

By: Representative Sanford

To: Apportionment and
Elections

HOUSE BILL NO. 1001

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

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



34 **SECTION 1.** The title of Sections 1 through 7 of this chapter
35 shall be known and may be cited as the "Early Voting Act."

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

39 (a) "Election" means the period of time that is
40 available for casting a final vote. References to the time of an
41 election or the duration of the election shall encompass, unless
42 the context clearly indicates otherwise, the fifteen (15) day
43 period that has been designed for early voting.

44 (b) "Polling place" or "voting precinct" means any
45 place that a qualified elector votes during the early voting
46 period and on the actual election day.

47 **SECTION 3.** During any primary, general, runoff, special or
48 municipal election for public office, any qualified elector may
49 vote:

50 (a) In the elector's assigned precinct on election day;

51 (b) In the office of the registrar in which the elector
52 is registered to voter during the times established in Section 4
53 of this act for early voting; or

54 (c) By a mail-in absentee ballot.

55 **SECTION 4.** (1) The early voting period shall begin fifteen
56 (15) days before the date of each primary, general, runoff,
57 special and municipal election for public office and continue
58 until the end of the last regular business day preceding the



election day. If the date prescribed for beginning the early voting period falls on a Sunday or state holiday, the early voting period shall begin on the next regular business day.

(2) Early voting shall be conducted in the office of the appropriate registrar during regular business hours. If the office space of the registrar is insufficient or inconvenient to accommodate early voting, the registrar may provide an alternate location to conduct early voting, and in such case, adequate notice shall be posted at the registrar's office that informs the public of the location where early voting is being conducted. The registrar may conduct early voting at additional secure polling place outside his or her office. During the last full week preceding an election, the office of the appropriate registrar may extend the office hours to accommodate early voters. All registrar offices shall remain open from 8:00 a.m. until 12:00 p.m. for the two (2) Saturdays immediately preceding each election.

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

SECTION 5. (1) A qualified elector who desires to vote during the early voting period shall appear at the office of the



84 appropriate registrar in the county or municipality in which the
85 elector is registered to vote and shall present an acceptable form
86 of photo identification. Upon verification of the proper location
87 and identity, the elector shall sign the appropriate receipt book
88 and cast his or her vote in the same manner that the vote would be
89 cast on the day of the election. Except as otherwise provided in
90 Sections 1 through 7 of this act, the election laws that govern
91 the procedures for a person who appears to vote on the day of an
92 election shall apply when a person appears to vote during the
93 early voting period.

94 (2) All votes cast during the early voting period shall be
95 final.

96 (3) The votes cast during the early voting period shall be
97 announced simultaneously with all other votes cast on election
98 day.

99 (4) Qualified electors voting during the early voting period
100 shall be entitled to the same voting assistance that they would be
101 entitled to on the actual election day.

102 **SECTION 6.** Each political party, candidate or any
103 representative of a political party or candidate pursuant to
104 Section 23-15-577 shall have the right to be present at the office
105 of the appropriate registrar when it is open for early voting and
106 to challenge the qualifications of any person offering to vote in
107 the same manner as provided by law for challenging qualifications
108 at the polling place on election day.



109 **SECTION 7.** The Secretary of State shall promulgate rules and
110 regulations necessary to effectuate early voting, including
111 measures to inform the public about the availability of early
112 voting.

113 **SECTION 8.** Section 23-15-625, Mississippi Code of 1972, is
114 amended as follows:

115 23-15-625. (1) The registrar shall be responsible for
116 providing applications for absentee voting as provided in this
117 section. At least sixty (60) days * * * before any election in
118 which absentee voting is provided for by law, the registrar shall
119 provide a sufficient number of applications. In the event a
120 special election is called and set at a date * * * that makes it
121 impractical or impossible to prepare applications for absent
122 elector's ballot sixty (60) days * * * before the election, the
123 registrar shall provide applications as soon as practicable after
124 the election is called. The registrar shall fill in the date of
125 the particular election on the application for which the
126 application will be used.

127 (2) The registrar shall be authorized to disburse
128 applications for absentee ballots to any qualified elector within
129 the county where he or she serves. Any person who presents to the
130 registrar an oral or written request for an absentee ballot
131 application for a voter entitled to vote absentee by mail, other
132 than the elector who seeks to vote by absentee ballot, shall, in
133 the presence of the registrar, sign the application and print on



the application his or her name and address and the name of the elector for whom the application is being requested in the place provided for on the application for that purpose. However, if for any reason * * * that person is unable to write the information required, then the registrar shall write the information on a printed form which has been prescribed by the Secretary of State. The form shall provide a place for * * * the person to place his or her mark after the form has been filled out by the registrar.

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

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

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

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

(4) The registrar * * * , upon receiving the envelopes containing the absentee ballots, , shall keep an accurate list of all persons preparing * * * the ballots * * *. The list shall be kept in a conspicuous place accessible to the public near the



entrance to * * * the registrar's office. The registrar shall also furnish to each * * * poll manager a list of the names of all persons in each respective precinct voting absentee ballots to be posted in a conspicuous place at the polling place for public notice. The application on file with the registrar and the envelopes containing the ballots shall be kept by the registrar and deposited in the proper precinct ballot boxes before * * * the boxes are delivered to the election commissioners or poll managers. At the time * * * the boxes are delivered to the election commissioners or poll managers, the registrar shall also turn over a list of all * * * persons who have voted by absentee ballot and whose ballots are in the box.

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

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

SECTION 9. Section 23-15-627, Mississippi Code of 1972, is amended as follows:



23-15-627. The registrar shall be responsible for furnishing an absentee ballot application form to any elector authorized to receive an absentee ballot. Except as otherwise provided in Section 23-15-625, absentee ballot applications shall be furnished to a person only upon the oral or written request of the elector who seeks to vote by absentee ballot; however, the parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for that elector's affairs or agent of the elector, who is designated in writing and witnessed by a resident of this state who shall write his or her physical address on such designation, may orally request an absentee ballot application on behalf of the elector. The written designation shall be valid for one (1) year after the date of the designation. An absentee ballot application must have the seal of the circuit or municipal clerk affixed to it and be initialed by the registrar or his or her deputy in order to be utilized to obtain an absentee ballot. A reproduction of an absentee ballot application shall not be valid unless it is a reproduction provided by the office of the registrar of the jurisdiction in which the election is being held and which contains the seal and initials required by this section. * * *

The application shall be substantially in the following form:

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

I, _____, duly qualified and registered in the ____ Precinct of the County of _____, and State of Mississippi, coming within



207 the purview of the definition 'ABSENT ELECTOR' will be * * *
208 unable to vote in person because (check appropriate reason):

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

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

215 () I am a member of the Merchant Marine or the American Red
216 Cross and am a citizen of Mississippi or spouse or dependent of
217 such member.

218 () I am a disabled war veteran who is a patient in any
219 hospital and am a citizen of Mississippi or spouse or dependent of
220 such veteran.

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

225 () I am a citizen of Mississippi temporarily residing
226 outside the territorial limits of the United States and the
227 District of Columbia.

228 * * *

229 () I * * * am a citizen of Mississippi temporarily residing
230 outside of the county of my residence during the early voting
231 period or on election day.



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

() I have a temporary or permanent physical disability.

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

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

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

* * *

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

Mail 'Absent Elector's Ballot' to me at the following address

_____ * * *.

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

If you are temporarily or permanently disabled, you are not required to have this application notarized or signed by an



257 official authorized to administer oaths for absentee balloting.

258 You are required to sign this application in the proper place and
259 have a person eighteen (18) years of age or older witness your
260 signature and sign this application in the proper place.

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

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

265 _____
266 (Signature of absent elector)

267 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
268 2____.

269 _____
270 (Official authorized to administer oaths
271 for absentee balloting.)

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

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

278 _____
279 (Signature of witness)

280 CERTIFICATE OF DELIVERY



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

285 _____
286 (Signature of person delivering application)

287 _____
288 (Address of person delivering application)"

289 **SECTION 10.** Section 23-15-629, Mississippi Code of 1972, is
290 amended as follows:

291 23-15-629. (1) The application for an absentee ballot of a
292 person who is permanently or temporarily physically disabled shall
293 be accompanied by a statement signed by * * * that person's
294 physician, or nurse practitioner * * *. The statement must show
295 that the person signing the statement is a licensed,
296 practicing * * * physician or nurse practitioner and must indicate
297 that the person applying for the absentee ballot is permanently or
298 temporarily physically disabled to such a degree that it is
299 difficult for him or her to vote in person.

300 (2) An application accompanied by the statement provided for
301 in subsection (1) of this section shall entitle * * * the
302 permanently physically disabled person to automatically receive an
303 absentee ballot for all elections on a continuing basis without
304 the necessity for reapplication. The application accompanied by
305 the statement provided in subsection (1) of this section entitles



the temporarily physically disabled person to receive an absentee ballot by mail for that election and a subsequent corresponding runoff election.

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

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

SECTION 11. Section 23-15-631, Mississippi Code of 1972, is amended as follows:

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

* * *



330 (* * *a) Upon receipt of the enclosed ballot, you will
331 not mark the ballot except in view or sight of the attesting
332 witness. In the sight or view of the attesting witness, mark the
333 ballot according to instructions.

334 (* * *b) After marking the ballot, fill out and sign
335 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that
336 the signature is across the flap of the envelope to ensure the
337 integrity of the ballot. All absent electors shall have the
338 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
339 the flap on the back of the envelope. Place the necessary postage
340 on the envelope and deposit it in the post office or some
341 government receptacle provided for deposit of mail so that the
342 absent elector's ballot * * * will reach the registrar in which
343 your precinct is located not later than 5:00 p.m. on the day * * *
344 before the date of the election.

345 Any notary public, United States postmaster, assistant United
346 States postmaster, United States postal supervisor, clerk in
347 charge of a contract postal station, or other officer having
348 authority to administer an oath or take an acknowledgment may be
349 an attesting witness; provided, however, that in the case of an
350 absent elector who is temporarily or permanently physically
351 disabled, the attesting witness may be any person eighteen (18)
352 years of age or older and * * * that person is not required to
353 have the authority to administer an oath. If a postmaster,
354 assistant postmaster, postal supervisor, or clerk in charge of a



355 contract postal station acts as an attesting witness, his or her
356 signature on the elector's certificate must be authenticated by
357 the cancellation stamp of their respective post offices. If an
358 officer having authority to administer an oath or take an
359 acknowledgement acts as attesting witness, his or her signature on
360 the elector's certificate, together with his or her title and
361 address, but no seal, shall be required. * * *

362 (* * * c) When the application accompanies the ballot
363 it shall not be returned in the same envelope as the ballot but
364 shall be returned in a separate preaddressed envelope provided by
365 the registrar. However, if time permits, the registrar shall
366 first send and receive a returned application from the absent
367 elector before mailing the absentee ballot.

368 (* * * d) A candidate for public office, or the spouse,
369 parent or child of a candidate for public office, may not be an
370 attesting witness for any absentee ballot upon which the
371 candidate's name appears, unless the voter is related within the
372 first degree to the candidate or the spouse, parent or child of
373 the candidate.

374 (* * * e) Any voter casting an absentee ballot who
375 declares that he or she requires assistance to vote by reason of
376 blindness, temporary or permanent physical disability or inability
377 to read or write, shall be entitled to receive assistance in the
378 marking of his or her absentee ballot and in completing the
379 affidavit on the absentee ballot envelope. The voter may be given



380 assistance by anyone of the voter's choice other than a candidate
381 whose name appears on the absentee ballot being marked, the
382 spouse, parent or child of a candidate whose name appears on the
383 absentee ballot being marked, * * * the voter's employer, an agent
384 of that employer, or a union representative; however, a candidate
385 whose name is on the ballot or the spouse, parent or child of such
386 candidate may provide assistance upon request to any voter who is
387 related within the first degree. In order to ensure the integrity
388 of the ballot, any person who provides assistance to an absentee
389 voter shall be required to sign and complete the "Certificate of
390 Person Providing Voter Assistance" on the absentee ballot
391 envelope.

392 (2) The foregoing instructions required to be provided by
393 the registrar to the elector shall also constitute the substantive
394 law pertaining to the handling of absentee ballots by the elector
395 and registrar.

396 * * *

397 **SECTION 12.** Section 23-15-635, Mississippi Code of 1972, is
398 amended as follows:

399 23-15-635. (1) The form of the elector's certificate,
400 attesting witness certification and certificate of person
401 providing voter assistance on the back of the envelope used by
402 absentee voters * * * not absent voters as defined in Section
403 23-15-673, shall be as follows:

404 "ELECTOR'S CERTIFICATE



405 STATE OF _____

406 COUNTY * * * OF _____

407 I, _____, under penalty of perjury do solemnly swear
408 that this envelope contains the ballot marked by me indicating my
409 choice of the candidates or propositions to be submitted at the
410 election to be held on the ____ day of _____, 2____, and I
411 hereby authorize the registrar to place this envelope in the
412 ballot box on my behalf, and I further authorize the * * * poll
413 managers to open this envelope and place my ballot among the other
414 ballots cast before * * * those ballots are counted, and record my
415 name on the poll list as if I were present in person and voted.

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

422 _____
423 (Signature of voter)

424 CERTIFICATE OF ATTESTING WITNESS

425 Under penalty of perjury I affirm that the above named voter
426 personally appeared before me, on this the ____ day of _____,
427 2____, and is known by me to be the person named, and who, after
428 being duly sworn or having affirmed, subscribed the foregoing oath
429 or affirmation. That the voter exhibited to me his or her blank



430 ballot; that the ballot was not marked or voted before the voter
431 exhibited the ballot to me; that the voter was not solicited or
432 advised by me to vote for any candidate, question or issue, and
433 that the voter, after marking his or her ballot, placed it in the
434 envelope, closed and sealed the envelope in my presence, and
435 signed and swore or affirmed the above certificate.

436	_____	_____
437	(Attesting witness)	(Address)
438	_____	_____
439	(Official title)	(City and State)

440 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

441 (* * * If the voter has received assistance in marking * * *
442 his or her absentee ballot, the person who provided assistance
443 shall complete the following form.) I, under penalty of perjury,
444 hereby certify that the above-named voter declared to me that he
445 or she is blind, temporarily or permanently physically disabled,
446 or cannot read or write, and that the voter requested that I
447 assist the voter in marking the enclosed absentee ballot. I
448 hereby certify that the ballot preferences on the enclosed ballot
449 are those communicated by the voter to me, and that I have marked
450 the enclosed ballot in accordance with the voter's instructions.
451 **Penalties for vote fraud are up to five (5) years in prison and a**
452 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
453 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**



to one (1) year in jail and a fine of up to * * * Three Thousand Dollars (\$3,000.00). (Miss. Code. Ann. Section 97-13-37.)

Signature of person providing assistance

Printed name of person providing assistance

Address of person providing assistance

Date and time assistance provided

Family relationship to voter (if any)"

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

SECTION 13. Section 23-15-637, Mississippi Code of 1972, is amended as follows:

23-15-637. * * * Except as otherwise provided by Section 23-15-699, absentee ballots must be received by the registrar by 5:00 p.m. on the date preceding the election day; any received after * * * that time shall be handled as provided in Section 23-15-647 and shall not be counted. * * * The registrar shall



478 deposit all absentee ballots which have been timely cast in the
479 ballot boxes upon receipt.

480 **SECTION 14.** Section 23-15-639, Mississippi Code of 1972, is
481 amended as follows:

482 23-15-639. (1) In elections in which direct recording
483 electronic voting systems are not * * * used, absentee ballots
484 shall be * * * examined and counted as follows:

485 (a) At the close of the time for regular balloting and
486 at the close of the polls, the * * * poll managers of each voting
487 precinct shall first take the envelopes containing the absentee
488 ballots * * * from the box, and the name, address and precinct
489 inscribed on each envelope shall be announced by the * * * poll
490 managers.

491 (b) The poll managers shall then compare the signature
492 on the application * * * with the signature on the back of the
493 envelope. If it corresponds and the affidavit, if one is
494 required, is sufficient and * * * the applicant is a registered
495 and qualified voter or otherwise qualified to vote, and * * * the
496 applicant has not appeared in person and voted at the election,
497 the poll managers shall open the envelope * * * and remove the
498 ballot * * *, without * * * unfolding the ballot, or * * *
499 permitting the ballot to be unfolded or examined.

500 (c) Having observed and found the ballot to be regular
501 as far as can be observed from its official endorsement and before
502 counting any ballots, the * * * poll managers shall deposit * * *



503 the absentee ballot in the ballot box with the other ballots * * *
504 and enter the voter's name in the receipt book provided for that
505 purpose and mark "VOTED" in the pollbook or poll list as if * * *
506 the absentee voter had been present and voted in person. If
507 voting machines are used, all absentee ballots shall be placed in
508 the ballot box before any ballots are counted, and the * * * poll
509 managers in each precinct shall immediately count * * * the
510 absentee ballots and add them to the votes cast in the voting
511 machine or device.

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

515 (a) At the close of the time for regular balloting and
516 at the close of the polls, the * * * poll managers of each voting
517 precinct shall first take the envelopes containing the absentee
518 ballots * * * from the box, and the name, address and precinct
519 inscribed on each envelope shall be announced by the * * * poll
520 managers.

521 (b) The poll managers shall then compare the signature
522 on the application * * * with the signature on the back of the
523 envelope. If it corresponds and the affidavit, if one is
524 required, is sufficient and * * * the applicant is a registered
525 and qualified voter or otherwise qualified to vote, and * * * the
526 applicant has not appeared in person and voted at the election,
527 the poll managers shall mark the unopened envelope * * *



"ACCEPTED" and * * * shall enter the voter's name in the receipt book provided for that purpose and mark "VOTED" in the pollbook or poll list as if * * * the absentee voter had been present and voted in person.

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

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

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

* * *

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

23-15-641. (1) If * * * a required affidavit or the required certificate of the officer before whom the affidavit is taken * * * is * * * insufficient, * * * the signatures do not correspond, * * * the applicant is not a duly qualified elector in



553 the precinct * * * or otherwise qualified to vote, * * * the
554 ballot envelope is open or has been opened and resealed, or the
555 voter is not eligible to vote absentee * * * and has voted within
556 the precinct where he or she represents himself or herself to be a
557 qualified elector * * * on the date of the election * * *, the
558 previously cast vote by absentee ballot shall not be allowed.
559 Without opening the voter's envelope, the * * * poll
560 managers * * * shall mark across its face "REJECTED", with the
561 reason * * * the ballot was rejected noted.

562 (2) If the ballot envelope contains more than one (1) ballot
563 of any kind, the ballot shall not be counted but shall be marked
564 "REJECTED", with the reason * * * the ballot was rejected noted.
565 The voter's envelopes and affidavits, * * * when * * * the vote is
566 rejected, without disturbing the contents of the envelope, shall
567 be retained and preserved in the same manner as other ballots at
568 the election. * * * The votes may be challenged in the same
569 manner and for the same reasons that any other vote cast in * * *
570 the election may be challenged.

