

By: Senator(s) Jolly

To: Elections;  
Accountability, Efficiency,  
Transparency

## SENATE BILL NO. 2073

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 HIS NAME AND  
8 HIS NAME ONLY PLACED ON THE GENERAL ELECTION BALLOT; TO PROVIDE  
9 THAT WHEN NO CANDIDATE RECEIVES A MAJORITY OF THE VOTES CAST IN  
10 THE PREFERENTIAL ELECTION FOR AN OFFICE, THAT THE TWO CANDIDATES  
11 WHO RECEIVE THE HIGHEST NUMBER OF VOTES IN THE PREFERENTIAL  
12 ELECTION SHALL HAVE THEIR NAMES PLACED ON THE GENERAL ELECTION  
13 BALLOT AS CANDIDATES FOR SUCH OFFICE; TO PROVIDE THE PROCEDURE TO  
14 FOLLOW IN CASE OF TIES; TO PROVIDE THE MANNER FOR QUALIFYING AS A  
15 CANDIDATE FOR PUBLIC OFFICE; TO PROVIDE FOR THE PRINTING OF  
16 NECESSARY BALLOTS; TO AMEND SECTIONS 21-7-7, 21-8-7, 21-15-1,  
17 23-15-21, 23-15-31, 23-15-129, 23-15-153, 23-15-173, 23-15-197,  
18 23-15-313, 23-15-367, 23-15-375, 23-15-403, 23-15-411, 23-15-463,  
19 23-15-465, 23-15-507, 23-15-511, 23-15-559, 23-15-561, 23-15-573,  
20 23-15-593, 23-15-595, 23-15-601, 23-15-605, 23-15-673, 23-15-713,  
21 23-15-755, 23-15-771, 23-15-801, 23-15-807, 23-15-811, 23-15-833,  
22 23-15-859, 23-15-873, 23-15-881, 23-15-885, 23-15-891, 23-15-899,  
23 23-15-911, 23-15-973, 23-15-1065, 23-15-1085 AND 23-15-1087,  
24 MISSISSIPPI CODE OF 1972, IN CONFORMITY THERETO; TO REPEAL SECTION  
25 23-15-171, MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DATES  
26 OF MUNICIPAL PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-191,  
27 MISSISSIPPI CODE OF 1972, WHICH PROVIDES FOR THE DATE OF STATE,  
28 DISTRICT AND COUNTY PRIMARY ELECTIONS; TO REPEAL SECTIONS  
29 23-15-263, 23-15-265, 23-15-267, 23-15-291 THROUGH 23-15-311,  
30 23-15-317, 23-15-319, 23-15-331, 23-15-333 AND 23-15-335,  
31 MISSISSIPPI CODE OF 1972, WHICH PROVIDE FOR THE DUTIES OF THE  
32 STATE EXECUTIVE COMMITTEE AND COUNTY EXECUTIVE COMMITTEES IN  
33 PRIMARY ELECTIONS, PROVIDE FOR THE QUALIFICATION OF CANDIDATES FOR  
34 PARTY PRIMARY ELECTIONS, AND PROVIDE FOR THE CONDUCT OF PARTY



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

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

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

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

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

66 (c) "Political party" shall mean a party defined as a  
67 political party by the provisions of Sections 23-15-1059 and  
68 23-15-1061, Mississippi Code of 1972.



69           (2) All qualified electors of the State of Mississippi may  
70 participate, without regard to party affiliation or lack of party  
71 affiliation, in any appropriate preferential, general or regular  
72 election.

73           **SECTION 2.** The general election in 2020 and every general  
74 election thereafter shall be held on the first Tuesday after the  
75 first Monday of November of the year. When more than one (1)  
76 person has qualified or been certified as a candidate for any  
77 office, a preferential election for such office shall be held  
78 three (3) weeks before the general election.

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

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

91           **SECTION 5.** When more than one (1) person has qualified or  
92 been certified as a candidate for any office, a preferential  
93 election for such office shall be held three (3) weeks before the



94 general or regular election, and any candidate who receives a  
95 majority of the votes cast in such preferential election shall  
96 have his name, and his name only, placed on the ballot in the  
97 general or regular election. Except as provided in Section 6 of  
98 this act, if no person shall receive a majority of the votes cast  
99 at such preferential election, then the two (2) persons receiving  
100 the highest number of votes in the preferential election shall  
101 have their names placed on the ballot in the general or regular  
102 election as candidates for such office.

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

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

114 (3) If (a) there are more than two (2) candidates in the  
115 preferential election, and (b) no candidate in such election  
116 receives a majority of the votes cast at such preferential  
117 election, and (c) there is not a tie in such preferential election  
118 that would require the procedure prescribed in subsection (2) of



119 this section to be followed, and (d) one (1) of the two (2)  
120 candidates who receives the highest number of votes in such  
121 preferential election withdraws or is otherwise unable to  
122 participate in the general or regular election, then the remaining  
123 candidate of such two (2) candidates and the candidate who  
124 receives the third highest number of votes in such election shall  
125 be placed on the ballot as candidates in the general or regular  
126 election.

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

132 **SECTION 8.** All candidates upon entering the race for  
133 election to any office, except municipal offices, shall file by  
134 5:00 p.m. no later than sixty (60) days before the general  
135 election their intent to be a candidate and pay to the secretary  
136 of the proper executive committee of their political party or the  
137 appropriate election commission for each election the following  
138 amounts:

139 (a) Candidates for Governor, One Thousand Dollars  
140 (\$1,000.00).

141 (b) Candidates for Lieutenant Governor, Attorney  
142 General, Secretary of State, State Treasurer, Auditor of Public  
143 Accounts, Commissioner of Insurance, Commissioner of Agriculture



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

146 (c) Candidates for district attorney, State Senator and  
147 State Representative, Two Hundred Fifty Dollars (\$250.00).

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

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

154 (f) Candidates for United States Senator, One Thousand  
155 Dollars (\$1,000.00).

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

158 **SECTION 9.** (1) Candidates for offices set out in Section  
159 8(a), (b), (c), (f) and (g) of this act shall file their intent to  
160 be a candidate with the secretary of the state executive committee  
161 of the political party with which the candidate is affiliated or  
162 with the secretary of the state election commission if not  
163 affiliated with a political party.

164 (2) Candidates for offices set out in Section 8(d) and (e)  
165 of this act shall file their intent to be a candidate with the  
166 secretary of the county executive committee of the political party  
167 with which the candidate is affiliated, or with the county  
168 election commission if not affiliated with a political party.



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

173 (3) (a) The fees required to be paid pursuant to Section 8  
174 of this act shall be accompanied by a written statement containing  
175 the name and address of the candidate, the party with which he or  
176 she is affiliated and the office for which he or she is a  
177 candidate.

178 (b) The appropriate executive committee or election  
179 commission, as the case may be, shall transmit to the Secretary of  
180 State a copy of the written statements accompanying the fees paid  
181 pursuant to subsections (1) and (2) of this section. All copies  
182 must be received by the Office of the Secretary of State by not  
183 later than 6:00 p.m. on the date of the qualifying deadline;  
184 provided, however, the failure of the Office of the Secretary of  
185 State to receive such copies by 6:00 p.m. on the date of the  
186 qualifying deadline shall not affect the qualification of a person  
187 who pays the required fee and files the required statement by 5:00  
188 p.m. not later than sixty (60) days before the general election.  
189 The name of any person who pays the required fee and files the  
190 required statement after 5:00 p.m. on the date of the qualifying  
191 deadline shall not be placed on the preferential primary election  
192 ballot.



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

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

210           (6) Upon receipt of the proper fee and all necessary  
211 information, the proper executive committee shall then determine  
212 whether each candidate is a qualified elector of the state, state  
213 district, county or county district which they seek to serve, and  
214 whether each candidate meets all other qualifications to hold the  
215 office he is seeking or presents absolute proof that he will,  
216 subject to no contingencies, meet all qualifications on or before  
217 the date of the general or special election at which he could be





218 elected to office. The executive committee shall determine  
219 whether the candidate has taken the steps necessary to qualify for  
220 more than one (1) office at the election. The committee also  
221 shall determine whether any candidate has been convicted of any  
222 felony in a court of this state, or has been convicted of any  
223 offense in another state which is a felony under the laws of this  
224 state, or has been convicted of any felony in a federal court.  
225 Excepted from the above are convictions of manslaughter and  
226 violations of the United States Internal Revenue Code or any  
227 violations of the tax laws of this state unless the offense also  
228 involved misuse or abuse of his office or money coming into his  
229 hands by virtue of his office. If the proper executive committee  
230 finds that a candidate either (a) is not a qualified elector, (b)  
231 does not meet all qualifications to hold the office he seeks and  
232 fails to provide absolute proof, subject to no contingencies, that  
233 he will meet the qualifications on or before the date of the  
234 general or special election at which he could be elected, or (c)  
235 has been convicted of a felony as described in this subsection,  
236 and not pardoned, then the name of such candidate shall not be  
237 placed upon the ballot. If the proper executive committee  
238 determines that the candidate has taken the steps necessary to  
239 qualify for more than one (1) office at the election, the action  
240 required by Section 23-15-905, shall be taken.

241 Where there is but one (1) candidate for each office  
242 contested at the preferential primary election, the proper



243 executive committee when the time has expired within which the  
244 names of candidates shall be furnished shall declare such  
245 candidates the nominees.

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

248 **SECTION 10.** (1) Necessary ballots for use in elections  
249 shall be printed as provided for in Section 23-15-351, Mississippi  
250 Code of 1972. The ballots shall contain the names of all  
251 candidates who have filed their intention to be a candidate in the  
252 manner and within the time prescribed herein. Such names shall be  
253 listed alphabetically on the ballot without regard to party  
254 affiliation, if any, with indication of the political party, if  
255 any, with which such candidate qualified and placed in parentheses  
256 following the name of the candidate.

257 (2) The county election commissioners may also have printed  
258 upon the ballot any local issue election matter that is authorized  
259 to be held on the same date as the general election pursuant to  
260 Section 23-15-375, Mississippi Code of 1972; provided, however,  
261 that the ballot form of such local issue must be filed with the  
262 election commissioners by the appropriate governing authority not  
263 less than sixty (60) days prior to the election.

264 **SECTION 11.** (1) All candidates upon entering the race for  
265 election to any municipal office shall, not later than 5:00 p.m.  
266 sixty (60) days prior to any municipal general or regular  
267 election, file their intent to be a candidate and pay to the



268 secretary of the municipal executive committee of their political  
269 party or to the municipal election commission for each election  
270 the amount of Ten Dollars (\$10.00).

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

276 (3) Such election shall be held on the date provided for in  
277 Section 23-15-173, Mississippi Code of 1972; and if a preferential  
278 election shall be necessary, such preferential election shall be  
279 held three (3) weeks before the general or regular municipal  
280 election. At such election, or elections, the municipal election  
281 commissioners shall perform the same duties as are specified by  
282 law and performed by the county election commissioners with regard  
283 to state and county general and preferential elections. Except as  
284 otherwise provided by law, all municipal elections shall be held  
285 and conducted as is provided by law for state and county  
286 elections.

287 (4) Provided, however, that in municipalities operating  
288 under a special or private charter which fixes a time for holding  
289 elections other than the time fixed herein, the preferential  
290 election shall be three (3) weeks before the general election as  
291 fixed by the charter.



