

By: Representative McNeal

To: Apportionment and
Elections

HOUSE BILL NO. 688

1 AN ACT TO AUTHORIZE ANY COUNTY OR MUNICIPALITY TO HOLD AN
2 ELECTION ON THE QUESTION OF PERMITTING NONPARTISAN PREFERENTIAL
3 ELECTIONS OR RETAINING PARTISAN PRIMARY ELECTIONS; TO PROVIDE THE
4 METHOD FOR CONDUCTING THE NONPARTISAN PREFERENTIAL ELECTION IF
5 VOTED BY THE COUNTY OR MUNICIPALITY; TO PROVIDE THAT COUNTY AND
6 MUNICIPAL OFFICES SHALL BE NONPARTISAN; TO PROVIDE DEFINITIONS FOR
7 SUCH ACT; TO PROVIDE WHEN A CANDIDATE SHALL FILE THEIR INTENT AND
8 THE AMOUNT OF FEES APPLICABLE FOR SUCH OFFICE; TO PROVIDE HOW THE
9 NAMES OF THE CANDIDATES SHALL BE GROUPED ON A BALLOT; TO PROVIDE
10 THE PROCEDURE WHEN TWO OR MORE CANDIDATES QUALIFY FOR COUNTY OR
11 MUNICIPAL OFFICE; TO PROVIDE THAT THE OFFICE OF ELECTION
12 COMMISSIONER SHALL BE A NONPARTISAN OFFICE; TO AMEND SECTION
13 23-15-297, MISSISSIPPI CODE OF 1972, TO REMOVE COUNTY OFFICES FROM
14 FEE REQUIREMENTS FOR PARTY NOMINATION; TO AMEND SECTION 23-15-299,
15 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTION; TO
16 AMEND SECTION 21-7-7, MISSISSIPPI CODE OF 1972, TO REMOVE THE
17 PROVISION OF LAW THAT PROVIDES FOR THE PARTY NOMINATION OF A
18 MAYOR; TO PROVIDE FOR CERTAIN AMENDMENT TO THE ELECTION LAWS FOR
19 COUNTY AND MUNICIPAL ELECTIONS IF THE QUESTION ON CONDUCTING
20 NONPARTISAN PREFERENTIAL ELECTIONS PASSES; TO AMEND SECTIONS
21 23-15-291, 23-15-153, 23-15-367, 23-15-713, 23-15-213, 21-8-7,
22 21-15-1, 23-15-21, 23-15-31, 23-15-173, 23-15-313, 23-15-507,
23 23-15-885, 23-15-511, 23-15-673 AND 23-15-911, MISSISSIPPI CODE OF
24 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; TO REPEAL SECTION
25 23-15-171, MISSISSIPPI CODE OF 1972, WHICH PROVIDES THE PROCEDURE
26 FOR MUNICIPAL PRIMARY ELECTIONS; AND FOR RELATED PURPOSES.

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

28 **SECTION 1.** A county or municipality may, at an election held
29 for the purpose under the election laws applicable to such county
30 or municipality, of determining whether to permit a county or



31 municipality to conduct nonpartisan preferential elections for
32 local county or municipal elections or require that a county or
33 municipality continue to conduct partisan primary elections and
34 not conduct nonpartisan preferential elections for local county or
35 municipal elections. An election to determine whether such
36 nonpartisan preferential elections shall be permitted in counties
37 and municipalities wherein county and municipal offices are
38 elected at partisan primary elections shall be ordered by the
39 county boards of supervisors or the municipal governing
40 authorities upon the presentation of a petition to such boards of
41 supervisors or governing authorities containing the names of at
42 least ten percent (10%) of the duly qualified voters of such
43 county or municipality asking for the election. In like manner,
44 an election to determine whether such county or municipality shall
45 be required to conduct partisan primary elections and not conduct
46 nonpartisan preferential elections for local county or municipal
47 elections shall be ordered by the county boards of supervisors or
48 municipal governing authorities upon the presentation of a
49 petition to such boards of supervisors or governing authorities
50 containing the names of at least ten percent (10%) of the duly
51 qualified voters of such county or municipality asking for the
52 election. No election on either question shall be held by any one
53 (1) county or municipality more often than once in two (2) years.

54 Thirty (30) days' notice shall be given to the qualified
55 electors of such county or municipality, in the manner prescribed



56 by law, upon the question of either permitting nonpartisan
57 preferential elections or requiring retention of partisan primary
58 elections, and the notice shall contain a statement of the
59 question to be voted on at the election. The ballots to be used
60 in the election shall have the following words printed thereon:
61 "For conducting nonpartisan preferential elections for county and
62 municipal elected offices" and the words "Against conducting
63 nonpartisan preferential elections for county and municipal
64 elected offices" next below. In marking his or her ballot the
65 voter shall make a cross (X) opposite the words of his or her
66 choice.

67 If in the election a majority of the qualified electors in
68 the county or municipality voting in the election shall vote "for
69 conducting nonpartisan preferential elections," then the county
70 board of supervisors or municipal governing authorities shall pass
71 the necessary order permitting nonpartisan preferential elections
72 for the county or municipal elected offices. If in the election a
73 majority of the qualified electors in the county or municipality
74 voting in the election shall vote "against conducting nonpartisan
75 preferential elections," then the county board of supervisors or
76 municipal governing authorities shall pass the necessary order
77 requiring retention of partisan primary elections for the county
78 or municipal elected offices.

79 **SECTION 2.** (1) Upon a majority vote of the qualified
80 electors of a county, a county office shall be a nonpartisan



81 office and a candidate for election to a county office is
82 prohibited from campaigning or qualifying for such an office based
83 on party affiliation. No committee, political party, or political
84 committee affiliated with a political party shall engage in
85 fund-raising, make any contribution, or endorse any candidate or
86 officeholder of a nonpartisan county office, or the political
87 committee of a candidate or officeholder of a nonpartisan county
88 office. No candidate, candidate's political committee, or
89 officeholder of a nonpartisan county office shall accept a
90 contribution from any committee, political party, or political
91 committee affiliated with a political party.

92 (2) Except as otherwise provided by this act, the general
93 laws for election in this state shall apply to and govern the
94 election for county offices.

95 **SECTION 3.** (1) For purposes of this act, the following
96 words shall have the meanings provided herein, unless the context
97 clearly indicates otherwise:

98 (a) "Preferential county election" means an election
99 held for the purpose of determining those candidates for county
100 offices whose names will be placed on the general or regular
101 election ballot. Any person who meets the qualifications as a
102 candidate for a county office may be a candidate in the
103 preferential county election without regard to party affiliation
104 or lack of party affiliation.



105 (b) "General election" or "regular election" means an
106 election held as provided by law in Chapter 15, Title 23,
107 Mississippi Code of 1972, for the purpose of determining which
108 candidate shall be elected to office.

109 (2) All qualified electors of the State of Mississippi,
110 without regard to party affiliation or lack of party affiliation,
111 shall be qualified to vote for candidates for nomination for
112 county office.

113 **SECTION 4.** (1) All candidates for county office shall file
114 their intent to be a candidate with the proper officials no later
115 than 5:00 p.m. sixty (60) days before any general or regular
116 election and pay the proper officials the following amounts:

117 (a) Candidates for district attorney, not to exceed Two
118 Hundred Fifty Dollars (\$250.00);

119 (b) Candidates for sheriff, chancery clerk, circuit
120 clerk, tax assessor, tax collector, county attorney, county
121 superintendent of education and board of supervisors, the sum of
122 One Hundred Dollars (\$100.00); and

123 (c) Candidates for county surveyor, county coroner,
124 justice court judge and constable, the sum of One Hundred Dollars
125 (\$100.00).

126 (2) No person shall be denied a place upon the ballot for
127 any office for which he or she desires to be a candidate because
128 of an inability to pay the assessment set out above.



129 (3) Candidates for county office shall file their intent to
130 be a candidate with, and pay the proper assessment made pursuant
131 to subsection (1) of this section to the circuit clerk of the
132 county. The circuit clerk shall notify the county election
133 commissioners of all persons who have filed their intent to be a
134 candidate with, and paid the proper assessment to, the clerk,
135 within two (2) business days.

136 **SECTION 5.** (1) The names of candidates for county office
137 which appear on the ballot at the general election shall be
138 grouped together on a separate portion of the ballot, clearly
139 identified as nonpartisan county elections.

