

By: Representative Denton

To: Apportionment and
Elections; Accountability,
Efficiency, Transparency

HOUSE BILL NO. 723

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



35 23-15-291 THROUGH 23-15-311, 23-15-317, 23-15-319, 23-15-331,
36 23-15-333 AND 23-15-335, MISSISSIPPI CODE OF 1972, WHICH PROVIDE
37 FOR THE DUTIES OF THE STATE EXECUTIVE COMMITTEE AND COUNTY
38 EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS, PROVIDE FOR THE
39 QUALIFICATION OF CANDIDATES FOR PARTY PRIMARY ELECTIONS, AND
40 PROVIDE FOR THE CONDUCT OF PARTY PRIMARY ELECTIONS; TO REPEAL
41 SECTIONS 23-15-359, 23-15-361 AND 23-15-363, MISSISSIPPI CODE OF
42 1972, WHICH PROVIDE FOR THE CONTENTS OF GENERAL ELECTION BALLOTS;
43 TO REPEAL SECTIONS 23-15-597 AND 23-15-599, MISSISSIPPI CODE OF
44 1972, WHICH PROVIDE FOR THE CANVASS OF RETURNS AND ANNOUNCEMENT OF
45 VOTE BY THE COUNTY EXECUTIVE COMMITTEES IN PRIMARY ELECTIONS AND
46 REQUIRE THE STATE EXECUTIVE COMMITTEE TO TRANSMIT TO THE SECRETARY
47 OF STATE A TABULATED STATEMENT OF THE PARTY VOTE FOR CERTAIN
48 OFFICES; TO REPEAL SECTIONS 23-15-921 THROUGH 23-15-941,
49 MISSISSIPPI CODE OF 1972, WHICH PROVIDE PROCEDURES FOR CONTESTS OF
50 PRIMARY ELECTIONS; TO REPEAL SECTION 23-15-1031, MISSISSIPPI CODE
51 OF 1972, WHICH PROVIDES FOR THE DATE OF PRIMARY ELECTIONS FOR
52 CONGRESSMEN AND UNITED STATES SENATORS; TO REPEAL SECTION
53 23-15-1063, MISSISSIPPI CODE OF 1972, WHICH PROHIBITS UNREGISTERED
54 POLITICAL PARTIES FROM CONDUCTING PRIMARY ELECTIONS; TO REPEAL
55 SECTION 23-15-1083, MISSISSIPPI CODE OF 1972, WHICH REQUIRES THAT
56 CERTAIN CONGRESSIONAL PRIMARIES BE HELD ON THE SAME DAY AS THE
57 PRESIDENTIAL PREFERENCE PRIMARY; AND FOR RELATED PURPOSES.

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

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

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

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



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

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

78 **SECTION 2.** The general election in 2022 and every general
79 election thereafter shall be held on the first Tuesday after the
80 first Monday of November of the year. When more than one (1)
81 person has qualified or been certified as a candidate for any
82 office, a preferential election for such office shall be held
83 three (3) weeks before the general election.

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

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



96 **SECTION 5.** When more than one (1) person has qualified or
97 been certified as a candidate for any office, a preferential
98 election for the office shall be held three (3) weeks before the
99 general or regular election, and any candidate who receives a
100 majority of the votes cast in such preferential election shall
101 have only his or her name placed on the ballot in the general or
102 regular election. Except as provided in Section 6 of this act, if
103 no person shall receive a majority of the votes cast at the
104 preferential election, then the two (2) persons receiving the
105 highest number of votes in the preferential election shall have
106 their names placed on the ballot in the general or regular
107 election as candidates for such office.

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

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

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



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

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

135 **SECTION 8.** All candidates upon entering the race for
136 election to any office, except municipal officers, no later than
137 5:00 p.m. sixty (60) days before the general election, shall file
138 their intent to be a candidate and pay to the secretary of the
139 proper executive committee of the political party with which the
140 candidate is affiliated or the appropriate election commission if
141 not affiliated with a political party for each election the
142 following amounts:

143 (a) Candidates for Governor, One Thousand Dollars
144 (\$1,000.00);



145 (b) Candidates for Lieutenant Governor, Attorney
146 General, Secretary of State, State Treasurer, Auditor of Public
147 Accounts, Commissioner of Insurance, Commissioner of Agriculture
148 and Commerce, State Highway Commissioner and State Public Service
149 Commissioner, Five Hundred Dollars (\$500.00);

150 (c) Candidates for district attorney, State Senator and
151 State Representative, Two Hundred Fifty Dollars (\$250.00);

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

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

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

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

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

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



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

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

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

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



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

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

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

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



220 absolute proof that he or she will, subject to no contingencies,
221 meet all qualifications on or before the date of the general or
222 special election at which he or she could be elected to office.
223 The executive committee or election commission shall determine
224 whether the candidate has taken the steps necessary to qualify for
225 more than one (1) office at the election. The committee also
226 shall determine whether any candidate has been convicted (i) of
227 any felony in a court of this state, (ii) of any offense in
228 another state which is a felony under the laws of this state,
229 (iii) of any felony in a federal court or (iv) of any offense that
230 involved the misuse or abuse of his or her office or money coming
231 into his or her hands by virtue of the office. Excepted from the
232 above are convictions of manslaughter and violations of the United
233 States Internal Revenue Code or any violations of the tax laws of
234 this state.

235 (b) If the proper executive committee or election
236 commission finds that a candidate either (i) is not a qualified
237 elector, (ii) does not meet all qualifications to hold the office
238 he or she seeks and fails to provide absolute proof, subject to no
239 contingencies, that he or she will meet the qualifications on or
240 before the date of the general or special election at which he or
241 she could be elected, or (iii) has been convicted of a felony or
242 other disqualifying crime as described in this subsection, and not
243 pardoned, then the executive committee or election commission
244 shall notify the candidate and give the candidate an opportunity



245 to be heard. The executive committee or election commission shall
246 mail notice to the candidate at least three (3) business days
247 before the hearing to the address provided by the candidate on the
248 qualifying forms, and the committee or commission shall attempt to
249 contact the candidate by telephone, email and facsimile if the
250 candidate provided this information on the forms. If the
251 candidate fails to appear at the hearing or to prove that he or
252 she meets all qualifications to hold the office subject to no
253 contingencies, then the name of that candidate shall not be placed
254 upon the ballot.

255 (c) If the proper executive committee or election
256 commission determines that the candidate has taken the steps
257 necessary to qualify for more than one (1) office at the election,
258 the action required by Section 23-15-905, shall be taken.

259 (d) Where there is but one (1) candidate for each
260 office contested at the preferential election, the proper
261 executive committee or election commission when the time has
262 expired within which the names of candidates shall be furnished
263 shall declare such candidates the nominees.

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

266 **SECTION 10.** (1) Necessary ballots for use in elections
267 shall be printed as provided for in Section 23-15-351. The
268 ballots shall contain the names of all candidates who have filed
269 their intention to be a candidate in the manner and within the



270 time prescribed herein. The names shall be listed alphabetically
271 on the ballot without regard to party affiliation, if any, with
272 indication of the political party, if any, with which the
273 candidate qualified and placed in parentheses following the name
274 of the candidate.

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

282 **SECTION 11.** (1) All candidates upon entering the race for
283 election to any municipal office shall, not later than 5:00 p.m.
284 sixty (60) days before any municipal general or regular election,
285 file their intent to be a candidate and pay to the secretary of
286 the municipal executive committee of their political party or to
287 the municipal election commission for each election the amount of
288 Ten Dollars (\$10.00).

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



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

304 (4) Provided, however, that in municipalities operating
305 under a special or private charter which fixes a time for holding
306 elections other than the time fixed herein, the preferential
307 election shall be three (3) weeks before the general election as
308 fixed by the charter.

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

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

317 **SECTION 13.** Nothing in Sections 1 through 11 of this act
318 shall prohibit special elections to fill vacancies in either house



319 of the Legislature from being held as provided in Section
320 23-15-851. In all elections conducted under the provisions of
321 Section 23-15-851 the commissioners shall have printed on the
322 ballot the name of any candidate who shall have been requested to
323 be a candidate for the office by a petition filed with the
324 commissioners not less than ten (10) working days before the
325 election and signed by not less than fifty (50) qualified
326 electors.

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

332 **SECTION 15.** It shall be the duty of the state executive
333 committee of each political party to furnish to the election
334 commissioners of each county the names of all state and state
335 district candidates who have qualified as provided in Sections 8
336 and 9 of this act.

337 **SECTION 16.** The chairs of the state and county election
338 commissioners, respectively, shall transmit to the Secretary of
339 State a tabulated statement of the vote cast in each county in
340 each state and district election, which statement shall be filed
341 by the Secretary of State and preserved among the records of his
342 or her office.



343 **SECTION 17.** Candidates for the offices of Public Service
344 Commissioner, State Highway Commissioner, any other officers
345 elected from each Supreme Court district, representatives in
346 Congress, district attorneys and any other offices elected by
347 districts, shall be voted for by all the counties within their
348 respective districts, and all district candidates, shall be under
349 the supervision and control of the state election commissioners.
350 The commissioners shall discharge, for such state district
351 elections, all the powers and duties imposed upon them in
352 connection with elections of candidates for other state offices.

353 **SECTION 18.** The Secretary of State shall promulgate rules
354 and regulations necessary to effectuate the provisions of Sections
355 1 through 17 of this act.

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

358 21-7-7. The governing body of any such municipality shall be
359 a council, known and designated as such, consisting of seven (7)
360 members. One (1) of the members shall be the mayor, having the
361 qualifications as prescribed by Section 21-3-9, who shall have
362 full rights, powers and privileges of other councilmen. The mayor
363 shall be nominated and elected at large; the remaining councilmen
364 shall be nominated and elected one (1) from each ward into which
365 the city shall be divided. However, if the city be divided into
366 less than six (6) wards, the remaining councilmen shall be
367 nominated and elected at large. The councilmen, including the



368 mayor, shall be elected for a term of four (4) years to serve
369 until their successors are elected and qualified in accordance
370 with the provisions of Section * * *~~21-11-7~~ 11 of this act, * * *
371 ~~said~~ the term commencing on the first Monday of January after the
372 municipal election first following the adoption of the form of
373 government as provided by this chapter.

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

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

385 21-8-7. (1) Each municipality operating under the
386 mayor-council form of government shall be governed by an elected
387 council and an elected mayor. Other officers and employees shall
388 be duly appointed pursuant to this chapter, general law or
389 ordinance.

390 (2) Except as otherwise provided in subsection (4) of this
391 section, the mayor and council members shall be elected by the
392 voters of the municipality at a regular municipal election held on



393 the first Tuesday after the first Monday in June as provided in
394 Section * * *~~21-11-7~~ 11 of this act, and shall serve for a term of
395 four (4) years beginning on the first day of July next following
396 the election that is not on a weekend.

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

401 (4) (a) The council shall consist of five (5), seven (7) or
402 nine (9) members. In the event there are five (5) council
403 members, the municipality shall be divided into either five (5) or
404 four (4) wards. In the event there are seven (7) council members,
405 the municipality shall be divided into either seven (7), six (6)
406 or five (5) wards. In the event there are nine (9) council
407 members, the municipality shall be divided into seven (7) or nine
408 (9) wards. If the municipality is divided into fewer wards than
409 it has council members, the other council member or members shall
410 be elected from the municipality at large. The total number of
411 council members and the number of council members elected from
412 wards shall be established by the petition or petitions presented
413 pursuant to Section 21-8-3. One (1) council member shall be
414 elected from each ward by the voters of that ward. Council
415 members elected to represent wards must be residents of their
416 wards at the time of qualification for election, and any council
417 member who removes the member's residence from the municipality or



418 from the ward from which elected shall vacate that office.
419 However, any candidate for council member who is properly
420 qualified as a candidate under applicable law shall be deemed to
421 be qualified as a candidate in whatever ward the member resides if
422 the ward has changed after the council has redistricted the
423 municipality as provided in paragraph (c)(ii) of this subsection
424 (4), and if the wards have been so changed, any person may qualify
425 as a candidate for council member, using the person's existing
426 residence or by changing the person's residence, not less than
427 fifteen (15) days before the * * *~~first party primary or special~~
428 ~~party primary, as the case may be~~ preferential election,
429 notwithstanding any other residency or qualification requirements
430 to the contrary.

431 (b) The council or board existing at the time of the
432 adoption of the mayor-council form of government shall designate
433 the geographical boundaries of the wards within one hundred twenty
434 (120) days after the election in which the mayor-council form of
435 government is selected. In designating the geographical
436 boundaries of the wards, each ward shall contain, as nearly as
437 possible, the population factor obtained by dividing the
438 municipality's population as shown by the most recent decennial
439 census by the number of wards into which the municipality is to be
440 divided.

441 (c) (i) It shall be the mandatory duty of the council
442 to redistrict the municipality by ordinance, which ordinance may



443 not be vetoed by the mayor, within six (6) months after the
444 official publication by the United States of the population of the
445 municipality as enumerated in each decennial census, and within
446 six (6) months after the effective date of any expansion of
447 municipal boundaries; however, if the publication of the most
448 recent decennial census or effective date of an expansion of the
449 municipal boundaries occurs six (6) months or more before
450 the * * *~~first party primary of~~ preferential election of a general
451 municipal election, then the council shall redistrict the
452 municipality by ordinance not less than sixty (60) days before
453 the * * *~~first party primary~~ preferential election.

454 (ii) If the publication of the most recent
455 decennial census occurs less than six (6) months before
456 the * * *~~first primary~~ preferential election of a general
457 municipal election, the election shall be held with regard to the
458 existing defined wards; reapportioned wards based on the census
459 shall not serve as the basis for representation until the next
460 regularly scheduled election in which council members shall be
461 elected.

462 (d) If annexation of additional territory into the
463 municipal corporate limits of the municipality occurs less than
464 six (6) months before the * * *~~first party primary~~ preferential
465 election of a general municipal election, the council shall, by
466 ordinance adopted within three (3) days of the effective date of
467 the annexation, assign the annexed territory to an adjacent ward



468 or wards so as to maintain as nearly as possible substantial
469 equality of population between wards; any subsequent redistricting
470 of the municipality by ordinance as required by this chapter shall
471 not serve as the basis for representation until the next regularly
472 scheduled election for municipal council members.

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

475 (6) The mayor shall maintain an office at the city hall.
476 The council members shall not maintain individual offices at the
477 city hall; however, in a municipality having a population of one
478 hundred thousand (100,000) and above according to the latest
479 federal decennial census, council members may have individual
480 offices in the city hall. Clerical work of council members in the
481 performance of the duties of their office shall be performed by
482 municipal employees or at municipal expense, and council members
483 shall be reimbursed for the reasonable expenses incurred in the
484 performance of the duties of their office.

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

487 21-9-15. (1) (a) The legislative power of any city in
488 which the council-manager plan of government is in effect under
489 this chapter shall be vested in a council consisting of a mayor
490 and five (5) councilmen.

491 (b) Any city with a larger or smaller number of
492 councilmen, * * * ~~prior to~~ before September 30, 1962, may retain



493 this larger or smaller number of councilmen or may adopt the
494 council size of five (5) as prescribed herein. This option shall
495 be exercised through the enactment of an appropriate ordinance by
496 the municipal governing body * * *~~prior to~~ before the election to
497 adopt the council-manager plan of government. In the event the
498 council fails to exercise this option, the council shall consist
499 of five (5) councilmen.

500 (c) At the next regular municipal election which takes
501 place after the adoption of the council-manager form of
502 government, the mayor shall be elected at large by the voters of
503 the entire city. Also, the councilmen shall be elected at large
504 by the voters of the entire city to represent a city-wide
505 district, or each of four (4) councilmen may be elected from a
506 ward to represent such ward and one (1) councilman may be elected
507 to represent a city-wide district. This option shall be exercised
508 by an appropriate ordinance enacted by the city governing
509 body * * *~~prior to~~ before the election to adopt the
510 council-manager plan of government. In the event the council
511 fails to exercise this option, the councilmen shall be elected at
512 large to represent the city-wide district. In its discretion at
513 any time after adoption and implementation of the council-manager
514 plan of government the council may provide for the election of
515 councilmen by wards as provided herein, which shall become
516 effective at the next regularly scheduled election for city
517 councilmen.



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

524 (e) The council of any municipality having a population
525 exceeding forty-five thousand (45,000) inhabitants according to
526 the 1970 decennial census which is situated in a Class 1 county
527 bordering on the State of Alabama and which is governed by a
528 council-manager plan of government on January 1, 1977, may, in its
529 discretion, adopt an ordinance to require the election of four (4)
530 of the five (5) council members from wards and not from the city
531 at large. The four (4) council members shall be elected one (1)
532 each from the wards in which they reside in the municipality, and
533 shall be elected only by the registered voters residing within the
534 ward in which the council member resides. The mayor and fifth
535 council member may continue to be elected from the city at large.
536 Any council member who shall remove his or her residence from the
537 ward from which he or she was elected shall, by operation of law,
538 vacate his or her seat on the council.

539 After publication of the population of the municipality
540 according to the 1980 decennial census, the governing authorities
541 of the municipality shall designate the geographical boundaries of
542 new wards as provided in this * * * ~~subparagraph~~ paragraph. Each



543 ward shall contain as nearly as possible the population factor
544 obtained by dividing by four (4) the city's population as shown by
545 the 1980 and each most recent decennial census thereafter. It
546 shall be the mandatory duty of the council to redistrict the city
547 by ordinance, which ordinance may not be vetoed by the mayor,
548 within six (6) months after the official publication by the United
549 States of the population of the city as enumerated in each
550 decennial census, and within six (6) months after the effective
551 date of any expansion of municipal boundaries; provided, however,
552 if the publication of the most recent decennial census or
553 effective date of an expansion of the municipal boundaries occurs
554 six (6) months or more * * *~~prior to~~ before the * * *~~first primary~~
555 preferential election of a general municipal election, then the
556 council shall redistrict the city by ordinance within at least
557 sixty (60) days of * * *~~such first primary~~ the preferential
558 election. If the publication of the most recent decennial census
559 occurs less than six (6) months * * *~~prior to~~ before
560 the * * *~~first primary~~ preferential election of a general
561 municipal election, the election shall be held with regard to
562 currently defined wards; and reapportioned wards based on the
563 census shall not serve as the basis for representation until the
564 next regularly scheduled election in which council members shall
565 be elected. If annexation of additional territory into the
566 municipal corporate limits of the city shall occur less than six
567 (6) months * * *~~prior to~~ before the * * *~~first primary~~



568 preferential election of a general municipal election, the city
569 council shall, by ordinance adopted within three (3) days of the
570 effective date of * * *~~such~~ the annexation, assign * * *~~such~~ the
571 annexed territory to an adjacent ward or wards so as to maintain
572 as nearly as possible substantial equality of population between
573 wards. Any subsequent redistricting of the city by ordinance as
574 required by this section shall not serve as the basis for
575 representation until the next regularly scheduled election for
576 city councilmen.

577 (2) However, in any municipality situated in a Class 1
578 county bordering on the Mississippi Sound and the State of
579 Alabama, traversed by U.S. Highway 90, the legislative power of
580 such municipality in which the council-manager plan of government
581 is in effect shall be vested in a council consisting of a mayor
582 and six (6) councilmen. In the next regular municipal election in
583 such municipality, the mayor shall be elected at large by the
584 voters of the entire municipality. Also, the councilmen shall be
585 elected at large by the voters of the entire municipality to
586 represent a municipality-wide district, or each of five (5)
587 councilmen may be elected from one (1) of five (5) wards to
588 represent said ward and one (1) councilman shall be elected to
589 represent a municipality-wide district. This option as to wards
590 shall be exercised by an appropriate ordinance enacted by the
591 municipal governing body. In the event the council fails to
592 exercise this option, the councilmen shall be elected at large to



593 represent the municipality-wide district. Councilmen elected to
594 represent wards must be residents of their wards.

595 The method of electing the mayor and councilmen shall be the
596 same as otherwise provided by law except as provided in this
597 chapter. The mayor and councilmen elected hereunder shall hold
598 office for a term of four (4) years and until their successors are
599 elected and qualified. No person shall be eligible to the office
600 of mayor or councilman unless he or she is a qualified elector of
601 such city.