571 * * *

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

576 **SECTION 16.** Section 23-15-643, Mississippi Code of 1972, is
577 amended as follows:



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

SECTION 17. Section 23-15-647, Mississippi Code of 1972, is amended as follows:

23-15-647. The registrar shall keep safely and unopened all official absentee ballots * * * that are received * * * after the applicable cutoff period * * *. Upon receipt of * * * the ballot, the registrar shall write the day and hour of the receipt of the ballot on its envelope. All * * * absentee ballots * * * received by the registrar after the cutoff time shall be safely kept unopened by the registrar for the period of time required for the preservation of ballots used in the election, and shall then,



without being opened, be destroyed in like manner as the used ballots of the election.

SECTION 18. Section 23-15-649, Mississippi Code of 1972, is amended as follows:

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

SECTION 19. Section 23-15-657, Mississippi Code of 1972, is amended as follows:

23-15-657. The registrar is authorized to accept requests for absentee ballots by telephone. * * * The registrar shall ascertain the name and complete address of the person making the telephone request and the person for whom the request is being made if different than the requestor and shall print upon the absentee ballot application the name and complete address of the requestor * * * , the relation of * * * that person to the voter if requested by a person other than the voter, the name and complete address of the voter if requested by a person other than the voter and the date * * * the request was made. * * * These requests



628 shall be processed through the Statewide Election Management
629 System.

630 **SECTION 20.** Section 23-15-713, Mississippi Code of 1972, is
631 amended as follows:

632 23-15-713. For the purpose of this subarticle, any duly
633 qualified elector may vote by an absentee ballot to be received by
634 the elector and returned by mail to the registrar of the elector's
635 county of residence as provided in this subarticle if * * * the
636 elector falls within one (1) of the following categories:

637 * * *

638 (* * * a) Any qualified elector who is required to be
639 away from his or her place of residence on any election day due to
640 his or her employment as an employee of a member of the
641 Mississippi congressional delegation and the spouse and dependents
642 of * * * that person if he or she * * * resides with * * * the
643 absentee voter away from the county of the spouse's voting
644 residence * * *;

645 * * *

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

651 (* * * c) The parent, spouse or dependent of a person
652 with a temporary or permanent physical disability who is



653 hospitalized outside of his or her county of residence or more
654 than fifty (50) miles distant from his or her residence, if the
655 parent, spouse or dependent will be with * * * that person during
656 the early voting period or on election day * * *;

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

659 (* * * e) Any member of the Mississippi congressional
660 delegation absent from Mississippi on election day, and the spouse
661 and dependents of * * * the member of the congressional
662 delegation * * *;

663 (* * * f) Any qualified elector who * * * is * * *
664 temporarily residing outside of his or her county of residence
665 during the early voting period or on election day during the times
666 at which the polls will be open.

667 **SECTION 21.** Section 23-15-715, Mississippi Code of 1972, is
668 amended as follows:

669 23-15-715. Any elector described in Section 23-15-713 and
670 desiring an absentee ballot as provided in this subarticle may
671 secure same if * * *, within forty-five (45) days before any
672 election day but not later than seven (7) days before the election
673 day, the elector applies for an absentee ballot as provided in the
674 provisions of this act. * * * All applications, other than those
675 of persons having a temporary or permanent physical disability,
676 shall * * * be sworn to and subscribed before an official who is
677 authorized to administer oaths or other official authorized to



witness absentee balloting as provided in this article. The application must be accompanied by a verifying affidavit as required by this article. The applications of persons having a temporary or permanent physical disability are not required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. * * *

SECTION 22. Section 23-15-717, Mississippi Code of 1972, is amended as follows:

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

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

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



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

* * *

SECTION 24. Section 23-15-721, Mississippi Code of 1972, is
amended as follows:

23-15-721. (1) Electors temporarily residing outside the
county and obtaining an absentee ballot under the provisions of
* * * Section 23-15-715 shall appear before any official
authorized to administer oaths or other official authorized to
witness absentee balloting as provided in this * * * article. The
elector shall exhibit to * * * the official his or her absentee
ballot unmarked and * * * then proceed in secret to fill in * * *
the ballot. After the elector has * * * marked the ballot
and * * * folded it, * * * the elector shall deposit it in the
official envelope * * *. After * * * sealing the envelope * * *
the elector shall deliver it to the official before whom he or she
is appearing and shall subscribe and swear to the elector's
certificate provided for in Section 23-15-635, * * * and that
affidavit shall be printed on the back of the envelope as provided
for in Section 23-15-635 containing the elector's ballot.



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

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

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

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

SECTION 26. Section 23-15-31, Mississippi Code of 1972, is amended as follows:



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

SECTION 27. Section 23-15-37, Mississippi Code of 1972, is amended as follows:

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

(2) The county registrar may keep his or her office open to register voters from 8:00 a.m. until 7:00 p.m., including the noon hour, for the five (5) business days immediately preceding the thirtieth day before any regularly scheduled primary or general election. The county registrar shall also keep his or her office open from 8:00 a.m. until 12:00 noon on the Saturday immediately preceding the thirtieth day before any regularly scheduled primary or general election, unless that Saturday falls on a legal holiday, in which case registration applications submitted on the Monday immediately following the legal holiday shall be accepted and entered in the Statewide Elections Management System for the



777 purpose of enabling such voters to vote in the next primary or
778 general election.

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

785 (4) A person who is physically disabled and unable to visit
786 the office of the registrar to register to vote due to such
787 disability may contact the registrar and request that the
788 registrar or the registrar's deputy visit him or her for the
789 purpose of registering such person to vote. The registrar or the
790 registrar's deputy shall visit that person as soon as possible
791 after such request and provide the person with an application for
792 registration, if necessary. The completed application for
793 registration shall be executed in the presence of the registrar or
794 the registrar's deputy.

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



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

SECTION 28. Section 23-15-43, Mississippi Code of 1972, is amended as follows:

23-15-43. In the event an applicant is not registered, there shall be an automatic review by the county election commissioners under the procedures provided in Sections 23-15-61 through 23-15-79. In addition to the meetings of the election commissioners provided in those sections, the commissioners are required to hold such additional meetings to determine all pending cases of registration on review before the election * * * or early voting period during which the applicant desires to vote.

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

SECTION 29. Section 23-15-47, Mississippi Code of 1972, is amended as follows:

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

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



826 (a) Any qualified elector may register to vote by
827 mailing or delivering a completed mail-in application to his or
828 her county registrar at least thirty (30) days before any election
829 day; however, if the thirtieth day to register before an election
830 falls on a Sunday or legal holiday, the registration applications
831 submitted on the business day immediately following the Sunday or
832 legal holiday shall be accepted and entered into the Statewide
833 Elections Management System for the purpose of enabling voters to
834 vote in the next election. The postmark date of a mailed
835 application shall be the applicant's date of registration.

836 (b) Upon receipt of a mail-in application, the county
837 registrar shall stamp the application with the date of receipt,
838 and shall verify the application either by matching the
839 applicant's Mississippi driver's license number through the
840 Mississippi Department of Public Safety or by matching the
841 applicant's social security number through the American
842 Association of Motor Vehicle Administrators. Within fourteen (14)
843 days of receipt of a mail-in registration application, the county
844 registrar shall complete action on the application, including any
845 attempts to notify the applicant of the status of his or her
846 application.

847 (c) If the county registrar determines that the
848 applicant is qualified and his or her application is legible and
849 complete, the county registrar shall mail the applicant written
850 notification that the application has been approved, specifying



the county voting precinct, municipal voting precinct, if any,
polling place and supervisor district in which the person shall
vote. This written notification of approval containing the
specified information shall be the voter's registration card. The
registration card shall be provided by the county registrar to the
applicant in accordance with Section 23-15-39. Upon entry of the
voter registration information into the Statewide Elections
Management System, the system shall assign a voter registration
number to the applicant. The assigned voter registration number
shall be clearly shown on the written notification of approval.
In mailing the written notification, the county registrar shall
note the following on the envelope: "DO NOT FORWARD". If any
registration notification form is returned as undeliverable, the
voter's registration shall be void.

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

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

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

(iii) The county registrar is unable to determine,
from the address and information stated on the application, the



875 precinct in which the voter should be assigned or the supervisor
876 district in which he or she is entitled to vote;

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

879 (v) The county registrar determines that the
880 applicant is already registered as a qualified elector of the
881 county;

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

884 (e) If the mail-in application of a person is subject
885 to rejection for any of the reasons set forth in paragraph (d)(i)
886 through (iii) of this subsection, and it appears to the county
887 registrar that the defect or omission is of such a minor nature
888 and that any necessary additional information may be supplied by
889 the applicant over the telephone or by further correspondence, the
890 county registrar may write or call the applicant at the telephone
891 number or address, or both, provided on the application. If the
892 county registrar is able to contact the applicant by mail or
893 telephone, the county registrar shall attempt to ascertain the
894 necessary information, and if this information is sufficient for
895 the registrar to complete the application, the applicant shall be
896 registered. If the necessary information cannot be obtained by
897 mail or telephone, or is not sufficient to complete the
898 application within fourteen (14) days of receipt, the county
899 registrar shall give the applicant written notice of the rejection



900 and provide the reason for the rejection. The county registrar
901 shall further inform the applicant that he or she has a right to
902 attempt to register by appearing in person or by filing another
903 mail-in application.

904 (f) If a mail-in application is subject to rejection
905 for the reason stated in paragraph (d)(v) of this subsection and
906 the "present home address" portion of the application is different
907 from the residence address for the applicant found in the
908 Statewide Elections Management System, the mail-in application
909 shall be deemed a written request to update the voter's
910 registration pursuant to Section 23-15-13. The county registrar
911 or the election commissioners shall update the voter's residence
912 address in the Statewide Elections Management System and, if
913 necessary, advise the voter of a change in the location of his or
914 her county or municipal polling place by mailing the voter a new
915 voter registration card.

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

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



924 (b) The Secretary of State shall distribute without
925 charge sufficient forms for application for voter registration by
926 mail to the Commissioner of Public Safety, who shall distribute
927 the forms to each driver's license examining and renewal station
928 in the state, and shall ensure that the forms are regularly
929 available to the public at such stations.

930 (c) Bulk quantities of forms for application for voter
931 registration by mail shall be furnished by the Secretary of State
932 to any person or organization. The Secretary of State shall
933 charge a person or organization the actual cost he or she incurs
934 in providing bulk quantities of forms for application for voter
935 registration to such person or organization.

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

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

943 (7) If the applicant indicates on the application that he or
944 she has previously registered to vote in another county of this
945 state or another state, notice to the voter's previous county of
946 registration in this state shall be provided through the Statewide
947 Elections Management System. If the voter's previous place of



948 registration was in another state, notice shall be provided to the
949 voter's previous state of residence.

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

953 **SECTION 30.** Section 23-15-65, Mississippi Code of 1972, is
954 amended as follows:

955 23-15-65. The board of election commissioners shall meet at
956 the courthouse of its county on the second Monday in September
957 preceding any general election or in a sufficient amount of time
958 to hear appeals before the period for early voting begins, and
959 shall remain in session from day to day, so long as business may
960 require. Three (3) election commissioners shall constitute a
961 quorum to do business; but the concurrence of at least three (3)
962 election commissioners shall be necessary in all cases for the
963 rendition of a decision. The election commissioners shall hear
964 and determine all appeals from the decisions of the registrar of
965 their county, allowing or refusing the applications of electors to
966 be registered; and they shall correct illegal or improper
967 registrations, and shall secure the elective franchise, as
968 affected by registration, to those who may be illegally or
969 improperly denied the same.

970 **SECTION 31.** Section 23-15-127, Mississippi Code of 1972, is
971 amended as follows:



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

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

(3) All laws applicable to the revision of pollbooks now in use shall be applicable to the revision of pollbooks for primary elections, and all rights of voters to be heard and to appeal to the executive committee of his or her party from the action of the election commissioners now provided by law shall be available to



the voter in the revisions of the pollbooks for primary elections provided for in this section.

SECTION 32. Section 23-15-153, Mississippi Code of 1972, is amended as follows:

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

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

(b) On the first Tuesday in the month immediately * * * before the early voting period for the first primary election for members of Congress in the years when members of Congress are elected;

(c) On the first Monday in the month immediately * * * before the early voting period for the first primary election for state, state district legislative, county and county district offices in the years in which those offices are elected; and



1021 (d) On the second Monday of September * * * before the
1022 early voting period for the general election or regular special
1023 election day in years in which a general election is not
1024 conducted.

1025 Except for the names of those voters who are duly qualified
1026 to vote in the election, no name shall be permitted to remain in
1027 the Statewide Elections Management System; however, no name shall
1028 be purged from the Statewide Elections Management System based on
1029 a change in the residence of an elector except in accordance with
1030 procedures provided for by the National Voter Registration Act of
1031 1993. Except as otherwise provided by Section 23-15-573, no
1032 person shall vote at any election whose name is not in the county
1033 voter roll electronically maintained by the Statewide Elections
1034 Management System.

1035 (2) Except as provided in this section, and subject to the
1036 following annual limitations, the election commissioners shall be
1037 entitled to receive a per diem in the amount of Eighty-four
1038 Dollars (\$84.00), to be paid from the county general fund, for
1039 every day or period of no less than five (5) hours accumulated
1040 over two (2) or more days actually employed in the performance of
1041 their duties in the conduct of an election or actually employed in
1042 the performance of their duties for the necessary time spent in
1043 the revision of the county voter roll as electronically maintained
1044 by the Statewide Elections Management System as required in
1045 subsection (1) of this section:



1046 (a) In counties having less than fifteen thousand
1047 (15,000) residents according to the latest federal decennial
1048 census, not more than fifty (50) days per year, with no more than
1049 fifteen (15) additional days allowed for the conduct of each
1050 election in excess of one (1) occurring in any calendar year;

1051 (b) In counties having fifteen thousand (15,000)
1052 residents according to the latest federal decennial census but
1053 less than thirty thousand (30,000) residents according to the
1054 latest federal decennial census, not more than seventy-five (75)
1055 days per year, with no more than twenty-five (25) additional days
1056 allowed for the conduct of each election in excess of one (1)
1057 occurring in any calendar year;

1058 (c) In counties having thirty thousand (30,000)
1059 residents according to the latest federal decennial census but
1060 less than seventy thousand (70,000) residents according to the
1061 latest federal decennial census, not more than one hundred (100)
1062 days per year, with no more than thirty-five (35) additional days
1063 allowed for the conduct of each election in excess of one (1)
1064 occurring in any calendar year;

1065 (d) In counties having seventy thousand (70,000)
1066 residents according to the latest federal decennial census but
1067 less than ninety thousand (90,000) residents according to the
1068 latest federal decennial census, not more than one hundred
1069 twenty-five (125) days per year, with no more than forty-five (45)



1070 additional days allowed for the conduct of each election in excess
1071 of one (1) occurring in any calendar year;

1072 (e) In counties having ninety thousand (90,000)
1073 residents according to the latest federal decennial census but
1074 less than one hundred seventy thousand (170,000) residents
1075 according to the latest federal decennial census, not more than
1076 one hundred fifty (150) days per year, with no more than
1077 fifty-five (55) additional days allowed for the conduct of each
1078 election in excess of one (1) occurring in any calendar year;

1079 (f) In counties having one hundred seventy thousand
1080 (170,000) residents according to the latest federal decennial
1081 census but less than two hundred thousand (200,000) residents
1082 according to the latest federal decennial census, not more than
1083 one hundred seventy-five (175) days per year, with no more than
1084 sixty-five (65) additional days allowed for the conduct of each
1085 election in excess of one (1) occurring in any calendar year;

1086 (g) In counties having two hundred thousand (200,000)
1087 residents according to the latest federal decennial census but
1088 less than two hundred twenty-five thousand (225,000) residents
1089 according to the latest federal decennial census, not more than
1090 one hundred ninety (190) days per year, with no more than
1091 seventy-five (75) additional days allowed for the conduct of each
1092 election in excess of one (1) occurring in any calendar year;

1093 (h) In counties having two hundred twenty-five thousand
1094 (225,000) residents according to the latest federal decennial



1095 census but less than two hundred fifty thousand (250,000)
1096 residents according to the latest federal decennial census, not
1097 more than two hundred fifteen (215) days per year, with no more
1098 than eighty-five (85) additional days allowed for the conduct of
1099 each election in excess of one (1) occurring in any calendar year;

1100 (i) In counties having two hundred fifty thousand
1101 (250,000) residents according to the latest federal decennial
1102 census but less than two hundred seventy-five thousand (275,000)
1103 residents according to the latest federal decennial census, not
1104 more than two hundred thirty (230) days per year, with no more
1105 than ninety-five (95) additional days allowed for the conduct of
1106 each election in excess of one (1) occurring in any calendar year;

1107 (j) In counties having two hundred seventy-five
1108 thousand (275,000) residents according to the latest federal
1109 decennial census or more, not more than two hundred forty (240)
1110 days per year, with no more than one hundred five (105) additional
1111 days allowed for the conduct of each election in excess of one (1)
1112 occurring in any calendar year.

1113 (3) In addition to the number of days authorized in
1114 subsection (2) of this section, the board of supervisors of a
1115 county may authorize, in its discretion, the election
1116 commissioners to receive a per diem in the amount provided for in
1117 subsection (2) of this section, to be paid from the county general
1118 fund, for every day or period of no less than five (5) hours
1119 accumulated over two (2) or more days actually employed in the



1120 performance of their duties in the conduct of an election or
1121 actually employed in the performance of their duties for the
1122 necessary time spent in the revision of the county voter roll as
1123 electronically maintained by the Statewide Elections Management
1124 System as required in subsection (1) of this section, for not to
1125 exceed five (5) days.

1126 (4) (a) The election commissioners shall be entitled to
1127 receive a per diem in the amount of Eighty-four Dollars (\$84.00),
1128 to be paid from the county general fund, not to exceed ten (10)
1129 days for every day or period of no less than five (5) hours
1130 accumulated over two (2) or more days actually employed in the
1131 performance of their duties for the necessary time spent in the
1132 revision of the county voter roll as electronically maintained by
1133 the Statewide Elections Management System before any special
1134 election. For purposes of this paragraph, the regular special
1135 election day shall not be considered a special election. The
1136 annual limitations set forth in subsection (2) of this section
1137 shall not apply to this paragraph.

1138 (b) The election commissioners shall be entitled to
1139 receive a per diem in the amount of One Hundred Fifty Dollars
1140 (\$150.00), to be paid from the county general fund, for the
1141 performance of their duties on the day of any general or special
1142 election. The annual limitations set forth in subsection (2) of
1143 this section shall apply to this paragraph.



1144 (5) The election commissioners shall be entitled to receive
1145 a per diem in the amount of Eighty-four Dollars (\$84.00), to be
1146 paid from the county general fund, not to exceed fourteen (14)
1147 days for every day or period of no less than five (5) hours
1148 accumulated over two (2) or more days actually employed in the
1149 performance of their duties for the necessary time spent in the
1150 revision of the county voter roll as electronically maintained by
1151 the Statewide Elections Management System and in the conduct of a
1152 runoff election following either a general or special election.

