of the population of the
431 municipality as enumerated in each decennial census, and within
432 six (6) months after the effective date of any expansion of
433 municipal boundaries; however, if the publication of the most
434 recent decennial census or effective date of an expansion of the
435 municipal boundaries occurs six (6) months or more before
436 the * * * preferential election in a municipality, then the
437 council shall redistrict the municipality by ordinance not less
438 than sixty (60) days before the * * * preferential election.

439 (ii) If the publication of the most recent
440 decennial census occurs less than six (6) months before the * * *
441 preferential election in a municipality, the election shall be



442 held with regard to the existing defined wards; reapportioned
443 wards based on the census shall not serve as the basis for
444 representation until the next regularly scheduled election in
445 which council members shall be elected.

446 (d) If annexation of additional territory into the
447 municipal corporate limits of the municipality occurs less than
448 six (6) months before the * * * preferential election in a
449 municipality, the council shall, by ordinance adopted within three
450 (3) days of the effective date of the annexation, assign the
451 annexed territory to an adjacent ward or wards so as to maintain
452 as nearly as possible substantial equality of population between
453 wards; any subsequent redistricting of the municipality by
454 ordinance, as required by this chapter, shall not serve as the
455 basis for representation until the next regularly scheduled
456 election for municipal council members.

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

459 (6) The mayor shall maintain an office at the city hall.
460 The council members shall not maintain individual offices at the
461 city hall; however, in a municipality having a population of one
462 hundred thousand (100,000) and above according to the latest
463 federal decennial census, council members may have individual
464 offices in the city hall. Clerical work of council members in the
465 performance of the duties of their office shall be performed by
466 municipal employees or at municipal expense, and council members



467 shall be reimbursed for the reasonable expenses incurred in the
468 performance of the duties of their office.

469 **SECTION 21.** Section 21-9-15, Mississippi Code of 1972, is
470 amended as follows:

471 21-9-15. (1) (a) The legislative power of any city in
472 which the council-manager plan of government is in effect under
473 this chapter shall be vested in a council consisting of a mayor
474 and five (5) councilmen.

475 (b) Any city with a larger or smaller number of
476 councilmen, * * * before September 30, 1962, may retain this
477 larger or smaller number of councilmen or may adopt the council
478 size of five (5) as prescribed herein. This option shall be
479 exercised through the enactment of an appropriate ordinance by the
480 municipal governing body * * * before the election to adopt the
481 council-manager plan of government. In the event the council
482 fails to exercise this option, the council shall consist of five
483 (5) councilmen.

484 (c) At the next regular municipal election which takes
485 place after the adoption of the council-manager form of
486 government, the mayor shall be elected at large by the voters of
487 the entire city. Also, the councilmen shall be elected at large
488 by the voters of the entire city to represent a city-wide
489 district, or each of four (4) councilmen may be elected from a
490 ward to represent such ward and one (1) councilman may be elected
491 to represent a city-wide district. This option shall be exercised



492 by an appropriate ordinance enacted by the city governing
493 body * * * before the election to adopt the council-manager plan
494 of government. In the event the council fails to exercise this
495 option, the councilmen shall be elected at large to represent the
496 city-wide district. In its discretion at any time after adoption
497 and implementation of the council-manager plan of government the
498 council may provide for the election of councilmen by wards as
499 provided herein, which shall become effective at the next
500 regularly scheduled election for city councilmen.

501 (d) Councilmen elected to represent wards must be
502 residents of their wards; and in cities having more or fewer than
503 five (5) councilmen, * * * before September 30, 1962, the city
504 governing body shall determine the number of councilmen to
505 represent the wards and the number of councilmen to represent the
506 city-wide district.

507 (e) The council of any municipality having a population
508 exceeding forty-five thousand (45,000) inhabitants according to
509 the 1970 decennial census which is situated in a Class 1 county
510 bordering on the State of Alabama and which is governed by a
511 council-manager plan of government on January 1, 1977 may, in its
512 discretion, adopt an ordinance to require the election of four (4)
513 of the five (5) council members from wards and not from the city
514 at large. The four (4) council members shall be elected one (1)
515 each from the wards in which they reside in the municipality, and
516 shall be elected only by the registered voters residing within the



517 ward in which the council member resides. The mayor and fifth
518 council member may continue to be elected from the city at large.
519 Any council member who shall remove his or her residence from the
520 ward from which he or she was elected shall, by operation of law,
521 vacate his or her seat on the council.

522 After publication of the population of the municipality
523 according to the 1980 decennial census, the governing authorities
524 of the municipality shall designate the geographical boundaries of
525 new wards as provided in this * * * paragraph. Each ward shall
526 contain as nearly as possible the population factor obtained by
527 dividing by four (4) the city's population as shown by the 1980
528 and each most recent decennial census thereafter. It shall be the
529 mandatory duty of the council to redistrict the city by ordinance,
530 which ordinance may not be vetoed by the mayor, within six (6)
531 months after the official publication by the United States of the
532 population of the city as enumerated in each decennial census, and
533 within six (6) months after the effective date of any expansion of
534 municipal boundaries; provided, however, if the publication of the
535 most recent decennial census or effective date of an expansion of
536 the municipal boundaries occurs six (6) months or more * * *
537 before the * * * preferential election in a municipality, then the
538 council shall redistrict the city by ordinance within at least
539 sixty (60) days of * * * the preferential election. If the
540 publication of the most recent decennial census occurs less than
541 six (6) months * * * the * * * preferential election in a



542 municipality, the election shall be held with regard to currently
543 defined wards; and reapportioned wards based on the census shall
544 not serve as the basis for representation until the next regularly
545 scheduled election in which council members shall be elected. If
546 annexation of additional territory into the municipal corporate
547 limits of the city shall occur less than six (6) months * * *
548 before the * * * preferential election in a municipality, the city
549 council shall, by ordinance adopted within three (3) days of the
550 effective date of * * * the annexation, assign * * * the annexed
551 territory to an adjacent ward or wards so as to maintain as nearly
552 as possible substantial equality of population between wards. Any
553 subsequent redistricting of the city by ordinance as required by
554 this section shall not serve as the basis for representation until
555 the next regularly scheduled election for city councilmen.

556 (2) However, in any municipality situated in a Class 1
557 county bordering on the Mississippi Sound and the State of
558 Alabama, traversed by U.S. Highway 90, the legislative power of
559 such municipality in which the council-manager plan of government
560 is in effect shall be vested in a council consisting of a mayor
561 and six (6) councilmen. In the next regular municipal election in
562 such municipality, the mayor shall be elected at large by the
563 voters of the entire municipality. Also, the councilmen shall be
564 elected at large by the voters of the entire municipality to
565 represent a municipality-wide district, or each of five (5)
566 councilmen may be elected from one (1) of five (5) wards to



567 represent said ward and one (1) councilman shall be elected to
568 represent a municipality-wide district. This option as to wards
569 shall be exercised by an appropriate ordinance enacted by the
570 municipal governing body. In the event the council fails to
571 exercise this option, the councilmen shall be elected at large to
572 represent the municipality-wide district. Councilmen elected to
573 represent wards must be residents of their wards.

574 The method of electing the mayor and councilmen shall be the
575 same as otherwise provided by law except as provided in this
576 chapter. The mayor and councilmen elected hereunder shall hold
577 office for a term of four (4) years and until their successors are
578 elected and qualified. No person shall be eligible to the office
579 of mayor or councilman unless he or she is a qualified elector of
580 such city.

581 (3) (a) In the event a city with a population of one
582 hundred thousand (100,000) or more inhabitants according to the
583 last decennial census adopts the council-manager form of
584 government, the legislative power of * * * the city shall be
585 vested in a council consisting of a mayor and eight (8)
586 councilmen.

587 (b) At the next regular municipal election which takes
588 place after the adoption of the council-manager form of
589 government, the mayor shall be elected at large by the voters of
590 the entire municipality. The municipality shall be divided into
591 five (5) wards with one (1) councilman to be elected from each



592 ward by the voters of that ward, and three (3) councilmen to be
593 elected from the municipality at large. Councilmen elected to
594 represent wards must be residents of their wards at the time of
595 qualification for election, and any councilman who removes his or
596 her residence from the city or from the ward from which he or she
597 was elected shall vacate his or her office.

598 (c) It shall be the duty of the municipal governing
599 body existing at the time of the adoption of the council-manager
600 form of government to designate the geographical boundaries of the
601 five (5) wards within sixty (60) days after the election in which
602 the council-manager form is selected. In designating the
603 geographical boundaries of the five (5) wards, each ward shall
604 contain as nearly as possible the population factor obtained by
605 dividing by five (5) the city's population as shown by the most
606 recent decennial census. It shall be the mandatory duty of the
607 council to redistrict the city by ordinance, which ordinance may
608 not be vetoed by the mayor, within six (6) months after the
609 official publication by the United States of the population of the
610 city as enumerated in each decennial census, and within six (6)
611 months after the effective date of any expansion of municipal
612 boundaries; however, if the publication of the most recent
613 decennial census or effective date of an expansion of the
614 municipal boundaries occurs six (6) months or more * * * before
615 the * * * preferential election in a municipality, then the
616 council shall redistrict the city by ordinance within at least



617 sixty (60) days of * * * the preferential election. If the
618 publication of the most recent decennial census occurs less than
619 six (6) months * * * before the * * * preferential election in a
620 municipality, the election shall be held with regard to currently
621 defined wards; and reapportioned wards based on the census shall
622 not serve as the basis for representation until the next regularly
623 scheduled election in which city councilmen shall be elected. If
624 annexation of additional territory into the municipal corporate
625 limits of the city shall occur less than six (6) months * * *
626 before the * * * preferential election in a municipality, the city
627 council shall, by ordinance adopted within three (3) days of the
628 effective date of such annexation, assign such annexed territory
629 to an adjacent ward or wards so as to maintain as nearly as
630 possible substantial equality of population between wards; any
631 subsequent redistricting of the city by ordinance as required by
632 this section shall not serve as the basis for representation until
633 the next regularly scheduled election for city councilmen.

634 (4) The method of electing the mayor and councilmen shall be
635 the same as otherwise provided by law, except as provided in this
636 chapter. The mayor and councilmen elected hereunder shall hold
637 office for a term of four (4) years and until their successors are
638 elected and qualified. No person shall be eligible to the office
639 of mayor or councilman unless he or she is a qualified elector of
640 such city.



641 **SECTION 22.** Section 21-9-17, Mississippi Code of 1972, is
642 amended as follows:

643 21-9-17. Except as otherwise provided, all candidates for
644 mayor and councilmen, or any of them, to be voted for at any
645 general or special municipal election, shall be nominated by
646 * * * preferential election in a municipality, and no other name
647 or names shall be placed on the official ballot at such general or
648 special election than those selected in the manner prescribed
649 herein. Such * * * preferential election shall be held not less
650 than ten (10), nor more than thirty (30) days, preceding the
651 general or special election, and such * * * preferential election
652 shall be held and conducted in the manner as near as may be as is
653 provided by law for state and county * * * preferential elections.

654 **SECTION 23.** Section 21-15-1, Mississippi Code of 1972, is
655 amended as follows:

656 21-15-1. All officers elected at the general or regular
657 municipal election provided for in Section * * * 11 of this act,
658 shall qualify and enter upon the discharge of their duties on the
659 first day of July after such general election that is not on a
660 weekend, and shall hold their offices for a term of four (4) years
661 and until their successors are duly elected and qualified.

662 **SECTION 24.** Section 21-31-27, Mississippi Code of 1972, is
663 amended as follows:

664 21-31-27. No person holding any office, place, position or
665 employment subject to civil service, is under any obligation to



666 contribute to any political fund or to render any political
667 service to any person or party whatsoever, and no person shall be
668 removed, reduced in grade or salary, or otherwise prejudiced for
669 refusing so to do. No public officer, whether elected or
670 appointed, shall discharge, promote, demote or in any manner
671 change the official rank, employment or compensation of any person
672 under civil service, or promise or threaten so to do, for giving
673 or withholding, or neglecting to make any contribution of money,
674 or service, or any other valuable thing, for any political
675 purpose.

676 If any person holding any office, place, position or
677 employment subject to civil service, actively participates in
678 political activity in any * * * preferential election or general
679 election in a municipality where he or she is employed, it shall
680 be deemed cause for removal.

681 **SECTION 25.** Section 23-15-11, Mississippi Code of 1972, is
682 amended as follows:

683 23-15-11. Every inhabitant of this state, except persons
684 adjudicated to be non compos mentis, who is a citizen of the
685 United States of America, eighteen (18) years old and upwards, who
686 has resided in this state for thirty (30) days and for thirty (30)
687 days in the county in which he or she seeks to vote, and for
688 thirty (30) days in the incorporated municipality in which he or
689 she seeks to vote, and who has been duly registered as an elector
690 under Section 23-15-33, and who has never been convicted of vote



691 fraud or of any crime listed in Section 241, Mississippi
692 Constitution of 1890, shall be a qualified elector in and for the
693 county, municipality and voting precinct of his or her residence,
694 and shall be entitled to vote at any election upon compliance with
695 Section 23-15-563. Any person who will be eighteen (18) years of
696 age or older on or before the date of the general election and who
697 is duly registered to vote not less than thirty (30) days before
698 the * * * preferential election associated with the general
699 election, may vote in the * * * preferential election even though
700 the person has not reached his or her eighteenth birthday at the
701 time that the person seeks to vote at the * * * preferential
702 election. No others than those specified in this section shall be
703 entitled, or shall be allowed, to vote at any election.

704 **SECTION 26.** Section 23-15-21, Mississippi Code of 1972, is
705 amended as follows:

706 23-15-21. It shall be unlawful for any person who is not a
707 citizen of the United States or the State of Mississippi to
708 register or to vote in any * * * special, preferential or general
709 election in the state.

710 **SECTION 27.** Section 23-15-31, Mississippi Code of 1972, is
711 amended as follows:

712 23-15-31. All of the provisions of this subarticle shall be
713 applicable, insofar as possible, to municipal, * * * preferential,
714 general and special elections; and wherever therein any duty is
715 imposed or any power or authority is conferred upon the county



716 registrar * * * or county election commissioners * * * with
717 reference to a state and county election, such duty shall likewise
718 be conferred upon the municipal registrar * * * or municipal
719 election commission * * * with reference to any municipal
720 election.

721 **SECTION 28.** Section 23-15-37, Mississippi Code of 1972, is
722 amended as follows:

723 23-15-37. (1) The registrar shall register the electors of
724 his or her county at any time during regular office hours.

725 (2) The county registrar may keep his or her office open to
726 register voters from 8:00 a.m. until 7:00 p.m., including the noon
727 hour, for the five (5) business days immediately preceding the
728 thirtieth day before any regularly scheduled * * * preferential or
729 general election. The county registrar shall also keep his or her
730 office open from 8:00 a.m. until 12:00 noon on the Saturday
731 immediately preceding the thirtieth day before any regularly
732 scheduled * * * preferential or general election, unless that
733 Saturday falls on a legal holiday, in which case registration
734 applications submitted on the Monday immediately following the
735 legal holiday shall be accepted and entered in the Statewide
736 Elections Management System for the purpose of enabling such
737 voters to vote in the next primary or general election.

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



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

743 (4) A person who is physically disabled and unable to visit
744 the office of the registrar to register to vote due to such
745 disability may contact the registrar and request that the
746 registrar or the registrar's deputy visit him or her for the
747 purpose of registering such person to vote. The registrar or the
748 registrar's deputy shall visit that person as soon as possible
749 after such request and provide the person with an application for
750 registration, if necessary. The completed application for
751 registration shall be executed in the presence of the registrar or
752 the registrar's deputy.

753 (5) (a) In the fall and spring of each year the registrar
754 of each county shall furnish all public schools with mail-in voter
755 registration applications. The applications shall be provided in
756 a reasonable time to enable those students who will be eighteen
757 (18) years of age before a general election to be able to vote in
758 the * * * preferential and general elections.

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

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



765 23-15-153. (1) At least during the following times, the
766 election commissioners shall meet at the office of the registrar
767 or the office of the election commissioners to carefully revise
768 the county voter roll as electronically maintained by the
769 Statewide Elections Management System and remove from the roll the
770 names of all voters who have requested to be purged from the voter
771 roll, died, received an adjudication of non compos mentis, been
772 convicted of a disenfranchising crime, or otherwise become
773 disqualified as electors for any cause, and shall register the
774 names of all persons who have duly applied to be registered but
775 have been illegally denied registration:

776 (a) On the Tuesday after the second Monday in January
777 1987 and every following year;

778 (b) On the first Tuesday in the month immediately
779 preceding the first * * * preferential election for members of
780 Congress in the years when members of Congress are elected;

781 (c) On the first Monday in the month immediately
782 preceding the first * * * preferential election for state, state
783 district legislative, county and county district offices in the
784 years in which those offices are elected; and

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

788 Except for the names of those voters who are duly qualified
789 to vote in the election, no name shall be permitted to remain in



790 the Statewide Elections Management System; however, no name shall
791 be purged from the Statewide Elections Management System based on
792 a change in the residence of an elector except in accordance with
793 procedures provided for by the National Voter Registration Act of
794 1993. Except as otherwise provided by Section 23-15-573, no
795 person shall vote at any election whose name is not in the county
796 voter roll electronically maintained by the Statewide Elections
797 Management System.

