

By: Representatives Shirley, Hughes

To: Apportionment and
Elections

HOUSE BILL NO. 1003

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



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

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

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

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

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



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

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

78 **SECTION 2.** The general election in 2019 and every general
79 election thereafter shall be held on the first Tuesday after the
80 first Monday of November of the year. When more than one (1)
81 person has qualified or been certified as a candidate for any
82 office, a preferential election for such office shall be held
83 three (3) weeks before the general election.

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

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



SECTION 5.

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

SECTION 6.

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

(2) When there is a tie in the preferential election between the candidates receiving the next highest number of votes, and there is not a tie for the highest number of votes, candidates receiving the next highest number of votes, and the one (1) candidate receiving the highest number of votes, no one having received a majority, shall have their names placed on the ballot as candidates in the general or regular election.

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



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

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

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

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



(b) Candidates for Lieutenant Governor, Attorney General, Secretary of State, State Treasurer, Auditor of Public 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 district attorney, State Senator and State Representative, Two Hundred Fifty Dollars (\$250.00);

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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



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 preferential election, the proper executive
committee or election commission when the time has expired within
which the names of candidates shall be furnished shall declare
such candidates the nominees.

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

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

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



SECTION 11.

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

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

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

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



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

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

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

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

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



SECTION 15.

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

SECTION 16.

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

SECTION 17.

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

SECTION 18.

The Secretary of State shall promulgate rules and regulations necessary to effectuate the provisions of Sections 1 through 17 of this act.



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

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

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



ensuing term, such action to become effective with the ensuing terms.

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 Section * * * 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 of government.

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



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



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

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

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



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

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

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

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



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

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

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

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

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



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

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

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



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

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



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

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



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

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

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

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



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

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



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

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



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

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

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

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

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

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



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

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

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

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



692 fraud or of any crime listed in Section 241, Mississippi
693 Constitution of 1890, shall be a qualified elector in and for the
694 county, municipality and voting precinct of his or her residence,
695 and shall be entitled to vote at any election upon compliance with
696 Section 23-15-563. If the thirtieth day to register before an
697 election falls on a Sunday or legal holiday, the registration
698 applications submitted on the business day immediately following
699 the Sunday or legal holiday shall be accepted and entered in the
700 Statewide Elections Management System for the purpose of enabling
701 voters to vote in the next election. Any person who will be
702 eighteen (18) years of age or older on or before the date of the
703 general election and who is duly registered to vote not less than
704 thirty (30) days before the * * * preferential election associated
705 with the general election, may vote in the * * * preferential
706 election even though the person has not reached his or her
707 eighteenth birthday at the time that the person seeks to vote at
708 the * * * preferential election. No others than those specified
709 in this section shall be entitled, or shall be allowed, to vote at
710 any election.

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

713 23-15-21. It shall be unlawful for any person who is not a
714 citizen of the United States or the State of Mississippi to
715 register or to vote in any * * * special, preferential or general
716 election in the state.



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

719 23-15-31. All of the provisions of this subarticle shall be
720 applicable, insofar as possible, to municipal, * * * preferential,
721 general and special elections; and wherever therein any duty is
722 imposed or any power or authority is conferred upon the county
723 registrar * * * or county election commissioners * * * with
724 reference to a state and county election, such duty shall likewise
725 be conferred upon the municipal registrar * * * or municipal
726 election commission * * * with reference to any municipal
727 election.

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

730 23-15-37. (1) The registrar shall register the electors of
731 his or her county at any time during regular office hours.

732 (2) The county registrar may keep his or her office open to
733 register voters from 8:00 a.m. until 7:00 p.m., including the noon
734 hour, for the five (5) business days immediately preceding the
735 thirtieth day before any regularly scheduled * * * preferential or
736 general election. The county registrar shall also keep his or her
737 office open from 8:00 a.m. until 12:00 noon on the Saturday
738 immediately preceding the thirtieth day before any regularly
739 scheduled * * * preferential or general election, unless that
740 Saturday falls on a legal holiday, in which case registration
741 applications submitted on the Monday immediately following the



742 legal holiday shall be accepted and entered in the Statewide
743 Elections Management System for the purpose of enabling such
744 voters to vote in the next primary or general election.

745 (3) The registrar, or any deputy registrar duly appointed by
746 law, may visit and spend such time as he or she may deem necessary
747 at any location in his or her county, selected by the registrar
748 not less than thirty (30) days before an election, for the purpose
749 of registering voters.

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

760 (5) (a) In the fall and spring of each year the registrar
761 of each county shall furnish all public schools with mail-in voter
762 registration applications. The applications shall be provided in
763 a reasonable time to enable those students who will be eighteen
764 (18) years of age before a general election to be able to vote in
765 the * * * preferential 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 29. 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 preceding the first * * * preferential election for members of Congress in the years when members of Congress are elected;

(c) On the first Monday in the month immediately preceding the first * * * preferential election for state, state



district legislative, county and county district offices in the years in which those offices are elected; and

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

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

(2) Except as provided in this section, and subject to the following annual limitations, 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, 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 in the conduct of an election or actually employed in the performance of their duties for the necessary time spent in the revision of the county voter roll as electronically maintained



814 by the Statewide Elections Management System as required in
815 subsection (1) of this section:

816 (a) In counties having less than fifteen thousand
817 (15,000) residents according to the latest federal decennial
818 census, not more than fifty (50) days per year, with no more than
819 fifteen (15) additional days allowed for the conduct of each
820 election in excess of one (1) occurring in any calendar year;

821 (b) In counties having fifteen thousand (15,000)
822 residents according to the latest federal decennial census but
823 less than thirty thousand (30,000) residents according to the
824 latest federal decennial census, not more than seventy-five (75)
825 days per year, with no more than twenty-five (25) additional days
826 allowed for the conduct of each election in excess of one (1)
827 occurring in any calendar year;

828 (c) In counties having thirty thousand (30,000)
829 residents according to the latest federal decennial census but
830 less than seventy thousand (70,000) residents according to the
831 latest federal decennial census, not more than one hundred (100)
832 days per year, with no more than thirty-five (35) additional days
833 allowed for the conduct of each election in excess of one (1)
834 occurring in any calendar year;

835 (d) In counties having seventy thousand (70,000)
836 residents according to the latest federal decennial census but
837 less than ninety thousand (90,000) residents according to the
838 latest federal decennial census, not more than one hundred



839 twenty-five (125) days per year, with no more than forty-five (45)
840 additional days allowed for the conduct of each election in excess
841 of one (1) occurring in any calendar year;

842 (e) In counties having ninety thousand (90,000)
843 residents according to the latest federal decennial census but
844 less than one hundred seventy thousand (170,000) residents
845 according to the latest federal decennial census, not more than
846 one hundred fifty (150) days per year, with no more than
847 fifty-five (55) additional days allowed for the conduct of each
848 election in excess of one (1) occurring in any calendar year;

849 (f) In counties having one hundred seventy thousand
850 (170,000) residents according to the latest federal decennial
851 census but less than two hundred thousand (200,000) residents
852 according to the latest federal decennial census, not more than
853 one hundred seventy-five (175) days per year, with no more than
854 sixty-five (65) additional days allowed for the conduct of each
855 election in excess of one (1) occurring in any calendar year;

856 (g) In counties having two hundred thousand (200,000)
857 residents according to the latest federal decennial census but
858 less than two hundred twenty-five thousand (225,000) residents
859 according to the latest federal decennial census, not more than
860 one hundred ninety (190) days per year, with no more than
861 seventy-five (75) additional days allowed for the conduct of each
862 election in excess of one (1) occurring in any calendar year;



863 (h) In counties having two hundred twenty-five thousand
864 (225,000) residents according to the latest federal decennial
865 census but less than two hundred fifty thousand (250,000)
866 residents according to the latest federal decennial census, not
867 more than two hundred fifteen (15) days per year, with no more
868 than eighty-five (85) additional days allowed for the conduct of
869 each election in excess of one (1) occurring in any calendar year;

870 (i) In counties having two hundred fifty thousand
871 (250,000) residents according to the latest federal decennial
872 census but less than two hundred seventy-five thousand (275,000)
873 residents according to the latest federal decennial census, not
874 more than two hundred thirty (30) days per year, with no more
875 than ninety-five (95) additional days allowed for the conduct of
876 each election in excess of one (1) occurring in any calendar year;

877 (j) In counties having two hundred seventy-five
878 thousand (275,000) residents according to the latest federal
879 decennial census or more, not more than two hundred forty (40)
880 days per year, with no more than one hundred five (105) additional
881 days allowed for the conduct of each election in excess of one (1)
882 occurring in any calendar year.

883 (3) In addition to the number of days authorized in
884 subsection (2) of this section, the board of supervisors of a
885 county may authorize, in its discretion, the election
886 commissioners to receive a per diem in the amount provided for in
887 subsection (2) of this section, to be paid from the county general



888 fund, for every day or period of no less than five (5) hours
889 accumulated over two (2) or more days actually employed in the
890 performance of their duties in the conduct of an election or
891 actually employed in the performance of their duties for the
892 necessary time spent in the revision of the county voter roll as
893 electronically maintained by the Statewide Elections Management
894 System as required in subsection (1) of this section, * * * not to
895 exceed five (5) days.

896 (4) (a) The election commissioners shall be entitled to
897 receive a per diem in the amount of One Hundred Dollars (\$100.00),
898 to be paid from the county general fund, not to exceed ten (10)
899 days for every day or period of no less than five (5) hours
900 accumulated over two (2) or more days actually employed in the
901 performance of their duties for the necessary time spent in the
902 revision of the county voter roll as electronically maintained by
903 the Statewide Elections Management System before any special
904 election. For purposes of this paragraph, the regular special
905 election day shall not be considered a special election. The
906 annual limitations set forth in subsection (2) of this section
907 shall not apply to this paragraph.

908 (b) The election commissioners shall be entitled to
909 receive a per diem in the amount of One Hundred Fifty Dollars
910 (\$150.00), to be paid from the county general fund, for the
911 performance of their duties on the day of any general or special



912 election. The annual limitations set forth in subsection (2) of
913 this section shall apply to this paragraph.

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

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

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



936 (8) County election commissioners who perform the duties of
937 an executive committee with regard to the conduct of a * * *
938 preferential election under a written agreement authorized by law
939 to be entered into with an executive committee shall receive per
940 diem as provided for in subsection (2) of this section. The days
941 that county election commissioners are employed in the conduct of
942 a primary election shall be treated the same as days county
943 election commissioners are employed in the conduct of other
944 elections.

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

949 (10) Every election commissioner shall sign personally a
950 certification setting forth the number of hours actually worked in
951 the performance of the commissioner's official duties and for
952 which the commissioner seeks compensation. The certification must
953 be on a form as prescribed in this subsection. The commissioner's
954 signature is, as a matter of law, made under the commissioner's
955 oath of office and under penalties of perjury.

956 The certification form shall be as follows:

957 **COUNTY ELECTION COMMISSIONER**

958 **PER DIEM CLAIM FORM**

959 NAME: _____ COUNTY: _____

960 ADDRESS: _____ DISTRICT: _____



961 CITY: _____ ZIP: _____

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

965 _____

966 _____

967 _____

968 TOTAL NUMBER OF PER DIEM DAYS EARNED

969 EXCLUDING ELECTION DAYS _____

970 PER DIEM RATE PER DAY EARNED X \$100.00

971 TOTAL NUMBER PER DIEM DAYS EARNED

972 FOR ELECTION DAYS _____

973 PER DIEM RATE PER DAY EARNED X \$150.00

974 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

980 Signed this the _____ day of _____, ____.

981 _____

982 Commissioner's Signature

983 When properly completed and signed, the certification must be
984 filed with the clerk of the county board of supervisors before any
985 payment may be made. The certification will be a public record



986 available for inspection and reproduction immediately upon the
987 oral or written request of any person.

988 Any person may contest the accuracy of the certification in
989 any respect by notifying the chair of the commission, any member
990 of the board of supervisors or the clerk of the board of
991 supervisors of the contest at any time before or after payment is
992 made. If the contest is made before payment is made, no payment
993 shall be made as to the contested certificate until the contest is
994 finally disposed of. The person filing the contest shall be
995 entitled to a full hearing, and the clerk of the board of
996 supervisors shall issue subpoenas upon request of the contestor
997 compelling the attendance of witnesses and production of documents
998 and things. The contestor shall have the right to appeal de novo
999 to the circuit court of the involved county, which appeal must be
1000 perfected within thirty (30) days from a final decision of the
1001 commission, the clerk of the board of supervisors or the board of
1002 supervisors, as the case may be.

1003 Any contestor who successfully contests any certification
1004 will be awarded all expenses incident to his or her contest,
1005 together with reasonable attorney's fees, which will be awarded
1006 upon petition to the chancery court of the involved county upon
1007 final disposition of the contest before the election commission,
1008 board of supervisors, clerk of the board of supervisors, or, in
1009 case of an appeal, final disposition by the court. The
1010 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 30. 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) 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 31. Section 23-15-197, Mississippi Code of 1972, is amended as follows:

23-15-197. (1) Times for holding * * * general elections for congressional offices shall be as prescribed in Sections * * * 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.

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

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



1060 23-15-213. (1) At the general election in 2020, there shall
1061 be elected five (5) election commissioners for each county whose
1062 terms of office shall commence on the first Monday of January
1063 following their election. Each of the commissioners shall be
1064 required to attend a training seminar provided by the Secretary of
1065 State and satisfactorily complete a skills assessment, and before
1066 acting, shall take and subscribe the oath of office prescribed by
1067 the Constitution. The oath shall be filed in the office of the
1068 clerk of the chancery court. Upon filing the oath of office, the
1069 election commissioner may be provided access to the Statewide
1070 Elections Management System for the purpose of performing his or
1071 her duties. While engaged in their duties, the commissioners
1072 shall be conservators of the peace in the county, with all the
1073 duties and powers of such.

1074 (2) The qualified electors of each supervisors district
1075 shall elect, at the general election in 2020, in their district
1076 one (1) election commissioner. The election commissioners from
1077 board of supervisors' Districts One, Three and Five shall serve
1078 for a term of four (4) years. The election commissioners from
1079 board of supervisors' Districts Two and Four shall serve for a
1080 term of three (3) years. No more than one (1) commissioner shall
1081 be a resident of and reside in each supervisors district of the
1082 county; it being the purpose of this section that the county board
1083 of election commissioners shall consist of one (1) person from
1084 each supervisors district of the county and that each commissioner



1085 be elected from the supervisors district in which he or she
1086 resides.

1087 (3) Candidates for county election commissioner shall
1088 qualify by filing with the clerk of the board of supervisors of
1089 their respective counties a petition personally signed by not less
1090 than fifty (50) qualified electors of the supervisors district in
1091 which they reside, requesting that they be a candidate, by 5:00
1092 p.m. not later than the first Monday in June of the year in which
1093 the election occurs and unless the petition is filed within the
1094 required time, their names shall not be placed upon the ballot.
1095 All candidates shall declare in writing their party affiliation,
1096 if any, to the board of supervisors, and such party affiliation
1097 shall be shown on the official ballot.

1098 (4) The petition shall have attached thereto a certificate
1099 of the county registrar showing the number of qualified electors
1100 on each petition, which shall be furnished by the registrar on
1101 request. The board shall determine the sufficiency of the
1102 petition, and if the petition contains the required number of
1103 signatures and is filed within the time required, the president of
1104 the board shall verify that the candidate is a resident of the
1105 supervisors district in which he or she seeks election and that
1106 the candidate is otherwise qualified as provided by law, and shall
1107 certify that the candidate is qualified to the chair or secretary
1108 of the county election commission and the names of the candidates
1109 shall be placed upon the ballot for the ensuing election. No



1110 county election commissioner shall serve or be considered as
1111 elected until he or she has received a majority of the votes cast
1112 for the position or post for which he or she is a candidate. If a
1113 majority vote is not received in the * * * preferential election,
1114 then the * * * procedures described in Sections 5 and 6 of this
1115 act shall be followed to determine the candidates whose names will
1116 be placed on the general election ballot, which is in accordance
1117 with appropriate procedures followed in other elections * * * when
1118 no candidate receives a majority of the votes.