1153 (6) The election commissioners shall be entitled to receive
1154 only one (1) per diem payment for those days when the election
1155 commissioners discharge more than one (1) duty or responsibility
1156 on the same day.

1157 (7) In preparation for a municipal primary, runoff, general
1158 or special election, the county registrar shall generate and
1159 distribute the master voter roll and pollbooks from the Statewide
1160 Elections Management System for the municipality located within
1161 the county. The municipality shall pay the county registrar for
1162 the actual cost of preparing and printing the municipal master
1163 voter roll pollbooks. A municipality may secure "read only"
1164 access to the Statewide Elections Management System and print its
1165 own pollbooks using this information.

1166 (8) County election commissioners who perform the duties of
1167 an executive committee with regard to the conduct of a primary
1168 election under a written agreement authorized by law to be entered



1169 into with an executive committee shall receive per diem as
1170 provided for in subsection (2) of this section. The days that
1171 county election commissioners are employed in the conduct of a
1172 primary election shall be treated the same as days county election
1173 commissioners are employed in the conduct of other elections.

1174 (9) In addition to any per diem authorized by this section,
1175 any election commissioner shall be entitled to the mileage
1176 reimbursement rate allowable to federal employees for the use of a
1177 privately owned vehicle while on official travel on election day.

1178 (10) Every election commissioner shall sign personally a
1179 certification setting forth the number of hours actually worked in
1180 the performance of the commissioner's official duties and for
1181 which the commissioner seeks compensation. The certification must
1182 be on a form as prescribed in this subsection. The commissioner's
1183 signature is, as a matter of law, made under the commissioner's
1184 oath of office and under penalties of perjury.

1185 The certification form shall be as follows:

1186 **COUNTY ELECTION COMMISSIONER**

1187 **PER DIEM CLAIM FORM**

1188 NAME: _____ COUNTY: _____

1189 ADDRESS: _____ DISTRICT: _____

1190 CITY: _____ ZIP: _____

1191				PURPOSE	APPLICABLE	ACTUAL	PER DIEM
1192	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
1193	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED



1194 _____
1195 _____
1196 _____

1197 TOTAL NUMBER OF PER DIEM DAYS EARNED

1198 EXCLUDING ELECTION DAYS _____

1199 PER DIEM RATE PER DAY EARNED X \$84.00

1200 TOTAL NUMBER PER DIEM DAYS EARNED

1201 FOR ELECTION DAYS _____

1202 PER DIEM RATE PER DAY EARNED X \$150.00

1203 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1204 I understand that I am signing this document under my oath as
1205 an election commissioner and under penalties of perjury.

1206 I understand that I am requesting payment from taxpayer funds
1207 and that I have an obligation to be specific and truthful as to
1208 the amount of hours worked and the compensation I am requesting.

1209 Signed this the _____ day of _____, ____.

1210 _____

1211 Commissioner's Signature

1212 When properly completed and signed, the certification must be
1213 filed with the clerk of the county board of supervisors before any
1214 payment may be made. The certification will be a public record
1215 available for inspection and reproduction immediately upon the
1216 oral or written request of any person.

1217 Any person may contest the accuracy of the certification in
1218 any respect by notifying the chair of the commission, any member



1219 of the board of supervisors or the clerk of the board of
1220 supervisors of the contest at any time before or after payment is
1221 made. If the contest is made before payment is made, no payment
1222 shall be made as to the contested certificate until the contest is
1223 finally disposed of. The person filing the contest shall be
1224 entitled to a full hearing, and the clerk of the board of
1225 supervisors shall issue subpoenas upon request of the contestor
1226 compelling the attendance of witnesses and production of documents
1227 and things. The contestor shall have the right to appeal de novo
1228 to the circuit court of the involved county, which appeal must be
1229 perfected within thirty (30) days from a final decision of the
1230 commission, the clerk of the board of supervisors or the board of
1231 supervisors, as the case may be.

1232 Any contestor who successfully contests any certification
1233 will be awarded all expenses incident to his or her contest,
1234 together with reasonable attorney's fees, which will be awarded
1235 upon petition to the chancery court of the involved county upon
1236 final disposition of the contest before the election commission,
1237 board of supervisors, clerk of the board of supervisors, or, in
1238 case of an appeal, final disposition by the court. The
1239 commissioner against whom the contest is decided shall be liable
1240 for the payment of the expenses and attorney's fees, and the
1241 county shall be jointly and severally liable for same.

1242 (11) Any election commissioner who has not received a
1243 certificate issued by the Secretary of State pursuant to Section



1244 23-15-211 indicating that the election commissioner has received
1245 the required elections seminar instruction and that the election
1246 commissioner is fully qualified to conduct an election, shall not
1247 receive any compensation authorized by this section or Section
1248 23-15-239.

1249 **SECTION 33.** Section 23-15-171, Mississippi Code of 1972, is
1250 amended as follows:

1251 23-15-171. (1) Except as otherwise provided in Section 4 of
1252 this act, municipal primary elections shall be held on the first
1253 Tuesday in April preceding the general municipal election and, in
1254 the event a second primary shall be necessary, such second primary
1255 shall be held on the fourth Tuesday in April preceding such
1256 general municipal election. The candidate receiving a majority of
1257 the votes cast in the election shall be the party nominee. If no
1258 candidate shall receive a majority vote at the election, the two
1259 (2) candidates receiving the highest number of votes shall have
1260 their names placed on the ballot for the second primary election.
1261 The candidate receiving the most votes cast in the second primary
1262 election shall be the party nominee. However, if no candidate
1263 shall receive a majority vote at the first primary, and there is a
1264 tie in the election of those receiving the next highest vote,
1265 those candidates receiving the next highest vote and the candidate
1266 receiving the highest vote shall have their names placed on the
1267 ballot for the second primary election, and whoever receives the
1268 most votes cast in the second primary election shall be the party



1269 nominee. At the primary election the municipal executive
1270 committee shall perform the same duties as are specified by law
1271 and performed by members of the county executive committee with
1272 regard to state and county primary elections. Each municipal
1273 executive committee shall have as many members as there are
1274 elective officers of the municipality, and the members of the
1275 municipal executive committee of each political party shall be
1276 elected in the primary elections held for the nomination of
1277 candidates for municipal offices. The provisions of this section
1278 shall govern all municipal primary elections as far as applicable,
1279 but the officers to prepare the ballots and the poll managers and
1280 other officials of the primary election shall be appointed by the
1281 municipal executive committee of the party holding the primary,
1282 and the returns of such election shall be made to such municipal
1283 executive committee. Vacancies in the executive committee shall
1284 be filled by it.

1285 (2) Provided, however, that in municipalities operating
1286 under a special or private charter which fixes a time for holding
1287 elections, other than the time fixed by Chapter 491, Laws of 1950,
1288 the first primary election shall be held on the first Tuesday, two
1289 (2) months before the time for holding the general election, as
1290 fixed by the charter, and the second primary election, where
1291 necessary, shall be held three (3) weeks after the first primary
1292 election, unless the charter of any such municipality provides
1293 otherwise, in which event the provisions of the special or private



1294 charter shall prevail as to the time of holding such primary
1295 elections.

1296 (3) All primary elections in municipalities shall be held
1297 and conducted in the same manner as is provided by law for state
1298 and county primary elections.

1299 **SECTION 34.** Section 23-15-173, Mississippi Code of 1972, is
1300 amended as follows:

1301 23-15-173. (1) A general municipal election shall be held
1302 in each city, town or village on the first Tuesday after the first
1303 Monday of June 1985, and every four (4) years thereafter, for the
1304 election of all municipal officers elected by the people. Early
1305 voting for those general municipal elections shall be conducted as
1306 provided in Sections 1 through 7 of this act.

1307 (2) All municipal general elections shall be held and
1308 conducted in the same manner as is provided by law for state and
1309 county general elections.

1310 (3) The provisions of Sections 23-15-171 and 23-15-173,
1311 which fix the times to hold primary and general elections, shall
1312 not apply to any municipality operating under a special or private
1313 charter where the governing board or authority thereof, on or
1314 before June 25, 1952, shall have adopted and spread upon its
1315 minutes a resolution or ordinance declining to accept the
1316 provisions, in which event the primary and general elections shall
1317 be held at the time fixed by the charter of the municipality.



1318 **SECTION 35.** Section 23-15-191, Mississippi Code of 1972, is
1319 amended as follows:

1320 23-15-191. The first primary shall be held on the first
1321 Tuesday after the first Monday of August preceding any regular or
1322 general election; and the second primary shall be held three (3)
1323 weeks thereafter. Early voting for the primary election shall be
1324 conducted as provided for in Sections 1 through 7 of this act.

1325 The candidate that receives a majority of the votes cast in the
1326 election shall be the party nominee. If no candidate receives a
1327 majority vote at the election, then the two (2) candidates who
1328 receive the highest number of votes shall have their names placed
1329 on the ballot for the second primary election to be held three (3)
1330 weeks later. The candidate who receives the most votes in the
1331 second primary election shall be the party nominee. However, if
1332 no candidate receives a majority vote at the first primary, and
1333 there is a tie in the election of those receiving the next highest
1334 vote, then those candidates receiving the next highest vote and
1335 the candidate receiving the highest vote shall have their names
1336 placed on the ballot for the second primary election to be held
1337 three (3) weeks later, and whoever receives the most votes cast in
1338 the second primary election shall be the party nominee.

1339 **SECTION 36.** Section 23-15-195, Mississippi Code of 1972, is
1340 amended as follows:



23-15-195. Except as otherwise provided in Sections 1 through 7 of this act, all elections by the people shall be by ballot, and shall be concluded in one (1) day.

SECTION 37. Section 23-15-197, Mississippi Code of 1972, is amended as follows:

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

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

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

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

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



1365 (6) Times for holding early voting shall be as provided in
1366 Sections 1 through 7 of this act.

1367 **SECTION 38.** Section 23-15-231, Mississippi Code of 1972, is
1368 amended as follows:

1369 23-15-231. Before every election or early voting period, the
1370 election commissioners shall appoint three (3) persons for each
1371 voting precinct to be poll managers, one (1) of whom shall be
1372 designated by the election commissioners as election bailiff. For
1373 general and special elections, the poll managers shall not all be
1374 of the same political party if suitable persons of different
1375 political parties can be found in the district. If any person
1376 appointed shall fail to attend and serve, the poll managers
1377 present, if any, may designate someone to fill his or her place;
1378 and if the election commissioners fail to make the appointments or
1379 in case of the failure of all those appointed to attend and serve,
1380 any three (3) qualified electors present when the polls should be
1381 opened may act as poll managers. Provided, however, any person
1382 appointed to be poll manager or act as poll manager shall be a
1383 qualified elector of the county in which the polling place is
1384 located.

1385 **SECTION 39.** Section 23-15-233, Mississippi Code of 1972, is
1386 amended as follows:

1387 23-15-233. The poll managers shall take care that the
1388 election * * * and the early voting are conducted fairly and
1389 agreeably to law, and they shall be judges of the qualifications



of electors, and may examine, on oath, any person duly registered and offering to vote touching his or her qualifications as an elector, which oath any of the poll managers may administer.

SECTION 40. Section 23-15-239, Mississippi Code of 1972, is amended as follows:

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

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



1415 sufficient number of alternates to serve in the event a poll
1416 manager is unable to serve for any reason.

1417 (2) (a) If it is eligible under Section 23-15-266, the
1418 county executive committee may enter into a written agreement with
1419 the circuit clerk or the county election commission authorizing
1420 the circuit clerk or the county election commission to perform any
1421 of the duties required of the county executive committee pursuant
1422 to this section. Any agreement entered into pursuant to this
1423 subsection shall be signed by the chair of the county executive
1424 committee and the circuit clerk or the chair of the county
1425 election commission, as appropriate. The county executive
1426 committee shall notify the state executive committee and the
1427 Secretary of State of the existence of the agreement.

1428 (b) If it is eligible under Section 23-15-266, the
1429 municipal executive committee may enter into a written agreement
1430 with the municipal clerk or the municipal election commission
1431 authorizing the municipal clerk or the municipal election
1432 commission to perform any of the duties required of the municipal
1433 executive committee pursuant to this section. Any agreement
1434 entered into pursuant to this subsection shall be signed by the
1435 chair of the municipal executive committee and the municipal clerk
1436 or the chair of the municipal election commission, as appropriate.
1437 The municipal executive committee shall notify the state executive
1438 committee and the Secretary of State of the existence of the
1439 agreement.



1440 (3) The board of supervisors and the municipal governing
1441 authority, in their discretion, may compensate poll managers who
1442 attend these training sessions. The compensation shall be at a
1443 rate of not less than the federal hourly minimum wage nor more
1444 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1445 compensated for more than sixteen (16) hours of attendance at the
1446 training sessions regardless of the actual amount of time that
1447 they attended the training sessions.

1448 (4) The time and location of the training sessions required
1449 pursuant to this section shall be announced to the general public
1450 by posting a notice thereof at the courthouse and by delivering a
1451 copy of the notice to the office of a newspaper having general
1452 circulation in the county five (5) days before the date upon which
1453 the training session is to be conducted. Persons who will serve
1454 as poll watchers for candidates and political parties, as well as
1455 members of the general public, shall be allowed to attend the
1456 sessions.

1457 (5) Subject to the following annual limitations, the
1458 election commissioners shall be entitled to receive a per diem in
1459 the amount of Eighty-four Dollars (\$84.00), to be paid from the
1460 county general fund, for every day or period of no less than five
1461 (5) hours accumulated over two (2) or more days actually employed
1462 in the performance of their duties for the necessary time spent in
1463 conducting training sessions as required by this section:



1464 (a) In counties having less than fifteen thousand
1465 (15,000) residents according to the latest federal decennial
1466 census, not more than five (5) days per year;

1467 (b) In counties having fifteen thousand (15,000)
1468 residents according to the latest federal decennial census but
1469 less than thirty thousand (30,000) residents according to the
1470 latest federal decennial census, not more than eight (8) days per
1471 year;

1472 (c) In counties having thirty thousand (30,000)
1473 residents according to the latest federal decennial census but
1474 less than seventy thousand (70,000) residents according to the
1475 latest federal decennial census, not more than ten (10) days per
1476 year;

1477 (d) In counties having seventy thousand (70,000)
1478 residents according to the latest federal decennial census but
1479 less than ninety thousand (90,000) residents according to the
1480 latest federal decennial census, not more than twelve (12) days
1481 per year;

1482 (e) In counties having ninety thousand (90,000)
1483 residents according to the latest federal decennial census but
1484 less than one hundred seventy thousand (170,000) residents
1485 according to the latest federal decennial census, not more than
1486 fifteen (15) days per year;

1487 (f) In counties having one hundred seventy thousand
1488 (170,000) residents according to the latest federal decennial



1489 census but less than two hundred thousand (200,000) residents
1490 according to the latest federal decennial census, not more than
1491 eighteen (18) days per year;

1492 (g) In counties having two hundred thousand (200,000)
1493 residents according to the latest federal decennial census but
1494 less than two hundred twenty-five thousand (225,000) residents
1495 according to the latest federal decennial census, not more than
1496 nineteen (19) days per year;

1497 (h) In counties having two hundred twenty-five thousand
1498 (225,000) residents or more according to the latest federal
1499 decennial census, not more than twenty-two (22) days per
1500 year * * *.

1501 (6) Election commissioners shall claim the per diem
1502 authorized in subsection (5) of this section in the manner
1503 provided for in Section 23-15-153(6).

1504 (7) (a) To provide poll manager training, the Secretary of
1505 State has developed a single, comprehensive poll manager training
1506 program to ensure uniform, secure elections throughout the state.
1507 The program includes online training on all state and federal
1508 election laws and procedures and voting machine opening and
1509 closing procedures.

1510 (b) County election commissioners shall designate no
1511 more than two (2) poll managers per precinct, who shall
1512 individually access and complete the online training program,
1513 including all skills assessments, at least five (5) days before



1514 the early voting period for an election begins. The poll managers
1515 shall be defined as "certified poll managers," and entitled to a
1516 "Certificate of Completion" and compensation for the successful
1517 completion of the training and skills assessment in the amount of
1518 Twenty-five Dollars (\$25.00) payable from the Help Mississippi
1519 Vote Fund. Compensation paid to any poll manager under this
1520 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per
1521 calendar year.

1522 (c) Every election held after January 1, 2018, shall
1523 have at least one (1) certified poll manager appointed by the
1524 county election officials to work in each polling place in the
1525 county during each general election.

1526 **[From and after January 1, 2020, this section shall read as**
1527 **follows:]**

1528 23-15-239. (1) The executive committee of each county, in
1529 the case of a primary election, or the election commissioners of
1530 each county, in the case of all other elections, in conjunction
1531 with the circuit clerk, shall, in the years in which counties
1532 conduct an election, sponsor and conduct, not less than five (5)
1533 days before the early voting period for each election begins, not
1534 less than four (4) hours and not more than eight (8) hours of poll
1535 manager training to instruct poll managers as to their duties in
1536 the proper administration of the election and the operation of the
1537 polling place. Any poll manager who completes the online training
1538 course provided by the Secretary of State shall only be required



1539 to complete two (2) hours of in-person poll manager training. No
1540 poll manager shall serve in any election unless he or she has
1541 received these instructions once during the twelve (12) months
1542 immediately preceding the date upon which the election is held;
1543 however, nothing in this section shall prevent the appointment of
1544 an alternate poll manager to fill a vacancy in case of an
1545 emergency. The county executive committee or the election
1546 commissioners, as appropriate, shall train a sufficient number of
1547 alternates to serve in the event a poll manager is unable to serve
1548 for any reason.

1549 (2) (a) If it is eligible under Section 23-15-266, the
1550 county executive committee may enter into a written agreement with
1551 the circuit clerk or the county election commission authorizing
1552 the circuit clerk or the county election commission to perform any
1553 of the duties required of the county executive committee pursuant
1554 to this section. Any agreement entered into pursuant to this
1555 subsection shall be signed by the chair of the county executive
1556 committee and the circuit clerk or the chair of the county
1557 election commission, as appropriate. The county executive
1558 committee shall notify the state executive committee and the
1559 Secretary of State of the existence of the agreement.

1560 (b) If it is eligible under Section 23-15-266, the
1561 municipal executive committee may enter into a written agreement
1562 with the municipal clerk or the municipal election commission
1563 authorizing the municipal clerk or the municipal election



1564 commission to perform any of the duties required of the municipal
1565 executive committee pursuant to this section. Any agreement
1566 entered into pursuant to this subsection shall be signed by the
1567 chair of the municipal executive committee and the municipal clerk
1568 or the chair of the municipal election commission, as appropriate.
1569 The municipal executive committee shall notify the state executive
1570 committee and the Secretary of State of the existence of the
1571 agreement.

1572 (3) The board of supervisors and the municipal governing
1573 authority, in their discretion, may compensate poll managers who
1574 attend these training sessions. The compensation shall be at a
1575 rate of not less than the federal hourly minimum wage nor more
1576 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1577 compensated for more than sixteen (16) hours of attendance at the
1578 training sessions regardless of the actual amount of time that
1579 they attended the training sessions.