602 (3) (a) In the event a city with a population of one
603 hundred thousand (100,000) or more inhabitants according to the
604 last decennial census adopts the council-manager form of
605 government, the legislative power of * * *~~said~~ the city shall be
606 vested in a council consisting of a mayor and eight (8)
607 councilmen.

608 (b) At the next regular municipal election which takes
609 place after the adoption of the council-manager form of
610 government, the mayor shall be elected at large by the voters of
611 the entire municipality. The municipality shall be divided into
612 five (5) wards with one (1) councilman to be elected from each
613 ward by the voters of that ward, and three (3) councilmen to be
614 elected from the municipality at large. Councilmen elected to
615 represent wards must be residents of their wards at the time of
616 qualification for election, and any councilman who removes his or



617 her residence from the city or from the ward from which he was
618 elected shall vacate his or her office.

619 (c) It shall be the duty of the municipal governing
620 body existing at the time of the adoption of the council-manager
621 form of government to designate the geographical boundaries of the
622 five (5) wards within sixty (60) days after the election in which
623 the council-manager form is selected. In designating the
624 geographical boundaries of the five (5) wards, each ward shall
625 contain as nearly as possible the population factor obtained by
626 dividing by five (5) the city's population as shown by the most
627 recent decennial census. It shall be the mandatory duty of the
628 council to redistrict the city by ordinance, which ordinance may
629 not be vetoed by the mayor, within six (6) months after the
630 official publication by the United States of the population of the
631 city as enumerated in each decennial census, and within six (6)
632 months after the effective date of any expansion of municipal
633 boundaries; however, if the publication of the most recent
634 decennial census or effective date of an expansion of the
635 municipal boundaries occurs six (6) months or more * * *~~prior to~~
636 before the * * *~~first primary~~ preferential election of a general
637 municipal election, then the council shall redistrict the city by
638 ordinance within at least sixty (60) days of such * * *~~first~~
639 primary preferential election. If the publication of the most
640 recent decennial census occurs less than six (6) months * * *~~prior~~
641 ~~to~~ before the * * *~~first primary~~ preferential election of a



642 general municipal election, the election shall be held with regard
643 to currently defined wards; and reapportioned wards based on the
644 census shall not serve as the basis for representation until the
645 next regularly scheduled election in which city councilmen shall
646 be elected. If annexation of additional territory into the
647 municipal corporate limits of the city shall occur less than six
648 (6) months * * *~~prior to~~ before the * * *~~first primary~~
649 preferential election of a general municipal election, the city
650 council shall, by ordinance adopted within three (3) days of the
651 effective date of such annexation, assign such annexed territory
652 to an adjacent ward or wards so as to maintain as nearly as
653 possible substantial equality of population between wards; any
654 subsequent redistricting of the city by ordinance as required by
655 this section shall not serve as the basis for representation until
656 the next regularly scheduled election for city councilmen.

657 (4) The method of electing the mayor and councilmen shall be
658 the same as otherwise provided by law, except as provided in this
659 chapter. The mayor and councilmen elected hereunder shall hold
660 office for a term of four (4) years and until their successors are
661 elected and qualified. No person shall be eligible to the office
662 of mayor or councilman unless he or she is a qualified elector of
663 such city.

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



666 21-9-17. Except as otherwise provided, all candidates for
667 mayor and councilmen, or any of them, to be voted for at any
668 general or special municipal election, shall be nominated by
669 * * *~~party primary election~~ preferential election, and no other
670 name or names shall be placed on the official ballot at such
671 general or special election than those selected in the manner
672 prescribed herein. Such * * *~~primary election or elections,~~
673 preferential election shall be held not less than ten (10), nor
674 more than thirty (30) days, preceding the general or special
675 election, and such * * *~~primary election or elections~~ preferential
676 election shall be held and conducted in the manner as near as may
677 be as is provided by law for state and county * * *~~primary~~
678 preferential elections.

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

681 21-15-1. All officers elected at the general or regular
682 municipal election provided for in Section * * *~~23-15-173~~ 11 of
683 this act, shall qualify and enter upon the discharge of their
684 duties on the first day of July after such general election that
685 is not on a weekend, and shall hold their offices for a term of
686 four (4) years and until their successors are duly elected and
687 qualified.

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



690 21-31-27. No person holding any office, place, position or
691 employment subject to civil service, is under any obligation to
692 contribute to any political fund or to render any political
693 service to any person or party whatsoever, and no person shall be
694 removed, reduced in grade or salary, or otherwise prejudiced for
695 refusing so to do. No public officer, whether elected or
696 appointed, shall discharge, promote, demote or in any manner
697 change the official rank, employment or compensation of any person
698 under civil service, or promise or threaten so to do, for giving
699 or withholding, or neglecting to make any contribution of money,
700 or service, or any other valuable thing, for any political
701 purpose.

702 If any person holding any office, place, position or
703 employment subject to civil service, actively participates in
704 political activity in any * * * primary preferential election or
705 general election in a municipality where he or she is employed, it
706 shall be deemed cause for removal.

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

709 23-15-11. Every inhabitant of this state, except persons
710 adjudicated to be non compos mentis, who is a citizen of the
711 United States of America, eighteen (18) years old and upwards, who
712 has resided in this state for thirty (30) days and for thirty (30)
713 days in the county in which he or she seeks to vote, and for
714 thirty (30) days in the incorporated municipality in which he or



715 she seeks to vote, and who has been duly registered as an elector
716 under Section 23-15-33, and who has never been convicted of vote
717 fraud or of any crime listed in Section 241, Mississippi
718 Constitution of 1890, shall be a qualified elector in and for the
719 county, municipality and voting precinct of his or her residence,
720 and shall be entitled to vote at any election upon compliance with
721 Section 23-15-563. If the thirtieth day to register before an
722 election falls on a Sunday or legal holiday, the registration
723 applications submitted on the business day immediately following
724 the Sunday or legal holiday shall be accepted and entered in the
725 Statewide Elections Management System for the purpose of enabling
726 voters to vote in the next election. Any person who will be
727 eighteen (18) years of age or older on or before the date of the
728 general election and who is duly registered to vote not less than
729 thirty (30) days before the * * * ~~primary~~ preferential election
730 associated with the general election, may vote in the * * *
731 ~~primary~~ preferential election even though the person has not
732 reached his or her eighteenth birthday at the time that the person
733 seeks to vote at the * * * ~~primary~~ preferential election. No
734 others than those specified in this section shall be entitled, or
735 shall be allowed, to vote at any election.

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

738 23-15-21. It shall be unlawful for any person who is not a
739 citizen of the United States or the State of Mississippi to



740 register or to vote in any * * *~~primary~~ special, preferential or
741 general election in the state.

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

744 23-15-31. All of the provisions of this subarticle shall be
745 applicable, insofar as possible, to municipal, * * *~~primary~~
746 preferential, general and special elections; and wherever therein
747 any duty is imposed or any power or authority is conferred upon
748 the county registrar * * *~~or~~ or county election
749 commissioners * * *~~or county executive committee~~ with reference to
750 a state and county election, such duty shall likewise be conferred
751 upon the municipal registrar * * *~~or~~ or municipal election
752 commission * * *~~or municipal executive committee~~ with reference to
753 any municipal election.

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

756 23-15-37. (1) The registrar shall register the electors of
757 his or her county at any time during regular office hours.

758 (2) The county registrar may keep his or her office open to
759 register voters from 8:00 a.m. until 7:00 p.m., including the noon
760 hour, for the five (5) business days immediately preceding the
761 thirtieth day before any regularly scheduled * * *~~primary~~
762 preferential or general election. The county registrar shall also
763 keep his or her office open from 8:00 a.m. until 12:00 noon on the
764 Saturday immediately preceding the thirtieth day before any



765 regularly scheduled * * * primary preferential or general election,
766 unless that Saturday falls on a legal holiday, in which case
767 registration applications submitted on the Monday immediately
768 following the legal holiday shall be accepted and entered in the
769 Statewide Elections Management System for the purpose of enabling
770 such voters to vote in the next primary or general election.

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

776 (4) A person who is physically disabled and unable to visit
777 the office of the registrar to register to vote due to such
778 disability may contact the registrar and request that the
779 registrar or the registrar's deputy visit him or her for the
780 purpose of registering such person to vote. The registrar or the
781 registrar's deputy shall visit that person as soon as possible
782 after such request and provide the person with an application for
783 registration, if necessary. The completed application for
784 registration shall be executed in the presence of the registrar or
785 the registrar's deputy.

786 (5) (a) In the fall and spring of each year the registrar
787 of each county shall furnish all public schools with mail-in voter
788 registration applications. The applications shall be provided in
789 a reasonable time to enable those students who will be eighteen



790 (18) years of age before a general election to be able to vote in
791 the * * *primary preferential and general elections.

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

796 **SECTION 29.** Section 23-15-153, Mississippi Code of 1972, is
797 amended as follows:

798 23-15-153. (1) At least during the following times, the
799 election commissioners shall meet at the office of the registrar
800 or the office of the election commissioners to carefully revise
801 the county voter roll as electronically maintained by the
802 Statewide Elections Management System and remove from the roll the
803 names of all voters who have requested to be purged from the voter
804 roll, died, received an adjudication of non compos mentis, been
805 convicted of a disenfranchising crime, or otherwise become
806 disqualified as electors for any cause, and shall register the
807 names of all persons who have duly applied to be registered but
808 have been illegally denied registration:

809 (a) On the Tuesday after the second Monday in January
810 1987 and every following year;

811 (b) On the first Tuesday in the month immediately
812 preceding the first * * *primary preferential election for members
813 of Congress in the years when members of Congress are elected;



814 (c) On the first Monday in the month immediately
815 preceding the first * * * primary preferential election for state,
816 state district legislative, county and county district offices in
817 the years in which those offices are elected; and

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

821 Except for the names of those voters who are duly qualified
822 to vote in the election, no name shall be permitted to remain in
823 the Statewide Elections Management System; however, no name shall
824 be purged from the Statewide Elections Management System based on
825 a change in the residence of an elector except in accordance with
826 procedures provided for by the National Voter Registration Act of
827 1993. Except as otherwise provided by Section 23-15-573, no
828 person shall vote at any election whose name is not in the county
829 voter roll electronically maintained by the Statewide Elections
830 Management System.

831 (2) Except as provided in this section, and subject to the
832 following annual limitations, the election commissioners shall be
833 entitled to receive a per diem in the amount of One Hundred
834 Dollars (\$100.00), to be paid from the county general fund, for
835 every day or period of no less than five (5) hours accumulated
836 over two (2) or more days actually employed in the performance of
837 their duties in the conduct of an election or actually employed in
838 the performance of their duties for the necessary time spent in



839 the revision of the county voter roll as electronically maintained
840 by the Statewide Elections Management System as required in
841 subsection (1) of this section:

842 (a) In counties having less than fifteen thousand
843 (15,000) residents according to the latest federal decennial
844 census, not more than fifty (50) days per year, with no more than
845 fifteen (15) additional days allowed for the conduct of each
846 election in excess of one (1) occurring in any calendar year;

847 (b) In counties having fifteen thousand (15,000)
848 residents according to the latest federal decennial census but
849 less than thirty thousand (30,000) residents according to the
850 latest federal decennial census, not more than seventy-five (75)
851 days per year, with no more than twenty-five (25) additional days
852 allowed for the conduct of each election in excess of one (1)
853 occurring in any calendar year;

854 (c) In counties having thirty thousand (30,000)
855 residents according to the latest federal decennial census but
856 less than seventy thousand (70,000) residents according to the
857 latest federal decennial census, not more than one hundred (100)
858 days per year, with no more than thirty-five (35) additional days
859 allowed for the conduct of each election in excess of one (1)
860 occurring in any calendar year;

861 (d) In counties having seventy thousand (70,000)
862 residents according to the latest federal decennial census but
863 less than ninety thousand (90,000) residents according to the



864 latest federal decennial census, not more than one hundred
865 twenty-five (125) days per year, with no more than forty-five (45)
866 additional days allowed for the conduct of each election in excess
867 of one (1) occurring in any calendar year;

868 (e) In counties having ninety thousand (90,000)
869 residents according to the latest federal decennial census but
870 less than one hundred seventy thousand (170,000) residents
871 according to the latest federal decennial census, not more than
872 one hundred fifty (150) days per year, with no more than
873 fifty-five (55) additional days allowed for the conduct of each
874 election in excess of one (1) occurring in any calendar year;

875 (f) In counties having one hundred seventy thousand
876 (170,000) residents according to the latest federal decennial
877 census but less than two hundred thousand (200,000) residents
878 according to the latest federal decennial census, not more than
879 one hundred seventy-five (175) days per year, with no more than
880 sixty-five (65) additional days allowed for the conduct of each
881 election in excess of one (1) occurring in any calendar year;

882 (g) In counties having two hundred thousand (200,000)
883 residents according to the latest federal decennial census but
884 less than two hundred twenty-five thousand (225,000) residents
885 according to the latest federal decennial census, not more than
886 one hundred ninety (190) days per year, with no more than
887 seventy-five (75) additional days allowed for the conduct of each
888 election in excess of one (1) occurring in any calendar year;



889 (h) In counties having two hundred twenty-five thousand
890 (225,000) residents according to the latest federal decennial
891 census but less than two hundred fifty thousand (250,000)
892 residents according to the latest federal decennial census, not
893 more than two hundred fifteen (215) days per year, with no more
894 than eighty-five (85) additional days allowed for the conduct of
895 each election in excess of one (1) occurring in any calendar year;

896 (i) In counties having two hundred fifty thousand
897 (250,000) residents according to the latest federal decennial
898 census but less than two hundred seventy-five thousand (275,000)
899 residents according to the latest federal decennial census, not
900 more than two hundred thirty (230) days per year, with no more
901 than ninety-five (95) additional days allowed for the conduct of
902 each election in excess of one (1) occurring in any calendar year;

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

909 (3) In addition to the number of days authorized in
910 subsection (2) of this section, the board of supervisors of a
911 county may authorize, in its discretion, the election
912 commissioners to receive a per diem in the amount provided for in
913 subsection (2) of this section, to be paid from the county general



914 fund, for every day or period of no less than five (5) hours
915 accumulated over two (2) or more days actually employed in the
916 performance of their duties in the conduct of an election or
917 actually employed in the performance of their duties for the
918 necessary time spent in the revision of the county voter roll as
919 electronically maintained by the Statewide Elections Management
920 System as required in subsection (1) of this section, not to
921 exceed five (5) days.

922 (4) (a) The election commissioners shall be entitled to
923 receive a per diem in the amount of One Hundred Dollars (\$100.00),
924 to be paid from the county general fund, not to exceed ten (10)
925 days for every day or period of no less than five (5) hours
926 accumulated over two (2) or more days actually employed in the
927 performance of their duties for the necessary time spent in the
928 revision of the county voter roll as electronically maintained by
929 the Statewide Elections Management System before any special
930 election. For purposes of this paragraph, the regular special
931 election day shall not be considered a special election. The
932 annual limitations set forth in subsection (2) of this section
933 shall not apply to this paragraph.

934 (b) The election commissioners shall be entitled to
935 receive a per diem in the amount of One Hundred Fifty Dollars
936 (\$150.00), to be paid from the county general fund, for the
937 performance of their duties on the day of any primary, runoff,



938 general or special election. The annual limitations set forth in
939 subsection (2) of this section shall apply to this paragraph.

940 (c) The board of supervisors may, in its discretion,
941 pay the election commissioners an additional amount not to exceed
942 Fifty Dollars (\$50.00) for the performance of their duties at any
943 election occurring from July 1, 2020, through December 31, 2020,
944 which shall be considered additional pandemic pay. Such
945 compensation shall be payable out of the county general fund, and
946 may be payable from federal funds available for such purpose, or a
947 combination of both funding sources.

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

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

961 (7) In preparation for a municipal primary, runoff, general
962 or special election, the county registrar shall generate and



963 distribute the master voter roll and pollbooks from the Statewide
964 Elections Management System for the municipality located within
965 the county. The municipality shall pay the county registrar for
966 the actual cost of preparing and printing the municipal master
967 voter roll pollbooks. A municipality may secure "read only"
968 access to the Statewide Elections Management System and print its
969 own pollbooks using this information.

970 (8) County election commissioners who perform the duties of
971 an executive committee with regard to the conduct of
972 a * * * ~~primary~~ preferential election under a written agreement
973 authorized by law to be entered into with an executive committee
974 shall receive per diem as provided for in subsection (2) of this
975 section. The days that county election commissioners are employed
976 in the conduct of a primary election shall be treated the same as
977 days county election commissioners are employed in the conduct of
978 other elections.

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

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



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

990 The certification form shall be as follows:

991 **COUNTY ELECTION COMMISSIONER**

992 **PER DIEM CLAIM FORM**

993 NAME: _____ COUNTY: _____

994 ADDRESS: _____ DISTRICT: _____

995 CITY: _____ ZIP: _____

996 PURPOSE APPLICABLE ACTUAL PER DIEM

997 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

998 WORKED TIME TIME WORK SECTION WORKED EARNED

999 _____

1000 _____

1001 _____

1002 TOTAL NUMBER OF PER DIEM DAYS EARNED

1003 EXCLUDING ELECTION DAYS _____

1004 PER DIEM RATE PER DAY EARNED X \$100.00

1005 TOTAL NUMBER PER DIEM DAYS EARNED

1006 FOR ELECTION DAYS _____

1007 PER DIEM RATE PER DAY EARNED X \$150.00

1008 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1009 I understand that I am signing this document under my oath as
1010 an election commissioner and under penalties of perjury.



1011 I understand that I am requesting payment from taxpayer funds
1012 and that I have an obligation to be specific and truthful as to
1013 the amount of hours worked and the compensation I am requesting.

1014 Signed this the _____ day of _____, ____.

1015 _____

1016 Commissioner's Signature

1017 When properly completed and signed, the certification must be
1018 filed with the clerk of the county board of supervisors before any
1019 payment may be made. The certification will be a public record
1020 available for inspection and reproduction immediately upon the
1021 oral or written request of any person.

1022 Any person may contest the accuracy of the certification in
1023 any respect by notifying the chair of the commission, any member
1024 of the board of supervisors or the clerk of the board of
1025 supervisors of the contest at any time before or after payment is
1026 made. If the contest is made before payment is made, no payment
1027 shall be made as to the contested certificate until the contest is
1028 finally disposed of. The person filing the contest shall be
1029 entitled to a full hearing, and the clerk of the board of
1030 supervisors shall issue subpoenas upon request of the contestor
1031 compelling the attendance of witnesses and production of documents
1032 and things. The contestor shall have the right to appeal de novo
1033 to the circuit court of the involved county, which appeal must be
1034 perfected within thirty (30) days from a final decision of the



1035 commission, the clerk of the board of supervisors or the board of
1036 supervisors, as the case may be.

1037 Any contestor who successfully contests any certification
1038 will be awarded all expenses incident to his or her contest,
1039 together with reasonable attorney's fees, which will be awarded
1040 upon petition to the chancery court of the involved county upon
1041 final disposition of the contest before the election commission,
1042 board of supervisors, clerk of the board of supervisors, or, in
1043 case of an appeal, final disposition by the court. The
1044 commissioner against whom the contest is decided shall be liable
1045 for the payment of the expenses and attorney's fees, and the
1046 county shall be jointly and severally liable for same.

1047 (11) Any election commissioner who has not received a
1048 certificate issued by the Secretary of State pursuant to Section
1049 23-15-211 indicating that the election commissioner has received
1050 the required elections seminar instruction and that the election
1051 commissioner is fully qualified to conduct an election, shall not
1052 receive any compensation authorized by this section or Section
1053 23-15-239.

1054 **SECTION 30.** Section 23-15-173, Mississippi Code of 1972, is
1055 amended as follows:

1056 23-15-173. (1) A general municipal election shall be held
1057 in each city, town or village on the first Tuesday after the first
1058 Monday of June 1985, and every four (4) years thereafter, for the
1059 election of all municipal officers elected by the people.



1060 * * * ~~(2) All municipal general elections shall be held and~~
1061 ~~conducted in the same manner as is provided by law for state and~~
1062 ~~county general elections.~~

1063 (* * * ~~32~~) The provisions of Sections 23-15-171 and
1064 23-15-173, which fix the times to hold primary and general
1065 elections, shall not apply to any municipality operating under a
1066 special or private charter where the governing board or authority
1067 thereof, on or before June 25, 1952, shall have adopted and spread
1068 upon its minutes a resolution or ordinance declining to accept the
1069 provisions, in which event the primary and general elections shall
1070 be held at the time fixed by the charter of the municipality.