1119 (5) Upon taking office, the county election commissioners
1120 shall organize by electing a chair and a secretary.

1121 (6) It shall be the duty of the chair to have the official
1122 ballot printed and distributed at each general or special
1123 election.

1124 **[From and after January 1, 2023, this section shall read as**
1125 **follows:]**

1126 23-15-213. (1) There shall be elected five (5) election
1127 commissioners for each county whose terms of office shall commence
1128 on the first Monday of January following their election and who
1129 shall serve for a term of four (4) years. Each of the
1130 commissioners shall be required to attend a training seminar
1131 provided by the Secretary of State and satisfactorily complete a
1132 skills assessment, and before acting, shall take and subscribe the
1133 oath of office prescribed by the Constitution. The oath shall be
1134 filed in the office of the clerk of the chancery court. Upon



1135 filing the oath of office, the election commissioner may be
1136 provided access to the Statewide Elections Management System for
1137 the purpose of performing his or her duties. While engaged in
1138 their duties, the commissioners shall be conservators of the peace
1139 in the county, with all the duties and powers of such.

1140 (2) (a) At the general election in 2024 and every four (4)
1141 years thereafter, the qualified electors of the board of
1142 supervisors' Districts One, Three and Five shall elect in their
1143 district one (1) election commissioner.

1144 (b) At the general election in 2023 and every four (4)
1145 years thereafter, the qualified electors of the board of
1146 supervisors' Districts Two and Four shall elect in their district
1147 one (1) election commissioner.

1148 (c) No more than one (1) commissioner shall be a
1149 resident of and reside in each supervisors district of the county;
1150 it being the purpose of this section that the county board of
1151 election commissioners shall consist of one (1) person from each
1152 supervisors district of the county and that each commissioner be
1153 elected from the supervisors district in which he or she resides.

1154 (3) Candidates for county election commissioner shall
1155 qualify by filing with the clerk of the board of supervisors of
1156 their respective counties a petition personally signed by not less
1157 than fifty (50) qualified electors of the supervisors district in
1158 which they reside, requesting that they be a candidate, by 5:00
1159 p.m. not later than the first Monday in June of the year in which



1160 the election occurs and unless the petition is filed within the
1161 required time, their names shall not be placed upon the ballot.
1162 All candidates shall declare in writing their party affiliation,
1163 if any, to the board of supervisors, and such party affiliation
1164 shall be shown on the official ballot.

1165 (4) The petition shall have attached thereto a certificate
1166 of the county registrar showing the number of qualified electors
1167 on each petition, which shall be furnished by the registrar on
1168 request. The board shall determine the sufficiency of the
1169 petition, and if the petition contains the required number of
1170 signatures and is filed within the time required, the president of
1171 the board shall verify that the candidate is a resident of the
1172 supervisors district in which he or she seeks election and that
1173 the candidate is otherwise qualified as provided by law, and shall
1174 certify that the candidate is qualified to the chair or secretary
1175 of the county election commission and the names of the candidates
1176 shall be placed upon the ballot for the ensuing election. No
1177 county election commissioner shall serve or be considered as
1178 elected until he or she has received a majority of the votes cast
1179 for the position or post for which he or she is a candidate. If a
1180 majority vote is not received in the * * * preferential election,
1181 then the * * * procedures described in Sections 5 and 6 of this
1182 act shall be followed to determine the candidates whose names will
1183 be placed on the general election ballot, which is in accordance



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

(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 33. 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 * * * preferential 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 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



1209 complete two (2) hours of in-person poll manager training. No
1210 poll manager shall serve in any election unless he or she has
1211 received these instructions once during the twelve (12) months
1212 immediately preceding the date upon which the election is held;
1213 however, nothing in this section shall prevent the appointment of
1214 an alternate poll manager to fill a vacancy in case of an
1215 emergency. The county executive committee or the election
1216 commissioners, as appropriate, shall train a sufficient number of
1217 alternates to serve in the event a poll manager is unable to serve
1218 for any reason.

1219 (2) (a) If it is eligible under Section 23-15-266, the
1220 county executive committee may enter into a written agreement with
1221 the circuit clerk or the county election commission authorizing
1222 the circuit clerk or the county election commission to perform any
1223 of the duties required of the county executive committee pursuant
1224 to this section. Any agreement entered into pursuant to this
1225 subsection shall be signed by the chair of the county executive
1226 committee and the circuit clerk or the chair of the county
1227 election commission, as appropriate. The county executive
1228 committee shall notify the state executive committee and the
1229 Secretary of State of the existence of the agreement.

1230 (b) If it is eligible under Section 23-15-266, the
1231 municipal executive committee may enter into a written agreement
1232 with the municipal clerk or the municipal election commission
1233 authorizing the municipal clerk or the municipal election



1234 commission to perform any of the duties required of the municipal
1235 executive committee pursuant to this section. Any agreement
1236 entered into pursuant to this subsection shall be signed by the
1237 chair of the municipal executive committee and the municipal clerk
1238 or the chair of the municipal election commission, as appropriate.
1239 The municipal executive committee shall notify the state executive
1240 committee and the Secretary of State of the existence of the
1241 agreement.

1242 (3) The board of supervisors and the municipal governing
1243 authority, in their discretion, may compensate poll managers who
1244 attend these training sessions. The compensation shall be at a
1245 rate of not less than the federal hourly minimum wage nor more
1246 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1247 compensated for more than sixteen (16) hours of attendance at the
1248 training sessions regardless of the actual amount of time that
1249 they attended the training sessions.

1250 (4) The time and location of the training sessions required
1251 pursuant to this section shall be announced to the general public
1252 by posting a notice thereof at the courthouse and by delivering a
1253 copy of the notice to the office of a newspaper having general
1254 circulation in the county five (5) days before the date upon which
1255 the training session is to be conducted. Persons who will serve
1256 as poll watchers for candidates and political parties, as well as
1257 members of the general public, shall be allowed to attend the
1258 sessions.



1259 (5) Subject to the following annual limitations, the
1260 election commissioners shall be entitled to receive a per diem in
1261 the amount of One Hundred Dollars (\$100.00), to be paid from the
1262 county general fund, for every day or period of no less than five
1263 (5) hours accumulated over two (2) or more days actually employed
1264 in the performance of their duties for the necessary time spent in
1265 conducting training sessions as required by this section:

1266 (a) In counties having less than fifteen thousand
1267 (15,000) residents according to the latest federal decennial
1268 census, not more than five (5) days per year;

1269 (b) In counties having fifteen thousand (15,000)
1270 residents according to the latest federal decennial census but
1271 less than thirty thousand (30,000) residents according to the
1272 latest federal decennial census, not more than eight (8) days per
1273 year;

1274 (c) In counties having thirty thousand (30,000)
1275 residents according to the latest federal decennial census but
1276 less than seventy thousand (70,000) residents according to the
1277 latest federal decennial census, not more than ten (10) days per
1278 year;

1279 (d) In counties having seventy thousand (70,000)
1280 residents according to the latest federal decennial census but
1281 less than ninety thousand (90,000) residents according to the
1282 latest federal decennial census, not more than twelve (12) days
1283 per year;



1284 (e) In counties having ninety thousand (90,000)
1285 residents according to the latest federal decennial census but
1286 less than one hundred seventy thousand (170,000) residents
1287 according to the latest federal decennial census, not more than
1288 fifteen (15) days per year;

1289 (f) In counties having one hundred seventy thousand
1290 (170,000) residents according to the latest federal decennial
1291 census but less than two hundred thousand (200,000) residents
1292 according to the latest federal decennial census, not more than
1293 eighteen (18) days per year;

1294 (g) In counties having two hundred thousand (200,000)
1295 residents according to the latest federal decennial census but
1296 less than two hundred twenty-five thousand (225,000) residents
1297 according to the latest federal decennial census, not more than
1298 nineteen (19) days per year;

1299 (h) In counties having two hundred twenty-five thousand
1300 (225,000) residents or more according to the latest federal
1301 decennial census, not more than twenty-two (22) days per year.

1302 (6) Election commissioners shall claim the per diem
1303 authorized in subsection (5) of this section in the manner
1304 provided for in Section 23-15-153(6).

1305 (7) (a) To provide poll manager training, the Secretary of
1306 State has developed a single, comprehensive poll manager training
1307 program to ensure uniform, secure elections throughout the state.
1308 The program includes online training on all state and federal



1309 election laws and procedures and voting machine opening and
1310 closing procedures.

1311 (b) County election commissioners shall designate one
1312 (1) poll manager per precinct, who shall individually access and
1313 complete the online training program, including all skills
1314 assessments, at least five (5) days before an election. The poll
1315 manager shall be defined as a "certified poll manager," and
1316 entitled to a "Certificate of Completion" and compensation for the
1317 successful completion of the training and skills assessment in the
1318 amount of Twenty-five Dollars (\$25.00) payable from the Secretary
1319 of State. Compensation paid to any poll manager under this
1320 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per
1321 calendar year.

1322 (c) Every election held after January 1, 2018, shall
1323 have at least one (1) certified poll manager appointed by the
1324 county election officials to work in each polling place in the
1325 county during each general election.

1326 **[From and after January 1, 2020, this section shall read as**
1327 **follows:]**

1328 23-15-239. (1) The executive committee of each county, in
1329 the case of a * * * preferential election, or the election
1330 commissioners of each county, in the case of all other elections,
1331 in conjunction with the circuit clerk, shall, in the years in
1332 which counties conduct an election, sponsor and conduct, not less
1333 than five (5) days before each election, not less than four (4)



1334 hours and not more than eight (8) hours of poll manager training
1335 to instruct poll managers as to their duties in the proper
1336 administration of the election and the operation of the polling
1337 place. Any poll manager who completes the online training course
1338 provided by the Secretary of State shall only be required to
1339 complete two (2) hours of in-person poll manager training. No
1340 poll manager shall serve in any election unless he or she has
1341 received these instructions once during the twelve (12) months
1342 immediately preceding the date upon which the election is held;
1343 however, nothing in this section shall prevent the appointment of
1344 an alternate poll manager to fill a vacancy in case of an
1345 emergency. The county executive committee or the election
1346 commissioners, as appropriate, shall train a sufficient number of
1347 alternates to serve in the event a poll manager is unable to serve
1348 for any reason.

1349 (2) (a) If it is eligible under Section 23-15-266, the
1350 county executive committee may enter into a written agreement with
1351 the circuit clerk or the county election commission authorizing
1352 the circuit clerk or the county election commission to perform any
1353 of the duties required of the county executive committee pursuant
1354 to this section. Any agreement entered into pursuant to this
1355 subsection shall be signed by the chair of the county executive
1356 committee and the circuit clerk or the chair of the county
1357 election commission, as appropriate. The county executive



1358 committee shall notify the state executive committee and the
1359 Secretary of State of the existence of the agreement.

1360 (b) If it is eligible under Section 23-15-266, the
1361 municipal executive committee may enter into a written agreement
1362 with the municipal clerk or the municipal election commission
1363 authorizing the municipal clerk or the municipal election
1364 commission to perform any of the duties required of the municipal
1365 executive committee pursuant to this section. Any agreement
1366 entered into pursuant to this subsection shall be signed by the
1367 chair of the municipal executive committee and the municipal clerk
1368 or the chair of the municipal election commission, as appropriate.
1369 The municipal executive committee shall notify the state executive
1370 committee and the Secretary of State of the existence of the
1371 agreement.

1372 (3) The board of supervisors and the municipal governing
1373 authority, in their discretion, may compensate poll managers who
1374 attend these training sessions. The compensation shall be at a
1375 rate of not less than the federal hourly minimum wage nor more
1376 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1377 compensated for more than sixteen (16) hours of attendance at the
1378 training sessions regardless of the actual amount of time that
1379 they attended the training sessions.

1380 (4) The time and location of the training sessions required
1381 pursuant to this section shall be announced to the general public
1382 by posting a notice thereof at the courthouse and by delivering a



1383 copy of the notice to the office of a newspaper having general
1384 circulation in the county five (5) days before the date upon which
1385 the training session is to be conducted. Persons who will serve
1386 as poll watchers for candidates and political parties, as well as
1387 members of the general public, shall be allowed to attend the
1388 sessions.

1389 (5) Subject to the following annual limitations, the
1390 election commissioners shall be entitled to receive a per diem in
1391 the amount of One Hundred Dollars (\$100.00), to be paid from the
1392 county general fund, for every day or period of no less than five
1393 (5) hours accumulated over two (2) or more days actually employed
1394 in the performance of their duties for the necessary time spent in
1395 conducting training sessions as required by this section:

1396 (a) In counties having less than fifteen thousand
1397 (15,000) residents according to the latest federal decennial
1398 census, not more than five (5) days per year;

1399 (b) In counties having fifteen thousand (15,000)
1400 residents according to the latest federal decennial census but
1401 less than thirty thousand (30,000) residents according to the
1402 latest federal decennial census, not more than eight (8) days per
1403 year;

1404 (c) In counties having thirty thousand (30,000)
1405 residents according to the latest federal decennial census but
1406 less than seventy thousand (70,000) residents according to the



1407 latest federal decennial census, not more than ten (10) days per
1408 year;

1409 (d) In counties having seventy thousand (70,000)
1410 residents according to the latest federal decennial census but
1411 less than ninety thousand (90,000) residents according to the
1412 latest federal decennial census, not more than twelve (12) days
1413 per year;

1414 (e) In counties having ninety thousand (90,000)
1415 residents according to the latest federal decennial census but
1416 less than one hundred seventy thousand (170,000) residents
1417 according to the latest federal decennial census, not more than
1418 fifteen (15) days per year;

1419 (f) In counties having one hundred seventy thousand
1420 (170,000) residents according to the latest federal decennial
1421 census but less than two hundred thousand (200,000) residents
1422 according to the latest federal decennial census, not more than
1423 eighteen (18) days per year;

1424 (g) In counties having two hundred thousand (200,000)
1425 residents according to the latest federal decennial census but
1426 less than two hundred twenty-five thousand (225,000) residents
1427 according to the latest federal decennial census, not more than
1428 nineteen (19) days per year;

1429 (h) In counties having two hundred twenty-five thousand
1430 (225,000) residents or more according to the latest federal
1431 decennial census, not more than twenty-two (22) days per year.



1432 (6) Election commissioners shall claim the per diem
1433 authorized in subsection (5) of this section in the manner
1434 provided for in Section 23-15-153(6).

1435 (7) (a) To provide poll manager training, the Secretary of
1436 State has developed a single, comprehensive poll manager training
1437 program to ensure uniform, secure elections throughout the state.
1438 The program includes online training on all state and federal
1439 election laws and procedures and voting machine opening and
1440 closing procedures.

1441 (b) County poll managers who individually access and
1442 complete the online training program, including all skills
1443 assessments, at least five (5) days before an election shall be
1444 defined as "certified poll managers," and entitled to a
1445 "Certificate of Completion."

1446 (c) At least one (1) certified poll manager shall be
1447 appointed by the county election officials to work in each polling
1448 place in the county during each general election.

1449 **SECTION 34.** Section 23-15-240, Mississippi Code of 1972, is
1450 amended as follows:

1451 23-15-240. (1) The officials in charge of the election in a
1452 county or municipality may, in their discretion, appoint not more
1453 than two (2) students for each precinct to serve as student
1454 interns during elections. To be appointed a student intern a
1455 student must:



1456 (a) Be recommended by a principal or other school
1457 official, or the person responsible for the student's legitimate
1458 home instruction program;

1459 (b) Be at least sixteen (16) years of age at the time
1460 of the election for which the appointment is made;

1461 (c) Be a resident of the county or municipality for
1462 which the appointment is made;

1463 (d) Be enrolled in a public high school, an accredited
1464 private high school or a legitimate home instruction program and
1465 be classified as a junior or senior or its equivalent, or be
1466 enrolled in a junior college or a college or university; and

1467 (e) Meet any additional qualifications considered
1468 necessary by the officials in charge of the election in the county
1469 or municipality.