140 (2) The names of all candidates for county office shall be
141 listed in alphabetical order on any ballot and no reference to
142 political party affiliation shall appear on any ballot with
143 respect to any nonpartisan county office or candidate.

144 (3) The name of an unopposed candidate for county office
145 shall be placed on the general election ballot.

146 **SECTION 6.** If two (2) or more candidates qualify for county
147 office, the names of those candidates shall be placed on the
148 general election ballot. If any candidate for such an office
149 receives a majority of the votes cast for the office in the
150 general election, he or she shall be declared elected. If no
151 candidate for the office receives a majority of the votes cast for
152 the office in the general election, the names of the two (2)
153 candidates receiving the highest number of votes for the office



154 shall be placed on the ballot for a second election to be held
155 three (3) weeks later in accordance with appropriate procedures
156 followed in other runoff elections.

157 **SECTION 7.** (1) Upon a majority vote of the qualified
158 electors of a municipality, a municipal office is a nonpartisan
159 office and a candidate for election thereto is prohibited from
160 campaigning or qualifying for such an office based on party
161 affiliation. In order to ensure that campaigns for nonpartisan
162 municipal offices remain nonpartisan and without any connection to
163 a political party, political parties and any committee or
164 political committee affiliated with a political party shall not
165 engage in fundraising on behalf of a candidate or officeholder of
166 a nonpartisan municipal office, and a political party or any
167 committee or political committee affiliated with a political party
168 shall not make any contribution to a candidate for nonpartisan
169 municipal office or the political committee of a candidate for
170 nonpartisan county office, and a political party or any committee
171 or political committee affiliated with a political party publicly
172 shall not endorse any candidate for nonpartisan municipal office.
173 No candidate or candidate's political committee for nonpartisan
174 municipal office shall accept a contribution from a political
175 party or any committee or political committee affiliated with a
176 political party.



177 (2) Except as otherwise provided by this act, the general
178 laws for election shall apply to and govern the election for
179 municipal offices.

180 **SECTION 8.** (1) For purposes of this act, the following
181 words shall have the meaning provided herein unless the context
182 shall otherwise require:

183 (a) "Preferential municipal election" means an election
184 held for the purpose of determining those candidates for municipal
185 offices whose names will be placed on the general or regular
186 election ballot. Any person who meets the qualifications as a
187 candidate for a municipal office may be a candidate in the
188 preferential municipal election without regard to party
189 affiliation or lack of party affiliation.

190 (b) "General election" or "regular election" means an
191 election held as provided by law in Chapter 15, Title 23,
192 Mississippi Code of 1972, for the purpose of determining which
193 candidate shall be elected to office.

194 (2) All qualified electors of the State of Mississippi,
195 without regard to party affiliation or lack of party affiliation,
196 shall be qualified to vote for candidates for municipal office.

197 **SECTION 9.** (1) The names of candidates for municipal office
198 which appear on the ballot at the general election shall be
199 grouped together on a separate portion of the ballot, clearly
200 identified as nonpartisan municipal elections.



201 (2) The names of all candidates for a municipal office shall
202 be listed in alphabetical order on the ballot and no reference to
203 political party affiliation shall appear on the ballot with
204 respect to a nonpartisan municipal office or candidate.

205 (3) The name of an unopposed candidate for municipal office
206 shall be placed on the general election ballot.

207 **SECTION 10.** If two (2) or more candidates qualify for
208 municipal office, the names of those candidates shall be placed on
209 the general election ballot. If any candidate for such an office
210 receives a majority of the votes cast for such office in the
211 general election, he or she shall be declared elected. If no
212 candidate for the office receives a majority of the votes cast for
213 the office in the general election, the names of the two (2)
214 candidates receiving the highest number of votes for the office
215 shall be placed on the ballot for a second election to be held
216 three (3) weeks later in accordance with appropriate procedures
217 followed in other elections involving runoff candidates.

218 **SECTION 11.** Upon a majority vote of the qualified electors
219 in a county or municipality at an election for the purpose under
220 the election laws applicable to such county or municipality, to
221 either permit a county or municipality to conduct nonpartisan
222 preferential elections for local county or municipal elections or
223 require that a county or municipality continue to conduct partisan
224 primary elections and not conduct nonpartisan preferential
225 elections for local county or municipal elections, Sections



226 23-15-291, 23-15-153, 23-15-367, 23-15-713, 23-15-213, 21-8-7,
227 21-15-1, 23-15-21, 23-15-31, 23-15-173, 23-15-313, 23-15-507,
228 23-15-885, 23-15-511, 23-15-673 and 23-15-911, shall be amended as
229 provided in this act and Section 23-15-171 shall be repealed as
230 provided in this act to conform to the results of the majority
231 vote of the qualified electors in a county or municipality to
232 conduct nonpartisan preferential elections.

233 During the first legislative session that convenes after a
234 majority of the qualified electors of a county or municipality
235 vote to conduct nonpartisan preferential elections for the county
236 or municipal elected offices, the Legislature shall conform the
237 necessary sections of law.

238 **SECTION 12.** Section 23-15-297, Mississippi Code of 1972, is
239 amended as follows:

240 23-15-297. All candidates upon entering the race for party
241 nominations for office shall first pay to the proper officer as
242 provided for in Section 23-15-299 for each primary election and
243 all independent candidates and special election candidates shall
244 pay to the proper officer as provided for in Section 23-15-299 the
245 following amounts:

246 (a) Candidates for Governor, One Thousand Dollars
247 (\$1,000.00).

248 (b) Candidates for Lieutenant Governor, Attorney
249 General, Secretary of State, State Treasurer, Auditor of Public
250 Accounts, Commissioner of Insurance, Commissioner of Agriculture



251 and Commerce, State Highway Commissioner and State Public Service
252 Commissioner, Five Hundred Dollars (\$500.00).

253 (c) Candidates for * * * State Senator and State
254 Representative, Two Hundred Fifty Dollars (\$250.00).

255 * * *

256 (* * * d) Candidates for United States Senator, One
257 Thousand Dollars (\$1,000.00).

258 (* * * e) Candidates for United States Representative,
259 Five Hundred Dollars (\$500.00).

260 **SECTION 13.** Section 23-15-299, Mississippi Code of 1972, is
261 amended as follows:

262 23-15-299. (1) (a) Assessments made pursuant to paragraphs
263 (a) * * * and (b) * * * of Section 23-15-297 shall be paid by each
264 candidate who seeks a nomination in the political party election
265 to the secretary of the state executive committee with which the
266 candidate is affiliated by 5:00 p.m. on March 1 of the year in
267 which the primary election for the office is held or on the date
268 of the qualifying deadline provided by statute for the office,
269 whichever is earlier; however, no such assessments may be paid
270 before January 1 of the year in which the primary election for the
271 office is held. If March 1 or the date of the qualifying deadline
272 provided by statute for the office occurs on a Saturday, Sunday or
273 legal holiday, then the assessments required to be paid by this
274 paragraph (1)(a) shall be paid by 5:00 p.m. on the business day
275 immediately following the Saturday, Sunday or legal holiday.



276 (b) Assessments made pursuant to paragraphs (a) * * *
277 and (b) * * * of Section 23-15-297 shall be paid by each
278 independent candidate or special election candidate to the
279 Secretary of State by 5:00 p.m. on March 1 of the year in which
280 the primary election for the office is held or on the date of the
281 qualifying deadline provided by statute for the office, whichever
282 is earlier; however, no such assessments may be paid before
283 January 1 of the year in which the primary election for the office
284 is held. If March 1 or the date of the qualifying deadline
285 provided by statute for the office occurs on a Saturday, Sunday or
286 legal holiday, then the assessments required to be paid by this
287 paragraph (1)(b) shall be paid by 5:00 p.m. on the business day
288 immediately following the Saturday, Sunday or legal holiday.

289 (2) (a) Assessments made pursuant to * * * paragraph (c) of
290 Section 23-15-297, shall be paid by each candidate who seeks a
291 nomination in the political party election to the circuit clerk of
292 that candidate's county of residence by 5:00 p.m. on March 1 of
293 the year in which the primary election for the office is held or
294 on the date of the qualifying deadline provided by statute for the
295 office, whichever is earlier; however, no such assessments may be
296 paid before January 1 of the year in which the election for the
297 office is held. If March 1 or the date of the qualifying deadline
298 provided by statute for the office occurs on a Saturday, Sunday or
299 legal holiday, then the assessments required to be paid by this
300 paragraph (2)(a) shall be paid by 5:00 p.m. on the business day



301 immediately following the Saturday, Sunday or legal holiday. The
302 circuit clerk shall forward the fee and all necessary information
303 to the secretary of the proper county executive committee within
304 two (2) business days. No candidate may attempt to qualify with
305 any political party that does not have a duly organized county
306 executive committee, and the circuit clerk shall not accept any
307 assessments paid for nonlegislative offices pursuant to paragraphs
308 (d) and (e) of Section 23-15-297 if the circuit clerk does not
309 have contact information for the secretary of the county executive
310 committee for that political party.