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

297 **SECTION 12.** Sections 1 through 11 of this act shall apply to  
298 all elections to public office, except elections for judicial  
299 office as defined in Section 23-15-975, Mississippi Code of 1972,  
300 and special elections.

301 **SECTION 13.** Nothing in Sections 1 through 11 of this act  
302 shall prohibit special elections to fill vacancies in either house  
303 of the Legislature from being held as provided in Section  
304 23-15-851, Mississippi Code of 1972. In all elections conducted  
305 under the provisions of Section 23-15-851, Mississippi Code of  
306 1972, the commissioners shall have printed on the ballot the name  
307 of any candidate who shall have been requested to be a candidate  
308 for the office by a petition filed with said commissioners not  
309 less than ten (10) working days before the election and signed by  
310 not less than fifty (50) qualified electors.

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



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

321           **SECTION 16.** The chairmen of the state and county election  
322 commissioners, respectively, shall transmit to the Secretary of  
323 State a tabulated statement of the vote cast in each county in  
324 each state and district election, which statement shall be filed  
325 by the Secretary of State and preserved among the records of his  
326 office.

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

337           **SECTION 18.** Section 21-7-7, Mississippi Code of 1972, is  
338 amended as follows:

339           21-7-7. The governing body of any such municipality shall be  
340 a council, known and designated as such, consisting of seven (7)



341 members. One (1) of the members shall be the mayor, having the  
342 qualifications as prescribed by Section 21-3-9, who shall have  
343 full rights, powers and privileges of other councilmen. The mayor  
344 shall be nominated and elected at large; the remaining councilmen  
345 shall be nominated and elected one (1) from each ward into which  
346 the city shall be divided. However, if the city \* \* \* is divided  
347 into less than six (6) wards, the remaining councilmen shall be  
348 nominated and elected at large. The councilmen, including the  
349 mayor, shall be elected for a term of four (4) years to serve  
350 until their successors are elected and qualified in accordance  
351 with the provisions of Section \* \* \* 11 of this act, said term  
352 commencing on the first Monday of January after the municipal  
353 election first following the adoption of the form of government as  
354 provided by this chapter.

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

363 **SECTION 19.** Section 21-8-7, Mississippi Code of 1972, is  
364 amended as follows:



365           21-8-7. (1) Each municipality operating under the  
366 mayor-council form of government shall be governed by an elected  
367 council and an elected mayor. Other officers and employees shall  
368 be duly appointed pursuant to this chapter, general law or  
369 ordinance.

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

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

381           (4) (a) The council shall consist of five (5), seven (7) or  
382 nine (9) members. In the event there are five (5) council  
383 members, the municipality shall be divided into either five (5) or  
384 four (4) wards. In the event there are seven (7) council members,  
385 the municipality shall be divided into either seven (7), six (6)  
386 or five (5) wards. In the event there are nine (9) council  
387 members, the municipality shall be divided into seven (7) or nine  
388 (9) wards. If the municipality is divided into fewer wards than  
389 it has council members, the other council member or members shall



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

410 (b) The council or board existing at the time of the  
411 adoption of the mayor-council form of government shall designate  
412 the geographical boundaries of the wards within one hundred twenty  
413 (120) days after the election in which the mayor-council form of  
414 government is selected. In designating the geographical





415 boundaries of the wards, each ward shall contain, as nearly as  
416 possible, the population factor obtained by dividing the  
417 municipality's population as shown by the most recent decennial  
418 census by the number of wards into which the municipality is to be  
419 divided.

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

432 (ii) If the publication of the most recent  
433 decennial census occurs less than six (6) months before the \* \* \*  
434 preferential election in a municipality, the election shall be  
435 held with regard to the existing defined wards; reapportioned  
436 wards based on the census shall not serve as the basis for  
437 representation until the next regularly scheduled election in  
438 which council members shall be elected.



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

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

452 (6) The mayor shall maintain an office at the city hall.  
453 The council members shall not maintain individual offices at the  
454 city hall; however, in a municipality having a population of one  
455 hundred thousand (100,000) and above according to the latest  
456 federal decennial census, council members may have individual  
457 offices in the city hall. Clerical work of council members in the  
458 performance of the duties of their office shall be performed by  
459 municipal employees or at municipal expense, and council members  
460 shall be reimbursed for the reasonable expenses incurred in the  
461 performance of the duties of their office.

462 **SECTION 20.** Section 21-15-1, Mississippi Code of 1972, is  
463 amended as follows:



464 21-15-1. All officers elected at the general or regular  
465 municipal election provided for in Section \* \* \* 11 of this act,  
466 shall qualify and enter upon the discharge of their duties on the  
467 first day of July after such general election that is not on a  
468 weekend, and shall hold their offices for a term of four (4) years  
469 and until their successors are duly elected and qualified.

470 **SECTION 21.** Section 23-15-21, Mississippi Code of 1972, is  
471 amended as follows:

472 23-15-21. It shall be unlawful for any person who is not a  
473 citizen of the United States or the State of Mississippi to  
474 register or to vote in any \* \* \* special, preferential or general  
475 election in the state.

476 **SECTION 22.** Section 23-15-31, Mississippi Code of 1972, is  
477 amended as follows:

478 23-15-31. All of the provisions of this \* \* \* section shall  
479 be applicable, insofar as possible, to municipal, \* \* \*  
480 preferential, general and special elections; and wherever therein  
481 any duty is imposed or any power or authority is conferred upon  
482 the county registrar \* \* \* or county election commissioners \* \* \*  
483 with reference to a state and county election, \* \* \* the duty  
484 shall likewise be conferred upon the municipal registrar \* \* \* or  
485 municipal election commission \* \* \* with reference to any  
486 municipal election.

487 **SECTION 23.** Section 23-15-129, Mississippi Code of 1972, is  
488 amended as follows:



489           23-15-129. The commissioners of election and the registrars  
490 of the respective counties are hereby directed to make an  
491 administrative division of the pollbook for each county  
492 immediately following any reapportionment of the Mississippi  
493 Legislature or any realignment of supervisors districts, if  
494 necessary. \* \* \* The administrative division shall form  
495 subprecincts whenever necessary within each voting precinct so  
496 that all persons within a subprecinct shall vote on the same  
497 candidates for each public office. The polling place for all  
498 subprecincts within any given voting precinct shall be the same as  
499 the polling place for the voting precinct. Additional managers  
500 may be appointed for subprecincts in the discretion of the  
501 commissioners of election \* \* \*.

502           **SECTION 24.** Section 23-15-153, Mississippi Code of 1972, is  
503 amended as follows:

504           23-15-153. (1) \* \* \* The election commissioners shall meet  
505 at the office of the registrar or the office of the election  
506 commissioners to carefully revise the county voter roll as  
507 electronically maintained by the Statewide Elections Management  
508 System and remove from the roll the names of all voters who have  
509 requested to be purged from the voter roll, died, received an  
510 adjudication of non compos mentis, been convicted of a  
511 disenfranchising crime, or otherwise become disqualified as  
512 electors for any cause, and shall register the names of all



513 persons who have duly applied to be registered but have been  
514 illegally denied registration at least during the following times:

515 (a) On the Tuesday after the second Monday in January  
516 1987 and every following year;

517 (b) On the first Tuesday in the month immediately  
518 preceding the first \* \* \* preferential election for members of  
519 Congress in the years when members of Congress are elected;

520 (c) On the first Monday in the month immediately  
521 preceding the first \* \* \* preferential election for state, state  
522 district legislative, county and county district offices in the  
523 years in which those offices are elected; and

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

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



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

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

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

560           (c) In counties having thirty thousand (30,000)  
561 residents according to the latest federal decennial census but



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

567 (d) In counties having seventy thousand (70,000)  
568 residents according to the latest federal decennial census but  
569 less than ninety thousand (90,000) residents according to the  
570 latest federal decennial census, not more than one hundred  
571 twenty-five (125) days per year, with no more than forty-five (45)  
572 additional days allowed for the conduct of each election in excess  
573 of one (1) occurring in any calendar year;

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

581 (f) In counties having one hundred seventy thousand  
582 (170,000) residents according to the latest federal decennial  
583 census but less than two hundred thousand (200,000) residents  
584 according to the latest federal decennial census, not more than  
585 one hundred seventy-five (175) days per year, with no more than



586 sixty-five (65) additional days allowed for the conduct of each  
587 election in excess of one (1) occurring in any calendar year;

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

595 (h) In counties having two hundred twenty-five thousand  
596 (225,000) residents according to the latest federal decennial  
597 census but less than two hundred fifty thousand (250,000)  
598 residents according to the latest federal decennial census, not  
599 more than two hundred fifteen (215) days per year, with no more  
600 than eighty-five (85) additional days allowed for the conduct of  
601 each election in excess of one (1) occurring in any calendar year;

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

609 (j) In counties having two hundred seventy-five  
610 thousand (275,000) residents according to the latest federal





611 decennial census or more, not more than two hundred forty (240)  
612 days per year, with no more than one hundred five (105) additional  
613 days allowed for the conduct of each election in excess of one (1)  
614 occurring in any calendar year.

615 (3) In addition to the number of days authorized in  
616 subsection (2) of this section, the board of supervisors of a  
617 county may authorize, in its discretion, the election  
618 commissioners to receive a per diem in the amount provided for in  
619 subsection (2) of this section, to be paid from the county general  
620 fund, for every day or period of no less than five (5) hours  
621 accumulated over two (2) or more days actually employed in the  
622 performance of their duties in the conduct of an election or  
623 actually employed in the performance of their duties for the  
624 necessary time spent in the revision of the county voter roll as  
625 electronically maintained by the Statewide Elections Management  
626 System as required in subsection (1) of this section, \* \* \* not to  
627 exceed five (5) days.

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



636 election. For purposes of this paragraph, the regular special  
637 election day shall not be considered a special election. The  
638 annual limitations set forth in subsection (2) of this section  
639 shall not apply to this paragraph.

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

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

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

659 (7) In preparation for a municipal \* \* \* preferential,  
660 runoff, general or special election, the county registrar shall



661 generate and distribute the master voter roll and pollbooks from  
662 the Statewide Elections Management System for the municipality  
663 located within the county. The municipality shall pay the county  
664 registrar for the actual cost of preparing and printing the  
665 municipal master voter roll pollbooks. A municipality may secure  
666 "read only" access to the Statewide Elections Management System  
667 and print its own pollbooks using this information.

668 (8) County election commissioners who perform the duties of  
669 an executive committee with regard to the conduct of a \* \* \*  
670 preferential election under a written agreement authorized by law  
671 to be entered into with an executive committee shall receive per  
672 diem as provided for in subsection (2) of this section. The days  
673 that county election commissioners are employed in the conduct of  
674 a \* \* \* preferential election shall be treated the same as days  
675 county election commissioners are employed in the conduct of other  
676 elections.

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

681 (10) Every election commissioner shall sign personally a  
682 certification setting forth the number of hours actually worked in  
683 the performance of the commissioner's official duties and for  
684 which the commissioner seeks compensation. The certification must  
685 be on a form as prescribed in this subsection. The commissioner's



686 signature is, as a matter of law, made under the commissioner's  
687 oath of office and under penalties of perjury.