1470 (2) (a) The duties of the student interns appointed
1471 pursuant to this section shall be determined by the officials in
1472 charge of the election in the county or municipality; however, the
1473 duties shall not include:

1474 (i) Determining the qualifications of a voter in
1475 case a voter is challenged;

1476 (ii) The discharge of any duties related to
1477 affidavit ballots;

1478 (iii) The operation and maintenance of any voting
1479 equipment;

1480 (iv) Any duties normally assigned to a bailiff; or



1481 (v) The tallying of votes.

1482 (b) Student interns shall at all times be under the
1483 supervision of the poll managers of the election while performing
1484 their duties at precincts.

1485 (3) Before performing any duties, student interns shall
1486 attend all required training for poll managers of the county or
1487 municipality and any additional training considered necessary by
1488 the officials in charge of the election in the county or
1489 municipality.

1490 (4) As used in this section "officials in charge of the
1491 election" means the county or municipal executive committee, as
1492 appropriate, in * * * preferential elections and the county or
1493 municipal election commission, as appropriate, in all other
1494 elections.

1495 **SECTION 35.** Section 23-15-266, Mississippi Code of 1972, is
1496 amended as follows:

1497 23-15-266. A county or municipal executive committee shall
1498 be eligible to enter into written agreements with a circuit or
1499 municipal clerk or a county or municipal election commission as
1500 provided for in Section 23-15-239(2) * * * only if the political
1501 party with which such county or municipal executive committee is
1502 affiliated:

1503 (a) Has cast for its candidate for Governor in the last
1504 two (2) gubernatorial elections ten percent (10%) of the total
1505 vote cast for Governor; or



1506 (b) Has cast for its candidate for Governor in three
1507 (3) of the last five (5) gubernatorial elections twenty-five
1508 percent (25%) of the total vote cast for Governor.

1509 **SECTION 36.** Section 23-15-271, Mississippi Code of 1972, is
1510 amended as follows:

1511 23-15-271. (1) The state executive committee of any
1512 political party authorized to conduct * * * preferential elections
1513 shall form an election integrity assurance committee for each
1514 congressional district. The state executive committee shall
1515 appoint three (3) of its members to each congressional district
1516 election integrity assurance committee. The members so appointed
1517 shall be residents of the congressional district for which the
1518 election integrity assurance committee is formed. The state
1519 executive committee shall name a chair and a secretary from among
1520 the members of each committee. The state executive committee
1521 shall provide to each circuit and municipal clerk a list of the
1522 members of the congressional district integrity assurance
1523 committee for the congressional district in which the county or
1524 municipality of the clerk is located.

1525 (2) If within sixty (60) days of an election, a county
1526 executive committee or a municipal executive committee fails to
1527 attend training or perform in a timely manner any of the duties
1528 specified in * * * Section 23-15-239, * * * and there is no
1529 written agreement in place between the county or municipal
1530 executive committee and the county or municipal election



commission or the circuit or municipal clerk pursuant to such * * * section, or there is such an agreement in place and it is not being executed, the circuit or municipal clerk shall notify the chair and secretary of the congressional district election integrity assurance committee or the chair of the state executive committee of such failure and call upon them to take immediate and appropriate action to ensure that such duties are performed in order to secure the orderly conduct of the * * * preferential election. Upon receiving the notice, the election integrity assurance committee shall be responsible for conducting any required training and shall be authorized to contract on behalf of the county or municipal executive committee with the county or municipal election commission or the circuit or municipal clerk for the conduct of the * * * preferential election.

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

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

23-15-313. (1) If there be any political party, or parties, in any municipality which shall not have a party executive committee for * * * the municipality, * * * the political party, or parties, shall within thirty (30) days of the date for which a candidate for a municipal office is required to qualify in that municipality select qualified electors of that municipality and of



1556 that party's political faith to serve on a temporary municipal
1557 executive committee until members of a municipal executive
1558 committee are elected at the next regular election for executive
1559 committees. The temporary municipal executive committee shall be
1560 selected in the following manner: The * * * chair of the county
1561 executive committee of the party desiring to select a temporary
1562 municipal executive committee shall call, upon petition of five
1563 (5) or more members of that political faith, a mass meeting of the
1564 qualified electors of their political faith who reside in * * *
1565 the municipality to meet at some convenient place within * * * the
1566 municipality, at a time to be designated in the call, and at such
1567 mass convention the members of that political faith shall select a
1568 temporary municipal executive committee which shall serve until
1569 members of a municipal executive committee are elected at the next
1570 regular election for executive committees. The public shall be
1571 given notice of such mass meeting as provided in Section
1572 23-15-315. The * * * chair of the county executive committee
1573 shall authorize the call within five (5) calendar days of receipt
1574 of the petition. If the * * * chair of the county executive
1575 committee is either incapacitated, unavailable or nonresponsive
1576 and does not authorize the mass call within five (5) calendar days
1577 of receipt of the petition, any elected officer of the county
1578 executive committee may authorize the call within five (5)
1579 calendar days. If no elected officer of the county executive
1580 committee acts to approve such petition after an additional five



1581 (5) calendar days from the date, the chair of the county executive
1582 committee not taking action as provided by this section, the
1583 petitioners shall be authorized to produce the call themselves.

1584 (2) If no municipal executive committee is selected or
1585 otherwise formed before an election, the county executive
1586 committee may serve as the temporary municipal executive committee
1587 and exercise all of the duties of the municipal executive
1588 committee for the municipal election. After a county executive
1589 committee has fulfilled its duties as the temporary municipal
1590 executive committee, as soon as practicable thereafter, the county
1591 executive committee shall select a municipal executive committee
1592 no later than before the next municipal election.

1593 (3) A person who has been convicted of a felony in a court
1594 of this state or any other state or a court of the United States,
1595 shall be barred from serving as a member of a municipal executive
1596 committee.

1597 **SECTION 38.** Section 23-15-367, Mississippi Code of 1972, is
1598 amended as follows:

1599 23-15-367. (1) Except as otherwise provided by * * *
1600 subsection (2) of this section, the size, print and quality of
1601 paper of the official ballot is left to the discretion of the
1602 officer charged with printing the official ballot.

1603 (2) The titles for the various offices shall be listed in
1604 the following order:



1605 (a) Candidates, electors or delegates for the following
1606 national offices:

1607 (i) President;

1608 (ii) United States Senator or United States
1609 Representative;

1610 (b) Candidates for the following statewide office:
1611 Governor, Lieutenant Governor, Secretary of State, Attorney
1612 General, State Treasurer, Auditor of Public Accounts, Commissioner
1613 of Agriculture and Commerce, Commissioner of Insurance;

1614 (c) Candidates for the following state district
1615 offices: Mississippi Transportation Commissioner, Public Service
1616 Commissioner, District Attorney;

1617 (d) Candidates for the following legislative offices:
1618 Senate and House of Representatives;

1619 (e) Candidates for countywide office;

1620 (f) Candidates for county district office.

1621 The order in which the titles for the various offices are
1622 listed within paragraphs (e) and (f) is left to the discretion of
1623 the county election commissioners. Nominees of the political
1624 parties, qualified to conduct primary elections as defined in
1625 Section 23-15-291, shall be listed first alphabetically by the
1626 candidate's last name, followed by any other candidates listed
1627 alphabetically by last name.

1628 (3) It is the duty of the Secretary of State, with the
1629 approval of the Governor, to furnish the designated election



1630 commissioner of each county a sample of the official ballot, not
1631 less than * * * fifty (50) days before the election, the general
1632 form of which shall be followed as nearly as practicable.

1633 **SECTION 39.** Section 23-15-375, Mississippi Code of 1972, is
1634 amended as follows:

1635 23-15-375. Local issue elections may be held on the same
1636 date as any regular or general election. A local issue election
1637 held on the same date as the regular or general election shall be
1638 conducted in the same manner as the regular or general election
1639 using the same poll workers and the same equipment. A local issue
1640 may be placed on the regular or general election ballot pursuant
1641 to the provisions of Section * * * 10 of this act. The provisions
1642 of this section and Section * * * 10 of this act with regard to
1643 local issue elections shall not be construed to affect any
1644 statutory requirements specifying the notice procedure and the
1645 necessary percentage of qualified electors voting in such an
1646 election which is needed for adoption of the local issue. Whether
1647 or not a local issue is adopted or defeated at a local issue
1648 election held on the same day as a regular or general election
1649 shall be determined in accordance with relevant statutory
1650 requirements regarding the necessary percentage of qualified
1651 electors who voted in the local issue election, and only those
1652 persons voting for or against the issue shall be counted in making
1653 that determination. As used in this section "local issue
1654 elections" include elections regarding the issuance of bonds,



1655 local option elections, elections regarding the levy of additional
1656 ad valorem taxes and other similar elections authorized by law
1657 that are called to consider issues that affect a single local
1658 governmental entity. As used in this section "local issue" means
1659 any issue that may be voted on in a local issue election.

1660 **SECTION 40.** Section 23-15-507, Mississippi Code of 1972, is
1661 amended as follows:

1662 23-15-507. No OMR equipment shall be acquired or used in
1663 accordance with this chapter unless it shall:

1664 (a) Permit eligible voters to vote at any election for
1665 all persons for whom they are lawfully entitled to vote; to vote
1666 for as many persons for an office as they are lawfully entitled to
1667 vote; to vote for or against any ballot initiative, measure or
1668 other local issue upon which they are lawfully entitled to vote;

1669 (b) The OMR equipment shall be capable of rejecting
1670 choices marked on the ballot if the number of choices exceeds the
1671 number that the voter is entitled to vote for the office or on the
1672 measure;

1673 (c) Permit each voter, in presidential elections, by
1674 one (1) mark to vote for the candidates of that party for
1675 President, Vice President, and their presidential electors, or to
1676 vote individually for the electors of their choice when permitted
1677 by law;

1678 (d) Permit each voter * * * to vote for the * * *
1679 candidates of one or more parties and for independent candidates;



1680 * * *

1681 (* * *e) Permit each voter to vote for persons whose
1682 names are not on the printed ballot;

1683 (* * *f) Be suitably designed for the purpose used, of
1684 durable construction, and may be used safely, efficiently and
1685 accurately in the conduct of elections and the counting of
1686 ballots;

1687 (* * *g) Be provided with means for sealing the
1688 ballots after the close of the polls;

1689 (* * *h) When properly operated, record correctly and
1690 count accurately all votes cast; and

1691 (* * *i) Provide the voter with a set of instructions
1692 that will be displayed in such a way that a voter may readily
1693 learn the method of voting.

1694 **SECTION 41.** Section 23-15-511, Mississippi Code of 1972, is
1695 amended as follows:

1696 23-15-511. The ballots shall, as far as practicable, be in
1697 the same order of arrangement as provided for paper ballots that
1698 are to be counted manually, except that the information may be
1699 printed in vertical or horizontal rows. Nothing in this chapter
1700 shall be construed as prohibiting the information being presented
1701 to the voters from being printed on both sides of a single ballot.
1702 In those years when a special election shall occur on the same day
1703 as the general election, the names of candidates in any special
1704 election and the general election shall be placed on the same



1705 ballot by the election commissioners or officials in charge of the
1706 election, but the general election candidates shall be clearly
1707 distinguished from the special election candidates. At any time a
1708 special election is held on the same day as a * * * preferential
1709 election, the names of the candidates in the special election may
1710 be placed on the same ballot by the officials in charge of the
1711 election, but shall be clearly distinguished as special election
1712 candidates or * * * preferential election candidates.

1713 Ballots shall be printed in plain clear type in black ink and
1714 upon clear white materials of such size and arrangement as to be
1715 compatible with the OMR equipment. Absentee ballots shall be
1716 prepared and printed in the same form and shall be on the same
1717 size and texture as the regular official ballots, except that they
1718 shall be printed on tinted paper; or the ink used to print the
1719 ballots shall be of a color different from that of the ink used to
1720 print the regular official ballots. Arrows may be printed on the
1721 ballot to indicate the place to mark the ballot, which may be to
1722 the right or left of the names of candidates and propositions.
1723 The titles of offices may be arranged in vertical columns on the
1724 ballot and shall be printed above or at the side of the names of
1725 candidates so as to indicate clearly the candidates for each
1726 office and the number to be elected. In case there are more
1727 candidates for an office than can be printed in one (1) column,
1728 the ballot shall be clearly marked that the list of candidates is
1729 continued on the following column. The names of candidates for



1730 each office shall be printed in vertical columns, grouped by the
1731 offices that they seek. * * * The party designation, if any, of
1732 each candidate * * * shall be printed following his or her name as
1733 provided in Section 10 of this act.

1734 One (1) sample ballot, which shall be a facsimile of the
1735 official ballot and instructions to the voters, shall be provided
1736 for each precinct and shall be posted in each polling place on
1737 election day.

1738 A separate ballot security envelope or suitable equivalent in
1739 which the voter can place his or her ballot after voting, shall be
1740 provided to conceal the choices the voter has made. Absentee
1741 voters will receive a similar ballot security envelope provided by
1742 the county in which the absentee voter will insert their voted
1743 ballot, which then can be inserted into a return envelope to be
1744 mailed back to the election official. Absentee ballots will not
1745 be required to be folded when a ballot security envelope is
1746 provided.

1747 **SECTION 42.** Section 23-15-513, Mississippi Code of 1972, is
1748 amended as follows:

1749 23-15-513. (1) The official ballots, sample ballots and
1750 other necessary forms and supplies of the forms and description
1751 required by this chapter or required for the conduct of elections
1752 with an electronic voting system shall be prepared and furnished
1753 by the same official, in the same manner and time, and delivered



to the same officials as provided by law with respect to paper ballots that are to be counted manually.

(2) For each * * * preferential election, the number of official ballots that shall be printed by each executive committee shall be not less than one hundred twenty-five percent (125%) of the highest number of votes cast in a comparable primary election conducted by the same political party in the preceding ten (10) years.

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

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

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

(2) The election commissioners or the officials in charge of the election shall appoint qualified electors who have received the training required by subsection (1) of this section to serve as members of the "resolution board." An odd number of not less



1779 than three (3) members shall be appointed to the resolution board.
1780 The members of the board shall take the oath provided in Section
1781 268, Mississippi Constitution of 1890. All ballots that have been
1782 rejected by the OMR equipment and that are damaged or defective,
1783 blank or overvoted will be reviewed by the board. Election
1784 commissioners, candidates who are on the ballot and the spouse,
1785 parents, siblings or children of such a candidate shall not be
1786 appointed to the resolution board. In general and special
1787 elections, members of the party executive committees shall not be
1788 appointed to the resolution board unless members of all of the
1789 party executive committees * * * are appointed to the resolution
1790 board.

1791 (3) (a) If any ballot is damaged or defective so that it
1792 cannot be properly counted by the OMR equipment, the ballot will
1793 be deposited in an envelope provided for that purpose marked
1794 "RESOLUTION BOARD." All such ballots shall be carefully handled
1795 so as to avoid altering, removing or adding any mark on the
1796 ballot.

1797 (b) The election commissioners or the officials in
1798 charge of the election shall have the members of the resolution
1799 board ascertain the intent of the voter, if possible, and, if so,
1800 manually count any damaged or defective ballots.

1801 (c) The resolution board shall prepare a duplicate to
1802 the damaged or defective ballot in the following manner:



1803 (i) The resolution board shall prepare a duplicate
1804 to the original damaged or defective ballot marked identically to
1805 the original.

1806 (ii) The resolution board shall mark the first
1807 original they examine as "Original #1" and the duplicate of this
1808 original as "Duplicate #1." Later originals and duplicates shall
1809 be likewise marked and numbered consecutively so the duplicate of
1810 each original can be identified. Duplicate ballots shall be
1811 stamped in a different manner from the original ballots so that
1812 they may be easily distinguished from the originals.