1580 (4) The time and location of the training sessions required
1581 pursuant to this section shall be announced to the general public
1582 by posting a notice thereof at the courthouse and by delivering a
1583 copy of the notice to the office of a newspaper having general
1584 circulation in the county five (5) days before the date upon which
1585 the training session is to be conducted. Persons who will serve
1586 as poll watchers for candidates and political parties, as well as
1587 members of the general public, shall be allowed to attend the
1588 sessions.



1589 (5) Subject to the following annual limitations, the
1590 election commissioners shall be entitled to receive a per diem in
1591 the amount of Eighty-four Dollars (\$84.00), to be paid from the
1592 county general fund, for every day or period of no less than five
1593 (5) hours accumulated over two (2) or more days actually employed
1594 in the performance of their duties for the necessary time spent in
1595 conducting training sessions as required by this section:

1596 (a) In counties having less than fifteen thousand
1597 (15,000) residents according to the latest federal decennial
1598 census, not more than five (5) days per year;

1599 (b) In counties having fifteen thousand (15,000)
1600 residents according to the latest federal decennial census but
1601 less than thirty thousand (30,000) residents according to the
1602 latest federal decennial census, not more than eight (8) days per
1603 year;

1604 (c) In counties having thirty thousand (30,000)
1605 residents according to the latest federal decennial census but
1606 less than seventy thousand (70,000) residents according to the
1607 latest federal decennial census, not more than ten (10) days per
1608 year;

1609 (d) In counties having seventy thousand (70,000)
1610 residents according to the latest federal decennial census but
1611 less than ninety thousand (90,000) residents according to the
1612 latest federal decennial census, not more than twelve (12) days
1613 per year;



1614 (e) In counties having ninety thousand (90,000)
1615 residents according to the latest federal decennial census but
1616 less than one hundred seventy thousand (170,000) residents
1617 according to the latest federal decennial census, not more than
1618 fifteen (15) days per year;

1619 (f) In counties having one hundred seventy thousand
1620 (170,000) residents according to the latest federal decennial
1621 census but less than two hundred thousand (200,000) residents
1622 according to the latest federal decennial census, not more than
1623 eighteen (18) days per year;

1624 (g) In counties having two hundred thousand (200,000)
1625 residents according to the latest federal decennial census but
1626 less than two hundred twenty-five thousand (225,000) residents
1627 according to the latest federal decennial census, not more than
1628 nineteen (19) days per year;

1629 (h) In counties having two hundred twenty-five thousand
1630 (225,000) residents or more according to the latest federal
1631 decennial census, not more than twenty-two (22) days per
1632 year * * *.

1633 (6) Election commissioners shall claim the per diem
1634 authorized in subsection (5) of this section in the manner
1635 provided for in Section 23-15-153(6).

1636 (7) (a) To provide poll manager training, the Secretary of
1637 State has developed a single, comprehensive poll manager training
1638 program to ensure uniform, secure elections throughout the state.



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

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

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

SECTION 41. Section 23-15-241, Mississippi Code of 1972, is amended as follows:

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

SECTION 42. Section 23-15-245, Mississippi Code of 1972, is amended as follows:



1663 23-15-245. It shall be the duty of the poll manager
1664 designated as bailiff to be present at the voting place, and to
1665 take such steps as will accomplish the purpose of his or her
1666 appointment, and the poll manager designated as bailiff shall have
1667 full power to do so and may summon to his or her aid all persons
1668 present at the voting place. A space thirty (30) feet in every
1669 direction from the polls, or the room in which the * * * voting is
1670 held, shall be kept open and clear of all persons except the
1671 election officials, individuals present to vote and credentialed
1672 poll watchers as defined by Section 23-15-577. The electors shall
1673 approach the polls from one (1) direction, line, door or passage,
1674 and depart in another as nearly opposite as convenient.

1675 **SECTION 43.** Section 23-15-247, Mississippi Code of 1972, is
1676 amended as follows:

1677 23-15-247. The election commissioners in each county shall
1678 procure, if not already provided, a sufficient number of ballot
1679 boxes, which shall be distributed by them to the voting precincts
1680 of the county before the time for opening the polls for early
1681 voting and on election day. The boxes shall be securely sealed
1682 from the opening of the polls * * * for early voting until the
1683 polls close on election day; and the box shall be kept by one (1)
1684 of the managers, and the manager having the box shall carefully
1685 keep it, and neither open it himself or herself nor permit it to
1686 be opened, nor permit any person to have any access to it
1687 throughout the voting period during an election. The box shall



not be removed from the polling building or place after the polls are opened until the polls close and the count is complete. After each election the ballot boxes shall be delivered to the clerk of the circuit court of the county for preservation; and he or she shall keep them for future use, and, when called for, deliver them to the election commissioners.

SECTION 44. Section 23-15-251, Mississippi Code of 1972, is amended as follows:

23-15-251. The election commissioners, in appointing the poll managers of an election, shall designate one (1) of the poll managers at each voting place to receive and distribute the official ballots, and shall deliver to him or her the proper number of ballots for his or her district not less than one (1) day before the early voting period begins and not less than one (1) day before election day; and the poll manager receiving the ballots from the election commissioners shall distribute the same to the electors of his or her district in the manner herein provided. It shall be the duty of the designated poll manager for service at a voting place other than the courthouse, to carry to that voting place, on the day before the early voting period begins and on the day before election day, or before 6:00 a.m. on the morning the early voting period begins and on the morning of the election day, the ballot box, the pollbook, the blank tally sheets, the blank forms to be used in making returns, the other necessary stationery and supplies and the official printed ballots



1713 aforesaid, and all of the same used and unused shall be returned
1714 by the designated poll manager to the election commissioners on
1715 the day * * * after the election.

1716 **SECTION 45.** Section 23-15-255, Mississippi Code of 1972, is
1717 amended as follows:

1718 23-15-255. (1) The supervisor of each respective
1719 supervisors district shall provide at each election place a
1720 sufficient number of voting compartments, shelves and tables for
1721 the use of electors, which shall be so arranged that it will be
1722 impossible for a voter in one (1) compartment to see another voter
1723 who is preparing his or her ballot. The number of voting
1724 compartments and shelves or tables shall not be less than one (1)
1725 to every two hundred (200) electors in the voting precinct.

1726 (2) The poll managers of each precinct shall publicly post
1727 the following information at the precinct polling place * * *
1728 during any election:

1729 (a) A sample ballot that will be used at the election;

1730 (b) The hours during which the polling places will be
1731 open for early voting and on election day;

1732 (c) Instructions on how to vote, including how to cast
1733 a vote and how to cast an affidavit ballot;

1734 (d) Instructions for persons who have registered to
1735 vote by mail and first time voters, if appropriate;

1736 (e) General information on voting rights, including
1737 information on the right of an individual to cast an affidavit



1738 ballot and instructions on how to contact the appropriate
1739 officials if these rights are alleged to have been violated; * * *

1740 (f) The consequences under federal and state laws
1741 regarding fraud and misrepresentation;

1742 (g) A list of voters in each polling place that have
1743 already cast an absentee ballot or voting during the early voting
1744 period; and

1745 (h) The acceptable forms of photo identification that
1746 may be presented in the polling place.

1747 **SECTION 46.** Section 23-15-263, Mississippi Code of 1972, is
1748 amended as follows:

1749 23-15-263. (1) Unless otherwise provided in this chapter,
1750 the county executive committee at primary elections shall perform
1751 all duties that relate to the qualification of candidates for
1752 primary elections, print ballots for the early voting period for
1753 primary elections and for primary * * * election day, appoint the
1754 primary election officers, resolve contests in regard to primary
1755 elections, and perform all other duties required by law to be
1756 performed by the county executive committee; however, each house
1757 of the Legislature shall rule on the qualifications of the
1758 membership of its respective body in contests involving the
1759 qualifications of * * * its members. The executive committee
1760 shall be subject to all the penalties to which county election
1761 commissioners are subject, except that Section 23-15-217 shall not



1762 apply to members of the county executive committee who seek
1763 elective office.

1764 (2) A member of a county executive committee shall be
1765 automatically disqualified to serve on the county executive
1766 committee, and shall be considered to have resigned * * * from the
1767 county executive committee, upon his or her qualification as a
1768 candidate for any elective office. The provisions of this
1769 subsection shall not apply to a member of a county executive
1770 committee who qualifies as a candidate for a municipal elective
1771 office.

1772 (3) The primary election officers appointed by the executive
1773 committee of the party shall have the powers and perform the
1774 duties, where not otherwise provided, required of * * * those
1775 officers in a general election, and any * * * act or omission
1776 which by law is an offense when committed in or about or in
1777 respect to * * * the general elections, shall be an offense if
1778 committed in or about or in respect to a primary election; and the
1779 same shall be indictable and punishable in the same way as if the
1780 election was a general election for the election of state and
1781 county officers, except as specially modified or otherwise
1782 provided in this chapter.

1783 **SECTION 47.** Section 23-15-265, Mississippi Code of 1972, is
1784 amended as follows:

1785 23-15-265. (1) The county executive committee of each
1786 county shall meet not less than two (2) weeks before the



1787 date * * * the period for early voting begins for any primary
1788 election and appoint the poll managers for same, all of whom may
1789 be members of the same political party. The number of poll
1790 managers appointed by the county executive committee shall be the
1791 same number as election commissioners are allowed to appoint
1792 pursuant to Sections 23-15-231 and 23-15-235. If the county
1793 executive committee fails to meet on the date named, supra,
1794 further notice shall be given of the time and place of meeting.

1795 (2) (a) If it is eligible under Section 23-15-266, the
1796 county executive committee may enter into a written agreement with
1797 the circuit clerk or the county election commission authorizing
1798 the circuit clerk or the county election commission to perform any
1799 of the duties required of the county executive committee pursuant
1800 to this section. Any agreement entered into pursuant to this
1801 subsection shall be signed by the chair of the county executive
1802 committee and the circuit clerk or the chair of the county
1803 election commission, as appropriate. The county executive
1804 committee shall notify the state executive committee and the
1805 Secretary of State of the existence of the agreement.

1806 (b) If it is eligible under Section 23-15-266, the
1807 municipal executive committee may enter into a written agreement
1808 with the municipal clerk or the municipal election commission
1809 authorizing the municipal clerk or the municipal election
1810 commission to perform any of the duties required of the municipal
1811 executive committee pursuant to this section. Any agreement



1812 entered into pursuant to this subsection shall be signed by the
1813 chair of the municipal executive committee and the municipal clerk
1814 or the chair of the municipal election commission, as appropriate.
1815 The municipal executive committee shall notify the state executive
1816 committee and the Secretary of State of the existence of such
1817 agreement.

1818 **SECTION 48.** Section 23-15-267, Mississippi Code of 1972, is
1819 amended as follows:

1820 23-15-267. (1) The ballot boxes provided by the election
1821 commissioners in each county shall be used in primary elections,
1822 and the county executive committees shall distribute them to the
1823 voting precincts of the county before the time for opening the
1824 polls, in the same manner, as near as may be, as that provided for
1825 in general elections.

1826 (2) The boxes shall be securely sealed and locked beginning
1827 at the start of voting during the period for early voting and on
1828 election day until the end of voting on election day; and the box
1829 shall be kept by one (1) of the poll managers, and the poll
1830 manager having the box shall carefully keep it, and neither open
1831 it himself or herself nor permit it to be done, nor permit any
1832 person to have any access to it throughout voting during the
1833 period for early voting and during election day. The box shall
1834 not be removed from the polling place after the polls are open
1835 until the polls close and the count is completed.



1836 (3) After each election, the ballot boxes shall be delivered
1837 to the clerk of the circuit court of the county for preservation;
1838 and he or she shall keep them for future use, and, when called
1839 for, deliver them to the election commissioners.

1840 (4) (a) If it is eligible under Section 23-15-266, the
1841 county executive committee may enter into a written agreement with
1842 the circuit clerk or the county election commission authorizing
1843 the circuit clerk or the county election commission to perform any
1844 of the duties required of the county executive committee pursuant
1845 to this section. Any agreement entered into pursuant to this
1846 subsection shall be signed by the chair of the county executive
1847 committee and the circuit clerk or the chair of the county
1848 election commission, as appropriate. The county executive
1849 committee shall notify the State Executive Committee and the
1850 Secretary of State of the existence of such agreement.

1851 (b) If it is eligible under Section 23-15-266, the
1852 municipal executive committee may enter into a written agreement
1853 with the municipal clerk or the municipal election commission
1854 authorizing the municipal clerk or the municipal election
1855 commission to perform any of the duties required of the municipal
1856 executive committee pursuant to this section. Any agreement
1857 entered into pursuant to this subsection shall be signed by the
1858 chair of the municipal executive committee and the municipal clerk
1859 or the chair of the municipal election commission, as appropriate.
1860 The municipal executive committee shall notify the State Executive



1861 Committee and the Secretary of State of the existence of such
1862 agreement.

1863 (5) The person, or persons, whose duty it is to comply with
1864 the provisions of this section and who shall fail, or neglect,
1865 from any cause, to deliver the boxes or any of them as herein
1866 provided shall, upon conviction, be fined not less than Two
1867 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1868 the residence of the person, or persons, who violates any of the
1869 provisions of this section, for a period of not less than thirty
1870 (30) days or more than six (6) months, and fined not more than
1871 Five Hundred Dollars (\$500.00).

1872 **SECTION 49.** Section 23-15-309, Mississippi Code of 1972, is
1873 amended as follows:

1874 23-15-309. (1) Nominations for all municipal officers which
1875 are elective shall be made * * * during the days for conducting a
1876 primary election, or elections, to be held in the manner
1877 prescribed by law. All persons desiring to be candidates for the
1878 nomination in the primary elections shall first pay Ten Dollars
1879 (\$10.00) to the clerk of the municipality, at least sixty (60)
1880 days before the date the early voting period begins for the first
1881 primary election, no later than 5:00 p.m. on such deadline day.
1882 If the sixtieth day to file the fee and written statement before
1883 the date the early voting period begins for an election falls on a
1884 Sunday or legal holiday, the fees and written statements submitted



1885 on the business day immediately following the Sunday or legal
1886 holiday shall be accepted.

1887 (2) The fee paid pursuant to subsection (1) of this section
1888 shall be accompanied by a written statement containing the name
1889 and address of the candidate, the party with which he or she is
1890 affiliated, the email address of the candidate, if any, and the
1891 office for which he or she is a candidate.

1892 (3) The clerk shall promptly receipt the payment, stating
1893 the office for which the person making the payment is running and
1894 the political party with which such person is affiliated. The
1895 clerk shall keep an itemized account in detail showing the time
1896 and date of the receipt of such payment received by him or her,
1897 from whom such payment was received, the party with which such
1898 person is affiliated and for what office the person paying the fee
1899 is a candidate. No candidate may attempt to qualify with any
1900 political party that does not have a duly organized municipal
1901 executive committee, and the municipal clerk shall not accept any
1902 assessments made pursuant to subsection (1) if the municipal clerk
1903 does not have contact information for the secretary of the
1904 municipal executive committee for that political party. The clerk
1905 shall promptly supply all necessary information and pay over all
1906 fees so received to the secretary of the proper municipal
1907 executive committee. The funds may be used and disbursed in the
1908 same manner as is allowed in Section 23-15-299 in regard to other
1909 executive committees.



1910 (4) Upon receipt of the above information, the proper
1911 municipal executive committee shall then determine, at the time of
1912 the qualifying deadline, whether each candidate is a qualified
1913 elector of the municipality, and of the ward if the office sought
1914 is a ward office, shall determine whether each candidate either
1915 meets all other qualifications to hold the office he or she is
1916 seeking or presents absolute proof that he or she will, subject to
1917 no contingencies, meet all qualifications on or before the date of
1918 the general or special election at which he or she could be
1919 elected to office. The executive committee shall determine
1920 whether the candidate has taken the steps necessary to qualify for
1921 more than one (1) office at the election. The committee also
1922 shall determine whether any candidate has been convicted of any
1923 felony in a court of this state, or has been convicted on or after
1924 December 8, 1992, of any offense in another state which is a
1925 felony under the laws of this state, or has been convicted of any
1926 felony in a federal court on or after December 8, 1992. Excepted
1927 from the above are convictions of manslaughter and violations of
1928 the United States Internal Revenue Code or any violations of the
1929 tax laws of this state unless such offense also involved misuse or
1930 abuse of his or her office or money coming into his or her hands
1931 by virtue of the office. If the proper municipal executive
1932 committee finds that a candidate either (a) does not meet all
1933 qualifications to hold the office he or she seeks and fails to
1934 provide absolute proof, subject to no contingencies, that he or



1935 she will meet the qualifications on or before the date * * * the
1936 early voting period begins for the general or special election at
1937 which he or she could be elected, or (b) has been convicted of a
1938 felony as described in this subsection and not pardoned, then the
1939 executive committee shall notify the candidate and give the
1940 candidate an opportunity to be heard. The executive committee
1941 shall mail notice to the candidate at least three (3) business
1942 days before the hearing to the address provided by the candidate
1943 on the qualifying forms, and the committee shall attempt to
1944 contact the candidate by telephone, email and facsimile if the
1945 candidate provided this information on the forms. If the
1946 candidate fails to appear at the hearing or to prove he or she
1947 meets all qualifications to hold the office subject to no
1948 contingencies, then the name of such candidate shall not be placed
1949 upon the ballot. If the executive committee determines that the
1950 candidate has taken the steps necessary to qualify for more than
1951 one (1) office at the election, the action required by Section
1952 23-15-905, shall be taken.

1953 (5) Where there is but one (1) candidate, the proper
1954 municipal executive committee when the time has expired within
1955 which the names of candidates shall be furnished shall declare
1956 such candidate the nominee.

1957 **SECTION 50.** Section 23-15-331, Mississippi Code of 1972, is
1958 amended as follows:



1959 23-15-331. It shall be the duty of the state executive
1960 committee of each political party to furnish to each county
1961 executive committee, not less than fifty (50) days * * * before
1962 the * * * period for early voting begins the names of all state
1963 and state district candidates and all candidates for legislative
1964 districts composed of more than one (1) county or parts of more
1965 than one (1) county who have qualified as provided by law, and in
1966 accordance with the requirements of Section 23-15-333 a sample of
1967 the official ballot to be used in the primary, the general form of
1968 which shall be followed as nearly as practicable.

1969 **SECTION 51.** Section 23-15-333, Mississippi Code of 1972, is
1970 amended as follows:

1971 23-15-333. (1) The county executive committee shall have
1972 printed all necessary ballots, for use in primary elections. The
1973 county executive committee shall have printed all necessary
1974 absentee ballots forty-five (45) days before the period for early
1975 voting begins for the election as required by law. The ballots
1976 shall contain the names of all the candidates to be voted for at
1977 the election, and there shall be left on each ballot one (1) blank
1978 space under the title of each office for which a nominee is to be
1979 elected; and in the event of the death of any candidate whose name
1980 shall have been printed on the ballot, the name of the candidate
1981 duly substituted in the place of the deceased candidate may be
1982 written in such blank space by the voter. Except as otherwise
1983 provided in subsection (2) of this section, the order in which the



1984 titles to the various offices shall be printed, and the size,
1985 print and quality of the paper of the ballot is left to the
1986 discretion of the county executive committee. Provided, however,
1987 that in all cases the arrangement of the names of the candidates
1988 for each office shall be alphabetical. No ballot shall be used
1989 except those so printed.