688 The certification form shall be as follows:

689 **COUNTY ELECTION COMMISSIONER**

690 **PER DIEM CLAIM FORM**

691 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

692 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

693 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

697 \_\_\_\_\_  
698 \_\_\_\_\_  
699 \_\_\_\_\_

700 TOTAL NUMBER OF PER DIEM DAYS EARNED

701 EXCLUDING ELECTION DAYS \_\_\_\_\_

702 PER DIEM RATE PER DAY EARNED X \$100.00

703 TOTAL NUMBER PER DIEM DAYS EARNED

704 FOR ELECTION DAYS \_\_\_\_\_

705 PER DIEM RATE PER DAY EARNED X \$150.00

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

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



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

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

713 \_\_\_\_\_

714 Commissioner's Signature

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

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



733 commission, the clerk of the board of supervisors or the board of  
734 supervisors, as the case may be.

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

745 (11) Any election commissioner who has not received a  
746 certificate issued by the Secretary of State pursuant to Section  
747 23-15-211 indicating that the election commissioner has received  
748 the required elections seminar instruction and that the election  
749 commissioner is fully qualified to conduct an election, shall not  
750 receive any compensation authorized by this section or Section  
751 23-15-239.

752 **SECTION 25.** Section 23-15-173, Mississippi Code of 1972, is  
753 amended as follows:

754 23-15-173. (1) Except as provided in subsection (2) of this  
755 section, the preferential election shall be held three (3) weeks  
756 before the general or regular municipal election if a preferential  
757 election is necessary. A general municipal election shall be held



758 in each city, town or village on the first Tuesday after the first  
759 Monday of June 1985, and every four (4) years thereafter, for the  
760 election of all municipal officers elected by the people.

761 \* \* \*

762 ( \* \* \*2) The provisions of \* \* \* this section shall not  
763 apply to any municipality operating under a special or private  
764 charter where the governing board or authority thereof, on or  
765 before June 25, 1952, \* \* \* adopted and spread upon its minutes a  
766 resolution or ordinance declining to accept the provisions \* \* \*.  
767 For each such special or private charter municipality, the general  
768 election shall be held at the time fixed by the charter of the  
769 municipality, and the preferential election shall be three (3)  
770 weeks before the general election as fixed by the charter.

771 (3) Except as otherwise provided by law, all municipal  
772 general elections shall be held and conducted in the same manner  
773 as is provided by law for state and county general elections.

774 **SECTION 26.** Section 23-15-197, Mississippi Code of 1972, is  
775 amended as follows:

776 23-15-197. (1) Times for holding \* \* \* general elections  
777 for congressional offices shall be as prescribed in Sections \* \* \*  
778 23-15-1033 and 23-15-1041.

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



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

784 (3) Times for holding elections for the office of circuit  
785 court judge and the office of chancery court judge shall be as  
786 prescribed in Sections 23-15-974 through 23-15-985, and Section  
787 23-15-1015.

788 (4) Times for holding elections for the office of county  
789 election commissioners shall be as prescribed in Section  
790 23-15-213.

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

795 **SECTION 27.** Section 23-15-313, Mississippi Code of 1972, is  
796 amended as follows:

797 23-15-313. (1) If there be any political party, or parties,  
798 in any municipality which shall not have a party executive  
799 committee for \* \* \* the municipality, \* \* \* the political party,  
800 or parties, shall within thirty (30) days of the date for which a  
801 candidate for a municipal office is required to qualify in that  
802 municipality select qualified electors of that municipality and of  
803 that party's political faith to serve on a temporary municipal  
804 executive committee until members of a municipal executive  
805 committee are elected at the next regular election for executive  
806 committees. The temporary municipal executive committee shall be





807 selected in the following manner: The chairman of the county  
808 executive committee of the party desiring to select a temporary  
809 municipal executive committee shall call, upon petition of five  
810 (5) or more members of that political faith, a mass meeting of the  
811 qualified electors of their political faith who reside in \* \* \*  
812 the municipality to meet at some convenient place within \* \* \* the  
813 municipality, at a time to be designated in the call \* \* \*.  
814 At \* \* \* the mass convention, the members of that political faith  
815 shall select a temporary municipal executive committee which shall  
816 serve until members of a municipal executive committee are elected  
817 at the next regular election for executive committees. The public  
818 shall be given notice of \* \* \* the mass meeting as provided in  
819 Section 23-15-315. The chairman of the county executive committee  
820 shall authorize the call within five (5) calendar days of receipt  
821 of the petition. If the chairman of the county executive  
822 committee is either incapacitated, unavailable or nonresponsive  
823 and does not authorize the mass call within five (5) calendar days  
824 of receipt of the petition, any elected officer of the county  
825 executive committee may authorize the call within five (5)  
826 calendar days. If no elected officer of the county executive  
827 committee acts to approve such petition after an additional five  
828 (5) calendar days from the date, the chair of the county executive  
829 committee not taking action as provided by this section, the  
830 petitioners shall be authorized to produce the call themselves.



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

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

844           **SECTION 28.** Section 23-15-367, Mississippi Code of 1972, is  
845 amended as follows:

846           23-15-367. (1) Except as otherwise provided by \* \* \*  
847 subsection (2) of this section, the size, print and quality of  
848 paper of the official ballot is left to the discretion of the  
849 officer charged with printing the official ballot.

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

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

854                           (i) President;



855 (ii) United States Senator or United States  
856 Representative;

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

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

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

866 (e) Candidates for countywide office;

867 (f) Candidates for county district office.

868 The order in which the titles for the various offices are  
869 listed within paragraphs (e) and (f) is left to the discretion of  
870 the county election commissioners. \* \* \* When there is more than  
871 one (1) candidate for an office, the names shall be listed \* \* \*  
872 alphabetically by the candidate's last name \* \* \*.

873 (3) It is the duty of the Secretary of State, with the  
874 approval of the Governor, to furnish the \* \* \* election \* \* \*  
875 commission of each county a sample of the official ballot, not  
876 less than \* \* \* fifty (50) days before the election, the general  
877 form of which shall be followed as nearly as practicable.

878 **SECTION 29.** Section 23-15-375, Mississippi Code of 1972, is  
879 amended as follows:



880           23-15-375. Local issue elections may be held on the same  
881 date as any regular or general election. A local issue election  
882 held on the same date as the regular or general election shall be  
883 conducted in the same manner as the regular or general election  
884 using the same poll workers and the same equipment. A local issue  
885 may be placed on the regular or general election ballot pursuant  
886 to the provisions of Section \* \* \* 10 of this act. The provisions  
887 of this section and Section \* \* \* 10 of this act with regard to  
888 local issue elections shall not be construed to affect any  
889 statutory requirements specifying the notice procedure and the  
890 necessary percentage of qualified electors voting in such an  
891 election which is needed for adoption of the local issue. Whether  
892 or not a local issue is adopted or defeated at a local issue  
893 election held on the same day as a regular or general election  
894 shall be determined in accordance with relevant statutory  
895 requirements regarding the necessary percentage of qualified  
896 electors who voted in the local issue election, and only those  
897 persons voting for or against the issue shall be counted in making  
898 that determination. As used in this section "local issue  
899 elections" include elections regarding the issuance of bonds,  
900 local option elections, elections regarding the levy of additional  
901 ad valorem taxes and other similar elections authorized by law  
902 that are called to consider issues that affect a single local  
903 governmental entity. As used in this section "local issue" means  
904 any issue that may be voted on in a local issue election.



905           **SECTION 30.** Section 23-15-403, Mississippi Code of 1972, is  
906 amended as follows:

907           23-15-403. The board of supervisors of any county in the  
908 State of Mississippi and the governing authorities of any  
909 municipality in the State of Mississippi are hereby authorized and  
910 empowered, in their discretion, to purchase or rent any voting  
911 machine or machines which shall be so constructed as to fulfill  
912 the following requirements: It shall secure to the voter secrecy  
913 in the act of voting; it shall provide facilities for voting for  
914 all candidates of as many political parties or organizations \* \* \*  
915 that are registered in the state, and for or against as many  
916 questions as submitted; \* \* \* it shall permit the voter to vote  
917 for as many persons for an office as he is lawfully entitled to  
918 vote for, but not more; it shall prevent the voter from voting for  
919 the same person more than once for the same office; it shall  
920 permit the voter to vote for or against any question he may have  
921 the right to vote on, but no other; \* \* \* it shall be so equipped  
922 that the election officials can lock out all rows except those of  
923 the voter's party by a single adjustment on the outside of the  
924 machine; it shall correctly register or record and accurately  
925 count all votes cast for any and all persons and for or against  
926 any and all questions; it shall be provided with a "protective  
927 counter" or "protective device" whereby any operation of the  
928 machine before or after the election will be detected; it shall be  
929 provided with a counter which shall show at all times during an



930 election how many persons have voted; it shall be provided with a  
931 mechanical model, illustrating the manner of voting on the  
932 machine, suitable for the instruction of voters; it may also be  
933 provided with one (1) device for each party, for voting for all  
934 the presidential electors of that party by one (1) operation, and  
935 a ballot therefor containing only the words "Presidential Electors  
936 For" preceded by the name of that party and followed by the names  
937 of the candidates thereof for the offices of President and Vice  
938 President, and a registering device therefor which shall register  
939 the vote cast for said electors when thus voted collectively;  
940 provided, however, that means shall be furnished whereby the voter  
941 can cast a vote for individual electors when permitted to do so by  
942 law.

943       **SECTION 31.** Section 23-15-411, Mississippi Code of 1972, is  
944 amended as follows:

945       23-15-411. The officer who furnishes the official ballots  
946 for any polling place where a voting machine is to be used, shall  
947 also provide two (2) sample ballots or instruction ballots, which  
948 sample or instruction ballots shall be arranged in the form of a  
949 diagram showing such portion of the front of the voting machine as  
950 it will appear after the official ballots are arranged thereon or  
951 therein for voting on election day. \* \* \* The sample ballots  
952 shall be open to the inspection of all voters on election day, in  
953 all \* \* \* preferential and general or regular elections where  
954 voting machines are used.



955           **SECTION 32.** Section 23-15-463, Mississippi Code of 1972, is  
956 amended as follows:

957           23-15-463. The board of supervisors of any county in the  
958 State of Mississippi and the governing authorities of any  
959 municipality in the State of Mississippi are \* \* \* authorized and  
960 empowered, in their discretion, to purchase or rent voting devices  
961 and automatic tabulating equipment used in an electronic voting  
962 system which meets the requirements of Section 23-15-465, and may  
963 use such system in all or a part of the precincts within its  
964 boundaries, or in combination with paper ballots in any  
965 election \* \* \*. It may enlarge, consolidate or alter the  
966 boundaries of precincts where an electronic voting system is used.  
967 The provisions of Sections 23-15-461 through 23-15-485 shall be  
968 controlling with respect to elections where an electronic voting  
969 system is used, and shall be liberally construed so as to carry  
970 out the purpose of this chapter. The provisions of the election  
971 law relating to the conduct of elections with paper ballots,  
972 insofar as they are applicable and not inconsistent with the  
973 efficient conduct of elections with electronic voting systems,  
974 shall apply. Absentee ballots shall be voted as now provided by  
975 law.