311 (b) Assessments made pursuant to * * * paragraph (c) of
312 Section 23-15-297 shall be paid by each independent candidate or
313 special election candidate to the circuit clerk of that
314 candidate's county of residence by 5:00 p.m. on March 1 of the
315 year in which the primary election for the office is held or on
316 the date of the qualifying deadline provided by statute for the
317 office, whichever is earlier; however, no such assessments may be
318 paid before January 1 of the year in which the primary election
319 for the office is held. If March 1 or the date of the qualifying
320 deadline provided by statute for the office occurs on a Saturday,
321 Sunday or legal holiday, then the assessments required to be paid
322 by this paragraph (2)(b) shall be paid by 5:00 p.m. on the
323 business day immediately following the Saturday, Sunday or legal
324 holiday. The circuit clerk shall forward the fee and all



325 necessary information to the secretary of the proper county
326 election commission within two (2) business days.

327 (3) (a) Assessments made pursuant to paragraphs * * * (d)
328 and * * * (e) of Section 23-15-297 must be paid by each candidate
329 who seeks a nomination in the political party election to the
330 secretary of the state executive committee with which the
331 candidate is affiliated by 5:00 p.m. sixty (60) days before the
332 presidential preference primary in years in which a presidential
333 preference primary is held; however, no such assessments may be
334 paid before January 1 of the year in which the primary election
335 for the office is held. Assessments made pursuant to
336 paragraphs * * * (d) and * * * (e) of Section 23-15-297, in years
337 when a presidential preference primary is not being held, shall be
338 paid by each candidate who seeks a nomination in the political
339 party election to the secretary of the state executive committee
340 with which the candidate is affiliated by 5:00 p.m. on March 1 of
341 the year in which the primary election for the office is held;
342 however, no such assessments may be paid before January 1 of the
343 year in which the primary election for the office is held. If
344 sixty (60) days before the presidential preference primary in
345 years in which a presidential preference primary is held, March 1,
346 or the date of the qualifying deadline provided by statute for the
347 office occurs on a Saturday, Sunday or legal holiday, then the
348 assessments required to be paid by this paragraph (3)(a) shall be



349 paid by 5:00 p.m. on the business day immediately following the
350 Saturday, Sunday or legal holiday.

351 (b) Assessments made pursuant to paragraphs * * * (d)
352 and * * * (e) of Section 23-15-297 must be paid by each
353 independent candidate or special election candidate to the
354 Secretary of State by 5:00 p.m. sixty (60) days before the
355 presidential preference primary in years in which a presidential
356 preference primary is held; however, no such assessments may be
357 paid before January 1 of the year in which the primary election
358 for the office is held. Assessments made pursuant to
359 paragraphs * * * (d) and * * * (e) of Section 23-15-297, in years
360 when a presidential preference primary is not being held, shall be
361 paid by each independent candidate or special election candidate
362 to the Secretary of State by 5:00 p.m. on March 1 of the year in
363 which the primary election for the office is held; however, no
364 such assessments may be paid before January 1 of the year in which
365 the primary election for the office is held. If sixty (60) days
366 before the presidential preference primary in years in which a
367 presidential preference primary is held, March 1, or the date of
368 the qualifying deadline provided by statute for the office occurs
369 on a Saturday, Sunday or legal holiday, then the assessments
370 required to be paid by this paragraph (3) (b) shall be paid by 5:00
371 p.m. on the business day immediately following the Saturday,
372 Sunday or legal holiday.



373 (4) (a) The fees paid pursuant to subsections (1), (2) and
374 (3) of this section shall be accompanied by a written statement
375 containing the name and address of the candidate, the party with
376 which he or she is affiliated, if applicable, the email address of
377 the candidate, if any, and the office for which he or she is a
378 candidate.

379 (b) The state executive committee shall transmit to the
380 Secretary of State a copy of the written statements accompanying
381 the fees paid pursuant to subsections (1) and (2) of this section.
382 All copies must be received by the Office of the Secretary of
383 State by not later than 6:00 p.m. on the date of the qualifying
384 deadline; provided, however, the failure of the Office of the
385 Secretary of State to receive such copies by 6:00 p.m. on the date
386 of the qualifying deadline shall not affect the qualification of a
387 person who pays the required fee and files the required statement
388 by 5:00 p.m. on the date of the qualifying deadline. The name of
389 any person who pays the required fee and files the required
390 statement after 5:00 p.m. on the date of the qualifying deadline
391 shall not be placed on the primary election ballot or the general
392 election ballot.

393 (5) The Secretary of State or the secretary or circuit clerk
394 to whom such payments are made shall promptly receipt for same
395 stating the office for which the candidate making payment is
396 running and the political party with which he or she is
397 affiliated, if applicable, and he or she shall keep an itemized



398 account in detail showing the exact time and date of the receipt
399 of each payment received by him or her and, where applicable, the
400 date of the postmark on the envelope containing the fee and from
401 whom, and for what office the party paying same is a candidate.

402 (6) The secretaries of the proper executive committee shall
403 hold the funds to be finally disposed of by order of their
404 respective executive committees. The funds may be used or
405 disbursed by the executive committee receiving same to pay all
406 necessary traveling or other necessary expenses of the members of
407 the executive committee incurred in discharging their duties as
408 committee members, and of their secretary and may pay the
409 secretary such salary as may be reasonable. The Secretary of
410 State shall deposit any qualifying fees received from candidates
411 into the Elections Support Fund established in Section 23-15-5.

412 (7) Upon receipt of the proper fee and all necessary
413 information, the proper executive committee or the Secretary of
414 State, whichever is applicable, shall then determine at the time
415 of the qualifying deadline, unless otherwise provided by law,
416 whether each candidate is a qualified elector of the state, state
417 district, county or county district which they seek to serve, and
418 whether each candidate meets all other qualifications to hold the
419 office he or she is seeking or presents absolute proof that he or
420 she will, subject to no contingencies, meet all qualifications on
421 or before the date of the general or special election at which he
422 or she could be elected to office. The proper executive committee



423 or the Secretary of State, whichever is applicable, shall
424 determine whether the candidate has taken the steps necessary to
425 qualify for more than one (1) office at the election. The
426 committee or the Secretary of State, whichever is applicable,
427 shall also determine whether any candidate has been convicted of
428 any felony in a court of this state, or has been convicted on or
429 after December 8, 1992, of any offense in another state which is a
430 felony under the laws of this state, or has been convicted of any
431 felony in a federal court on or after December 8, 1992. Excepted
432 from the above are convictions of manslaughter and violations of
433 the United States Internal Revenue Code or any violations of the
434 tax laws of this state unless the offense also involved misuse or
435 abuse of his or her office or money coming into his or her hands
436 by virtue of the office. If the proper executive committee or the
437 Secretary of State, whichever is applicable, finds that a
438 candidate either (a) is not a qualified elector, (b) does not meet
439 all qualifications to hold the office he or she seeks and fails to
440 provide absolute proof, subject to no contingencies, that he or
441 she will meet the qualifications on or before the date of the
442 general or special election at which he or she could be elected,
443 or (c) has been convicted of a felony as described in this
444 subsection, and not pardoned, then the executive committee shall
445 notify the candidate and give the candidate an opportunity to be
446 heard. The executive committee shall mail notice to the candidate
447 at least three (3) business days before the hearing to the address



448 provided by the candidate on the qualifying forms, and the
449 committee shall attempt to contact the candidate by telephone,
450 email and facsimile if the candidate provided this information on
451 the forms. If the candidate fails to appear at the hearing or to
452 prove that he or she meets all qualifications to hold the office
453 subject to no contingencies, then the name of that candidate shall
454 not be placed upon the ballot. If the proper executive committee
455 or the Secretary of State, whichever is applicable, determines
456 that the candidate has taken the steps necessary to qualify for
457 more than one (1) office at the election, the action required by
458 Section 23-15-905, shall be taken.