1990 (2) The titles for the various offices shall be listed in
1991 the following order:

1992 (a) Candidates, electors or delegates for the following
1993 national offices:

1994 (i) President of the United States of America;

1995 (ii) United States Senator or United States
1996 Representative;

1997 (b) Candidates for the following statewide offices:

1998 Governor, Lieutenant Governor, Secretary of State, Attorney
1999 General, State Treasurer, Auditor of Public Accounts, Commissioner
2000 of Agriculture and Commerce, Commissioner of Insurance;

2001 (c) Candidates for the following state district
2002 offices: Mississippi Transportation Commissioner, Public Service
2003 Commissioner, District Attorney;

2004 (d) Candidates for the following legislative offices:
2005 Senator and House of Representatives;

2006 (e) Candidates for countywide office;

2007 (f) Candidates for county district office.



2008 The order in which the titles for the various offices are
2009 listed within each of the categories listed in paragraphs (e) and
2010 (f) are left to the discretion of the county executive committee.
2011 Candidates' names shall be listed alphabetically under each office
2012 by the candidate's last name.

2013 (3) If after the deadline to qualify as a candidate for an
2014 office, only one (1) person has duly qualified to be a candidate
2015 for the office in the primary election, the name of that person
2016 shall be placed on the ballot; provided, however, that if not more
2017 than one (1) person has duly qualified to be a candidate for each
2018 office on the primary election ballot, the election for all
2019 offices on the ballot shall be dispensed with and the appropriate
2020 executive committee shall declare each candidate as the party
2021 nominee if the candidate meets all the qualifications to hold the
2022 office.

2023 (4) (a) If it is eligible under Section 23-15-266, the
2024 county executive committee may enter into a written agreement with
2025 the circuit clerk or the county election commission authorizing
2026 the circuit clerk or the county election commission to perform any
2027 of the duties required of the county executive committee pursuant
2028 to this section. Any agreement entered into pursuant to this
2029 subsection shall be signed by the chair of the county executive
2030 committee and the circuit clerk or the chair of the county
2031 election commission, as appropriate. The county executive



committee shall notify the state executive committee and the
Secretary of State of the existence of such agreement.

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

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

23-15-335. (1) The county executive committee shall
designate a person whose duty it shall be to distribute all
necessary ballots for use * * * during a primary election, and
shall designate one (1) among the poll managers at each polling
place to receive and receipt for the blank ballots to be used at
that place. When the blank ballots are delivered to a local poll
manager, the distributor shall take from the local poll manager a
receipt therefor signed in duplicate by both the distributor and
the poll manager, one (1) of which receipts the distributor shall



2057 deliver to the circuit clerk and the other shall be retained by
2058 the local poll manager and the last mentioned duplicate receipt
2059 shall be enclosed in the ballot box with the voted ballots when
2060 the polls have been closed and the votes have been counted. The
2061 printer of the ballots shall take a receipt from the distributor
2062 of the ballots for the total number of the blank ballots delivered
2063 to the distributor. The printer shall secure all ballots printed
2064 by him or her in such a safe manner that no person can procure
2065 them or any of them, and he or she shall deliver no blank ballot
2066 or ballots to any person except the distributor above mentioned,
2067 and then only upon his or her receipt therefor as above specified.
2068 The distributor of the blank ballots shall so securely hold the
2069 same that no person can obtain any of them, and he or she shall
2070 not deliver any of them to any person other than to the authorized
2071 local poll managers and upon their respective receipts therefor.
2072 The executive committee shall see to it that the total blank
2073 ballots delivered to the distributor, shall correspond with the
2074 total of the receipts executed by the local poll managers.

2075 (2) (a) If it is eligible under Section 23-15-266, the
2076 county executive committee may enter into a written agreement with
2077 the circuit clerk or the county election commission authorizing
2078 the circuit clerk or the county election commission to perform any
2079 of the duties required of the county executive committee pursuant
2080 to this section. Any agreement entered into pursuant to this
2081 subsection shall be signed by the chair of the county executive



committee and the circuit clerk or the chair of the county election commission, as appropriate. The county executive committee shall notify the state executive committee and the Secretary of State of the existence of such agreement.

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

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

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

23-15-353. The officer charged with printing and distributing the official ballot shall ascertain from the registrar, at least ten (10) days before the day * * * early voting for that election begins, the number of registered voters



2107 in each voting precinct; and he or she shall have printed and
2108 distributed a sufficient number of ballots for use in each
2109 precinct.

2110 **SECTION 54.** Section 23-15-357, Mississippi Code of 1972, is
2111 amended as follows:

2112 23-15-357. On the back and outside of the ballot shall be
2113 printed the words "OFFICIAL BALLOT," the name of the voting
2114 precinct or place for which the ballot is prepared, * * * the date
2115 of the election and the date the voter cast his or her ballot if
2116 the ballot was cast during the period for early voting.

2117 **SECTION 55.** Section 23-15-359, Mississippi Code of 1972, is
2118 amended as follows:

2119 23-15-359. (1) Except as provided in this section, the
2120 ballot shall contain the names of all party nominees certified by
2121 the appropriate executive committee, and independent and special
2122 election candidates who have timely filed petitions containing the
2123 required signatures and assessments that must be paid pursuant to
2124 Section 23-15-297, if the candidates and nominees meet all of the
2125 qualifications to hold the office sought. A petition requesting
2126 that an independent or special election candidate's name be placed
2127 on the ballot for any office shall be filed as provided for in
2128 subsection (3) or (4) of this section, as appropriate, and shall
2129 be signed by not less than the following number of qualified
2130 electors:



2131 (a) For an office elected by the state at large, not
2132 less than one thousand (1,000) qualified electors.

2133 (b) For an office elected by the qualified electors of
2134 a Supreme Court district, not less than three hundred (300)
2135 qualified electors.

2136 (c) For an office elected by the qualified electors of
2137 a congressional district, not less than two hundred (200)
2138 qualified electors.

2139 (d) For an office elected by the qualified electors of
2140 a circuit or chancery court district, not less than one hundred
2141 (100) qualified electors.

2142 (e) For an office elected by the qualified electors of
2143 a senatorial or representative district, not less than fifty (50)
2144 qualified electors.

2145 (f) For an office elected by the qualified electors of
2146 a county, not less than fifty (50) qualified electors.

2147 (g) For an office elected by the qualified electors of
2148 a supervisors district or justice court district, not less than
2149 fifteen (15) qualified electors.

2150 (h) For the Office of President of the United States, a
2151 party nominee or independent candidate shall pay an assessment in
2152 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

2153 (2) (a) Unless the petition or fee, whichever is
2154 applicable, required above shall be filed as provided for in
2155 subsection (3), (4) or (5) of this section, as appropriate, the



2156 name of the person requested to be a candidate, unless nominated
2157 by a political party, shall not be placed upon the ballot. The
2158 ballot shall contain the names of each candidate for each office,
2159 and the names shall be listed under the name of the political
2160 party that candidate represents as provided by law and as
2161 certified to the circuit clerk by the state executive committee of
2162 the political party. In the event the candidate qualifies as an
2163 independent as provided in this section, he or she shall be listed
2164 on the ballot as an independent candidate.

2165 (b) The name of an independent or special election
2166 candidate who dies before the printing of the ballots, shall not
2167 be placed on the ballots.

2168 (3) Petitions for offices described in paragraphs (a), (b),
2169 (c), (d) and (e) of subsection (1) of this section shall be filed
2170 with the Secretary of State by no later than 5:00 p.m. on the same
2171 date or business day, as applicable, by which candidates are
2172 required to pay the fee provided for in Section 23-15-297;
2173 however, no petition may be filed before January 1 of the year in
2174 which the election for the office is held.

2175 (4) Petitions for offices described in paragraphs (f) and
2176 (g) of subsection (1) of this section shall be filed with the
2177 proper circuit clerk by no later than 5:00 p.m. on the same date
2178 by which candidates are required to pay the fee provided for in
2179 Section 23-15-297; however, no petition may be filed before
2180 January 1 of the year in which the election for the office is



2181 held. The circuit clerk shall notify the county election
2182 commissioners of all persons who have filed petitions with the
2183 clerk. The notification shall occur within two (2) business days
2184 and shall contain all necessary information.

2185 (5) The assessment for the office described in paragraph (h)
2186 of subsection (1) of this section shall be paid to the Secretary
2187 of State. The Secretary of State shall deposit any qualifying
2188 fees received from candidates into the Elections Support Fund
2189 established in Section 23-15-5.

2190 (6) The election commissioners may also have printed upon
2191 the ballot any local issue election matter that is authorized to
2192 be * * * voted on * * * during the regular or general election
2193 pursuant to Section 23-15-375; however, the ballot form of the
2194 local issue must be filed with the election commissioners by the
2195 appropriate governing authority not less than sixty (60) days
2196 before the date * * * the early voting period begins for the
2197 election.

2198 (7) The provisions of this section shall not apply to
2199 municipal elections or to the election of the offices of justice
2200 of the Supreme Court, judge of the Court of Appeals, circuit
2201 judge, chancellor, county court judge and family court judge.

2202 (8) Nothing in this section shall prohibit special elections
2203 to fill vacancies in either house of the Legislature from being
2204 held as provided in Section 23-15-851. In all elections conducted
2205 under the provisions of Section 23-15-851, there shall be printed



2206 on the ballot the name of any candidate who, not having been
2207 nominated by a political party, shall have been requested to be a
2208 candidate for any office by a petition filed with the Secretary of
2209 State and signed by not less than fifty (50) qualified electors.

2210 (9) The appropriate election commission shall determine
2211 whether each candidate is a qualified elector of the state, state
2212 district, county or county district they seek to serve, and
2213 whether each candidate meets all other qualifications to hold the
2214 office he or she is seeking or presents absolute proof that he or
2215 she will, subject to no contingencies, meet all qualifications on
2216 or before the date * * * the early voting period begins for the
2217 general or special election at which he or she could be elected to
2218 office. The election commission shall determine whether the
2219 candidate has taken the steps necessary to qualify for more than
2220 one (1) office at the election. The election commission also
2221 shall determine whether any candidate has been convicted of any
2222 felony in a court of this state, or has been convicted on or after
2223 December 8, 1992, of any offense in another state which is a
2224 felony under the laws of this state, or has been convicted of any
2225 felony in a federal court on or after December 8, 1992. Excepted
2226 from the above are convictions of manslaughter and violations of
2227 the United States Internal Revenue Code or any violations of the
2228 tax laws of this state, unless the offense also involved misuse or
2229 abuse of his or her office or money coming into his or her hands
2230 by virtue of the office. If the appropriate election commission



2231 finds that a candidate either (a) is not a qualified elector, (b)
2232 does not meet all qualifications to hold the office he or she
2233 seeks and fails to provide absolute proof, subject to no
2234 contingencies, that he or she will meet the qualifications on or
2235 before the date * * * the early voting period begins for the
2236 general or special election at which he or she could be elected,
2237 or (c) has been convicted of a felony as described in this
2238 subsection, and not pardoned, then the election commission shall
2239 notify the candidate and give the candidate an opportunity to be
2240 heard. The election commission shall mail notice to the candidate
2241 at least three (3) business days before the hearing to the address
2242 provided by the candidate on the qualifying forms, and the
2243 committee shall attempt to contact the candidate by telephone,
2244 email and facsimile if the candidate provided this information on
2245 the forms. If the candidate fails to appear at the hearing or to
2246 prove that he or she meets all qualifications to hold the office
2247 subject to no contingencies, then the name of such candidate shall
2248 not be placed upon the ballot. If the appropriate election
2249 commission determines that the candidate has taken the steps
2250 necessary to qualify for more than one (1) office at the election,
2251 the action required by Section 23-15-905, shall be taken.

2252 (10) If after the deadline to qualify as a candidate for an
2253 office or after the time for holding any party primary for an
2254 office, only one (1) person has duly qualified to be a candidate
2255 for the office in the general election, the name of that person



shall be placed on the ballot; provided, however, that if not more than one (1) person duly qualified to be a candidate for each office on the general election ballot, the election for all offices on the ballot shall be dispensed with and the appropriate election commission shall declare each candidate elected without opposition if the candidate meets all the qualifications to hold the office as determined pursuant to a review by the election commission in accordance with the provisions of subsection (9) of this section and if the candidate has filed all required campaign finance disclosure reports as required by Section 23-15-807.

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

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

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

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



2280 23-15-367. (1) Except as otherwise provided by Sections
2281 23-15-974 through 23-15-985 and subsection (2) of this section,
2282 the size, print and quality of paper of the official ballot is
2283 left to the discretion of the officer charged with printing the
2284 official ballot.

2285 (2) The titles for the various offices shall be listed in
2286 the following order:

2287 (a) Candidates, electors or delegates for the following
2288 national offices:

2289 (i) President;

2290 (ii) United States Senator or United States
2291 Representative;

2292 (b) Candidates for the following statewide office:
2293 Governor, Lieutenant Governor, Secretary of State, Attorney
2294 General, State Treasurer, Auditor of Public Accounts, Commissioner
2295 of Agriculture and Commerce, Commissioner of Insurance;

2296 (c) Candidates for the following state district
2297 offices: Mississippi Transportation Commissioner, Public Service
2298 Commissioner, District Attorney;

2299 (d) Candidates for the following legislative offices:
2300 Senate and House of Representatives;

2301 (e) Candidates for countywide office;

2302 (f) Candidates for county district office.

2303 The order in which the titles for the various offices are
2304 listed within paragraphs (e) and (f) is left to the discretion of



2305 the county election commissioners. Nominees of the political
2306 parties, qualified to conduct primary elections as defined in
2307 Section 23-15-291, shall be listed first alphabetically by the
2308 candidate's last name, followed by any other candidates listed
2309 alphabetically by last name.

2310 (3) It is the duty of the Secretary of State, with the
2311 approval of the Governor, to furnish the designated election
2312 commissioner of each county a sample of the official ballot, not
2313 less than fifty-five (55) days before the early voting period
2314 begins for the election, the general form of which shall be
2315 followed as nearly as practicable.

2316 **SECTION 58.** Section 7-3-39, Mississippi Code of 1972, is
2317 amended as follows:

2318 7-3-39. The Secretary of State shall have published in full
2319 each constitutional amendment two (2) weeks * * * before the
2320 period for early voting for the election, if early voting is
2321 authorized for that election, at which the qualified electors
2322 shall vote on * * * the amendments, in each county in each
2323 newspaper having a general circulation in the county, as defined
2324 in Section 13-3-31; or * * * the Secretary of State shall have
2325 each amendment posted in three (3) public places in the county if
2326 all * * * the newspapers in the county refuse to publish same at
2327 the price provided in Section 7-3-41.

2328 **SECTION 59.** Section 23-15-511, Mississippi Code of 1972, is
2329 amended as follows:



2330 23-15-511. The ballots shall, as far as practicable, be in
2331 the same order of arrangement as provided for paper ballots that
2332 are to be counted manually, except that the information may be
2333 printed in vertical or horizontal rows. Nothing in this chapter
2334 shall be construed as prohibiting the information being presented
2335 to the voters from being printed on both sides of a single ballot.
2336 In those years when a special election shall occur * * * during
2337 the same voting period as the general election, the names of
2338 candidates in any special election and the general election shall
2339 be placed on the same ballot by the election commissioners or
2340 officials in charge of the election, but the general election
2341 candidates shall be clearly distinguished from the special
2342 election candidates. At any time a special election is * * *
2343 during the same voting period as a party primary election, the
2344 names of the candidates in the special election may be placed on
2345 the same ballot by the officials in charge of the election, but
2346 shall be clearly distinguished as special election candidates or
2347 primary election candidates.

2348 Ballots shall be printed in plain clear type in black ink and
2349 upon clear white materials of such size and arrangement as to be
2350 compatible with the OMR equipment. Absentee ballots shall be
2351 prepared and printed in the same form and shall be on the same
2352 size and texture as the regular official ballots, except that they
2353 shall be printed on tinted paper; or the ink used to print the
2354 ballots shall be of a color different from that of the ink used to



2355 print the regular official ballots. Arrows may be printed on the
2356 ballot to indicate the place to mark the ballot, which may be to
2357 the right or left of the names of candidates and propositions.
2358 The titles of offices may be arranged in vertical columns on the
2359 ballot and shall be printed above or at the side of the names of
2360 candidates so as to indicate clearly the candidates for each
2361 office and the number to be elected. In case there are more
2362 candidates for an office than can be printed in one (1) column,
2363 the ballot shall be clearly marked that the list of candidates is
2364 continued on the following column. The names of candidates for
2365 each office shall be printed in vertical columns, grouped by the
2366 offices that they seek. In partisan elections, the party
2367 designation of each candidate, which may be abbreviated, shall be
2368 printed following his or her name.

2369 One (1) sample ballot, which shall be a facsimile of the
2370 official ballot and instructions to the voters, shall be provided
2371 for each precinct and shall be posted in each polling place during
2372 early voting and on election day.

2373 A separate ballot security envelope or suitable equivalent in
2374 which the voter can place his or her ballot after voting, shall be
2375 provided to conceal the choices the voter has made. Absentee
2376 voters will receive a similar ballot security envelope provided by
2377 the county in which the absentee voter will insert their voted
2378 ballot, which then can be inserted into a return envelope to be
2379 mailed back to the election official. Absentee ballots will not



2380 be required to be folded when a ballot security envelope is
2381 provided.

2382 **SECTION 60.** Section 23-15-515, Mississippi Code of 1972, is
2383 amended as follows:

2384 23-15-515. The circuit clerk shall be the custodian of OMR
2385 equipment acquired by the county, who shall be charged with the
2386 proper storage, maintenance and repair of the OMR equipment. The
2387 municipal clerk shall be the custodian of the OMR equipment
2388 acquired by the municipality, and shall be charged with the proper
2389 storage, maintenance and repair of the OMR equipment. The
2390 custodian or the officials in charge of the election shall repair
2391 or replace any OMR equipment which fails to function properly
2392 during early voting or on election day.

2393 **SECTION 61.** Section 23-15-531.6, Mississippi Code of 1972,
2394 is amended as follows:

2395 23-15-531.6. (1) For each primary or general election, the
2396 officials in charge of the election shall use at least
2397 seventy-five percent (75%) of all DRE units available to the
2398 county or municipality, as the case may be. For all other
2399 elections in which the officials in charge of the election choose
2400 to use DRE units, at least one-third (1/3) of all DRE units
2401 available to the county or municipality, as the case may be, shall
2402 be used in such elections.

2403 (2) The officials in charge of the election shall ensure the
2404 delivery of the proper DRE units to the polling places of the



2405 respective precincts at least one (1) hour before the time for
2406 opening the polls during the early voting period and at each
2407 election and shall cause each unit to be set up in the proper
2408 manner for use in voting.