798 (2) Except as provided in this section, and subject to the
799 following annual limitations, the election commissioners shall be
800 entitled to receive a per diem in the amount of Eighty-four
801 Dollars (\$84.00), to be paid from the county general fund, for
802 every day or period of no less than five (5) hours accumulated
803 over two (2) or more days actually employed in the performance of
804 their duties in the conduct of an election or actually employed in
805 the performance of their duties for the necessary time spent in
806 the revision of the county voter roll as electronically maintained
807 by the Statewide Elections Management System as required in
808 subsection (1) of this section:

809 (a) In counties having less than fifteen thousand
810 (15,000) residents according to the latest federal decennial
811 census, not more than fifty (50) days per year, with no more than
812 fifteen (15) additional days allowed for the conduct of each
813 election in excess of one (1) occurring in any calendar year;



814 (b) In counties having fifteen thousand (15,000)
815 residents according to the latest federal decennial census but
816 less than thirty thousand (30,000) residents according to the
817 latest federal decennial census, not more than seventy-five (75)
818 days per year, with no more than twenty-five (25) additional days
819 allowed for the conduct of each election in excess of one (1)
820 occurring in any calendar year;

821 (c) In counties having thirty thousand (30,000)
822 residents according to the latest federal decennial census but
823 less than seventy thousand (70,000) residents according to the
824 latest federal decennial census, not more than one hundred (100)
825 days per year, with no more than thirty-five (35) additional days
826 allowed for the conduct of each election in excess of one (1)
827 occurring in any calendar year;

828 (d) In counties having seventy thousand (70,000)
829 residents according to the latest federal decennial census but
830 less than ninety thousand (90,000) residents according to the
831 latest federal decennial census, not more than one hundred
832 twenty-five (125) days per year, with no more than forty-five (45)
833 additional days allowed for the conduct of each election in excess
834 of one (1) occurring in any calendar year;

835 (e) In counties having ninety thousand (90,000)
836 residents according to the latest federal decennial census but
837 less than one hundred seventy thousand (170,000) residents
838 according to the latest federal decennial census, not more than



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

842 (f) In counties having one hundred seventy thousand
843 (170,000) residents according to the latest federal decennial
844 census but less than two hundred thousand (200,000) residents
845 according to the latest federal decennial census, not more than
846 one hundred seventy-five (175) days per year, with no more than
847 sixty-five (65) additional days allowed for the conduct of each
848 election in excess of one (1) occurring in any calendar year;

849 (g) In counties having two hundred thousand (200,000)
850 residents according to the latest federal decennial census but
851 less than two hundred twenty-five thousand (225,000) residents
852 according to the latest federal decennial census, not more than
853 one hundred ninety (190) days per year, with no more than
854 seventy-five (75) additional days allowed for the conduct of each
855 election in excess of one (1) occurring in any calendar year;

856 (h) In counties having two hundred twenty-five thousand
857 (225,000) residents according to the latest federal decennial
858 census but less than two hundred fifty thousand (250,000)
859 residents according to the latest federal decennial census, not
860 more than two hundred fifteen (215) days per year, with no more
861 than eighty-five (85) additional days allowed for the conduct of
862 each election in excess of one (1) occurring in any calendar year;



863 (i) In counties having two hundred fifty thousand
864 (250,000) residents according to the latest federal decennial
865 census but less than two hundred seventy-five thousand (275,000)
866 residents according to the latest federal decennial census, not
867 more than two hundred thirty (230) days per year, with no more
868 than ninety-five (95) additional days allowed for the conduct of
869 each election in excess of one (1) occurring in any calendar year;

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

876 (3) In addition to the number of days authorized in
877 subsection (2) of this section, the board of supervisors of a
878 county may authorize, in its discretion, the election
879 commissioners to receive a per diem in the amount provided for in
880 subsection (2) of this section, to be paid from the county general
881 fund, for every day or period of no less than five (5) hours
882 accumulated over two (2) or more days actually employed in the
883 performance of their duties in the conduct of an election or
884 actually employed in the performance of their duties for the
885 necessary time spent in the revision of the county voter roll as
886 electronically maintained by the Statewide Elections Management



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

889 (4) (a) The election commissioners shall be entitled to
890 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
891 to be paid from the county general fund, not to exceed ten (10)
892 days for every day or period of no less than five (5) hours
893 accumulated over two (2) or more days actually employed in the
894 performance of their duties for the necessary time spent in the
895 revision of the county voter roll as electronically maintained by
896 the Statewide Elections Management System before any special
897 election. For purposes of this paragraph, the regular special
898 election day shall not be considered a special election. The
899 annual limitations set forth in subsection (2) of this section
900 shall not apply to this paragraph.

901 (b) The election commissioners shall be entitled to
902 receive a per diem in the amount of One Hundred Fifty Dollars
903 (\$150.00), to be paid from the county general fund, for the
904 performance of their duties on the day of any general or special
905 election. The annual limitations set forth in subsection (2) of
906 this section shall apply to this paragraph.

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



912 performance of their duties for the necessary time spent in the
913 revision of the county voter roll as electronically maintained by
914 the Statewide Elections Management System and in the conduct of a
915 runoff election following either a general or special election.

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

920 (7) In preparation for a municipal primary, runoff, general
921 or special election, the county registrar shall generate and
922 distribute the master voter roll and pollbooks from the Statewide
923 Elections Management System for the municipality located within
924 the county. The municipality shall pay the county registrar for
925 the actual cost of preparing and printing the municipal master
926 voter roll pollbooks. A municipality may secure "read only"
927 access to the Statewide Elections Management System and print its
928 own pollbooks using this information.

929 (8) County election commissioners who perform the duties of
930 an executive committee with regard to the conduct of a primary
931 election under a written agreement authorized by law to be entered
932 into with an executive committee shall receive per diem as
933 provided for in subsection (2) of this section. The days that
934 county election commissioners are employed in the conduct of a
935 * * * preferential election shall be treated the same as days



936 county election commissioners are employed in the conduct of other
937 elections.

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

942 (10) Every election commissioner shall sign personally a
943 certification setting forth the number of hours actually worked in
944 the performance of the commissioner's official duties and for
945 which the commissioner seeks compensation. The certification must
946 be on a form as prescribed in this subsection. The commissioner's
947 signature is, as a matter of law, made under the commissioner's
948 oath of office and under penalties of perjury.

949 The certification form shall be as follows:

950 **COUNTY ELECTION COMMISSIONER**

951 **PER DIEM CLAIM FORM**

952 NAME: _____ COUNTY: _____

953 ADDRESS: _____ DISTRICT: _____

954 CITY: _____ ZIP: _____

955 PURPOSE APPLICABLE ACTUAL PER DIEM

956 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

957 WORKED TIME TIME WORK SECTION WORKED EARNED

958 _____

959 _____

960 _____



961 TOTAL NUMBER OF PER DIEM DAYS EARNED
 962 EXCLUDING ELECTION DAYS _____
 963 PER DIEM RATE PER DAY EARNED X \$84.00
 964 TOTAL NUMBER PER DIEM DAYS EARNED
 965 FOR ELECTION DAYS _____
 966 PER DIEM RATE PER DAY EARNED X \$150.00
 967 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

973 Signed this the _____ day of _____, ____.

974 _____
 975 Commissioner's Signature

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

981 Any person may contest the accuracy of the certification in
 982 any respect by notifying the chair of the commission, any member
 983 of the board of supervisors or the clerk of the board of
 984 supervisors of the contest at any time before or after payment is
 985 made. If the contest is made before payment is made, no payment



986 shall be made as to the contested certificate until the contest is
987 finally disposed of. The person filing the contest shall be
988 entitled to a full hearing, and the clerk of the board of
989 supervisors shall issue subpoenas upon request of the contestor
990 compelling the attendance of witnesses and production of documents
991 and things. The contestor shall have the right to appeal de novo
992 to the circuit court of the involved county, which appeal must be
993 perfected within thirty (30) days from a final decision of the
994 commission, the clerk of the board of supervisors or the board of
995 supervisors, as the case may be.

996 Any contestor who successfully contests any certification
997 will be awarded all expenses incident to his or her contest,
998 together with reasonable attorney's fees, which will be awarded
999 upon petition to the chancery court of the involved county upon
1000 final disposition of the contest before the election commission,
1001 board of supervisors, clerk of the board of supervisors, or, in
1002 case of an appeal, final disposition by the court. The
1003 commissioner against whom the contest is decided shall be liable
1004 for the payment of the expenses and attorney's fees, and the
1005 county shall be jointly and severally liable for same.

1006 (11) Any election commissioner who has not received a
1007 certificate issued by the Secretary of State pursuant to Section
1008 23-15-211 indicating that the election commissioner has received
1009 the required elections seminar instruction and that the election
1010 commissioner is fully qualified to conduct an election, shall not



1011 receive any compensation authorized by this section or Section
1012 23-15-239.

1013 **SECTION 30.** Section 23-15-173, Mississippi Code of 1972, is
1014 amended as follows:

1015 23-15-173. (1) A general municipal election shall be held
1016 in each city, town or village on the first Tuesday after the first
1017 Monday of June 1985, and every four (4) years thereafter, for the
1018 election of all municipal officers elected by the people.

1019 * * *

1020 (* * *2) The provisions of Sections 23-15-171 and
1021 23-15-173, which fix the times to hold primary and general
1022 elections, shall not apply to any municipality operating under a
1023 special or private charter where the governing board or authority
1024 thereof, on or before June 25, 1952, shall have adopted and spread
1025 upon its minutes a resolution or ordinance declining to accept the
1026 provisions, in which event the primary and general elections shall
1027 be held at the time fixed by the charter of the municipality.

1028 **SECTION 31.** Section 23-15-197, Mississippi Code of 1972, is
1029 amended as follows:

1030 23-15-197. (1) Times for holding * * * general elections
1031 for congressional offices shall be as prescribed in Sections * * *
1032 23-15-1033 and 23-15-1041.

1033 (2) Times for holding elections for the office of judge of
1034 the Supreme Court shall be as prescribed in Section 23-15-991 and
1035 Sections 23-15-974 through 23-15-985, and times for holding



1036 elections for the office of judge of the Court of Appeals shall be
1037 as prescribed in Section 9-4-5.

1038 (3) Times for holding elections for the office of circuit
1039 court judge and the office of chancery court judge shall be as
1040 prescribed in Sections 23-15-974 through 23-15-985, and Section
1041 23-15-1015.

1042 (4) Times for holding elections for the office of county
1043 election commissioners shall be as prescribed in Section
1044 23-15-213.

1045 (5) Times for holding elections for the office of levee
1046 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1047 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1048 Laws of 1983; and Chapter 438, Laws of 2010.

1049 **SECTION 32.** Section 23-15-213, Mississippi Code of 1972, is
1050 amended as follows:

1051 **[Until January 1, 2028, this section shall read as follows:]**

1052 23-15-213. (1) At the general election in 2020 and every
1053 four (4) years thereafter, there shall be elected five (5)
1054 election commissioners for each county whose terms of office shall
1055 commence on the first Monday of January following their election
1056 and who shall serve for a term of four (4) years. Each of the
1057 commissioners shall be required to attend a training seminar
1058 provided by the Secretary of State and satisfactorily complete a
1059 skills assessment, and before acting, shall take and subscribe the
1060 oath of office prescribed by the Constitution. The oath shall be



1061 filed in the office of the clerk of the chancery court. Upon
1062 filing the oath of office, the election commissioner may be
1063 provided access to the Statewide Elections Management System for
1064 the purpose of performing his or her duties. While engaged in
1065 their duties, the commissioners shall be conservators of the peace
1066 in the county, with all the duties and powers of such.

1067 (2) The qualified electors of each supervisors district
1068 shall elect, at the general election in 2020, in their district
1069 one (1) election commissioner. The election commissioners from
1070 board of supervisors' Districts One, Three and Five shall serve
1071 for a term of four (4) years. The election commissioners from
1072 board of supervisors' Districts Two and Four shall serve for a
1073 term of six (6) years. No more than one (1) commissioner shall be
1074 a resident of and reside in each supervisors district of the
1075 county; it being the purpose of this section that the county board
1076 of election commissioners shall consist of one (1) person from
1077 each supervisors district of the county and that each commissioner
1078 be elected from the supervisors district in which he or she
1079 resides.

1080 (3) Candidates for county election commissioner shall
1081 qualify by filing with the clerk of the board of supervisors of
1082 their respective counties a petition personally signed by not less
1083 than fifty (50) qualified electors of the supervisors district in
1084 which they reside, requesting that they be a candidate, by 5:00
1085 p.m. not later than the first Monday in June of the year in which



1086 the election occurs and unless the petition is filed within the
1087 required time, their names shall not be placed upon the ballot.
1088 All candidates shall declare in writing their party affiliation,
1089 if any, to the board of supervisors, and such party affiliation
1090 shall be shown on the official ballot.

1091 (4) The petition shall have attached thereto a certificate
1092 of the county registrar showing the number of qualified electors
1093 on each petition, which shall be furnished by the registrar on
1094 request. The board shall determine the sufficiency of the
1095 petition, and if the petition contains the required number of
1096 signatures and is filed within the time required, the president of
1097 the board shall verify that the candidate is a resident of the
1098 supervisors district in which he or she seeks election and that
1099 the candidate is otherwise qualified as provided by law, and shall
1100 certify that the candidate is qualified to the chair or secretary
1101 of the county election commission and the names of the candidates
1102 shall be placed upon the ballot for the ensuing election. No
1103 county election commissioner shall serve or be considered as
1104 elected until he or she has received a majority of the votes cast
1105 for the position or post for which he or she is a candidate. If a
1106 majority vote is not received in the * * * preferential election,
1107 then the * * * procedures described in Sections 5 and 6 of this
1108 act shall be followed to determine the candidates whose names will
1109 be placed on the general election ballot, which is in accordance



1110 with appropriate procedures followed in other elections * * * when
1111 no candidate receives a majority of the votes.

1112 (5) Upon taking office, the county election commissioners
1113 shall organize by electing a chair and a secretary.

1114 (6) It shall be the duty of the chair to have the official
1115 ballot printed and distributed at each general or special
1116 election.

1117 **[From and after January 1, 2032, this section shall read as**
1118 **follows:]**

1119 23-15-213. (1) There shall be elected five (5) election
1120 commissioners for each county whose terms of office shall commence
1121 on the first Monday of January following their election and who
1122 shall serve for a term of four (4) years. Each of the
1123 commissioners shall be required to attend a training seminar
1124 provided by the Secretary of State and satisfactorily complete a
1125 skills assessment, and before acting, shall take and subscribe the
1126 oath of office prescribed by the Constitution. The oath shall be
1127 filed in the office of the clerk of the chancery court. Upon
1128 filing the oath of office, the election commissioner may be
1129 provided access to the Statewide Elections Management System for
1130 the purpose of performing his or her duties. While engaged in
1131 their duties, the commissioners shall be conservators of the peace
1132 in the county, with all the duties and powers of such.

1133 (2) (a) At the general election in 2032 and every four (4)
1134 years thereafter, the qualified electors of the board of



1135 supervisors' Districts One, Three and Five shall elect in their
1136 district one (1) election commissioner.

1137 (b) At the general election in 2034 and every four (4)
1138 years thereafter, the qualified electors of the board of
1139 supervisors' Districts Two and Four shall elect in their district
1140 one (1) election commissioner.

1141 (c) No more than one (1) commissioner shall be a
1142 resident of and reside in each supervisors district of the county;
1143 it being the purpose of this section that the county board of
1144 election commissioners shall consist of one (1) person from each
1145 supervisors district of the county and that each commissioner be
1146 elected from the supervisors district in which he or she resides.

1147 (3) Candidates for county election commissioner shall
1148 qualify by filing with the clerk of the board of supervisors of
1149 their respective counties a petition personally signed by not less
1150 than fifty (50) qualified electors of the supervisors district in
1151 which they reside, requesting that they be a candidate, by 5:00
1152 p.m. not later than the first Monday in June of the year in which
1153 the election occurs and unless the petition is filed within the
1154 required time, their names shall not be placed upon the ballot.
1155 All candidates shall declare in writing their party affiliation,
1156 if any, to the board of supervisors, and such party affiliation
1157 shall be shown on the official ballot.

1158 (4) The petition shall have attached thereto a certificate
1159 of the county registrar showing the number of qualified electors



1160 on each petition, which shall be furnished by the registrar on
1161 request. The board shall determine the sufficiency of the
1162 petition, and if the petition contains the required number of
1163 signatures and is filed within the time required, the president of
1164 the board shall verify that the candidate is a resident of the
1165 supervisors district in which he or she seeks election and that
1166 the candidate is otherwise qualified as provided by law, and shall
1167 certify that the candidate is qualified to the chair or secretary
1168 of the county election commission and the names of the candidates
1169 shall be placed upon the ballot for the ensuing election. No
1170 county election commissioner shall serve or be considered as
1171 elected until he or she has received a majority of the votes cast
1172 for the position or post for which he or she is a candidate. If a
1173 majority vote is not received in the first election, then the
1174 * * * procedures described in Sections 5 and 6 of this act shall
1175 be followed to determine the candidates whose names will be placed
1176 on the general election ballot, which is in accordance with
1177 appropriate procedures followed in other elections * * * when no
1178 candidate receives a majority of the votes.

1179 (5) In the first meeting in January of each year, the county
1180 election commissioners shall organize by electing a chair and a
1181 secretary, who shall serve a one (1) year term. The county
1182 election commissioners shall provide the names of the chair and
1183 secretary to the Secretary of State and provide notice of any
1184 change in officers which may occur during the year.



1185 (6) It shall be the duty of the chair to have the official
1186 ballot printed and distributed at each general or special
1187 election.

1188 **SECTION 33.** Section 23-15-239, Mississippi Code of 1972, is
1189 amended as follows:

1190 **[Until January 1, 2020, this section shall read as follows:]**

1191 23-15-239. (1) The executive committee of each county, in
1192 the case of a * * * preferential election, or the election
1193 commissioners of each county, in the case of all other elections,
1194 in conjunction with the circuit clerk, shall, in the years in
1195 which counties conduct an election, sponsor and conduct, not less
1196 than five (5) days before each election, not less than four (4)
1197 hours and not more than eight (8) hours of poll manager training
1198 to instruct poll managers as to their duties in the proper
1199 administration of the election and the operation of the polling
1200 place. Any poll manager who completes the online training course
1201 provided by the Secretary of State shall only be required to
1202 complete two (2) hours of in-person poll manager training. No
1203 poll manager shall serve in any election unless he or she has
1204 received these instructions once during the twelve (12) months
1205 immediately preceding the date upon which the election is held;
1206 however, nothing in this section shall prevent the appointment of
1207 an alternate poll manager to fill a vacancy in case of an
1208 emergency. The county executive committee or the election
1209 commissioners, as appropriate, shall train a sufficient number of



1210 alternates to serve in the event a poll manager is unable to serve
1211 for any reason.

1212 (2) (a) If it is eligible under Section 23-15-266, the
1213 county executive committee may enter into a written agreement with
1214 the circuit clerk or the county election commission authorizing
1215 the circuit clerk or the county election commission to perform any
1216 of the duties required of the county executive committee pursuant
1217 to this section. Any agreement entered into pursuant to this
1218 subsection shall be signed by the chair of the county executive
1219 committee and the circuit clerk or the chair of the county
1220 election commission, as appropriate. The county executive
1221 committee shall notify the state executive committee and the
1222 Secretary of State of the existence of the agreement.

1223 (b) If it is eligible under Section 23-15-266, the
1224 municipal executive committee may enter into a written agreement
1225 with the municipal clerk or the municipal election commission
1226 authorizing the municipal clerk or the municipal election
1227 commission to perform any of the duties required of the municipal
1228 executive committee pursuant to this section. Any agreement
1229 entered into pursuant to this subsection shall be signed by the
1230 chair of the municipal executive committee and the municipal clerk
1231 or the chair of the municipal election commission, as appropriate.
1232 The municipal executive committee shall notify the state executive
1233 committee and the Secretary of State of the existence of the
1234 agreement.



1235 (3) The board of supervisors and the municipal governing
1236 authority, in their discretion, may compensate poll managers who
1237 attend these training sessions. The compensation shall be at a
1238 rate of not less than the federal hourly minimum wage nor more
1239 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1240 compensated for more than sixteen (16) hours of attendance at the
1241 training sessions regardless of the actual amount of time that
1242 they attended the training sessions.

1243 (4) The time and location of the training sessions required
1244 pursuant to this section shall be announced to the general public
1245 by posting a notice thereof at the courthouse and by delivering a
1246 copy of the notice to the office of a newspaper having general
1247 circulation in the county five (5) days before the date upon which
1248 the training session is to be conducted. Persons who will serve
1249 as poll watchers for candidates and political parties, as well as
1250 members of the general public, shall be allowed to attend the
1251 sessions.