976           **SECTION 33.** Section 23-15-465, Mississippi Code of 1972, is  
977 amended as follows:

978           23-15-465. No electronic voting system, consisting of a  
979 marking or voting device in combination with automatic tabulating



980 equipment, shall be acquired or used in accordance with Sections  
981 23-15-461 through 23-15-485 unless it shall:

982 (a) Provide for voting in secrecy when used with voting  
983 booths;

984 (b) Permit each voter to vote at any election for all  
985 persons and offices for whom and for which he is lawfully entitled  
986 to vote; to vote for as many persons for an office as he is  
987 entitled to vote for; to vote for or against any question upon  
988 which he is entitled to vote; and the automatic tabulating  
989 equipment shall reject choices recorded on his ballot card or  
990 paper ballot if the number of choices exceeds the number which he  
991 is entitled to vote for the office or on the measure;

992 (c) Permit each voter, at presidential elections, by  
993 one (1) mark or punch to vote for the candidates of that party for  
994 President, Vice President, and their presidential electors, or to  
995 vote individually for the electors of his choice when permitted by  
996 law;

997 (d) Permit each voter \* \* \* to vote for the \* \* \*  
998 candidates of one or more parties and for independent \* \* \*  
999 candidates;

1000 \* \* \*

1001 ( \* \* \*e) Permit each voter to vote for persons whose  
1002 names are not on the printed ballot or ballot labels;

1003 ( \* \* \*f) Prevent the voter from voting for the same  
1004 person more than once for the same office;





1005 ( \* \* \*g) Be suitably designed for the purpose used, of  
1006 durable construction, and may be used safely, efficiently and  
1007 accurately in the conduct of elections and counting ballots;

1008 ( \* \* \*h) Be provided with means for sealing the voting  
1009 or marking device against any further voting after the close of  
1010 the polls and the last voter has voted;

1011 ( \* \* \*i) When properly operated, record correctly and  
1012 count accurately every vote cast;

1013 ( \* \* \*j) Be provided with a mechanical model for  
1014 instructing voters, and be so constructed that a voter may readily  
1015 learn the method of operating it;

1016 ( \* \* \*k) Be safely transportable, and include a light  
1017 to enable voters to read the ballot labels and instructions.

1018 **SECTION 34.** Section 23-15-507, Mississippi Code of 1972, is  
1019 amended as follows:

1020 23-15-507. No OMR equipment shall be acquired or used in  
1021 accordance with this chapter unless it shall:

1022 (a) Permit eligible voters to vote at any election for  
1023 all persons for whom they are lawfully entitled to vote; to vote  
1024 for as many persons for an office as they are lawfully entitled to  
1025 vote; to vote for or against any ballot initiative, measure or  
1026 other local issue upon which they are lawfully entitled to vote;

1027 (b) The OMR equipment shall be capable of rejecting  
1028 choices marked on the ballot if the number of choices exceeds the



1029 number that the voter is entitled to vote for the office or on the  
1030 measure;

1031 (c) Permit each voter, in presidential elections, by  
1032 one (1) mark to vote for the candidates of that party for  
1033 President, Vice President, and their presidential electors, or to  
1034 vote individually for the electors of their choice when permitted  
1035 by law;

1036 (d) Permit each voter \* \* \* to vote for the \* \* \*  
1037 candidates of one or more parties and for independent candidates;  
1038 \* \* \*

1039 ( \* \* \*e) Permit each voter to vote for persons whose  
1040 names are not on the printed ballot;

1041 ( \* \* \*f) Be suitably designed for the purpose used, of  
1042 durable construction, and may be used safely, efficiently and  
1043 accurately in the conduct of elections and the counting of  
1044 ballots;

1045 ( \* \* \*g) Be provided with means for sealing the  
1046 ballots after the close of the polls;

1047 ( \* \* \*h) When properly operated, record correctly and  
1048 count accurately all votes cast; and

1049 ( \* \* \*i) Provide the voter with a set of instructions  
1050 that will be displayed in such a way that a voter may readily  
1051 learn the method of voting.

1052 **SECTION 35.** Section 23-15-511, Mississippi Code of 1972, is  
1053 amended as follows:



1054           23-15-511. The ballots shall, as far as practicable, be in  
1055 the same order of arrangement as provided for paper ballots that  
1056 are to be counted manually, except that the information may be  
1057 printed in vertical or horizontal rows. Nothing in this chapter  
1058 shall be construed as prohibiting the information being presented  
1059 to the voters from being printed on both sides of a single ballot.  
1060 In those years when a special election shall occur on the same day  
1061 as the general election, the names of candidates in any special  
1062 election and the general election shall be placed on the same  
1063 ballot by the election commissioners or officials in charge of the  
1064 election, but the general election candidates shall be clearly  
1065 distinguished from the special election candidates. At any time a  
1066 special election is held on the same day as a \* \* \* preferential  
1067 election, the names of the candidates in the special election may  
1068 be placed on the same ballot by the officials in charge of the  
1069 election, but shall be clearly distinguished as special election  
1070 candidates or \* \* \* preferential election candidates.

1071           Ballots shall be printed in plain clear type in black ink and  
1072 upon clear white materials of such size and arrangement as to be  
1073 compatible with the OMR equipment. Absentee ballots shall be  
1074 prepared and printed in the same form and shall be on the same  
1075 size and texture as the regular official ballots, except that they  
1076 shall be printed on tinted paper; or the ink used to print the  
1077 ballots shall be of a color different from that of the ink used to  
1078 print the regular official ballots. Arrows may be printed on the



1079 ballot to indicate the place to mark the ballot, which may be to  
1080 the right or left of the names of candidates and propositions.  
1081 The titles of offices may be arranged in vertical columns on the  
1082 ballot and shall be printed above or at the side of the names of  
1083 candidates so as to indicate clearly the candidates for each  
1084 office and the number to be elected. In case there are more  
1085 candidates for an office than can be printed in one (1) column,  
1086 the ballot shall be clearly marked that the list of candidates is  
1087 continued on the following column. The names of candidates for  
1088 each office shall be printed in vertical columns, grouped by the  
1089 offices that they seek. \* \* \* The party designation, if any, of  
1090 each candidate \* \* \* shall be printed following his or her name.

1091 One (1) sample ballot, which shall be a facsimile of the  
1092 official ballot and instructions to the voters, shall be provided  
1093 for each precinct and shall be posted in each polling place on  
1094 election day.

1095 A separate ballot security envelope or suitable equivalent in  
1096 which the voter can place his or her ballot after voting, shall be  
1097 provided to conceal the choices the voter has made. Absentee  
1098 voters will receive a similar ballot security envelope provided by  
1099 the county in which the absentee voter will insert their voted  
1100 ballot, which then can be inserted into a return envelope to be  
1101 mailed back to the election official. Absentee ballots will not  
1102 be required to be folded when a ballot security envelope is  
1103 provided.



1104           **SECTION 36.** Section 23-15-559, Mississippi Code of 1972, is  
1105 amended as follows:

1106           23-15-559. The provisions of \* \* \* Section 23-15-173 fixing  
1107 the time for the holding of general elections shall not apply to  
1108 any municipality operating under a special or private charter  
1109 where the governing board or authority thereof, on or before June  
1110 25, 1952, shall have adopted and spread upon its minutes a  
1111 resolution or ordinance declining to accept such provisions, in  
1112 which event the \* \* \* general elections shall be held at the time  
1113 fixed by the charter of such municipality.

1114           The provisions of Section 23-15-859 shall be applicable to  
1115 all municipalities of this state, whether operating under a code  
1116 charter, special charter, or the commission form of government,  
1117 except in cases of conflicts between the provisions of such  
1118 section and the provisions of the special charter of a  
1119 municipality, or the law governing the commission form of  
1120 government, in which cases of conflict the provisions of the  
1121 special charter or the statutes relative to the commission form of  
1122 government shall apply.

1123           **SECTION 37.** Section 23-15-561, Mississippi Code of 1972, is  
1124 amended as follows:

1125           23-15-561. (1) It shall be unlawful during any \* \* \*  
1126 election for any candidate for any elective office or any  
1127 representative of such candidate or any other person to publicly  
1128 or privately put up or in any way offer any prize, cash award or



1129 other item of value to be raffled, drawn for, played for or  
1130 contested for in order to encourage persons to vote or to refrain  
1131 from voting in any election.

1132 (2) Any person who shall violate the provisions of  
1133 subsection (1) of this section shall, upon conviction thereof, be  
1134 punished by a fine in an amount not to exceed Five Thousand  
1135 Dollars (\$5,000.00).

1136 (3) Any candidate who shall violate the provisions of  
1137 subsection (1) of this section shall, upon conviction thereof, in  
1138 addition to the fine prescribed above, be punished by:

1139 (a) Disqualification as a candidate in the race for the  
1140 elective office; or

1141 (b) Removal from the elective office, if the offender  
1142 has been elected thereto.

1143 **SECTION 38.** Section 23-15-573, Mississippi Code of 1972, is  
1144 amended as follows:

1145 23-15-573. (1) If any person declares that he or she is a  
1146 registered voter in the jurisdiction in which he or she offers to  
1147 vote and that he or she is eligible to vote in the election, but  
1148 his or her name does not appear upon the pollbooks, or that he or  
1149 she is not able to cast a regular election day ballot under a  
1150 provision of state or federal law but is otherwise qualified to  
1151 vote, or that he or she has been illegally denied registration, or  
1152 that he or she is unable to present an acceptable form of photo  
1153 identification:



1154 (a) A poll manager shall notify the person that he or  
1155 she may cast an affidavit ballot at the election.

1156 (b) The person shall be permitted to cast an affidavit  
1157 ballot at the polling place upon execution of a written affidavit  
1158 before one (1) of the poll managers stating that the individual:

1159 (i) Believes he or she is a registered voter in  
1160 the jurisdiction in which he or she desires to vote and is  
1161 eligible to vote in the election; or

1162 (ii) Is not able to cast a regular election day  
1163 ballot under a provision of state or federal law but is otherwise  
1164 qualified to vote; or

1165 (iii) Believes that he or she has been illegally  
1166 denied registration; or

1167 (iv) Is unable to present an acceptable form of  
1168 photo identification.

1169 (c) The poll manager shall allow the individual to mark  
1170 a paper ballot properly endorsed by the initialing poll manager or  
1171 alternate initialing poll manager in accordance with Section  
1172 23-15-541, which shall be delivered by him or her to the proper  
1173 election official who shall enclose it in an affidavit ballot  
1174 envelope, with the written and signed affidavit of the voter  
1175 affixed to the envelope, seal the envelope and mark plainly upon  
1176 it the name of the person offering to vote.

1177 (2) The affidavit ballot envelope shall include:

1178 (a) The complete name of the voter;



1179                   (b) A present and previous physical and mailing address  
1180 of the voter;

1181                   (c) Telephone numbers where the voter may be contacted;

1182                   (d) A statement that the affiant believes he or she is  
1183 registered to vote in the jurisdiction in which he or she offers  
1184 to vote;

1185                   (e) The signature of the affiant; and

1186                   (f) The signature of the poll manager at the polling  
1187 place at which the affiant offers to vote.

1188           (3) (a) A separate receipt book shall be maintained for  
1189 affidavit voters and the affidavit voters shall sign the receipt  
1190 book upon completing the affidavit ballot.

1191                   (b) If the affidavit voter is casting an affidavit  
1192 ballot because the voter is unable to present an acceptable form  
1193 of photo identification and the voter's name appears in the  
1194 pollbook, then the poll manager shall write "NO ID" across from  
1195 the voter's name and in the appropriate column in the pollbook.

1196                   (c) In canvassing the returns of the election, \* \* \*  
1197 the election commissioners \* \* \* shall examine the records and  
1198 allow the ballot to be counted, or not counted as it appears  
1199 legal.