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

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

466 **SECTION 14.** Section 21-7-7, Mississippi Code of 1972, is
467 amended as follows:

468 21-7-7. The governing body of any such municipality shall be
469 a council, known and designated as such, consisting of seven (7)
470 members. One (1) of the members shall be the mayor, having the
471 qualifications as prescribed by Section 21-3-9, who shall have
472 full rights, powers and privileges of other councilmen. The mayor



473 shall be * * * elected at large; the remaining councilmen shall
474 be * * * elected one (1) from each ward into which the city shall
475 be divided. However, if the city be divided into less than six
476 (6) wards, the remaining councilmen shall be * * * elected at
477 large. The councilmen, including the mayor, shall be elected for
478 a term of four (4) years to serve until their successors are
479 elected and qualified in accordance with the provisions of Section
480 21-11-7, * * * the term commencing on the first Monday of January
481 after the municipal election first following the adoption of the
482 form of government as provided by this chapter.

483 The compensation for the members of the council shall, for
484 the first four (4) years of operation, under this chapter, be
485 fixed by the * * * mayor and board of aldermen holding
486 office * * * before the change in form of government. Thereafter
487 the amount of compensation for each * * * member may be increased
488 or decreased by the council, by council action taken * * * before
489 the election of members thereof for the ensuing term, such action
490 to become effective with the ensuing terms.

491 **SECTION 15.** Section 23-15-291, Mississippi Code of 1972, is
492 amended as follows:

493 23-15-291. All nominations for state and district * * *
494 officers made by the different parties of this state shall be made
495 by primary elections. All primary elections shall be governed and
496 regulated by the election laws of the state in force at the time
497 the primary election is held.



498 **SECTION 16.** Section 23-15-153, Mississippi Code of 1972, is
499 amended as follows:

500 23-15-153. (1) At least during the following times, the
501 election commissioners shall meet at the office of the registrar
502 or the office of the election commissioners to carefully revise
503 the county voter roll as electronically maintained by the
504 Statewide Elections Management System and remove from the roll the
505 names of all voters who have requested to be purged from the voter
506 roll, died, received an adjudication of non compos mentis, been
507 convicted of a disenfranchising crime, or otherwise become
508 disqualified as electors for any cause, and shall register the
509 names of all persons who have duly applied to be registered but
510 have been illegally denied registration:

511 (a) On the Tuesday after the second Monday in January
512 1987 and every following year;

513 (b) On the first Tuesday in the month immediately
514 preceding the first primary election for members of Congress in
515 the years when members of Congress are elected;

516 (c) On the first Monday in the month immediately
517 preceding the first primary election for state * * * and state
518 district legislative * * * offices in the years in which those
519 offices are elected; * * *

520 (d) On the second Monday of September preceding the
521 general election or regular special election day in years in which
522 a general election is not conducted * * * ; and



523 (e) On the first Monday in the month immediately
524 preceding the first preferential election for county or municipal
525 office in the years in which those offices are elected.

526 Except for the names of those voters who are duly qualified
527 to vote in the election, no name shall be permitted to remain in
528 the Statewide Elections Management System; however, no name shall
529 be purged from the Statewide Elections Management System based on
530 a change in the residence of an elector except in accordance with
531 procedures provided for by the National Voter Registration Act of
532 1993. Except as otherwise provided by Section 23-15-573, no
533 person shall vote at any election whose name is not in the county
534 voter roll electronically maintained by the Statewide Elections
535 Management System.

536 (2) Except as provided in this section, and subject to the
537 following annual limitations, the election commissioners shall be
538 entitled to receive a per diem in the amount of Eighty-four
539 Dollars (\$84.00), to be paid from the county general fund, for
540 every day or period of no less than five (5) hours accumulated
541 over two (2) or more days actually employed in the performance of
542 their duties in the conduct of an election or actually employed in
543 the performance of their duties for the necessary time spent in
544 the revision of the county voter roll as electronically maintained
545 by the Statewide Elections Management System as required in
546 subsection (1) of this section:



547 (a) In counties having less than fifteen thousand
548 (15,000) residents according to the latest federal decennial
549 census, not more than fifty (50) days per year, with no more than
550 fifteen (15) additional days allowed for the conduct of each
551 election in excess of one (1) occurring in any calendar year;

552 (b) In counties having fifteen thousand (15,000)
553 residents according to the latest federal decennial census but
554 less than thirty thousand (30,000) residents according to the
555 latest federal decennial census, not more than seventy-five (75)
556 days per year, with no more than twenty-five (25) additional days
557 allowed for the conduct of each election in excess of one (1)
558 occurring in any calendar year;

559 (c) In counties having thirty thousand (30,000)
560 residents according to the latest federal decennial census but
561 less than seventy thousand (70,000) residents according to the
562 latest federal decennial census, not more than one hundred (100)
563 days per year, with no more than thirty-five (35) additional days
564 allowed for the conduct of each election in excess of one (1)
565 occurring in any calendar year;

566 (d) In counties having seventy thousand (70,000)
567 residents according to the latest federal decennial census but
568 less than ninety thousand (90,000) residents according to the
569 latest federal decennial census, not more than one hundred
570 twenty-five (125) days per year, with no more than forty-five (45)



571 additional days allowed for the conduct of each election in excess
572 of one (1) occurring in any calendar year;

573 (e) In counties having ninety thousand (90,000)
574 residents according to the latest federal decennial census but
575 less than one hundred seventy thousand (170,000) residents
576 according to the latest federal decennial census, not more than
577 one hundred fifty (150) days per year, with no more than
578 fifty-five (55) additional days allowed for the conduct of each
579 election in excess of one (1) occurring in any calendar year;

580 (f) In counties having one hundred seventy thousand
581 (170,000) residents according to the latest federal decennial
582 census but less than two hundred thousand (200,000) residents
583 according to the latest federal decennial census, not more than
584 one hundred seventy-five (175) days per year, with no more than
585 sixty-five (65) additional days allowed for the conduct of each
586 election in excess of one (1) occurring in any calendar year;

587 (g) In counties having two hundred thousand (200,000)
588 residents according to the latest federal decennial census but
589 less than two hundred twenty-five thousand (225,000) residents
590 according to the latest federal decennial census, not more than
591 one hundred ninety (190) days per year, with no more than
592 seventy-five (75) additional days allowed for the conduct of each
593 election in excess of one (1) occurring in any calendar year;

594 (h) In counties having two hundred twenty-five thousand
595 (225,000) residents according to the latest federal decennial



596 census but less than two hundred fifty thousand (250,000)
597 residents according to the latest federal decennial census, not
598 more than two hundred fifteen (215) days per year, with no more
599 than eighty-five (85) additional days allowed for the conduct of
600 each election in excess of one (1) occurring in any calendar year;

601 (i) In counties having two hundred fifty thousand
602 (250,000) residents according to the latest federal decennial
603 census but less than two hundred seventy-five thousand (275,000)
604 residents according to the latest federal decennial census, not
605 more than two hundred thirty (230) days per year, with no more
606 than ninety-five (95) additional days allowed for the conduct of
607 each election in excess of one (1) occurring in any calendar year;

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

614 (3) In addition to the number of days authorized in
615 subsection (2) of this section, the board of supervisors of a
616 county may authorize, in its discretion, the election
617 commissioners to receive a per diem in the amount provided for in
618 subsection (2) of this section, to be paid from the county general
619 fund, for every day or period of no less than five (5) hours
620 accumulated over two (2) or more days actually employed in the



621 performance of their duties in the conduct of an election or
622 actually employed in the performance of their duties for the
623 necessary time spent in the revision of the county voter roll as
624 electronically maintained by the Statewide Elections Management
625 System as required in subsection (1) of this section, for not to
626 exceed five (5) days.

627 (4) (a) The election commissioners shall be entitled to
628 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
629 to be paid from the county general fund, not to exceed ten (10)
630 days for every day or period of no less than five (5) hours
631 accumulated over two (2) or more days actually employed in the
632 performance of their duties for the necessary time spent in the
633 revision of the county voter roll as electronically maintained by
634 the Statewide Elections Management System before any special
635 election. For purposes of this paragraph, the regular special
636 election day shall not be considered a special election. The
637 annual limitations set forth in subsection (2) of this section
638 shall not apply to this paragraph.