1252 (5) Subject to the following annual limitations, the
1253 election commissioners shall be entitled to receive a per diem in
1254 the amount of Eighty-four Dollars (\$84.00), to be paid from the
1255 county general fund, for every day or period of no less than five
1256 (5) hours accumulated over two (2) or more days actually employed
1257 in the performance of their duties for the necessary time spent in
1258 conducting training sessions as required by this section:



1259 (a) In counties having less than fifteen thousand
1260 (15,000) residents according to the latest federal decennial
1261 census, not more than five (5) days per year;

1262 (b) In counties having fifteen thousand (15,000)
1263 residents according to the latest federal decennial census but
1264 less than thirty thousand (30,000) residents according to the
1265 latest federal decennial census, not more than eight (8) days per
1266 year;

1267 (c) In counties having thirty thousand (30,000)
1268 residents according to the latest federal decennial census but
1269 less than seventy thousand (70,000) residents according to the
1270 latest federal decennial census, not more than ten (10) days per
1271 year;

1272 (d) In counties having seventy thousand (70,000)
1273 residents according to the latest federal decennial census but
1274 less than ninety thousand (90,000) residents according to the
1275 latest federal decennial census, not more than twelve (12) days
1276 per year;

1277 (e) In counties having ninety thousand (90,000)
1278 residents according to the latest federal decennial census but
1279 less than one hundred seventy thousand (170,000) residents
1280 according to the latest federal decennial census, not more than
1281 fifteen (15) days per year;

1282 (f) In counties having one hundred seventy thousand
1283 (170,000) residents according to the latest federal decennial



1284 census but less than two hundred thousand (200,000) residents
1285 according to the latest federal decennial census, not more than
1286 eighteen (18) days per year;

1287 (g) In counties having two hundred thousand (200,000)
1288 residents according to the latest federal decennial census but
1289 less than two hundred twenty-five thousand (225,000) residents
1290 according to the latest federal decennial census, not more than
1291 nineteen (19) days per year;

1292 (h) In counties having two hundred twenty-five thousand
1293 (225,000) residents or more according to the latest federal
1294 decennial census, not more than twenty-two (22) days per
1295 year * * *.

1296 (6) Election commissioners shall claim the per diem
1297 authorized in subsection (5) of this section in the manner
1298 provided for in Section 23-15-153(6).

1299 (7) (a) To provide poll manager training, the Secretary of
1300 State has developed a single, comprehensive poll manager training
1301 program to ensure uniform, secure elections throughout the state.
1302 The program includes online training on all state and federal
1303 election laws and procedures and voting machine opening and
1304 closing procedures.

1305 (b) County election commissioners shall designate no
1306 more than two (2) poll managers per precinct, who shall
1307 individually access and complete the online training program,
1308 including all skills assessments, at least five (5) days before an



1309 election. The poll managers shall be defined as "certified poll
1310 managers," and entitled to a "Certificate of Completion" and
1311 compensation for the successful completion of the training and
1312 skills assessment in the amount of Twenty-five Dollars (\$25.00)
1313 payable from the Help Mississippi Vote Fund. Compensation paid to
1314 any poll manager under this paragraph (b) shall not exceed
1315 Twenty-five Dollars (\$25.00) per calendar year.

1316 (c) Every election held after January 1, 2018, shall
1317 have at least one (1) certified poll manager appointed by the
1318 county election officials to work in each polling place in the
1319 county during each general election.

1320 **[From and after January 1, 2020, this section shall read as**
1321 **follows:]**

1322 23-15-239. (1) The executive committee of each county, in
1323 the case of a * * * preferential election, or the election
1324 commissioners of each county, in the case of all other elections,
1325 in conjunction with the circuit clerk, shall, in the years in
1326 which counties conduct an election, sponsor and conduct, not less
1327 than five (5) days before each election, not less than four (4)
1328 hours and not more than eight (8) hours of poll manager training
1329 to instruct poll managers as to their duties in the proper
1330 administration of the election and the operation of the polling
1331 place. Any poll manager who completes the online training course
1332 provided by the Secretary of State shall only be required to
1333 complete two (2) hours of in-person poll manager training. No



1334 poll manager shall serve in any election unless he or she has
1335 received these instructions once during the twelve (12) months
1336 immediately preceding the date upon which the election is held;
1337 however, nothing in this section shall prevent the appointment of
1338 an alternate poll manager to fill a vacancy in case of an
1339 emergency. The county executive committee or the election
1340 commissioners, as appropriate, shall train a sufficient number of
1341 alternates to serve in the event a poll manager is unable to serve
1342 for any reason.

1343 (2) (a) If it is eligible under Section 23-15-266, the
1344 county executive committee may enter into a written agreement with
1345 the circuit clerk or the county election commission authorizing
1346 the circuit clerk or the county election commission to perform any
1347 of the duties required of the county executive committee pursuant
1348 to this section. Any agreement entered into pursuant to this
1349 subsection shall be signed by the chair of the county executive
1350 committee and the circuit clerk or the chair of the county
1351 election commission, as appropriate. The county executive
1352 committee shall notify the state executive committee and the
1353 Secretary of State of the existence of the agreement.

1354 (b) If it is eligible under Section 23-15-266, the
1355 municipal executive committee may enter into a written agreement
1356 with the municipal clerk or the municipal election commission
1357 authorizing the municipal clerk or the municipal election
1358 commission to perform any of the duties required of the municipal



1359 executive committee pursuant to this section. Any agreement
1360 entered into pursuant to this subsection shall be signed by the
1361 chair of the municipal executive committee and the municipal clerk
1362 or the chair of the municipal election commission, as appropriate.
1363 The municipal executive committee shall notify the state executive
1364 committee and the Secretary of State of the existence of the
1365 agreement.

1366 (3) The board of supervisors and the municipal governing
1367 authority, in their discretion, may compensate poll managers who
1368 attend these training sessions. The compensation shall be at a
1369 rate of not less than the federal hourly minimum wage nor more
1370 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1371 compensated for more than sixteen (16) hours of attendance at the
1372 training sessions regardless of the actual amount of time that
1373 they attended the training sessions.

1374 (4) The time and location of the training sessions required
1375 pursuant to this section shall be announced to the general public
1376 by posting a notice thereof at the courthouse and by delivering a
1377 copy of the notice to the office of a newspaper having general
1378 circulation in the county five (5) days before the date upon which
1379 the training session is to be conducted. Persons who will serve
1380 as poll watchers for candidates and political parties, as well as
1381 members of the general public, shall be allowed to attend the
1382 sessions.



1383 (5) Subject to the following annual limitations, the
1384 election commissioners shall be entitled to receive a per diem in
1385 the amount of Eighty-four Dollars (\$84.00), to be paid from the
1386 county general fund, for every day or period of no less than five
1387 (5) hours accumulated over two (2) or more days actually employed
1388 in the performance of their duties for the necessary time spent in
1389 conducting training sessions as required by this section:

1390 (a) In counties having less than fifteen thousand
1391 (15,000) residents according to the latest federal decennial
1392 census, not more than five (5) days per year;

1393 (b) In counties having fifteen thousand (15,000)
1394 residents according to the latest federal decennial census but
1395 less than thirty thousand (30,000) residents according to the
1396 latest federal decennial census, not more than eight (8) days per
1397 year;

1398 (c) In counties having thirty thousand (30,000)
1399 residents according to the latest federal decennial census but
1400 less than seventy thousand (70,000) residents according to the
1401 latest federal decennial census, not more than ten (10) days per
1402 year;

1403 (d) In counties having seventy thousand (70,000)
1404 residents according to the latest federal decennial census but
1405 less than ninety thousand (90,000) residents according to the
1406 latest federal decennial census, not more than twelve (12) days
1407 per year;



1408 (e) In counties having ninety thousand (90,000)
1409 residents according to the latest federal decennial census but
1410 less than one hundred seventy thousand (170,000) residents
1411 according to the latest federal decennial census, not more than
1412 fifteen (15) days per year;

1413 (f) In counties having one hundred seventy thousand
1414 (170,000) residents according to the latest federal decennial
1415 census but less than two hundred thousand (200,000) residents
1416 according to the latest federal decennial census, not more than
1417 eighteen (18) days per year;

1418 (g) In counties having two hundred thousand (200,000)
1419 residents according to the latest federal decennial census but
1420 less than two hundred twenty-five thousand (225,000) residents
1421 according to the latest federal decennial census, not more than
1422 nineteen (19) days per year;

1423 (h) In counties having two hundred twenty-five thousand
1424 (225,000) residents or more according to the latest federal
1425 decennial census, not more than twenty-two (22) days per
1426 year * * *.

1427 (6) Election commissioners shall claim the per diem
1428 authorized in subsection (5) of this section in the manner
1429 provided for in Section 23-15-153(6).

1430 (7) (a) To provide poll manager training, the Secretary of
1431 State has developed a single, comprehensive poll manager training
1432 program to ensure uniform, secure elections throughout the state.



1433 The program includes online training on all state and federal
1434 election laws and procedures and voting machine opening and
1435 closing procedures.

1436 (b) County poll managers who individually access and
1437 complete the online training program, including all skills
1438 assessments, at least five (5) days before an election shall be
1439 defined as "certified poll manager," and entitled to a
1440 "Certificate of Completion."

1441 (c) At least one (1) certified poll manager shall be
1442 appointed by the county election officials to work in each polling
1443 place in the county during each general election.

1444 **SECTION 34.** Section 23-15-240, Mississippi Code of 1972, is
1445 amended as follows:

1446 23-15-240. (1) The officials in charge of the election in a
1447 county or municipality may, in their discretion, appoint not more
1448 than two (2) students for each precinct to serve as student
1449 interns during elections. To be appointed a student intern a
1450 student must:

1451 (a) Be recommended by a principal or other school
1452 official, or the person responsible for the student's legitimate
1453 home instruction program;

1454 (b) Be at least sixteen (16) years of age at the time
1455 of the election for which the appointment is made;

1456 (c) Be a resident of the county or municipality for
1457 which the appointment is made;



1458 (d) Be enrolled in a public high school, an accredited
1459 private high school or a legitimate home instruction program and
1460 be classified as a junior or senior or its equivalent, or be
1461 enrolled in a junior college or a college or university; and

1462 (e) Meet any additional qualifications considered
1463 necessary by the officials in charge of the election in the county
1464 or municipality.

1465 (2) (a) The duties of the student interns appointed
1466 pursuant to this section shall be determined by the officials in
1467 charge of the election in the county or municipality; however, the
1468 duties shall not include:

1469 (i) Determining the qualifications of a voter in
1470 case a voter is challenged;

1471 (ii) The discharge of any duties related to
1472 affidavit ballots;

1473 (iii) The operation and maintenance of any voting
1474 equipment;

1475 (iv) Any duties normally assigned to a bailiff; or

1476 (v) The tallying of votes.

1477 (b) Student interns shall at all times be under the
1478 supervision of the poll managers of the election while performing
1479 their duties at precincts.

1480 (3) Before performing any duties, student interns shall
1481 attend all required training for poll managers of the county or
1482 municipality and any additional training considered necessary by



1483 the officials in charge of the election in the county or
1484 municipality.

1485 (4) As used in this section "officials in charge of the
1486 election" means the county or municipal executive committee, as
1487 appropriate, in * * * preferential elections and the county or
1488 municipal election commission, as appropriate, in all other
1489 elections.

1490 **SECTION 35.** Section 23-15-266, Mississippi Code of 1972, is
1491 amended as follows:

1492 23-15-266. A county or municipal executive committee shall
1493 be eligible to enter into written agreements with a circuit or
1494 municipal clerk or a county or municipal election commission as
1495 provided for in Section 23-15-239(2) * * * only if the political
1496 party with which such county or municipal executive committee is
1497 affiliated:

1498 (a) Has cast for its candidate for Governor in the last
1499 two (2) gubernatorial elections ten percent (10%) of the total
1500 vote cast for Governor; or

1501 (b) Has cast for its candidate for Governor in three
1502 (3) of the last five (5) gubernatorial elections twenty-five
1503 percent (25%) of the total vote cast for Governor.

1504 **SECTION 36.** Section 23-15-271, Mississippi Code of 1972, is
1505 amended as follows:

1506 23-15-271. (1) The state executive committee of any
1507 political party authorized to conduct * * * preferential elections



1508 shall form an election integrity assurance committee for each
1509 congressional district. The state executive committee shall
1510 appoint three (3) of its members to each congressional district
1511 election integrity assurance committee. The members so appointed
1512 shall be residents of the congressional district for which the
1513 election integrity assurance committee is formed. The state
1514 executive committee shall name a chair and a secretary from among
1515 the members of each committee. The state executive committee
1516 shall provide to each circuit and municipal clerk a list of the
1517 members of the congressional district integrity assurance
1518 committee for the congressional district in which the county or
1519 municipality of the clerk is located.

1520 (2) If within sixty (60) days of an election, a county
1521 executive committee or a municipal executive committee fails to
1522 attend training or perform in a timely manner any of the duties
1523 specified in * * * Section 23-15-239, * * * and there is no
1524 written agreement in place between the county or municipal
1525 executive committee and the county or municipal election
1526 commission or the circuit or municipal clerk pursuant to
1527 such * * * section, or there is such an agreement in place and it
1528 is not being executed, the circuit or municipal clerk shall notify
1529 the chair and secretary of the congressional district election
1530 integrity assurance committee or the chair of the state executive
1531 committee of such failure and call upon them to take immediate and
1532 appropriate action to ensure that such duties are performed in



1533 order to secure the orderly conduct of the * * * preferential
1534 election. Upon receiving the notice, the election integrity
1535 assurance committee shall be responsible for conducting any
1536 required training and shall be authorized to contract on behalf of
1537 the county or municipal executive committee with the county or
1538 municipal election commission or the circuit or municipal clerk
1539 for the conduct of the * * * preferential election.

1540 (3) Nothing in this section shall be construed to authorize
1541 the state executive committee or a congressional district election
1542 assurance committee to conduct * * * preferential elections.

1543 **SECTION 37.** Section 23-15-313, Mississippi Code of 1972, is
1544 amended as follows:

1545 23-15-313. (1) If there be any political party, or parties,
1546 in any municipality which shall not have a party executive
1547 committee for * * * the municipality, * * * the political party,
1548 or parties, shall within thirty (30) days of the date for which a
1549 candidate for a municipal office is required to qualify in that
1550 municipality select qualified electors of that municipality and of
1551 that party's political faith to serve on a temporary municipal
1552 executive committee until members of a municipal executive
1553 committee are elected at the next regular election for executive
1554 committees. The temporary municipal executive committee shall be
1555 selected in the following manner: The * * * chair of the county
1556 executive committee of the party desiring to select a temporary
1557 municipal executive committee shall call, upon petition of five



1558 (5) or more members of that political faith, a mass meeting of the
1559 qualified electors of their political faith who reside in * * *
1560 the municipality to meet at some convenient place within * * * the
1561 municipality, at a time to be designated in the call, and at such
1562 mass convention the members of that political faith shall select a
1563 temporary municipal executive committee which shall serve until
1564 members of a municipal executive committee are elected at the next
1565 regular election for executive committees. The public shall be
1566 given notice of such mass meeting as provided in Section
1567 23-15-315. The * * * chair of the county executive committee
1568 shall authorize the call within five (5) calendar days of receipt
1569 of the petition. If the * * * chair of the county executive
1570 committee is either incapacitated, unavailable or nonresponsive
1571 and does not authorize the mass call within five (5) calendar days
1572 of receipt of the petition, any elected officer of the county
1573 executive committee may authorize the call within five (5)
1574 calendar days. If no elected officer of the county executive
1575 committee acts to approve such petition after an additional five
1576 (5) calendar days from the date, the chair of the county executive
1577 committee not taking action as provided by this section, the
1578 petitioners shall be authorized to produce the call themselves.

1579 (2) If no municipal executive committee is selected or
1580 otherwise formed before an election, the county executive
1581 committee may serve as the temporary municipal executive committee
1582 and exercise all of the duties of the municipal executive



1583 committee for the municipal election. After a county executive
1584 committee has fulfilled its duties as the temporary municipal
1585 executive committee, as soon as practicable thereafter, the county
1586 executive committee shall select a municipal executive committee
1587 no later than before the next municipal election.

1588 (3) A person who has been convicted of a felony in a court
1589 of this state or any other state or a court of the United States,
1590 shall be barred from serving as a member of a municipal executive
1591 committee.

1592 **SECTION 38.** Section 23-15-367, Mississippi Code of 1972, is
1593 amended as follows:

1594 23-15-367. (1) Except as otherwise provided by * * *
1595 subsection (2) of this section, the size, print and quality of
1596 paper of the official ballot is left to the discretion of the
1597 officer charged with printing the official ballot.

1598 (2) The titles for the various offices shall be listed in
1599 the following order:

1600 (a) Candidates, electors or delegates for the following
1601 national offices:

1602 (i) President;

1603 (ii) United States Senator or United States
1604 Representative;

1605 (b) Candidates for the following statewide office:
1606 Governor, Lieutenant Governor, Secretary of State, Attorney



1607 General, State Treasurer, Auditor of Public Accounts, Commissioner
1608 of Agriculture and Commerce, Commissioner of Insurance;

1609 (c) Candidates for the following state district
1610 offices: Mississippi Transportation Commissioner, Public Service
1611 Commissioner, District Attorney;

1612 (d) Candidates for the following legislative offices:
1613 Senate and House of Representatives;

1614 (e) Candidates for countywide office;

1615 (f) Candidates for county district office.

1616 The order in which the titles for the various offices are
1617 listed within paragraphs (e) and (f) is left to the discretion of
1618 the county election commissioners. Nominees of the political
1619 parties, qualified to conduct primary elections as defined in
1620 Section 23-15-291, shall be listed first alphabetically by the
1621 candidate's last name, followed by any other candidates listed
1622 alphabetically by last name.

1623 (3) It is the duty of the Secretary of State, with the
1624 approval of the Governor, to furnish the designated election
1625 commissioner of each county a sample of the official ballot, not
1626 less than * * * fifty (50) days before the election, the general
1627 form of which shall be followed as nearly as practicable.

1628 **SECTION 39.** Section 23-15-375, Mississippi Code of 1972, is
1629 amended as follows:

1630 23-15-375. Local issue elections may be held on the same
1631 date as any regular or general election. A local issue election



1632 held on the same date as the regular or general election shall be
1633 conducted in the same manner as the regular or general election
1634 using the same poll workers and the same equipment. A local issue
1635 may be placed on the regular or general election ballot pursuant
1636 to the provisions of Section * * * 10 of this act. The provisions
1637 of this section and Section * * * 10 of this act with regard to
1638 local issue elections shall not be construed to affect any
1639 statutory requirements specifying the notice procedure and the
1640 necessary percentage of qualified electors voting in such an
1641 election which is needed for adoption of the local issue. Whether
1642 or not a local issue is adopted or defeated at a local issue
1643 election held on the same day as a regular or general election
1644 shall be determined in accordance with relevant statutory
1645 requirements regarding the necessary percentage of qualified
1646 electors who voted in the local issue election, and only those
1647 persons voting for or against the issue shall be counted in making
1648 that determination. As used in this section "local issue
1649 elections" include elections regarding the issuance of bonds,
1650 local option elections, elections regarding the levy of additional
1651 ad valorem taxes and other similar elections authorized by law
1652 that are called to consider issues that affect a single local
1653 governmental entity. As used in this section "local issue" means
1654 any issue that may be voted on in a local issue election.