1200                   (d) An affidavit ballot of a voter who was unable to  
1201 present an acceptable form of photo identification shall not be  
1202 rejected for this reason if the voter does either of the  
1203 following:





1204 (i) Returns to the circuit clerk's office, or to  
1205 the municipal clerk's office for municipal elections, within five  
1206 (5) business days after the date of the election and presents an  
1207 acceptable form of photo identification;

1208 (ii) Returns to the circuit clerk's office within  
1209 five (5) business days after the date of the election to obtain  
1210 the Mississippi Voter Identification Card, or in municipal  
1211 election, returns to the municipal clerk's office within five (5)  
1212 business days after the date of the election to present his or her  
1213 Mississippi Voter Identification Card or Temporary Mississippi  
1214 Voter Identification Card; or

1215 (iii) Returns to the circuit clerk's office, or to  
1216 the municipal clerk's office for municipal elections, within five  
1217 (5) business days after the date of the election to execute a  
1218 separate Affidavit of Religious Objection.

1219 (4) When a person is offered the opportunity to vote by  
1220 affidavit ballot, he or she shall be provided with written  
1221 information that informs the person how to ascertain whether his  
1222 or her affidavit ballot was counted and, if the vote was not  
1223 counted, the reasons the vote was not counted.

1224 (5) The officials in charge of the election shall process  
1225 all affidavit ballots by using the Statewide Elections Management  
1226 System. The officials in charge of the election shall account for  
1227 all affidavit ballots cast in each election, categorizing the  
1228 affidavit ballots cast by reason and recording the total number of



1229 affidavit ballots counted and not counted in each such category in  
1230 the Statewide Elections Management System.

1231 (6) The Secretary of State shall, by rule duly adopted,  
1232 establish a uniform affidavit ballot envelope that shall be used  
1233 in all elections in this state. The Secretary of State shall  
1234 print and distribute a sufficient number of affidavit ballot  
1235 envelopes to the registrar of each county for use in elections.  
1236 The registrar shall distribute the affidavit ballot  
1237 envelopes \* \* \* to municipal and county election commissioners for  
1238 use in all \* \* \* elections.

1239 (7) County registrars and municipal registrars shall  
1240 maintain a secure free access system that complies with the Help  
1241 America Vote Act of 2002, by which persons who vote by affidavit  
1242 ballot may determine if their ballots were counted, and if not,  
1243 the reasons the ballot was not counted.

1244 (8) Any person who votes in any election as a result of a  
1245 federal or state court order or other order extending the time  
1246 established by law for closing the polls on an election day, may  
1247 only vote by affidavit ballot. Any affidavit ballot cast under  
1248 this subsection shall be separated and kept apart from other  
1249 affidavit ballots cast by voters not affected by the order.

1250 **SECTION 39.** Section 23-15-593, Mississippi Code of 1972, is  
1251 amended as follows:

1252 23-15-593. When the ballot box is opened and examined by  
1253 the \* \* \* county election commissioners \* \* \*, and it is found



1254 that there have been failures in material particulars to comply  
1255 with the requirements of Section 23-15-591 and Section 23-15-895  
1256 to such an extent that it is impossible to arrive at the will of  
1257 the voters at \* \* \* the precinct, the entire box may be thrown out  
1258 unless it be made to appear with reasonable certainty that the  
1259 irregularities were not deliberately permitted or engaged in by  
1260 the poll managers at that box, or by one (1) of them responsible  
1261 for the wrong or wrongs, for the purpose of electing or defeating  
1262 a certain candidate or candidates by manipulating the election or  
1263 the returns thereof at that box in \* \* \* a manner as to have it  
1264 thrown out; in which latter case \* \* \* the county election  
1265 commission \* \* \* shall conduct \* \* \* a hearing and make \* \* \* a  
1266 determination in respect to the box as may appear lawfully just,  
1267 subject to a judicial review of the matter as elsewhere provided  
1268 by this chapter. \* \* \* The election commission \* \* \* or the court  
1269 upon review \* \* \* may order another election to be held at that  
1270 box appointing new poll managers to hold the same.

1271 **SECTION 40.** Section 23-15-595, Mississippi Code of 1972, is  
1272 amended as follows:

1273 23-15-595. The box containing the ballots and other records  
1274 required by this chapter shall, immediately after the ballots have  
1275 been counted, be delivered by one (1) of the poll managers to the  
1276 clerk of the circuit court of the county and the clerk shall, in  
1277 the presence of the poll manager making delivery of the box, place  
1278 upon the lock of such box a tamper-evident seal. The seals shall



1279 be numbered consecutively to the number of ballot boxes used in  
1280 the election in the county, and the clerk shall keep in a place  
1281 separate from such boxes a record of the number of the seal of  
1282 each separate box in the county. The board of supervisors of the  
1283 county shall pay the cost of providing the seals. Upon demand  
1284 of \* \* \* a county election commissioner, the boxes and their  
1285 contents shall be delivered to the county election commission.  
1286 After the commission has finished the work of tabulating returns  
1287 and counting ballots as required by law, the commission shall  
1288 return all papers and ballots to the box of the precinct where the  
1289 election was held, and it shall make redelivery of the boxes and  
1290 their contents to the circuit clerk who shall reseal the boxes.  
1291 Upon every occasion the boxes shall be reopened \* \* \*, the  
1292 resealing of the boxes shall be done as provided in this chapter.

1293 **SECTION 41.** Section 23-15-601, Mississippi Code of 1972, is  
1294 amended as follows:

1295 23-15-601. (1) When the result of the election shall have  
1296 been ascertained by the poll managers they, or one (1) of their  
1297 number, or some fit person designated by them, shall, on the night  
1298 of the election, deliver to the election commissioners, at the  
1299 courthouse, a statement of the whole number of votes given for  
1300 each person and for what office \* \* \*. On the first or second day  
1301 after any preferential election and after any general election,  
1302 the election commissioners shall canvass the returns, ascertain  
1303 and declare the result, and \* \* \* announce the names of the



1304 candidates who have received the majority of the votes cast for  
1305 representative in the Legislature of districts composed of one (1)  
1306 county or less, or other county office, board of supervisors,  
1307 justice court judge and constable. \* \* \* The election  
1308 commissioners shall also announce the names of those candidates  
1309 for the above-mentioned offices that are to be submitted to the  
1310 general election.

1311 (2) The vote for statewide and state-district offices shall  
1312 be tabulated by precincts and certified to and returned to the  
1313 state election commissioners. The returns shall be mailed by  
1314 registered letter or any safe mode of transportation within  
1315 thirty-six (36) hours after the returns are canvassed and the  
1316 results ascertained. The state election commissioners shall meet  
1317 a week from the day following the preferential election held for  
1318 statewide and state-district offices. On that day, they shall  
1319 canvass the returns, declare the results and announce the names of  
1320 the candidates for the different offices who have received a  
1321 majority of the votes cast and the names of those candidates whose  
1322 names are to be submitted to the general election. The state  
1323 election commissioners shall also meet a week from the day on  
1324 which the general election is held to receive and canvass the  
1325 returns for statewide and state-district offices voted on in the  
1326 general election. An exact and full duplicate of all tabulations  
1327 by precincts, as certified under this section, shall be filed with



1328 the circuit clerk of the county who shall safely preserve the same  
1329 in his or her office.

1330 ( \* \* \*3) The election commissioners shall transmit to the  
1331 Secretary of State, on such forms and by such methods as may be  
1332 required by rules and regulations promulgated by the Secretary of  
1333 State, a statement of the total number of votes cast in the county  
1334 for each candidate for each office and the total number of votes  
1335 cast for such candidates in each precinct in the district in which  
1336 the candidate ran.

1337 **SECTION 42.** Section 23-15-605, Mississippi Code of 1972, is  
1338 amended as follows:

1339 23-15-605. The Secretary of State, immediately after  
1340 receiving the returns of \* \* \* a general election \* \* \* not longer  
1341 than thirty (30) days after the election, shall sum up the whole  
1342 number of votes given for each candidate other than candidates for  
1343 state offices, legislative offices composed of one (1) county or  
1344 less, county offices and county\_district offices, according to the  
1345 statements of the votes certified to him or her and ascertain the  
1346 person or persons having the largest number of votes for each  
1347 office, and declare such person or persons to be duly elected; and  
1348 thereupon all persons chosen to any office at the election shall  
1349 be commissioned by the Governor \* \* \*. But if it appears that two  
1350 (2) or more candidates for any district office where the district  
1351 is composed of two (2) or more counties, standing highest on the  
1352 list, and not elected, have an equal number of votes, the election



1353 shall be decided between the candidates having an equal number of  
1354 votes by each candidate individually drawing one (1) of the two  
1355 (2) sealed containers from an opaque bag, under the direction of  
1356 the Governor and Secretary of State. The containers shall consist  
1357 of a straw of conspicuous length, and the candidate drawing the  
1358 container with the longer of the two (2) straws shall be declared  
1359 the winner.

1360           **SECTION 43.** Section 23-15-673, Mississippi Code of 1972, is  
1361 amended as follows:

1362           23-15-673. (1) For the purposes of this subarticle, the  
1363 term "absent voter" shall mean and include the following persons  
1364 if they are absent from their county of residence and are  
1365 otherwise qualified to vote in Mississippi:

1366           (a) Any enlisted or commissioned members, male or  
1367 female, of the United States Army, or any of its respective  
1368 components or various divisions thereof; any enlisted or  
1369 commissioned members, male or female, of the United States Navy,  
1370 or any of its respective components or various divisions thereof;  
1371 any enlisted or commissioned members, male or female, of the  
1372 United States Air Force, or any of its respective components or  
1373 various divisions thereof; any enlisted or commissioned members,  
1374 male or female, of the United States Marines, or any of its  
1375 respective components or various divisions thereof; or any persons  
1376 in any division of the armed services of the United States, who  
1377 are citizens of Mississippi;



1378 (b) Any member of the Merchant Marine and the American  
1379 Red Cross who is a citizen of Mississippi;

1380 (c) Any disabled war veteran who is a patient in any  
1381 hospital and who is a citizen of Mississippi;

1382 (d) Any civilian attached to and serving outside of the  
1383 United States with any branch of the Armed Forces or with the  
1384 Merchant Marine or American Red Cross, and who is a citizen of  
1385 Mississippi;

1386 (e) Any trained or certified emergency response  
1387 provider who is deployed during the time period authorized by law  
1388 for absentee voting, on election day, or during any state of  
1389 emergency declared by the President of the United States or any  
1390 Governor of any state within the United States;

1391 (f) Any citizen of Mississippi temporarily residing  
1392 outside the territorial limits of the United States and the  
1393 District of Columbia;

1394 (g) Any citizen of Mississippi enrolled as a student at  
1395 the United States Naval Academy, the United States Coast Guard  
1396 Academy, the United States Merchant Marine Academy, the United  
1397 States Air Force Academy or the United States Military Academy.

1398 (2) The spouse and dependents of any absent voter as set out  
1399 in paragraphs (a) through (g) of subsection (1) of this section  
1400 shall also be included in the meaning of absent voter and may  
1401 register to vote and vote an absentee ballot as provided in this  
1402 subarticle if also absent from the county of their residence on





1403 the date of the election and otherwise qualified to vote in  
1404 Mississippi.