1071 **SECTION 31.** Section 23-15-197, Mississippi Code of 1972, is
1072 amended as follows:

1073 23-15-197. (1) Times for holding * * * ~~primary and~~ general
1074 elections for congressional offices shall be as prescribed in
1075 Sections * * * ~~23-15-1031,~~ 23-15-1033 and 23-15-1041.

1076 (2) Times for holding elections for the office of judge of
1077 the Supreme Court shall be as prescribed in Section 23-15-991 and
1078 Sections 23-15-974 through 23-15-985, and times for holding
1079 elections for the office of judge of the Court of Appeals shall be
1080 as prescribed in Section 9-4-5.

1081 (3) Times for holding elections for the office of circuit
1082 court judge and the office of chancery court judge shall be as
1083 prescribed in Sections 23-15-974 through 23-15-985, and Section
1084 23-15-1015.



1085 (4) Times for holding elections for the office of county
1086 election commissioners shall be as prescribed in Section
1087 23-15-213.

1088 (5) Times for holding elections for the office of levee
1089 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1090 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1091 Laws of 1983; and Chapter 438, Laws of 2010.

1092 **SECTION 32.** Section 23-15-213, Mississippi Code of 1972, is
1093 amended as follows:

1094 **[Until December 31, 2022, this section shall read as**
1095 **follows:]**

1096 23-15-213. (1) At the general election in 2020, there shall
1097 be elected five (5) election commissioners for each county whose
1098 terms of office shall commence on the first Monday of January
1099 following their election. Each of the commissioners shall be
1100 required to attend a training seminar provided by the Secretary of
1101 State and satisfactorily complete a skills assessment, and before
1102 acting, shall take and subscribe the oath of office prescribed by
1103 the Constitution. The oath shall be filed in the office of the
1104 clerk of the chancery court. Upon filing the oath of office, the
1105 election commissioner may be provided access to the Statewide
1106 Elections Management System for the purpose of performing his or
1107 her duties. While engaged in their duties, the commissioners
1108 shall be conservators of the peace in the county, with all the
1109 duties and powers of such.



1110 (2) The qualified electors of each supervisors district
1111 shall elect, at the general election in 2020, in their district
1112 one (1) election commissioner. The election commissioners from
1113 board of supervisors' Districts One, Three and Five shall serve
1114 for a term of four (4) years. The election commissioners from
1115 board of supervisors' Districts Two and Four shall serve for a
1116 term of three (3) years. No more than one (1) commissioner shall
1117 be a resident of and reside in each supervisors district of the
1118 county; it being the purpose of this section that the county board
1119 of election commissioners shall consist of one (1) person from
1120 each supervisors district of the county and that each commissioner
1121 be elected from the supervisors district in which he or she
1122 resides.

1123 (3) Candidates for county election commissioner shall
1124 qualify by filing with the clerk of the board of supervisors of
1125 their respective counties a petition personally signed by not less
1126 than fifty (50) qualified electors of the supervisors district in
1127 which they reside, requesting that they be a candidate, by 5:00
1128 p.m. not later than the first Monday in June of the year in which
1129 the election occurs and unless the petition is filed within the
1130 required time, their names shall not be placed upon the ballot.
1131 All candidates shall declare in writing their party affiliation,
1132 if any, to the board of supervisors, and such party affiliation
1133 shall be shown on the official ballot.



1134 (4) The petition shall have attached thereto a certificate
1135 of the county registrar showing the number of qualified electors
1136 on each petition, which shall be furnished by the registrar on
1137 request. The board shall determine the sufficiency of the
1138 petition, and if the petition contains the required number of
1139 signatures and is filed within the time required, the president of
1140 the board shall verify that the candidate is a resident of the
1141 supervisors district in which he or she seeks election and that
1142 the candidate is otherwise qualified as provided by law, and shall
1143 certify that the candidate is qualified to the chair or secretary
1144 of the county election commission and the names of the candidates
1145 shall be placed upon the ballot for the ensuing election. No
1146 county election commissioner shall serve or be considered as
1147 elected until he or she has received a majority of the votes cast
1148 for the position or post for which he or she is a candidate. If a
1149 majority vote is not received in the * * *~~first~~ preferential
1150 election, then the * * *~~two~~ (2) candidates receiving the most
1151 votes for each position or post shall be placed upon the ballot
1152 for a second election to be held three (3) weeks later procedures
1153 described in Sections 5 and 6 of this act shall be followed to
1154 determine the candidates whose names will be placed on the general
1155 election ballot, which is in accordance with appropriate
1156 procedures followed in other elections * * *~~involving runoff~~
1157 candidates when no candidate receives a majority of the votes.



1158 (5) Upon taking office, the county election commissioners
1159 shall organize by electing a chair and a secretary.

1160 (6) It shall be the duty of the chair to have the official
1161 ballot printed and distributed at each general or special
1162 election.

1163 **[From and after January 1, 2023, this section shall read as**
1164 **follows:]**

1165 23-15-213. (1) There shall be elected five (5) election
1166 commissioners for each county whose terms of office shall commence
1167 on the first Monday of January following their election and who
1168 shall serve for a term of four (4) years. Each of the
1169 commissioners shall be required to attend a training seminar
1170 provided by the Secretary of State and satisfactorily complete a
1171 skills assessment, and before acting, shall take and subscribe the
1172 oath of office prescribed by the Constitution. The oath shall be
1173 filed in the office of the clerk of the chancery court. Upon
1174 filing the oath of office, the election commissioner may be
1175 provided access to the Statewide Elections Management System for
1176 the purpose of performing his or her duties. While engaged in
1177 their duties, the commissioners shall be conservators of the peace
1178 in the county, with all the duties and powers of such.

1179 (2) (a) At the general election in 2024 and every four (4)
1180 years thereafter, the qualified electors of the board of
1181 supervisors' Districts One, Three and Five shall elect in their
1182 district one (1) election commissioner.



1183 (b) At the general election in 2023 and every four (4)
1184 years thereafter, the qualified electors of the board of
1185 supervisors' Districts Two and Four shall elect in their district
1186 one (1) election commissioner.

1187 (c) No more than one (1) commissioner shall be a
1188 resident of and reside in each supervisors district of the county;
1189 it being the purpose of this section that the county board of
1190 election commissioners shall consist of one (1) person from each
1191 supervisors district of the county and that each commissioner be
1192 elected from the supervisors district in which he or she resides.

1193 (3) Candidates for county election commissioner shall
1194 qualify by filing with the clerk of the board of supervisors of
1195 their respective counties a petition personally signed by not less
1196 than fifty (50) qualified electors of the supervisors district in
1197 which they reside, requesting that they be a candidate, by 5:00
1198 p.m. not later than the first Monday in June of the year in which
1199 the election occurs and unless the petition is filed within the
1200 required time, their names shall not be placed upon the ballot.
1201 All candidates shall declare in writing their party affiliation,
1202 if any, to the board of supervisors, and such party affiliation
1203 shall be shown on the official ballot.

1204 (4) The petition shall have attached thereto a certificate
1205 of the county registrar showing the number of qualified electors
1206 on each petition, which shall be furnished by the registrar on
1207 request. The board shall determine the sufficiency of the



1208 petition, and if the petition contains the required number of
1209 signatures and is filed within the time required, the president of
1210 the board shall verify that the candidate is a resident of the
1211 supervisors district in which he or she seeks election and that
1212 the candidate is otherwise qualified as provided by law, and shall
1213 certify that the candidate is qualified to the chair or secretary
1214 of the county election commission and the names of the candidates
1215 shall be placed upon the ballot for the ensuing election. No
1216 county election commissioner shall serve or be considered as
1217 elected until he or she has received a majority of the votes cast
1218 for the position or post for which he or she is a candidate. If a
1219 majority vote is not received in the * * *~~first~~ preferential
1220 election, then the * * *~~two~~ (2) ~~candidates receiving the most~~
1221 ~~votes for each position or post shall be placed upon the ballot~~
1222 ~~for a second election to be held three~~ (3) ~~weeks later~~ procedures
1223 described in Sections 5 and 6 of this act shall be followed to
1224 determine the candidates whose names will be placed on the general
1225 election ballot, which is in accordance with appropriate
1226 procedures followed in other elections * * *~~involving runoff~~
1227 ~~candidates~~ when no candidate receives a majority of the votes.

1228 (5) In the first meeting in January of each year, the county
1229 election commissioners shall organize by electing a chair and a
1230 secretary, who shall serve a one * * *~~(1)~~-year term. The county
1231 election commissioners shall provide the names of the chair and



1232 secretary to the Secretary of State and provide notice of any
1233 change in officers which may occur during the year.

1234 (6) It shall be the duty of the chair to have the official
1235 ballot printed and distributed at each general or special
1236 election.

1237 **SECTION 33.** Section 23-15-239, Mississippi Code of 1972, is
1238 amended as follows:

1239 **[Until January 1, 2020, this section shall read as follows:]**

1240 23-15-239. (1) The executive committee of each county, in
1241 the case of a * * * ~~primary~~ preferential election, or the election
1242 commissioners of each county, in the case of all other elections,
1243 in conjunction with the circuit clerk, shall, in the years in
1244 which counties conduct an election, sponsor and conduct, not less
1245 than five (5) days before each election, not less than four (4)
1246 hours and not more than eight (8) hours of poll manager training
1247 to instruct poll managers as to their duties in the proper
1248 administration of the election and the operation of the polling
1249 place. Any poll manager who completes the online training course
1250 provided by the Secretary of State shall only be required to
1251 complete two (2) hours of in-person poll manager training. No
1252 poll manager shall serve in any election unless he or she has
1253 received these instructions once during the twelve (12) months
1254 immediately preceding the date upon which the election is held;
1255 however, nothing in this section shall prevent the appointment of
1256 an alternate poll manager to fill a vacancy in case of an



1257 emergency. The county executive committee or the election
1258 commissioners, as appropriate, shall train a sufficient number of
1259 alternates to serve in the event a poll manager is unable to serve
1260 for any reason.

1261 (2) (a) If it is eligible under Section 23-15-266, the
1262 county executive committee may enter into a written agreement with
1263 the circuit clerk or the county election commission authorizing
1264 the circuit clerk or the county election commission to perform any
1265 of the duties required of the county executive committee pursuant
1266 to this section. Any agreement entered into pursuant to this
1267 subsection shall be signed by the chair of the county executive
1268 committee and the circuit clerk or the chair of the county
1269 election commission, as appropriate. The county executive
1270 committee shall notify the state executive committee and the
1271 Secretary of State of the existence of the agreement.

1272 (b) If it is eligible under Section 23-15-266, the
1273 municipal executive committee may enter into a written agreement
1274 with the municipal clerk or the municipal election commission
1275 authorizing the municipal clerk or the municipal election
1276 commission to perform any of the duties required of the municipal
1277 executive committee pursuant to this section. Any agreement
1278 entered into pursuant to this subsection shall be signed by the
1279 chair of the municipal executive committee and the municipal clerk
1280 or the chair of the municipal election commission, as appropriate.
1281 The municipal executive committee shall notify the state executive



1282 committee and the Secretary of State of the existence of the
1283 agreement.

1284 (3) The board of supervisors and the municipal governing
1285 authority, in their discretion, may compensate poll managers who
1286 attend these training sessions. The compensation shall be at a
1287 rate of not less than the federal hourly minimum wage nor more
1288 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1289 compensated for more than sixteen (16) hours of attendance at the
1290 training sessions regardless of the actual amount of time that
1291 they attended the training sessions.

1292 (4) The time and location of the training sessions required
1293 pursuant to this section shall be announced to the general public
1294 by posting a notice thereof at the courthouse and by delivering a
1295 copy of the notice to the office of a newspaper having general
1296 circulation in the county five (5) days before the date upon which
1297 the training session is to be conducted. Persons who will serve
1298 as poll watchers for candidates and political parties, as well as
1299 members of the general public, shall be allowed to attend the
1300 sessions.

1301 (5) Subject to the following annual limitations, the
1302 election commissioners shall be entitled to receive a per diem in
1303 the amount of One Hundred Dollars (\$100.00), to be paid from the
1304 county general fund, for every day or period of no less than five
1305 (5) hours accumulated over two (2) or more days actually employed



1306 in the performance of their duties for the necessary time spent in
1307 conducting training sessions as required by this section:

1308 (a) In counties having less than fifteen thousand
1309 (15,000) residents according to the latest federal decennial
1310 census, not more than five (5) days per year;

1311 (b) In counties having fifteen thousand (15,000)
1312 residents according to the latest federal decennial census but
1313 less than thirty thousand (30,000) residents according to the
1314 latest federal decennial census, not more than eight (8) days per
1315 year;

1316 (c) In counties having thirty thousand (30,000)
1317 residents according to the latest federal decennial census but
1318 less than seventy thousand (70,000) residents according to the
1319 latest federal decennial census, not more than ten (10) days per
1320 year;

1321 (d) In counties having seventy thousand (70,000)
1322 residents according to the latest federal decennial census but
1323 less than ninety thousand (90,000) residents according to the
1324 latest federal decennial census, not more than twelve (12) days
1325 per year;

1326 (e) In counties having ninety thousand (90,000)
1327 residents according to the latest federal decennial census but
1328 less than one hundred seventy thousand (170,000) residents
1329 according to the latest federal decennial census, not more than
1330 fifteen (15) days per year;



1331 (f) In counties having one hundred seventy thousand
1332 (170,000) residents according to the latest federal decennial
1333 census but less than two hundred thousand (200,000) residents
1334 according to the latest federal decennial census, not more than
1335 eighteen (18) days per year;

1336 (g) In counties having two hundred thousand (200,000)
1337 residents according to the latest federal decennial census but
1338 less than two hundred twenty-five thousand (225,000) residents
1339 according to the latest federal decennial census, not more than
1340 nineteen (19) days per year;

1341 (h) In counties having two hundred twenty-five thousand
1342 (225,000) residents or more according to the latest federal
1343 decennial census, not more than twenty-two (22) days per year.

1344 (6) Election commissioners shall claim the per diem
1345 authorized in subsection (5) of this section in the manner
1346 provided for in Section 23-15-153(6).

1347 (7) (a) To provide poll manager training, the Secretary of
1348 State has developed a single, comprehensive poll manager training
1349 program to ensure uniform, secure elections throughout the state.
1350 The program includes online training on all state and federal
1351 election laws and procedures and voting machine opening and
1352 closing procedures.

1353 (b) County election commissioners shall designate one
1354 (1) poll manager per precinct, who shall individually access and
1355 complete the online training program, including all skills



1356 assessments, at least five (5) days before an election. The poll
1357 manager shall be defined as a "certified poll manager," and
1358 entitled to a "Certificate of Completion" and compensation for the
1359 successful completion of the training and skills assessment in the
1360 amount of Twenty-five Dollars (\$25.00) payable from the Secretary
1361 of State. Compensation paid to any poll manager under this
1362 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per
1363 calendar year.

1364 (c) Every election held after January 1, 2018, shall
1365 have at least one (1) certified poll manager appointed by the
1366 county election officials to work in each polling place in the
1367 county during each general election.

1368 **[From and after January 1, 2020, this section shall read as**
1369 **follows:]**

1370 23-15-239. (1) The executive committee of each county, in
1371 the case of a * * * primary preferential election, or the election
1372 commissioners of each county, in the case of all other elections,
1373 in conjunction with the circuit clerk, shall, in the years in
1374 which counties conduct an election, sponsor and conduct, not less
1375 than five (5) days before each election, not less than four (4)
1376 hours and not more than eight (8) hours of poll manager training
1377 to instruct poll managers as to their duties in the proper
1378 administration of the election and the operation of the polling
1379 place. Any poll manager who completes the online training course
1380 provided by the Secretary of State shall only be required to



1381 complete two (2) hours of in-person poll manager training. No
1382 poll manager shall serve in any election unless he or she has
1383 received these instructions once during the twelve (12) months
1384 immediately preceding the date upon which the election is held;
1385 however, nothing in this section shall prevent the appointment of
1386 an alternate poll manager to fill a vacancy in case of an
1387 emergency. The county executive committee or the election
1388 commissioners, as appropriate, shall train a sufficient number of
1389 alternates to serve in the event a poll manager is unable to serve
1390 for any reason.

1391 (2) (a) If it is eligible under Section 23-15-266, the
1392 county executive committee may enter into a written agreement with
1393 the circuit clerk or the county election commission authorizing
1394 the circuit clerk or the county election commission to perform any
1395 of the duties required of the county executive committee pursuant
1396 to this section. Any agreement entered into pursuant to this
1397 subsection shall be signed by the chair of the county executive
1398 committee and the circuit clerk or the chair of the county
1399 election commission, as appropriate. The county executive
1400 committee shall notify the state executive committee and the
1401 Secretary of State of the existence of the agreement.

1402 (b) If it is eligible under Section 23-15-266, the
1403 municipal executive committee may enter into a written agreement
1404 with the municipal clerk or the municipal election commission
1405 authorizing the municipal clerk or the municipal election



1406 commission to perform any of the duties required of the municipal
1407 executive committee pursuant to this section. Any agreement
1408 entered into pursuant to this subsection shall be signed by the
1409 chair of the municipal executive committee and the municipal clerk
1410 or the chair of the municipal election commission, as appropriate.
1411 The municipal executive committee shall notify the state executive
1412 committee and the Secretary of State of the existence of the
1413 agreement.

1414 (3) The board of supervisors and the municipal governing
1415 authority, in their discretion, may compensate poll managers who
1416 attend these training sessions. The compensation shall be at a
1417 rate of not less than the federal hourly minimum wage nor more
1418 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1419 compensated for more than sixteen (16) hours of attendance at the
1420 training sessions regardless of the actual amount of time that
1421 they attended the training sessions.

1422 (4) The time and location of the training sessions required
1423 pursuant to this section shall be announced to the general public
1424 by posting a notice thereof at the courthouse and by delivering a
1425 copy of the notice to the office of a newspaper having general
1426 circulation in the county five (5) days before the date upon which
1427 the training session is to be conducted. Persons who will serve
1428 as poll watchers for candidates and political parties, as well as
1429 members of the general public, shall be allowed to attend the
1430 sessions.



1431 (5) Subject to the following annual limitations, the
1432 election commissioners shall be entitled to receive a per diem in
1433 the amount of One Hundred Dollars (\$100.00), to be paid from the
1434 county general fund, for every day or period of no less than five
1435 (5) hours accumulated over two (2) or more days actually employed
1436 in the performance of their duties for the necessary time spent in
1437 conducting training sessions as required by this section:

1438 (a) In counties having less than fifteen thousand
1439 (15,000) residents according to the latest federal decennial
1440 census, not more than five (5) days per year;

1441 (b) In counties having fifteen thousand (15,000)
1442 residents according to the latest federal decennial census but
1443 less than thirty thousand (30,000) residents according to the
1444 latest federal decennial census, not more than eight (8) days per
1445 year;

1446 (c) In counties having thirty thousand (30,000)
1447 residents according to the latest federal decennial census but
1448 less than seventy thousand (70,000) residents according to the
1449 latest federal decennial census, not more than ten (10) days per
1450 year;

1451 (d) In counties having seventy thousand (70,000)
1452 residents according to the latest federal decennial census but
1453 less than ninety thousand (90,000) residents according to the
1454 latest federal decennial census, not more than twelve (12) days
1455 per year;



1456 (e) In counties having ninety thousand (90,000)
1457 residents according to the latest federal decennial census but
1458 less than one hundred seventy thousand (170,000) residents
1459 according to the latest federal decennial census, not more than
1460 fifteen (15) days per year;

1461 (f) In counties having one hundred seventy thousand
1462 (170,000) residents according to the latest federal decennial
1463 census but less than two hundred thousand (200,000) residents
1464 according to the latest federal decennial census, not more than
1465 eighteen (18) days per year;

1466 (g) In counties having two hundred thousand (200,000)
1467 residents according to the latest federal decennial census but
1468 less than two hundred twenty-five thousand (225,000) residents
1469 according to the latest federal decennial census, not more than
1470 nineteen (19) days per year;

1471 (h) In counties having two hundred twenty-five thousand
1472 (225,000) residents or more according to the latest federal
1473 decennial census, not more than twenty-two (22) days per year.