1813 (iii) The duplicate ballots prepared pursuant to
1814 this paragraph shall be counted by the OMR equipment.

1815 (4) The resolution board shall examine ballots that have
1816 been rejected by the OMR equipment for appearing to be "blank" to
1817 verify if they are blank or were marked with a "nondetectable"
1818 marking device. If it is determined that the ballot was marked
1819 with a nondetectable device, the resolution board shall prepare a
1820 duplicate to the original blank ballot in the same manner and in
1821 accordance with the same process provided in subsection (3)(c).

1822 (5) All ballots that are rejected by the OMR equipment and
1823 that contain overvotes shall be inspected by the resolution board.
1824 Regarding those rejected ballots upon which an overvote appears,
1825 if the voter intent cannot be determined by the resolution board,
1826 the officials in charge of the election may use the OMR equipment
1827 in determining the vote in the races that are unaffected by the



1828 overvote. All other ballots that are overvoted shall be counted
1829 manually following the provisions of this section at the direction
1830 of the officials in charge of the election. The return printed by
1831 the OMR equipment to which have been added the manually tallied
1832 ballots, which shall be duly certified by the officials in charge
1833 of the election, shall constitute the official return of each
1834 voting precinct. Unofficial and incomplete returns may be
1835 released during the count. Upon the completion of the counting,
1836 the official returns shall be open to the public.

1837 (6) When the resolution board reviews any OMR ballot in
1838 which the voter has failed to fill in the arrow, oval, circle or
1839 square for a candidate or a ballot measure, the resolution board
1840 shall, if the intent of the voter can be ascertained, count the
1841 vote if:

1842 (a) The voter marks the ballot with a "cross" (X) or
1843 "checkmark" (✓) and the lines that form the mark intersect within
1844 or on the line of the arrow, oval, circle or square by the ballot
1845 measure or the name of the candidate.

1846 (b) The voter blackens the arrow, oval, circle or
1847 square adjacent to the ballot measure or the name of the candidate
1848 in pencil or ink and the blackened portion extends beyond the
1849 boundaries of the arrow, oval, circle or square.

1850 (c) The voter marks the ballot with a "cross" (X) or
1851 "checkmark" (✓) and the lines that form the mark intersect
1852 adjacent to the ballot measure or the name of the candidate.



1853 (d) The voter underlines the ballot measure or the name
1854 of a candidate.

1855 (e) The voter draws a line from the arrow, oval, circle
1856 or square to a ballot measure or the name of a candidate.

1857 (f) The voter draws a circle or oval around the ballot
1858 measure or the name of the candidate.

1859 (g) The voter draws a circle or oval around the arrow,
1860 oval, circle or square adjacent to the ballot measure or the name
1861 of the candidate.

1862 (7) The resolution board, when inspecting an OMR ballot that
1863 contains or appears to contain one or more overvotes, appears to
1864 be damaged or defective, or is rejected by the OMR equipment for
1865 any reason or cannot be counted by the OMR equipment, shall make
1866 its determination in accordance with the following:

1867 (a) When an elector casts more votes for any office or
1868 measure than he or she is entitled to cast at an election, all the
1869 elector's votes for that office or measure are invalid and the
1870 elector is deemed to have voted for none of them. If an elector
1871 casts less votes for any office or measure than he or she is
1872 entitled to cast at an election, all votes cast by the elector
1873 shall be counted but no vote shall be counted more than once.

1874 (b) If an elector casts more than one (1) vote for the
1875 same candidate for the same office, the first vote is valid and
1876 the remaining votes for that candidate are invalid.



1877 (c) No write-in vote for a candidate whose name is
1878 printed on the ballot shall be regarded as invalid due to
1879 misspelling a candidate's name, or by abbreviation, addition or
1880 omission or use of a wrong initial in the name, as long as the
1881 intent of the voter can be ascertained.

1882 (d) In any case where a voter writes in the name of a
1883 candidate for President of the United States whose name is printed
1884 on the general election ballot, the failure by the voter to write
1885 in the name of a candidate for the Office of Vice President of the
1886 United States on the general election ballot does not invalidate
1887 the elector's vote for the slate of electors for any candidate
1888 whose name is written in for the Office of President of the United
1889 States.

1890 (e) For any ballot measure in which the words "for" or
1891 "against" are printed on a ballot, if the voter shall write the
1892 word "for" or the word "against" instead of or in addition to
1893 marking the ballot in accordance with the ballot instruction in
1894 the space adjacent to the preprinted words "for" or "against," the
1895 resolution board shall, in reviewing such ballot, count the vote
1896 in accordance with the voter's handwritten preference, unless the
1897 voter marks the ballot in the space adjacent to the preprinted
1898 words "for" or "against" contrary to the handwritten preference,
1899 in which case no vote shall be recorded for such ballot in regard
1900 to the ballot measure.



1901 (f) For any ballot measure in which the words "yes" or
1902 "no" are printed on a ballot, if the voter shall write the word
1903 "yes" or the word "no" instead of or in addition to marking the
1904 ballot in accordance with the ballot instructions in the space
1905 adjacent to the preprinted words "yes" or "no," the resolution
1906 board shall, in reviewing such ballot, count the vote in
1907 accordance with the voter's handwritten preference, unless the
1908 voter marks the ballot in the space adjacent to the preprinted
1909 words "yes" or "no" contrary to the handwritten preference, in
1910 which case no vote shall be recorded for such ballot in regard to
1911 the ballot measure.

1912 (8) OMR equipment shall be programmed, calibrated, adjusted
1913 and set up to reject ballots that appear to be damaged or
1914 defective. Any switch, lever or feature on OMR equipment that
1915 enables or permits the OMR equipment to override the rejection of
1916 damaged or defective ballots so that such ballots will not be
1917 reviewed by the resolution board, shall not be used.

1918 (9) Ballots shall be manually counted by the resolution
1919 board only when the ballots are:

1920 (a) Properly before the resolution board due to being
1921 rejected by the OMR equipment because the ballots appear to be
1922 damaged or defective or are rejected by the OMR equipment for any
1923 other reason; or

1924 (b) Properly before the resolution board due to a
1925 malfunction in the OMR equipment.



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

(11) The executive committee of each county or municipality, in the case of a * * * preferential election, or the election commissioners of each county or municipality, in the case of all other elections, in conjunction with the circuit or municipal clerk respectively, shall sponsor and conduct, a training session for up to two (2) hours, not less than five (5) days before each election, to instruct those qualified electors who are appointed to serve as members of the resolution board as to their specific duties in the election. No member appointed to serve on the resolution board shall serve in any election unless he or she has received such instruction once during the twelve (12) months immediately preceding the date upon which the election is held. Online training courses developed by the Secretary of State, though not sponsored or conducted by the executive committee or the election commissioners, may be used to meet the requirements of this subsection (11).

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

23-15-531.6. (1) For each * * * preferential or general election, the officials in charge of the election shall use at least seventy-five percent (75%) of all DRE units available to the county or municipality, as the case may be. For all other



1951 elections in which the officials in charge of the election choose
1952 to use DRE units, at least one-third (1/3) of all DRE units
1953 available to the county or municipality, as the case may be, shall
1954 be used in such elections.

1955 (2) The officials in charge of the election shall ensure the
1956 delivery of the proper DRE units to the polling places of the
1957 respective precincts at least one (1) hour before the time for
1958 opening the polls at each election and shall cause each unit to be
1959 set up in the proper manner for use in voting.

1960 (3) (a) On or before the second day before any election,
1961 the officials in charge of the conduct of the election shall cause
1962 each DRE unit to be tested for logic and accuracy to ascertain
1963 that the units will correctly count the votes cast for all offices
1964 and on all questions, in a manner the Secretary of State may
1965 further prescribe by rule or regulation.

1966 (b) Public notice of the time and place of the test
1967 shall be made at least five (5) days before the date of the test.
1968 Candidates, representatives of candidates, political parties, news
1969 media and the public shall be permitted to observe the testing of
1970 the DRE units.

1971 (4) The officials in charge of the conduct of the election
1972 shall test all memory cards and encoders to be used in any
1973 election.

1974 (5) The officials in charge of the election shall require
1975 that each DRE unit be inspected and sealed before the delivery of



1976 each DRE unit to the polling place. Before opening the polls each
1977 day on which the DRE units will be used in an election, the poll
1978 manager shall break the seal on each unit, turn on each unit,
1979 certify that each unit is operating properly and is set to zero,
1980 and print a zero tape certifying that each unit is set to zero and
1981 shall keep or record such certification on each unit.

1982 (6) The officials in charge of the election, election
1983 commissioners and poll managers shall provide ample protection
1984 against molestation of and injury to the DRE units, and, for that
1985 purpose, the officials in charge of the election, election
1986 commissioners and poll managers may call upon any law enforcement
1987 officer to furnish any assistance that may be necessary. It shall
1988 be the duty of any law enforcement officer to furnish assistance
1989 when so requested by the officials in charge of the election,
1990 election commissioner or poll manager.

1991 (7) The officials in charge of the election, in conjunction
1992 with the governing authorities, shall, at least one (1) hour
1993 before opening the polls:

1994 (a) Provide sufficient lighting to enable electors to
1995 read the ballot and to enable poll managers to examine the booth
1996 and conduct their responsibilities;

1997 (b) Provide directions for voting on the DRE units that
1998 shall be prominently posted within each voting booth and provide
1999 at least one (1) sample ballot for each * * * preferential or



general election shall be prominently posted outside the enclosed space within the polling place;

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

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

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

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

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

23-15-561. (1) It shall be unlawful during any * * * election for any candidate for any elective office or any



representative of * * * the candidate or any other person to publicly or privately put up or in any way offer any prize, cash award or other item of value to be raffled, drawn for, played for or contested for in order to encourage persons to vote or to refrain from voting in any election.

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

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

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

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

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

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



2050 that he or she is unable to present an acceptable form of photo
2051 identification:

2052 (a) A poll manager shall notify the person that he or
2053 she may cast an affidavit ballot at the election.

2054 (b) The person shall be permitted to cast an affidavit
2055 ballot at the polling place upon execution of a written affidavit
2056 before one (1) of the poll managers stating that the individual:

2057 (i) Believes he or she is a registered voter in
2058 the jurisdiction in which he or she desires to vote and is
2059 eligible to vote in the election; or

2060 (ii) Is not able to cast a regular election day
2061 ballot under a provision of state or federal law but is otherwise
2062 qualified to vote; or

2063 (iii) Believes that he or she has been illegally
2064 denied registration; or

2065 (iv) Is unable to present an acceptable form of
2066 photo identification.

2067 (c) The poll manager shall allow the individual to mark
2068 a paper ballot properly endorsed by the initialing poll manager or
2069 alternate initialing poll manager in accordance with Section
2070 23-15-541, which shall be delivered by him or her to the proper
2071 election official who shall enclose it in an affidavit ballot
2072 envelope, with the written and signed affidavit of the voter
2073 affixed to the envelope, seal the envelope and mark plainly upon
2074 it the name of the person offering to vote.



2075 (2) The affidavit ballot envelope shall include:

2076 (a) The complete name of the voter;

2077 (b) A present and previous physical and mailing address

2078 of the voter;

2079 (c) Telephone numbers where the voter may be contacted;

2080 (d) A statement that the affiant believes he or she is

2081 registered to vote in the jurisdiction in which he or she offers

2082 to vote;

2083 (e) The signature of the affiant; and

2084 (f) The signature of the poll manager at the polling

2085 place at which the affiant offers to vote.

2086 (3) (a) A separate receipt book shall be maintained for

2087 affidavit voters and the affidavit voters shall sign the receipt

2088 book upon completing the affidavit ballot.

2089 (b) If the affidavit voter is casting an affidavit

2090 ballot because the voter is unable to present an acceptable form

2091 of photo identification and the voter's name appears in the

2092 pollbook, then the poll manager shall write "NO ID" across from

2093 the voter's name and in the appropriate column in the pollbook.

2094 (c) In canvassing the returns of the election, the

2095 * * * election commissioners * * * shall examine the records and

2096 allow the ballot to be counted, or not counted as it appears

2097 legal.

2098 (d) An affidavit ballot of a voter who was unable to

2099 present an acceptable form of photo identification shall not be



2100 rejected for this reason if the voter does either of the
2101 following:

2102 (i) Returns to the circuit clerk's office, or to
2103 the municipal clerk's office for municipal elections, within five
2104 (5) business days after the date of the election and presents an
2105 acceptable form of photo identification;

2106 (ii) Returns to the circuit clerk's office within
2107 five (5) business days after the date of the election to obtain
2108 the Mississippi Voter Identification Card, or in municipal
2109 election, returns to the municipal clerk's office within five (5)
2110 business days after the date of the election to present his or her
2111 Mississippi Voter Identification Card or Temporary Mississippi
2112 Voter Identification Card; or

2113 (iii) Returns to the circuit clerk's office, or to
2114 the municipal clerk's office for municipal elections, within five
2115 (5) business days after the date of the election to execute a
2116 separate Affidavit of Religious Objection.

2117 (4) When a person is offered the opportunity to vote by
2118 affidavit ballot, he or she shall be provided with written
2119 information that informs the person how to ascertain whether his
2120 or her affidavit ballot was counted and, if the vote was not
2121 counted, the reasons the vote was not counted.

2122 (5) The officials in charge of the election shall process
2123 all affidavit ballots by using the Statewide Elections Management
2124 System. The officials in charge of the election shall account for



2125 all affidavit ballots cast in each election, categorizing the
2126 affidavit ballots cast by reason and recording the total number of
2127 affidavit ballots counted and not counted in each such category in
2128 the Statewide Elections Management System.

2129 (6) The Secretary of State shall, by rule duly adopted,
2130 establish a uniform affidavit ballot envelope that shall be used
2131 in all elections in this state. The Secretary of State shall
2132 print and distribute a sufficient number of affidavit ballot
2133 envelopes to the registrar of each county for use in elections.
2134 The registrar shall distribute the affidavit ballot
2135 envelopes * * * to municipal and county election commissioners for
2136 use in * * * elections.

2137 (7) County registrars and municipal registrars shall
2138 maintain a secure free access system that complies with the Help
2139 America Vote Act of 2002, by which persons who vote by affidavit
2140 ballot may determine if their ballots were counted, and if not,
2141 the reasons the ballot was not counted.

2142 (8) Any person who votes in any election as a result of a
2143 federal or state court order or other order extending the time
2144 established by law for closing the polls on an election day, may
2145 only vote by affidavit ballot. Any affidavit ballot cast under
2146 this subsection shall be separated and kept apart from other
2147 affidavit ballots cast by voters not affected by the order.

2148 **SECTION 48.** Section 23-15-593, Mississippi Code of 1972, is
2149 amended as follows:



2150 23-15-593. When the ballot box is opened and examined by
2151 the * * * county election commissioners * * * and it is found that
2152 there have been failures in material particulars to comply with
2153 the requirements of Section 23-15-591 and Section 23-15-895 to
2154 such an extent that it is impossible to arrive at the will of the
2155 voters at such precinct, the entire box may be thrown out unless
2156 it be made to appear with reasonable certainty that the
2157 irregularities were not deliberately permitted or engaged in by
2158 the poll managers at that box, or by one (1) of them responsible
2159 for the wrong or wrongs, for the purpose of electing or defeating
2160 a certain candidate or candidates by manipulating the election or
2161 the returns thereof at that box in such manner as to have it
2162 thrown out; in which latter case * * * the county election
2163 commission * * * shall conduct such hearing and make such
2164 determination in respect to the box as may appear lawfully just,
2165 subject to a judicial review of the matter as elsewhere provided
2166 by this chapter. * * * The election commission, or the court upon
2167 review, may order another election to be held at that box
2168 appointing new poll managers to hold the same.