1405 (3) For the purpose of this subarticle, the term "election"  
1406 shall mean and include the following sets of elections: special  
1407 and runoff special elections, preferential and general  
1408 elections \* \* \* or general elections without preferential  
1409 elections, whichever system is applicable.

1410 **SECTION 44.** Section 23-15-713, Mississippi Code of 1972, is  
1411 amended as follows:

1412 23-15-713. For the purpose of this subarticle, any duly  
1413 qualified elector may vote as provided in this subarticle if \* \* \*  
1414 the elector falls within the following categories:

1415 (a) Any qualified elector who is a bona fide student,  
1416 teacher or administrator at any college, university, junior  
1417 college, high, junior high, or elementary grade school whose  
1418 studies or employment at such institution necessitates \* \* \* the  
1419 elector's absence from the county of his or her voting residence  
1420 on the date of any \* \* \* election, or the spouse and dependents  
1421 of \* \* \* the student, teacher or administrator if \* \* \* the spouse  
1422 or dependent(s) maintain a common domicile, outside of the county  
1423 of his or her voting residence, with \* \* \* the student, teacher or  
1424 administrator.

1425 (b) Any qualified elector who is required to be away  
1426 from his place of residence on any election day due to his  
1427 employment as an employee of a member of the Mississippi



1428 congressional delegation and the spouse and dependents of \* \* \*  
1429 the elector if he or she shall be residing with such \* \* \* elector  
1430 away from the county of the spouse's voting residence.

1431 (c) Any qualified elector who is away from his county  
1432 of residence on election day for any reason.

1433 (d) Any person who has a temporary or permanent  
1434 physical disability and who, because of such disability, is unable  
1435 to vote in person without substantial hardship to himself or  
1436 others, or whose attendance at the voting place could reasonably  
1437 cause danger to himself or others.

1438 (e) The parent, spouse or dependent of a person with a  
1439 temporary or permanent physical disability who is hospitalized  
1440 outside of his county of residence or more than fifty (50) miles  
1441 distant from his residence, if the parent, spouse or dependent  
1442 will be with such person on election day.

1443 (f) Any person who is sixty-five (65) years of age or  
1444 older.

1445 (g) Any member of the Mississippi congressional  
1446 delegation absent from Mississippi on election day, and the spouse  
1447 and dependents of such member of the congressional delegation.

1448 (h) Any qualified elector who will be unable to vote in  
1449 person because he is required to be at work on election day during  
1450 the times at which the polls will be open.

1451 **SECTION 45.** Section 23-15-755, Mississippi Code of 1972, is  
1452 amended as follows:



1453           23-15-755. All of the provisions of Sections 23-15-621  
1454 through 23-15-735 shall be applicable, insofar as possible, to  
1455 municipal, \* \* \* preferential, general and special elections, and  
1456 wherever herein any duty is imposed or any power or authority is  
1457 conferred upon the county registrar \* \* \* or county election  
1458 commissioners \* \* \* with reference to a state and county  
1459 election, \* \* \* the duty shall likewise be imposed and \* \* \* the  
1460 power and authority shall likewise be conferred upon the municipal  
1461 registrar \* \* \* or municipal election commission \* \* \* with  
1462 reference to any municipal election. \* \* \*

1463           **SECTION 46.** Section 23-15-771, Mississippi Code of 1972, is  
1464 amended as follows:

1465           23-15-771. At the state convention, a slate of electors  
1466 composed of the number of electors allotted to this state, which  
1467 said electors announce a clearly expressed design and purpose to  
1468 support the candidates for President and Vice President of the  
1469 national political party with which the \* \* \* party of this state  
1470 has had an affiliation and identity of purpose heretofore, shall  
1471 be designated and selected for a place upon the \* \* \* election  
1472 ballot to be held as herein provided.

1473           **SECTION 47.** Section 23-15-801, Mississippi Code of 1972, is  
1474 amended as follows:

1475           23-15-801. (a) "Election" means a preferential, general,  
1476 special, \* \* \* or runoff election.



1477 (b) "Candidate" means an individual who seeks \* \* \*  
1478 election \* \* \* to any elective office other than a federal  
1479 elective office. For purposes of this article, an individual  
1480 shall be deemed to seek \* \* \* election:

1481 (i) If the individual has received contributions  
1482 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
1483 expenditures aggregating in excess of Two Hundred Dollars  
1484 (\$200.00) or for a candidate for the Legislature or any statewide  
1485 or state district office, by the qualifying deadlines specified  
1486 in \* \* \* Section 8 of this act and Section 23-15-977, whichever  
1487 occurs first; or

1488 (ii) If the individual has given his or her consent to  
1489 another person to receive contributions or make expenditures on  
1490 behalf of the individual and if the other person has received  
1491 contributions aggregating in excess of Two Hundred Dollars  
1492 (\$200.00) during a calendar year, or has made expenditures  
1493 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
1494 calendar year.

1495 (c) "Political committee" means any committee, party, club,  
1496 association, political action committee, campaign committee or  
1497 other groups of persons or affiliated organizations that receives  
1498 contributions aggregating in excess of Two Hundred Dollars  
1499 (\$200.00) during a calendar year or that makes expenditures  
1500 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
1501 calendar year for the purpose of influencing or attempting to



1502 influence the action of voters for or against the \* \* \* election,  
1503 of one or more candidates, or balloted measures. Political  
1504 committee shall, in addition, include each political party  
1505 registered with the Secretary of State.

1506 (d) "Affiliated organization" means any organization that is  
1507 not a political committee, but that directly or indirectly  
1508 establishes, administers or financially supports a political  
1509 committee.

1510 (e) (i) "Contribution" shall include any gift,  
1511 subscription, loan, advance or deposit of money or anything of  
1512 value made by any person or political committee for the purpose of  
1513 influencing any election for elective office or balloted measure;

1514 (ii) "Contribution" shall not include the value of  
1515 services provided without compensation by any individual who  
1516 volunteers on behalf of a candidate or political committee; or the  
1517 cost of any food or beverage for use in any candidate's campaign  
1518 or for use by or on behalf of any political committee of a  
1519 political party;

1520 (iii) "Contribution to a political party" includes any  
1521 gift, subscription, loan, advance or deposit of money or anything  
1522 of value made by any person, political committee, or other  
1523 organization to a political party and to any committee,  
1524 subcommittee, campaign committee, political committee and other  
1525 groups of persons and affiliated organizations of the political  
1526 party;



1527           (iv) "Contribution to a political party" shall not  
1528 include the value of services provided without compensation by any  
1529 individual who volunteers on behalf of a political party or a  
1530 candidate of a political party.

1531           (f) (i) "Expenditure" shall include any purchase, payment,  
1532 distribution, loan, advance, deposit, gift of money or anything of  
1533 value, made by any person or political committee for the purpose  
1534 of influencing any balloted measure or election for elective  
1535 office; and a written contract, promise, or agreement to make an  
1536 expenditure;

1537           (ii) "Expenditure" shall not include any news story,  
1538 commentary or editorial distributed through the facilities of any  
1539 broadcasting station, newspaper, magazine, or other periodical  
1540 publication, unless the facilities are owned or controlled by any  
1541 political party, political committee, or candidate; or nonpartisan  
1542 activity designed to encourage individuals to vote or to register  
1543 to vote;

1544           (iii) "Expenditure by a political party" includes 1.  
1545 any purchase, payment, distribution, loan, advance, deposit, gift  
1546 of money or anything of value, made by any political party and by  
1547 any contractor, subcontractor, agent, and consultant to the  
1548 political party; and 2. a written contract, promise, or agreement  
1549 to make such an expenditure.

1550           (g) The term "identification" shall mean:



1551 (i) In the case of any individual, the name, the  
1552 mailing address, and the occupation of such individual, as well as  
1553 the name of his or her employer; and

1554 (ii) In the case of any other person, the full name and  
1555 address of the person.

1556 (h) The term "political party" shall mean an association,  
1557 committee or organization which nominates a candidate for election  
1558 to any elective office whose name appears on the election ballot  
1559 as the candidate of the association, committee or organization.

1560 (i) The term "person" shall mean any individual, family,  
1561 firm, corporation, partnership, association or other legal entity.

1562 (j) The term "independent expenditure" shall mean an  
1563 expenditure by a person expressly advocating the election or  
1564 defeat of a clearly identified candidate that is made without  
1565 cooperation or consultation with any candidate or any authorized  
1566 committee or agent of the candidate, and that is not made in  
1567 concert with or at the request or suggestion of any candidate or  
1568 any authorized committee or agent of the candidate.

1569 (k) The term "clearly identified" shall mean that:

1570 (i) The name of the candidate involved appears; or

1571 (ii) A photograph or drawing of the candidate appears;

1572 or

1573 (iii) The identity of the candidate is apparent by  
1574 unambiguous reference.



1575           **SECTION 48.** Section 23-15-807, Mississippi Code of 1972, is  
1576 amended as follows:

1577           23-15-807. (a) Each candidate or political committee shall  
1578 file reports of contributions and disbursements in accordance with  
1579 the provisions of this section. All candidates or political  
1580 committees required to report such contributions and disbursements  
1581 may terminate the obligation to report only upon submitting a  
1582 final report that contributions will no longer be received or  
1583 disbursements made and that the candidate or committee has no  
1584 outstanding debts or obligations. The candidate, treasurer or  
1585 chief executive officer shall sign the report.

1586           (b) Candidates seeking election \* \* \* and political  
1587 committees making expenditures to influence or attempt to  
1588 influence voters for or against the \* \* \* election of one or more  
1589 candidates or balloted measures at such election, shall file the  
1590 following reports:

1591           (i) In any calendar year during which there is a  
1592 regularly scheduled election, a pre-election report shall be filed  
1593 no later than the seventh day before any election in which the  
1594 candidate or political committee has accepted contributions or  
1595 made expenditures and shall be completed as of the tenth day  
1596 before the election;

1597           (ii) In 1987 and every fourth year thereafter, periodic  
1598 reports shall be filed no later than the tenth day after April 30,





1599 May 31, June 30, September 30 and December 31, and shall be  
1600 completed as of the last day of each period;

1601 (iii) In any calendar years except 1987 and except  
1602 every fourth year thereafter, a report covering the calendar year  
1603 shall be filed no later than January 31 of the following calendar  
1604 year; and

1605 (iv) Except as otherwise provided in the requirements  
1606 of paragraph (i) of this subsection (b), unopposed candidates are  
1607 not required to file pre-election reports but must file all other  
1608 reports required by paragraphs (ii) and (iii) of this subsection  
1609 (b).

1610 (c) All candidates for judicial office as defined in Section  
1611 23-15-975, or their political committees, shall file periodic  
1612 reports in the year in which they are to be elected no later than  
1613 the tenth day after April 30, May 31, June 30, September 30 and  
1614 December 31.