2409 (3) (a) On or before the second day before the early voting
2410 period begins and before any election day, the officials in charge
2411 of the conduct of the election shall cause each DRE unit to be
2412 tested for logic and accuracy to ascertain that the units will
2413 correctly count the votes cast for all offices and on all
2414 questions, in a manner the Secretary of State may further
2415 prescribe by rule or regulation.

2416 (b) Public notice of the time and place of the test
2417 shall be made at least five (5) days before the date of the test.
2418 Candidates, representatives of candidates, political parties, news
2419 media and the public shall be permitted to observe the testing of
2420 the DRE units.

2421 (4) The officials in charge of the conduct of the election
2422 shall test all memory cards and encoders to be used in any
2423 election.

2424 (5) The officials in charge of the election shall require
2425 that each DRE unit be inspected and sealed before the delivery of
2426 each DRE unit to the polling place. Before opening the polls each
2427 day on which the DRE units will be used * * * during an election,
2428 the poll manager shall break the seal on each unit, turn on each
2429 unit, certify that each unit is operating properly and is set to



2430 zero, and print a zero tape certifying that each unit is set to
2431 zero and shall keep or record such certification on each unit.

2432 (6) The officials in charge of the election, election
2433 commissioners and poll managers shall provide ample protection
2434 against molestation of and injury to the DRE units, and, for that
2435 purpose, the officials in charge of the election, election
2436 commissioners and poll managers may call upon any law enforcement
2437 officer to furnish any assistance that may be necessary. It shall
2438 be the duty of any law enforcement officer to furnish assistance
2439 when so requested by the officials in charge of the election,
2440 election commissioner or poll manager.

2441 (7) The officials in charge of the election, in conjunction
2442 with the governing authorities, shall, at least one (1) hour
2443 before opening the polls for early voting and on election day:

2444 (a) Provide sufficient lighting to enable electors to
2445 read the ballot and to enable poll managers to examine the booth
2446 and conduct their responsibilities;

2447 (b) Provide directions for voting on the DRE units that
2448 shall be prominently posted within each voting booth and provide
2449 at least one (1) sample ballot for each primary or general
2450 election shall be prominently posted outside the enclosed space
2451 within the polling place;

2452 (c) Ensure that each DRE unit and its tabulating
2453 mechanism is secure throughout the day; and



2454 (d) Provide such other materials and supplies as may be
2455 necessary or required by law.

2456 **SECTION 62.** Section 23-15-545, Mississippi Code of 1972, is
2457 amended as follows:

2458 23-15-545. At each election, at least one (1) poll manager
2459 shall be charged with writing in the pollbook the word "VOTED," in
2460 the column having at its head the date of the early voting period
2461 or the date of the election, opposite the name of each elector
2462 upon return of a marked paper ballot by the elector with the
2463 initials of the initialing poll manager or alternate initialing
2464 poll manager affixed thereon. When a DRE unit is used in the
2465 polling place, the word "VOTED" shall be marked by at least one
2466 (1) poll manager in the pollbook in the column having at its head
2467 the date of the election, opposite the name of the elector.

2468 **SECTION 63.** Section 23-15-573, Mississippi Code of 1972, is
2469 amended as follows:

2470 23-15-573. (1) If any person declares that he or she is a
2471 registered voter in the jurisdiction in which he or she offers to
2472 vote and that he or she is eligible to vote during the early
2473 voting period or in the election, but his or her name does not
2474 appear upon the pollbooks, or that he or she is not able to cast a
2475 regular early voting day or election day ballot under a provision
2476 of state or federal law but is otherwise qualified to vote, or
2477 that he or she has been illegally denied registration, or that he



2478 or she is unable to present an acceptable form of photo
2479 identification:

2480 (a) A poll manager shall notify the person that he or
2481 she may cast an affidavit ballot * * * during the election.

2482 (b) The person shall be permitted to cast an affidavit
2483 ballot at the polling place upon execution of a written affidavit
2484 before one (1) of the poll managers stating that the individual:

2485 (i) Believes he or she is a registered voter in
2486 the jurisdiction in which he or she desires to vote and is
2487 eligible to vote * * * during the election; or

2488 (ii) Is not able to cast a regular early voting
2489 day or election day ballot under a provision of state or federal
2490 law but is otherwise qualified to vote; or

2491 (iii) Believes that he or she has been illegally
2492 denied registration; or

2493 (iv) Is unable to present an acceptable form of
2494 photo identification.

2495 (c) The poll manager shall allow the individual to mark
2496 a paper ballot properly endorsed by the initialing poll manager or
2497 alternate initialing poll manager in accordance with Section
2498 23-15-541, which shall be delivered by him or her to the proper
2499 election official who shall enclose it in an affidavit ballot
2500 envelope, with the written and signed affidavit of the voter
2501 affixed to the envelope, seal the envelope and mark plainly upon
2502 it the name of the person offering to vote.



2503 (2) The affidavit ballot envelope shall include:

2504 (a) The complete name of the voter;

2505 (b) A present and previous physical and mailing address

2506 of the voter;

2507 (c) Telephone numbers where the voter may be contacted;

2508 (d) A statement that the affiant believes he or she is

2509 registered to vote in the jurisdiction in which he or she offers

2510 to vote;

2511 (e) The signature of the affiant; and

2512 (f) The signature of the poll manager at the polling

2513 place at which the affiant offers to vote.

2514 (3) (a) A separate receipt book shall be maintained for

2515 affidavit voters and the affidavit voters shall sign the receipt

2516 book upon completing the affidavit ballot.

2517 (b) If the affidavit voter is casting an affidavit

2518 ballot because the voter is unable to present an acceptable form

2519 of photo identification and the voter's name appears in the

2520 pollbook, then the poll manager shall write "NO ID" across from

2521 the voter's name and in the appropriate column in the pollbook.

2522 (c) In canvassing the returns of the election, the

2523 executive committee in primary elections, or the election

2524 commissioners in other elections, shall examine the records and

2525 allow the ballot to be counted, or not counted as it appears

2526 legal.



2527 (d) An affidavit ballot of a voter who was unable to
2528 present an acceptable form of photo identification shall not be
2529 rejected for this reason if the voter does either of the
2530 following:

2531 (i) Returns to the circuit clerk's office within
2532 five (5) business days after the date * * * the person voted
2533 during the election and presents an acceptable form of photo
2534 identification;

2535 (ii) Returns to the circuit clerk's office within
2536 five (5) business days after the date * * * the person voted
2537 during the election to obtain the Mississippi Voter Identification
2538 Card; or

2539 (iii) Returns to the circuit clerk's office within
2540 five (5) business days after the date * * * the person voted
2541 during the election to execute a separate Affidavit of Religious
2542 Objection.

2543 (4) When a person is offered the opportunity to vote by
2544 affidavit ballot, he or she shall be provided with written
2545 information that informs the person how to ascertain whether his
2546 or her affidavit ballot was counted and, if the vote was not
2547 counted, the reasons the vote was not counted.

2548 (5) The officials in charge of the election shall process
2549 all affidavit ballots by using the Statewide Elections Management
2550 System. The officials in charge of the election shall account for
2551 all affidavit ballots cast in each election, categorizing the



2552 affidavit ballots cast by reason and recording the total number of
2553 affidavit ballots counted and not counted in each such category in
2554 the Statewide Elections Management System.

2555 (6) The Secretary of State shall, by rule duly adopted,
2556 establish a uniform affidavit ballot envelope that shall be used
2557 in all elections in this state. The Secretary of State shall
2558 print and distribute a sufficient number of affidavit ballot
2559 envelopes to the registrar of each county for use in elections.
2560 The registrar shall distribute the affidavit ballot envelopes to
2561 municipal and county executive committees for use in primary
2562 elections and to municipal and county election commissioners for
2563 use in all other elections.

2564 (7) County registrars and municipal registrars shall
2565 maintain a secure free access system that complies with the Help
2566 America Vote Act of 2002, by which persons who vote by affidavit
2567 ballot may determine if their ballots were counted, and if not,
2568 the reasons the ballot was not counted.

2569 (8) Any person who votes * * * during any election as a
2570 result of a federal or state court order or other order extending
2571 the time established by law for closing the polls on an election
2572 day, may only vote by affidavit ballot. Any affidavit ballot cast
2573 under this subsection shall be separated and kept apart from other
2574 affidavit ballots cast by voters not affected by the order.

2575 **SECTION 64.** Section 23-15-613, Mississippi Code of 1972, is
2576 amended as follows:



2577 23-15-613. (1) As used in this section "residual votes"
2578 means overvotes, undervotes and any other vote not counted for any
2579 reason.

2580 (2) For every election, election commissions and county and
2581 municipal executive committees shall report to the Secretary of
2582 State residual vote information; however, if the voting
2583 devices * * * used in the election do not produce a ballot, other
2584 information shall be reported as required in this section.

2585 (3) For every election, election commissions and county and
2586 municipal executive committees responsible for the conduct of
2587 elections in which ballots are generated that are counted by hand
2588 or by OMR equipment or the tabulating mechanism of a DRE unit
2589 shall report to the Secretary of State all residual votes for all
2590 candidates and ballot measures in the elections for which they are
2591 responsible for conducting. The residual vote reports shall:

2592 (a) Be received by the Secretary of State no later than
2593 December 15 of the year in which the election is held;

2594 (b) Include any suggested explanation or suspected
2595 cause of the residual votes;

2596 (c) Include a copy of a voided official ballot for the
2597 election as such ballot appeared to voters at the election and
2598 copies of voided affidavit and absentee ballots if they are
2599 different from the official ballot;

2600 (d) Include the total voter turnout for each election,
2601 including the period for early voting, to be determined by



totaling the number of persons signing the receipt book at each precinct, absentee voters and persons who voted by affidavit ballot and persons whose ballots were challenged and rejected; and

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

(4) For every election, election commissions and county and municipal executive committees responsible for the conduct of election in which voting devices are used that do not generate ballots that are counted by hand or by OMR equipment or the tabulating mechanism of a DRE unit, shall file a report with the Secretary of State which shall:

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

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

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

(d) Include in the report any suggested explanation or suspected cause of any difference in the amount of total voter



2627 turnout and the number of counted votes for candidates for various
2628 offices; and

2629 (e) Include a copy of any printed voting instructions
2630 given or visible to voters * * * during the election and a
2631 description of any verbal instructions and any other evidence of
2632 voter education that was used * * * during the election.

2633 (5) Not later than January 31 of the year following the
2634 election, the Secretary of State shall submit a report to the
2635 Governor, Lieutenant Governor and Speaker of the House of
2636 Representatives analyzing the reports required to be filed
2637 pursuant to this section. The analysis shall include the
2638 following:

2639 (a) The performance of each voting device type
2640 used * * * during the election;

2641 (b) Any problems with voter or poll worker instructions
2642 or ballot design and layout that have been identified as a result
2643 of analyzing the reports received;

2644 (c) Recommendations for reducing the number of residual
2645 votes reported; and

2646 (d) Such other information as the Secretary of State
2647 deems beneficial.

2648 (6) The reports required pursuant to this section shall be
2649 in such form as may be required by rules and regulations
2650 promulgated by the Secretary of State.



2651 **SECTION 65.** Section 23-15-781, Mississippi Code of 1972, is
2652 amended as follows:

2653 23-15-781. The number of electors of President and Vice
2654 President of the United States to which this state may be
2655 entitled, shall be chosen by the qualified electors of the state
2656 at large, on the first Tuesday after the first Monday of November
2657 in the year in which an election of President and Vice President
2658 shall occur and during the early voting period.

2659 **SECTION 66.** Section 23-15-785, Mississippi Code of 1972, is
2660 amended as follows:

2661 23-15-785. (1) When presidential electors are to be chosen,
2662 the Secretary of State of Mississippi shall certify to the circuit
2663 clerks of the several counties the names of all candidates for
2664 President and Vice President who are nominated by any national
2665 convention or other like assembly of any political party or by
2666 written petition signed by at least one thousand (1,000) qualified
2667 voters of this state.

2668 (2) The certificate of nomination by a political party
2669 convention must be signed by the presiding officer and secretary
2670 of the convention and by the * * * chair of the state executive
2671 committee of the political party making the nomination. Any
2672 nominating petition, to be valid, must contain the signatures as
2673 well as the addresses of the petitioners. The certificates and
2674 petitions must be filed with the State Board of Election
2675 Commissioners by filing them in the Office of the Secretary of



2676 State by 5:00 p.m. not less than sixty (60) days * * * before the
2677 day * * * early voting begins for the election.

2678 (3) Each certificate of nomination and nominating petition
2679 must be accompanied by a list of the names and addresses of
2680 persons, who shall be qualified voters of this state, equal in
2681 number to the number of presidential electors to be chosen. Each
2682 person so listed shall execute the following statement which shall
2683 be attached to the certificate or petition when it is filed with
2684 the State Board of Election Commissioners: "I do hereby consent
2685 and do hereby agree to serve as elector for President and Vice
2686 President of the United States, if elected to that position, and
2687 do hereby agree that, if so elected, I shall cast my ballot as
2688 such for _____ for President and _____ for Vice President of
2689 the United States" (inserting in * * * the blank spaces the
2690 respective names of the persons named as nominees for * * * the
2691 respective offices in the certificate to which this statement is
2692 attached).

2693 (4) The State Board of Election Commissioners and any other
2694 official charged with the preparation of official ballots shall
2695 place on * * * the official ballots the words "PRESIDENTIAL
2696 ELECTORS FOR (here insert the name of the candidate for President,
2697 the word 'AND' and the name of the candidate for Vice President)"
2698 in lieu of placing the names of such presidential electors on the
2699 official ballots, and a vote cast therefor shall be counted and
2700 shall be in all respects effective as a vote for each of the



2701 presidential electors representing those candidates for President
2702 and Vice President of the United States. In the case of unpledged
2703 electors, the State Board of Election Commissioners and any other
2704 official charged with the preparation of official ballots shall
2705 place on * * * the official ballots the words "UNPLEDGED
2706 ELECTOR(S) (here insert the name(s) of individual unpledged
2707 elector(s) if placed upon the ballot based upon a petition granted
2708 in the manner provided by law stating the individual name(s) of
2709 the elector(s) rather than a slate of electors)."

2710 **SECTION 67.** Section 23-15-807, Mississippi Code of 1972, is
2711 amended as follows:

2712 23-15-807. (a) Each candidate or political committee shall
2713 file reports of contributions and disbursements in accordance with
2714 the provisions of this section. All candidates or political
2715 committees required to report such contributions and disbursements
2716 may terminate the obligation to report only upon submitting a
2717 final report that contributions will no longer be received or
2718 disbursements made and that the candidate or committee has no
2719 outstanding debts or obligations. The candidate, treasurer or
2720 chief executive officer shall sign the report.

2721 (b) Candidates seeking election, or nomination for election,
2722 and political committees making expenditures to influence or
2723 attempt to influence voters for or against the nomination for
2724 election of one or more candidates or balloted measures * * *
2725 during such election, shall file the following reports:



2726 (i) In any calendar year during which there is a
2727 regularly scheduled election, a pre-election report shall be filed
2728 no later than the seventh day before early voting begins for any
2729 election in which the candidate or political committee has
2730 accepted contributions or made expenditures and shall be completed
2731 as of the tenth day before early voting begins for the election;

2732 (ii) In 1987 and every fourth year thereafter, periodic
2733 reports shall be filed no later than the tenth day after April 30,
2734 May 31, June 30, September 30 and December 31, and shall be
2735 completed as of the last day of each period;

2736 (iii) In any calendar years except 1987 and except
2737 every fourth year thereafter, a report covering the calendar year
2738 shall be filed no later than January 31 of the following calendar
2739 year; and

2740 (iv) Except as otherwise provided in the requirements
2741 of paragraph (i) of this subsection (b), unopposed candidates are
2742 not required to file pre-election reports but must file all other
2743 reports required by paragraphs (ii) and (iii) of this subsection
2744 (b).

2745 (c) All candidates for judicial office as defined in Section
2746 23-15-975, or their political committees, shall file periodic
2747 reports in the year in which they are to be elected no later than
2748 the tenth day after April 30, May 31, June 30, September 30 and
2749 December 31.

2750 (d) Each report under this article shall disclose:



2751 (i) For the reporting period and the calendar year, the
2752 total amount of all contributions and the total amount of all
2753 expenditures of the candidate or reporting committee, including
2754 those required to be identified pursuant to paragraph (ii) of this
2755 subsection (d) as well as the total of all other contributions and
2756 expenditures during the calendar year. The reports shall be
2757 cumulative during the calendar year to which they relate;

2758 (ii) The identification of:

2759 1. Each person or political committee who makes a
2760 contribution to the reporting candidate or political committee
2761 during the reporting period, whose contribution or contributions
2762 within the calendar year have an aggregate amount or value in
2763 excess of Two Hundred Dollars (\$200.00) together with the date and
2764 amount of any such contribution;

2765 2. Each person or organization, candidate or
2766 political committee who receives an expenditure, payment or other
2767 transfer from the reporting candidate, political committee or its
2768 agent, employee, designee, contractor, consultant or other person
2769 or persons acting in its behalf during the reporting period when
2770 the expenditure, payment or other transfer to the person,
2771 organization, candidate or political committee within the calendar
2772 year have an aggregate value or amount in excess of Two Hundred
2773 Dollars (\$200.00) together with the date and amount of the
2774 expenditure;



2775 (iii) The total amount of cash on hand of each
2776 reporting candidate and reporting political committee;
2777 (iv) In addition to the contents of reports specified
2778 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2779 political party shall disclose:
2780 1. Each person or political committee who makes a
2781 contribution to a political party during the reporting period and
2782 whose contribution or contributions to a political party within
2783 the calendar year have an aggregate amount or value in excess of
2784 Two Hundred Dollars (\$200.00), together with the date and amount
2785 of the contribution;
2786 2. Each person or organization who receives an
2787 expenditure or expenditures by a political party during the
2788 reporting period when the expenditure or expenditures to the
2789 person or organization within the calendar year have an aggregate
2790 value or amount in excess of Two Hundred Dollars (\$200.00),
2791 together with the date and amount of the expenditure;
2792 (v) Disclosure required under this section of an
2793 expenditure to a credit card issuer, financial institution or
2794 business allowing payments and money transfers to be made over the
2795 Internet must include, by way of detail or separate entry, the
2796 amount of funds passing to each person, business entity or
2797 organization receiving funds from the expenditure.
2798 (e) The appropriate office specified in Section 23-15-805
2799 must be in actual receipt of the reports specified in this article



2800 by 5:00 p.m. on the dates specified in subsection (b) of this
2801 section. If the date specified in subsection (b) of this section
2802 shall fall on a weekend or legal holiday then the report shall be
2803 due in the appropriate office at 5:00 p.m. on the first working
2804 day before the date specified in subsection (b) of this section.
2805 The reporting candidate or reporting political committee shall
2806 ensure that the reports are delivered to the appropriate office by
2807 the filing deadline. The Secretary of State may approve specific
2808 means of electronic transmission of completed campaign finance
2809 disclosure reports, which may include, but not be limited to,
2810 transmission by electronic facsimile (FAX) devices.