1474 (6) Election commissioners shall claim the per diem
1475 authorized in subsection (5) of this section in the manner
1476 provided for in Section 23-15-153(6).

1477 (7) (a) To provide poll manager training, the Secretary of
1478 State has developed a single, comprehensive poll manager training
1479 program to ensure uniform, secure elections throughout the state.
1480 The program includes online training on all state and federal



1481 election laws and procedures and voting machine opening and
1482 closing procedures.

1483 (b) County poll managers who individually access and
1484 complete the online training program, including all skills
1485 assessments, at least five (5) days before an election shall be
1486 defined as "certified poll managers," and entitled to a
1487 "Certificate of Completion."

1488 (c) At least one (1) certified poll manager shall be
1489 appointed by the county election officials to work in each polling
1490 place in the county during each general election.

1491 **SECTION 34.** Section 23-15-240, Mississippi Code of 1972, is
1492 amended as follows:

1493 23-15-240. (1) The officials in charge of the election in a
1494 county or municipality may, in their discretion, appoint not more
1495 than two (2) students for each precinct to serve as student
1496 interns during elections. To be appointed a student intern a
1497 student must:

1498 (a) Be recommended by a principal or other school
1499 official, or the person responsible for the student's legitimate
1500 home instruction program;

1501 (b) Be at least sixteen (16) years of age at the time
1502 of the election for which the appointment is made;

1503 (c) Be a resident of the county or municipality for
1504 which the appointment is made;



1505 (d) Be enrolled in a public high school, an accredited
1506 private high school or a legitimate home instruction program and
1507 be classified as a junior or senior or its equivalent, or be
1508 enrolled in a junior college or a college or university; and

1509 (e) Meet any additional qualifications considered
1510 necessary by the officials in charge of the election in the county
1511 or municipality.

1512 (2) (a) The duties of the student interns appointed
1513 pursuant to this section shall be determined by the officials in
1514 charge of the election in the county or municipality; however, the
1515 duties shall not include:

1516 (i) Determining the qualifications of a voter in
1517 case a voter is challenged;

1518 (ii) The discharge of any duties related to
1519 affidavit ballots;

1520 (iii) The operation and maintenance of any voting
1521 equipment;

1522 (iv) Any duties normally assigned to a bailiff; or

1523 (v) The tallying of votes.

1524 (b) Student interns shall at all times be under the
1525 supervision of the poll managers of the election while performing
1526 their duties at precincts.

1527 (3) Before performing any duties, student interns shall
1528 attend all required training for poll managers of the county or
1529 municipality and any additional training considered necessary by



1530 the officials in charge of the election in the county or
1531 municipality.

1532 (4) As used in this section "officials in charge of the
1533 election" means the county or municipal executive committee, as
1534 appropriate, in * * * primary preferential elections and the county
1535 or municipal election commission, as appropriate, in all other
1536 elections.

1537 **SECTION 35.** Section 23-15-266, Mississippi Code of 1972, is
1538 amended as follows:

1539 23-15-266. A county or municipal executive committee shall
1540 be eligible to enter into written agreements with a circuit or
1541 municipal clerk or a county or municipal election commission as
1542 provided for in Section 23-15-239(2) * * * ~~23-15-265(2),~~
1543 ~~23-15-267(4), 23-15-333(4), 23-15-335(2) or 23-15-597(2),~~ only if
1544 the political party with which such county or municipal executive
1545 committee is affiliated:

1546 (a) Has cast for its candidate for Governor in the last
1547 two (2) gubernatorial elections ten percent (10%) of the total
1548 vote cast for Governor; or

1549 (b) Has cast for its candidate for Governor in three
1550 (3) of the last five (5) gubernatorial elections twenty-five
1551 percent (25%) of the total vote cast for Governor.

1552 **SECTION 36.** Section 23-15-271, Mississippi Code of 1972, is
1553 amended as follows:



1554 23-15-271. (1) The state executive committee of any
1555 political party authorized to conduct * * *~~political party~~
1556 ~~primaries~~ preferential elections shall form an election integrity
1557 assurance committee for each congressional district. The state
1558 executive committee shall appoint three (3) of its members to each
1559 congressional district election integrity assurance committee.
1560 The members so appointed shall be residents of the congressional
1561 district for which the election integrity assurance committee is
1562 formed. The state executive committee shall name a chair and a
1563 secretary from among the members of each committee. The state
1564 executive committee shall provide to each circuit and municipal
1565 clerk a list of the members of the congressional district
1566 integrity assurance committee for the congressional district in
1567 which the county or municipality of the clerk is located.

1568 (2) If within sixty (60) days of an election, a county
1569 executive committee or a municipal executive committee fails to
1570 attend training or perform in a timely manner any of the duties
1571 specified in * * *~~Sections~~ Section 23-15-239, * * *~~23-15-265,~~
1572 ~~23-15-267, 23-15-333, 23-15-335 and 23-15-597~~ and there is no
1573 written agreement in place between the county or municipal
1574 executive committee and the county or municipal election
1575 commission or the circuit or municipal clerk pursuant to
1576 such * * *~~sections~~ section, or there is such an agreement in place
1577 and it is not being executed, the circuit or municipal clerk shall
1578 notify the chair and secretary of the congressional district



1579 election integrity assurance committee or the chair of the state
1580 executive committee of such failure and call upon them to take
1581 immediate and appropriate action to ensure that such duties are
1582 performed in order to secure the orderly conduct of
1583 the * * * primary preferential election. Upon receiving the
1584 notice, the election integrity assurance committee shall be
1585 responsible for conducting any required training and shall be
1586 authorized to contract on behalf of the county or municipal
1587 executive committee with the county or municipal election
1588 commission or the circuit or municipal clerk for the conduct of
1589 the * * * primary preferential election.

1590 (3) Nothing in this section shall be construed to authorize
1591 the state executive committee or a congressional district election
1592 assurance committee to conduct * * * primaries preferential
1593 elections.

1594 **SECTION 37.** Section 23-15-313, Mississippi Code of 1972, is
1595 amended as follows:

1596 23-15-313. (1) If there be any political party, or parties,
1597 in any municipality which shall not have a party executive
1598 committee for * * * such the municipality, * * * such the political
1599 party, or parties, shall within thirty (30) days of the date for
1600 which a candidate for a municipal office is required to qualify in
1601 that municipality select qualified electors of that municipality
1602 and of that party's political faith to serve on a temporary
1603 municipal executive committee until members of a municipal



1604 executive committee are elected at the next regular election for
1605 executive committees. The temporary municipal executive committee
1606 shall be selected in the following manner: The * * *~~chairman~~
1607 chair of the county executive committee of the party desiring to
1608 select a temporary municipal executive committee shall call, upon
1609 petition of five (5) or more members of that political faith, a
1610 mass meeting of the qualified electors of their political faith
1611 who reside in * * *~~such~~ the municipality to meet at some
1612 convenient place within * * *~~such~~ the municipality, at a time to
1613 be designated in the call, and at such mass convention the members
1614 of that political faith shall select a temporary municipal
1615 executive committee which shall serve until members of a municipal
1616 executive committee are elected at the next regular election for
1617 executive committees. The public shall be given notice of such
1618 mass meeting as provided in Section 23-15-315. The * * *~~chairman~~
1619 chair of the county executive committee shall authorize the call
1620 within five (5) calendar days of receipt of the petition. If
1621 the * * *~~chairman~~ chair of the county executive committee is
1622 either incapacitated, unavailable or nonresponsive and does not
1623 authorize the mass call within five (5) calendar days of receipt
1624 of the petition, any elected officer of the county executive
1625 committee may authorize the call within five (5) calendar days.
1626 If no elected officer of the county executive committee acts to
1627 approve such petition after an additional five (5) calendar days
1628 from the date, the chair of the county executive committee not



1629 taking action as provided by this section, the petitioners shall
1630 be authorized to produce the call themselves.

1631 (2) If no municipal executive committee is selected or
1632 otherwise formed before an election, the county executive
1633 committee may serve as the temporary municipal executive committee
1634 and exercise all of the duties of the municipal executive
1635 committee for the municipal election. After a county executive
1636 committee has fulfilled its duties as the temporary municipal
1637 executive committee, as soon as practicable thereafter, the county
1638 executive committee shall select a municipal executive committee
1639 no later than before the next municipal election.

1640 (3) A person who has been convicted of a felony in a court
1641 of this state or any other state or a court of the United States,
1642 shall be barred from serving as a member of a municipal executive
1643 committee.

1644 **SECTION 38.** Section 23-15-367, Mississippi Code of 1972, is
1645 amended as follows:

1646 23-15-367. (1) Except as otherwise provided
1647 by * * *~~Sections 23-15-974 through 23-15-985~~ and subsection (2) of
1648 this section, the size, print and quality of paper of the official
1649 ballot is left to the discretion of the officer charged with
1650 printing the official ballot.

1651 (2) The titles for the various offices shall be listed in
1652 the following order:



1653 (a) Candidates, electors or delegates for the following
1654 national offices:

1655 (i) President;

1656 (ii) United States Senator or United States
1657 Representative;

1658 (b) Candidates for the following statewide office:
1659 Governor, Lieutenant Governor, Secretary of State, Attorney
1660 General, State Treasurer, Auditor of Public Accounts, Commissioner
1661 of Agriculture and Commerce, Commissioner of Insurance;

1662 (c) Candidates for the following state district
1663 offices: Mississippi Transportation Commissioner, Public Service
1664 Commissioner, District Attorney;

1665 (d) Candidates for the following legislative offices:
1666 Senate and House of Representatives;

1667 (e) Candidates for countywide office;

1668 (f) Candidates for county district office.

1669 The order in which the titles for the various offices are
1670 listed within paragraphs (e) and (f) is left to the discretion of
1671 the county election commissioners. Nominees of the political
1672 parties, qualified to conduct primary elections as defined in
1673 Section 23-15-291, shall be listed first alphabetically by the
1674 candidate's last name, followed by any other candidates listed
1675 alphabetically by last name.

1676 (3) It is the duty of the Secretary of State, with the
1677 approval of the Governor, to furnish the designated election



1678 commissioner of each county a sample of the official ballot, not
1679 less than * * *~~fifty-five (55)~~ fifty (50) days before the
1680 election, the general form of which shall be followed as nearly as
1681 practicable.

1682 **SECTION 39.** Section 23-15-375, Mississippi Code of 1972, is
1683 amended as follows:

1684 23-15-375. Local issue elections may be held on the same
1685 date as any regular or general election. A local issue election
1686 held on the same date as the regular or general election shall be
1687 conducted in the same manner as the regular or general election
1688 using the same poll workers and the same equipment. A local issue
1689 may be placed on the regular or general election ballot pursuant
1690 to the provisions of Section * * *~~23-15-359~~ 10 of this act. The
1691 provisions of this section and Section * * *~~23-15-359~~ 10 of this
1692 act with regard to local issue elections shall not be construed to
1693 affect any statutory requirements specifying the notice procedure
1694 and the necessary percentage of qualified electors voting in such
1695 an election which is needed for adoption of the local issue.
1696 Whether or not a local issue is adopted or defeated at a local
1697 issue election held on the same day as a regular or general
1698 election shall be determined in accordance with relevant statutory
1699 requirements regarding the necessary percentage of qualified
1700 electors who voted in the local issue election, and only those
1701 persons voting for or against the issue shall be counted in making
1702 that determination. As used in this section "local issue



1703 elections" include elections regarding the issuance of bonds,
1704 local option elections, elections regarding the levy of additional
1705 ad valorem taxes and other similar elections authorized by law
1706 that are called to consider issues that affect a single local
1707 governmental entity. As used in this section "local issue" means
1708 any issue that may be voted on in a local issue election.

1709 **SECTION 40.** Section 23-15-507, Mississippi Code of 1972, is
1710 amended as follows:

1711 23-15-507. No OMR equipment shall be acquired or used in
1712 accordance with this chapter unless it shall:

1713 (a) Permit eligible voters to vote at any election for
1714 all persons for whom they are lawfully entitled to vote; to vote
1715 for as many persons for an office as they are lawfully entitled to
1716 vote; to vote for or against any ballot initiative, measure or
1717 other local issue upon which they are lawfully entitled to vote;

1718 (b) The OMR equipment shall be capable of rejecting
1719 choices marked on the ballot if the number of choices exceeds the
1720 number that the voter is entitled to vote for the office or on the
1721 measure;

1722 (c) Permit each voter, in presidential elections, by
1723 one (1) mark to vote for the candidates of that party for
1724 President, Vice President, and their presidential electors, or to
1725 vote individually for the electors of their choice when permitted
1726 by law;



1727 (d) Permit each voter * * *, ~~in other than primary~~
1728 ~~elections,~~ to vote for the * * * ~~nominees~~ candidates of one or more
1729 parties and for independent candidates;

1730 * * * ~~----- (e) Permit each voter to vote for candidates only~~
1731 ~~in the primary in which he or she is qualified to vote;~~

1732 (* * * fe) Permit each voter to vote for persons whose
1733 names are not on the printed ballot;

1734 (* * * gf) Be suitably designed for the purpose used,
1735 of durable construction, and may be used safely, efficiently and
1736 accurately in the conduct of elections and the counting of
1737 ballots;

1738 (* * * hg) Be provided with means for sealing the
1739 ballots after the close of the polls;

1740 (* * * ih) When properly operated, record correctly and
1741 count accurately all votes cast; and

1742 (* * * ji) Provide the voter with a set of instructions
1743 that will be displayed in such a way that a voter may readily
1744 learn the method of voting.

1745 **SECTION 41.** Section 23-15-511, Mississippi Code of 1972, is
1746 amended as follows:

1747 23-15-511. The ballots shall, as far as practicable, be in
1748 the same order of arrangement as provided for paper ballots that
1749 are to be counted manually, except that the information may be
1750 printed in vertical or horizontal rows. Nothing in this chapter
1751 shall be construed as prohibiting the information being presented



1752 to the voters from being printed on both sides of a single ballot.
1753 In those years when a special election shall occur on the same day
1754 as the general election, the names of candidates in any special
1755 election and the general election shall be placed on the same
1756 ballot by the election commissioners or officials in charge of the
1757 election, but the general election candidates shall be clearly
1758 distinguished from the special election candidates. At any time a
1759 special election is held on the same day as a * * *~~party primary~~
1760 preferential election, the names of the candidates in the special
1761 election may be placed on the same ballot by the officials in
1762 charge of the election, but shall be clearly distinguished as
1763 special election candidates or * * *~~primary~~ preferential election
1764 candidates.

1765 Ballots shall be printed in plain clear type in black ink and
1766 upon clear white materials of such size and arrangement as to be
1767 compatible with the OMR equipment. Absentee ballots shall be
1768 prepared and printed in the same form and shall be on the same
1769 size and texture as the regular official ballots, except that they
1770 shall be printed on tinted paper; or the ink used to print the
1771 ballots shall be of a color different from that of the ink used to
1772 print the regular official ballots. Arrows may be printed on the
1773 ballot to indicate the place to mark the ballot, which may be to
1774 the right or left of the names of candidates and propositions.
1775 The titles of offices may be arranged in vertical columns on the
1776 ballot and shall be printed above or at the side of the names of



1777 candidates so as to indicate clearly the candidates for each
1778 office and the number to be elected. In case there are more
1779 candidates for an office than can be printed in one (1) column,
1780 the ballot shall be clearly marked that the list of candidates is
1781 continued on the following column. The names of candidates for
1782 each office shall be printed in vertical columns, grouped by the
1783 offices that they seek. * * *~~In partisan elections,~~ The party
1784 designation, if any, of each candidate * * *, ~~which may be~~
1785 ~~abbreviated,~~ shall be printed following his or her name as
1786 provided in Section 10 of this act.

1787 One (1) sample ballot, which shall be a facsimile of the
1788 official ballot and instructions to the voters, shall be provided
1789 for each precinct and shall be posted in each polling place on
1790 election day.

1791 A separate ballot security envelope or suitable equivalent in
1792 which the voter can place his or her ballot after voting, shall be
1793 provided to conceal the choices the voter has made. Absentee
1794 voters will receive a similar ballot security envelope provided by
1795 the county in which the absentee voter will insert their voted
1796 ballot, which then can be inserted into a return envelope to be
1797 mailed back to the election official. Absentee ballots will not
1798 be required to be folded when a ballot security envelope is
1799 provided.

1800 **SECTION 42.** Section 23-15-513, Mississippi Code of 1972, is
1801 amended as follows:



1802 23-15-513. (1) The official ballots, sample ballots and
1803 other necessary forms and supplies of the forms and description
1804 required by this chapter or required for the conduct of elections
1805 with an electronic voting system shall be prepared and furnished
1806 by the same official, in the same manner and time, and delivered
1807 to the same officials as provided by law with respect to paper
1808 ballots that are to be counted manually.

1809 (2) For each * * *primary preferential election, the number
1810 of official ballots that shall be printed by each executive
1811 committee shall be not less than one hundred twenty-five percent
1812 (125%) of the highest number of votes cast in a comparable primary
1813 election conducted by the same political party in the preceding
1814 ten (10) years.

1815 (3) For each general election, the number of official
1816 ballots that shall be printed shall be a number equal to not less
1817 than sixty percent (60%) of the registered voters eligible to vote
1818 in the election.

1819 **SECTION 43.** Section 23-15-523, Mississippi Code of 1972, is
1820 amended as follows:

1821 23-15-523. (1) All proceedings at the counting center shall
1822 be under the direction of the election commissioners or officials
1823 in charge of the election, and shall be conducted under the
1824 observations of the public, but no persons except those authorized
1825 for the purpose shall touch any ballot. All persons who are



1826 engaged in processing and counting of the ballots shall take the
1827 oath provided in Section 268, Mississippi Constitution of 1890.

1828 (2) The election commissioners or the officials in charge of
1829 the election shall appoint qualified electors who have received
1830 the training required by subsection (11) of this section to serve
1831 as members of the "resolution board." An odd number of not less
1832 than three (3) members shall be appointed to the resolution board.
1833 The members of the board shall take the oath provided in Section
1834 268, Mississippi Constitution of 1890. All ballots that have been
1835 rejected by the OMR equipment and that are damaged or defective,
1836 blank or overvoted will be reviewed by the board. Election
1837 commissioners, candidates who are on the ballot and the spouse,
1838 parents, siblings or children of such a candidate shall not be
1839 appointed to the resolution board. In general and special
1840 elections, members of the party executive committees shall not be
1841 appointed to the resolution board unless members of all of the
1842 party executive committees * * *~~who have a candidate on the ballot~~
1843 are appointed to the resolution board.

1844 (3) (a) If any ballot is damaged or defective so that it
1845 cannot be properly counted by the OMR equipment, the ballot will
1846 be deposited in an envelope provided for that purpose marked
1847 "RESOLUTION BOARD." All such ballots shall be carefully handled
1848 so as to avoid altering, removing or adding any mark on the
1849 ballot.



1850 (b) The election commissioners or the officials in
1851 charge of the election shall have the members of the resolution
1852 board ascertain the intent of the voter, if possible, and, if so,
1853 manually count any damaged or defective ballots.

1854 (c) The resolution board shall prepare a duplicate to
1855 the damaged or defective ballot in the following manner:

1856 (i) The resolution board shall prepare a duplicate
1857 to the original damaged or defective ballot marked identically to
1858 the original.

1859 (ii) The resolution board shall mark the first
1860 original they examine as "Original #1" and the duplicate of this
1861 original as "Duplicate #1." Later originals and duplicates shall
1862 be likewise marked and numbered consecutively so the duplicate of
1863 each original can be identified. Duplicate ballots shall be
1864 stamped in a different manner from the original ballots so that
1865 they may be easily distinguished from the originals.

1866 (iii) The duplicate ballots prepared pursuant to
1867 this paragraph shall be counted by the OMR equipment.

1868 (4) The resolution board shall examine ballots that have
1869 been rejected by the OMR equipment for appearing to be "blank" to
1870 verify if they are blank or were marked with a "nondetectable"
1871 marking device. If it is determined that the ballot was marked
1872 with a nondetectable device, the resolution board shall prepare a
1873 duplicate to the original blank ballot in the same manner and in
1874 accordance with the same process provided in subsection (3) (c).