1655 **SECTION 40.** Section 23-15-507, Mississippi Code of 1972, is
1656 amended as follows:



1657 23-15-507. No OMR equipment shall be acquired or used in
1658 accordance with this chapter unless it shall:

1659 (a) Permit eligible voters to vote at any election for
1660 all persons for whom they are lawfully entitled to vote; to vote
1661 for as many persons for an office as they are lawfully entitled to
1662 vote; to vote for or against any ballot initiative, measure or
1663 other local issue upon which they are lawfully entitled to vote;

1664 (b) The OMR equipment shall be capable of rejecting
1665 choices marked on the ballot if the number of choices exceeds the
1666 number that the voter is entitled to vote for the office or on the
1667 measure;

1668 (c) Permit each voter, in presidential elections, by
1669 one (1) mark to vote for the candidates of that party for
1670 President, Vice President, and their presidential electors, or to
1671 vote individually for the electors of their choice when permitted
1672 by law;

1673 (d) Permit each voter * * * to vote for the * * *
1674 candidates of one or more parties and for independent candidates;
1675 * * *

1676 (* * *e) Permit each voter to vote for persons whose
1677 names are not on the printed ballot;

1678 (* * *f) Be suitably designed for the purpose used, of
1679 durable construction, and may be used safely, efficiently and
1680 accurately in the conduct of elections and the counting of
1681 ballots;



1682 (* * *g) Be provided with means for sealing the
1683 ballots after the close of the polls;

1684 (* * *h) When properly operated, record correctly and
1685 count accurately all votes cast; and

1686 (* * *i) Provide the voter with a set of instructions
1687 that will be displayed in such a way that a voter may readily
1688 learn the method of voting.

1689 **SECTION 41.** Section 23-15-511, Mississippi Code of 1972, is
1690 amended as follows:

1691 23-15-511. The ballots shall, as far as practicable, be in
1692 the same order of arrangement as provided for paper ballots that
1693 are to be counted manually, except that the information may be
1694 printed in vertical or horizontal rows. Nothing in this chapter
1695 shall be construed as prohibiting the information being presented
1696 to the voters from being printed on both sides of a single ballot.
1697 In those years when a special election shall occur on the same day
1698 as the general election, the names of candidates in any special
1699 election and the general election shall be placed on the same
1700 ballot by the election commissioners or officials in charge of the
1701 election, but the general election candidates shall be clearly
1702 distinguished from the special election candidates. At any time a
1703 special election is held on the same day as a * * * preferential
1704 election, the names of the candidates in the special election may
1705 be placed on the same ballot by the officials in charge of the



1706 election, but shall be clearly distinguished as special election
1707 candidates or * * * preferential election candidates.

1708 Ballots shall be printed in plain clear type in black ink and
1709 upon clear white materials of such size and arrangement as to be
1710 compatible with the OMR equipment. Absentee ballots shall be
1711 prepared and printed in the same form and shall be on the same
1712 size and texture as the regular official ballots, except that they
1713 shall be printed on tinted paper; or the ink used to print the
1714 ballots shall be of a color different from that of the ink used to
1715 print the regular official ballots. Arrows may be printed on the
1716 ballot to indicate the place to mark the ballot, which may be to
1717 the right or left of the names of candidates and propositions.
1718 The titles of offices may be arranged in vertical columns on the
1719 ballot and shall be printed above or at the side of the names of
1720 candidates so as to indicate clearly the candidates for each
1721 office and the number to be elected. In case there are more
1722 candidates for an office than can be printed in one (1) column,
1723 the ballot shall be clearly marked that the list of candidates is
1724 continued on the following column. The names of candidates for
1725 each office shall be printed in vertical columns, grouped by the
1726 offices that they seek. * * * The party designation, if any, of
1727 each candidate * * * shall be printed following his or her name as
1728 provided in Section 10 of this act.

1729 One (1) sample ballot, which shall be a facsimile of the
1730 official ballot and instructions to the voters, shall be provided



1731 for each precinct and shall be posted in each polling place on
1732 election day.

1733 A separate ballot security envelope or suitable equivalent in
1734 which the voter can place his or her ballot after voting, shall be
1735 provided to conceal the choices the voter has made. Absentee
1736 voters will receive a similar ballot security envelope provided by
1737 the county in which the absentee voter will insert their voted
1738 ballot, which then can be inserted into a return envelope to be
1739 mailed back to the election official. Absentee ballots will not
1740 be required to be folded when a ballot security envelope is
1741 provided.

1742 **SECTION 42.** Section 23-15-513, Mississippi Code of 1972, is
1743 amended as follows:

1744 23-15-513. (1) The official ballots, sample ballots and
1745 other necessary forms and supplies of the forms and description
1746 required by this chapter or required for the conduct of elections
1747 with an electronic voting system shall be prepared and furnished
1748 by the same official, in the same manner and time, and delivered
1749 to the same officials as provided by law with respect to paper
1750 ballots that are to be counted manually.

1751 (2) For each * * * preferential election, the number of
1752 official ballots that shall be printed by each executive committee
1753 shall be not less than one hundred twenty-five percent (125%) of
1754 the highest number of votes cast in a comparable primary election



1755 conducted by the same political party in the preceding ten (10)
1756 years.

1757 (3) For each general election, the number of official
1758 ballots that shall be printed shall be a number equal to not less
1759 than sixty percent (60%) of the registered voters eligible to vote
1760 in the election.

1761 **SECTION 43.** Section 23-15-523, Mississippi Code of 1972, is
1762 amended as follows:

1763 23-15-523. (1) All proceedings at the counting center shall
1764 be under the direction of the election commissioners or officials
1765 in charge of the election, and shall be conducted under the
1766 observations of the public, but no persons except those authorized
1767 for the purpose shall touch any ballot. All persons who are
1768 engaged in processing and counting of the ballots shall take the
1769 oath provided in Section 268, Mississippi Constitution of 1890.

1770 (2) The election commissioners or the officials in charge of
1771 the election shall appoint qualified electors who have received
1772 the training required by subsection (11) of this section to serve
1773 as members of the "resolution board." An odd number of not less
1774 than three (3) members shall be appointed to the resolution board.
1775 The members of the board shall take the oath provided in Section
1776 268, Mississippi Constitution of 1890. All ballots that have been
1777 rejected by the OMR equipment and that are damaged or defective,
1778 blank or overvoted will be reviewed by the board. Election
1779 commissioners, candidates who are on the ballot and the spouse,



1780 parents, siblings or children of such a candidate shall not be
1781 appointed to the resolution board. In general and special
1782 elections, members of the party executive committees shall not be
1783 appointed to the resolution board unless members of all of the
1784 party executive committees * * * are appointed to the resolution
1785 board.

1786 (3) (a) If any ballot is damaged or defective so that it
1787 cannot be properly counted by the OMR equipment, the ballot will
1788 be deposited in an envelope provided for that purpose marked
1789 "RESOLUTION BOARD." All such ballots shall be carefully handled
1790 so as to avoid altering, removing or adding any mark on the
1791 ballot.

1792 (b) The election commissioners or the officials in
1793 charge of the election shall have the members of the resolution
1794 board ascertain the intent of the voter, if possible, and, if so,
1795 manually count any damaged or defective ballots.

1796 (c) The resolution board shall prepare a duplicate to
1797 the damaged or defective ballot in the following manner:

1798 (i) The resolution board shall prepare a duplicate
1799 to the original damaged or defective ballot marked identically to
1800 the original.

1801 (ii) The resolution board shall mark the first
1802 original they examine as "Original #1" and the duplicate of this
1803 original as "Duplicate #1." Later originals and duplicates shall
1804 be likewise marked and numbered consecutively so the duplicate of



1805 each original can be identified. Duplicate ballots shall be
1806 stamped in a different manner from the original ballots so that
1807 they may be easily distinguished from the originals.

1808 (iii) The duplicate ballots prepared pursuant to
1809 this paragraph shall be counted by the OMR equipment.

1810 (4) The resolution board shall examine ballots that have
1811 been rejected by the OMR equipment for appearing to be "blank" to
1812 verify if they are blank or were marked with a "nondetectable"
1813 marking device. If it is determined that the ballot was marked
1814 with a nondetectable device, the resolution board shall prepare a
1815 duplicate to the original blank ballot in the same manner and in
1816 accordance with the same process provided in subsection (3)(c).

1817 (5) All ballots that are rejected by the OMR equipment and
1818 that contain overvotes shall be inspected by the resolution board.
1819 Regarding those rejected ballots upon which an overvote appears,
1820 if the voter intent cannot be determined by the resolution board,
1821 the officials in charge of the election may use the OMR equipment
1822 in determining the vote in the races that are unaffected by the
1823 overvote. All other ballots that are overvoted shall be counted
1824 manually following the provisions of this section at the direction
1825 of the officials in charge of the election. The return printed by
1826 the OMR equipment to which have been added the manually tallied
1827 ballots, which shall be duly certified by the officials in charge
1828 of the election, shall constitute the official return of each
1829 voting precinct. Unofficial and incomplete returns may be



1830 released during the count. Upon the completion of the counting,
1831 the official returns shall be open to the public.

1832 (6) When the resolution board reviews any OMR ballot in
1833 which the voter has failed to fill in the arrow, oval, circle or
1834 square for a candidate or a ballot measure, the resolution board
1835 shall, if the intent of the voter can be ascertained, count the
1836 vote if:

1837 (a) The voter marks the ballot with a "cross" (X) or
1838 "checkmark" (✓) and the lines that form the mark intersect within
1839 or on the line of the arrow, oval, circle or square by the ballot
1840 measure or the name of the candidate.

1841 (b) The voter blackens the arrow, oval, circle or
1842 square adjacent to the ballot measure or the name of the candidate
1843 in pencil or ink and the blackened portion extends beyond the
1844 boundaries of the arrow, oval, circle or square.

1845 (c) The voter marks the ballot with a "cross" (X) or
1846 "checkmark" (✓) and the lines that form the mark intersect
1847 adjacent to the ballot measure or the name of the candidate.

1848 (d) The voter underlines the ballot measure or the name
1849 of a candidate.

1850 (e) The voter draws a line from the arrow, oval, circle
1851 or square to a ballot measure or the name of a candidate.

1852 (f) The voter draws a circle or oval around the ballot
1853 measure or the name of the candidate.



1854 (g) The voter draws a circle or oval around the arrow,
1855 oval, circle or square adjacent to the ballot measure or the name
1856 of the candidate.

1857 (7) The resolution board, when inspecting an OMR ballot that
1858 contains or appears to contain one or more overvotes, appears to
1859 be damaged or defective, or is rejected by the OMR equipment for
1860 any reason or cannot be counted by the OMR equipment, shall make
1861 its determination in accordance with the following:

1862 (a) When an elector casts more votes for any office or
1863 measure than he or she is entitled to cast at an election, all the
1864 elector's votes for that office or measure are invalid and the
1865 elector is deemed to have voted for none of them. If an elector
1866 casts less votes for any office or measure than he or she is
1867 entitled to cast at an election, all votes cast by the elector
1868 shall be counted but no vote shall be counted more than once.

1869 (b) If an elector casts more than one (1) vote for the
1870 same candidate for the same office, the first vote is valid and
1871 the remaining votes for that candidate are invalid.

1872 (c) No write-in vote for a candidate whose name is
1873 printed on the ballot shall be regarded as invalid due to
1874 misspelling a candidate's name, or by abbreviation, addition or
1875 omission or use of a wrong initial in the name, as long as the
1876 intent of the voter can be ascertained.

1877 (d) In any case where a voter writes in the name of a
1878 candidate for President of the United States whose name is printed



1879 on the general election ballot, the failure by the voter to write
1880 in the name of a candidate for the Office of Vice President of the
1881 United States on the general election ballot does not invalidate
1882 the elector's vote for the slate of electors for any candidate
1883 whose name is written in for the Office of President of the United
1884 States.

1885 (e) For any ballot measure in which the words "for" or
1886 "against" are printed on a ballot, if the voter shall write the
1887 word "for" or the word "against" instead of or in addition to
1888 marking the ballot in accordance with the ballot instruction in
1889 the space adjacent to the preprinted words "for" or "against," the
1890 resolution board shall, in reviewing such ballot, count the vote
1891 in accordance with the voter's handwritten preference, unless the
1892 voter marks the ballot in the space adjacent to the preprinted
1893 words "for" or "against" contrary to the handwritten preference,
1894 in which case no vote shall be recorded for such ballot in regard
1895 to the ballot measure.

1896 (f) For any ballot measure in which the words "yes" or
1897 "no" are printed on a ballot, if the voter shall write the word
1898 "yes" or the word "no" instead of or in addition to marking the
1899 ballot in accordance with the ballot instructions in the space
1900 adjacent to the preprinted words "yes" or "no," the resolution
1901 board shall, in reviewing such ballot, count the vote in
1902 accordance with the voter's handwritten preference, unless the
1903 voter marks the ballot in the space adjacent to the preprinted



1904 words "yes" or "no" contrary to the handwritten preference, in
1905 which case no vote shall be recorded for such ballot in regard to
1906 the ballot measure.

1907 (8) OMR equipment shall be programmed, calibrated, adjusted
1908 and set up to reject ballots that appear to be damaged or
1909 defective. Any switch, lever or feature on OMR equipment that
1910 enables or permits the OMR equipment to override the rejection of
1911 damaged or defective ballots so that such ballots will not be
1912 reviewed by the resolution board, shall not be used.

1913 (9) Ballots shall be manually counted by the resolution
1914 board only when the ballots are:

1915 (a) Properly before the resolution board due to being
1916 rejected by the OMR equipment because the ballots appear to be
1917 damaged or defective or are rejected by the OMR equipment for any
1918 other reason; or

1919 (b) Properly before the resolution board due to a
1920 malfunction in the OMR equipment.

1921 (10) The resolution board shall make and keep a record
1922 regarding the handling and counting of all ballots inspected under
1923 this section.

1924 (11) The executive committee of each county or municipality,
1925 in the case of a * * * preferential election, or the election
1926 commissioners of each county or municipality, in the case of all
1927 other elections, in conjunction with the circuit or municipal
1928 clerk respectively, shall sponsor and conduct, a training session



1929 for up to two (2) hours, not less than five (5) days before each
1930 election, to instruct those qualified electors who are appointed
1931 to serve as members of the resolution board as to their specific
1932 duties in the election. No member appointed to serve on the
1933 resolution board shall serve in any election unless he or she has
1934 received such instruction once during the twelve (12) months
1935 immediately preceding the date upon which the election is held.
1936 Online training courses developed by the Secretary of State,
1937 though not sponsored or conducted by the executive committee or
1938 the election commissioners, may be used to meet the requirements
1939 of this subsection (11).

1940 **SECTION 44.** Section 23-15-531.6, Mississippi Code of 1972,
1941 is amended as follows:

1942 23-15-531.6. (1) For each * * * preferential or general
1943 election, the officials in charge of the election shall use at
1944 least seventy-five percent (75%) of all DRE units available to the
1945 county or municipality, as the case may be. For all other
1946 elections in which the officials in charge of the election choose
1947 to use DRE units, at least one-third (1/3) of all DRE units
1948 available to the county or municipality, as the case may be, shall
1949 be used in such elections.

1950 (2) The officials in charge of the election shall ensure the
1951 delivery of the proper DRE units to the polling places of the
1952 respective precincts at least one (1) hour before the time for



1953 opening the polls at each election and shall cause each unit to be
1954 set up in the proper manner for use in voting.

1955 (3) (a) On or before the second day before any election,
1956 the officials in charge of the conduct of the election shall cause
1957 each DRE unit to be tested for logic and accuracy to ascertain
1958 that the units will correctly count the votes cast for all offices
1959 and on all questions, in a manner the Secretary of State may
1960 further prescribe by rule or regulation.

1961 (b) Public notice of the time and place of the test
1962 shall be made at least five (5) days before the date of the test.
1963 Candidates, representatives of candidates, political parties, news
1964 media and the public shall be permitted to observe the testing of
1965 the DRE units.

1966 (4) The officials in charge of the conduct of the election
1967 shall test all memory cards and encoders to be used in any
1968 election.

1969 (5) The officials in charge of the election shall require
1970 that each DRE unit be inspected and sealed before the delivery of
1971 each DRE unit to the polling place. Before opening the polls each
1972 day on which the DRE units will be used in an election, the poll
1973 manager shall break the seal on each unit, turn on each unit,
1974 certify that each unit is operating properly and is set to zero,
1975 and print a zero tape certifying that each unit is set to zero and
1976 shall keep or record such certification on each unit.



1977 (6) The officials in charge of the election, election
1978 commissioners and poll managers shall provide ample protection
1979 against molestation of and injury to the DRE units, and, for that
1980 purpose, the officials in charge of the election, election
1981 commissioners and poll managers may call upon any law enforcement
1982 officer to furnish any assistance that may be necessary. It shall
1983 be the duty of any law enforcement officer to furnish assistance
1984 when so requested by the officials in charge of the election,
1985 election commissioner or poll manager.

1986 (7) The officials in charge of the election, in conjunction
1987 with the governing authorities, shall, at least one (1) hour
1988 before opening the polls:

1989 (a) Provide sufficient lighting to enable electors to
1990 read the ballot and to enable poll managers to examine the booth
1991 and conduct their responsibilities;

1992 (b) Provide directions for voting on the DRE units that
1993 shall be prominently posted within each voting booth and provide
1994 at least one (1) sample ballot for each * * * preferential or
1995 general election shall be prominently posted outside the enclosed
1996 space within the polling place;

1997 (c) Ensure that each DRE unit and its tabulating
1998 mechanism is secure throughout the day; and

1999 (d) Provide such other materials and supplies as may be
2000 necessary or required by law.



2001 **SECTION 45.** Section 23-15-557, Mississippi Code of 1972, is
2002 amended as follows:

2003 23-15-557. The governing authorities of any municipality
2004 within the State of Mississippi are hereby authorized and
2005 empowered, in their discretion, to divide the municipality into a
2006 sufficient number of voting precincts of such size and location as
2007 is necessary, and there shall be the same number of polling
2008 places. The authority conducting an election shall not be
2009 required, however, to establish a polling place in each of * * *
2010 the precincts, but * * * the election authorities, whether in
2011 a * * * preferential or * * * general election, may locate and
2012 establish such polling places, without regard to precinct lines,
2013 in such manner as in the discretion of such authority will better
2014 accommodate the electorate and better facilitate the holding of
2015 the election.

2016 **SECTION 46.** Section 23-15-561, Mississippi Code of 1972, is
2017 amended as follows:

2018 23-15-561. (1) It shall be unlawful during any * * *
2019 election for any candidate for any elective office or any
2020 representative of * * * the candidate or any other person to
2021 publicly or privately put up or in any way offer any prize, cash
2022 award or other item of value to be raffled, drawn for, played for
2023 or contested for in order to encourage persons to vote or to
2024 refrain from voting in any election.