2169 **SECTION 49.** Section 23-15-595, Mississippi Code of 1972, is
2170 amended as follows:

2171 23-15-595. The box containing the ballots and other records
2172 required by this chapter shall, immediately after the ballots have
2173 been counted, be delivered by one (1) of the poll managers to the
2174 clerk of the circuit court of the county and the clerk shall, in



2175 the presence of the poll manager making delivery of the box, place
2176 upon the lock of such box a tamper-evident seal. The seals shall
2177 be numbered consecutively to the number of ballot boxes used in
2178 the election in the county, and the clerk shall keep in a place
2179 separate from such boxes a record of the number of the seal of
2180 each separate box in the county. The board of supervisors of the
2181 county shall pay the cost of providing the seals. Upon demand
2182 of * * * a county election commissioner, the boxes and their
2183 contents shall be delivered to the county election commission, and
2184 after the commission has finished the work of tabulating returns
2185 and counting ballots as required by law, the commission shall
2186 return all papers and ballots to the box of the precinct where the
2187 election was held, and it shall make redelivery of the boxes and
2188 their contents to the circuit clerk who shall reseal the boxes.
2189 Upon every occasion the boxes shall be reopened and each resealing
2190 shall be done as provided in this chapter.

2191 **SECTION 50.** Section 23-15-601, Mississippi Code of 1972, is
2192 amended as follows:

2193 23-15-601. (1) When the result of the election shall have
2194 been ascertained by the poll managers they, or one (1) of their
2195 number, or some fit person designated by them, shall, on the night
2196 of the election, deliver to the election commissioners, at the
2197 courthouse, a statement of the whole number of votes given for
2198 each person and for what office; and the election commissioners
2199 shall, on the first or second day after the preferential election



2200 and after the general election, canvass the returns, ascertain and
2201 declare the result, and * * * announce the names of the candidates
2202 who have received a majority of the votes cast for representative
2203 in the Legislature of districts composed of one (1) county or
2204 less, or other county office, board of supervisors, justice court
2205 judge and constable * * *, and shall also announce the names of
2206 those candidates for the above mentioned offices that are to be
2207 submitted to the general election.

2208 The vote for state and state district offices shall be
2209 tabulated by precincts and certified to and returned to the state
2210 election commissioners, such returns to be mailed by registered
2211 letter or any safe mode of transportation within thirty-six (36)
2212 hours after the returns are canvassed and the results ascertained.
2213 The state election commissioners shall meet a week from the day
2214 following the preferential election held for state and district
2215 offices, and shall proceed to canvass the returns and to declare
2216 the results and announce the names of the candidates for the
2217 different offices who have received a majority of the votes cast
2218 and the names of those candidates whose names are to be submitted
2219 to the general election. The state election commissioners shall
2220 also meet a week from the day on which the general election is
2221 held and receive and canvass the returns for state and district
2222 offices voted on in the general election. An exact and full
2223 duplicate of all tabulations by precincts, as certified under this



2224 section, shall be filed with the circuit clerk of the county who
2225 shall safely preserve the same in his or her office.

2226 (2) The election commissioners shall transmit to the
2227 Secretary of State, on such forms and by such methods as may be
2228 required by rules and regulations promulgated by the Secretary of
2229 State, a statement of the total number of votes cast in the county
2230 for each candidate for each office and the total number of votes
2231 cast for such candidates in each precinct in the district in which
2232 the candidate ran.

2233 **SECTION 51.** Section 23-15-605, Mississippi Code of 1972, is
2234 amended as follows:

2235 23-15-605. The Secretary of State, immediately after
2236 receiving the returns of * * * a general election, not longer than
2237 thirty (30) days after the election, shall sum up the whole number
2238 of votes given for each candidate other than candidates for state
2239 offices, legislative offices composed of one (1) county or less,
2240 county offices and county district offices, according to the
2241 statements of the votes certified to him or her and ascertain the
2242 person or persons having the largest number of votes for each
2243 office, and declare such person or persons to be duly elected; and
2244 thereupon all persons chosen to any office at the election shall
2245 be commissioned by the Governor; but if it appears that two (2) or
2246 more candidates for any district office where the district is
2247 composed of two (2) or more counties, standing highest on the
2248 list, and not elected, have an equal number of votes, the election



2249 shall be decided between the candidates having an equal number of
2250 votes by each candidate individually drawing one (1) of the two
2251 (2) sealed containers from an opaque bag, under the direction of
2252 the Governor and Secretary of State. The containers shall consist
2253 of a straw of conspicuous length, and the candidate drawing the
2254 container with the longer of the two (2) straws shall be declared
2255 the winner.

2256 **SECTION 52.** Section 23-15-673, Mississippi Code of 1972, is
2257 amended as follows:

2258 23-15-673. (1) For the purposes of this subarticle, the
2259 term "absent voter" shall mean and include the following persons
2260 if they are absent from their county of residence and are
2261 otherwise qualified to vote in Mississippi:

2262 (a) Any enlisted or commissioned members, male or
2263 female, of the United States Army, or any of its respective
2264 components or various divisions thereof; any enlisted or
2265 commissioned members, male or female, of the United States Navy,
2266 or any of its respective components or various divisions thereof;
2267 any enlisted or commissioned members, male or female, of the
2268 United States Air Force, or any of its respective components or
2269 various divisions thereof; any enlisted or commissioned members,
2270 male or female, of the United States Marines, or any of its
2271 respective components or various divisions thereof; or any persons
2272 in any division of the armed services of the United States, who
2273 are citizens of Mississippi;



2274 (b) Any member of the Merchant Marine and the American
2275 Red Cross who is a citizen of Mississippi;

2276 (c) Any disabled war veteran who is a patient in any
2277 hospital and who is a citizen of Mississippi;

2278 (d) Any civilian attached to and serving outside of the
2279 United States with any branch of the Armed Forces or with the
2280 Merchant Marine or American Red Cross, and who is a citizen of
2281 Mississippi;

2282 (e) Any trained or certified emergency response
2283 provider who is deployed during the time period authorized by law
2284 for absentee voting, on election day, or during any state of
2285 emergency declared by the President of the United States or any
2286 Governor of any state within the United States;

2287 (f) Any citizen of Mississippi temporarily residing
2288 outside the territorial limits of the United States and the
2289 District of Columbia;

2290 (g) Any citizen of Mississippi enrolled as a student at
2291 the United States Naval Academy, the United States Coast Guard
2292 Academy, the United States Merchant Marine Academy, the United
2293 States Air Force Academy or the United States Military Academy.

2294 (2) The spouse and dependents of any absent voter as set out
2295 in paragraphs (a) through (g) of subsection (1) of this section
2296 shall also be included in the meaning of absent voter and may
2297 register to vote and vote an absentee ballot as provided in this
2298 subarticle if also absent from the county of their residence on



2299 the date of the election and otherwise qualified to vote in
2300 Mississippi.

2301 (3) For the purpose of this subarticle, the term "election"
2302 shall mean and include the following sets of elections: special
2303 and runoff special elections, preferential and general
2304 elections * * * or general elections without preferential
2305 elections, whichever system is applicable.

2306 **SECTION 53.** Section 23-15-687, Mississippi Code of 1972, is
2307 amended as follows:

2308 23-15-687. (1) The registrar shall keep all applications
2309 for absentee ballots and shall, within twenty-four (24) hours, if
2310 possible, send to the absent voter on whose behalf the application
2311 is made, the proper affidavit and the proper ballot or ballots
2312 applicable to the elections. * * * The information shall be
2313 processed through the Statewide Election Management System.

2314 (2) One (1) application for an absentee ballot shall serve
2315 as a request by the applicant for an absentee ballot for:

2316 (a) The next federal general election, including
2317 all * * * preferential elections associated with the election;

2318 (b) All state and county * * * preferential and general
2319 elections that occur after the receipt of the application by the
2320 registrar through the date of the next federal general election
2321 that occurs after the receipt of the application by the registrar.

2322 (3) The registrar shall preserve all applications for
2323 absentee ballots for one (1) year as a record to be furnished to



any court or other duly constituted authority for inspection or evidence if properly requested.

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

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

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

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

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

(2) Upon receipt of a Federal Write-In-Absentee Ballot executed by a person who is a registered voter or whose information on the form is sufficient to register or update the registration of that person, the Federal Write-In-Absentee Ballot



shall be considered as an absentee ballot request. Nothing in this subsection shall suspend the voter registration deadlines otherwise provided by law.

SECTION 55. 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 * * * the elector falls within the following categories:

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

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



2373 (c) Any qualified elector who is away from his or her
2374 county of residence on election day for any reason.

2375 (d) Any person who has a temporary or permanent
2376 physical disability and who, because of such disability, is unable
2377 to vote in person without substantial hardship to himself, herself
2378 or others, or whose attendance at the voting place could
2379 reasonably cause danger to himself, herself or others.

2380 (e) The parent, spouse or dependent of a person with a
2381 temporary or permanent physical disability who is hospitalized
2382 outside of his or her county of residence or more than fifty (50)
2383 miles distant from his or her residence, if the parent, spouse or
2384 dependent will be with such person on election day.

2385 (f) Any person who is sixty-five (65) years of age or
2386 older.

2387 (g) Any member of the Mississippi congressional
2388 delegation absent from Mississippi on election day, and the spouse
2389 and dependents of such member of the congressional delegation.

2390 (h) Any qualified elector who will be unable to vote in
2391 person because he or she is required to be at work on election day
2392 during the times at which the polls will be open.

2393 **SECTION 56.** Section 23-15-755, Mississippi Code of 1972, is
2394 amended as follows:

2395 23-15-755. All of the provisions of Sections 23-15-621
2396 through 23-15-735 shall be applicable, insofar as possible, to
2397 municipal, * * * preferential, general and special elections, and



2398 wherever herein any duty is imposed or any power or authority is
2399 conferred upon the county registrar * * * or county election
2400 commissioners, * * * with reference to a state and county
2401 election, such duty shall likewise be imposed and such power and
2402 authority shall likewise be conferred upon the municipal
2403 registrar * * * or municipal election commission * * * with
2404 reference to any municipal election. * * *

2405 **SECTION 57.** Section 23-15-771, Mississippi Code of 1972, is
2406 amended as follows:

2407 23-15-771. At the state convention, a slate of electors
2408 composed of the number of electors allotted to this state,
2409 which * * * electors announce a clearly expressed design and
2410 purpose to support the candidates for President and Vice President
2411 of the national political party with which the * * * party of this
2412 state has had an affiliation and identity of purpose heretofore,
2413 shall be designated and selected for a place upon the * * *
2414 election ballot to be held as herein provided.

2415 **SECTION 58.** Section 23-15-801, Mississippi Code of 1972, is
2416 amended as follows:

2417 23-15-801. (a) "Election" means a general, special, * * *
2418 preferential or runoff election.

2419 (b) "Candidate" means an individual who seeks * * *
2420 election * * * to any elective office other than a federal
2421 elective office. For purposes of this article, an individual
2422 shall be deemed to seek * * * election:



2423 (i) If the individual has received contributions
2424 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
2425 expenditures aggregating in excess of Two Hundred Dollars
2426 (\$200.00) or for a candidate for the Legislature or any statewide
2427 or state district office, by the qualifying deadlines specified in
2428 Sections * * * 8 and 9 of this act and 23-15-977, whichever occurs
2429 first; or

2430 (ii) If the individual has given his or her consent to
2431 another person to receive contributions or make expenditures on
2432 behalf of the individual and if the other person has received
2433 contributions aggregating in excess of Two Hundred Dollars
2434 (\$200.00) during a calendar year, or has made expenditures
2435 aggregating in excess of Two Hundred Dollars (\$200.00) during a
2436 calendar year.

2437 (c) "Political committee" means any committee, party, club,
2438 association, political action committee, campaign committee or
2439 other groups of persons or affiliated organizations that receives
2440 contributions aggregating in excess of Two Hundred Dollars
2441 (\$200.00) during a calendar year or that makes expenditures
2442 aggregating in excess of Two Hundred Dollars (\$200.00) during a
2443 calendar year for the purpose of influencing or attempting to
2444 influence the action of voters for or against the * * * election,
2445 of one or more candidates, or balloted measures. Political
2446 committee shall, in addition, include each political party
2447 registered with the Secretary of State.



2448 (d) "Affiliated organization" means any organization that is
2449 not a political committee, but that directly or indirectly
2450 establishes, administers or financially supports a political
2451 committee.

2452 (e) (i) "Contribution" shall include any gift,
2453 subscription, loan, advance or deposit of money or anything of
2454 value made by any person or political committee for the purpose of
2455 influencing any election for elective office or balloted measure;

2456 (ii) "Contribution" shall not include the value of
2457 services provided without compensation by any individual who
2458 volunteers on behalf of a candidate or political committee; or the
2459 cost of any food or beverage for use in any candidate's campaign
2460 or for use by or on behalf of any political committee of a
2461 political party;

2462 (iii) "Contribution to a political party" includes any
2463 gift, subscription, loan, advance or deposit of money or anything
2464 of value made by any person, political committee, or other
2465 organization to a political party and to any committee,
2466 subcommittee, campaign committee, political committee and other
2467 groups of persons and affiliated organizations of the political
2468 party;

2469 (iv) "Contribution to a political party" shall not
2470 include the value of services provided without compensation by any
2471 individual who volunteers on behalf of a political party or a
2472 candidate of a political party.



2473 (f) (i) "Expenditure" shall include any purchase, payment,
2474 distribution, loan, advance, deposit, gift of money or anything of
2475 value, made by any person or political committee for the purpose
2476 of influencing any balloted measure or election for elective
2477 office; and a written contract, promise, or agreement to make an
2478 expenditure;

2479 (ii) "Expenditure" shall not include any news story,
2480 commentary or editorial distributed through the facilities of any
2481 broadcasting station, newspaper, magazine, or other periodical
2482 publication, unless the facilities are owned or controlled by any
2483 political party, political committee, or candidate; or nonpartisan
2484 activity designed to encourage individuals to vote or to register
2485 to vote;

2486 (iii) "Expenditure by a political party" includes 1.
2487 any purchase, payment, distribution, loan, advance, deposit, gift
2488 of money or anything of value, made by any political party and by
2489 any contractor, subcontractor, agent, and consultant to the
2490 political party; and 2. a written contract, promise, or agreement
2491 to make such an expenditure.

2492 (g) The term "identification" shall mean:

2493 (i) In the case of any individual, the name, the
2494 mailing address, and the occupation of such individual, as well as
2495 the name of his or her employer; and

2496 (ii) In the case of any other person, the full name and
2497 address of the person.



2498 (h) The term "political party" shall mean an association,
2499 committee or organization which nominates a candidate for election
2500 to any elective office whose name appears on the election ballot
2501 as the candidate of the association, committee or organization.

2502 (i) The term "person" shall mean any individual, family,
2503 firm, corporation, partnership, association or other legal entity.

2504 (j) The term "independent expenditure" shall mean an
2505 expenditure by a person expressly advocating the election or
2506 defeat of a clearly identified candidate that is made without
2507 cooperation or consultation with any candidate or any authorized
2508 committee or agent of the candidate, and that is not made in
2509 concert with or at the request or suggestion of any candidate or
2510 any authorized committee or agent of the candidate.

2511 (k) The term "clearly identified" shall mean that:

2512 (i) The name of the candidate involved appears; or

2513 (ii) A photograph or drawing of the candidate appears;

2514 or

2515 (iii) The identity of the candidate is apparent by
2516 unambiguous reference.

2517 **SECTION 59.** Section 23-15-807, Mississippi Code of 1972, is
2518 amended as follows:

2519 23-15-807. (a) Each candidate or political committee shall
2520 file reports of contributions and disbursements in accordance with
2521 the provisions of this section. All candidates or political
2522 committees required to report such contributions and disbursements



2523 may terminate the obligation to report only upon submitting a
2524 final report that contributions will no longer be received or
2525 disbursements made and that the candidate or committee has no
2526 outstanding debts or obligations. The candidate, treasurer or
2527 chief executive officer shall sign the report.