1875 (5) All ballots that are rejected by the OMR equipment and
1876 that contain overvotes shall be inspected by the resolution board.
1877 Regarding those rejected ballots upon which an overvote appears,
1878 if the voter intent cannot be determined by the resolution board,
1879 the officials in charge of the election may use the OMR equipment
1880 in determining the vote in the races that are unaffected by the
1881 overvote. All other ballots that are overvoted shall be counted
1882 manually following the provisions of this section at the direction
1883 of the officials in charge of the election. The return printed by
1884 the OMR equipment to which have been added the manually tallied
1885 ballots, which shall be duly certified by the officials in charge
1886 of the election, shall constitute the official return of each
1887 voting precinct. Unofficial and incomplete returns may be
1888 released during the count. Upon the completion of the counting,
1889 the official returns shall be open to the public.

1890 (6) When the resolution board reviews any OMR ballot in
1891 which the voter has failed to fill in the arrow, oval, circle or
1892 square for a candidate or a ballot measure, the resolution board
1893 shall, if the intent of the voter can be ascertained, count the
1894 vote if:

1895 (a) The voter marks the ballot with a "cross" (X) or
1896 "checkmark" (✓) and the lines that form the mark intersect within
1897 or on the line of the arrow, oval, circle or square by the ballot
1898 measure or the name of the candidate.



1899 (b) The voter blackens the arrow, oval, circle or
1900 square adjacent to the ballot measure or the name of the candidate
1901 in pencil or ink and the blackened portion extends beyond the
1902 boundaries of the arrow, oval, circle or square.

1903 (c) The voter marks the ballot with a "cross" (X) or
1904 "checkmark" (✓) and the lines that form the mark intersect
1905 adjacent to the ballot measure or the name of the candidate.

1906 (d) The voter underlines the ballot measure or the name
1907 of a candidate.

1908 (e) The voter draws a line from the arrow, oval, circle
1909 or square to a ballot measure or the name of a candidate.

1910 (f) The voter draws a circle or oval around the ballot
1911 measure or the name of the candidate.

1912 (g) The voter draws a circle or oval around the arrow,
1913 oval, circle or square adjacent to the ballot measure or the name
1914 of the candidate.

1915 (7) The resolution board, when inspecting an OMR ballot that
1916 contains or appears to contain one or more overvotes, appears to
1917 be damaged or defective, or is rejected by the OMR equipment for
1918 any reason or cannot be counted by the OMR equipment, shall make
1919 its determination in accordance with the following:

1920 (a) When an elector casts more votes for any office or
1921 measure than he or she is entitled to cast at an election, all the
1922 elector's votes for that office or measure are invalid and the
1923 elector is deemed to have voted for none of them. If an elector



1924 casts less votes for any office or measure than he or she is
1925 entitled to cast at an election, all votes cast by the elector
1926 shall be counted but no vote shall be counted more than once.

1927 (b) If an elector casts more than one (1) vote for the
1928 same candidate for the same office, the first vote is valid and
1929 the remaining votes for that candidate are invalid.

1930 (c) No write-in vote for a candidate whose name is
1931 printed on the ballot shall be regarded as invalid due to
1932 misspelling a candidate's name, or by abbreviation, addition or
1933 omission or use of a wrong initial in the name, as long as the
1934 intent of the voter can be ascertained.

1935 (d) In any case where a voter writes in the name of a
1936 candidate for President of the United States whose name is printed
1937 on the general election ballot, the failure by the voter to write
1938 in the name of a candidate for the Office of Vice President of the
1939 United States on the general election ballot does not invalidate
1940 the elector's vote for the slate of electors for any candidate
1941 whose name is written in for the Office of President of the United
1942 States.

1943 (e) For any ballot measure in which the words "for" or
1944 "against" are printed on a ballot, if the voter shall write the
1945 word "for" or the word "against" instead of or in addition to
1946 marking the ballot in accordance with the ballot instruction in
1947 the space adjacent to the preprinted words "for" or "against," the
1948 resolution board shall, in reviewing such ballot, count the vote



1949 in accordance with the voter's handwritten preference, unless the
1950 voter marks the ballot in the space adjacent to the preprinted
1951 words "for" or "against" contrary to the handwritten preference,
1952 in which case no vote shall be recorded for such ballot in regard
1953 to the ballot measure.

1954 (f) For any ballot measure in which the words "yes" or
1955 "no" are printed on a ballot, if the voter shall write the word
1956 "yes" or the word "no" instead of or in addition to marking the
1957 ballot in accordance with the ballot instructions in the space
1958 adjacent to the preprinted words "yes" or "no," the resolution
1959 board shall, in reviewing such ballot, count the vote in
1960 accordance with the voter's handwritten preference, unless the
1961 voter marks the ballot in the space adjacent to the preprinted
1962 words "yes" or "no" contrary to the handwritten preference, in
1963 which case no vote shall be recorded for such ballot in regard to
1964 the ballot measure.

1965 (8) OMR equipment shall be programmed, calibrated, adjusted
1966 and set up to reject ballots that appear to be damaged or
1967 defective. Any switch, lever or feature on OMR equipment that
1968 enables or permits the OMR equipment to override the rejection of
1969 damaged or defective ballots so that such ballots will not be
1970 reviewed by the resolution board, shall not be used.

1971 (9) Ballots shall be manually counted by the resolution
1972 board only when the ballots are:



1973 (a) Properly before the resolution board due to being
1974 rejected by the OMR equipment because the ballots appear to be
1975 damaged or defective or are rejected by the OMR equipment for any
1976 other reason; or

1977 (b) Properly before the resolution board due to a
1978 malfunction in the OMR equipment.

1979 (10) The resolution board shall make and keep a record
1980 regarding the handling and counting of all ballots inspected under
1981 this section.

1982 (11) The executive committee of each county or municipality,
1983 in the case of a * * * ~~primary~~ preferential election, or the
1984 election commissioners of each county or municipality, in the case
1985 of all other elections, in conjunction with the circuit or
1986 municipal clerk respectively, shall sponsor and conduct, a
1987 training session for up to two (2) hours, not less than five (5)
1988 days before each election, to instruct those qualified electors
1989 who are appointed to serve as members of the resolution board as
1990 to their specific duties in the election. No member appointed to
1991 serve on the resolution board shall serve in any election unless
1992 he or she has received such instruction once during the twelve
1993 (12) months immediately preceding the date upon which the election
1994 is held. Online training courses developed by the Secretary of
1995 State, though not sponsored or conducted by the executive
1996 committee or the election commissioners, may be used to meet the
1997 requirements of this subsection (11).



1998 **SECTION 44.** Section 23-15-531.6, Mississippi Code of 1972,
1999 is amended as follows:

2000 23-15-531.6. (1) For each * * *primary preferential or
2001 general election, the officials in charge of the election shall
2002 use at least seventy-five percent (75%) of all DRE units available
2003 to the county or municipality, as the case may be. For all other
2004 elections in which the officials in charge of the election choose
2005 to use DRE units, at least one-third (1/3) of all DRE units
2006 available to the county or municipality, as the case may be, shall
2007 be used in such elections.

2008 (2) The officials in charge of the election shall ensure the
2009 delivery of the proper DRE units to the polling places of the
2010 respective precincts at least one (1) hour before the time for
2011 opening the polls at each election and shall cause each unit to be
2012 set up in the proper manner for use in voting.

2013 (3) (a) On or before the second day before any election,
2014 the officials in charge of the conduct of the election shall cause
2015 each DRE unit to be tested for logic and accuracy to ascertain
2016 that the units will correctly count the votes cast for all offices
2017 and on all questions, in a manner the Secretary of State may
2018 further prescribe by rule or regulation.

2019 (b) Public notice of the time and place of the test
2020 shall be made at least five (5) days before the date of the test.
2021 Candidates, representatives of candidates, political parties, news



2022 media and the public shall be permitted to observe the testing of
2023 the DRE units.

2024 (4) The officials in charge of the conduct of the election
2025 shall test all memory cards and encoders to be used in any
2026 election.

2027 (5) The officials in charge of the election shall require
2028 that each DRE unit be inspected and sealed before the delivery of
2029 each DRE unit to the polling place. Before opening the polls each
2030 day on which the DRE units will be used in an election, the poll
2031 manager shall break the seal on each unit, turn on each unit,
2032 certify that each unit is operating properly and is set to zero,
2033 and print a zero tape certifying that each unit is set to zero and
2034 shall keep or record such certification on each unit.

2035 (6) The officials in charge of the election, election
2036 commissioners and poll managers shall provide ample protection
2037 against molestation of and injury to the DRE units, and, for that
2038 purpose, the officials in charge of the election, election
2039 commissioners and poll managers may call upon any law enforcement
2040 officer to furnish any assistance that may be necessary. It shall
2041 be the duty of any law enforcement officer to furnish assistance
2042 when so requested by the officials in charge of the election,
2043 election commissioner or poll manager.

2044 (7) The officials in charge of the election, in conjunction
2045 with the governing authorities, shall, at least one (1) hour
2046 before opening the polls:



2047 (a) Provide sufficient lighting to enable electors to
2048 read the ballot and to enable poll managers to examine the booth
2049 and conduct their responsibilities;

2050 (b) Provide directions for voting on the DRE units that
2051 shall be prominently posted within each voting booth and provide
2052 at least one (1) sample ballot for each * * * primary preferential
2053 or general election shall be prominently posted outside the
2054 enclosed space within the polling place;

2055 (c) Ensure that each DRE unit and its tabulating
2056 mechanism is secure throughout the day; and

2057 (d) Provide such other materials and supplies as may be
2058 necessary or required by law.

2059 **SECTION 45.** Section 23-15-557, Mississippi Code of 1972, is
2060 amended as follows:

2061 23-15-557. The governing authorities of any municipality
2062 within the State of Mississippi are hereby authorized and
2063 empowered, in their discretion, to divide the municipality into a
2064 sufficient number of voting precincts of such size and location as
2065 is necessary, and there shall be the same number of polling
2066 places. The authority conducting an election shall not be
2067 required, however, to establish a polling place in each
2068 of * * * said the precincts, but * * * such the election
2069 authorities, whether in a * * * primary preferential or * * * ~~in a~~
2070 general election, may locate and establish such polling places,
2071 without regard to precinct lines, in such manner as in the



2072 discretion of such authority will better accommodate the
2073 electorate and better facilitate the holding of the election.

2074 **SECTION 46.** Section 23-15-561, Mississippi Code of 1972, is
2075 amended as follows:

2076 23-15-561. (1) It shall be unlawful during any * * * ~~primary~~
2077 ~~or any other~~ election for any candidate for any elective office or
2078 any representative of * * * ~~such~~ the candidate or any other person
2079 to publicly or privately put up or in any way offer any prize,
2080 cash award or other item of value to be raffled, drawn for, played
2081 for or contested for in order to encourage persons to vote or to
2082 refrain from voting in any election.

2083 (2) Any person who shall violate the provisions of
2084 subsection (1) of this section shall, upon conviction thereof, be
2085 punished by a fine in an amount not to exceed Five Thousand
2086 Dollars (\$5,000.00).

2087 (3) Any candidate who shall violate the provisions of
2088 subsection (1) of this section shall, upon conviction thereof, in
2089 addition to the fine prescribed above, be punished by:

2090 (a) Disqualification as a candidate in the race for the
2091 elective office; or

2092 (b) Removal from the elective office, if the offender
2093 has been elected thereto.

2094 **SECTION 47.** Section 23-15-573, Mississippi Code of 1972, is
2095 amended as follows:



2096 23-15-573. (1) If any person declares that he or she is a
2097 registered voter in the jurisdiction in which he or she offers to
2098 vote and that he or she is eligible to vote in the election, but
2099 his or her name does not appear upon the pollbooks, or that he or
2100 she is not able to cast a regular election day ballot under a
2101 provision of state or federal law but is otherwise qualified to
2102 vote, or that he or she has been illegally denied registration, or
2103 that he or she is unable to present an acceptable form of photo
2104 identification:

2105 (a) A poll manager shall notify the person that he or
2106 she may cast an affidavit ballot at the election.

2107 (b) The person shall be permitted to cast an affidavit
2108 ballot at the polling place upon execution of a written affidavit
2109 before one (1) of the poll managers stating that the individual:

2110 (i) Believes he or she is a registered voter in
2111 the jurisdiction in which he or she desires to vote and is
2112 eligible to vote in the election; or

2113 (ii) Is not able to cast a regular election day
2114 ballot under a provision of state or federal law but is otherwise
2115 qualified to vote; or

2116 (iii) Believes that he or she has been illegally
2117 denied registration; or

2118 (iv) Is unable to present an acceptable form of
2119 photo identification.



2120 (c) The poll manager shall allow the individual to mark
2121 a paper ballot properly endorsed by the initialing poll manager or
2122 alternate initialing poll manager in accordance with Section
2123 23-15-541, which shall be delivered by him or her to the proper
2124 election official who shall enclose it in an affidavit ballot
2125 envelope, with the written and signed affidavit of the voter
2126 affixed to the envelope, seal the envelope and mark plainly upon
2127 it the name of the person offering to vote.

2128 (2) The affidavit ballot envelope shall include:

2129 (a) The complete name of the voter;

2130 (b) A present and previous physical and mailing address
2131 of the voter;

2132 (c) Telephone numbers where the voter may be contacted;

2133 (d) A statement that the affiant believes he or she is
2134 registered to vote in the jurisdiction in which he or she offers
2135 to vote;

2136 (e) The signature of the affiant; and

2137 (f) The signature of the poll manager at the polling
2138 place at which the affiant offers to vote.

2139 (3) (a) A separate receipt book shall be maintained for
2140 affidavit voters and the affidavit voters shall sign the receipt
2141 book upon completing the affidavit ballot.

2142 (b) If the affidavit voter is casting an affidavit
2143 ballot because the voter is unable to present an acceptable form
2144 of photo identification and the voter's name appears in the



2145 pollbook, then the poll manager shall write "NO ID" across from
2146 the voter's name and in the appropriate column in the pollbook.

2147 (c) In canvassing the returns of the election, the
2148 * * *~~executive committee in primary elections, or the election~~
2149 ~~commissioners * * * in other elections,~~ shall examine the records
2150 and allow the ballot to be counted, or not counted as it appears
2151 legal.

2152 (d) An affidavit ballot of a voter who was unable to
2153 present an acceptable form of photo identification shall not be
2154 rejected for this reason if the voter does either of the
2155 following:

2156 (i) Returns to the circuit clerk's office, or to
2157 the municipal clerk's office for municipal elections, within five
2158 (5) business days after the date of the election and presents an
2159 acceptable form of photo identification;

2160 (ii) Returns to the circuit clerk's office within
2161 five (5) business days after the date of the election to obtain
2162 the Mississippi Voter Identification Card, or in municipal
2163 election, returns to the municipal clerk's office within five (5)
2164 business days after the date of the election to present his or her
2165 Mississippi Voter Identification Card or Temporary Mississippi
2166 Voter Identification Card; or

2167 (iii) Returns to the circuit clerk's office, or to
2168 the municipal clerk's office for municipal elections, within five



2169 (5) business days after the date of the election to execute a
2170 separate Affidavit of Religious Objection.

2171 (4) When a person is offered the opportunity to vote by
2172 affidavit ballot, he or she shall be provided with written
2173 information that informs the person how to ascertain whether his
2174 or her affidavit ballot was counted and, if the vote was not
2175 counted, the reasons the vote was not counted.

2176 (5) The officials in charge of the election shall process
2177 all affidavit ballots by using the Statewide Elections Management
2178 System. The officials in charge of the election shall account for
2179 all affidavit ballots cast in each election, categorizing the
2180 affidavit ballots cast by reason and recording the total number of
2181 affidavit ballots counted and not counted in each such category in
2182 the Statewide Elections Management System.

2183 (6) The Secretary of State shall, by rule duly adopted,
2184 establish a uniform affidavit ballot envelope that shall be used
2185 in all elections in this state. The Secretary of State shall
2186 print and distribute a sufficient number of affidavit ballot
2187 envelopes to the registrar of each county for use in elections.
2188 The registrar shall distribute the affidavit ballot
2189 envelopes * * *~~to municipal and county executive committees for~~
2190 ~~use in primary elections and to municipal and county election~~
2191 ~~commissioners for use in~~ * * *~~all other~~ elections.

2192 (7) County registrars and municipal registrars shall
2193 maintain a secure free access system that complies with the Help



2194 America Vote Act of 2002, by which persons who vote by affidavit
2195 ballot may determine if their ballots were counted, and if not,
2196 the reasons the ballot was not counted.

2197 (8) Any person who votes in any election as a result of a
2198 federal or state court order or other order extending the time
2199 established by law for closing the polls on an election day, may
2200 only vote by affidavit ballot. Any affidavit ballot cast under
2201 this subsection shall be separated and kept apart from other
2202 affidavit ballots cast by voters not affected by the order.

2203 **SECTION 48.** Section 23-15-593, Mississippi Code of 1972, is
2204 amended as follows:

2205 23-15-593. When the ballot box is opened and examined by
2206 the * * *~~county executive committee in the case of a primary~~
2207 ~~election, or county election commissioners * * *in the case of~~
2208 ~~other elections,~~ and it is found that there have been failures in
2209 material particulars to comply with the requirements of Section
2210 23-15-591 and Section 23-15-895 to such an extent that it is
2211 impossible to arrive at the will of the voters at such precinct,
2212 the entire box may be thrown out unless it be made to appear with
2213 reasonable certainty that the irregularities were not deliberately
2214 permitted or engaged in by the poll managers at that box, or by
2215 one (1) of them responsible for the wrong or wrongs, for the
2216 purpose of electing or defeating a certain candidate or candidates
2217 by manipulating the election or the returns thereof at that box in
2218 such manner as to have it thrown out; in which latter



2219 case * * *~~the county executive committee, or~~ the county election
2220 commission * * *, ~~as appropriate,~~ shall conduct such hearing and
2221 make such determination in respect to the box as may appear
2222 lawfully just, subject to a judicial review of the matter as
2223 elsewhere provided by this chapter. * * *~~Or the executive~~
2224 ~~committee, or~~ The election commission, or the court upon review,
2225 may order another election to be held at that box appointing new
2226 poll managers to hold the same.

2227 **SECTION 49.** Section 23-15-595, Mississippi Code of 1972, is
2228 amended as follows:

2229 23-15-595. The box containing the ballots and other records
2230 required by this chapter shall, immediately after the ballots have
2231 been counted, be delivered by one (1) of the poll managers to the
2232 clerk of the circuit court of the county and the clerk shall, in
2233 the presence of the poll manager making delivery of the box, place
2234 upon the lock of such box a tamper-evident seal. The seals shall
2235 be numbered consecutively to the number of ballot boxes used in
2236 the election in the county, and the clerk shall keep in a place
2237 separate from such boxes a record of the number of the seal of
2238 each separate box in the county. The board of supervisors of the
2239 county shall pay the cost of providing the seals. Upon demand
2240 of * * *~~the chair of the county executive committee in the case of~~
2241 ~~primary elections, or the county election commissioner in the case~~
2242 ~~of other elections, the boxes and their contents shall be~~
2243 ~~delivered to the county executive committee, or the county~~



2244 ~~election commission, as appropriate, and after such committee or~~
2245 ~~commission, as appropriate, has finished the work of tabulating~~
2246 ~~returns and counting ballots as required by law, the committee or~~
2247 ~~commission, as appropriate, a county election commissioner, the~~
2248 ~~boxes and their contents shall be delivered to the county election~~
2249 ~~commission, and after the commission has finished the work of~~
2250 ~~tabulating returns and counting ballots as required by law, the~~
2251 ~~commission shall return all papers and ballots to the box of the~~
2252 precinct where the election was held, and it shall make redelivery
2253 of the boxes and their contents to the circuit clerk who shall
2254 reseal the boxes. Upon every occasion the boxes shall be reopened
2255 and each resealing shall be done as provided in this chapter.

