

By: Representative McNeal

To: Municipalities; County  
Affairs

## HOUSE BILL NO. 968

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

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

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



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

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



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

If in the election a majority of the qualified electors in the county or municipality voting in the election shall vote "for conducting nonpartisan preferential elections," then the county boards of supervisors or municipal governing authorities shall pass the necessary order permitting nonpartisan preferential elections for the county or municipal elected offices. If in the election a majority of the qualified electors in the county or municipality voting in the election shall vote "against conducting nonpartisan preferential elections," then the county boards of supervisors or municipal governing authorities shall pass the necessary order requiring retention of partisan primary elections for the county or municipal elected offices.

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



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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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



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

**SECTION 7.** (1) Upon a majority vote of the qualified electors of a municipality, a municipal office is a nonpartisan office and a candidate for election thereto is prohibited from campaigning or qualifying for such an office based on party affiliation. In order to ensure that campaigns for nonpartisan municipal offices remain nonpartisan and without any connection to a political party, political parties and any committee or political committee affiliated with a political party shall not engage in fundraising on behalf of a candidate or officeholder of a nonpartisan municipal office, and a political party or any committee or political committee affiliated with a political party shall not make any contribution to a candidate for nonpartisan municipal office or the political committee of a candidate for nonpartisan county office, and a political party or any committee or political committee affiliated with a political party publicly shall not endorse any candidate for nonpartisan municipal office. No candidate or candidate's political committee for nonpartisan municipal office shall accept a contribution from a political party or any committee or political committee affiliated with a political party.



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

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

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

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

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

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





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

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

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

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



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

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

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

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

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

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



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

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

\* \* \*

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

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

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

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



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

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



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

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



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

(3) (a) Assessments made pursuant to paragraphs ( \* \* \*d) and ( \* \* \*e) of Section 23-15-297 must be paid by each candidate who seeks a nomination in the political party election to the secretary of the state executive committee with which the candidate is affiliated by 5:00 p.m. sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. Assessments made pursuant to paragraphs ( \* \* \*d) and ( \* \* \*e) of Section 23-15-297, in years when a presidential preference primary is not being held, shall be paid by each candidate who seeks a nomination in the political party election to the secretary of the state executive committee with which the candidate is affiliated by 5:00 p.m. on March 1 of the year in which the primary election for the office is held; however, no such assessments may be paid before January 1 of the year in which the primary election for the office is held. If sixty (60) days before the presidential preference primary in years in which a presidential preference primary is held, March 1, or the date of the qualifying deadline provided by statute for the office occurs on a Saturday, Sunday or legal holiday, then the assessments required to be paid by this paragraph (3)(a) shall be



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

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



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

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

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





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

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

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



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



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

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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

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

536           (2) Except as provided in this section, and subject to the  
537 following annual limitations, the election commissioners shall be  
538 entitled to receive a per diem in the amount of One Hundred  
539 Dollars (\$100.00), to be paid from the county general fund, for  
540 every day or period of no less than five (5) hours accumulated  
541 over two (2) or more days actually employed in the performance of  
542 their duties in the conduct of an election or actually employed in  
543 the performance of their duties for the necessary time spent in  
544 the revision of the county voter roll as electronically maintained  
545 by the Statewide Elections Management System as required in  
546 subsection (1) of this section:



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

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

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

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



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

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

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

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

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





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

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

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

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



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

627       (4) (a) The election commissioners shall be entitled to  
628 receive a per diem in the amount of One Hundred Dollars (\$100.00),  
629 to be paid from the county general fund, not to exceed ten (10)  
630 days for every day or period of no less than five (5) hours  
631 accumulated over two (2) or more days actually employed in the  
632 performance of their duties for the necessary time spent in the  
633 revision of the county voter roll as electronically maintained by  
634 the Statewide Elections Management System before any special  
635 election. For purposes of this paragraph, the regular special  
636 election day shall not be considered a special election. The  
637 annual limitations set forth in subsection (2) of this section  
638 shall not apply to this paragraph.

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



(5) The election commissioners shall be entitled to receive a per diem in the amount of One Hundred Dollars (\$100.00), to be paid from the county general fund, not to exceed fourteen (14) days for every day or period of no less than five (5) hours accumulated over two (2) or more days actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained by the Statewide Elections Management System and in the conduct of a runoff election following either a general or special election.

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

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

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



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

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

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

686 The certification form shall be as follows:

687 **COUNTY ELECTION COMMISSIONER**

688 **PER DIEM CLAIM FORM**

689 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

690 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

691 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

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



695 \_\_\_\_\_  
696 \_\_\_\_\_  
697 \_\_\_\_\_

698 TOTAL NUMBER OF PER DIEM DAYS EARNED

699 EXCLUDING ELECTION DAYS \_\_\_\_\_

700 PER DIEM RATE PER DAY EARNED X \$100.00

701 TOTAL NUMBER PER DIEM DAYS EARNED

702 FOR ELECTION DAYS \_\_\_\_\_

703 PER DIEM RATE PER DAY EARNED X \$150.00

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

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

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

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

711 \_\_\_\_\_

712 Commissioner's Signature

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

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



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

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

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



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

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

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

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

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

(i) President;

(ii) United States Senator or United States Representative;

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



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

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

(e) Candidates for countywide office;

(f) Candidates for county district office.

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

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

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

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





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

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

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

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

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



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

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

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

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

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

**[Until December 31, 2022, this section shall read as follows:]**

23-15-213. (1) At the general election in 2020, there shall be elected five (5) election commissioners for each county whose terms of office shall commence on the first Monday of January following their election. Each of the commissioners shall be required to attend a training seminar provided by the Secretary of State and satisfactorily complete a skills assessment, and before acting, shall take and subscribe the oath of office prescribed by the Constitution. The oath shall be filed in the office of the clerk of the chancery court. Upon filing the oath of office, the election commissioner may be provided access to the Statewide Elections Management System for the purpose of performing his or



her duties. While engaged in their duties, the commissioners shall be conservators of the peace in the county, with all the duties and powers of such.

(2) The qualified electors of each supervisors district shall elect, at the general election in 2020, in their district one (1) election commissioner. The election commissioners from board of supervisors' Districts One, Three and Five shall serve for a term of four (4) years. The election commissioners from board of supervisors' Districts Two and Four shall serve for a term of three (3) years. No more than one (1) commissioner shall be a resident of and reside in each supervisors district of the county; it being the purpose of this section that the county board of election commissioners shall consist of one (1) person from each supervisors district of the county and that each commissioner be elected from the supervisors district in which he or she resides.

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



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

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



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

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

897           **[From and after January 1, 2023, this section shall read as**  
898 **follows:]**

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

913           (2) (a) At the general election in 2024 and every four (4)  
914 years thereafter, the qualified electors of the board of  
915 supervisors' Districts One, Three and Five shall elect in their  
916 district one (1) election commissioner.



917 (b) At the general election in 2023 and every four (4)  
918 years thereafter, the qualified electors of the board of  
919 supervisors' Districts Two and Four shall elect in their district  
920 one (1) election commissioner.

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

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



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

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



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

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

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

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

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

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

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





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



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

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

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



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

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

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

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



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

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

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

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

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

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

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



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

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

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

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

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

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



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



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

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

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

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



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

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

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

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

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

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

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

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





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

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

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

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

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

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

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

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



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

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



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

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

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



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

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

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

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

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

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



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

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

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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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

1378 **SECTION 33.** This act shall take effect and be in force from  
1379 and after October 1, 2019.