2528 (b) Candidates seeking election * * * and political
2529 committees making expenditures to influence or attempt to
2530 influence voters for or against the * * * election of one or more
2531 candidates or balloted measures at such election, shall file the
2532 following reports:

2533 (i) In any calendar year during which there is a
2534 regularly scheduled election, a pre-election report shall be filed
2535 no later than the seventh day before any election in which the
2536 candidate or political committee has accepted contributions or
2537 made expenditures and shall be completed as of the tenth day
2538 before the election;

2539 (ii) In 1987 and every fourth year thereafter, periodic
2540 reports shall be filed no later than the tenth day after April 30,
2541 May 31, June 30, September 30 and December 31, and shall be
2542 completed as of the last day of each period;

2543 (iii) In any calendar years except 1987 and except
2544 every fourth year thereafter, a report covering the calendar year
2545 shall be filed no later than January 31 of the following calendar
2546 year; and



2547 (iv) Except as otherwise provided in the requirements
2548 of paragraph (i) of this subsection (b), unopposed candidates are
2549 not required to file pre-election reports but must file all other
2550 reports required by paragraphs (ii) and (iii) of this subsection
2551 (b).

2552 (c) All candidates for judicial office as defined in Section
2553 23-15-975, or their political committees, shall file periodic
2554 reports in the year in which they are to be elected no later than
2555 the tenth day after April 30, May 31, June 30, September 30 and
2556 December 31.

2557 (d) Each report under this article shall disclose:

2558 (i) For the reporting period and the calendar year, the
2559 total amount of all contributions and the total amount of all
2560 expenditures of the candidate or reporting committee, including
2561 those required to be identified pursuant to paragraph (ii) of this
2562 subsection (d) as well as the total of all other contributions and
2563 expenditures during the calendar year. The reports shall be
2564 cumulative during the calendar year to which they relate;

2565 (ii) The identification of:

2566 1. Each person or political committee who makes a
2567 contribution to the reporting candidate or political committee
2568 during the reporting period, whose contribution or contributions
2569 within the calendar year have an aggregate amount or value in
2570 excess of Two Hundred Dollars (\$200.00) when made to a political
2571 committee or to a candidate for an office other than statewide



2572 office or office elected by Supreme Court district, or in excess
2573 of Five Hundred Dollars (\$500.00) when made to a candidate for
2574 statewide office or office elected by Supreme Court district,
2575 together with the date and amount of any such contribution;

2576 2. Each person or organization, candidate or
2577 political committee who receives an expenditure, payment or other
2578 transfer from the reporting candidate, political committee or its
2579 agent, employee, designee, contractor, consultant or other person
2580 or persons acting in its behalf during the reporting period when
2581 the expenditure, payment or other transfer to the person,
2582 organization, candidate or political committee within the calendar
2583 year have an aggregate value or amount in excess of Two Hundred
2584 Dollars (\$200.00) when received from a political committee or
2585 candidate for an office other than statewide office or office
2586 elected by Supreme Court district, or in excess of Five Hundred
2587 Dollars (\$500.00) when received from a candidate for statewide
2588 office or office elected by Supreme Court district, together with
2589 the date and amount of the expenditure;

2590 (iii) The total amount of cash on hand of each
2591 reporting candidate and reporting political committee;

2592 (iv) In addition to the contents of reports specified
2593 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2594 political party shall disclose:

2595 1. Each person or political committee who makes a
2596 contribution to a political party during the reporting period and



2597 whose contribution or contributions to a political party within
2598 the calendar year have an aggregate amount or value in excess of
2599 Two Hundred Dollars (\$200.00), together with the date and amount
2600 of the contribution;

2601 2. Each person or organization who receives an
2602 expenditure or expenditures by a political party during the
2603 reporting period when the expenditure or expenditures to the
2604 person or organization within the calendar year have an aggregate
2605 value or amount in excess of Two Hundred Dollars (\$200.00),
2606 together with the date and amount of the expenditure;

2607 (v) Disclosure required under this section of an
2608 expenditure to a credit card issuer, financial institution or
2609 business allowing payments and money transfers to be made over the
2610 Internet must include, by way of detail or separate entry, the
2611 amount of funds passing to each person, business entity or
2612 organization receiving funds from the expenditure.

2613 (e) The appropriate office specified in Section 23-15-805
2614 must be in actual receipt of the reports specified in this article
2615 by 5:00 p.m. on the dates specified in subsection (b) of this
2616 section. If the date specified in subsection (b) of this section
2617 shall fall on a weekend or legal holiday then the report shall be
2618 due in the appropriate office at 5:00 p.m. on the first working
2619 day before the date specified in subsection (b) of this section.
2620 The reporting candidate or reporting political committee shall
2621 ensure that the reports are delivered to the appropriate office by



the filing deadline. The Secretary of State may approve specific means of electronic transmission of completed campaign finance disclosure reports, which may include, but not be limited to, transmission by electronic facsimile (FAX) devices.

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

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

(ii) The notification shall be in writing, and may be transmitted by overnight mail, courier service, or other reliable



2647 means, including electronic facsimile (FAX), but the candidate or
2648 candidate's committee shall ensure that the notification shall in
2649 fact be received in the appropriate office designated in Section
2650 23-15-805 within forty-eight (48) hours of the contribution.

2651 **SECTION 60.** Section 23-15-811, Mississippi Code of 1972, is
2652 amended as follows:

2653 23-15-811. (a) Any candidate or any other person who
2654 willfully violates the provisions and prohibitions of this article
2655 shall be guilty of a misdemeanor and upon conviction shall be
2656 punished by a fine in a sum not to exceed Three Thousand Dollars
2657 (\$3,000.00) or imprisoned for not longer than six (6) months or by
2658 both fine and imprisonment.

2659 (b) In addition to the penalties provided in subsection (a)
2660 of this section and Chapter 13, Title 97, Mississippi Code of
2661 1972, any candidate or political committee which is required to
2662 file a statement or report and fails to file the statement or
2663 report on the date it is due may be compelled to file the
2664 statement or report by an action in the nature of a mandamus
2665 brought by the Mississippi Ethics Commission.

2666 (c) No candidate shall be certified * * * as elected to
2667 office until he or she files all reports required by this article
2668 that are due as of the date of certification.

2669 (d) No candidate who is elected to office shall receive any
2670 salary or other remuneration for the office until he or she files



2671 all reports required by this article that are due as of the date
2672 the salary or remuneration is payable.

2673 (e) In the event that a candidate fails to timely file any
2674 report required pursuant to this article but subsequently files a
2675 report or reports containing all of the information required to be
2676 reported, the candidate shall not be subject to the sanctions of
2677 subsections (c) and (d) of this section.

2678 **SECTION 61.** Section 23-15-833, Mississippi Code of 1972, is
2679 amended as follows:

2680 23-15-833. Except as otherwise provided by law, the first
2681 Tuesday after the first Monday in November of each year shall be
2682 designated the regular special election day, and on that day an
2683 election shall be held to fill any vacancy in county, county
2684 district, and district attorney elective offices, and any vacancy
2685 in the office of circuit judge or chancellor.

2686 All special elections, or elections to fill vacancies, shall
2687 in all respects be held, conducted and returned in the same manner
2688 as general elections, except that where no candidate receives a
2689 majority of the votes cast in the election, a runoff election
2690 shall be held three (3) weeks after the election. The two (2)
2691 candidates who receive the highest popular votes for the office
2692 shall have their names submitted as the candidates to the runoff
2693 and the candidate who leads in the runoff election shall be
2694 elected to the office. When there is a tie in the first election
2695 of those receiving the next highest vote, these two (2) and the



2696 one receiving the highest vote, none having received a majority,
2697 shall go into the runoff election and whoever leads in the runoff
2698 election shall be entitled to the office.

2699 In those years when the regular special election day shall
2700 occur on the same day as the general election, the names of
2701 candidates in any special election and the general election shall
2702 be placed on the same ballot, but shall be clearly distinguished
2703 as general election candidates or special election
2704 candidates. * * *

2705 **SECTION 62.** Section 23-15-859, Mississippi Code of 1972, is
2706 amended as follows:

2707 23-15-859. Whenever under any statute a special election is
2708 required or authorized to be held in any municipality, and the
2709 statute authorizing or requiring the election does not specify the
2710 time within which the election shall be called, or the notice
2711 which shall be given, the governing authorities of the
2712 municipality shall, by resolution, fix a date upon which the
2713 election shall be held. The date shall not be less than
2714 twenty-one (21) nor more than thirty (30) days after the date upon
2715 which such resolution is adopted, and not less than three (3)
2716 weeks' notice of the election shall be given by the clerk by a
2717 notice published in a newspaper published in the municipality once
2718 each week for three (3) weeks next preceding the date of the
2719 election, and by posting a copy of the notice at three (3) public
2720 places in the municipality. Nothing herein, however, shall be



2721 applicable to elections on the question of the issuance of the
2722 bonds of a municipality or to general or * * * preferential
2723 elections for the election of municipal officers.

2724 The provisions of this section shall be applicable to all
2725 municipalities of this state, whether operating under a code
2726 charter, special charter or the commission form of government,
2727 except in cases of conflicts between the provisions of the section
2728 and the provisions of the special charter of a municipality, or
2729 the law governing the commission form of government, in which
2730 cases of conflict the provisions of the special charter or the
2731 statutes relative to the commission form of government shall
2732 apply.

2733 **SECTION 63.** Section 23-15-873, Mississippi Code of 1972, is
2734 amended as follows:

2735 23-15-873. (1) No person, whether an officer or not, shall,
2736 in order to promote his or her own candidacy, or that of any other
2737 person, to be a candidate for public office in this state,
2738 directly or indirectly, himself, or herself or through another
2739 person, promise to appoint, or promise to secure or assist in
2740 securing the appointment * * * or election of another person to
2741 any public position or employment, or to secure or assist in
2742 securing any public contract or the employment of any person under
2743 any public contractor, or to secure or assist in securing the
2744 expenditure of any public funds in the personal behalf of any
2745 particular person or group of persons, except that the candidate



2746 may publicly announce what is his or her choice or purpose in
2747 relation to an election in which he or she may be called on to
2748 take part if elected.

2749 (2) It shall be unlawful for any person to directly or
2750 indirectly solicit or receive any promise by this section
2751 prohibited, but this does not apply to any person when it comes to
2752 their office force.

2753 (3) Any violation of this section shall constitute a
2754 violation of Section 97-13-37 and shall be referred to the
2755 district attorney for prosecution.

2756 **SECTION 64.** Section 23-15-881, Mississippi Code of 1972, is
2757 amended as follows:

2758 23-15-881. It shall be unlawful for the Mississippi
2759 Transportation Commission or any member of the Mississippi
2760 Transportation Commission, or the board of supervisors of any
2761 county or any member of the board of supervisors of such county,
2762 to employ, during the months of * * * August, September, October
2763 and November of any year in which a general * * * election is held
2764 for the * * * election of members of the Mississippi
2765 Transportation Commission and members of the boards of
2766 supervisors, a greater number of persons to work and maintain the
2767 state highways, in any highway district, or the public roads, in
2768 any supervisors district of the county, as the case may be, than
2769 the average number of persons employed for similar purposes in
2770 such highway district or supervisors district, as the case may be,



2771 during the months of * * * August, September, October and November
2772 of the three (3) years immediately preceding the year in which
2773 such general * * * election is held. It shall be unlawful for the
2774 Mississippi Transportation Commission, or the board of supervisors
2775 of any county, to expend out of the state highway funds, or the
2776 road funds of the county or any supervisors district thereof, as
2777 the case may be, in the payment of wages or other compensation for
2778 labor performed in working and maintaining the highways of any
2779 highway district, or the public roads of any supervisors district
2780 of the county, as the case may be, during the months of * * *
2781 August, September, October and November of such election year, a
2782 total amount in excess of the average total amount expended for
2783 such labor, in such highway district or supervisors district, as
2784 the case may be, during the corresponding four-month period of the
2785 three (3) years immediately preceding.

2786 It shall be the duty of the Mississippi Transportation
2787 Commission and the board of supervisors of each county,
2788 respectively, to keep sufficient records of the numbers of
2789 employees and expenditures made for labor on the state highways of
2790 each highway district, and the public roads of each supervisors
2791 district, for the months of * * * August, September, October and
2792 November of each year, to show the number of persons employed for
2793 such work in each highway district and each supervisors district,
2794 as the case may be, during said four-month period, and the total
2795 amount expended in the payment of salaries and other compensation



2796 to such employees, so that it may be ascertained, from an
2797 examination of such records, whether or not the provisions of this
2798 chapter have been violated.

2799 **SECTION 65.** Section 23-15-885, Mississippi Code of 1972, is
2800 amended as follows:

2801 23-15-885. The restrictions imposed in Sections 23-15-881
2802 and 23-15-883 shall likewise apply to the mayor and board of
2803 aldermen, or other governing authority, of each municipality, in
2804 the employment of labor for working and maintaining the streets of
2805 the municipality during the four-month period next preceding the
2806 date of holding the general * * * election in such municipality
2807 for the election of municipal officers.

2808 **SECTION 66.** Section 23-15-891, Mississippi Code of 1972, is
2809 amended as follows:

2810 23-15-891. No common carrier, Internet service provider or
2811 telephone company shall give to any candidate, or to any member of
2812 any political committee, or to any person to be used to aid or
2813 promote the success or defeat of any candidate for election for
2814 any public office, free transportation or Internet service or
2815 telephone service, as the case may be, or any reduction thereof
2816 that is not made alike to all other persons. All persons required
2817 by the provisions of this chapter to make and file statements
2818 shall make oath that they have not received or made use of,
2819 directly or indirectly, in connection with any candidacy for * * *



2820 election to any public office, free transportation or Internet or
2821 telephone service.

2822 **SECTION 67.** Section 23-15-911, Mississippi Code of 1972, is
2823 amended as follows:

2824 23-15-911. (1) (a) When the returns for a box and the
2825 contents of the ballot box and the conduct of the election have
2826 been canvassed and reviewed by the county election
2827 commission * * *, all the contents of the box required to be
2828 placed and sealed in the ballot box by the poll managers shall be
2829 replaced therein by the election commission * * *, and the box
2830 shall be forthwith resealed and delivered to the circuit clerk,
2831 who shall safely keep and secure the same against any tampering.
2832 At any time within twelve (12) days after the canvass and
2833 examination of the box and its contents by the election
2834 commission * * *, any candidate or his or her representative
2835 authorized in writing by him or her shall have the right of full
2836 examination of the box and its contents upon three (3) days'
2837 notice of his or her application therefor served upon the opposing
2838 candidates. The service of notice shall be provided to each
2839 opposing candidate by delivering a copy personally to each
2840 candidate, or by performing two (2) of the following:

2841 (i) By leaving a copy at each candidate's usual
2842 place of residence with a family member, who shall be no less than
2843 sixteen (16) years of age and, who resides in the candidate's
2844 residence;



2845 (ii) By email or other electronic means, with
2846 receipt deemed upon transmission; or

2847 (iii) By mailing a copy of the notice by
2848 registered or certified mail that is addressed to each opposing
2849 candidate at that candidate's residence with receipt deemed
2850 mailing.

2851 (b) If service of notice cannot be made to any opposing
2852 candidate, then notice may be posted on the door of each
2853 candidate's usual place of abode. If any candidate's usual place
2854 of residence is a multi-family dwelling, a copy of the notice must
2855 be mailed to the candidate or candidates by United States
2856 first-class mail, postage prepaid, return receipt requested.
2857 Proof of service of notice upon any opposing candidate shall be
2858 made to the circuit clerk within three (3) days before a full
2859 examination of the ballot box may be conducted.

2860 (c) The examination shall be conducted in the presence
2861 of the circuit clerk or his or her deputy who shall be charged
2862 with the duty to see that none of the contents of the box are
2863 removed from the presence of the clerk or in any way tampered
2864 with. Upon the completion of the examination the box shall be
2865 resealed with all its original contents inside. And if any
2866 contest or complaint before the court shall arise over the box, it
2867 shall be kept intact and sealed until the court hearing and
2868 another ballot box, if necessary, shall be furnished for the
2869 precinct involved.