2811 (f) (i) If any contribution of more than Two Hundred
2812 Dollars (\$200.00) is received by a candidate or candidate's
2813 political committee after the tenth day, but more than forty-eight
2814 (48) hours before 12:01 a.m. of the day of early voting begins for
2815 the election, the candidate or political committee shall notify
2816 the appropriate office designated in Section 23-15-805, within
2817 forty-eight (48) hours of receipt of the contribution. The
2818 notification shall include:

- 2819 1. The name of the receiving candidate;
- 2820 2. The name of the receiving candidate's political
2821 committee, if any;
- 2822 3. The office sought by the candidate;
- 2823 4. The identification of the contributor;
- 2824 5. The date of receipt;



2825 6. The amount of the contribution;
2826 7. If the contribution is in-kind, a description
2827 of the in-kind contribution; and
2828 8. The signature of the candidate or the treasurer
2829 or chair of the candidate's political organization.

2830 (ii) The notification shall be in writing, and may be
2831 transmitted by overnight mail, courier service, or other reliable
2832 means, including electronic facsimile (FAX), but the candidate or
2833 candidate's committee shall ensure that the notification shall in
2834 fact be received in the appropriate office designated in Section
2835 23-15-805 within forty-eight (48) hours of the contribution.

2836 **SECTION 68.** Section 23-15-833, Mississippi Code of 1972, is
2837 amended as follows:

2838 23-15-833. Except as otherwise provided by law, the first
2839 Tuesday after the first Monday in November of each year shall be
2840 designated the regular special election day, and on that day and
2841 during the period established for early voting an election shall
2842 be held to fill any vacancy in county, county district, and
2843 district attorney elective offices, and any vacancy in the office
2844 of circuit judge or chancellor.

2845 All special elections, or elections to fill vacancies, shall
2846 in all respects be held, conducted and returned in the same manner
2847 as general elections, except that where no candidate receives a
2848 majority of the votes cast in the election, a runoff election
2849 shall be held three (3) weeks after the election. The two (2)



2850 candidates who receive the highest popular votes for the office
2851 shall have their names submitted as the candidates to the runoff
2852 and the candidate who leads in the runoff election shall be
2853 elected to the office. When there is a tie in the first election
2854 of those receiving the next highest vote, these two (2) and the
2855 one receiving the highest vote, none having received a majority,
2856 shall go into the runoff election and whoever leads in the runoff
2857 election shall be entitled to the office.

2858 In those years when the regular special election day shall
2859 occur * * * during the same * * * period of time as the general
2860 election, the names of candidates in any special election and the
2861 general election shall be placed on the same ballot, but shall be
2862 clearly distinguished as general election candidates or special
2863 election candidates. At any time a special election is held * * *
2864 during the same * * * period of time as a party primary election,
2865 the names of the candidates in the special election may be placed
2866 on the same ballot, but shall be clearly distinguished as special
2867 election candidates or primary election candidates.

2868 **SECTION 69.** Section 23-15-843, Mississippi Code of 1972, is
2869 amended as follows:

2870 23-15-843. In case of death, resignation or vacancy from any
2871 cause in the office of district attorney, the unexpired term of
2872 which shall exceed six (6) months, the Governor shall within ten
2873 (10) days after the vacancy occurs issue a proclamation calling an
2874 election to fill a vacancy in the office of district attorney to



2875 be held * * * during the next regular special election * * *
2876 period of time in the district where the vacancy occurred unless
2877 the vacancy occurs in a year in which a general election would
2878 normally be held for that office as provided by law, in which case
2879 the appointed person shall serve the unexpired portion of the
2880 term. Candidates in such a special election shall qualify in the
2881 same manner and be subject to the same time limitations as set
2882 forth in Section 23-15-839. Pending the holding of a special
2883 election, the Governor shall make an emergency appointment to fill
2884 the vacancy until the same shall be filled by election.

2885 **SECTION 70.** Section 23-15-851, Mississippi Code of 1972, is
2886 amended as follows:

2887 23-15-851. (1) Except as otherwise provided in subsection
2888 (2) of this section, within thirty (30) days after vacancies occur
2889 in either house of the Legislature, the Governor shall issue writs
2890 of election to fill the vacancies on a day specified in the writ
2891 of election. At least sixty (60) days' notice shall be given of
2892 the election in each county or part of a county in which the
2893 election shall be held. The qualifying deadline for the election
2894 shall be fifty (50) days before the early voting begins for the
2895 election. Notice of the election shall be posted at the
2896 courthouse and in each supervisors district in the county or part
2897 of county in which such election shall be held for as near sixty
2898 (60) days as may be practicable. The election shall be prepared
2899 for and held as in the case of a general election.



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

SECTION 71. Section 23-15-853, Mississippi Code of 1972, is amended as follows:

23-15-853. (1) If a vacancy occurs in the representation in Congress, the vacancy shall be filled for the unexpired term by a special election, to be ordered by the Governor, within sixty (60) days after the vacancy occurs, and held at a time fixed by his or her order, and which time shall * * * begin not less than sixty (60) days after the issuance of the order of the Governor, which shall be directed to the election commissioners of the several counties of the district, who shall, immediately on the receipt of the order, give notice of the election by publishing the same in a newspaper having a general circulation in the county and by posting the notice at the front door of the courthouse. The order shall also be directed to the State Board of Election Commissioners. The election shall be prepared for and conducted, and returns shall be made, in all respects as provided for a special election to fill vacancies.

(2) Candidates for the office in such an election must qualify with the Secretary of State by 5:00 p.m. not less than fifty (50) days before the * * * early voting period begins for the election. If the fiftieth day to qualify before an election falls on a Sunday or legal holiday, the qualification submitted on



2925 the business day immediately following the Sunday or legal holiday
2926 shall be accepted. The election commissioners shall have printed
2927 on the ballot in such special election the name of any candidate
2928 who shall have been requested to be a candidate for the office by
2929 a petition filed with the Secretary of State and personally signed
2930 by not less than one thousand (1,000) qualified electors of the
2931 district. The petition shall be filed by 5:00 p.m. not less than
2932 fifty (50) days before the * * * early voting period begins for
2933 the election. If the fiftieth day to file the petition before an
2934 election falls on a Sunday or legal holiday, the petition filed on
2935 the business day immediately following the Sunday or legal holiday
2936 shall be accepted.

2937 There shall be attached to each petition above provided for,
2938 upon the time of filing with the Secretary of State, a certificate
2939 from the appropriate registrar or registrars showing the number of
2940 qualified electors appearing upon each petition which the
2941 registrar shall furnish to the petitioner upon request.

2942 **SECTION 72.** Section 23-15-855, Mississippi Code of 1972, is
2943 amended as follows:

2944 23-15-855. (1) If a vacancy shall occur in the office of
2945 United States Senator from Mississippi by death, resignation or
2946 otherwise, the Governor shall, within ten (10) days after
2947 receiving official notice of the vacancy, issue a proclamation for
2948 an election to be held in the state to elect a Senator to fill the
2949 remaining unexpired term, provided the unexpired term is more than



2950 twelve (12) months and the election shall * * * begin within
2951 ninety (90) days from the time the proclamation is issued and the
2952 returns of such election shall be certified to the Governor in the
2953 manner set out above for regular elections, unless the vacancy
2954 occurs in a year in which a general state or congressional
2955 election is held, in which event the Governor's proclamation shall
2956 designate the period for conducting the general election * * * as
2957 the time for electing a Senator, and the vacancy shall be filled
2958 by appointment as hereinafter provided.

2959 (2) In case of a vacancy in the office of United States
2960 Senator, the Governor may appoint a Senator to fill the vacancy
2961 temporarily, and if the United States Senate be in session at the
2962 time the vacancy occurs the Governor shall appoint a Senator
2963 within ten (10) days after receiving official notice thereof, and
2964 the appointed Senator shall serve until a successor is elected and
2965 commissioned as provided for in subsection (1) of this section,
2966 provided that such unexpired term as he or she may be appointed to
2967 fill shall be for a longer time than one (1) year, but if for a
2968 shorter time than one (1) year, he or she shall serve for the full
2969 time of the unexpired term and no special election shall be called
2970 by the Governor but a successor shall be elected at the regular
2971 election.

2972 **SECTION 73.** Section 23-15-857, Mississippi Code of 1972, is
2973 amended as follows:



2974 23-15-857. (1) When there is a vacancy in an elective
2975 office in a city, town or village, the unexpired term of which
2976 shall not exceed six (6) months, the same shall be filled by
2977 appointment by the governing authority or remainder of the
2978 governing authority of the city, town or village. The municipal
2979 clerk shall certify the appointment to the Secretary of State and
2980 the appointed person or persons shall be commissioned by the
2981 Governor.

2982 (2) When there is a vacancy in an elective office in a city,
2983 town or village, the unexpired term of which shall exceed six (6)
2984 months, the governing authority or remainder of the governing
2985 authority of the city, town or village shall make and enter on the
2986 minutes an order for an election to be held in the city, town or
2987 village to fill the vacancy and fix a * * * time period upon which
2988 the early voting and election day shall be held. The order shall
2989 be made and entered upon the minutes at the next regular meeting
2990 of the governing authority after the vacancy occurs, or at a
2991 special meeting to be held not later than ten (10) days after the
2992 vacancy occurs, Saturdays, Sundays and legal holidays excluded,
2993 whichever shall occur first. The election shall be held on a date
2994 not less than thirty (30) days nor more than forty-five (45) days
2995 after the date upon which the order is adopted.

2996 Notice of the election shall be given by the municipal clerk
2997 by notice published in a newspaper published in the municipality.
2998 The notice shall be published once each week for three (3)



2999 successive weeks * * * before the date * * * early voting begins
3000 for the election. The first notice shall be published at least
3001 thirty (30) days before * * * early voting begins for the
3002 election. Notice shall also be given by posting a copy of the
3003 notice at three (3) public places in the municipality not less
3004 than twenty-one (21) days before * * * early voting begins for the
3005 election. One (1) of the notices shall be posted at the city,
3006 town or village hall. In the event that there is no newspaper
3007 published in the municipality, such notice shall be published as
3008 provided for above in a newspaper that has a general circulation
3009 within the municipality and by posting as provided for above.
3010 Additionally, the governing authority may publish the notice in
3011 that newspaper for as many additional times as may be deemed
3012 necessary by the governing authority.

3013 Each candidate shall qualify by petition filed with the
3014 municipal clerk by 5:00 p.m. at least twenty (20) days before
3015 the * * * early voting period begins for the election. If the
3016 twentieth day to file the petition before the election falls on a
3017 Sunday or legal holiday, the petition filed on the business day
3018 immediately following the Sunday or legal holiday shall be
3019 accepted. The petition shall be signed by not less than the
3020 following number of qualified electors:

3021 (a) For an office of a city, town, village or municipal
3022 district having a population of one thousand (1,000) or more, not
3023 less than fifty (50) qualified electors.



3024 (b) For an office of a city, town, village or municipal
3025 district having a population of less than one thousand (1,000),
3026 not less than fifteen (15) qualified electors.

3027 No qualifying fee shall be required of any candidate, and the
3028 election shall be held as far as practicable in the same manner as
3029 municipal general elections.

3030 The candidate receiving a majority of the votes cast in the
3031 election shall be elected. If no candidate receives a majority
3032 vote at the election, the two (2) candidates receiving the highest
3033 number of votes shall have their names placed on the ballot for
3034 the election to be held three (3) weeks thereafter. The candidate
3035 receiving a majority of the votes cast in the election shall be
3036 elected. However, if no candidate receives a majority and there
3037 is a tie in the election of those receiving the next highest vote,
3038 those receiving the next highest vote and the candidate receiving
3039 the highest vote shall have their names placed on the ballot for
3040 the election to be held three (3) weeks thereafter, and whoever
3041 receives the most votes cast in the election shall be elected.

3042 Should the election held three (3) weeks thereafter result in
3043 a tie vote, the prevailing candidate shall be decided by a toss of
3044 a coin or by lot fairly and publicly drawn under the supervision
3045 of the election commission.

3046 The clerk of the election commission shall then give a
3047 certificate of election to the person elected, and return to the
3048 Secretary of State a copy of the order of holding the election and



runoff election results, certified by the clerk of the governing authority. The person elected shall be commissioned by the Governor.

However, if nineteen (19) days before the * * * early voting period begins for the election only one (1) person shall have qualified as a candidate, the governing authority, or remainder of the governing authority, shall dispense with the election and appoint that one (1) candidate in lieu of an election. In the event no person shall have qualified by 5:00 p.m. at least twenty (20) days before * * * the early voting period begins for the election, the governing authority or remainder of the governing authority shall dispense with the election and fill the vacancy by appointment. The clerk of the governing authority shall certify the appointment to the Secretary of State, and the appointed person shall be commissioned by the Governor.

SECTION 74. Section 23-15-859, Mississippi Code of 1972, is amended as follows:

23-15-859. Whenever under any statute a special election is required or authorized to be held in any municipality, and the statute authorizing or requiring the election does not specify the time within which the election shall be called, or the notice which shall be given, the governing authorities of the municipality shall, by resolution, fix a date upon which the election shall be held. The date shall not be less than twenty-one (21) nor more than thirty (30) days after the date upon



which such resolution is adopted, and not less than three (3) weeks' notice of the election shall be given by the clerk by a notice published in a newspaper published in the municipality once each week for three (3) weeks next * * * before the * * * early voting period begins for the election, and by posting a copy of the notice at three (3) public places in the municipality. Nothing herein, however, shall be applicable to elections on the question of the issuance of the bonds of a municipality or to general or primary elections for the election of municipal officers.

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

SECTION 75. Section 23-15-895, Mississippi Code of 1972, is amended as follows:

23-15-895. No candidate for an elective office, or any representative of such candidate, and no proponent or opponent of any constitutional amendment, local issue or other measure printed on the ballot may post or distribute cards, posters or other



3099 campaign literature within one hundred fifty (150) feet of any
3100 entrance of the building wherein early voting or any election is
3101 being held. No candidate or a representative named by him or her
3102 in writing may appear at any polling place while armed or
3103 uniformed, or display any badge or credentials except as may be
3104 issued by the manager of the polling place. As used in this
3105 section, the term "local issue" shall have the meaning ascribed to
3106 such term in Section 23-15-375. This section shall be enforced by
3107 election officials and law enforcement officials.

3108 **SECTION 76.** Section 23-15-913, Mississippi Code of 1972, is
3109 amended as follows:

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



3123 **SECTION 77.** Section 23-15-963, Mississippi Code of 1972, is
3124 amended as follows:

3125 23-15-963. (1) Any person desiring to contest the
3126 qualifications of another person who has qualified pursuant to the
3127 provisions of Section 23-15-359 * * * as a candidate for any
3128 office elected at a general election, shall file a petition
3129 specifically setting forth the grounds of the challenge not later
3130 than thirty-one (31) days after the date of the first primary
3131 election set forth in Section 23-15-191 * * *. * * * The petition
3132 shall be filed with the same body with whom the candidate in
3133 question qualified pursuant to Section 23-15-359 * * *.

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

3144 (3) Any person desiring to contest the qualifications of
3145 another person who has qualified pursuant to the provisions of
3146 Section 23-15-361 * * * as a candidate for municipal office
3147 elected on the date designated by law for regular municipal



3148 elections, shall file a petition specifically setting forth the
3149 grounds of the challenge no later than thirty-one (31) days after
3150 the date of the first primary election set forth in Section
3151 23-15-309 * * *. * * * The petition shall be filed with the
3152 municipal commissioners of election, being the same body with whom
3153 the candidate in question qualified pursuant to Section
3154 23-15-361 * * *.

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

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

3168 (6) Any party aggrieved by the action or inaction of the
3169 appropriate election officials may file a petition for judicial
3170 review to the circuit court of the county in which the election
3171 officials whose decision is being reviewed sits. * * * The
3172 petition must be filed no later than fifteen (15) days after the



3173 date the petition was originally filed with the appropriate
3174 election officials. * * * The person filing for judicial review
3175 shall give a cost bond in the sum of Three Hundred Dollars
3176 (\$300.00) with two (2) or more sufficient sureties conditioned to
3177 pay all costs in case his or her petition be dismissed, and an
3178 additional bond may be required, by the court, if necessary, at
3179 any subsequent stage of the proceedings.

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

3192 (8) Within three (3) days after judgment is rendered by the
3193 circuit court, the contestant or contestee, or both, may file an
3194 appeal in the Supreme Court upon giving a cost bond in the sum of
3195 Three Hundred Dollars (\$300.00), together with a bill of
3196 exceptions * * * that shall state the point or points of law at
3197 issue with a sufficient synopsis of the facts to fully disclose



3198 the bearing and relevancy of such points of law. The bill of
3199 exceptions shall be signed by the trial judge, or in case of his
3200 or her absence, refusal or disability, by two (2) disinterested
3201 attorneys, as is provided by law in other cases of bills of
3202 exception. The filing of * * * the appeals shall automatically
3203 suspend the decision of the circuit court and the appropriate
3204 election officials are entitled to proceed based upon their
3205 decision * * * until the Supreme Court, in its discretion, stays
3206 further proceedings in the matter. The appeal shall be
3207 immediately docketed in the Supreme Court and referred to the
3208 court en banc upon briefs without oral argument unless the court
3209 shall call for oral argument, and shall be decided at the earliest
3210 possible date, as a preference case over all others. The Supreme
3211 Court shall have the authority to grant such relief as is
3212 appropriate under the circumstances.

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



3222 **SECTION 78.** Section 23-15-977, Mississippi Code of 1972, is
3223 amended as follows:

3224 23-15-977. (1) Except as otherwise provided in this
3225 section, all candidates for judicial office as defined in Section
3226 23-15-975 of this subarticle shall file their intent to be a
3227 candidate with the proper officials not later than 5:00 p.m. on
3228 the first Friday after the first Monday in May before the early
3229 voting begins for the general election for judicial office and
3230 shall pay to the proper officials the following amounts:

3231 (a) Candidates for Supreme Court judge and Court of
3232 Appeals, the sum of Two Hundred Dollars (\$200.00).

3233 (b) Candidates for circuit judge and chancellor, the
3234 sum of One Hundred Dollars (\$100.00).

3235 (c) Candidates for county judge and family court judge,
3236 the sum of Fifteen Dollars (\$15.00).

3237 Candidates for judicial office may not file their intent to
3238 be a candidate and pay the proper assessment before January 1 of
3239 the year in which the election for the judicial office is held.

3240 (2) Candidates for judicial offices listed in paragraphs (a)
3241 and (b) of subsection (1) of this section shall file their intent
3242 to be a candidate with, and pay the proper assessment made
3243 pursuant to subsection (1) of this section to, the State Board of
3244 Election Commissioners.

3245 (3) Candidates for judicial offices listed in paragraph (c)
3246 of subsection (1) of this section shall file their intent to be a



3247 candidate with, and pay the proper assessment made pursuant to
3248 subsection (1) of this section to, the circuit clerk of the proper
3249 county. The circuit clerk shall notify the county election
3250 commissioners of all persons who have filed their intent to be a
3251 candidate with, and paid the proper assessment to, such clerk.
3252 The notification shall occur within two (2) business days and
3253 shall contain all necessary information.