2256 **SECTION 50.** Section 23-15-601, Mississippi Code of 1972, is
2257 amended as follows:

2258 23-15-601. (1) When the result of the election shall have
2259 been ascertained by the poll managers they, or one (1) of their
2260 number, or some fit person designated by them, shall, on the night
2261 of the election, deliver to the election commissioners, at the
2262 courthouse, a statement of the whole number of votes given for
2263 each person and for what office; and the election commissioners
2264 shall, on the first or second day after the preferential election
2265 and after the general election, canvass the returns, ascertain and
2266 declare the result, and * * *, ~~within ten (10) days after the day~~
2267 ~~of the election, shall deliver a certificate of the election to~~
2268 ~~the person having the greatest number of votes~~ announce the names



2269 of the candidates who have received a majority of the votes cast
2270 for representative in the Legislature of districts composed of one
2271 (1) county or less, or other county office, board of supervisors,
2272 justice court judge and constable * * *. If it appears that two
2273 (2) or more candidates for Representative of the county, or part
2274 of the county, or for any county office, board of supervisors,
2275 justice court judge or constable standing highest on the list, and
2276 not elected, have an equal number of votes, the interested
2277 candidates shall appear before the election commissioners within
2278 two (2) days after the canvass and the tie shall be determined by
2279 a toss of a coin or by lot fairly and publicly drawn, and a
2280 certificate of election shall be given accordingly. The foregoing
2281 provisions shall apply to Senators, if the county be a senatorial
2282 district, and shall also announce the names of those candidates
2283 for the above mentioned offices that are to be submitted to the
2284 general election.

2285 The vote for state and state district offices shall be
2286 tabulated by precincts and certified to and returned to the state
2287 election commissioners, such returns to be mailed by registered
2288 letter or any safe mode of transportation within thirty-six (36)
2289 hours after the returns are canvassed and the results ascertained.
2290 The state election commissioners shall meet a week from the day
2291 following the preferential election held for state and district
2292 offices, and shall proceed to canvass the returns and to declare
2293 the results and announce the names of the candidates for the



2294 different offices who have received a majority of the votes cast
2295 and the names of those candidates whose names are to be submitted
2296 to the general election. The state election commissioners shall
2297 also meet a week from the day on which the general election is
2298 held and receive and canvass the returns for state and district
2299 offices voted on in the general election. An exact and full
2300 duplicate of all tabulations by precincts, as certified under this
2301 section, shall be filed with the circuit clerk of the county who
2302 shall safely preserve the same in his or her office.

2303 (2) The election commissioners shall transmit to the
2304 Secretary of State, on such forms and by such methods as may be
2305 required by rules and regulations promulgated by the Secretary of
2306 State, a statement of the total number of votes cast in the county
2307 for each candidate for each office and the total number of votes
2308 cast for such candidates in each precinct in the district in which
2309 the candidate ran.

2310 **SECTION 51.** Section 23-15-605, Mississippi Code of 1972, is
2311 amended as follows:

2312 23-15-605. The Secretary of State, immediately after
2313 receiving the returns of * * *~~an~~ a general election, not longer
2314 than thirty (30) days after the election, shall sum up the whole
2315 number of votes given for each candidate other than candidates for
2316 state offices, legislative offices composed of one (1) county or
2317 less, county offices and county district offices, according to the
2318 statements of the votes certified to him or her and ascertain the



2319 person or persons having the largest number of votes for each
2320 office, and declare such person or persons to be duly elected; and
2321 thereupon all persons chosen to any office at the election shall
2322 be commissioned by the Governor; but if it appears that two (2) or
2323 more candidates for any district office where the district is
2324 composed of two (2) or more counties, standing highest on the
2325 list, and not elected, have an equal number of votes, the election
2326 shall be decided between the candidates having an equal number of
2327 votes by each candidate individually drawing one (1) of the two
2328 (2) sealed containers from an opaque bag, under the direction of
2329 the Governor and Secretary of State. The containers shall consist
2330 of a straw of conspicuous length, and the candidate drawing the
2331 container with the longer of the two (2) straws shall be declared
2332 the winner.

2333 **SECTION 52.** Section 23-15-673, Mississippi Code of 1972, is
2334 amended as follows:

2335 23-15-673. (1) For the purposes of this subarticle, the
2336 term "absent voter" shall mean and include the following persons
2337 if they are absent from their county of residence and are
2338 otherwise qualified to vote in Mississippi:

2339 (a) Any enlisted or commissioned members, male or
2340 female, of the United States Army, or any of its respective
2341 components or various divisions thereof; any enlisted or
2342 commissioned members, male or female, of the United States Navy,
2343 or any of its respective components or various divisions thereof;



2344 any enlisted or commissioned members, male or female, of the
2345 United States Air Force, or any of its respective components or
2346 various divisions thereof; any enlisted or commissioned members,
2347 male or female, of the United States Marines, or any of its
2348 respective components or various divisions thereof; or any persons
2349 in any division of the armed services of the United States, who
2350 are citizens of Mississippi;

2351 (b) Any member of the Merchant Marine and the American
2352 Red Cross who is a citizen of Mississippi;

2353 (c) Any disabled war veteran who is a patient in any
2354 hospital and who is a citizen of Mississippi;

2355 (d) Any civilian attached to and serving outside of the
2356 United States with any branch of the Armed Forces or with the
2357 Merchant Marine or American Red Cross, and who is a citizen of
2358 Mississippi;

2359 (e) Any trained or certified emergency response
2360 provider who is deployed during the time period authorized by law
2361 for absentee voting, on election day, or during any state of
2362 emergency declared by the President of the United States or any
2363 Governor of any state within the United States;

2364 (f) Any citizen of Mississippi temporarily residing
2365 outside the territorial limits of the United States and the
2366 District of Columbia;

2367 (g) Any citizen of Mississippi enrolled as a student at
2368 the United States Naval Academy, the United States Coast Guard



2369 Academy, the United States Merchant Marine Academy, the United
2370 States Air Force Academy or the United States Military Academy.

2371 (2) The spouse and dependents of any absent voter as set out
2372 in paragraphs (a) through (g) of subsection (1) of this section
2373 shall also be included in the meaning of absent voter and may
2374 register to vote and vote an absentee ballot as provided in this
2375 subarticle if also absent from the county of their residence on
2376 the date of the election and otherwise qualified to vote in
2377 Mississippi.

2378 (3) For the purpose of this subarticle, the term "election"
2379 shall mean and include the following sets of elections: special
2380 and runoff special elections, preferential and general
2381 elections * * *,~~first and second primary elections~~ or general
2382 elections without preferential elections, whichever system is
2383 applicable.

2384 **SECTION 53.** Section 23-15-687, Mississippi Code of 1972, is
2385 amended as follows:

2386 23-15-687. (1) The registrar shall keep all applications
2387 for absentee ballots and shall, within twenty-four (24) hours, if
2388 possible, send to the absent voter on whose behalf the application
2389 is made, the proper affidavit and the proper ballot or ballots
2390 applicable to the elections. * * *~~Such~~ The information shall be
2391 processed through the Statewide Election Management System.

2392 (2) One (1) application for an absentee ballot shall serve
2393 as a request by the applicant for an absentee ballot for:



2394 (a) The next federal general election, including
2395 all * * * ~~primary~~ preferential elections associated with the
2396 election;

2397 (b) All state and county * * * ~~primary~~ preferential and
2398 general elections that occur after the receipt of the application
2399 by the registrar through the date of the next federal general
2400 election that occurs after the receipt of the application by the
2401 registrar.

2402 (3) The registrar shall preserve all applications for
2403 absentee ballots for one (1) year as a record to be furnished to
2404 any court or other duly constituted authority for inspection or
2405 evidence if properly requested.

2406 (4) If the registrar rejects an application for an absentee
2407 ballot or denies a request to register to vote from a uniformed
2408 services applicant or an overseas voter, the registrar shall
2409 provide the person with the reasons for the rejection.

2410 (5) Any runoff election for a federal election shall be
2411 considered a continuation of such federal election.

2412 (6) An absent voter as defined in Section 23-15-673(1) may
2413 sign an absentee ballot application by electronic signature. The
2414 Secretary of State shall adopt rules necessary to implement this
2415 subsection.

2416 **SECTION 54.** Section 23-15-692, Mississippi Code of 1972, is
2417 amended as follows:



2418 23-15-692. (1) An absent voter who resides outside the
2419 United States, who is a member of the United States Armed Forces
2420 or who is a family member of a member of the Armed Forces, and who
2421 is a registered voter of the State of Mississippi, may use the
2422 Federal Write-In-Absentee Ballot as provided for by 42 USCS
2423 1973ff-2 in preferential, general, special * * *,~~primary~~ and
2424 runoff elections for local, state and federal offices.

2425 (2) Upon receipt of a Federal Write-In-Absentee Ballot
2426 executed by a person who is a registered voter or whose
2427 information on the form is sufficient to register or update the
2428 registration of that person, the Federal Write-In-Absentee Ballot
2429 shall be considered as an absentee ballot request. Nothing in
2430 this subsection shall suspend the voter registration deadlines
2431 otherwise provided by law.

2432 **SECTION 55.** Section 23-15-713, Mississippi Code of 1972, is
2433 amended as follows:

2434 23-15-713. For the purpose of this subarticle, any duly
2435 qualified elector may vote as provided in this subarticle if the
2436 elector falls within at least one (1) of the following categories:

2437 (a) Any qualified elector who is a bona fide student,
2438 teacher or administrator at any college, university, junior
2439 college, high, junior high, or elementary grade school whose
2440 studies or employment at such institution necessitates his or her
2441 absence from the county of his or her voting residence on the date
2442 of any * * *,~~primary~~, general or special election, or the spouse



2443 and dependents of that student, teacher or administrator if such
2444 spouse or dependent(s) maintain a common domicile, outside of the
2445 county of his or her voting residence, with such student, teacher
2446 or administrator.

2447 (b) Any qualified elector who is required to be away
2448 from his or her place of residence on any election day due to his
2449 or her employment as an employee of a member of the Mississippi
2450 congressional delegation and the spouse and dependents of such
2451 person if he or she * * *~~shall be residing~~ resides with such
2452 absentee voter away from the county of the spouse's voting
2453 residence.

2454 (c) Any qualified elector who is away from his or her
2455 county of residence on election day for any reason.

2456 (d) Any person who has a temporary or permanent
2457 physical disability and who, because of such disability, is unable
2458 to vote in person without substantial hardship to himself, herself
2459 or others, or whose attendance at the voting place could
2460 reasonably cause danger to himself, herself or others. For
2461 purposes of this paragraph (d), "temporary physical disability"
2462 shall include any qualified elector who is under a
2463 physician-imposed quarantine due to COVID-19 during the year 2020
2464 or is caring for a dependent who is under a physician-imposed
2465 quarantine due to COVID-19 beginning with July 8, 2020, and the
2466 same being repealed on December 31, 2020.



2467 (e) The parent, spouse or dependent of a person with a
2468 temporary or permanent physical disability who is hospitalized
2469 outside of his or her county of residence or more than fifty (50)
2470 miles distant from his or her residence, if the parent, spouse or
2471 dependent will be with such person on election day. For purposes
2472 of this paragraph (e), "temporary physical disability" shall
2473 include any qualified elector who is under a physician-imposed
2474 quarantine due to COVID-19 during the year 2020 or is caring for a
2475 dependent who is under a physician-imposed quarantine due to
2476 COVID-19 beginning with July 8, 2020, and the same being repealed
2477 on December 31, 2020.

2478 (f) Any person who is sixty-five (65) years of age or
2479 older.

2480 (g) Any member of the Mississippi congressional
2481 delegation absent from Mississippi on election day, and the spouse
2482 and dependents of such member of the congressional delegation.

2483 (h) Any qualified elector who will be unable to vote in
2484 person because he or she is required to be at work on election day
2485 during the times at which the polls will be open.

2486 **SECTION 56.** Section 23-15-755, Mississippi Code of 1972, is
2487 amended as follows:

2488 23-15-755. All of the provisions of Sections 23-15-621
2489 through 23-15-735 shall be applicable, insofar as possible, to
2490 municipal, * * *~~primary~~ preferential, general and special
2491 elections, and wherever herein any duty is imposed or any power or



2492 authority is conferred upon the county registrar * * * or county
2493 election commissioners, * * * ~~or county executive committee~~ with
2494 reference to a state and county election, such duty shall likewise
2495 be imposed and such power and authority shall likewise be
2496 conferred upon the municipal registrar * * * or municipal
2497 election commission * * * ~~or municipal executive committee~~ with
2498 reference to any municipal election. * * * ~~Any duty, obligation or~~
2499 ~~responsibility imposed upon the registrar or upon the election~~
2500 ~~commissioners, when applicable, shall likewise be conferred upon~~
2501 ~~and devolved upon the appropriate party, executive committee or~~
2502 ~~officials in any party primary.~~

2503 **SECTION 57.** Section 23-15-771, Mississippi Code of 1972, is
2504 amended as follows:

2505 23-15-771. At the state convention, a slate of electors
2506 composed of the number of electors allotted to this state,
2507 which * * * ~~said~~ electors announce a clearly expressed design and
2508 purpose to support the candidates for President and Vice President
2509 of the national political party with which the * * * ~~said~~ party of
2510 this state has had an affiliation and identity of purpose
2511 heretofore, shall be designated and selected for a place upon
2512 the * * * ~~primary~~ election ballot to be held as herein provided.

2513 **SECTION 58.** Section 23-15-801, Mississippi Code of 1972, is
2514 amended as follows:

2515 23-15-801. (a) "Election" means a general,
2516 special, * * * ~~primary~~ preferential or runoff election.



2517 (b) "Candidate" means an individual who
2518 seeks * * *~~nomination for election, or election~~ * * *~~7~~ to any
2519 elective office other than a federal elective office. For
2520 purposes of this article, an individual shall be deemed to
2521 seek * * *~~nomination for election, or election~~:

2522 (i) If the individual has received contributions
2523 aggregating in excess of Two Hundred Dollars (\$200.00) or has made
2524 expenditures aggregating in excess of Two Hundred Dollars
2525 (\$200.00) or for a candidate for the Legislature or any statewide
2526 or state district office, by the qualifying deadlines specified in
2527 Sections * * *~~23-15-299~~ 8 and 9 of this act and 23-15-977,
2528 whichever occurs first; or

2529 (ii) If the individual has given his or her consent to
2530 another person to receive contributions or make expenditures on
2531 behalf of the individual and if the other person has received
2532 contributions aggregating in excess of Two Hundred Dollars
2533 (\$200.00) during a calendar year, or has made expenditures
2534 aggregating in excess of Two Hundred Dollars (\$200.00) during a
2535 calendar year.

2536 (c) "Political committee" means any committee, party, club,
2537 association, political action committee, campaign committee or
2538 other groups of persons or affiliated organizations that receives
2539 contributions aggregating in excess of Two Hundred Dollars
2540 (\$200.00) during a calendar year or that makes expenditures
2541 aggregating in excess of Two Hundred Dollars (\$200.00) during a



2542 calendar year for the purpose of influencing or attempting to
2543 influence the action of voters for or against the * * *~~nomination~~
2544 ~~for election, or~~ election, of one or more candidates, or balloted
2545 measures. Political committee shall, in addition, include each
2546 political party registered with the Secretary of State.

2547 (d) "Affiliated organization" means any organization that is
2548 not a political committee, but that directly or indirectly
2549 establishes, administers or financially supports a political
2550 committee.

2551 (e) (i) "Contribution" shall include any gift,
2552 subscription, loan, advance or deposit of money or anything of
2553 value made by any person or political committee for the purpose of
2554 influencing any election for elective office or balloted measure;

2555 (ii) "Contribution" shall not include the value of
2556 services provided without compensation by any individual who
2557 volunteers on behalf of a candidate or political committee; or the
2558 cost of any food or beverage for use in any candidate's campaign
2559 or for use by or on behalf of any political committee of a
2560 political party;

2561 (iii) "Contribution to a political party" includes any
2562 gift, subscription, loan, advance or deposit of money or anything
2563 of value made by any person, political committee, or other
2564 organization to a political party and to any committee,
2565 subcommittee, campaign committee, political committee and other



2566 groups of persons and affiliated organizations of the political
2567 party;

2568 (iv) "Contribution to a political party" shall not
2569 include the value of services provided without compensation by any
2570 individual who volunteers on behalf of a political party or a
2571 candidate of a political party.

2572 (f) (i) "Expenditure" shall include any purchase, payment,
2573 distribution, loan, advance, deposit, gift of money or anything of
2574 value, made by any person or political committee for the purpose
2575 of influencing any balloted measure or election for elective
2576 office; and a written contract, promise, or agreement to make an
2577 expenditure;

2578 (ii) "Expenditure" shall not include any news story,
2579 commentary or editorial distributed through the facilities of any
2580 broadcasting station, newspaper, magazine, or other periodical
2581 publication, unless the facilities are owned or controlled by any
2582 political party, political committee, or candidate; or nonpartisan
2583 activity designed to encourage individuals to vote or to register
2584 to vote;

2585 (iii) "Expenditure by a political party" includes 1.
2586 any purchase, payment, distribution, loan, advance, deposit, gift
2587 of money or anything of value, made by any political party and by
2588 any contractor, subcontractor, agent, and consultant to the
2589 political party; and 2. a written contract, promise, or agreement
2590 to make such an expenditure.



2591 (g) The term "identification" shall mean:

2592 (i) In the case of any individual, the name, the
2593 mailing address, and the occupation of such individual, as well as
2594 the name of his or her employer; and

2595 (ii) In the case of any other person, the full name and
2596 address of the person.

2597 (h) The term "political party" shall mean an association,
2598 committee or organization which nominates a candidate for election
2599 to any elective office whose name appears on the election ballot
2600 as the candidate of the association, committee or organization.

2601 (i) The term "person" shall mean any individual, family,
2602 firm, corporation, partnership, association or other legal entity.

2603 (j) The term "independent expenditure" shall mean an
2604 expenditure by a person expressly advocating the election or
2605 defeat of a clearly identified candidate that is made without
2606 cooperation or consultation with any candidate or any authorized
2607 committee or agent of the candidate, and that is not made in
2608 concert with or at the request or suggestion of any candidate or
2609 any authorized committee or agent of the candidate.

2610 (k) The term "clearly identified" shall mean that:

2611 (i) The name of the candidate involved appears; or

2612 (ii) A photograph or drawing of the candidate appears;

2613 or

2614 (iii) The identity of the candidate is apparent by
2615 unambiguous reference.



2616 **SECTION 59.** Section 23-15-807, Mississippi Code of 1972, is
2617 amended as follows:

2618 23-15-807. (a) Each candidate or political committee shall
2619 file reports of contributions and disbursements in accordance with
2620 the provisions of this section. All candidates or political
2621 committees required to report such contributions and disbursements
2622 may terminate the obligation to report only upon submitting a
2623 final report that contributions will no longer be received or
2624 disbursements made and that the candidate or committee has no
2625 outstanding debts or obligations. The candidate, treasurer or
2626 chief executive officer shall sign the report.

2627 (b) Candidates seeking election * * *, ~~or nomination for~~
2628 ~~election,~~ and political committees making expenditures to
2629 influence or attempt to influence voters for or against
2630 the * * * ~~nomination for~~ election of one or more candidates or
2631 balloted measures at such election, shall file the following
2632 reports:

2633 (i) In any calendar year during which there is a
2634 regularly scheduled election, a pre-election report shall be filed
2635 no later than the seventh day before any election in which the
2636 candidate or political committee has accepted contributions or
2637 made expenditures and shall be completed as of the tenth day
2638 before the election;

2639 (ii) In 1987 and every fourth year thereafter, periodic
2640 reports shall be filed no later than the tenth day after April 30,



2641 May 31, June 30, September 30 and December 31, and shall be
2642 completed as of the last day of each period;

2643 (iii) In any calendar years except 1987 and except
2644 every fourth year thereafter, a report covering the calendar year
2645 shall be filed no later than January 31 of the following calendar
2646 year; and

2647 (iv) Except as otherwise provided in the requirements
2648 of paragraph (i) of this subsection (b), unopposed candidates are
2649 not required to file pre-election reports but must file all other
2650 reports required by paragraphs (ii) and (iii) of this subsection
2651 (b).

2652 (c) All candidates for judicial office as defined in Section
2653 23-15-975, or their political committees, shall file periodic
2654 reports in the year in which they are to be elected no later than
2655 the tenth day after April 30, May 31, June 30, September 30 and
2656 December 31.