2870 (2) The provisions of this section allowing the examination
2871 of ballot boxes shall apply in the case of an election contest
2872 regarding the seat of a member of the state Legislature. In such
2873 a case, the results of the examination shall be reported by the
2874 applicable circuit clerk to the Clerk of the House of
2875 Representatives or the Secretary of the Senate, as the case may
2876 be.

2877 **SECTION 68.** Section 23-15-951, Mississippi Code of 1972, is
2878 amended as follows:

2879 23-15-951. Except as otherwise provided by Section 23-15-955
2880 or 23-15-961, a person desiring to contest the election of another
2881 person returned as elected to any office within any county, may,
2882 within twenty (20) days after the election, file a petition in the
2883 office of the clerk of the circuit court of the county, setting
2884 forth the grounds upon which the election is contested. When such
2885 a petition is filed, the circuit clerk shall immediately notify,
2886 by registered letter, telegraph, telephone, or personally the
2887 Chief Justice of the Supreme Court or in his or her absence, or
2888 disability, some other Justice of the Supreme Court, who shall
2889 forthwith designate and notify a circuit judge or chancellor of a
2890 district other than that which embraces the district, subdistrict,
2891 county or any of the counties, involved in the contest or
2892 complaint, to proceed to the county in which the contest or
2893 complaint has been filed to hear and determine the contest or
2894 complaint. The circuit clerk shall also cause a copy of * * * the



2895 petition to be served upon the contestee, which shall serve as
2896 notice to * * * the contestee.

2897 The Supreme Court shall compile a list of judges throughout
2898 the state to hear * * * the disputes before an election. It shall
2899 be the official duty of the designated circuit judge or chancellor
2900 to proceed to discharge the duty of hearing the contest at the
2901 earliest possible date. The date of the contest shall be fixed by
2902 the judge or chancellor, and the judge or chancellor shall provide
2903 reasonable notice to the contestant and the contestee of the date
2904 and time fixed for the contest. The judge or chancellor shall
2905 cause the contestant and contestee to be served in a reasonable
2906 manner. When the contestee is served, such contestee shall
2907 promptly file his or her answer, and cross-complaint, if the
2908 contestee has a cross-complaint.

2909 The court shall, at the first term, cause an issue to be made
2910 up and tried by a jury, and the verdict of the jury shall find the
2911 person having the greatest number of legal votes at the election.
2912 If the jury shall find against the person returned elected, the
2913 clerk shall issue a certificate thereof; and the person in whose
2914 favor the jury shall find shall be commissioned by the Governor,
2915 and shall qualify and enter upon the duties of his or her office.
2916 Each party shall be allowed ten (10) peremptory challenges, and
2917 new trials shall be granted and costs awarded as in other cases.
2918 In case the election of district attorney or other state district
2919 election be contested, the petition may be filed in any county of



the district or in any county of an adjoining district within twenty (20) days after the election, and like proceedings shall be had thereon as in the case of county officers, and the person found to be entitled to the office shall qualify as required by law and enter upon the duties of his or her office.

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

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

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

(2) Within ten (10) days of receipt of the petition described in subsection (1) of this section, the appropriate executive committee or election commission shall meet and rule



2945 upon the petition. At least two (2) days before the hearing to
2946 consider the petition, the appropriate executive committee or
2947 election commission shall give notice to both the petitioner and
2948 the contested candidate of the time and place of the hearing on
2949 the petition. Each party shall be given an opportunity to be
2950 heard at that meeting and present evidence in support of his or
2951 her position.

2952 (3) If the appropriate executive committee or election
2953 commission fails to rule upon the petition within the time
2954 required in subsection (2) of this section, that inaction shall be
2955 interpreted as a denial of the request for relief contained in the
2956 petition.

2957 (4) Any party aggrieved by the action or inaction of the
2958 appropriate executive committee or election commission may file a
2959 petition for judicial review to the circuit court of the county in
2960 which the executive committee or election commission whose
2961 decision is being reviewed sits. The petition must be filed no
2962 later than fifteen (15) days after the date the petition was
2963 originally filed with the appropriate executive committee or
2964 election commission. The person filing for judicial review shall
2965 give a cost bond in the sum of Three Hundred Dollars (\$300.00)
2966 with two (2) or more sufficient sureties conditioned to pay all
2967 costs in case his or her petition be dismissed, and an additional
2968 bond may be required, by the court, if necessary, at any
2969 subsequent stage of the proceedings.



2970 (5) Upon the filing of the petition and bond, the circuit
2971 clerk shall immediately, by registered letter or by telegraph or
2972 by telephone, or personally, notify the Chief Justice of the
2973 Supreme Court, or in his or her absence, or disability, some other
2974 judge of the Supreme Court, who shall forthwith designate and
2975 notify a circuit judge or retired judge on senior status of a
2976 district other than that which embraces the district, subdistrict,
2977 county or any of the counties, involved in the contest or
2978 complaint, to proceed to the county in which the contest or
2979 complaint has been filed to hear and determine the contest or
2980 complaint. It shall be the official duty of the trial judge to
2981 proceed to the discharge of the designated duty at the earliest
2982 possible date to be fixed by the judge and of which the contestant
2983 and contestee shall have reasonable notice. The contestant and
2984 contestee are to be served in a reasonable manner as the judge may
2985 direct, in response to which notice the contestee shall promptly
2986 file his or her answer, and also his or her cross-complaint
2987 if * * * a cross-complaint exists. The hearing before the trial
2988 court shall be de novo. The matter shall be tried to the trial
2989 judge, without a jury. After hearing the evidence, the trial
2990 judge shall determine whether the candidate whose qualifications
2991 have been challenged is legally qualified to have his or her name
2992 placed upon the ballot in question. The trial judge may, upon
2993 disqualification of any such candidate, order that such candidate
2994 shall bear the court costs of the proceedings.



2995 (6) Within three (3) days after judgment is rendered by the
2996 circuit court, the contestant or contestee, or both, may file an
2997 appeal in the Supreme Court upon giving a cost bond in the sum of
2998 Three Hundred Dollars (\$300.00), together with a bill of
2999 exceptions which shall state the point or points of law at issue
3000 with a sufficient synopsis of the facts to fully disclose the
3001 bearing and relevancy of such points of law. The bill of
3002 exceptions shall be signed by the trial judge, or in case of his
3003 or her absence, refusal or disability, by two (2) disinterested
3004 attorneys, as is provided by law in other cases of bills of
3005 exception. The filing of such appeals shall automatically suspend
3006 the decision of the circuit court and the appropriate executive
3007 committee or election commission is entitled to proceed based upon
3008 their decision * * * until the Supreme Court, in its discretion,
3009 stays further proceedings in the matter. The appeal shall be
3010 immediately docketed in the Supreme Court and referred to the
3011 court en banc upon briefs without oral argument unless the court
3012 shall call for oral argument, and shall be decided at the earliest
3013 possible date, as a preference case over all others. The Supreme
3014 Court shall have the authority to grant such relief as is
3015 appropriate under the circumstances.

3016 (7) The procedure set forth in this section shall be
3017 the * * * only manner in which the qualifications of a candidate
3018 seeking public office * * * in a preferential election may be
3019 challenged * * * before the time * * * the candidate's name is



3020 placed on the general election ballot. After a * * * candidate in
3021 a preferential election has been elected to public office, the
3022 election may be challenged as otherwise provided by law. After
3023 a * * * candidate in a preferential election assumes an elective
3024 office, his or her qualifications to hold that office may be
3025 contested as otherwise provided by law.

3026 **SECTION 70.** Section 23-15-963, Mississippi Code of 1972, is
3027 amended as follows:

3028 23-15-963. (1) Any person desiring to contest the
3029 qualifications of another person who has qualified pursuant
3030 to * * * Sections 8 and 9 of this act as a candidate for any
3031 office elected at a general election, shall file a petition
3032 specifically setting forth the grounds of the challenge not later
3033 than thirty-one (31) days after the date of the * * * preferential
3034 election set forth in Section * * * 2 of this act. Such petition
3035 shall be filed with the same body with whom the candidate in
3036 question qualified pursuant to * * * Sections 8 and 9 of this act.

3037 (2) Any person desiring to contest the qualifications of
3038 another person who has qualified pursuant to the provisions of
3039 Section 23-15-213 * * * as a candidate for county election
3040 commissioner elected at a general election, shall file a petition
3041 specifically setting forth the grounds of the challenge no later
3042 than sixty (60) days * * * before the general election. * * * The
3043 petition shall be filed with the county board of supervisors,



being the same body with whom the candidate in question qualified pursuant to Section 23-15-213 * * *.

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

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

(5) If the appropriate election officials fail to rule upon the petition within the time required above, such inaction shall



3068 be interpreted as a denial of the request for relief contained in
3069 the petition.

3070 (6) Any party aggrieved by the action or inaction of the
3071 appropriate election officials may file a petition for judicial
3072 review to the circuit court of the county in which the election
3073 officials whose decision is being reviewed sits. * * * The
3074 petition must be filed no later than fifteen (15) days after the
3075 date the petition was originally filed with the appropriate
3076 election officials. * * * The person filing for judicial review
3077 shall give a cost bond in the sum of Three Hundred Dollars
3078 (\$300.00) with two (2) or more sufficient sureties conditioned to
3079 pay all costs in case his or her petition be dismissed, and an
3080 additional bond may be required, by the court, if necessary, at
3081 any subsequent stage of the proceedings.

3082 (7) The circuit court with whom * * * a petition for
3083 judicial review has been filed shall at the earliest possible date
3084 set the matter for hearing. Notice shall be given to the
3085 interested parties of the time set for hearing by the circuit
3086 clerk. The hearing before the circuit court shall be de novo.
3087 The matter shall be tried to the circuit judge, without a jury.
3088 After hearing the evidence, the circuit judge shall determine
3089 whether the candidate whose qualifications have been challenged is
3090 legally qualified to have his or her name placed upon the ballot
3091 in question. The circuit judge may, upon disqualification of any



3092 such candidate, order that such candidate shall bear the court
3093 costs of the proceedings.

3094 (8) Within three (3) days after judgment is rendered by the
3095 circuit court, the contestant or contestee, or both, may file an
3096 appeal in the Supreme Court upon giving a cost bond in the sum of
3097 Three Hundred Dollars (\$300.00), together with a bill of
3098 exceptions which shall state the point or points of law at issue
3099 with a sufficient synopsis of the facts to fully disclose the
3100 bearing and relevancy of such points of law. The bill of
3101 exceptions shall be signed by the trial judge, or in case of his
3102 or her absence, refusal or disability, by two (2) disinterested
3103 attorneys, as is provided by law in other cases of bills of
3104 exception. The filing of such appeals shall automatically suspend
3105 the decision of the circuit court and the appropriate election
3106 officials are entitled to proceed based upon their decision * * *
3107 until the Supreme Court, in its discretion, stays further
3108 proceedings in the matter. The appeal shall be immediately
3109 docketed in the Supreme Court and referred to the court en banc
3110 upon briefs without oral argument unless the court shall call for
3111 oral argument, and shall be decided at the earliest possible date,
3112 as a preference case over all others. The Supreme Court shall
3113 have the authority to grant such relief as is appropriate under
3114 the circumstances.

3115 (9) The procedure set forth above shall be the * * * only
3116 manner in which the qualifications of a candidate seeking public



3117 office who qualified pursuant to the provisions of Sections * * *
3118 8, 9 and 11 of this act and Section 23-15-213 * * *, may be
3119 challenged * * * before the time of his or her election. After
3120 any such person has been elected to public office, the election
3121 may be challenged as otherwise provided by law. After any person
3122 assumes an elective office, his or her qualifications to hold that
3123 office may be contested as otherwise provided by law.

3124 **SECTION 71.** Section 23-15-1065, Mississippi Code of 1972, is
3125 amended as follows:

3126 23-15-1065. A person shall be barred from participating in
3127 any primary election held by a political party if that person
3128 claims or represents himself or herself in any manner to be a
3129 member of any state, district or county executive committee of any
3130 political party in this state, or claims to be the national
3131 committeeman or national committeewoman or any other officer or
3132 representative of the political party without having been lawfully
3133 elected or chosen as such in the manner provided by the laws of
3134 this state * * *. Any person or persons who violate the
3135 provisions of this section, in addition to other measures or
3136 penalties provided by law, may be enjoined therefrom upon
3137 application to the courts by any person or persons, or any
3138 political party, official or representative of the political party
3139 aggrieved.

3140 **SECTION 72.** Section 23-15-1081, Mississippi Code of 1972, is
3141 amended as follows:



3142 23-15-1081. A presidential preference primary or
3143 presidential preferential election may be held on the second
3144 Tuesday in March of each year in which a President of the United
3145 States is to be elected. Each political party which has cast for
3146 its candidates for President and Vice President in the previous
3147 presidential election more than twenty percent (20%) of the total
3148 vote cast for President and Vice President in the state, may
3149 conduct a presidential preference primary. No elector shall vote
3150 in the primary of more than one (1) political party in the same
3151 presidential preference primary.

3152 **SECTION 73.** Section 23-15-1085, Mississippi Code of 1972, is
3153 amended as follows:

3154 23-15-1085. The * * * chair of a party's state executive
3155 committee shall notify the Secretary of State if the party intends
3156 to hold a presidential preference primary or presidential
3157 preferential election. The Secretary of State shall be
3158 notified * * * before December 1 of the year preceding the year in
3159 which a presidential preference primary or presidential
3160 preferential election may be held pursuant to Section
3161 23-15-1081. * * *

3162 **SECTION 74.** Section 23-15-1087, Mississippi Code of 1972, is
3163 amended as follows:

3164 23-15-1087. Except as otherwise provided in this chapter,
3165 the laws regulating * * * elections shall, in so far as practical,



3166 apply to and govern presidential preference primary elections or
3167 presidential preferential elections.

3168 **SECTION 75.** Section 23-15-1089, Mississippi Code of 1972, is
3169 amended as follows:

3170 23-15-1089. The Secretary of State shall place the name of a
3171 candidate upon the presidential preference primary ballot or the
3172 presidential preference election ballot when the Secretary of
3173 State shall have determined that such a candidate is qualified
3174 under Section 23-15-1093.

3175 On or after January 15 immediately preceding a presidential
3176 preference primary election or presidential preferential election
3177 the Secretary of State shall publicly announce and distribute to
3178 the news media for publication a list of the candidates he or she
3179 intends to place on the ballot at the following presidential
3180 preference primary election or presidential preferential election.
3181 Following this announcement he or she shall not add candidates
3182 to * * * the selection, and he or she shall not delete any
3183 candidate whose name appears on the announced list, unless the
3184 candidate dies or has withdrawn as a candidate as provided in this
3185 chapter.

3186 **SECTION 76.** Section 23-15-1091, Mississippi Code of 1972, is
3187 amended as follows:

3188 23-15-1091. When the Secretary of State places the name of a
3189 candidate on the ballot pursuant to Section 23-15-1093, he or she
3190 shall notify the candidate that his or her name will appear on the



3191 ballot of this state in the presidential preference primary
3192 election or the presidential preferential election.

3193 The secretary shall also notify the candidate that he or she
3194 may withdraw his or her name from the ballot by filing with the
3195 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3196 later than the sixtieth day before that election.

3197 **SECTION 77.** Section 23-15-1093, Mississippi Code of 1972, is
3198 amended as follows:

3199 23-15-1093. (1) Any person desiring to have his or her name
3200 placed on the presidential preference primary ballot or
3201 presidential preferential election ballot shall pay a qualifying
3202 fee and file the petition or petitions as described in this
3203 section.

3204 (2) The amount of the qualifying fee shall be Two Thousand
3205 Five Hundred Dollars (\$2,500.00). Each independent candidate
3206 shall pay the qualifying fee to the Secretary of State. Each
3207 political party candidate shall pay the qualifying fee to the
3208 state executive committee of the appropriate political party.