2025 (2) Any person who shall violate the provisions of
2026 subsection (1) of this section shall, upon conviction thereof, be
2027 punished by a fine in an amount not to exceed Five Thousand
2028 Dollars (\$5,000.00).

2029 (3) Any candidate who shall violate the provisions of
2030 subsection (1) of this section shall, upon conviction thereof, in
2031 addition to the fine prescribed above, be punished by:

2032 (a) Disqualification as a candidate in the race for the
2033 elective office; or

2034 (b) Removal from the elective office, if the offender
2035 has been elected thereto.

2036 **SECTION 47.** Section 23-15-573, Mississippi Code of 1972, is
2037 amended as follows:

2038 23-15-573. (1) If any person declares that he or she is a
2039 registered voter in the jurisdiction in which he or she offers to
2040 vote and that he or she is eligible to vote in the election, but
2041 his or her name does not appear upon the pollbooks, or that he or
2042 she is not able to cast a regular election day ballot under a
2043 provision of state or federal law but is otherwise qualified to
2044 vote, or that he or she has been illegally denied registration, or
2045 that he or she is unable to present an acceptable form of photo
2046 identification:

2047 (a) A poll manager shall notify the person that he or
2048 she may cast an affidavit ballot at the election.



2049 (b) The person shall be permitted to cast an affidavit
2050 ballot at the polling place upon execution of a written affidavit
2051 before one (1) of the poll managers stating that the individual:

2052 (i) Believes he or she is a registered voter in
2053 the jurisdiction in which he or she desires to vote and is
2054 eligible to vote in the election; or

2055 (ii) Is not able to cast a regular election day
2056 ballot under a provision of state or federal law but is otherwise
2057 qualified to vote; or

2058 (iii) Believes that he or she has been illegally
2059 denied registration; or

2060 (iv) Is unable to present an acceptable form of
2061 photo identification.

2062 (c) The poll manager shall allow the individual to mark
2063 a paper ballot properly endorsed by the initialing poll manager or
2064 alternate initialing poll manager in accordance with Section
2065 23-15-541, which shall be delivered by him or her to the proper
2066 election official who shall enclose it in an affidavit ballot
2067 envelope, with the written and signed affidavit of the voter
2068 affixed to the envelope, seal the envelope and mark plainly upon
2069 it the name of the person offering to vote.

2070 (2) The affidavit ballot envelope shall include:

2071 (a) The complete name of the voter;

2072 (b) A present and previous physical and mailing address
2073 of the voter;



2074 (c) Telephone numbers where the voter may be contacted;

2075 (d) A statement that the affiant believes he or she is
2076 registered to vote in the jurisdiction in which he or she offers
2077 to vote;

2078 (e) The signature of the affiant; and

2079 (f) The signature of the poll manager at the polling
2080 place at which the affiant offers to vote.

2081 (3) (a) A separate receipt book shall be maintained for
2082 affidavit voters and the affidavit voters shall sign the receipt
2083 book upon completing the affidavit ballot.

2084 (b) If the affidavit voter is casting an affidavit
2085 ballot because the voter is unable to present an acceptable form
2086 of photo identification and the voter's name appears in the
2087 pollbook, then the poll manager shall write "NO ID" across from
2088 the voter's name and in the appropriate column in the pollbook.

2089 (c) In canvassing the returns of the election, * * *
2090 the election commissioners * * * shall examine the records and
2091 allow the ballot to be counted, or not counted as it appears
2092 legal.

2093 (d) An affidavit ballot of a voter who was unable to
2094 present an acceptable form of photo identification shall not be
2095 rejected for this reason if the voter does either of the
2096 following:



2097 (i) Returns to the circuit clerk's office within
2098 five (5) business days after the date of the election and presents
2099 an acceptable form of photo identification;

2100 (ii) Returns to the circuit clerk's office within
2101 five (5) business days after the date of the election to obtain
2102 the Mississippi Voter Identification Card; or

2103 (iii) Returns to the circuit clerk's office within
2104 five (5) business days after the date of the election to execute a
2105 separate Affidavit of Religious Objection.

2106 (4) When a person is offered the opportunity to vote by
2107 affidavit ballot, he or she shall be provided with written
2108 information that informs the person how to ascertain whether his
2109 or her affidavit ballot was counted and, if the vote was not
2110 counted, the reasons the vote was not counted.

2111 (5) The officials in charge of the election shall process
2112 all affidavit ballots by using the Statewide Elections Management
2113 System. The officials in charge of the election shall account for
2114 all affidavit ballots cast in each election, categorizing the
2115 affidavit ballots cast by reason and recording the total number of
2116 affidavit ballots counted and not counted in each such category in
2117 the Statewide Elections Management System.

2118 (6) The Secretary of State shall, by rule duly adopted,
2119 establish a uniform affidavit ballot envelope that shall be used
2120 in all elections in this state. The Secretary of State shall
2121 print and distribute a sufficient number of affidavit ballot



2122 envelopes to the registrar of each county for use in elections.
2123 The registrar shall distribute the affidavit ballot
2124 envelopes * * * to municipal and county election commissioners for
2125 use in * * * elections.

2126 (7) County registrars and municipal registrars shall
2127 maintain a secure free access system that complies with the Help
2128 America Vote Act of 2002, by which persons who vote by affidavit
2129 ballot may determine if their ballots were counted, and if not,
2130 the reasons the ballot was not counted.

2131 (8) Any person who votes in any election as a result of a
2132 federal or state court order or other order extending the time
2133 established by law for closing the polls on an election day, may
2134 only vote by affidavit ballot. Any affidavit ballot cast under
2135 this subsection shall be separated and kept apart from other
2136 affidavit ballots cast by voters not affected by the order.

2137 **SECTION 48.** Section 23-15-593, Mississippi Code of 1972, is
2138 amended as follows:

2139 23-15-593. When the ballot box is opened and examined by
2140 the * * * county election commissioners * * * and it is found that
2141 there have been failures in material particulars to comply with
2142 the requirements of Section 23-15-591 and Section 23-15-895 to
2143 such an extent that it is impossible to arrive at the will of the
2144 voters at such precinct, the entire box may be thrown out unless
2145 it be made to appear with reasonable certainty that the
2146 irregularities were not deliberately permitted or engaged in by



2147 the poll managers at that box, or by one (1) of them responsible
2148 for the wrong or wrongs, for the purpose of electing or defeating
2149 a certain candidate or candidates by manipulating the election or
2150 the returns thereof at that box in such manner as to have it
2151 thrown out; in which latter case * * * the county election
2152 commission * * * shall conduct such hearing and make such
2153 determination in respect to the box as may appear lawfully just,
2154 subject to a judicial review of the matter as elsewhere provided
2155 by this chapter. * * * The election commission, or the court upon
2156 review, may order another election to be held at that box
2157 appointing new poll managers to hold the same.

2158 **SECTION 49.** Section 23-15-595, Mississippi Code of 1972, is
2159 amended as follows:

2160 23-15-595. The box containing the ballots and other records
2161 required by this chapter shall, immediately after the ballots have
2162 been counted, be delivered by one (1) of the poll managers to the
2163 clerk of the circuit court of the county and the clerk shall, in
2164 the presence of the poll manager making delivery of the box, place
2165 upon the lock of such box a tamper-evident seal. The seals shall
2166 be numbered consecutively to the number of ballot boxes used in
2167 the election in the county, and the clerk shall keep in a place
2168 separate from such boxes a record of the number of the seal of
2169 each separate box in the county. The board of supervisors of the
2170 county shall pay the cost of providing the seals. Upon demand
2171 of * * * a county election commissioner, the boxes and their



2172 contents shall be delivered to the county election commission, and
2173 after the commission has finished the work of tabulating returns
2174 and counting ballots as required by law, the commission shall
2175 return all papers and ballots to the box of the precinct where the
2176 election was held, and it shall make redelivery of the boxes and
2177 their contents to the circuit clerk who shall reseal the boxes.
2178 Upon every occasion the boxes shall be reopened and each resealing
2179 shall be done as provided in this chapter.

2180 **SECTION 50.** Section 23-15-601, Mississippi Code of 1972, is
2181 amended as follows:

2182 23-15-601. (1) When the result of the election shall have
2183 been ascertained by the poll managers they, or one (1) of their
2184 number, or some fit person designated by them, shall, on the night
2185 of the election, deliver to the election commissioners, at the
2186 courthouse, a statement of the whole number of votes given for
2187 each person and for what office; and the election commissioners
2188 shall, on the first or second day after the preferential election
2189 and after the general election, canvass the returns, ascertain and
2190 declare the result, and * * * announce the names of the candidates
2191 who have received a majority of the votes cast for representative
2192 in the Legislature of districts composed of one (1) county or
2193 less, or other county office, board of supervisors, justice court
2194 judge and constable * * *, and shall also announce the names of
2195 those candidates for the above mentioned offices that are to be
2196 submitted to the general election.



2197 The vote for state and state district offices shall be
2198 tabulated by precincts and certified to and returned to the state
2199 election commissioners, such returns to be mailed by registered
2200 letter or any safe mode of transportation within thirty-six (36)
2201 hours after the returns are canvassed and the results ascertained.
2202 The state election commissioners shall meet a week from the day
2203 following the preferential election held for state and district
2204 offices, and shall proceed to canvass the returns and to declare
2205 the results and announce the names of the candidates for the
2206 different offices who have received a majority of the votes cast
2207 and the names of those candidates whose names are to be submitted
2208 to the general election. The state election commissioners shall
2209 also meet a week from the day on which the general election is
2210 held and receive and canvass the returns for state and district
2211 offices voted on in the general election. An exact and full
2212 duplicate of all tabulations by precincts, as certified under this
2213 section, shall be filed with the circuit clerk of the county who
2214 shall safely preserve the same in his or her office.

2215 (2) The election commissioners shall transmit to the
2216 Secretary of State, on such forms and by such methods as may be
2217 required by rules and regulations promulgated by the Secretary of
2218 State, a statement of the total number of votes cast in the county
2219 for each candidate for each office and the total number of votes
2220 cast for such candidates in each precinct in the district in which
2221 the candidate ran.



2222 **SECTION 51.** Section 23-15-605, Mississippi Code of 1972, is
2223 amended as follows:

2224 23-15-605. The Secretary of State, immediately after
2225 receiving the returns of * * * a general election, not longer than
2226 thirty (30) days after the election, shall sum up the whole number
2227 of votes given for each candidate other than candidates for state
2228 offices, legislative offices composed of one (1) county or less,
2229 county offices and county district offices, according to the
2230 statements of the votes certified to him or her and ascertain the
2231 person or persons having the largest number of votes for each
2232 office, and declare such person or persons to be duly elected; and
2233 thereupon all persons chosen to any office at the election shall
2234 be commissioned by the Governor; but if it appears that two (2) or
2235 more candidates for any district office where the district is
2236 composed of two (2) or more counties, standing highest on the
2237 list, and not elected, have an equal number of votes, the election
2238 shall be decided between the candidates having an equal number of
2239 votes by each candidate individually drawing one (1) of the two
2240 (2) sealed containers from an opaque bag, under the direction of
2241 the Governor and Secretary of State. The containers shall consist
2242 of a straw of conspicuous length, and the candidate drawing the
2243 container with the longer of the two (2) straws shall be declared
2244 the winner.

2245 **SECTION 52.** Section 23-15-673, Mississippi Code of 1972, is
2246 amended as follows:



2247 23-15-673. (1) For the purposes of this subarticle, the
2248 term "absent voter" shall mean and include the following persons
2249 if they are absent from their county of residence and are
2250 otherwise qualified to vote in Mississippi:

2251 (a) Any enlisted or commissioned members, male or
2252 female, of the United States Army, or any of its respective
2253 components or various divisions thereof; any enlisted or
2254 commissioned members, male or female, of the United States Navy,
2255 or any of its respective components or various divisions thereof;
2256 any enlisted or commissioned members, male or female, of the
2257 United States Air Force, or any of its respective components or
2258 various divisions thereof; any enlisted or commissioned members,
2259 male or female, of the United States Marines, or any of its
2260 respective components or various divisions thereof; or any persons
2261 in any division of the armed services of the United States, who
2262 are citizens of Mississippi;

2263 (b) Any member of the Merchant Marine and the American
2264 Red Cross who is a citizen of Mississippi;

2265 (c) Any disabled war veteran who is a patient in any
2266 hospital and who is a citizen of Mississippi;

2267 (d) Any civilian attached to and serving outside of the
2268 United States with any branch of the Armed Forces or with the
2269 Merchant Marine or American Red Cross, and who is a citizen of
2270 Mississippi;



2271 (e) Any trained or certified emergency response
2272 provider who is deployed during the time period authorized by law
2273 for absentee voting, on election day, or during any state of
2274 emergency declared by the President of the United States or any
2275 Governor of any state within the United States;

2276 (f) Any citizen of Mississippi temporarily residing
2277 outside the territorial limits of the United States and the
2278 District of Columbia;

2279 (g) Any citizen of Mississippi enrolled as a student at
2280 the United States Naval Academy, the United States Coast Guard
2281 Academy, the United States Merchant Marine Academy, the United
2282 States Air Force Academy or the United States Military Academy.

2283 (2) The spouse and dependents of any absent voter as set out
2284 in paragraphs (a) through (g) of subsection (1) of this section
2285 shall also be included in the meaning of absent voter and may
2286 register to vote and vote an absentee ballot as provided in this
2287 subarticle if also absent from the county of their residence on
2288 the date of the election and otherwise qualified to vote in
2289 Mississippi.

2290 (3) For the purpose of this subarticle, the term "election"
2291 shall mean and include the following sets of elections: special
2292 and runoff special elections, preferential and general
2293 elections * * * or general elections without preferential
2294 elections, whichever system is applicable.



2295 **SECTION 53.** Section 23-15-687, Mississippi Code of 1972, is
2296 amended as follows:

2297 23-15-687. (1) The registrar shall keep all applications
2298 for absentee ballots and shall, within twenty-four (24) hours, if
2299 possible, send to the absent voter on whose behalf the application
2300 is made, the proper affidavit and the proper ballot or ballots
2301 applicable to the elections. * * * The information shall be
2302 processed through the Statewide Election Management System.

2303 (2) One (1) application for an absentee ballot shall serve
2304 as a request by the applicant for an absentee ballot for:

2305 (a) The next federal general election, including
2306 all * * * preferential elections associated with the election;

2307 (b) All state and county * * * preferential and general
2308 elections that occur after the receipt of the application by the
2309 registrar through the date of the next federal general election
2310 that occurs after the receipt of the application by the registrar.

2311 (3) The registrar shall preserve all applications for
2312 absentee ballots for one (1) year as a record to be furnished to
2313 any court or other duly constituted authority for inspection or
2314 evidence if properly requested.

2315 (4) If the registrar rejects an application for an absentee
2316 ballot or denies a request to register to vote from a uniformed
2317 services applicant or an overseas voter, the registrar shall
2318 provide the person with the reasons for the rejection.



2319 (5) Any runoff election for a federal election shall be
2320 considered a continuation of such federal election.

2321 (6) An absent voter as defined in Section 23-15-673(1) may
2322 sign an absentee ballot application by electronic signature. The
2323 Secretary of State shall adopt rules necessary to implement this
2324 subsection.

2325 **SECTION 54.** Section 23-15-692, Mississippi Code of 1972, is
2326 amended as follows:

2327 23-15-692. (1) An absent voter who resides outside the
2328 United States, who is a member of the United States Armed Forces
2329 or who is a family member of a member of the Armed Forces, and who
2330 is a registered voter of the State of Mississippi, may use the
2331 Federal Write-In-Absentee Ballot as provided for by 42 USCS
2332 1973ff-2 in preferential, general, special * * * and runoff
2333 elections for local, state and federal offices.

2334 (2) Upon receipt of a Federal Write-In-Absentee Ballot
2335 executed by a person who is a registered voter or whose
2336 information on the form is sufficient to register or update the
2337 registration of that person, the Federal Write-In-Absentee Ballot
2338 shall be considered as an absentee ballot request. Nothing in
2339 this subsection shall suspend the voter registration deadlines
2340 otherwise provided by law.

2341 **SECTION 55.** Section 23-15-713, Mississippi Code of 1972, is
2342 amended as follows:



2343 23-15-713. For the purpose of this subarticle, any duly
2344 qualified elector may vote as provided in this subarticle if * * *
2345 the elector falls within the following categories:

2346 (a) Any qualified elector who is a bona fide student,
2347 teacher or administrator at any college, university, junior
2348 college, high, junior high, or elementary grade school whose
2349 studies or employment at such an institution necessitates his or
2350 her absence from the county of his or her voting residence on the
2351 date of any * * * election, or the spouse and dependents of * * *
2352 the student, teacher or administrator if such spouse or
2353 dependent(s) maintain a common domicile, outside of the county of
2354 his voting residence, with * * * the student, teacher or
2355 administrator.

2356 (b) Any qualified elector who is required to be away
2357 from his or her place of residence on any election day due to his
2358 or her employment as an employee of a member of the Mississippi
2359 congressional delegation and the spouse and dependents of * * *
2360 the person if he or she * * * resides with * * * the absentee
2361 voter away from the county of the spouse's voting residence.

2362 (c) Any qualified elector who is away from his or her
2363 county of residence on election day for any reason.

2364 (d) Any person who has a temporary or permanent
2365 physical disability and who, because of such disability, is unable
2366 to vote in person without substantial hardship to himself, herself



2367 or others, or whose attendance at the voting place could
2368 reasonably cause danger to himself, herself or others.

2369 (e) The parent, spouse or dependent of a person with a
2370 temporary or permanent physical disability who is hospitalized
2371 outside of his or her county of residence or more than fifty (50)
2372 miles distant from his or her residence, if the parent, spouse or
2373 dependent will be with such person on election day.

2374 (f) Any person who is sixty-five (65) years of age or
2375 older.

2376 (g) Any member of the Mississippi congressional
2377 delegation absent from Mississippi on election day, and the spouse
2378 and dependents of such member of the congressional delegation.

2379 (h) Any qualified elector who will be unable to vote in
2380 person because he or she is required to be at work on election day
2381 during the times at which the polls will be open.

2382 **SECTION 56.** Section 23-15-755, Mississippi Code of 1972, is
2383 amended as follows:

2384 23-15-755. All of the provisions of Sections 23-15-621
2385 through 23-15-735 shall be applicable, insofar as possible, to
2386 municipal, * * * preferential, general and special elections, and
2387 wherever herein any duty is imposed or any power or authority is
2388 conferred upon the county registrar * * * or county election
2389 commissioners, * * * with reference to a state and county
2390 election, such duty shall likewise be imposed and such power and
2391 authority shall likewise be conferred upon the municipal



2392 registrar * * * or municipal election commission * * * with
2393 reference to any municipal election. * * *

2394 **SECTION 57.** Section 23-15-771, Mississippi Code of 1972, is
2395 amended as follows:

2396 23-15-771. At the state convention, a slate of electors
2397 composed of the number of electors allotted to this state,
2398 which * * * electors announce a clearly expressed design and
2399 purpose to support the candidates for President and Vice President
2400 of the national political party with which the * * * party of this
2401 state has had an affiliation and identity of purpose heretofore,
2402 shall be designated and selected for a place upon the * * *
2403 election ballot to be held as herein provided.