2657 (d) Each report under this article shall disclose:

2658 (i) For the reporting period and the calendar year, the
2659 total amount of all contributions and the total amount of all
2660 expenditures of the candidate or reporting committee, including
2661 those required to be identified pursuant to paragraph (ii) of this
2662 subsection (d) as well as the total of all other contributions and
2663 expenditures during the calendar year. The reports shall be
2664 cumulative during the calendar year to which they relate;

2665 (ii) The identification of:



2666 1. Each person or political committee who makes a
2667 contribution to the reporting candidate or political committee
2668 during the reporting period, whose contribution or contributions
2669 within the calendar year have an aggregate amount or value in
2670 excess of Two Hundred Dollars (\$200.00) when made to a political
2671 committee or to a candidate for an office other than statewide
2672 office or office elected by Supreme Court district, or in excess
2673 of Five Hundred Dollars (\$500.00) when made to a candidate for
2674 statewide office or office elected by Supreme Court district,
2675 together with the date and amount of any such contribution;

2676 2. Each person or organization, candidate or
2677 political committee who receives an expenditure, payment or other
2678 transfer from the reporting candidate, political committee or its
2679 agent, employee, designee, contractor, consultant or other person
2680 or persons acting in its behalf during the reporting period when
2681 the expenditure, payment or other transfer to the person,
2682 organization, candidate or political committee within the calendar
2683 year have an aggregate value or amount in excess of Two Hundred
2684 Dollars (\$200.00) when received from a political committee or
2685 candidate for an office other than statewide office or office
2686 elected by Supreme Court district, or in excess of Five Hundred
2687 Dollars (\$500.00) when received from a candidate for statewide
2688 office or office elected by Supreme Court district, together with
2689 the date and amount of the expenditure;



2690 (iii) The total amount of cash on hand of each
2691 reporting candidate and reporting political committee;

2692 (iv) In addition to the contents of reports specified
2693 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2694 political party shall disclose:

2695 1. Each person or political committee who makes a
2696 contribution to a political party during the reporting period and
2697 whose contribution or contributions to a political party within
2698 the calendar year have an aggregate amount or value in excess of
2699 Two Hundred Dollars (\$200.00), together with the date and amount
2700 of the contribution;

2701 2. Each person or organization who receives an
2702 expenditure or expenditures by a political party during the
2703 reporting period when the expenditure or expenditures to the
2704 person or organization within the calendar year have an aggregate
2705 value or amount in excess of Two Hundred Dollars (\$200.00),
2706 together with the date and amount of the expenditure;

2707 (v) Disclosure required under this section of an
2708 expenditure to a credit card issuer, financial institution or
2709 business allowing payments and money transfers to be made over the
2710 Internet must include, by way of detail or separate entry, the
2711 amount of funds passing to each person, business entity or
2712 organization receiving funds from the expenditure.

2713 (e) The appropriate office specified in Section 23-15-805
2714 must be in actual receipt of the reports specified in this article



2715 by 5:00 p.m. on the dates specified in subsection (b) of this
2716 section. If the date specified in subsection (b) of this section
2717 shall fall on a weekend or legal holiday then the report shall be
2718 due in the appropriate office at 5:00 p.m. on the first working
2719 day before the date specified in subsection (b) of this section.
2720 The reporting candidate or reporting political committee shall
2721 ensure that the reports are delivered to the appropriate office by
2722 the filing deadline. The Secretary of State may approve specific
2723 means of electronic transmission of completed campaign finance
2724 disclosure reports, which may include, but not be limited to,
2725 transmission by electronic facsimile (FAX) devices.

2726 (f) (i) If any contribution of more than Two Hundred
2727 Dollars (\$200.00) is received by a candidate or candidate's
2728 political committee after the tenth day, but more than forty-eight
2729 (48) hours before 12:01 a.m. of the day of the election, the
2730 candidate or political committee shall notify the appropriate
2731 office designated in Section 23-15-805, within forty-eight (48)
2732 hours of receipt of the contribution. The notification shall
2733 include:

- 2734 1. The name of the receiving candidate;
2735 2. The name of the receiving candidate's political
2736 committee, if any;
2737 3. The office sought by the candidate;
2738 4. The identification of the contributor;
2739 5. The date of receipt;



2740 6. The amount of the contribution;
2741 7. If the contribution is in-kind, a description
2742 of the in-kind contribution; and
2743 8. The signature of the candidate or the treasurer
2744 or chair of the candidate's political organization.

2745 (ii) The notification shall be in writing, and may be
2746 transmitted by overnight mail, courier service, or other reliable
2747 means, including electronic facsimile (FAX), but the candidate or
2748 candidate's committee shall ensure that the notification shall in
2749 fact be received in the appropriate office designated in Section
2750 23-15-805 within forty-eight (48) hours of the contribution.

2751 **SECTION 60.** Section 23-15-811, Mississippi Code of 1972, is
2752 amended as follows:

2753 23-15-811. (a) Any candidate or any other person who
2754 willfully violates the provisions and prohibitions of this article
2755 shall be guilty of a misdemeanor and upon conviction shall be
2756 punished by a fine in a sum not to exceed Three Thousand Dollars
2757 (\$3,000.00) or imprisoned for not longer than six (6) months or by
2758 both fine and imprisonment.

2759 (b) In addition to the penalties provided in subsection (a)
2760 of this section and Chapter 13, Title 97, Mississippi Code of
2761 1972, any candidate or political committee which is required to
2762 file a statement or report and fails to file the statement or
2763 report on the date it is due may be compelled to file the



2764 statement or report by an action in the nature of a mandamus
2765 brought by the Mississippi Ethics Commission.

2766 (c) No candidate shall be certified * * *~~as nominated for~~
2767 ~~election or~~ as elected to office until he or she files all reports
2768 required by this article that are due as of the date of
2769 certification.

2770 (d) No candidate who is elected to office shall receive any
2771 salary or other remuneration for the office until he or she files
2772 all reports required by this article that are due as of the date
2773 the salary or remuneration is payable.

2774 (e) In the event that a candidate fails to timely file any
2775 report required pursuant to this article but subsequently files a
2776 report or reports containing all of the information required to be
2777 reported, the candidate shall not be subject to the sanctions of
2778 subsections (c) and (d) of this section.

2779 **SECTION 61.** Section 23-15-833, Mississippi Code of 1972, is
2780 amended as follows:

2781 23-15-833. Except as otherwise provided by law, the first
2782 Tuesday after the first Monday in November of each year shall be
2783 designated the regular special election day, and on that day an
2784 election shall be held to fill any vacancy in county, county
2785 district, and district attorney elective offices, and any vacancy
2786 in the office of circuit judge or chancellor.

2787 All special elections, or elections to fill vacancies, shall
2788 in all respects be held, conducted and returned in the same manner



2789 as general elections, except that where no candidate receives a
2790 majority of the votes cast in the election, a runoff election
2791 shall be held three (3) weeks after the election. The two (2)
2792 candidates who receive the highest popular votes for the office
2793 shall have their names submitted as the candidates to the runoff
2794 and the candidate who leads in the runoff election shall be
2795 elected to the office. When there is a tie in the first election
2796 of those receiving the next highest vote, these two (2) and the
2797 one receiving the highest vote, none having received a majority,
2798 shall go into the runoff election and whoever leads in the runoff
2799 election shall be entitled to the office.

2800 In those years when the regular special election day shall
2801 occur on the same day as the general election, the names of
2802 candidates in any special election and the general election shall
2803 be placed on the same ballot, but shall be clearly distinguished
2804 as general election candidates or special election
2805 candidates. * * * ~~At any time a special election is held on the~~
2806 ~~same day as a party primary election, the names of the candidates~~
2807 ~~in the special election may be placed on the same ballot, but~~
2808 ~~shall be clearly distinguished as special election candidates or~~
2809 ~~primary election candidates.~~

2810 **SECTION 62.** Section 23-15-859, Mississippi Code of 1972, is
2811 amended as follows:

2812 23-15-859. Whenever under any statute a special election is
2813 required or authorized to be held in any municipality, and the



2814 statute authorizing or requiring the election does not specify the
2815 time within which the election shall be called, or the notice
2816 which shall be given, the governing authorities of the
2817 municipality shall, by resolution, fix a date upon which the
2818 election shall be held. The date shall not be less than
2819 twenty-one (21) nor more than thirty (30) days after the date upon
2820 which such resolution is adopted, and not less than three (3)
2821 weeks' notice of the election shall be given by the clerk by a
2822 notice published in a newspaper published in the municipality once
2823 each week for three (3) weeks next preceding the date of the
2824 election, and by posting a copy of the notice at three (3) public
2825 places in the municipality. Nothing herein, however, shall be
2826 applicable to elections on the question of the issuance of the
2827 bonds of a municipality or to general or * * * primary preferential
2828 elections for the election of municipal officers.

2829 The provisions of this section shall be applicable to all
2830 municipalities of this state, whether operating under a code
2831 charter, special charter or the commission form of government,
2832 except in cases of conflicts between the provisions of the section
2833 and the provisions of the special charter of a municipality, or
2834 the law governing the commission form of government, in which
2835 cases of conflict the provisions of the special charter or the
2836 statutes relative to the commission form of government shall
2837 apply.



2838 **SECTION 63.** Section 23-15-873, Mississippi Code of 1972, is
2839 amended as follows:

2840 23-15-873. (1) No person, whether an officer or not, shall,
2841 in order to promote his or her own candidacy, or that of any other
2842 person, to be a candidate for public office in this state,
2843 directly or indirectly, himself, or herself or through another
2844 person, promise to appoint, or promise to secure or assist in
2845 securing the appointment * * *, ~~nomination~~ or election of another
2846 person to any public position or employment, or to secure or
2847 assist in securing any public contract or the employment of any
2848 person under any public contractor, or to secure or assist in
2849 securing the expenditure of any public funds in the personal
2850 behalf of any particular person or group of persons, except that
2851 the candidate may publicly announce what is his or her choice or
2852 purpose in relation to an election in which he or she may be
2853 called on to take part if elected.

2854 (2) It shall be unlawful for any person to directly or
2855 indirectly solicit or receive any promise by this section
2856 prohibited, but this does not apply to any person when it comes to
2857 their office force.

2858 (3) Any violation of this section shall constitute a
2859 violation of Section 97-13-37 and shall be referred to the
2860 district attorney for prosecution.

2861 **SECTION 64.** Section 23-15-881, Mississippi Code of 1972, is
2862 amended as follows:



2863 23-15-881. It shall be unlawful for the Mississippi
2864 Transportation Commission or any member of the Mississippi
2865 Transportation Commission, or the board of supervisors of any
2866 county or any member of the board of supervisors of such county,
2867 to employ, during the months of * * *~~May, June, July and August,~~
2868 September, October and November of any year in which a
2869 general * * *~~primary~~ election is held for the * * *~~nomination and~~
2870 election of members of the Mississippi Transportation Commission
2871 and members of the boards of supervisors, a greater number of
2872 persons to work and maintain the state highways, in any highway
2873 district, or the public roads, in any supervisors district of the
2874 county, as the case may be, than the average number of persons
2875 employed for similar purposes in such highway district or
2876 supervisors district, as the case may be, during the months
2877 of * * *~~May, June, July and August,~~ September, October and
2878 November of the three (3) years immediately preceding the year in
2879 which such general * * *~~primary~~ election is held. It shall be
2880 unlawful for the Mississippi Transportation Commission, or the
2881 board of supervisors of any county, to expend out of the state
2882 highway funds, or the road funds of the county or any supervisors
2883 district thereof, as the case may be, in the payment of wages or
2884 other compensation for labor performed in working and maintaining
2885 the highways of any highway district, or the public roads of any
2886 supervisors district of the county, as the case may be, during the
2887 months of * * *~~May, June, July and August,~~ September, October and



2888 November of such election year, a total amount in excess of the
2889 average total amount expended for such labor, in such highway
2890 district or supervisors district, as the case may be, during the
2891 corresponding four-month period of the three (3) years immediately
2892 preceding.

2893 It shall be the duty of the Mississippi Transportation
2894 Commission and the board of supervisors of each county,
2895 respectively, to keep sufficient records of the numbers of
2896 employees and expenditures made for labor on the state highways of
2897 each highway district, and the public roads of each supervisors
2898 district, for the months of * * *~~May, June, July and August,~~
2899 September, October and November of each year, to show the number
2900 of persons employed for such work in each highway district and
2901 each supervisors district, as the case may be, during said
2902 four-month period, and the total amount expended in the payment of
2903 salaries and other compensation to such employees, so that it may
2904 be ascertained, from an examination of such records, whether or
2905 not the provisions of this chapter have been violated.

2906 **SECTION 65.** Section 23-15-885, Mississippi Code of 1972, is
2907 amended as follows:

2908 23-15-885. The restrictions imposed in Sections 23-15-881
2909 and 23-15-883 shall likewise apply to the mayor and board of
2910 aldermen, or other governing authority, of each municipality, in
2911 the employment of labor for working and maintaining the streets of
2912 the municipality during the four-month period next preceding the



2913 date of holding the general * * *primary election in such
2914 municipality for the election of municipal officers.

2915 **SECTION 66.** Section 23-15-891, Mississippi Code of 1972, is
2916 amended as follows:

2917 23-15-891. No common carrier, Internet service provider or
2918 telephone company shall give to any candidate, or to any member of
2919 any political committee, or to any person to be used to aid or
2920 promote the success or defeat of any candidate for election for
2921 any public office, free transportation or Internet service or
2922 telephone service, as the case may be, or any reduction thereof
2923 that is not made alike to all other persons. All persons required
2924 by the provisions of this chapter to make and file statements
2925 shall make oath that they have not received or made use of,
2926 directly or indirectly, in connection with any candidacy
2927 for * * *~~nomination~~ election to any public office, free
2928 transportation or Internet or telephone service.

2929 **SECTION 67.** Section 23-15-911, Mississippi Code of 1972, is
2930 amended as follows:

2931 23-15-911. (1) (a) When the returns for a box and the
2932 contents of the ballot box and the conduct of the election have
2933 been canvassed and reviewed by the county election
2934 commission * * *~~in the case of general elections or the county~~
2935 ~~executive committee in the case of primary elections~~, all the
2936 contents of the box required to be placed and sealed in the ballot
2937 box by the poll managers shall be replaced therein by the election



2938 commission * * * ~~or executive committee, as the case may be,~~ and
2939 the box shall be forthwith resealed and delivered to the circuit
2940 clerk, who shall safely keep and secure the same against any
2941 tampering. At any time within twelve (12) days after the canvass
2942 and examination of the box and its contents by the election
2943 commission * * * ~~or executive committee, as the case may be,~~ any
2944 candidate or his or her representative authorized in writing by
2945 him or her shall have the right of full examination of the box and
2946 its contents upon three (3) days' notice of his or her application
2947 therefor served upon the opposing candidates. The service of
2948 notice shall be provided to each opposing candidate by delivering
2949 a copy personally to each candidate, or by performing two (2) of
2950 the following:

2951 (i) By leaving a copy at each candidate's usual
2952 place of residence with a family member, who shall be no less than
2953 sixteen (16) years of age and, who resides in the candidate's
2954 residence;

2955 (ii) By email or other electronic means, with
2956 receipt deemed upon transmission; or

2957 (iii) By mailing a copy of the notice by
2958 registered or certified mail that is addressed to each opposing
2959 candidate at that candidate's residence with receipt deemed
2960 mailing.

2961 (b) If service of notice cannot be made to any opposing
2962 candidate, then notice may be posted on the door of each



2963 candidate's usual place of abode. If any candidate's usual place
2964 of residence is a multi-family dwelling, a copy of the notice must
2965 be mailed to the candidate or candidates by United States
2966 first-class mail, postage prepaid, return receipt requested.
2967 Proof of service of notice upon any opposing candidate shall be
2968 made to the circuit clerk within three (3) days before a full
2969 examination of the ballot box may be conducted.

2970 (c) The examination shall be conducted in the presence
2971 of the circuit clerk or his or her deputy who shall be charged
2972 with the duty to see that none of the contents of the box are
2973 removed from the presence of the clerk or in any way tampered
2974 with. Upon the completion of the examination the box shall be
2975 resealed with all its original contents inside. And if any
2976 contest or complaint before the court shall arise over the box, it
2977 shall be kept intact and sealed until the court hearing and
2978 another ballot box, if necessary, shall be furnished for the
2979 precinct involved.

2980 (2) The provisions of this section allowing the examination
2981 of ballot boxes shall apply in the case of an election contest
2982 regarding the seat of a member of the state Legislature. In such
2983 a case, the results of the examination shall be reported by the
2984 applicable circuit clerk to the Clerk of the House of
2985 Representatives or the Secretary of the Senate, as the case may
2986 be.



2987 **SECTION 68.** Section 23-15-951, Mississippi Code of 1972, is
2988 amended as follows:

2989 23-15-951. Except as otherwise provided by Section 23-15-955
2990 or 23-15-961, a person desiring to contest the election of another
2991 person returned as elected to any office within any county, may,
2992 within twenty (20) days after the election, file a petition in the
2993 office of the clerk of the circuit court of the county, setting
2994 forth the grounds upon which the election is contested. When such
2995 a petition is filed, the circuit clerk shall immediately notify,
2996 by registered letter, telegraph, telephone, or personally the
2997 Chief Justice of the Supreme Court or in his or her absence, or
2998 disability, some other Justice of the Supreme Court, who shall
2999 forthwith designate and notify a circuit judge or chancellor of a
3000 district other than that which embraces the district, subdistrict,
3001 county or any of the counties, involved in the contest or
3002 complaint, to proceed to the county in which the contest or
3003 complaint has been filed to hear and determine the contest or
3004 complaint. The circuit clerk shall also cause a copy of * * *~~such~~
3005 the petition to be served upon the contestee, which shall serve as
3006 notice to * * *~~such~~ the contestee.

3007 The Supreme Court shall compile a list of judges throughout
3008 the state to hear * * *~~such~~ the disputes before an election. It
3009 shall be the official duty of the designated circuit judge or
3010 chancellor to proceed to discharge the duty of hearing the contest
3011 at the earliest possible date. The date of the contest shall be



3012 fixed by the judge or chancellor, and the judge or chancellor
3013 shall provide reasonable notice to the contestant and the
3014 contestee of the date and time fixed for the contest. The judge
3015 or chancellor shall cause the contestant and contestee to be
3016 served in a reasonable manner. When the contestee is served, such
3017 contestee shall promptly file his or her answer, and
3018 cross-complaint, if the contestee has a cross-complaint.

3019 The court shall, at the first term, cause an issue to be made
3020 up and tried by a jury, and the verdict of the jury shall find the
3021 person having the greatest number of legal votes at the election.
3022 If the jury shall find against the person returned elected, the
3023 clerk shall issue a certificate thereof; and the person in whose
3024 favor the jury shall find shall be commissioned by the Governor,
3025 and shall qualify and enter upon the duties of his or her office.
3026 Each party shall be allowed ten (10) peremptory challenges, and
3027 new trials shall be granted and costs awarded as in other cases.
3028 In case the election of district attorney or other state district
3029 election be contested, the petition may be filed in any county of
3030 the district or in any county of an adjoining district within
3031 twenty (20) days after the election, and like proceedings shall be
3032 had thereon as in the case of county officers, and the person
3033 found to be entitled to the office shall qualify as required by
3034 law and enter upon the duties of his or her office.

3035 A person desiring to contest the election of another person
3036 returned as elected to any seat in the Mississippi Legislature



3037 shall comply with the provisions of Section 23-15-955. A person
3038 desiring to contest the qualifications of a candidate * * *~~for~~
3039 ~~nomination in a political party primary election~~ in a preferential
3040 election shall comply with the provisions of Section 23-15-961.

3041 **SECTION 69.** Section 23-15-961, Mississippi Code of 1972, is
3042 amended as follows:

3043 23-15-961. (1) Any person desiring to contest the
3044 qualifications of another person as a candidate * * *~~for~~
3045 ~~nomination in a political party primary election~~ for office in a
3046 preferential election shall file a petition specifically setting
3047 forth the grounds of the challenge within ten (10) days after the
3048 qualifying deadline for the office in question. The petition
3049 shall be filed with the proper executive committee with whom the
3050 candidate in question qualified or with the proper election
3051 commission with whom the candidate in question qualified if the
3052 candidate is not affiliated with a political party.

3053 (2) Within ten (10) days of receipt of the petition
3054 described in subsection (1) of this section, the appropriate
3055 executive committee or election commission shall meet and rule
3056 upon the petition. At least two (2) days before the hearing to
3057 consider the petition, the appropriate executive committee or
3058 election commission shall give notice to both the petitioner and
3059 the contested candidate of the time and place of the hearing on
3060 the petition. Each party shall be given an opportunity to be



3061 heard at that meeting and present evidence in support of his or
3062 her position.