639 (b) The election commissioners shall be entitled to
640 receive a per diem in the amount of One Hundred Fifty Dollars
641 (\$150.00), to be paid from the county general fund, for the
642 performance of their duties on the day of any general or special
643 election. The annual limitations set forth in subsection (2) of
644 this section shall apply to this paragraph.



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

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

658 (7) In preparation for a municipal primary, runoff, general
659 or special election, the county registrar shall generate and
660 distribute the master voter roll and pollbooks from the Statewide
661 Elections Management System for the municipality located within
662 the county. The municipality shall pay the county registrar for
663 the actual cost of preparing and printing the municipal master
664 voter roll pollbooks. A municipality may secure "read only"
665 access to the Statewide Elections Management System and print its
666 own pollbooks using this information.

667 (8) County election commissioners who perform the duties of
668 an executive committee with regard to the conduct of a primary
669 election under a written agreement authorized by law to be entered



670 into with an executive committee shall receive per diem as
 671 provided for in subsection (2) of this section. The days that
 672 county election commissioners are employed in the conduct of a
 673 primary election shall be treated the same as days county election
 674 commissioners are employed in the conduct of other elections.

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

679 (10) Every election commissioner shall sign personally a
 680 certification setting forth the number of hours actually worked in
 681 the performance of the commissioner's official duties and for
 682 which the commissioner seeks compensation. The certification must
 683 be on a form as prescribed in this subsection. The commissioner's
 684 signature is, as a matter of law, made under the commissioner's
 685 oath of office and under penalties of perjury.

686 The certification form shall be as follows:

687 **COUNTY ELECTION COMMISSIONER**

688 **PER DIEM CLAIM FORM**

689 NAME: _____ COUNTY: _____

690 ADDRESS: _____ DISTRICT: _____

691 CITY: _____ ZIP: _____

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



695 _____
696 _____
697 _____

698 TOTAL NUMBER OF PER DIEM DAYS EARNED
699 EXCLUDING ELECTION DAYS _____
700 PER DIEM RATE PER DAY EARNED X \$84.00
701 TOTAL NUMBER PER DIEM DAYS EARNED
702 FOR ELECTION DAYS _____
703 PER DIEM RATE PER DAY EARNED X \$150.00
704 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

710 Signed this the _____ day of _____, ____.

711 _____
712 Commissioner's Signature

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

718 Any person may contest the accuracy of the certification in
719 any respect by notifying the chair of the commission, any member



720 of the board of supervisors or the clerk of the board of
721 supervisors of the contest at any time before or after payment is
722 made. If the contest is made before payment is made, no payment
723 shall be made as to the contested certificate until the contest is
724 finally disposed of. The person filing the contest shall be
725 entitled to a full hearing, and the clerk of the board of
726 supervisors shall issue subpoenas upon request of the contestor
727 compelling the attendance of witnesses and production of documents
728 and things. The contestor shall have the right to appeal de novo
729 to the circuit court of the involved county, which appeal must be
730 perfected within thirty (30) days from a final decision of the
731 commission, the clerk of the board of supervisors or the board of
732 supervisors, as the case may be.

733 Any contestor who successfully contests any certification
734 will be awarded all expenses incident to his or her contest,
735 together with reasonable attorney's fees, which will be awarded
736 upon petition to the chancery court of the involved county upon
737 final disposition of the contest before the election commission,
738 board of supervisors, clerk of the board of supervisors, or, in
739 case of an appeal, final disposition by the court. The
740 commissioner against whom the contest is decided shall be liable
741 for the payment of the expenses and attorney's fees, and the
742 county shall be jointly and severally liable for same.

743 (11) Any election commissioner who has not received a
744 certificate issued by the Secretary of State pursuant to Section



745 23-15-211 indicating that the election commissioner has received
746 the required elections seminar instruction and that the election
747 commissioner is fully qualified to conduct an election, shall not
748 receive any compensation authorized by this section or Section
749 23-15-239.

750 **SECTION 17.** Section 23-15-367, Mississippi Code of 1972, is
751 amended as follows:

752 23-15-367. (1) Except as otherwise provided by Sections
753 23-15-974 through 23-15-985, Sections 1 through 11 of this act,
754 and subsection (2) of this section, the size, print and quality of
755 paper of the official ballot is left to the discretion of the
756 officer charged with printing the official ballot.

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

759 (a) Candidates, electors or delegates for the following
760 national offices:

761 (i) President;

762 (ii) United States Senator or United States
763 Representative;

764 (b) Candidates for the following statewide office:
765 Governor, Lieutenant Governor, Secretary of State, Attorney
766 General, State Treasurer, Auditor of Public Accounts, Commissioner
767 of Agriculture and Commerce, Commissioner of Insurance;



768 (c) Candidates for the following state district
769 offices: Mississippi Transportation Commissioner, Public Service
770 Commissioner, District Attorney;

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

773 (e) Candidates for countywide office;

774 (f) Candidates for county district office.

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

782 (3) It is the duty of the Secretary of State, with the
783 approval of the Governor, to furnish the designated election
784 commissioner of each county a sample of the official ballot, not
785 less than fifty-five (55) days before the election, the general
786 form of which shall be followed as nearly as practicable.

787 **SECTION 18.** Section 23-15-713, Mississippi Code of 1972, is
788 amended as follows:

789 23-15-713. For the purpose of this subarticle, any duly
790 qualified elector may vote as provided in this subarticle if
791 he * * * or she falls within the following categories:



792 (a) Any qualified elector who is a bona fide student,
793 teacher or administrator at any college, university, junior
794 college, high, junior high, or elementary grade school whose
795 studies or employment at such institution necessitates his or her
796 absence from the county of his or her voting residence on the date
797 of any * * * election, or the spouse and dependents of the
798 student, teacher or administrator if the spouse or dependent(s)
799 maintain a common domicile, outside of the county of his or her
800 voting residence, with the student, teacher or administrator.

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

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

809 (d) Any person who has a temporary or permanent
810 physical disability and who, because of such disability, is unable
811 to vote in person without substantial hardship to himself, herself
812 or others, or whose attendance at the voting place could
813 reasonably cause danger to himself, herself or others.

814 (e) The parent, spouse or dependent of a person with a
815 temporary or permanent physical disability who is hospitalized
816 outside of his or her county of residence or more than fifty (50)



817 miles distant from his or her residence, if the parent, spouse or
818 dependent will be with such person on election day.

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

821 (g) Any member of the Mississippi congressional
822 delegation absent from Mississippi on election day, and the spouse
823 and dependents of such member of the congressional delegation.

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

827 **SECTION 19.** Section 23-15-213, Mississippi Code of 1972, is
828 amended as follows:

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

830 23-15-213. (1) At the general election in 2020 and every
831 four (4) years thereafter, there shall be elected five (5)
832 election commissioners for each county whose terms of office shall
833 commence on the first Monday of January following their election
834 and who shall serve for a term of four (4) years. Each of the
835 commissioners shall be required to attend a training seminar
836 provided by the Secretary of State and satisfactorily complete a
837 skills assessment, and before acting, shall take and subscribe the
838 oath of office prescribed by the Constitution. The oath shall be
839 filed in the office of the clerk of the chancery court. Upon
840 filing the oath of office, the election commissioner may be
841 provided access to the Statewide Elections Management System for



842 the purpose of performing his or her duties. While engaged in
843 their duties, the commissioners shall be conservators of the peace
844 in the county, with all the duties and powers of such.

845 (2) The qualified electors of each supervisors district
846 shall elect, at the general election in 2020, in their district
847 one (1) election commissioner. The election commissioners from
848 board of supervisors' Districts One, Three and Five shall serve
849 for a term of four (4) years. The election commissioners from
850 board of supervisors' Districts Two and Four shall serve for a
851 term of six (6) years. No more than one (1) commissioner shall be
852 a resident of and reside in each supervisors district of the
853 county; it being the purpose of this section that the county board
854 of election commissioners shall consist of one (1) person from
855 each supervisors district of the county and that each commissioner
856 be elected from the supervisors district in which he or she
857 resides.

858 (3) Candidates for county election commissioner shall
859 qualify by filing with the clerk of the board of supervisors of
860 their respective counties a petition personally signed by not less
861 than fifty (50) qualified electors of the supervisors district in
862 which they reside, requesting that they be a candidate, by 5:00
863 p.m. not later than the first Monday in June of the year in which
864 the election occurs and unless the petition is filed within the
865 required time, their names shall not be placed upon the ballot.
866 All candidates shall declare in writing their party affiliation,



867 if any, to the board of supervisors, and such party affiliation
868 shall be shown on the * * * ballot. The ballots for the
869 nonpartisan office of county election commissioner shall be
870 prepared as provided for nonpartisan county and municipal
871 preferential elections.