3254 (4) If only one (1) person files his or her intent to be a
3255 candidate for a judicial office and that person later dies,
3256 resigns or is otherwise disqualified from holding the judicial
3257 office after the deadline provided for in subsection (1) of this
3258 section but more than seventy (70) days before the date * * * that
3259 early voting begins for the general election, the Governor, upon
3260 notification of the death, resignation or disqualification of the
3261 person, shall issue a proclamation authorizing candidates to file
3262 their intent to be a candidate for that judicial office for a
3263 period of not less than seven (7) nor more than ten (10) days from
3264 the date of the proclamation.

3265 (5) If only one (1) person qualifies as a candidate for a
3266 judicial office and that person later dies, resigns or is
3267 otherwise disqualified from holding the judicial office within
3268 seventy (70) days before the date * * * that early voting begins
3269 for the general election, the judicial office shall be considered
3270 vacant for the new term and the vacancy shall be filled as
3271 provided in by law.



3272 **SECTION 79.** Section 23-15-1031, Mississippi Code of 1972, is
3273 amended as follows:

3274 23-15-1031. Except as provided by Section 23-15-1081, the
3275 first primary election for * * * members of Congress shall be held
3276 on the first Tuesday in June of the years in which * * * members
3277 of Congress are elected, and a second primary, if necessary, shall
3278 be held three (3) weeks thereafter. Each year in which a
3279 presidential election is held, the congressional primary shall be
3280 held as provided in Section 23-15-1081. The election shall be
3281 held in all districts of the state during the same period for
3282 early voting and on the same day. Candidates for United States
3283 Senator shall be nominated at the congressional primary next
3284 preceding the general election at which a senator is to be elected
3285 and in the same manner that * * * members of Congress are
3286 nominated. The chair and secretary of the state executive
3287 committee shall certify the vote for United States Senator to the
3288 Secretary of State in the same manner that county executive
3289 committees certify the returns of counties in general state and
3290 county primary elections.

3291 **SECTION 80.** Section 23-15-1081, Mississippi Code of 1972, is
3292 amended as follows:

3293 23-15-1081. A presidential preference primary may be held on
3294 the second Tuesday in March of each year in which a President of
3295 the United States is to be elected and during the early voting
3296 period established in this act. Each political party * * * that



3297 has cast for its candidates for President and Vice President in
3298 the previous presidential election more than twenty percent (20%)
3299 of the total vote cast for President and Vice President in the
3300 state, may conduct a presidential preference primary. No elector
3301 shall vote in the primary of more than one (1) political party in
3302 the same presidential preference primary.

3303 **SECTION 81.** Section 23-15-1083, Mississippi Code of 1972, is
3304 amended as follows:

3305 23-15-1083. Beginning in 1988, as an alternative to the
3306 congressional primary election date set forth in Section
3307 23-15-1031, when a political party elects to conduct a
3308 presidential preference primary, the first primary election for
3309 congressmen, and senators, if senators are to be elected, shall be
3310 held on the second Tuesday in March and during the early voting
3311 period established in this act, and the second primary, when one
3312 is necessary, shall be held three (3) weeks thereafter, and the
3313 election shall be held in all districts of the state on the same
3314 day.

3315 **SECTION 82.** Section 23-15-1085, Mississippi Code of 1972, is
3316 amended as follows:

3317 23-15-1085. The * * * chair of a party's state executive
3318 committee shall notify the Secretary of State if the party intends
3319 to hold a presidential preference primary. The Secretary of State
3320 shall be notified * * * before December 1 of the year preceding
3321 the year in which a presidential preference primary may be held



3322 pursuant to Section 23-15-1081. Upon * * * the notification, the
3323 Secretary of State shall issue a proclamation setting every
3324 party's congressional and senatorial primary elections, including
3325 the period for early voting, that are to be held in the year in
3326 which the presidential preference primary is to be held on the
3327 date provided for in Section 23-15-1083. Once the Secretary of
3328 State has issued a proclamation pursuant to this section, the
3329 dates of the congressional and senatorial primary elections shall
3330 not be changed.

3331 **SECTION 83.** Section 23-15-1091, Mississippi Code of 1972, is
3332 amended as follows:

3333 23-15-1091. When the Secretary of State places the name of a
3334 candidate on the ballot pursuant to Section 23-15-1093, he or she
3335 shall notify the candidate that his or her name will appear on the
3336 ballot of this state in the presidential preference primary
3337 election.

3338 The secretary shall also notify the candidate that he or she
3339 may withdraw his or her name from the ballot by filing with the
3340 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3341 later than the sixtieth day before the period for early voting
3342 begins for that election.

3343 **SECTION 84.** Section 21-3-3, Mississippi Code of 1972, is
3344 amended as follows:

3345 21-3-3. The elective officers of all municipalities
3346 operating under a code charter shall be the mayor, the aldermen,



3347 municipal judge, the marshal or chief of police, the tax collector
3348 and the tax assessor. From and after July 1, 2017, the governing
3349 authorities of the municipality shall appoint a city or town clerk
3350 who shall likewise serve as an officer of the municipality.
3351 However, the governing authorities of the municipality shall have
3352 the power, by ordinance, to combine the office of clerk or marshal
3353 with the office of tax collector and/or tax assessor. * * * The
3354 governing authorities shall have the further power to provide
3355 that * * * any of * * * those officers, except those of mayor and
3356 aldermen, shall be appointive, in which case the marshal or chief
3357 of police, the tax collector, the tax assessor, and the city or
3358 town clerk, or such of * * * the officers as may be made
3359 appointive, shall be appointed by the governing authorities. Any
3360 action taken by the governing authorities to make any of * * * the
3361 offices appointive shall be by ordinance of * * * the
3362 municipality, and no such ordinance shall be adopted within ninety
3363 (90) days * * * before the period for early voting begins for any
3364 regular general election for the election of municipal officers.
3365 No such ordinance shall become effective during the term of office
3366 of any officer whose office shall be affected thereby. If any
3367 such office is made appointive, the person appointed thereto shall
3368 hold office at the pleasure of the governing authorities and may
3369 be discharged by * * * the governing authorities at any time,
3370 either with or without cause, and it shall be discretionary with
3371 the governing authorities whether or not to require * * * the



person appointed thereto to reside within the corporate limits of the municipality in order to hold * * * the office.

SECTION 85. Section 21-9-17, Mississippi Code of 1972, is amended as follows:

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

SECTION 86. Section 37-5-9, Mississippi Code of 1972, is amended as follows:

37-5-9. The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days * * * before the date * * * early voting begins for the general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county



3397 residing within each supervisors district. Where there are less
3398 than one hundred (100) qualified electors in * * * the supervisors
3399 district, it shall only be required that * * * the petition of
3400 nomination be signed by at least twenty percent (20%) of the
3401 qualified electors of * * * the supervisors district. The
3402 candidate in each supervisors district who receives the highest
3403 number of votes cast in the district shall be declared elected.

3404 When any member of the county board of education is to be
3405 elected from the county at large under the provisions of this
3406 chapter, then the petition required by the preceding paragraph
3407 hereof shall be signed by the required number of qualified
3408 electors residing in any part of the county outside of the
3409 territory embraced within a municipal separate school district or
3410 special municipal separate school district. The candidate who
3411 receives the highest number of votes cast in the election shall be
3412 declared elected.

3413 In no case shall any qualified elector residing within a
3414 municipal separate school district or special municipal separate
3415 school district be eligible to sign a petition of nomination for
3416 any candidate for the county board of education under any of the
3417 provisions of this section.

3418 **SECTION 87.** Section 21-8-7, Mississippi Code of 1972, is
3419 amended as follows:

3420 21-8-7. (1) Each municipality operating under the
3421 mayor-council form of government shall be governed by an elected



3422 council and an elected mayor. Other officers and employees shall
3423 be duly appointed pursuant to this chapter, general law or
3424 ordinance.

3425 (2) Except as otherwise provided in subsection (4) of this
3426 section, the mayor and council members shall be elected by the
3427 voters of the municipality at a regular municipal election held on
3428 the first Tuesday after the first Monday in June as provided in
3429 Section 21-11-7, and shall serve for a term of four (4) years
3430 beginning on the first day of July next following the election
3431 that is not on a weekend. Votes for mayor and council members may
3432 also be cast during the period for early voting as provided for in
3433 this act.

3434 (3) The terms of the initial mayor and council members shall
3435 commence at the expiration of the terms of office of the elected
3436 officials of the municipality serving at the time of adoption of
3437 the mayor-council form.

3438 (4) (a) The council shall consist of five (5), seven (7) or
3439 nine (9) members. In the event there are five (5) council
3440 members, the municipality shall be divided into either five (5) or
3441 four (4) wards. In the event there are seven (7) council members,
3442 the municipality shall be divided into either seven (7), six (6)
3443 or five (5) wards. In the event there are nine (9) council
3444 members, the municipality shall be divided into seven (7) or nine
3445 (9) wards. If the municipality is divided into fewer wards than
3446 it has council members, the other council member or members shall



3447 be elected from the municipality at large. The total number of
3448 council members and the number of council members elected from
3449 wards shall be established by the petition or petitions presented
3450 pursuant to Section 21-8-3. One (1) council member shall be
3451 elected from each ward by the voters of that ward. Council
3452 members elected to represent wards must be residents of their
3453 wards at the time of qualification for election, and any council
3454 member who removes the member's residence from the municipality or
3455 from the ward from which elected shall vacate that office.
3456 However, any candidate for council member who is properly
3457 qualified as a candidate under applicable law shall be deemed to
3458 be qualified as a candidate in whatever ward the member resides if
3459 the ward has changed after the council has redistricted the
3460 municipality as provided in paragraph (c)(ii) of this subsection
3461 (4), and if the wards have been so changed, any person may qualify
3462 as a candidate for council member, using the person's existing
3463 residence or by changing the person's residence, not less than
3464 fifteen (15) days before the period for early voting begins for
3465 the first party primary or special party primary, as the case may
3466 be, notwithstanding any other residency or qualification
3467 requirements to the contrary.

3468 (b) The council or board existing at the time of the
3469 adoption of the mayor-council form of government shall designate
3470 the geographical boundaries of the wards within one hundred twenty
3471 (120) days after the election in which the mayor-council form of



3472 government is selected. In designating the geographical
3473 boundaries of the wards, each ward shall contain, as nearly as
3474 possible, the population factor obtained by dividing the
3475 municipality's population as shown by the most recent decennial
3476 census by the number of wards into which the municipality is to be
3477 divided.

3478 (c) (i) It shall be the mandatory duty of the council
3479 to redistrict the municipality by ordinance, which ordinance may
3480 not be vetoed by the mayor, within six (6) months after the
3481 official publication by the United States of the population of the
3482 municipality as enumerated in each decennial census, and within
3483 six (6) months after the effective date of any expansion of
3484 municipal boundaries; however, if the publication of the most
3485 recent decennial census or effective date of an expansion of the
3486 municipal boundaries occurs six (6) months or more before the
3487 first party primary of a general municipal election, then the
3488 council shall redistrict the municipality by ordinance not less
3489 than sixty (60) days before the period for early voting begins for
3490 the first party primary.

3491 (ii) If the publication of the most recent
3492 decennial census occurs less than six (6) months before the first
3493 primary of a general municipal election, the election shall be
3494 held with regard to the existing defined wards; reapportioned
3495 wards based on the census shall not serve as the basis for



3496 representation until the next regularly scheduled election in
3497 which council members shall be elected.

3498 (d) If annexation of additional territory into the
3499 municipal corporate limits of the municipality occurs less than
3500 six (6) months before the first party primary of a general
3501 municipal election, the council shall, by ordinance adopted within
3502 three (3) days of the effective date of the annexation, assign the
3503 annexed territory to an adjacent ward or wards so as to maintain
3504 as nearly as possible substantial equality of population between
3505 wards; any subsequent redistricting of the municipality by
3506 ordinance, as required by this chapter, shall not serve as the
3507 basis for representation until the next regularly scheduled
3508 election for municipal council members.

3509 (5) Vacancies occurring in the council shall be filled as
3510 provided in Section 23-15-857.

3511 (6) The mayor shall maintain an office at the city hall.
3512 The council members shall not maintain individual offices at the
3513 city hall; however, in a municipality having a population of one
3514 hundred thousand (100,000) and above according to the latest
3515 federal decennial census, council members may have individual
3516 offices in the city hall. Clerical work of council members in the
3517 performance of the duties of their office shall be performed by
3518 municipal employees or at municipal expense, and council members
3519 shall be reimbursed for the reasonable expenses incurred in the
3520 performance of the duties of their office.



3521 **SECTION 88.** Section 9-4-5, Mississippi Code of 1972, is
3522 amended as follows:

3523 9-4-5. (1) The term of office of judges of the Court of
3524 Appeals shall be eight (8) years. An election shall be held on
3525 the first Tuesday after the first Monday in November 1994, to
3526 elect the ten (10) judges of the Court of Appeals, two (2) from
3527 each congressional district; provided, however, judges of the
3528 Court of Appeals who are elected to take office after the first
3529 Monday of January 2002, shall be elected from the Court of Appeals
3530 Districts described in subsection (5) of this section. The judges
3531 of the Court of Appeals shall begin service on the first Monday of
3532 January 1995. Votes for judges of the Court of Appeals may be
3533 cast, if applicable, during the period for early voting provided
3534 for in this act.

3535 (2) (a) In order to provide that the offices of not more
3536 than a majority of the judges of * * * the court shall become
3537 vacant at any one (1) time, the terms of office of six (6) of the
3538 judges first to be elected shall expire in less than eight (8)
3539 years. For the purpose of all elections of members of the court,
3540 each of the ten (10) judges of the Court of Appeals shall be
3541 considered a separate office. The two (2) offices in each of the
3542 five (5) districts shall be designated Position Number 1 and
3543 Position Number 2, and in qualifying for office as a candidate for
3544 any office of judge of the Court of Appeals each candidate shall



3545 state the position number of the office to which he or she aspires
3546 and the election ballots shall so indicate.

3547 (i) In Congressional District Number 1, the judge
3548 of the Court of Appeals for Position Number 1 shall be that office
3549 for which the term ends January 1, 1999, and the judge of the
3550 Court of Appeals for Position Number 2 shall be that office for
3551 which the term ends January 1, 2003.

3552 (ii) In Congressional District Number 2, the judge
3553 of the Court of Appeals for Position Number 1 shall be that office
3554 for which the term ends on January 1, 2003, and the judge of the
3555 Court of Appeals for Position Number 2 shall be that office for
3556 which the term ends January 1, 2001.

3557 (iii) In Congressional District Number 3, the
3558 judge of the Court of Appeals for Position Number 1 shall be that
3559 office for which the term ends on January 1, 2001, and the judge
3560 of the Court of Appeals for Position Number 2 shall be that office
3561 for which the term ends January 1, 1999.

3562 (iv) In Congressional District Number 4, the judge
3563 of the Court of Appeals for Position Number 1 shall be that office
3564 for which the term ends on January 1, 1999, and the judge of the
3565 Court of Appeals for Position Number 2 shall be that office for
3566 which the term ends January 1, 2003.

3567 (v) In Congressional District Number 5, the judge
3568 of the Court of Appeals for Position Number 1 shall be that office
3569 for which the term ends on January 1, 2003, and the judge of the



3570 Court of Appeals for Position Number 2 shall be that office for
3571 which the term ends January 1, 2001.

3572 (b) The laws regulating the general elections shall
3573 apply to and govern the elections of judges of the Court of
3574 Appeals except as otherwise provided in Sections 23-15-974 through
3575 23-15-985.

3576 (c) In the year * * * before the expiration of the term
3577 of an incumbent, and likewise each eighth year thereafter, an
3578 election shall be held in the manner provided in this section in
3579 the district from which the incumbent Court of Appeals judge was
3580 elected at which there shall be elected a successor to the
3581 incumbent, whose term of office shall thereafter begin on the
3582 first Monday of January of the year in which the term of the
3583 incumbent he or she succeeds expires.

3584 (3) No person shall be eligible for the office of judge of
3585 the Court of Appeals who has not attained the age of thirty (30)
3586 years at the time of his or her election and who has not been a
3587 practicing attorney and citizen of the state for five (5) years
3588 immediately * * * before the election.

3589 (4) Any vacancy on the Court of Appeals shall be filled by
3590 appointment of the Governor for that portion of the unexpired
3591 term * * * before the election to fill the remainder of * * * the
3592 term according to provisions of Section 23-15-849 * * *.

3593 (5) (a) The State of Mississippi is hereby divided into
3594 five (5) Court of Appeals Districts as follows:



3595 **FIRST DISTRICT.** The First Court of Appeals District shall be
3596 composed of the following counties and portions of counties:
3597 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3598 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3599 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3600 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3601 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3602 Nations and Poplar Creek; in Panola County the precincts of East
3603 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3604 Springport, South Springport, Eureka, Williamson, East Batesville
3605 4, West Batesville 4, Fern Hill, North Batesville A, East
3606 Batesville 5 and West Batesville 5; and in Tallahatchie County the
3607 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3608 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3609 Murphreesboro and Rosebloom.

3610 **SECOND DISTRICT.** The Second Court of Appeals District shall
3611 be composed of the following counties and portions of counties:
3612 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3613 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
3614 Tunica, Warren, Washington and Yazoo; in Attala County the
3615 precincts of Northeast, Hesterville, Possomneck, North Central,
3616 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3617 County not included in the First Court of Appeals District; in
3618 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3619 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,



3620 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3621 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3622 precincts of Conway, West Carthage, Wiggins, Thomastown and
3623 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3624 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3625 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3626 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3627 Canton Precinct 1 and Canton Precinct 4; that portion of
3628 Montgomery County not included in the First Court of Appeals
3629 District; that portion of Panola County not included in the First
3630 Court of Appeals District; and that portion of Tallahatchie County
3631 not included in the First Court of Appeals District.

3632 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3633 composed of the following counties and portions of counties:
3634 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3635 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3636 portion of Attala County not included in the Second Court of
3637 Appeals District; in Jones County the precincts of Northwest High
3638 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
3639 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3640 Antioch and Landrum; that portion of Leake County not included in
3641 the Second Court of Appeals District; that portion of Madison
3642 County not included in the Second Court of Appeals District; and
3643 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3644 Diamond, Chaparral, Matherville, Coit and Eucutta.



3645 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3646 be composed of the following counties and portions of counties:
3647 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3648 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3649 that portion of Hinds County not included in the Second Court of
3650 Appeals District; and that portion of Jones county not included in
3651 the Third Court of Appeals District.

3652 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3653 composed of the following counties and portions of counties:
3654 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3655 River, Perry and Stone; and that portion of Wayne County not
3656 included in the Third Court of Appeals District.

3657 (b) The boundaries of the Court of Appeals Districts
3658 described in paragraph (a) of this subsection shall be the
3659 boundaries of the counties and precincts listed in paragraph (a)
3660 of this subsection as such boundaries existed on October 1, 1990.

3661 **SECTION 89.** This act shall take effect and be in force from
3662 and after July 1, 2020.