2404 **SECTION 58.** Section 23-15-801, Mississippi Code of 1972, is
2405 amended as follows:

2406 23-15-801. (a) "Election" means a general, special, * * *
2407 preferential or runoff election.

2408 (b) "Candidate" means an individual who seeks * * *
2409 election * * * to any elective office other than a federal
2410 elective office. For purposes of this article, an individual
2411 shall be deemed to seek * * * election:

2412 (i) If the individual has received contributions
2413 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
2414 expenditures aggregating in excess of Two Hundred Dollars
2415 (\$200.00) or for a candidate for the Legislature or any statewide
2416 or state district office, by the qualifying deadlines specified in



2417 Sections * * * 8 and 9 of this act and 23-15-977, whichever occurs
2418 first; or

2419 (ii) If the individual has given his or her consent to
2420 another person to receive contributions or make expenditures on
2421 behalf of the individual and if the other person has received
2422 contributions aggregating in excess of Two Hundred Dollars
2423 (\$200.00) during a calendar year, or has made expenditures
2424 aggregating in excess of Two Hundred Dollars (\$200.00) during a
2425 calendar year.

2426 (c) "Political committee" means any committee, party, club,
2427 association, political action committee, campaign committee or
2428 other groups of persons or affiliated organizations that receives
2429 contributions aggregating in excess of Two Hundred Dollars
2430 (\$200.00) during a calendar year or that makes expenditures
2431 aggregating in excess of Two Hundred Dollars (\$200.00) during a
2432 calendar year for the purpose of influencing or attempting to
2433 influence the action of voters for or against the * * * election,
2434 of one or more candidates, or balloted measures. Political
2435 committee shall, in addition, include each political party
2436 registered with the Secretary of State.

2437 (d) "Affiliated organization" means any organization that is
2438 not a political committee, but that directly or indirectly
2439 establishes, administers or financially supports a political
2440 committee.



2441 (e) (i) "Contribution" shall include any gift,
2442 subscription, loan, advance or deposit of money or anything of
2443 value made by any person or political committee for the purpose of
2444 influencing any election for elective office or balloted measure;

2445 (ii) "Contribution" shall not include the value of
2446 services provided without compensation by any individual who
2447 volunteers on behalf of a candidate or political committee; or the
2448 cost of any food or beverage for use in any candidate's campaign
2449 or for use by or on behalf of any political committee of a
2450 political party;

2451 (iii) "Contribution to a political party" includes any
2452 gift, subscription, loan, advance or deposit of money or anything
2453 of value made by any person, political committee, or other
2454 organization to a political party and to any committee,
2455 subcommittee, campaign committee, political committee and other
2456 groups of persons and affiliated organizations of the political
2457 party;

2458 (iv) "Contribution to a political party" shall not
2459 include the value of services provided without compensation by any
2460 individual who volunteers on behalf of a political party or a
2461 candidate of a political party.

2462 (f) (i) "Expenditure" shall include any purchase, payment,
2463 distribution, loan, advance, deposit, gift of money or anything of
2464 value, made by any person or political committee for the purpose
2465 of influencing any balloted measure or election for elective



2466 office; and a written contract, promise, or agreement to make an
2467 expenditure;

2468 (ii) "Expenditure" shall not include any news story,
2469 commentary or editorial distributed through the facilities of any
2470 broadcasting station, newspaper, magazine, or other periodical
2471 publication, unless the facilities are owned or controlled by any
2472 political party, political committee, or candidate; or nonpartisan
2473 activity designed to encourage individuals to vote or to register
2474 to vote;

2475 (iii) "Expenditure by a political party" includes 1.
2476 any purchase, payment, distribution, loan, advance, deposit, gift
2477 of money or anything of value, made by any political party and by
2478 any contractor, subcontractor, agent, and consultant to the
2479 political party; and 2. a written contract, promise, or agreement
2480 to make such an expenditure.

2481 (g) The term "identification" shall mean:

2482 (i) In the case of any individual, the name, the
2483 mailing address, and the occupation of such individual, as well as
2484 the name of his or her employer; and

2485 (ii) In the case of any other person, the full name and
2486 address of the person.

2487 (h) The term "political party" shall mean an association,
2488 committee or organization which nominates a candidate for election
2489 to any elective office whose name appears on the election ballot
2490 as the candidate of the association, committee or organization.



2491 (i) The term "person" shall mean any individual, family,
2492 firm, corporation, partnership, association or other legal entity.

2493 (j) The term "independent expenditure" shall mean an
2494 expenditure by a person expressly advocating the election or
2495 defeat of a clearly identified candidate that is made without
2496 cooperation or consultation with any candidate or any authorized
2497 committee or agent of the candidate, and that is not made in
2498 concert with or at the request or suggestion of any candidate or
2499 any authorized committee or agent of the candidate.

2500 (k) The term "clearly identified" shall mean that:

2501 (i) The name of the candidate involved appears; or

2502 (ii) A photograph or drawing of the candidate appears;

2503 or

2504 (iii) The identity of the candidate is apparent by
2505 unambiguous reference.

2506 **SECTION 59.** Section 23-15-807, Mississippi Code of 1972, is
2507 amended as follows:

2508 23-15-807. (a) Each candidate or political committee shall
2509 file reports of contributions and disbursements in accordance with
2510 the provisions of this section. All candidates or political
2511 committees required to report such contributions and disbursements
2512 may terminate the obligation to report only upon submitting a
2513 final report that contributions will no longer be received or
2514 disbursements made and that the candidate or committee has no



2515 outstanding debts or obligations. The candidate, treasurer or
2516 chief executive officer shall sign the report.

2517 (b) Candidates seeking election * * * and political
2518 committees making expenditures to influence or attempt to
2519 influence voters for or against the * * * election of one or more
2520 candidates or balloted measures at such election, shall file the
2521 following reports:

2522 (i) In any calendar year during which there is a
2523 regularly scheduled election, a pre-election report shall be filed
2524 no later than the seventh day before any election in which the
2525 candidate or political committee has accepted contributions or
2526 made expenditures and shall be completed as of the tenth day
2527 before the election;

2528 (ii) In 1987 and every fourth year thereafter, periodic
2529 reports shall be filed no later than the tenth day after April 30,
2530 May 31, June 30, September 30 and December 31, and shall be
2531 completed as of the last day of each period;

2532 (iii) In any calendar years except 1987 and except
2533 every fourth year thereafter, a report covering the calendar year
2534 shall be filed no later than January 31 of the following calendar
2535 year; and

2536 (iv) Except as otherwise provided in the requirements
2537 of paragraph (i) of this subsection (b), unopposed candidates are
2538 not required to file pre-election reports but must file all other



2539 reports required by paragraphs (ii) and (iii) of this subsection
2540 (b).

2541 (c) All candidates for judicial office as defined in Section
2542 23-15-975, or their political committees, shall file periodic
2543 reports in the year in which they are to be elected no later than
2544 the tenth day after April 30, May 31, June 30, September 30 and
2545 December 31.

2546 (d) Each report under this article shall disclose:

2547 (i) For the reporting period and the calendar year, the
2548 total amount of all contributions and the total amount of all
2549 expenditures of the candidate or reporting committee, including
2550 those required to be identified pursuant to paragraph (ii) of this
2551 subsection (d) as well as the total of all other contributions and
2552 expenditures during the calendar year. The reports shall be
2553 cumulative during the calendar year to which they relate;

2554 (ii) The identification of:

2555 1. Each person or political committee who makes a
2556 contribution to the reporting candidate or political committee
2557 during the reporting period, whose contribution or contributions
2558 within the calendar year have an aggregate amount or value in
2559 excess of Two Hundred Dollars (\$200.00) when made to a political
2560 committee or to a candidate for an office other than statewide
2561 office or office elected by Supreme Court district, or in excess
2562 of Five Hundred Dollars (\$500.00) when made to a candidate for



2563 statewide office or office elected by Supreme Court district,
2564 together with the date and amount of any such contribution;

2565 2. Each person or organization, candidate or
2566 political committee who receives an expenditure, payment or other
2567 transfer from the reporting candidate, political committee or its
2568 agent, employee, designee, contractor, consultant or other person
2569 or persons acting in its behalf during the reporting period when
2570 the expenditure, payment or other transfer to the person,
2571 organization, candidate or political committee within the calendar
2572 year have an aggregate value or amount in excess of Two Hundred
2573 Dollars (\$200.00) when received from a political committee or
2574 candidate for an office other than statewide office or office
2575 elected by Supreme Court district, or in excess of Five Hundred
2576 Dollars (\$500.00) when received from a candidate for statewide
2577 office or office elected by Supreme Court district, together with
2578 the date and amount of the expenditure;

2579 (iii) The total amount of cash on hand of each
2580 reporting candidate and reporting political committee;

2581 (iv) In addition to the contents of reports specified
2582 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2583 political party shall disclose:

2584 1. Each person or political committee who makes a
2585 contribution to a political party during the reporting period and
2586 whose contribution or contributions to a political party within
2587 the calendar year have an aggregate amount or value in excess of



2588 Two Hundred Dollars (\$200.00), together with the date and amount
2589 of the contribution;

2590 2. Each person or organization who receives an
2591 expenditure or expenditures by a political party during the
2592 reporting period when the expenditure or expenditures to the
2593 person or organization within the calendar year have an aggregate
2594 value or amount in excess of Two Hundred Dollars (\$200.00),
2595 together with the date and amount of the expenditure;

2596 (v) Disclosure required under this section of an
2597 expenditure to a credit card issuer, financial institution or
2598 business allowing payments and money transfers to be made over the
2599 Internet must include, by way of detail or separate entry, the
2600 amount of funds passing to each person, business entity or
2601 organization receiving funds from the expenditure.

2602 (e) The appropriate office specified in Section 23-15-805
2603 must be in actual receipt of the reports specified in this article
2604 by 5:00 p.m. on the dates specified in subsection (b) of this
2605 section. If the date specified in subsection (b) of this section
2606 shall fall on a weekend or legal holiday then the report shall be
2607 due in the appropriate office at 5:00 p.m. on the first working
2608 day before the date specified in subsection (b) of this section.
2609 The reporting candidate or reporting political committee shall
2610 ensure that the reports are delivered to the appropriate office by
2611 the filing deadline. The Secretary of State may approve specific
2612 means of electronic transmission of completed campaign finance



2613 disclosure reports, which may include, but not be limited to,
2614 transmission by electronic facsimile (FAX) devices.

2615 (f) (i) If any contribution of more than Two Hundred
2616 Dollars (\$200.00) is received by a candidate or candidate's
2617 political committee after the tenth day, but more than forty-eight
2618 (48) hours before 12:01 a.m. of the day of the election, the
2619 candidate or political committee shall notify the appropriate
2620 office designated in Section 23-15-805, within forty-eight (48)
2621 hours of receipt of the contribution. The notification shall
2622 include:

- 2623 1. The name of the receiving candidate;
- 2624 2. The name of the receiving candidate's political
2625 committee, if any;
- 2626 3. The office sought by the candidate;
- 2627 4. The identification of the contributor;
- 2628 5. The date of receipt;
- 2629 6. The amount of the contribution;
- 2630 7. If the contribution is in-kind, a description
2631 of the in-kind contribution; and
- 2632 8. The signature of the candidate or the treasurer
2633 or chair of the candidate's political organization.

2634 (ii) The notification shall be in writing, and may be
2635 transmitted by overnight mail, courier service, or other reliable
2636 means, including electronic facsimile (FAX), but the candidate or
2637 candidate's committee shall ensure that the notification shall in



2638 fact be received in the appropriate office designated in Section
2639 23-15-805 within forty-eight (48) hours of the contribution.

2640 **SECTION 60.** Section 23-15-811, Mississippi Code of 1972, is
2641 amended as follows:

2642 23-15-811. (a) Any candidate or any other person who
2643 willfully violates the provisions and prohibitions of this article
2644 shall be guilty of a misdemeanor and upon conviction shall be
2645 punished by a fine in a sum not to exceed Three Thousand Dollars
2646 (\$3,000.00) or imprisoned for not longer than six (6) months or by
2647 both fine and imprisonment.

2648 (b) In addition to the penalties provided in subsection (a)
2649 of this section and Chapter 13, Title 97, Mississippi Code of
2650 1972, any candidate or political committee which is required to
2651 file a statement or report and fails to file the statement or
2652 report on the date it is due may be compelled to file the
2653 statement or report by an action in the nature of a mandamus
2654 brought by the Mississippi Ethics Commission.

2655 (c) No candidate shall be certified * * * as elected to
2656 office until he or she files all reports required by this article
2657 that are due as of the date of certification.

2658 (d) No candidate who is elected to office shall receive any
2659 salary or other remuneration for the office until he or she files
2660 all reports required by this article that are due as of the date
2661 the salary or remuneration is payable.



2662 (e) In the event that a candidate fails to timely file any
2663 report required pursuant to this article but subsequently files a
2664 report or reports containing all of the information required to be
2665 reported, the candidate shall not be subject to the sanctions of
2666 subsections (c) and (d) of this section.

2667 **SECTION 61.** Section 23-15-833, Mississippi Code of 1972, is
2668 amended as follows:

2669 23-15-833. Except as otherwise provided by law, the first
2670 Tuesday after the first Monday in November of each year shall be
2671 designated the regular special election day, and on that day an
2672 election shall be held to fill any vacancy in county, county
2673 district, and district attorney elective offices, and any vacancy
2674 in the office of circuit judge or chancellor.

2675 All special elections, or elections to fill vacancies, shall
2676 in all respects be held, conducted and returned in the same manner
2677 as general elections, except that where no candidate receives a
2678 majority of the votes cast in the election, a runoff election
2679 shall be held three (3) weeks after the election. The two (2)
2680 candidates who receive the highest popular votes for the office
2681 shall have their names submitted as the candidates to the runoff
2682 and the candidate who leads in the runoff election shall be
2683 elected to the office. When there is a tie in the first election
2684 of those receiving the next highest vote, these two (2) and the
2685 one receiving the highest vote, none having received a majority,



2686 shall go into the runoff election and whoever leads in the runoff
2687 election shall be entitled to the office.

2688 In those years when the regular special election day shall
2689 occur on the same day as the general election, the names of
2690 candidates in any special election and the general election shall
2691 be placed on the same ballot, but shall be clearly distinguished
2692 as general election candidates or special election
2693 candidates. * * *

2694 **SECTION 62.** Section 23-15-859, Mississippi Code of 1972, is
2695 amended as follows:

2696 23-15-859. Whenever under any statute a special election is
2697 required or authorized to be held in any municipality, and the
2698 statute authorizing or requiring the election does not specify the
2699 time within which the election shall be called, or the notice
2700 which shall be given, the governing authorities of the
2701 municipality shall, by resolution, fix a date upon which the
2702 election shall be held. The date shall not be less than
2703 twenty-one (21) nor more than thirty (30) days after the date upon
2704 which such resolution is adopted, and not less than three (3)
2705 weeks' notice of the election shall be given by the clerk by a
2706 notice published in a newspaper published in the municipality once
2707 each week for three (3) weeks next preceding the date of the
2708 election, and by posting a copy of the notice at three (3) public
2709 places in the municipality. Nothing herein, however, shall be
2710 applicable to elections on the question of the issuance of the



2711 bonds of a municipality or to general or * * * preferential
2712 elections for the election of municipal officers.

2713 The provisions of this section shall be applicable to all
2714 municipalities of this state, whether operating under a code
2715 charter, special charter or the commission form of government,
2716 except in cases of conflicts between the provisions of the section
2717 and the provisions of the special charter of a municipality, or
2718 the law governing the commission form of government, in which
2719 cases of conflict the provisions of the special charter or the
2720 statutes relative to the commission form of government shall
2721 apply.

2722 **SECTION 63.** Section 23-15-873, Mississippi Code of 1972, is
2723 amended as follows:

2724 23-15-873. (1) No person, whether an officer or not, shall,
2725 in order to promote his or her own candidacy, or that of any other
2726 person, to be a candidate for public office in this state,
2727 directly or indirectly, himself, or herself or through another
2728 person, promise to appoint, or promise to secure or assist in
2729 securing the appointment * * * or election of another person to
2730 any public position or employment, or to secure or assist in
2731 securing any public contract or the employment of any person under
2732 any public contractor, or to secure or assist in securing the
2733 expenditure of any public funds in the personal behalf of any
2734 particular person or group of persons, except that the candidate
2735 may publicly announce what is his or her choice or purpose in



2736 relation to an election in which he or she may be called on to
2737 take part if elected.

2738 (2) It shall be unlawful for any person to directly or
2739 indirectly solicit or receive any promise by this section
2740 prohibited, but this does not apply to any person when it comes to
2741 their office force.

2742 (3) Any violation of this section shall constitute a
2743 violation of Section 97-13-37 and shall be referred to the
2744 district attorney for prosecution.

2745 **SECTION 64.** Section 23-15-881, Mississippi Code of 1972, is
2746 amended as follows:

2747 23-15-881. It shall be unlawful for the Mississippi
2748 Transportation Commission or any member of the Mississippi
2749 Transportation Commission, or the board of supervisors of any
2750 county or any member of the board of supervisors of such county,
2751 to employ, during the months of * * * August, September, October
2752 and November of any year in which a general * * * election is held
2753 for the * * * election of members of the Mississippi
2754 Transportation Commission and members of the boards of
2755 supervisors, a greater number of persons to work and maintain the
2756 state highways, in any highway district, or the public roads, in
2757 any supervisors district of the county, as the case may be, than
2758 the average number of persons employed for similar purposes in
2759 such highway district or supervisors district, as the case may be,
2760 during the months of * * * August, September, October and November



2761 of the three (3) years immediately preceding the year in which
2762 such general * * * election is held. It shall be unlawful for the
2763 Mississippi Transportation Commission, or the board of supervisors
2764 of any county, to expend out of the state highway funds, or the
2765 road funds of the county or any supervisors district thereof, as
2766 the case may be, in the payment of wages or other compensation for
2767 labor performed in working and maintaining the highways of any
2768 highway district, or the public roads of any supervisors district
2769 of the county, as the case may be, during the months of * * *
2770 August, September, October and November of such election year, a
2771 total amount in excess of the average total amount expended for
2772 such labor, in such highway district or supervisors district, as
2773 the case may be, during the corresponding four-month period of the
2774 three (3) years immediately preceding.

2775 It shall be the duty of the Mississippi Transportation
2776 Commission and the board of supervisors of each county,
2777 respectively, to keep sufficient records of the numbers of
2778 employees and expenditures made for labor on the state highways of
2779 each highway district, and the public roads of each supervisors
2780 district, for the months of * * * August, September, October and
2781 November of each year, to show the number of persons employed for
2782 such work in each highway district and each supervisors district,
2783 as the case may be, during said four-month period, and the total
2784 amount expended in the payment of salaries and other compensation
2785 to such employees, so that it may be ascertained, from an



2786 examination of such records, whether or not the provisions of this
2787 chapter have been violated.