872 (4) The petition shall have attached thereto a certificate
873 of the county registrar showing the number of qualified electors
874 on each petition, which shall be furnished by the registrar on
875 request. The board shall determine the sufficiency of the
876 petition, and if the petition contains the required number of
877 signatures and is filed within the time required, the president of
878 the board shall verify that the candidate is a resident of the
879 supervisors district in which he or she seeks election and that
880 the candidate is otherwise qualified as provided by law, and shall
881 certify that the candidate is qualified to the chair or secretary
882 of the county election commission and the names of the candidates
883 shall be placed upon the ballot for the ensuing election. No
884 county election commissioner shall serve or be considered as
885 elected until he or she has received a majority of the votes cast
886 for the position or post for which he or she is a candidate. If a
887 majority vote is not received in the first election, then the two
888 (2) candidates receiving the most votes for each position or post
889 shall be placed upon the ballot for a second election to be held
890 three (3) weeks later in accordance with appropriate procedures
891 followed in other elections involving runoff candidates.



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

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

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

899 23-15-213. (1) There shall be elected five (5) election
900 commissioners for each county whose terms of office shall commence
901 on the first Monday of January following their election and who
902 shall serve for a term of four (4) years. Each of the
903 commissioners shall be required to attend a training seminar
904 provided by the Secretary of State and satisfactorily complete a
905 skills assessment, and before acting, shall take and subscribe the
906 oath of office prescribed by the Constitution. The oath shall be
907 filed in the office of the clerk of the chancery court. Upon
908 filing the oath of office, the election commissioner may be
909 provided access to the Statewide Elections Management System for
910 the purpose of performing his or her duties. While engaged in
911 their duties, the commissioners shall be conservators of the peace
912 in the county, with all the duties and powers of such.

913 (2) (a) At the general election in 2032 and every four (4)
914 years thereafter, the qualified electors of the board of
915 supervisors' Districts One, Three and Five shall elect in their
916 district one (1) election commissioner.



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

921 (c) No more than one (1) commissioner shall be a
922 resident of and reside in each supervisors district of the county;
923 it being the purpose of this section that the county board of
924 election commissioners shall consist of one (1) person from each
925 supervisors district of the county and that each commissioner be
926 elected from the supervisors district in which he or she resides.

927 (3) Candidates for county election commissioner shall
928 qualify by filing with the clerk of the board of supervisors of
929 their respective counties a petition personally signed by not less
930 than fifty (50) qualified electors of the supervisors district in
931 which they reside, requesting that they be a candidate, by 5:00
932 p.m. not later than the first Monday in June of the year in which
933 the election occurs and unless the petition is filed within the
934 required time, their names shall not be placed upon the ballot.
935 All candidates shall declare in writing their party affiliation,
936 if any, to the board of supervisors, and such party affiliation
937 shall be shown on the * * * ballot. The ballots for the
938 nonpartisan office of county election commissioner shall be
939 prepared as provided for nonpartisan county and municipal
940 preferential elections.



941 (4) The petition shall have attached thereto a certificate
942 of the county registrar showing the number of qualified electors
943 on each petition, which shall be furnished by the registrar on
944 request. The board shall determine the sufficiency of the
945 petition, and if the petition contains the required number of
946 signatures and is filed within the time required, the president of
947 the board shall verify that the candidate is a resident of the
948 supervisors district in which he or she seeks election and that
949 the candidate is otherwise qualified as provided by law, and shall
950 certify that the candidate is qualified to the chair or secretary
951 of the county election commission and the names of the candidates
952 shall be placed upon the ballot for the ensuing election. No
953 county election commissioner shall serve or be considered as
954 elected until he or she has received a majority of the votes cast
955 for the position or post for which he or she is a candidate. If a
956 majority vote is not received in the first election, then the two
957 (2) candidates receiving the most votes for each position or post
958 shall be placed upon the ballot for a second election to be held
959 three (3) weeks later in accordance with appropriate procedures
960 followed in other elections involving runoff candidates.

961 (5) In the first meeting in January of each year, the county
962 election commissioners shall organize by electing a chair and a
963 secretary, who shall serve a one (1) year term. The county
964 election commissioners shall provide the names of the chair and



965 secretary to the Secretary of State and provide notice of any
966 change in officers which may occur during the year.

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

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

972 21-8-7. (1) Each municipality operating under the
973 mayor-council form of government shall be governed by an elected
974 council and an elected mayor. Other officers and employees shall
975 be duly appointed pursuant to this chapter, general law or
976 ordinance.

977 (2) Except as otherwise provided in subsection (4) of this
978 section, the mayor and council members shall be elected by the
979 voters of the municipality at a regular municipal election held on
980 the first Tuesday after the first Monday in June as provided
981 in * * * Sections 1 through 11 of this act, and shall serve for a
982 term of four (4) years beginning on the first day of July next
983 following the election that is not on a weekend.

984 (3) The terms of the initial mayor and council members shall
985 commence at the expiration of the terms of office of the elected
986 officials of the municipality serving at the time of adoption of
987 the mayor-council form.

988 (4) (a) The council shall consist of five (5), seven (7) or
989 nine (9) members. In the event there are five (5) council



990 members, the municipality shall be divided into either five (5) or
991 four (4) wards. In the event there are seven (7) council members,
992 the municipality shall be divided into either seven (7), six (6)
993 or five (5) wards. In the event there are nine (9) council
994 members, the municipality shall be divided into seven (7) or nine
995 (9) wards. If the municipality is divided into fewer wards than
996 it has council members, the other council member or members shall
997 be elected from the municipality at large. The total number of
998 council members and the number of council members elected from
999 wards shall be established by the petition or petitions presented
1000 pursuant to Section 21-8-3. One (1) council member shall be
1001 elected from each ward by the voters of that ward. Council
1002 members elected to represent wards must be residents of their
1003 wards at the time of qualification for election, and any council
1004 member who removes the member's residence from the municipality or
1005 from the ward from which elected shall vacate that office.
1006 However, any candidate for council member who is properly
1007 qualified as a candidate under applicable law shall be deemed to
1008 be qualified as a candidate in whatever ward the member resides if
1009 the ward has changed after the council has redistricted the
1010 municipality as provided in paragraph (c)(ii) of this subsection
1011 (4), and if the wards have been so changed, any person may qualify
1012 as a candidate for council member, using the person's existing
1013 residence or by changing the person's residence, not less than
1014 fifteen (15) days before the * * * preferential municipal election



1015 or special elections, as the case may be, notwithstanding any
1016 other residency or qualification requirements to the contrary.

1017 (b) The council or board existing at the time of the
1018 adoption of the mayor-council form of government shall designate
1019 the geographical boundaries of the wards within one hundred twenty
1020 (120) days after the election in which the mayor-council form of
1021 government is selected. In designating the geographical
1022 boundaries of the wards, each ward shall contain, as nearly as
1023 possible, the population factor obtained by dividing the
1024 municipality's population as shown by the most recent decennial
1025 census by the number of wards into which the municipality is to be
1026 divided.

1027 (c) (i) It shall be the mandatory duty of the council
1028 to redistrict the municipality by ordinance, which ordinance may
1029 not be vetoed by the mayor, within six (6) months after the
1030 official publication by the United States of the population of the
1031 municipality as enumerated in each decennial census, and within
1032 six (6) months after the effective date of any expansion of
1033 municipal boundaries; however, if the publication of the most
1034 recent decennial census or effective date of an expansion of the
1035 municipal boundaries occurs six (6) months or more * * * before
1036 the preferential municipal election a general municipal election,
1037 then the council shall redistrict the municipality by ordinance
1038 not less than sixty (60) days * * * before such preferential
1039 municipal election.



1040 (ii) If the publication of the most recent
1041 decennial census occurs less than six (6) months * * * before the
1042 preferential municipal election of a general municipal election,
1043 the election shall be held with regard to the existing defined
1044 wards; reapportioned wards based on the census shall not serve as
1045 the basis for representation until the next regularly scheduled
1046 election in which council members shall be elected.