1615 (d) Each report under this article shall disclose:

1616 (i) For the reporting period and the calendar year, the  
1617 total amount of all contributions and the total amount of all  
1618 expenditures of the candidate or reporting committee, including  
1619 those required to be identified pursuant to paragraph (ii) of this  
1620 subsection (d) as well as the total of all other contributions and  
1621 expenditures during the calendar year. The reports shall be  
1622 cumulative during the calendar year to which they relate;

1623 (ii) The identification of:



1624                   1. Each person or political committee who makes a  
1625 contribution to the reporting candidate or political committee  
1626 during the reporting period, whose contribution or contributions  
1627 within the calendar year have an aggregate amount or value in  
1628 excess of Two Hundred Dollars (\$200.00) when made to a political  
1629 committee or to a candidate for an office other than a statewide  
1630 office or an office elected by Supreme Court district, or in  
1631 excess of Five Hundred Dollars (\$500.00) when made to a candidate  
1632 for statewide office or office elected by Supreme Court district,  
1633 together with the date and amount of any such contribution;

1634                   2. Each person or organization, candidate or  
1635 political committee who receives an expenditure, payment or other  
1636 transfer from the reporting candidate, political committee or its  
1637 agent, employee, designee, contractor, consultant or other person  
1638 or persons acting in its behalf during the reporting period when  
1639 the expenditure, payment or other transfer to the person,  
1640 organization, candidate or political committee within the calendar  
1641 year have an aggregate value or amount in excess of Two Hundred  
1642 Dollars (\$200.00) when received from a political committee or  
1643 candidate for an office other than a statewide office or an office  
1644 elected by Supreme Court district, or in excess of Five Hundred  
1645 Dollars (\$500.00) when received from a candidate for statewide  
1646 office, together with the date and amount of the expenditure;

1647                   (iii) The total amount of cash on hand of each  
1648 reporting candidate and reporting political committee;



1649 (iv) In addition to the contents of reports specified  
1650 in paragraphs (i), (ii) and (iii) of this subsection (d), each  
1651 political party shall disclose:

1652 1. Each person or political committee who makes a  
1653 contribution to a political party during the reporting period and  
1654 whose contribution or contributions to a political party within  
1655 the calendar year have an aggregate amount or value in excess of  
1656 Two Hundred Dollars (\$200.00), together with the date and amount  
1657 of the contribution;

1658 2. Each person or organization who receives an  
1659 expenditure or expenditures by a political party during the  
1660 reporting period when the expenditure or expenditures to the  
1661 person or organization within the calendar year have an aggregate  
1662 value or amount in excess of Two Hundred Dollars (\$200.00),  
1663 together with the date and amount of the expenditure;

1664 (v) Disclosure required under this section of an  
1665 expenditure to a credit card issuer, financial institution or  
1666 business allowing payments and money transfers to be made over the  
1667 Internet must include, by way of detail or separate entry, the  
1668 amount of funds passing to each person, business entity or  
1669 organization receiving funds from the expenditure.

1670 (e) The appropriate office specified in Section 23-15-805  
1671 must be in actual receipt of the reports specified in this article  
1672 by 5:00 p.m. on the dates specified in subsection (b) of this  
1673 section. If the date specified in subsection (b) of this section



1674 shall fall on a weekend or legal holiday then the report shall be  
1675 due in the appropriate office at 5:00 p.m. on the first working  
1676 day before the date specified in subsection (b) of this section.  
1677 The reporting candidate or reporting political committee shall  
1678 ensure that the reports are delivered to the appropriate office by  
1679 the filing deadline. The Secretary of State may approve specific  
1680 means of electronic transmission of completed campaign finance  
1681 disclosure reports, which may include, but not be limited to,  
1682 transmission by electronic facsimile (FAX) devices.

1683 (f) (i) If any contribution of more than Two Hundred  
1684 Dollars (\$200.00) is received by a candidate or candidate's  
1685 political committee after the tenth day, but more than forty-eight  
1686 (48) hours before 12:01 a.m. of the day of the election, the  
1687 candidate or political committee shall notify the appropriate  
1688 office designated in Section 23-15-805, within forty-eight (48)  
1689 hours of receipt of the contribution. The notification shall  
1690 include:

- 1691 1. The name of the receiving candidate;
- 1692 2. The name of the receiving candidate's political  
1693 committee, if any;
- 1694 3. The office sought by the candidate;
- 1695 4. The identification of the contributor;
- 1696 5. The date of receipt;
- 1697 6. The amount of the contribution;



1698                   7. If the contribution is in-kind, a description  
1699 of the in-kind contribution; and

1700                   8. The signature of the candidate or the treasurer  
1701 or chair of the candidate's political organization.

1702                   (ii) The notification shall be in writing, and may be  
1703 transmitted by overnight mail, courier service, or other reliable  
1704 means, including electronic facsimile (FAX), but the candidate or  
1705 candidate's committee shall ensure that the notification shall in  
1706 fact be received in the appropriate office designated in Section  
1707 23-15-805 within forty-eight (48) hours of the contribution.

1708                   **SECTION 49.** Section 23-15-811, Mississippi Code of 1972, is  
1709 amended as follows:

1710                   23-15-811. (a) Any candidate or any other person who  
1711 willfully violates the provisions and prohibitions of this article  
1712 shall be guilty of a misdemeanor and upon conviction shall be  
1713 punished by a fine in a sum not to exceed Three Thousand Dollars  
1714 (\$3,000.00) or imprisoned for not longer than six (6) months or by  
1715 both fine and imprisonment.

1716                   (b) In addition to the penalties provided in subsection (a)  
1717 of this section and Chapter 13, Title 97, Mississippi Code of  
1718 1972, any candidate or political committee which is required to  
1719 file a statement or report and fails to file the statement or  
1720 report on the date it is due may be compelled to file the  
1721 statement or report by an action in the nature of a mandamus  
1722 brought by the Mississippi Ethics Commission.



1723 (c) No candidate shall be certified \* \* \* as elected to  
1724 office until he or she files all reports required by this article  
1725 that are due as of the date of certification.

1726 (d) No candidate who is elected to office shall receive any  
1727 salary or other remuneration for the office until he or she files  
1728 all reports required by this article that are due as of the date  
1729 the salary or remuneration is payable.

1730 (e) In the event that a candidate fails to timely file any  
1731 report required pursuant to this article but subsequently files a  
1732 report or reports containing all of the information required to be  
1733 reported, the candidate shall not be subject to the sanctions of  
1734 subsections (c) and (d) of this section.

1735 **SECTION 50.** Section 23-15-833, Mississippi Code of 1972, is  
1736 amended as follows:

1737 23-15-833. Except as otherwise provided by law, the first  
1738 Tuesday after the first Monday in November of each year shall be  
1739 designated the regular special election day, and on that day an  
1740 election shall be held to fill any vacancy in county, county  
1741 district, and district attorney elective offices, and any vacancy  
1742 in the office of circuit judge or chancellor.

1743 All special elections, or elections to fill vacancies, shall  
1744 in all respects be held, conducted and returned in the same manner  
1745 as general elections, except that where no candidate receives a  
1746 majority of the votes cast in the election, a runoff election  
1747 shall be held three (3) weeks after the election. The two (2)



1748 candidates who receive the highest number of popular votes for the  
1749 office shall have their names submitted as the candidates to the  
1750 runoff, and the candidate who leads in the runoff election shall  
1751 be elected to the office. When there is a tie in the first  
1752 election of those receiving the next highest number of votes,  
1753 these two (2) and the one receiving the highest number of votes,  
1754 none having received a majority, shall go into the runoff  
1755 election, and \* \* \* the candidate who leads in the runoff election  
1756 shall be entitled to the office.

1757 In those years when the regular special election day shall  
1758 occur on the same day as the general election, the names of  
1759 candidates in any special election and the general election shall  
1760 be placed on the same ballot, but shall be clearly distinguished  
1761 as general election candidates or special election  
1762 candidates. \* \* \*

1763 **SECTION 51.** Section 23-15-859, Mississippi Code of 1972, is  
1764 amended as follows:

1765 23-15-859. Whenever under any statute a special election is  
1766 required or authorized to be held in any municipality, and the  
1767 statute authorizing or requiring the election does not specify the  
1768 time within which the election shall be called, or the notice  
1769 which shall be given, the governing authorities of the  
1770 municipality shall, by resolution, fix a date upon which the  
1771 election shall be held. The date shall not be less than  
1772 twenty-one (21) nor more than thirty (30) days after the date upon



1773 which such resolution is adopted, and not less than three (3)  
1774 weeks' notice of the election shall be given by the clerk by a  
1775 notice published in a newspaper published in the municipality once  
1776 each week for three (3) weeks next preceding the date of the  
1777 election, and by posting a copy of the notice at three (3) public  
1778 places in the municipality. \* \* \* This section shall not apply to  
1779 elections on the question of the issuance of the bonds of a  
1780 municipality or to general \* \* \* elections for the election of  
1781 municipal officers.

1782 The provisions of this section shall be applicable to all  
1783 municipalities of this state, whether operating under a code  
1784 charter, special charter or the commission form of government,  
1785 except in cases of conflicts between the provisions of the section  
1786 and the provisions of the special charter of a municipality, or  
1787 the law governing the commission form of government, in which  
1788 cases of conflict the provisions of the special charter or the  
1789 statutes relative to the commission form of government shall  
1790 apply.

1791 **SECTION 52.** Section 23-15-873, Mississippi Code of 1972, is  
1792 amended as follows:

1793 23-15-873. (1) No person, whether an officer or not, shall,  
1794 in order to promote his or her own candidacy, or that of any other  
1795 person, to be a candidate for public office in this state,  
1796 directly or indirectly, himself, or herself or through another  
1797 person, promise to appoint, or promise to secure or assist in





1798 securing the appointment \* \* \* or election of another person to  
1799 any public position or employment, or to secure or assist in  
1800 securing any public contract or the employment of any person under  
1801 any public contractor, or to secure or assist in securing the  
1802 expenditure of any public funds \* \* \* on the personal behalf of  
1803 any particular person or group of persons, except that the  
1804 candidate may publicly announce what is his or her choice or  
1805 purpose in relation to an election in which he or she may be  
1806 called on to take part if elected.

1807 (2) It shall be unlawful for any person to directly or  
1808 indirectly solicit or receive any promise by this section  
1809 prohibited, but this does not apply to any person when it comes to  
1810 their office force.

1811 (3) Any violation of this section shall constitute a  
1812 violation of Section 97-13-37 and shall be referred to the  
1813 district attorney for prosecution.

1814 **SECTION 53.** Section 23-15-881, Mississippi Code of 1972, is  
1815 amended as follows:

1816 23-15-881. It shall be unlawful for the Mississippi  
1817 Transportation Commission or any member of the Mississippi  
1818 Transportation Commission, or the board of supervisors of any  
1819 county or any member of the board of supervisors of such county,  
1820 to employ, during the months of \* \* \* August, September, October  
1821 and November of any year in which a general \* \* \* election is held  
1822 for the \* \* \* election of members of the Mississippi



1823 Transportation Commission and members of the boards of  
1824 supervisors, a greater number of persons to work and maintain the  
1825 state highways, in any highway district, or the public roads, in  
1826 any supervisors district of the county, as the case may be, than  
1827 the average number of persons employed for similar purposes in  
1828 such highway district or supervisors district, as the case may be,  
1829 during the months of \* \* \* August, September, October and November  
1830 of the three (3) years immediately preceding the year in which  
1831 such general \* \* \* election is held. It shall be unlawful for the  
1832 Mississippi Transportation Commission, or the board of supervisors  
1833 of any county, to expend out of the state highway funds, or the  
1834 road funds of the county or any supervisors district thereof, as  
1835 the case may be, in the payment of wages or other compensation for  
1836 labor performed in working and maintaining the highways of any  
1837 highway district, or the public roads of any supervisors district  
1838 of the county, as the case may be, during the months of \* \* \*  
1839 August, September, October and November of such election year, a  
1840 total amount in excess of the average total amount expended for  
1841 such labor, in such highway district or supervisors district, as  
1842 the case may be, during the corresponding four-month period of the  
1843 three (3) years immediately preceding.