3209 (3) A candidate shall file a petition or petitions in
3210 support of his or her candidacy with the state executive committee
3211 of the appropriate political party or the Secretary of State,
3212 whichever is applicable, after January 1 of the year in which the
3213 presidential preference primary or presidential preferential
3214 election is to be held and before January 15 of that same year.
3215 To comply with this section, a candidate may file a petition or



3216 petitions signed by a total of not less than five hundred (500)
3217 qualified electors of the state, or petitions signed by not less
3218 than one hundred (100) qualified electors of each congressional
3219 district of the state, in which case there shall be a separate
3220 petition for each congressional district. The petitions shall be
3221 in such form as prescribed by the state executive committee or
3222 Secretary of State, whichever is applicable; provided, that there
3223 shall be a space for the county of residence of each signer next
3224 to the space provided for his or her signature. No signature may
3225 be counted as valid unless the county of residence of the signer
3226 is provided. Each petition shall contain an affirmation under the
3227 penalties of perjury that each signer is a qualified elector in
3228 his or her congressional district or in the state, as appropriate.

3229 **SECTION 78.** Section 23-15-1095, Mississippi Code of 1972, is
3230 amended as follows:

3231 23-15-1095. A candidate's name shall be printed on the
3232 appropriate primary or preferential election ballot unless he or
3233 she submits to the Secretary of State before the printing of the
3234 official sample ballot, an affidavit stating without qualification
3235 that he or she is not now and does not presently intend to become
3236 a candidate for the Office of President of the United States at
3237 the upcoming nominating convention of his or her political party
3238 or at the upcoming preferential election. If a candidate
3239 withdraws pursuant to this section, the Secretary of State shall
3240 notify the state executive committee of the political party of



such candidate or the appropriate election commission if such
candidate is not affiliated with a political party that the
candidate's name will not be placed on the ballot.

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

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

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

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

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

(b) "Business" means any corporation, partnership, sole
proprietorship, firm, enterprise, franchise, association,
organization, holding company, self-employed individual,
joint-stock company, receivership, trust or other legal entity or



3266 undertaking organized for economic gain or a nonprofit corporation
3267 or other such entity, association or organization receiving public
3268 funds;

3269 (c) "Candidate for public office" means an individual
3270 who has filed the necessary documents or papers to appear as a
3271 candidate for * * * election to any elective office existing under
3272 the laws of the State of Mississippi, including * * *
3273 preferential, special or general elections. The term "candidate"
3274 does not include any person within the meaning of Section 301(b)
3275 of the Federal Election Campaign Act of 1971;

3276 (d) "Commission" means the Mississippi Ethics
3277 Commission;

3278 (e) "Compensation" means money or thing of value
3279 received, or to be received, from any person for services rendered
3280 or to be rendered;

3281 (f) "Household member" means:

3282 (i) The spouse of the public servant; or

3283 (ii) Any person over the age of twenty-one (21)
3284 who resided in the public servant's household during the entire
3285 reporting period * * *;

3286 (g) "Income" means money or thing of value received, or
3287 to be received, from any source, including, but not limited to,
3288 any salary, wage, advance, payment, dividend, interest, rent,
3289 forgiveness of debt, fee, royalty or any combination thereof;



3290 (h) "Person" means any individual, firm, business,
3291 corporation, association, partnership, union or other legal
3292 entity;

3293 (i) "Public employee" means any individual who receives
3294 a salary, per diem or expenses paid in whole or in part out of
3295 funds authorized to be expended by the Mississippi State
3296 Legislature or by the governing body of any political subdivision
3297 thereof, or any other body politic within the State of
3298 Mississippi;

3299 (j) "Public funds" means all monies, whether federal,
3300 state, district or local;

3301 (k) "Public official" means:

3302 (i) Any elected official of the State of
3303 Mississippi or any political subdivision thereof or any other body
3304 politic within the State of Mississippi; or

3305 (ii) Any member, officer, director, commissioner,
3306 supervisor, chief, head, agent or employee of the State of
3307 Mississippi, or any agency thereof, of any political subdivision
3308 of the State of Mississippi, of any body politic within the State
3309 of Mississippi, or of any public entity created by or under the
3310 laws of the State of Mississippi or by executive order of the
3311 Governor of the state, any of which is funded by public funds or
3312 which expends, authorizes or recommends the use of public funds;

3313 (l) "Public servant" means:



3314 (i) Any elected or appointed official of the
3315 government;
3316 (ii) Any officer, director, commissioner,
3317 supervisor, chief, head, agent or employee of the government or
3318 any agency thereof, or of any public entity created by or under
3319 the laws of the State of Mississippi or created by an agency or
3320 governmental entity thereof, any of which is funded by public
3321 funds or which expends, authorizes or recommends the use of public
3322 funds; or
3323 (iii) Any individual who receives a salary, per
3324 diem or expenses paid in whole or in part out of funds authorized
3325 to be expended by the government.

3326 **SECTION 81.** Section 65-1-3, Mississippi Code of 1972, is
3327 amended as follows:

3328 65-1-3. There shall be a State Highway Commission which
3329 shall consist of three (3) members, one (1) from each of the three
3330 (3) Supreme Court districts of the state. Only qualified electors
3331 who are citizens of the Supreme Court district in which he or she
3332 offers for election shall be eligible for such office.

3333 On Tuesday after the first Monday in November of the year
3334 1951, and every four (4) years thereafter, state highway
3335 commissioners shall be elected at the same time and in the same
3336 manner as the Governor is chosen; and the laws governing * * *
3337 preferential elections and the holding of general elections in
3338 this state shall apply to and govern the * * * election of state



3339 highway commissioners. The state highway commissioners so elected
3340 shall enter upon the discharge of the duties of their respective
3341 offices on the first Monday of January in the year next succeeding
3342 the date of their election, and they shall serve for a term of
3343 four (4) years and until their successors shall have been duly
3344 elected and qualified.

3345 If any one or more of the state highway commissioners elected
3346 under the provisions of this chapter shall die, resign or be
3347 removed from office, the Governor shall fill the vacancy by
3348 appointment for the unexpired term, provided such unexpired term
3349 shall not exceed twelve (12) months. If * * * the unexpired
3350 term * * * exceeds twelve (12) months, the Governor shall, within
3351 fifteen (15) days from the date of such vacancy, by proclamation
3352 duly made, call an election in the Supreme Court district in
3353 which * * * the vacancy exists, to be held within sixty (60) days
3354 from the date of the issuance of * * * the proclamation, at which
3355 election a state highway commissioner shall be elected to fill
3356 such vacancy for the remaining portion of such unexpired term.
3357 Such special election shall be held in the manner provided for
3358 holding general elections in this state, as far as practicable.

3359 Each of * * * the state highway commissioners, before
3360 entering upon the discharge of the duties of his or her office,
3361 shall take and subscribe the oath of office required of other
3362 state officials and shall execute bond in the sum of Fifty
3363 Thousand Dollars (\$50,000.00), with some surety company authorized



3364 to do business in this state as surety, conditioned for the
3365 faithful performance of the duties of his or her office and for
3366 the faithful and true accounting of all funds or monies or
3367 property coming into his or her hands by virtue of * * * the
3368 office, and conditioned further that all such funds, monies and
3369 property will be expended and used by him or her only for purposes
3370 authorized by law, * * * the bond to be approved by the Governor
3371 or Attorney General and to be filed in the Office of the Secretary
3372 of State. The premium on such bonds shall be paid out of the
3373 funds of the Mississippi Department of Transportation.

3374 From and after July 1, 1992, the State Highway Commission
3375 shall be the Mississippi Transportation Commission and the members
3376 thereof shall be the Mississippi transportation commissioners.

3377 **SECTION 82.** Section 79-19-21, Mississippi Code of 1972, is
3378 amended as follows:

3379 79-19-21. The affairs of the association shall be managed by
3380 a board of not less than five (5) directors, elected by the
3381 members or stockholders from their own number and shall have all
3382 rights and powers as provided for under the general corporation
3383 laws of this state, and such other powers as may be necessary to
3384 the proper execution of provisions of this chapter. The bylaws
3385 may provide that the territory in which the association has
3386 members shall be divided into districts and that the directors
3387 shall be elected according to such districts. In such case the
3388 bylaws shall specify the number of directors to be elected by each



3389 district, the manner and method of reapportioning the directors
3390 and of redistricting the territory covered by the association.
3391 The bylaws may provide that * * * preferential elections should be
3392 held in each district to elect the directors apportioned to such
3393 districts and the result of all such * * * preferential elections
3394 must be ratified by the next regular meeting of the association or
3395 may be considered final as to the association.

3396 The bylaws may provide that one or more directors may be
3397 appointed by the president of Mississippi State University of
3398 Agriculture and Applied Science or such other public official,
3399 commission, association or board as may be indicated by such
3400 bylaws. * * * The directors shall represent primarily the
3401 interest of the general public in such associations. The director
3402 or directors so appointed need not be members or stockholders of
3403 the association, but shall have the same powers and rights as
3404 other directors. * * * The directors shall not number more than
3405 one-fifth (1/5) of the entire number of directors.

3406 The directors of an association may provide a fair
3407 remuneration for the time actually spent by its officers,
3408 directors and employees in its service. No director, during the
3409 term of his or her office, shall be a party to a contract for
3410 profit with the association, differing in any way from the
3411 business relations accorded regular members or holders of common
3412 stock of the association.



3413 The bylaws may provide for an executive committee and may
3414 allot to * * * the committee all the functions and powers of the
3415 board of directors, subject to the general direction and control
3416 of the board.

3417 When a vacancy on the board of directors occurs, other than
3418 by expiration of term, the remaining members of the board, by a
3419 majority vote, shall fill the vacancy unless the bylaws provide
3420 for an election of directors by districts. In such a case the
3421 board of directors shall immediately call a special election to be
3422 voted in by the members or stockholders in that district to fill
3423 the vacancy.

3424 **SECTION 83.** Section 79-19-27, Mississippi Code of 1972, is
3425 amended as follows:

3426 79-19-27. Any member may bring charges against an officer or
3427 director by filing them in writing with the secretary of the
3428 association, together with a petition signed by ten percent (10%)
3429 of the members, requesting the removal of the officer or director
3430 in question. The removal shall be voted upon at the next regular
3431 or special meeting of the association and, by a vote of a majority
3432 of the members, the association may remove the officer or director
3433 and fill the vacancy. The director or officer against whom such
3434 charges have been brought shall be informed in writing of the
3435 charges * * * before the meeting and shall have an opportunity at
3436 the meeting to be heard in person or by counsel and to present
3437 witnesses; and the person or persons bringing charges against him



3438 or her shall have the same opportunity. But * * * the officer or
3439 director may be suspended by a vote of two-thirds (2/3) of the
3440 directors, pending the hearing of such charges.

3441 In case the bylaws provide for election of directors by
3442 districts with * * * preferential elections in each district, then
3443 the petition for removal of a director must be signed by twenty
3444 percent (20%) of the members residing in the district from which
3445 he or she was elected. The board of directors must call a special
3446 meeting of the members residing in that district to consider the
3447 removal of the director. By a vote of the majority of the members
3448 of that district, the director in question shall be removed from
3449 office.

3450 **SECTION 84.** Section 95-1-5, Mississippi Code of 1972, is
3451 amended as follows:

3452 95-1-5. (1) Before any civil action is brought for
3453 publication, in a newspaper domiciled and published in this state
3454 or authorized to do business in Mississippi so as to be subject to
3455 the jurisdiction of the courts of this state, of a libel, or
3456 against any radio or television station domiciled in this state,
3457 the plaintiff shall, at least ten (10) days before instituting any
3458 such action, serve notice in writing on the defendant at its
3459 regular place of business, specifying the article, broadcast or
3460 telecast, and the statements therein, which he or she alleges to
3461 be false and defamatory.



3462 (2) If it appears upon the trial that * * * the article was
3463 published, broadcast or telecast in good faith, that its falsity
3464 was due to an honest mistake of the facts, and there were
3465 reasonable grounds for believing that the statements in * * * the
3466 article, broadcast or telecast were true, and that within ten (10)
3467 days after the service of * * * the notice a full and fair
3468 correction, apology and retraction was published in the same
3469 edition or corresponding issues of the newspaper in which * * *
3470 the article appeared, and in as conspicuous place and type as
3471 was * * * the original article, or was broadcast or telecast under
3472 like conditions correcting an honest mistake, and if the jury
3473 shall so find, the plaintiff in such case shall recover only
3474 actual damages. The burden of proof of the foregoing facts shall
3475 be affirmative defenses of the defendant and pled as such.

3476 (3) This section shall not apply to any publication
3477 concerning a candidate for public office made within ten (10) days
3478 of any * * * preferential, general or special election in which
3479 such candidate's candidacy for or election to public office is to
3480 be determined, and this section shall not apply to any editorial
3481 or to any regularly published column in which matters of opinions
3482 are expressed.

3483 **SECTION 85.** Section 97-13-35, Mississippi Code of 1972, is
3484 amended as follows:

3485 97-13-35. * * * Any person who * * * votes at * * * an
3486 election, not being legally qualified, or who * * * votes in more



3487 than one (1) county, or at more than one (1) place in any county
3488 or in any city, town, or village entitled to separate
3489 representation, or who * * * votesu out of the district of his or
3490 her legal domicile, * * * shall, upon conviction, be imprisoned in
3491 the county jail not more than one (1) year, or be fined not more
3492 than One Thousand Dollars (\$1,000.00), or both.

3493 * * *

3494 **SECTION 86.** Section 23-15-575, Mississippi Code of 1972, is
3495 brought forward as follows:

3496 23-15-575. No person shall vote or attempt to vote in the
3497 primary election of one (1) party when he or she has voted on the
3498 same date in the primary election of another party. No person
3499 shall vote or attempt to vote in the second primary election of
3500 one (1) party when he or she has voted in the first primary
3501 election of another party.

3502 **SECTION 87.** Section 23-15-171, Mississippi Code of 1972,
3503 which provides for the dates of municipal primary elections, is
3504 repealed.

3505 **SECTION 88.** Section 23-15-191, Mississippi Code of 1972,
3506 which provides for the date of state, district and county primary
3507 elections, is repealed.

3508 **SECTION 89.** Sections 23-15-263, 23-15-265, 23-15-267,
3509 23-15-291, 23-15-293, 23-15-295, 23-15-296, 23-15-297, 23-15-299,
3510 23-15-301, 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311,
3511 23-15-317, 23-15-319, 23-15-331, 23-15-333 and 23-15-335,



3512 Mississippi Code of 1972, which provide for the duties of the
3513 state executive committee and county executive committees in
3514 primary elections, provide for the qualification of candidates for
3515 party primary elections, and provide for the conduct of party
3516 primary elections, are repealed.

3517 **SECTION 90.** Sections 23-15-359, 23-15-361 and 23-15-363,
3518 Mississippi Code of 1972, which provide for the contents of
3519 general election ballots, are repealed.

3520 **SECTION 91.** Sections 23-15-597 and 23-15-599, Mississippi
3521 Code of 1972, which provide for the canvass of returns and
3522 announcement of vote by the county executive committees in primary
3523 elections, and require the state executive committee to transmit
3524 to the Secretary of State a tabulated statement of the party vote
3525 for certain offices, are repealed.

3526 **SECTION 92.** Sections 23-15-921, 23-15-923, 23-15-925,
3527 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
3528 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
3529 procedures for contests of primary elections, are repealed.

3530 **SECTION 93.** Section 23-15-1031, Mississippi Code of 1972,
3531 which provides for the date of primary elections for Congressmen
3532 and United States Senators, is repealed.

3533 **SECTION 94.** Section 23-15-1063, Mississippi Code of 1972,
3534 which prohibits unregistered political parties from conducting
3535 primary elections, is repealed.



3536 **SECTION 95.** Section 23-15-1083, Mississippi Code of 1972,
3537 which requires that certain congressional primaries be held on the
3538 same day as the presidential preference primary, is repealed.

3539 **SECTION 96.** Sections 1 through 17 of this act shall be
3540 codified as new sections in Chapter 15, Title 23, Mississippi Code
3541 of 1972.

3542 **SECTION 97.** This act shall take effect and be in force from
3543 and after July 1, 2019.