1047 (d) If annexation of additional territory into the
1048 municipal corporate limits of the municipality occurs less than
1049 six (6) months * * * before the preferential municipal election of
1050 a general municipal election, the council shall, by ordinance
1051 adopted within three (3) days of the effective date of the
1052 annexation, assign the annexed territory to an adjacent ward or
1053 wards so as to maintain as nearly as possible substantial equality
1054 of population between wards; any subsequent redistricting of the
1055 municipality by ordinance, as required by this chapter, shall not
1056 serve as the basis for representation until the next regularly
1057 scheduled election for municipal council members.

1058 (5) Vacancies occurring in the council shall be filled as
1059 provided in Section 23-15-857.

1060 (6) The mayor shall maintain an office at the city hall.
1061 The council members shall not maintain individual offices at the
1062 city hall; however, in a municipality having a population of one
1063 hundred thousand (100,000) and above according to the latest
1064 federal decennial census, council members may have individual



1065 offices in the city hall. Clerical work of council members in the
1066 performance of the duties of their office shall be performed by
1067 municipal employees or at municipal expense, and council members
1068 shall be reimbursed for the reasonable expenses incurred in the
1069 performance of the duties of their office.

1070 **SECTION 21.** Section 21-15-1, Mississippi Code of 1972, is
1071 amended as follows:

1072 21-15-1. All officers elected at the general municipal
1073 election provided for in * * * Sections 1 through 11 of this act,
1074 shall qualify and enter upon the discharge of their duties on the
1075 first day of July after * * * the general election that is not on
1076 a weekend, and shall hold their offices for a term of four (4)
1077 years and until their successors are duly elected and qualified.

1078 **SECTION 22.** Section 23-15-21, Mississippi Code of 1972, is
1079 amended as follows:

1080 23-15-21. It shall be unlawful for any person who is not a
1081 citizen of the United States or the State of Mississippi to
1082 register or to vote in any * * * election in the state.

1083 **SECTION 23.** Section 23-15-31, Mississippi Code of 1972, is
1084 amended as follows:

1085 23-15-31. All of the provisions of this subarticle shall be
1086 applicable, insofar as possible, to any municipal, primary,
1087 general and special elections; and wherever therein any duty is
1088 imposed or any power or authority is conferred upon the county
1089 registrar, county election commissioners or county executive



1090 committee with reference to a state and county election, such duty
1091 shall likewise be conferred upon the municipal registrar,
1092 municipal election commission or municipal executive committee
1093 with reference to any municipal election.

1094 **SECTION 24.** Section 23-15-173, Mississippi Code of 1972, is
1095 amended as follows:

1096 23-15-173. (1) A general municipal election shall be held
1097 in each city, town or village on the first Tuesday after the first
1098 Monday of June 1985, and every four (4) years thereafter, for the
1099 election of all municipal officers elected by the people.

1100 (2) Except as otherwise provided in Sections 1 through 11 of
1101 this act, all municipal general elections shall be held and
1102 conducted in the same manner as is provided by law for state and
1103 county general elections.

1104 (3) The provisions of Sections 23-15-171 and 23-15-173,
1105 which fix the times to hold primary and general elections, shall
1106 not apply to any municipality operating under a special or private
1107 charter where the governing board or authority thereof, on or
1108 before June 25, 1952, shall have adopted and spread upon its
1109 minutes a resolution or ordinance declining to accept the
1110 provisions, in which event the primary and general elections shall
1111 be held at the time fixed by the charter of the municipality.

1112 **SECTION 25.** Section 23-15-313, Mississippi Code of 1972, is
1113 amended as follows:



1114 23-15-313. (1) If there be any political party, or parties,
1115 in any municipality which shall not have a party executive
1116 committee for such municipality, * * * the political party, or
1117 parties, shall within thirty (30) days of the date for which a
1118 candidate for a municipal office is required to qualify in that
1119 municipality select qualified electors of that municipality and of
1120 that party's political faith to serve on a temporary municipal
1121 executive committee until members of a municipal executive
1122 committee are elected at the next * * * election for executive
1123 committees. The temporary municipal executive committee shall be
1124 selected in the following manner: The * * * chair of the county
1125 executive committee of the party desiring to select a temporary
1126 municipal executive committee shall call, upon petition of five
1127 (5) or more members of that political faith, a mass meeting of the
1128 qualified electors of their political faith who reside in * * *
1129 the municipality to meet at some convenient place within * * * the
1130 municipality, at a time to be designated in the call, and at such
1131 mass convention the members of that political faith shall select a
1132 temporary municipal executive committee which shall serve until
1133 members of a municipal executive committee are elected at the
1134 next * * * election for executive committees. The public shall be
1135 given notice of such mass meeting as provided in Section
1136 23-15-315. The * * * chair of the county executive committee
1137 shall authorize the call within five (5) calendar days of receipt
1138 of the petition. If the * * * chair of the county executive



1139 committee is either incapacitated, unavailable or nonresponsive
1140 and does not authorize the mass call within five (5) calendar days
1141 of receipt of the petition, any elected officer of the county
1142 executive committee may authorize the call within five (5)
1143 calendar days. If no elected officer of the county executive
1144 committee acts to approve such petition after an additional five
1145 (5) calendar days from the date, the chair of the county executive
1146 committee not taking action as provided by this section, the
1147 petitioners shall be authorized to produce the call themselves.

1148 (2) If no municipal executive committee is selected or
1149 otherwise formed before an election, the county executive
1150 committee may serve as the temporary municipal executive committee
1151 and exercise all of the duties of the municipal executive
1152 committee for the municipal election. After a county executive
1153 committee has fulfilled its duties as the temporary municipal
1154 executive committee, as soon as practicable thereafter, the county
1155 executive committee shall select a municipal executive committee
1156 no later than before the next municipal election.

1157 (3) A person who has been convicted of a felony in a court
1158 of this state or any other state or a court of the United States,
1159 shall be barred from serving as a member of a municipal executive
1160 committee.

1161 **SECTION 26.** Section 23-15-507, Mississippi Code of 1972, is
1162 amended as follows:



1163 23-15-507. No OMR equipment shall be acquired or used in
1164 accordance with this chapter unless it shall:

1165 (a) Permit eligible voters to vote at any election for
1166 all persons for whom they are lawfully entitled to vote; to vote
1167 for as many persons for an office as they are lawfully entitled to
1168 vote; to vote for or against any ballot initiative, measure or
1169 other local issue upon which they are lawfully entitled to vote;

1170 (b) The OMR equipment shall be capable of rejecting
1171 choices marked on the ballot if the number of choices exceeds the
1172 number that the voter is entitled to vote for the office or on the
1173 measure;

1174 (c) Permit each voter, in presidential elections, by
1175 one (1) mark to vote for the candidates of that party for
1176 President, Vice President, and their presidential electors, or to
1177 vote individually for the electors of their choice when permitted
1178 by law;

1179 (d) Permit each voter, in other than primary elections,
1180 to vote for the * * * candidates of one or more parties and for
1181 independent candidates;

1182 (e) Permit each voter to vote for candidates only in
1183 the primary in which he or she is qualified to vote;

1184 (f) Permit each voter to vote for persons whose names
1185 are not on the printed ballot;

1186 (g) Be suitably designed for the purpose used, of
1187 durable construction, and may be used safely, efficiently and



1188 accurately in the conduct of elections and the counting of
1189 ballots;

1190 (h) Be provided with means for sealing the ballots
1191 after the close of the polls;

1192 (i) When properly operated, record correctly and count
1193 accurately all votes cast; and

1194 (j) Provide the voter with a set of instructions that
1195 will be displayed in such a way that a voter may readily learn the
1196 method of voting.

1197 **SECTION 27.** Section 23-15-885, Mississippi Code of 1972, is
1198 amended as follows:

1199 23-15-885. The restrictions imposed in Sections 23-15-881
1200 and 23-15-883 shall likewise apply to the mayor and board of
1201 aldermen, or other governing authority, of each municipality, in
1202 the employment of labor for working and maintaining the streets of
1203 the municipality during the four-month period next preceding the
1204 date of holding the preferential election in such municipality for
1205 the election of municipal officers.