1844       It shall be the duty of the Mississippi Transportation  
1845 Commission and the board of supervisors of each county,  
1846 respectively, to keep sufficient records of the numbers of  
1847 employees and expenditures made for labor on the state highways of



1848 each highway district, and the public roads of each supervisors  
1849 district, for the months of \* \* \* August, September, October and  
1850 November of each year, to show the number of persons employed for  
1851 such work in each highway district and each supervisors district,  
1852 as the case may be, during said four-month period, and the total  
1853 amount expended in the payment of salaries and other compensation  
1854 to such employees, so that it may be ascertained, from an  
1855 examination of such records, whether or not the provisions of this  
1856 chapter have been violated.

1857       **SECTION 54.** Section 23-15-885, Mississippi Code of 1972, is  
1858 amended as follows:

1859       23-15-885. The restrictions imposed in Sections 23-15-881  
1860 and 23-15-883 shall likewise apply to the mayor and board of  
1861 aldermen, or other governing authority, of each municipality, in  
1862 the employment of labor for working and maintaining the streets of  
1863 the municipality during the four-month period next preceding the  
1864 date of holding the general \* \* \* election in such municipality  
1865 for the election of municipal officers.

1866       **SECTION 55.** Section 23-15-891, Mississippi Code of 1972, is  
1867 amended as follows:

1868       23-15-891. No common carrier, Internet service provider or  
1869 telephone company shall give to any candidate, or to any member of  
1870 any political committee, or to any person to be used to aid or  
1871 promote the success or defeat of any candidate for election for  
1872 any public office, free transportation or Internet service or



1873 telephone service, as the case may be, or any reduction thereof  
1874 that is not made alike to all other persons. All persons required  
1875 by the provisions of this chapter to make and file statements  
1876 shall make oath that they have not received or made use of,  
1877 directly or indirectly, in connection with any candidacy for \* \* \*  
1878 election to any public office, free transportation or Internet or  
1879 telephone service.

1880         **SECTION 56.** Section 23-15-899, Mississippi Code of 1972, is  
1881 amended as follows:

1882         23-15-899. Every placard, bill, poster, pamphlet or other  
1883 printed matter having reference to any election, or to any  
1884 candidate, that has not been submitted to, and approved and  
1885 subscribed by a candidate or his campaign manager or assistant  
1886 manager pursuant to the provisions of Section 23-15-897, shall  
1887 bear upon the face thereof the name and the address of the author  
1888 and of the printer and publisher thereof, and failure to so  
1889 provide shall be a misdemeanor, and it shall be a misdemeanor for  
1890 any person to mutilate, or remove, previously to the date of  
1891 the \* \* \* election, any placard, poster or picture which has been  
1892 lawfully placed or posted.

1893         **SECTION 57.** Section 23-15-911, Mississippi Code of 1972, is  
1894 amended as follows:

1895         23-15-911. (1) (a) When the returns for a box and the  
1896 contents of the ballot box and the conduct of the election have  
1897 been canvassed and reviewed by the county election



1898 commission \* \* \*, all the contents of the box required to be  
1899 placed and sealed in the ballot box by the poll managers shall be  
1900 replaced therein by the election commission \* \* \*, and the box  
1901 shall be \* \* \* resealed and delivered to the circuit clerk, who  
1902 shall safely keep and secure the same against any tampering. At  
1903 any time within twelve (12) days after the canvass and examination  
1904 of the box and its contents by the election commission \* \* \*, any  
1905 candidate or his or her representative authorized in writing by  
1906 him or her shall have the right of full examination of the box and  
1907 its contents upon three (3) days' notice of his or her application  
1908 therefor served upon the opposing candidates. The service of  
1909 notice shall be provided to each opposing candidate by delivering  
1910 a copy personally to each candidate, or by performing two (2) of  
1911 the following:

1912                   (i) By leaving a copy at each candidate's usual  
1913 place of residence with a family member, who shall be no less than  
1914 sixteen (16) years of age and, who resides in the candidate's  
1915 residence;

1916                   (ii) By email or other electronic means, with  
1917 receipt deemed upon transmission; or

1918                   (iii) By mailing a copy of the notice by  
1919 registered or certified mail that is addressed to each opposing  
1920 candidate at that candidate's residence with receipt deemed  
1921 mailing.



1922           (b) If service of notice cannot be made to any opposing  
1923 candidate, then notice may be posted on the door of each  
1924 candidate's usual place of abode. If any candidate's usual place  
1925 of residence is a multi-family dwelling, a copy of the notice must  
1926 be mailed to the candidate or candidates by United States  
1927 first-class mail, postage prepaid, return receipt requested.  
1928 Proof of service of notice upon any opposing candidate shall be  
1929 made to the circuit clerk within three (3) days before a full  
1930 examination of the ballot box may be conducted.

1931           (c) The examination shall be conducted in the presence  
1932 of the circuit clerk or his or her deputy who shall be charged  
1933 with the duty to see that none of the contents of the box are  
1934 removed from the presence of the clerk or in any way tampered  
1935 with. Upon the completion of the examination the box shall be  
1936 resealed with all its original contents inside. And if any  
1937 contest or complaint before the court shall arise over the box, it  
1938 shall be kept intact and sealed until the court hearing and  
1939 another ballot box, if necessary, shall be furnished for the  
1940 precinct involved.

1941           (2) The provisions of this section allowing the examination  
1942 of ballot boxes shall apply in the case of an election contest  
1943 regarding the seat of a member of the state Legislature. In such  
1944 a case, the results of the examination shall be reported by the  
1945 applicable circuit clerk to the Clerk of the House of



1946 Representatives or the Secretary of the Senate, as the case may  
1947 be.

1948           **SECTION 58.** Section 23-15-973, Mississippi Code of 1972, is  
1949 amended as follows:

1950           23-15-973. It shall be the duty of the judges of the circuit  
1951 court to give a reasonable time and opportunity to the candidates  
1952 for the office of judge of the Supreme Court, judges of the Court  
1953 of Appeals, circuit judge and chancellor to address the people  
1954 during court terms. In order to give further and every possible  
1955 emphasis to the fact that the \* \* \* judicial offices are not  
1956 political but are to be held without favor and with absolute  
1957 impartiality as to all persons, and because of the jurisdiction  
1958 conferred upon the courts by this chapter, the judges thereof  
1959 should be as far removed as possible from any political  
1960 affiliations or obligations. It shall be unlawful for any  
1961 candidate for any of the offices mentioned in this section to  
1962 align himself with any candidate or candidates for any other  
1963 office or with any political faction or any political party at any  
1964 time during any \* \* \* election campaign. Likewise, it shall be  
1965 unlawful for any candidate for any other office \* \* \* that is to  
1966 be elected at the same election in which any candidate for any of  
1967 the judicial offices in this section mentioned \* \* \* is to be  
1968 elected to align himself with any one or more of the candidates  
1969 for said judicial offices or to take any part whatever in  
1970 any \* \* \* election for any one or more of said judicial offices,



1971 except to cast his individual vote. Any candidate for any office,  
1972 whether \* \* \* elected with or without opposition, at any \* \* \*  
1973 election in which a candidate for any one (1) of the judicial  
1974 offices \* \* \* listed in this section is to be \* \* \* elected who  
1975 shall deliberately, knowingly and willfully violate the provisions  
1976 of this section shall \* \* \* void his election.

1977 **SECTION 59.** Section 23-15-1065, Mississippi Code of 1972, is  
1978 amended as follows:

1979 23-15-1065. A person shall be barred from participating in  
1980 any \* \* \* election if that person claims or represents himself or  
1981 herself in any manner to be a member of any state, district or  
1982 county executive committee of any political party in this state,  
1983 or claims to be the national committeeman or national  
1984 committeewoman or any other officer or representative of the  
1985 political party without having been lawfully elected or chosen as  
1986 such in the manner provided by the laws of this state \* \* \*. Any  
1987 person or persons who violate the provisions of this section, in  
1988 addition to other measures or penalties provided by law, may be  
1989 enjoined therefrom upon application to the courts by any person or  
1990 persons, or any political party, official or representative of the  
1991 political party aggrieved.

1992 **SECTION 60.** Section 23-15-1085, Mississippi Code of 1972, is  
1993 amended as follows:

1994 23-15-1085. The chairman of a party's state executive  
1995 committee shall notify the Secretary of State if the party intends





1996 to hold a presidential \* \* \* preferential primary. The Secretary  
1997 of State shall be notified prior to December 1 of the year  
1998 preceding the year in which a presidential preference primary may  
1999 be held pursuant to Section 23-15-1081. \* \* \*

2000 **SECTION 61.** Section 23-15-1087, Mississippi Code of 1972, is  
2001 amended as follows:

2002 23-15-1087. Except as otherwise provided in this chapter,  
2003 the laws regulating \* \* \* elections shall, in so far as practical,  
2004 apply to and govern presidential preference primary elections.

2005 **SECTION 62.** Section 23-15-171, Mississippi Code of 1972,  
2006 which provides for the dates of municipal primary elections, is  
2007 hereby repealed.

2008 **SECTION 63.** Section 23-15-191, Mississippi Code of 1972,  
2009 which provides for the date of state, district and county primary  
2010 elections, is hereby repealed.

2011 **SECTION 64.** Sections 23-15-263, 23-15-265, 23-15-267,  
2012 23-15-291, 23-15-293, 23-15-295, 23-15-297, 23-15-299, 23-15-301,  
2013 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311, 23-15-317,  
2014 23-15-319, 23-15-331, 23-15-333 and 23-15-335, Mississippi Code of  
2015 1972, which provide for the duties of the state executive  
2016 committee and county executive committees in primary elections,  
2017 provide for the qualification of candidates for party primary  
2018 elections, and provide for the conduct of party primary elections,  
2019 are hereby repealed.



2020           **SECTION 65.** Sections 23-15-359, 23-15-361 and 23-15-363,  
2021 Mississippi Code of 1972, which provide for the contents of  
2022 general election ballots, are hereby repealed.

2023           **SECTION 66.** Sections 23-15-597 and 23-15-599, Mississippi  
2024 Code of 1972, which provide for the canvass of returns and  
2025 announcement of vote by the county executive committees in primary  
2026 elections, and require the state executive committee to transmit  
2027 to the Secretary of State a tabulated statement of the party vote  
2028 for certain offices, are hereby repealed.

2029           **SECTION 67.** Sections 23-15-921, 23-15-923, 23-15-925,  
2030 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,  
2031 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide  
2032 procedures for contests of primary elections, are hereby repealed.

2033           **SECTION 68.** Section 23-15-1031, Mississippi Code of 1972,  
2034 which provides for the date of primary elections for Congressmen  
2035 and United States Senators, is hereby repealed.

2036           **SECTION 69.** Section 23-15-1063, Mississippi Code of 1972,  
2037 which prohibits unregistered political parties from conducting  
2038 primary elections, is hereby repealed.

2039           **SECTION 70.** Section 23-15-1083, Mississippi Code of 1972,  
2040 which requires that certain congressional primaries be held on the  
2041 same day as the presidential preference primary, is hereby  
2042 repealed.

2043           **SECTION 71.** This act shall take effect and be in force from  
2044 and after July 1, 2019.