2788 **SECTION 65.** Section 23-15-885, Mississippi Code of 1972, is
2789 amended as follows:

2790 23-15-885. The restrictions imposed in Sections 23-15-881
2791 and 23-15-883 shall likewise apply to the mayor and board of
2792 aldermen, or other governing authority, of each municipality, in
2793 the employment of labor for working and maintaining the streets of
2794 the municipality during the four-month period next preceding the
2795 date of holding the general * * * election in such municipality
2796 for the election of municipal officers.

2797 **SECTION 66.** Section 23-15-891, Mississippi Code of 1972, is
2798 amended as follows:

2799 23-15-891. No common carrier, Internet service provider or
2800 telephone company shall give to any candidate, or to any member of
2801 any political committee, or to any person to be used to aid or
2802 promote the success or defeat of any candidate for election for
2803 any public office, free transportation or Internet service or
2804 telephone service, as the case may be, or any reduction thereof
2805 that is not made alike to all other persons. All persons required
2806 by the provisions of this chapter to make and file statements
2807 shall make oath that they have not received or made use of,
2808 directly or indirectly, in connection with any candidacy for * * *
2809 election to any public office, free transportation or Internet or
2810 telephone service.



2811 **SECTION 67.** Section 23-15-911, Mississippi Code of 1972, is
2812 amended as follows:

2813 23-15-911. (1) (a) When the returns for a box and the
2814 contents of the ballot box and the conduct of the election have
2815 been canvassed and reviewed by the county election
2816 commission * * *, all the contents of the box required to be
2817 placed and sealed in the ballot box by the poll managers shall be
2818 replaced therein by the election commission * * *, and the box
2819 shall be forthwith resealed and delivered to the circuit clerk,
2820 who shall safely keep and secure the same against any tampering.
2821 At any time within twelve (12) days after the canvass and
2822 examination of the box and its contents by the election
2823 commission * * *, any candidate or his or her representative
2824 authorized in writing by him or her shall have the right of full
2825 examination of the box and its contents upon three (3) days'
2826 notice of his or her application therefor served upon the opposing
2827 candidates. The service of notice shall be provided to each
2828 opposing candidate by delivering a copy personally to each
2829 candidate, or by performing two (2) of the following:

2830 (i) By leaving a copy at each candidate's usual
2831 place of residence with a family member, who shall be no less than
2832 sixteen (16) years of age and, who resides in the candidate's
2833 residence;

2834 (ii) By email or other electronic means, with
2835 receipt deemed upon transmission; or



2836 (iii) By mailing a copy of the notice by
2837 registered or certified mail that is addressed to each opposing
2838 candidate at that candidate's residence with receipt deemed
2839 mailing.

2840 (b) If service of notice cannot be made to any opposing
2841 candidate, then notice may be posted on the door of each
2842 candidate's usual place of abode. If any candidate's usual place
2843 of residence is a multi-family dwelling, a copy of the notice must
2844 be mailed to the candidate or candidates by United States
2845 first-class mail, postage prepaid, return receipt requested.
2846 Proof of service of notice upon any opposing candidate shall be
2847 made to the circuit clerk within three (3) days before a full
2848 examination of the ballot box may be conducted.

2849 (c) The examination shall be conducted in the presence
2850 of the circuit clerk or his or her deputy who shall be charged
2851 with the duty to see that none of the contents of the box are
2852 removed from the presence of the clerk or in any way tampered
2853 with. Upon the completion of the examination the box shall be
2854 resealed with all its original contents inside. And if any
2855 contest or complaint before the court shall arise over the box, it
2856 shall be kept intact and sealed until the court hearing and
2857 another ballot box, if necessary, shall be furnished for the
2858 precinct involved.

2859 (2) The provisions of this section allowing the examination
2860 of ballot boxes shall apply in the case of an election contest



2861 regarding the seat of a member of the state Legislature. In such
2862 a case, the results of the examination shall be reported by the
2863 applicable circuit clerk to the Clerk of the House of
2864 Representatives or the Secretary of the Senate, as the case may
2865 be.

2866 **SECTION 68.** Section 23-15-951, Mississippi Code of 1972, is
2867 amended as follows:

2868 23-15-951. Except as otherwise provided by Section 23-15-955
2869 or 23-15-961, a person desiring to contest the election of another
2870 person returned as elected to any office within any county, may,
2871 within twenty (20) days after the election, file a petition in the
2872 office of the clerk of the circuit court of the county, setting
2873 forth the grounds upon which the election is contested. When such
2874 a petition is filed, the circuit clerk shall immediately notify,
2875 by registered letter, telegraph, telephone, or personally the
2876 Chief Justice of the Supreme Court or in his or her absence, or
2877 disability, some other Justice of the Supreme Court, who shall
2878 forthwith designate and notify a circuit judge or chancellor of a
2879 district other than that which embraces the district, subdistrict,
2880 county or any of the counties, involved in the contest or
2881 complaint, to proceed to the county in which the contest or
2882 complaint has been filed to hear and determine the contest or
2883 complaint. The circuit clerk shall also cause a copy of * * * the
2884 petition to be served upon the contestee, which shall serve as
2885 notice to * * * the contestee.



2886 The Supreme Court shall compile a list of judges throughout
2887 the state to hear * * * the disputes before an election. It shall
2888 be the official duty of the designated circuit judge or chancellor
2889 to proceed to discharge the duty of hearing the contest at the
2890 earliest possible date. The date of the contest shall be fixed by
2891 the judge or chancellor, and the judge or chancellor shall provide
2892 reasonable notice to the contestant and the contestee of the date
2893 and time fixed for the contest. The judge or chancellor shall
2894 cause the contestant and contestee to be served in a reasonable
2895 manner. When the contestee is served, such contestee shall
2896 promptly file his or her answer, and cross-complaint, if the
2897 contestee has a cross-complaint.

2898 The court shall, at the first term, cause an issue to be made
2899 up and tried by a jury, and the verdict of the jury shall find the
2900 person having the greatest number of legal votes at the election.
2901 If the jury shall find against the person returned elected, the
2902 clerk shall issue a certificate thereof; and the person in whose
2903 favor the jury shall find shall be commissioned by the Governor,
2904 and shall qualify and enter upon the duties of his or her office.
2905 Each party shall be allowed ten (10) peremptory challenges, and
2906 new trials shall be granted and costs awarded as in other cases.
2907 In case the election of district attorney or other state district
2908 election be contested, the petition may be filed in any county of
2909 the district or in any county of an adjoining district within
2910 twenty (20) days after the election, and like proceedings shall be



2911 had thereon as in the case of county officers, and the person
2912 found to be entitled to the office shall qualify as required by
2913 law and enter upon the duties of his or her office.

2914 A person desiring to contest the election of another person
2915 returned as elected to any seat in the Mississippi Legislature
2916 shall comply with the provisions of Section 23-15-955. A person
2917 desiring to contest the qualifications of a candidate * * * in a
2918 preferential election shall comply with the provisions of Section
2919 23-15-961.

2920 **SECTION 69.** Section 23-15-961, Mississippi Code of 1972, is
2921 amended as follows:

2922 23-15-961. (1) Any person desiring to contest the
2923 qualifications of another person as a candidate * * * for office
2924 in a preferential election shall file a petition specifically
2925 setting forth the grounds of the challenge within ten (10) days
2926 after the qualifying deadline for the office in question. The
2927 petition shall be filed with the proper executive committee with
2928 whom the candidate in question qualified or with the proper
2929 election commission with whom the candidate in question qualified
2930 if the candidate is not affiliated with a political party.

2931 (2) Within ten (10) days of receipt of the petition
2932 described in subsection (1) of this section, the appropriate
2933 executive committee or election commission shall meet and rule
2934 upon the petition. At least two (2) days before the hearing to
2935 consider the petition, the appropriate executive committee or



2936 election commission shall give notice to both the petitioner and
2937 the contested candidate of the time and place of the hearing on
2938 the petition. Each party shall be given an opportunity to be
2939 heard at that meeting and present evidence in support of his or
2940 her position.

2941 (3) If the appropriate executive committee or election
2942 commission fails to rule upon the petition within the time
2943 required in subsection (2) of this section, that inaction shall be
2944 interpreted as a denial of the request for relief contained in the
2945 petition.

2946 (4) Any party aggrieved by the action or inaction of the
2947 appropriate executive committee or election commission may file a
2948 petition for judicial review to the circuit court of the county in
2949 which the executive committee or election commission whose
2950 decision is being reviewed sits. The petition must be filed no
2951 later than fifteen (15) days after the date the petition was
2952 originally filed with the appropriate executive committee or
2953 election commission. The person filing for judicial review shall
2954 give a cost bond in the sum of Three Hundred Dollars (\$300.00)
2955 with two (2) or more sufficient sureties conditioned to pay all
2956 costs in case his or her petition be dismissed, and an additional
2957 bond may be required, by the court, if necessary, at any
2958 subsequent stage of the proceedings.

2959 (5) Upon the filing of the petition and bond, the circuit
2960 clerk shall immediately, by registered letter or by telegraph or



2961 by telephone, or personally, notify the Chief Justice of the
2962 Supreme Court, or in his or her absence, or disability, some other
2963 judge of the Supreme Court, who shall forthwith designate and
2964 notify a circuit judge or retired judge on senior status of a
2965 district other than that which embraces the district, subdistrict,
2966 county or any of the counties, involved in the contest or
2967 complaint, to proceed to the county in which the contest or
2968 complaint has been filed to hear and determine the contest or
2969 complaint. It shall be the official duty of the trial judge to
2970 proceed to the discharge of the designated duty at the earliest
2971 possible date to be fixed by the judge and of which the contestant
2972 and contestee shall have reasonable notice. The contestant and
2973 contestee are to be served in a reasonable manner as the judge may
2974 direct, in response to which notice the contestee shall promptly
2975 file his or her answer, and also his or her cross-complaint
2976 if * * * a cross-complaint exists. The hearing before the trial
2977 court shall be de novo. The matter shall be tried to the trial
2978 judge, without a jury. After hearing the evidence, the trial
2979 judge shall determine whether the candidate whose qualifications
2980 have been challenged is legally qualified to have his or her name
2981 placed upon the ballot in question. The trial judge may, upon
2982 disqualification of any such candidate, order that such candidate
2983 shall bear the court costs of the proceedings.

2984 (6) Within three (3) days after judgment is rendered by the
2985 circuit court, the contestant or contestee, or both, may file an



2986 appeal in the Supreme Court upon giving a cost bond in the sum of
2987 Three Hundred Dollars (\$300.00), together with a bill of
2988 exceptions which shall state the point or points of law at issue
2989 with a sufficient synopsis of the facts to fully disclose the
2990 bearing and relevancy of such points of law. The bill of
2991 exceptions shall be signed by the trial judge, or in case of his
2992 or her absence, refusal or disability, by two (2) disinterested
2993 attorneys, as is provided by law in other cases of bills of
2994 exception. The filing of such appeals shall automatically suspend
2995 the decision of the circuit court and the appropriate executive
2996 committee or election commission is entitled to proceed based upon
2997 their decision * * * until the Supreme Court, in its discretion,
2998 stays further proceedings in the matter. The appeal shall be
2999 immediately docketed in the Supreme Court and referred to the
3000 court en banc upon briefs without oral argument unless the court
3001 shall call for oral argument, and shall be decided at the earliest
3002 possible date, as a preference case over all others. The Supreme
3003 Court shall have the authority to grant such relief as is
3004 appropriate under the circumstances.

3005 (7) The procedure set forth in this section shall be
3006 the * * * only manner in which the qualifications of a candidate
3007 seeking public office * * * in a preferential election may be
3008 challenged * * * before the time * * * the candidate's name is
3009 placed on the general election ballot. After a * * * candidate in
3010 a preferential election has been elected to public office, the



3011 election may be challenged as otherwise provided by law. After
3012 a * * * candidate in a preferential election assumes an elective
3013 office, his or her qualifications to hold that office may be
3014 contested as otherwise provided by law.

3015 **SECTION 70.** Section 23-15-963, Mississippi Code of 1972, is
3016 amended as follows:

3017 23-15-963. (1) Any person desiring to contest the
3018 qualifications of another person who has qualified pursuant
3019 to * * * Sections 8 and 9 of this act as a candidate for any
3020 office elected at a general election, shall file a petition
3021 specifically setting forth the grounds of the challenge not later
3022 than thirty-one (31) days after the date of the * * * preferential
3023 election set forth in Section * * * 2 of this act. Such petition
3024 shall be filed with the same body with whom the candidate in
3025 question qualified pursuant to * * * Sections 8 and 9 of this act.

3026 (2) Any person desiring to contest the qualifications of
3027 another person who has qualified pursuant to the provisions of
3028 Section 23-15-213 * * * as a candidate for county election
3029 commissioner elected at a general election, shall file a petition
3030 specifically setting forth the grounds of the challenge no later
3031 than sixty (60) days * * * before the general election. * * * The
3032 petition shall be filed with the county board of supervisors,
3033 being the same body with whom the candidate in question qualified
3034 pursuant to Section 23-15-213 * * *.



3035 (3) Any person desiring to contest the qualifications of
3036 another person who has qualified pursuant to the provisions
3037 of * * * Section 11 of this act as a candidate for municipal
3038 office elected on the date designated by law for regular municipal
3039 elections, shall file a petition specifically setting forth the
3040 grounds of the challenge no later than thirty-one (31) days after
3041 the date of the * * * preferential election set forth in Section
3042 * * * 2 of this act. * * * The petition shall be filed with the
3043 municipal election commissioners * * *, being the same body with
3044 whom the candidate in question qualified pursuant to Section * * *
3045 11 of this act.

3046 (4) Within ten (10) days of receipt of the petition
3047 described in subsections (1), (2) and (3) of this section, the
3048 appropriate election officials shall meet and rule upon the
3049 petition. At least two (2) days before the hearing to consider
3050 the petition, the appropriate election officials shall give notice
3051 to both the petitioner and the contested candidate of the time and
3052 place of the hearing on the petition. Each party shall be given
3053 an opportunity to be heard at * * * the meeting and present
3054 evidence in support of his or her position.

3055 (5) If the appropriate election officials fail to rule upon
3056 the petition within the time required above, such inaction shall
3057 be interpreted as a denial of the request for relief contained in
3058 the petition.



3059 (6) Any party aggrieved by the action or inaction of the
3060 appropriate election officials may file a petition for judicial
3061 review to the circuit court of the county in which the election
3062 officials whose decision is being reviewed sits. * * * The
3063 petition must be filed no later than fifteen (15) days after the
3064 date the petition was originally filed with the appropriate
3065 election officials. * * * The person filing for judicial review
3066 shall give a cost bond in the sum of Three Hundred Dollars
3067 (\$300.00) with two (2) or more sufficient sureties conditioned to
3068 pay all costs in case his or her petition be dismissed, and an
3069 additional bond may be required, by the court, if necessary, at
3070 any subsequent stage of the proceedings.

3071 (7) The circuit court with whom * * * a petition for
3072 judicial review has been filed shall at the earliest possible date
3073 set the matter for hearing. Notice shall be given to the
3074 interested parties of the time set for hearing by the circuit
3075 clerk. The hearing before the circuit court shall be de novo.
3076 The matter shall be tried to the circuit judge, without a jury.
3077 After hearing the evidence, the circuit judge shall determine
3078 whether the candidate whose qualifications have been challenged is
3079 legally qualified to have his or her name placed upon the ballot
3080 in question. The circuit judge may, upon disqualification of any
3081 such candidate, order that such candidate shall bear the court
3082 costs of the proceedings.



3083 (8) Within three (3) days after judgment is rendered by the
3084 circuit court, the contestant or contestee, or both, may file an
3085 appeal in the Supreme Court upon giving a cost bond in the sum of
3086 Three Hundred Dollars (\$300.00), together with a bill of
3087 exceptions which shall state the point or points of law at issue
3088 with a sufficient synopsis of the facts to fully disclose the
3089 bearing and relevancy of such points of law. The bill of
3090 exceptions shall be signed by the trial judge, or in case of his
3091 or her absence, refusal or disability, by two (2) disinterested
3092 attorneys, as is provided by law in other cases of bills of
3093 exception. The filing of such appeals shall automatically suspend
3094 the decision of the circuit court and the appropriate election
3095 officials are entitled to proceed based upon their decision * * *
3096 until the Supreme Court, in its discretion, stays further
3097 proceedings in the matter. The appeal shall be immediately
3098 docketed in the Supreme Court and referred to the court en banc
3099 upon briefs without oral argument unless the court shall call for
3100 oral argument, and shall be decided at the earliest possible date,
3101 as a preference case over all others. The Supreme Court shall
3102 have the authority to grant such relief as is appropriate under
3103 the circumstances.

3104 (9) The procedure set forth above shall be the * * * only
3105 manner in which the qualifications of a candidate seeking public
3106 office who qualified pursuant to the provisions of Sections * * *
3107 8, 9 and 11 of this act and Section 23-15-213 * * *, may be



3108 challenged * * * before the time of his or her election. After
3109 any such person has been elected to public office, the election
3110 may be challenged as otherwise provided by law. After any person
3111 assumes an elective office, his or her qualifications to hold that
3112 office may be contested as otherwise provided by law.

3113 **SECTION 71.** Section 23-15-1065, Mississippi Code of 1972, is
3114 amended as follows:

3115 23-15-1065. A person shall be barred from participating in
3116 any primary election held by a political party if that person
3117 claims or represents himself or herself in any manner to be a
3118 member of any state, district or county executive committee of any
3119 political party in this state, or claims to be the national
3120 committeeman or national committeewoman or any other officer or
3121 representative of the political party without having been lawfully
3122 elected or chosen as such in the manner provided by the laws of
3123 this state * * *. Any person or persons who violate the
3124 provisions of this section, in addition to other measures or
3125 penalties provided by law, may be enjoined therefrom upon
3126 application to the courts by any person or persons, or any
3127 political party, official or representative of the political party
3128 aggrieved.

3129 **SECTION 72.** Section 23-15-1081, Mississippi Code of 1972, is
3130 amended as follows:

3131 23-15-1081. A presidential preference primary or
3132 presidential preferential election may be held on the second



3133 Tuesday in March of each year in which a President of the United
3134 States is to be elected. Each political party which has cast for
3135 its candidates for President and Vice President in the previous
3136 presidential election more than twenty percent (20%) of the total
3137 vote cast for President and Vice President in the state, may
3138 conduct a presidential preference primary. No elector shall vote
3139 in the primary of more than one (1) political party in the same
3140 presidential preference primary.

3141 **SECTION 73.** Section 23-15-1085, Mississippi Code of 1972, is
3142 amended as follows:

3143 23-15-1085. The * * * chair of a party's state executive
3144 committee shall notify the Secretary of State if the party intends
3145 to hold a presidential preference primary or presidential
3146 preferential election. The Secretary of State shall be
3147 notified * * * before December 1 of the year preceding the year in
3148 which a presidential preference primary or presidential
3149 preferential election may be held pursuant to Section 23-15-1081.

3150 * * *

3151 **SECTION 74.** Section 23-15-1087, Mississippi Code of 1972, is
3152 amended as follows:

3153 23-15-1087. Except as otherwise provided in this chapter,
3154 the laws regulating * * * elections shall, in so far as practical,
3155 apply to and govern presidential preference primary elections or
3156 presidential preferential elections.