1206 **SECTION 28.** Section 23-15-511, Mississippi Code of 1972, is
1207 amended as follows:

1208 23-15-511. The ballots shall, as far as practicable, be in
1209 the same order of arrangement as provided for paper ballots that
1210 are to be counted manually, except that the information may be
1211 printed in vertical or horizontal rows. Nothing in this chapter
1212 shall be construed as prohibiting the information being presented



1213 to the voters from being printed on both sides of a single ballot.
1214 In those years when a special election shall occur on the same day
1215 as the general election, the names of candidates in any special
1216 election and the general election shall be placed on the same
1217 ballot by the election commissioners or officials in charge of the
1218 election, but the general election candidates shall be clearly
1219 distinguished from the special election candidates. At any time a
1220 special election is held on the same day as a party primary
1221 election, the names of the candidates in the special election may
1222 be placed on the same ballot by the officials in charge of the
1223 election, but shall be clearly distinguished as special election
1224 candidates or primary election candidates.

1225 Ballots shall be printed in plain clear type in black ink and
1226 upon clear white materials of such size and arrangement as to be
1227 compatible with the OMR equipment. Absentee ballots shall be
1228 prepared and printed in the same form and shall be on the same
1229 size and texture as the regular official ballots, except that they
1230 shall be printed on tinted paper; or the ink used to print the
1231 ballots shall be of a color different from that of the ink used to
1232 print the regular official ballots. Arrows may be printed on the
1233 ballot to indicate the place to mark the ballot, which may be to
1234 the right or left of the names of candidates and propositions.
1235 Except as provided in Sections 1 through 11 of this act, the
1236 titles of offices may be arranged in vertical columns on the
1237 ballot and shall be printed above or at the side of the names of



1238 candidates so as to indicate clearly the candidates for each
1239 office and the number to be elected. In case there are more
1240 candidates for an office than can be printed in one (1) column,
1241 the ballot shall be clearly marked that the list of candidates is
1242 continued on the following column. Except as provided in Sections
1243 1 through 11 of this act, the names of candidates for each office
1244 shall be printed in vertical columns, grouped by the offices that
1245 they seek. Except as provided in Sections 1 through 11 of this
1246 act, in partisan elections, the party designation of each
1247 candidate, which may be abbreviated, shall be printed following
1248 his or her name.

1249 One (1) sample ballot, which shall be a facsimile of the
1250 official ballot and instructions to the voters, shall be provided
1251 for each precinct and shall be posted in each polling place on
1252 election day.

1253 A separate ballot security envelope or suitable equivalent in
1254 which the voter can place his or her ballot after voting, shall be
1255 provided to conceal the choices the voter has made. Absentee
1256 voters will receive a similar ballot security envelope provided by
1257 the county in which the absentee voter will insert their voted
1258 ballot, which then can be inserted into a return envelope to be
1259 mailed back to the election official. Absentee ballots will not
1260 be required to be folded when a ballot security envelope is
1261 provided.



1262 **SECTION 29.** Section 23-15-673, Mississippi Code of 1972, is
1263 amended as follows:

1264 23-15-673. (1) For the purposes of this subarticle, the
1265 term "absent voter" shall mean and include the following persons
1266 if they are absent from their county of residence and are
1267 otherwise qualified to vote in Mississippi:

1268 (a) Any enlisted or commissioned members, male or
1269 female, of the United States Army, or any of its respective
1270 components or various divisions thereof; any enlisted or
1271 commissioned members, male or female, of the United States Navy,
1272 or any of its respective components or various divisions thereof;
1273 any enlisted or commissioned members, male or female, of the
1274 United States Air Force, or any of its respective components or
1275 various divisions thereof; any enlisted or commissioned members,
1276 male or female, of the United States Marines, or any of its
1277 respective components or various divisions thereof; or any persons
1278 in any division of the armed services of the United States, who
1279 are citizens of Mississippi;

1280 (b) Any member of the Merchant Marine and the American
1281 Red Cross who is a citizen of Mississippi;

1282 (c) Any disabled war veteran who is a patient in any
1283 hospital and who is a citizen of Mississippi;

1284 (d) Any civilian attached to and serving outside of the
1285 United States with any branch of the Armed Forces or with the



1286 Merchant Marine or American Red Cross, and who is a citizen of
1287 Mississippi;

1288 (e) Any trained or certified emergency response
1289 provider who is deployed during the time period authorized by law
1290 for absentee voting, on election day, or during any state of
1291 emergency declared by the President of the United States or any
1292 Governor of any state within the United States;

1293 (f) Any citizen of Mississippi temporarily residing
1294 outside the territorial limits of the United States and the
1295 District of Columbia;

1296 (g) Any citizen of Mississippi enrolled as a student at
1297 the United States Naval Academy, the United States Coast Guard
1298 Academy, the United States Merchant Marine Academy, the United
1299 States Air Force Academy or the United States Military Academy.

1300 (2) The spouse and dependents of any absent voter as set out
1301 in paragraphs (a) through (g) of subsection (1) of this section
1302 shall also be included in the meaning of absent voter and may
1303 register to vote and vote an absentee ballot as provided in this
1304 subarticle if also absent from the county of their residence on
1305 the date of the election and otherwise qualified to vote in
1306 Mississippi.

1307 (3) For the purpose of this subarticle, the term "election"
1308 shall mean and include the following sets of elections: special
1309 and runoff special elections, preferential and general elections
1310 in counties and municipalities, first and second primary elections



1311 or general elections without preferential elections, whichever
1312 system is applicable.

1313 **SECTION 30.** Section 23-15-911, Mississippi Code of 1972, is
1314 amended as follows:

1315 23-15-911. (1) (a) When the returns for a box and the
1316 contents of the ballot box and the conduct of the election have
1317 been canvassed and reviewed by the county election commission in
1318 the case of general elections and preferential elections or the
1319 county executive committee in the case of primary elections, all
1320 the contents of the box required to be placed and sealed in the
1321 ballot box by the poll managers shall be replaced therein by the
1322 election commission or executive committee, as the case may be,
1323 and the box shall be forthwith resealed and delivered to the
1324 circuit clerk, who shall safely keep and secure the same against
1325 any tampering. At any time within twelve (12) days after the
1326 canvass and examination of the box and its contents by the
1327 election commission or executive committee, as the case may be,
1328 any candidate or his or her representative authorized in writing
1329 by him or her shall have the right of full examination of the box
1330 and its contents upon three (3) days' notice of his or her
1331 application therefor served upon the opposing candidates. The
1332 service of notice shall be provided to each opposing candidate by
1333 delivering a copy personally to each candidate, or by performing
1334 two (2) of the following:



1335 (i) By leaving a copy at each candidate's usual
1336 place of residence with a family member, who shall be no less than
1337 sixteen (16) years of age and, who resides in the candidate's
1338 residence;

1339 (ii) By email or other electronic means, with
1340 receipt deemed upon transmission; or

1341 (iii) By mailing a copy of the notice by
1342 registered or certified mail that is addressed to each opposing
1343 candidate at that candidate's residence with receipt deemed
1344 mailing.

1345 (b) If service of notice cannot be made to any opposing
1346 candidate, then notice may be posted on the door of each
1347 candidate's usual place of abode. If any candidate's usual place
1348 of residence is a multi-family dwelling, a copy of the notice must
1349 be mailed to the candidate or candidates by United States
1350 first-class mail, postage prepaid, return receipt requested.
1351 Proof of service of notice upon any opposing candidate shall be
1352 made to the circuit clerk within three (3) days before a full
1353 examination of the ballot box may be conducted.

1354 (c) The examination shall be conducted in the presence
1355 of the circuit clerk or his or her deputy who shall be charged
1356 with the duty to see that none of the contents of the box are
1357 removed from the presence of the clerk or in any way tampered
1358 with. Upon the completion of the examination the box shall be
1359 resealed with all its original contents inside. And if any



1360 contest or complaint before the court shall arise over the box, it
1361 shall be kept intact and sealed until the court hearing and
1362 another ballot box, if necessary, shall be furnished for the
1363 precinct involved.

1364 (2) The provisions of this section allowing the examination
1365 of ballot boxes shall apply in the case of an election contest
1366 regarding the seat of a member of the state Legislature. In such
1367 a case, the results of the examination shall be reported by the
1368 applicable circuit clerk to the Clerk of the House of
1369 Representatives or the Secretary of the Senate, as the case may
1370 be.

1371 **SECTION 31.** Section 23-15-171, Mississippi Code of 1972,
1372 which provides the procedure for municipal primary elections, is
1373 repealed.

1374 **SECTION 32.** Sections 2 through 33 of this act shall take
1375 effect and be in force from and after October 1 of any year in
1376 which the majority of qualified electors in a county or
1377 municipality vote to conduct nonpartisan preferential elections.

1378 **SECTION 33.** This act shall take effect and be in force from
1379 and after October 1, 2018.