3157 **SECTION 75.** Section 23-15-1089, Mississippi Code of 1972, is
3158 amended as follows:

3159 23-15-1089. The Secretary of State shall place the name of a
3160 candidate upon the presidential preference primary ballot or the
3161 presidential preference election ballot when the Secretary of
3162 State shall have determined that such a candidate is qualified
3163 under Section 23-15-1093.

3164 On or after January 15 immediately preceding a presidential
3165 preference primary election or presidential preferential election
3166 the Secretary of State shall publicly announce and distribute to
3167 the news media for publication a list of the candidates he or she
3168 intends to place on the ballot at the following presidential
3169 preference primary election or presidential preferential election.
3170 Following this announcement he or she shall not add candidates
3171 to * * * the selection, and he or she shall not delete any
3172 candidate whose name appears on the announced list, unless the
3173 candidate dies or has withdrawn as a candidate as provided in this
3174 chapter.

3175 **SECTION 76.** Section 23-15-1091, Mississippi Code of 1972, is
3176 amended as follows:

3177 23-15-1091. When the Secretary of State places the name of a
3178 candidate on the ballot pursuant to Section 23-15-1093, he or she
3179 shall notify the candidate that his or her name will appear on the
3180 ballot of this state in the presidential preference primary
3181 election or the presidential preferential election.



3182 The secretary shall also notify the candidate that he or she
3183 may withdraw his or her name from the ballot by filing with the
3184 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3185 later than the sixtieth day before that election.

3186 **SECTION 77.** Section 23-15-1093, Mississippi Code of 1972, is
3187 amended as follows:

3188 23-15-1093. (1) Any person desiring to have his or her name
3189 placed on the presidential preference primary ballot or
3190 presidential preferential election ballot shall pay a qualifying
3191 fee and file the petition or petitions as described in this
3192 section.

3193 (2) The amount of the qualifying fee shall be Two Thousand
3194 Five Hundred Dollars (\$2,500.00). Each independent candidate
3195 shall pay the qualifying fee to the Secretary of State. Each
3196 political party candidate shall pay the qualifying fee to the
3197 state executive committee of the appropriate political party.

3198 (3) A candidate shall file a petition or petitions in
3199 support of his or her candidacy with the state executive committee
3200 of the appropriate political party or the Secretary of State,
3201 whichever is applicable, after January 1 of the year in which the
3202 presidential preference primary or presidential preferential
3203 election is to be held and before January 15 of that same year.
3204 To comply with this section, a candidate may file a petition or
3205 petitions signed by a total of not less than five hundred (500)
3206 qualified electors of the state, or petitions signed by not less



3207 than one hundred (100) qualified electors of each congressional
3208 district of the state, in which case there shall be a separate
3209 petition for each congressional district. The petitions shall be
3210 in such form as prescribed by the state executive committee or
3211 Secretary of State, whichever is applicable; provided, that there
3212 shall be a space for the county of residence of each signer next
3213 to the space provided for his or her signature. No signature may
3214 be counted as valid unless the county of residence of the signer
3215 is provided. Each petition shall contain an affirmation under the
3216 penalties of perjury that each signer is a qualified elector in
3217 his or her congressional district or in the state, as appropriate.

3218 **SECTION 78.** Section 23-15-1095, Mississippi Code of 1972, is
3219 amended as follows:

3220 23-15-1095. A candidate's name shall be printed on the
3221 appropriate primary or preferential election ballot unless he or
3222 she submits to the Secretary of State before the printing of the
3223 official sample ballot, an affidavit stating without qualification
3224 that he or she is not now and does not presently intend to become
3225 a candidate for the Office of President of the United States at
3226 the upcoming nominating convention of his or her political party
3227 or at the upcoming preferential election. If a candidate
3228 withdraws pursuant to this section, the Secretary of State shall
3229 notify the state executive committee of the political party of
3230 such candidate or the appropriate election commission if such



3231 candidate is not affiliated with a political party that the
3232 candidate's name will not be placed on the ballot.

3233 **SECTION 79.** Section 23-15-1097, Mississippi Code of 1972, is
3234 amended as follows:

3235 23-15-1097. All expenses of the presidential preference
3236 primary election or presidential preferential election, which are
3237 authorized expenses, as provided by statute relating to primary,
3238 preferential or general elections, shall be paid in the same
3239 manner as provided by law. Compensation of election officials
3240 shall be limited to that which is authorized by statute.

3241 **SECTION 80.** Section 25-4-3, Mississippi Code of 1972, is
3242 amended as follows:

3243 25-4-3. As used in this chapter, unless the context requires
3244 otherwise:

3245 (a) "Advisory boards or commissions" means committees
3246 created solely to provide technical or professional knowledge or
3247 expertise to a parent organization, and whose members exercise no
3248 direct authority to expend public funds other than reimbursement
3249 for personal expenses incurred as a result of a member's service
3250 on the advisory board;

3251 (b) "Business" means any corporation, partnership, sole
3252 proprietorship, firm, enterprise, franchise, association,
3253 organization, holding company, self-employed individual,
3254 joint-stock company, receivership, trust or other legal entity or
3255 undertaking organized for economic gain or a nonprofit corporation



3256 or other such entity, association or organization receiving public
3257 funds;

3258 (c) "Candidate for public office" means an individual
3259 who has filed the necessary documents or papers to appear as a
3260 candidate for * * * election to any elective office existing under
3261 the laws of the State of Mississippi, including * * *
3262 preferential, special or general elections. The term "candidate"
3263 does not include any person within the meaning of Section 301(b)
3264 of the Federal Election Campaign Act of 1971;

3265 (d) "Commission" means the Mississippi Ethics
3266 Commission;

3267 (e) "Compensation" means money or thing of value
3268 received, or to be received, from any person for services rendered
3269 or to be rendered;

3270 (f) "Household member" means:

3271 (i) The spouse of the public servant; or

3272 (ii) Any person over the age of twenty-one (21)
3273 who resided in the public servant's household during the entire
3274 reporting period * * *;

3275 (g) "Income" means money or thing of value received, or
3276 to be received, from any source, including, but not limited to,
3277 any salary, wage, advance, payment, dividend, interest, rent,
3278 forgiveness of debt, fee, royalty or any combination thereof;



3279 (h) "Person" means any individual, firm, business,
3280 corporation, association, partnership, union or other legal
3281 entity;

3282 (i) "Public employee" means any individual who receives
3283 a salary, per diem or expenses paid in whole or in part out of
3284 funds authorized to be expended by the Mississippi State
3285 Legislature or by the governing body of any political subdivision
3286 thereof, or any other body politic within the State of
3287 Mississippi;

3288 (j) "Public funds" means all monies, whether federal,
3289 state, district or local;

3290 (k) "Public official" means:

3291 (i) Any elected official of the State of
3292 Mississippi or any political subdivision thereof or any other body
3293 politic within the State of Mississippi; or

3294 (ii) Any member, officer, director, commissioner,
3295 supervisor, chief, head, agent or employee of the State of
3296 Mississippi, or any agency thereof, of any political subdivision
3297 of the State of Mississippi, of any body politic within the State
3298 of Mississippi, or of any public entity created by or under the
3299 laws of the State of Mississippi or by executive order of the
3300 Governor of the state, any of which is funded by public funds or
3301 which expends, authorizes or recommends the use of public funds;

3302 (l) "Public servant" means:



3303 (i) Any elected or appointed official of the
3304 government;

3305 (ii) Any officer, director, commissioner,
3306 supervisor, chief, head, agent or employee of the government or
3307 any agency thereof, or of any public entity created by or under
3308 the laws of the State of Mississippi or created by an agency or
3309 governmental entity thereof, any of which is funded by public
3310 funds or which expends, authorizes or recommends the use of public
3311 funds; or

3312 (iii) Any individual who receives a salary, per
3313 diem or expenses paid in whole or in part out of funds authorized
3314 to be expended by the government.

3315 **SECTION 81.** Section 65-1-3, Mississippi Code of 1972, is
3316 amended as follows:

3317 65-1-3. There shall be a State Highway Commission which
3318 shall consist of three (3) members, one (1) from each of the three
3319 (3) Supreme Court districts of the state. Only qualified electors
3320 who are citizens of the Supreme Court district in which he or she
3321 offers for election shall be eligible for such office.

3322 On Tuesday after the first Monday in November of the year
3323 1951, and every four (4) years thereafter, state highway
3324 commissioners shall be elected at the same time and in the same
3325 manner as the Governor is chosen; and the laws governing * * *
3326 preferential elections and the holding of general elections in
3327 this state shall apply to and govern the * * * election of state



3328 highway commissioners. The state highway commissioners so elected
3329 shall enter upon the discharge of the duties of their respective
3330 offices on the first Monday of January in the year next succeeding
3331 the date of their election, and they shall serve for a term of
3332 four (4) years and until their successors shall have been duly
3333 elected and qualified.

3334 If any one or more of the state highway commissioners elected
3335 under the provisions of this chapter shall die, resign or be
3336 removed from office, the Governor shall fill the vacancy by
3337 appointment for the unexpired term, provided such unexpired term
3338 shall not exceed twelve (12) months. If * * * the unexpired
3339 term * * * exceeds twelve (12) months, the Governor shall, within
3340 fifteen (15) days from the date of such vacancy, by proclamation
3341 duly made, call an election in the Supreme Court district in
3342 which * * * the vacancy exists, to be held within sixty (60) days
3343 from the date of the issuance of * * * the proclamation, at which
3344 election a state highway commissioner shall be elected to fill
3345 such vacancy for the remaining portion of such unexpired term.
3346 Such special election shall be held in the manner provided for
3347 holding general elections in this state, as far as practicable.

3348 Each of * * * the state highway commissioners, before
3349 entering upon the discharge of the duties of his or her office,
3350 shall take and subscribe the oath of office required of other
3351 state officials and shall execute bond in the sum of Fifty
3352 Thousand Dollars (\$50,000.00), with some surety company authorized



3353 to do business in this state as surety, conditioned for the
3354 faithful performance of the duties of his or her office and for
3355 the faithful and true accounting of all funds or monies or
3356 property coming into his or her hands by virtue of * * * the
3357 office, and conditioned further that all such funds, monies and
3358 property will be expended and used by him or her only for purposes
3359 authorized by law, * * * the bond to be approved by the Governor
3360 or Attorney General and to be filed in the Office of the Secretary
3361 of State. The premium on such bonds shall be paid out of the
3362 funds of the Mississippi Department of Transportation.

3363 From and after July 1, 1992, the State Highway Commission
3364 shall be the Mississippi Transportation Commission and the members
3365 thereof shall be the Mississippi transportation commissioners.

3366 **SECTION 82.** Section 79-19-21, Mississippi Code of 1972, is
3367 amended as follows:

3368 79-19-21. The affairs of the association shall be managed by
3369 a board of not less than five (5) directors, elected by the
3370 members or stockholders from their own number and shall have all
3371 rights and powers as provided for under the general corporation
3372 laws of this state, and such other powers as may be necessary to
3373 the proper execution of provisions of this chapter. The bylaws
3374 may provide that the territory in which the association has
3375 members shall be divided into districts and that the directors
3376 shall be elected according to such districts. In such case the
3377 bylaws shall specify the number of directors to be elected by each



3378 district, the manner and method of reapportioning the directors
3379 and of redistricting the territory covered by the association.
3380 The bylaws may provide that * * * preferential elections should be
3381 held in each district to elect the directors apportioned to such
3382 districts and the result of all such * * * preferential elections
3383 must be ratified by the next regular meeting of the association or
3384 may be considered final as to the association.

3385 The bylaws may provide that one or more directors may be
3386 appointed by the president of Mississippi State University of
3387 Agriculture and Applied Science or such other public official,
3388 commission, association or board as may be indicated by such
3389 bylaws. * * * The directors shall represent primarily the
3390 interest of the general public in such associations. The director
3391 or directors so appointed need not be members or stockholders of
3392 the association, but shall have the same powers and rights as
3393 other directors. * * * The directors shall not number more than
3394 one-fifth (1/5) of the entire number of directors.

3395 The directors of an association may provide a fair
3396 remuneration for the time actually spent by its officers,
3397 directors and employees in its service. No director, during the
3398 term of his or her office, shall be a party to a contract for
3399 profit with the association, differing in any way from the
3400 business relations accorded regular members or holders of common
3401 stock of the association.



3402 The bylaws may provide for an executive committee and may
3403 allot to * * * the committee all the functions and powers of the
3404 board of directors, subject to the general direction and control
3405 of the board.

3406 When a vacancy on the board of directors occurs, other than
3407 by expiration of term, the remaining members of the board, by a
3408 majority vote, shall fill the vacancy unless the bylaws provide
3409 for an election of directors by districts. In such a case the
3410 board of directors shall immediately call a special election to be
3411 voted in by the members or stockholders in that district to fill
3412 the vacancy.

3413 **SECTION 83.** Section 79-19-27, Mississippi Code of 1972, is
3414 amended as follows:

3415 79-19-27. Any member may bring charges against an officer or
3416 director by filing them in writing with the secretary of the
3417 association, together with a petition signed by ten percent (10%)
3418 of the members, requesting the removal of the officer or director
3419 in question. The removal shall be voted upon at the next regular
3420 or special meeting of the association and, by a vote of a majority
3421 of the members, the association may remove the officer or director
3422 and fill the vacancy. The director or officer against whom such
3423 charges have been brought shall be informed in writing of the
3424 charges * * * before the meeting and shall have an opportunity at
3425 the meeting to be heard in person or by counsel and to present
3426 witnesses; and the person or persons bringing charges against him



3427 or her shall have the same opportunity. But * * * the officer or
3428 director may be suspended by a vote of two-thirds (2/3) of the
3429 directors, pending the hearing of such charges.

3430 In case the bylaws provide for election of directors by
3431 districts with * * * preferential elections in each district, then
3432 the petition for removal of a director must be signed by twenty
3433 percent (20%) of the members residing in the district from which
3434 he or she was elected. The board of directors must call a special
3435 meeting of the members residing in that district to consider the
3436 removal of the director. By a vote of the majority of the members
3437 of that district, the director in question shall be removed from
3438 office.

3439 **SECTION 84.** Section 95-1-5, Mississippi Code of 1972, is
3440 amended as follows:

3441 95-1-5. (1) Before any civil action is brought for
3442 publication, in a newspaper domiciled and published in this state
3443 or authorized to do business in Mississippi so as to be subject to
3444 the jurisdiction of the courts of this state, of a libel, or
3445 against any radio or television station domiciled in this state,
3446 the plaintiff shall, at least ten (10) days before instituting any
3447 such action, serve notice in writing on the defendant at its
3448 regular place of business, specifying the article, broadcast or
3449 telecast, and the statements therein, which he or she alleges to
3450 be false and defamatory.



3451 (2) If it appears upon the trial that * * * the article was
3452 published, broadcast or telecast in good faith, that its falsity
3453 was due to an honest mistake of the facts, and there were
3454 reasonable grounds for believing that the statements in * * * the
3455 article, broadcast or telecast were true, and that within ten (10)
3456 days after the service of * * * the notice a full and fair
3457 correction, apology and retraction was published in the same
3458 edition or corresponding issues of the newspaper in which * * *
3459 the article appeared, and in as conspicuous place and type as
3460 was * * * the original article, or was broadcast or telecast under
3461 like conditions correcting an honest mistake, and if the jury
3462 shall so find, the plaintiff in such case shall recover only
3463 actual damages. The burden of proof of the foregoing facts shall
3464 be affirmative defenses of the defendant and pled as such.

3465 (3) This section shall not apply to any publication
3466 concerning a candidate for public office made within ten (10) days
3467 of any * * * preferential, general or special election in which
3468 such candidate's candidacy for or election to public office is to
3469 be determined, and this section shall not apply to any editorial
3470 or to any regularly published column in which matters of opinions
3471 are expressed.

3472 **SECTION 85.** Section 97-13-35, Mississippi Code of 1972, is
3473 amended as follows:

3474 97-13-35. * * * Any person who * * * votes at * * * an
3475 election, not being legally qualified, or who * * * votes in more



3476 than one (1) county, or at more than one (1) place in any county
3477 or in any city, town, or village entitled to separate
3478 representation, or who * * * votesu out of the district of his or
3479 her legal domicile, * * * shall, upon conviction, be imprisoned in
3480 the county jail not more than one (1) year, or be fined not more
3481 than One Thousand Dollars (\$1,000.00), or both.

3482 * * *

3483 **SECTION 86.** Section 23-15-575, Mississippi Code of 1972, is
3484 brought forward as follows:

3485 23-15-575. No person shall vote or attempt to vote in the
3486 primary election of one (1) party when he or she has voted on the
3487 same date in the primary election of another party. No person
3488 shall vote or attempt to vote in the second primary election of
3489 one (1) party when he or she has voted in the first primary
3490 election of another party.

3491 **SECTION 87.** Section 23-15-171, Mississippi Code of 1972,
3492 which provides for the dates of municipal primary elections, is
3493 repealed.

3494 **SECTION 88.** Section 23-15-191, Mississippi Code of 1972,
3495 which provides for the date of state, district and county primary
3496 elections, is repealed.

3497 **SECTION 89.** Sections 23-15-263, 23-15-265, 23-15-267,
3498 23-15-291, 23-15-293, 23-15-295, 23-15-296, 23-15-297, 23-15-299,
3499 23-15-301, 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311,
3500 23-15-317, 23-15-319, 23-15-331, 23-15-333 and 23-15-335,



3501 Mississippi Code of 1972, which provide for the duties of the
3502 state executive committee and county executive committees in
3503 primary elections, provide for the qualification of candidates for
3504 party primary elections, and provide for the conduct of party
3505 primary elections, are repealed.

3506 **SECTION 90.** Sections 23-15-359, 23-15-361 and 23-15-363,
3507 Mississippi Code of 1972, which provide for the contents of
3508 general election ballots, are repealed.

3509 **SECTION 91.** Sections 23-15-597 and 23-15-599, Mississippi
3510 Code of 1972, which provide for the canvass of returns and
3511 announcement of vote by the county executive committees in primary
3512 elections, and require the state executive committee to transmit
3513 to the Secretary of State a tabulated statement of the party vote
3514 for certain offices, are repealed.

3515 **SECTION 92.** Sections 23-15-921, 23-15-923, 23-15-925,
3516 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
3517 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
3518 procedures for contests of primary elections, are repealed.

3519 **SECTION 93.** Section 23-15-1031, Mississippi Code of 1972,
3520 which provides for the date of primary elections for Congressmen
3521 and United States Senators, is repealed.

3522 **SECTION 94.** Section 23-15-1063, Mississippi Code of 1972,
3523 which prohibits unregistered political parties from conducting
3524 primary elections, is repealed.



3525 **SECTION 95.** Section 23-15-1083, Mississippi Code of 1972,
3526 which requires that certain congressional primaries be held on the
3527 same day as the presidential preference primary, is repealed.

3528 **SECTION 96.** Sections 1 through 17 of this act shall be
3529 codified as new sections in Chapter 15, Title 23, Mississippi Code
3530 of 1972.

3531 **SECTION 97.** This act shall take effect and be in force from
3532 and after July 1, 2018.