3063 (3) If the appropriate executive committee or election
3064 commission fails to rule upon the petition within the time
3065 required in subsection (2) of this section, that inaction shall be
3066 interpreted as a denial of the request for relief contained in the
3067 petition.

3068 (4) Any party aggrieved by the action or inaction of the
3069 appropriate executive committee or election commission may file a
3070 petition for judicial review to the circuit court of the county in
3071 which the executive committee or election commission whose
3072 decision is being reviewed sits. The petition must be filed no
3073 later than fifteen (15) days after the date the petition was
3074 originally filed with the appropriate executive committee or
3075 election commission. The person filing for judicial review shall
3076 give a cost bond in the sum of Three Hundred Dollars (\$300.00)
3077 with two (2) or more sufficient sureties conditioned to pay all
3078 costs in case his or her petition be dismissed, and an additional
3079 bond may be required, by the court, if necessary, at any
3080 subsequent stage of the proceedings.

3081 (5) Upon the filing of the petition and bond, the circuit
3082 clerk shall immediately, by registered letter or by telegraph or
3083 by telephone, or personally, notify the Chief Justice of the
3084 Supreme Court, or in his or her absence, or disability, some other
3085 judge of the Supreme Court, who shall forthwith designate and



3086 notify a circuit judge or retired judge on senior status of a
3087 district other than that which embraces the district, subdistrict,
3088 county or any of the counties, involved in the contest or
3089 complaint, to proceed to the county in which the contest or
3090 complaint has been filed to hear and determine the contest or
3091 complaint. It shall be the official duty of the trial judge to
3092 proceed to the discharge of the designated duty at the earliest
3093 possible date to be fixed by the judge and of which the contestant
3094 and contestee shall have reasonable notice. The contestant and
3095 contestee are to be served in a reasonable manner as the judge may
3096 direct, in response to which notice the contestee shall promptly
3097 file his or her answer, and also his or her cross-complaint
3098 if * * *~~he has~~ a cross-complaint exists. The hearing before the
3099 trial court shall be de novo. The matter shall be tried to the
3100 trial judge, without a jury. After hearing the evidence, the
3101 trial judge shall determine whether the candidate whose
3102 qualifications have been challenged is legally qualified to have
3103 his or her name placed upon the ballot in question. The trial
3104 judge may, upon disqualification of any such candidate, order that
3105 such candidate shall bear the court costs of the proceedings.

3106 (6) Within three (3) days after judgment is rendered by the
3107 circuit court, the contestant or contestee, or both, may file an
3108 appeal in the Supreme Court upon giving a cost bond in the sum of
3109 Three Hundred Dollars (\$300.00), together with a bill of
3110 exceptions which shall state the point or points of law at issue



3111 with a sufficient synopsis of the facts to fully disclose the
3112 bearing and relevancy of such points of law. The bill of
3113 exceptions shall be signed by the trial judge, or in case of his
3114 or her absence, refusal or disability, by two (2) disinterested
3115 attorneys, as is provided by law in other cases of bills of
3116 exception. The filing of such appeals shall automatically suspend
3117 the decision of the circuit court and the appropriate executive
3118 committee or election commission is entitled to proceed based upon
3119 their decision * * *~~unless and~~ until the Supreme Court, in its
3120 discretion, stays further proceedings in the matter. The appeal
3121 shall be immediately docketed in the Supreme Court and referred to
3122 the court en banc upon briefs without oral argument unless the
3123 court shall call for oral argument, and shall be decided at the
3124 earliest possible date, as a preference case over all others. The
3125 Supreme Court shall have the authority to grant such relief as is
3126 appropriate under the circumstances.

3127 (7) The procedure set forth in this section shall be
3128 the * * *~~sole and~~ only manner in which the qualifications of a
3129 candidate seeking public office * * *~~as a party nominee in a~~
3130 preferential election may be challenged * * *~~prior to~~ before the
3131 time * * *~~of his nomination or election~~ the candidate's name is
3132 placed on the general election ballot. After a * * *~~party nominee~~
3133 candidate in a preferential election has been elected to public
3134 office, the election may be challenged as otherwise provided by
3135 law. After a * * *~~party nominee~~ candidate in a preferential



3136 election assumes an elective office, his or her qualifications to
3137 hold that office may be contested as otherwise provided by law.

3138 **SECTION 70.** Section 23-15-963, Mississippi Code of 1972, is
3139 amended as follows:

3140 23-15-963. (1) Any person desiring to contest the
3141 qualifications of another person who has qualified pursuant
3142 to * * *~~the provisions of Section 23-15-359, Mississippi Code of~~
3143 ~~1972,~~ Sections 8 and 9 of this act as a candidate for any office
3144 elected at a general election, shall file a petition specifically
3145 setting forth the grounds of the challenge not later than
3146 thirty-one (31) days after the date of the * * * ~~first primary~~
3147 preferential election set forth in Section * * * ~~23-15-191,~~
3148 ~~Mississippi Code of 1972~~ 2 of this act. Such petition shall be
3149 filed with the same body with whom the candidate in question
3150 qualified pursuant to * * * ~~Section 23-15-359, Mississippi Code of~~
3151 ~~1972~~ Sections 8 and 9 of this act.

3152 (2) Any person desiring to contest the qualifications of
3153 another person who has qualified pursuant to the provisions of
3154 Section 23-15-213 * * * ~~, Mississippi Code of 1972,~~ as a candidate
3155 for county election commissioner elected at a general election,
3156 shall file a petition specifically setting forth the grounds of
3157 the challenge no later than sixty (60) days * * * ~~prior to~~ before
3158 the general election. * * * ~~Such~~ The petition shall be filed with
3159 the county board of supervisors, being the same body with whom the



3160 candidate in question qualified pursuant to Section

3161 23-15-213 * * *, ~~Mississippi Code of 1972.~~

3162 (3) Any person desiring to contest the qualifications of
3163 another person who has qualified pursuant to the provisions
3164 of * * *~~Section 23-15-361, Mississippi Code of 1972,~~ Section 11 of
3165 this act as a candidate for municipal office elected on the date
3166 designated by law for regular municipal elections, shall file a
3167 petition specifically setting forth the grounds of the challenge
3168 no later than thirty-one (31) days after the date of
3169 the * * *~~first primary preferential~~ election set forth in Section
3170 * * *~~23-15-309, Mississippi Code of 1972~~ 2 of this act.

3171 * * *~~Such~~ The petition shall be filed with the municipal election
3172 commissioners * * *~~of election,~~ being the same body with whom the
3173 candidate in question qualified pursuant to
3174 Section * * *~~23-15-361, Mississippi Code of 1972~~ 11 of this act.

3175 (4) Within ten (10) days of receipt of the petition
3176 described in subsections (1), (2) and (3) of this section, the
3177 appropriate election officials shall meet and rule upon the
3178 petition. At least two (2) days before the hearing to consider
3179 the petition, the appropriate election officials shall give notice
3180 to both the petitioner and the contested candidate of the time and
3181 place of the hearing on the petition. Each party shall be given
3182 an opportunity to be heard at * * *~~such~~ the meeting and present
3183 evidence in support of his or her position.



3184 (5) If the appropriate election officials fail to rule upon
3185 the petition within the time required above, such inaction shall
3186 be interpreted as a denial of the request for relief contained in
3187 the petition.

3188 (6) Any party aggrieved by the action or inaction of the
3189 appropriate election officials may file a petition for judicial
3190 review to the circuit court of the county in which the election
3191 officials whose decision is being reviewed sits. * * *~~Such~~ The
3192 petition must be filed no later than fifteen (15) days after the
3193 date the petition was originally filed with the appropriate
3194 election officials. * * *~~Such~~ The person filing for judicial
3195 review shall give a cost bond in the sum of Three Hundred Dollars
3196 (\$300.00) with two (2) or more sufficient sureties conditioned to
3197 pay all costs in case his or her petition be dismissed, and an
3198 additional bond may be required, by the court, if necessary, at
3199 any subsequent stage of the proceedings.

3200 (7) The circuit court with whom * * *~~such~~ a petition for
3201 judicial review has been filed shall at the earliest possible date
3202 set the matter for hearing. Notice shall be given to the
3203 interested parties of the time set for hearing by the circuit
3204 clerk. The hearing before the circuit court shall be de novo.
3205 The matter shall be tried to the circuit judge, without a jury.
3206 After hearing the evidence, the circuit judge shall determine
3207 whether the candidate whose qualifications have been challenged is
3208 legally qualified to have his or her name placed upon the ballot



3209 in question. The circuit judge may, upon disqualification of any
3210 such candidate, order that such candidate shall bear the court
3211 costs of the proceedings.

3212 (8) Within three (3) days after judgment is rendered by the
3213 circuit court, the contestant or contestee, or both, may file an
3214 appeal in the Supreme Court upon giving a cost bond in the sum of
3215 Three Hundred Dollars (\$300.00), together with a bill of
3216 exceptions which shall state the point or points of law at issue
3217 with a sufficient synopsis of the facts to fully disclose the
3218 bearing and relevancy of such points of law. The bill of
3219 exceptions shall be signed by the trial judge, or in case of his
3220 or her absence, refusal or disability, by two (2) disinterested
3221 attorneys, as is provided by law in other cases of bills of
3222 exception. The filing of such appeals shall automatically suspend
3223 the decision of the circuit court and the appropriate election
3224 officials are entitled to proceed based upon their
3225 decision * * *~~unless~~ and until the Supreme Court, in its
3226 discretion, stays further proceedings in the matter. The appeal
3227 shall be immediately docketed in the Supreme Court and referred to
3228 the court en banc upon briefs without oral argument unless the
3229 court shall call for oral argument, and shall be decided at the
3230 earliest possible date, as a preference case over all others. The
3231 Supreme Court shall have the authority to grant such relief as is
3232 appropriate under the circumstances.



3233 (9) The procedure set forth above shall be the * * *~~sole and~~
3234 only manner in which the qualifications of a candidate seeking
3235 public office who qualified pursuant to the provisions of
3236 Sections * * *~~23-15-359,~~ 8, 9 and 11 of this act and Section
3237 23-15-213 * * * ~~and 23-15-361,~~ Mississippi Code of 1972, may be
3238 challenged * * * ~~prior to~~ before the time of his or her election.
3239 After any such person has been elected to public office, the
3240 election may be challenged as otherwise provided by law. After
3241 any person assumes an elective office, his or her qualifications
3242 to hold that office may be contested as otherwise provided by law.

3243 **SECTION 71.** Section 23-15-1065, Mississippi Code of 1972, is
3244 amended as follows:

3245 23-15-1065. A person shall be barred from participating in
3246 any primary election held by a political party if that person
3247 claims or represents himself or herself in any manner to be a
3248 member of any state, district or county executive committee of any
3249 political party in this state, or claims to be the national
3250 committeeman or national committeewoman or any other officer or
3251 representative of the political party without having been lawfully
3252 elected or chosen as such in the manner provided by the laws of
3253 this state * * *, ~~or by the political party in the manner provided~~
3254 ~~by the laws of this state, or claims to be the nominee of any~~
3255 ~~political party authorized by the laws of this state to hold~~
3256 ~~primary elections and choose party nominees, when in fact such~~
3257 ~~person has not been declared the nominee of such political party~~



3258 ~~for such office by such political party operating under the laws~~
3259 ~~of this state.~~ Any person or persons who violate the provisions
3260 of this section, in addition to other measures or penalties
3261 provided by law, may be enjoined therefrom upon application to the
3262 courts by any person or persons, or any political party, official
3263 or representative of the political party aggrieved.

3264 **SECTION 72.** Section 23-15-1081, Mississippi Code of 1972, is
3265 amended as follows:

3266 23-15-1081. A presidential preference primary or
3267 presidential preferential election may be held on the second
3268 Tuesday in March of each year in which a President of the United
3269 States is to be elected. Each political party which has cast for
3270 its candidates for President and Vice President in the previous
3271 presidential election more than twenty percent (20%) of the total
3272 vote cast for President and Vice President in the state, may
3273 conduct a presidential preference primary. No elector shall vote
3274 in the primary of more than one (1) political party in the same
3275 presidential preference primary.

3276 **SECTION 73.** Section 23-15-1085, Mississippi Code of 1972, is
3277 amended as follows:

3278 23-15-1085. The * * *~~chairman~~ chair of a party's state
3279 executive committee shall notify the Secretary of State if the
3280 party intends to hold a presidential preference primary or
3281 presidential preferential election. The Secretary of State shall
3282 be notified * * *~~prior to~~ before December 1 of the year preceding



3283 the year in which a presidential preference primary or
3284 presidential preferential election may be held pursuant to Section
3285 23-15-1081. * * * ~~Upon such notification, the Secretary of State~~
3286 ~~shall issue a proclamation setting every party's congressional and~~
3287 ~~senatorial primary elections that are to be held in the year in~~
3288 ~~which the presidential preference primary is to be held on the~~
3289 ~~date provided for in Section 23-15-1083. Once the Secretary of~~
3290 ~~State has issued a proclamation pursuant to this section, the date~~
3291 ~~of the congressional and senatorial primary elections shall not be~~
3292 ~~changed.~~

3293 **SECTION 74.** Section 23-15-1087, Mississippi Code of 1972, is
3294 amended as follows:

3295 23-15-1087. Except as otherwise provided in this chapter,
3296 the laws regulating * * * ~~primary and general~~ elections shall, in
3297 so far as practical, apply to and govern presidential preference
3298 primary elections or presidential preferential elections.

3299 **SECTION 75.** Section 23-15-1089, Mississippi Code of 1972, is
3300 amended as follows:

3301 23-15-1089. The Secretary of State shall place the name of a
3302 candidate upon the presidential preference primary ballot or the
3303 presidential preference election ballot when the Secretary of
3304 State shall have determined that such a candidate is qualified
3305 under Section 23-15-1093.

3306 On or after January 15 immediately preceding a presidential
3307 preference primary election or presidential preferential election



3308 the Secretary of State shall publicly announce and distribute to
3309 the news media for publication a list of the candidates he or she
3310 intends to place on the ballot at the following presidential
3311 preference primary election or presidential preferential election.
3312 Following this announcement he or she shall not add candidates
3313 to * * *~~his~~ the selection, and he or she shall not delete any
3314 candidate whose name appears on the announced list, unless the
3315 candidate dies or has withdrawn as a candidate as provided in this
3316 chapter.

3317 **SECTION 76.** Section 23-15-1091, Mississippi Code of 1972, is
3318 amended as follows:

3319 23-15-1091. When the Secretary of State places the name of a
3320 candidate on the ballot pursuant to Section 23-15-1093, he or she
3321 shall notify the candidate that his or her name will appear on the
3322 ballot of this state in the presidential preference primary
3323 election or the presidential preferential election.

3324 The secretary shall also notify the candidate that he or she
3325 may withdraw his or her name from the ballot by filing with the
3326 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3327 later than the sixtieth day before that election.

3328 **SECTION 77.** Section 23-15-1093, Mississippi Code of 1972, is
3329 amended as follows:

3330 23-15-1093. (1) Any person desiring to have his or her name
3331 placed on the presidential preference primary ballot or
3332 presidential preferential election ballot shall pay a qualifying



3333 fee and file the petition or petitions as described in this
3334 section.

3335 (2) The amount of the qualifying fee shall be Two Thousand
3336 Five Hundred Dollars (\$2,500.00). Each independent candidate
3337 shall pay the qualifying fee to the Secretary of State. Each
3338 political party candidate shall pay the qualifying fee to the
3339 state executive committee of the appropriate political party.

3340 (3) A candidate shall file a petition or petitions in
3341 support of his or her candidacy with the state executive committee
3342 of the appropriate political party or the Secretary of State,
3343 whichever is applicable, after January 1 of the year in which the
3344 presidential preference primary or presidential preferential
3345 election is to be held and before January 15 of that same year.
3346 To comply with this section, a candidate may file a petition or
3347 petitions signed by a total of not less than five hundred (500)
3348 qualified electors of the state, or petitions signed by not less
3349 than one hundred (100) qualified electors of each congressional
3350 district of the state, in which case there shall be a separate
3351 petition for each congressional district. The petitions shall be
3352 in such form as prescribed by the state executive committee or
3353 Secretary of State, whichever is applicable; provided, that there
3354 shall be a space for the county of residence of each signer next
3355 to the space provided for his or her signature. No signature may
3356 be counted as valid unless the county of residence of the signer
3357 is provided. Each petition shall contain an affirmation under the



3358 penalties of perjury that each signer is a qualified elector in
3359 his or her congressional district or in the state, as appropriate.

3360 **SECTION 78.** Section 23-15-1095, Mississippi Code of 1972, is
3361 amended as follows:

3362 23-15-1095. A candidate's name shall be printed on the
3363 appropriate primary or preferential election ballot unless he or
3364 she submits to the Secretary of State before the printing of the
3365 official sample ballot, an affidavit stating without qualification
3366 that he or she is not now and does not presently intend to become
3367 a candidate for the Office of President of the United States at
3368 the upcoming nominating convention of his or her political party
3369 or at the upcoming preferential election. If a candidate
3370 withdraws pursuant to this section, the Secretary of State shall
3371 notify the state executive committee of the political party of
3372 such candidate or the appropriate election commission if such
3373 candidate is not affiliated with a political party that the
3374 candidate's name will not be placed on the ballot.

3375 **SECTION 79.** Section 23-15-1097, Mississippi Code of 1972, is
3376 amended as follows:

3377 23-15-1097. All expenses of the presidential preference
3378 primary election or presidential preferential election, which are
3379 authorized expenses, as provided by statute relating to primary,
3380 preferential or general elections, shall be paid in the same
3381 manner as provided by law. Compensation of election officials
3382 shall be limited to that which is authorized by statute.



3383 **SECTION 80.** Section 25-4-3, Mississippi Code of 1972, is
3384 amended as follows:

3385 25-4-3. As used in this chapter, unless the context requires
3386 otherwise:

3387 (a) "Advisory boards or commissions" means committees
3388 created solely to provide technical or professional knowledge or
3389 expertise to a parent organization, and whose members exercise no
3390 direct authority to expend public funds other than reimbursement
3391 for personal expenses incurred as a result of a member's service
3392 on the advisory board;

3393 (b) "Business" means any corporation, partnership, sole
3394 proprietorship, firm, enterprise, franchise, association,
3395 organization, holding company, self-employed individual,
3396 joint-stock company, receivership, trust or other legal entity or
3397 undertaking organized for economic gain or a nonprofit corporation
3398 or other such entity, association or organization receiving public
3399 funds;

3400 (c) "Candidate for public office" means an individual
3401 who has filed the necessary documents or papers to appear as a
3402 candidate for * * *~~nomination for election or~~ election to any
3403 elective office existing under the laws of the State of
3404 Mississippi, including * * *primary preferential, special or
3405 general elections. The term "candidate" does not include any
3406 person within the meaning of Section 301(b) of the Federal
3407 Election Campaign Act of 1971;



3408 (d) "Commission" means the Mississippi Ethics
3409 Commission;

3410 (e) "Compensation" means money or thing of value
3411 received, or to be received, from any person for services rendered
3412 or to be rendered;

3413 (f) "Household member" means:

3414 (i) The spouse of the public servant; or
3415 (ii) Any person over the age of twenty-one (21)
3416 who resided in the public servant's household during the entire
3417 reporting period * * *;

3418 (g) "Income" means money or thing of value received, or
3419 to be received, from any source, including, but not limited to,
3420 any salary, wage, advance, payment, dividend, interest, rent,
3421 forgiveness of debt, fee, royalty or any combination thereof;

3422 (h) "Person" means any individual, firm, business,
3423 corporation, association, partnership, union or other legal
3424 entity;

3425 (i) "Public employee" means any individual who receives
3426 a salary, per diem or expenses paid in whole or in part out of
3427 funds authorized to be expended by the Mississippi State
3428 Legislature or by the governing body of any political subdivision
3429 thereof, or any other body politic within the State of
3430 Mississippi;

3431 (j) "Public funds" means all monies, whether federal,
3432 state, district or local;



3433 (k) "Public official" means:
3434 (i) Any elected official of the State of
3435 Mississippi or any political subdivision thereof or any other body
3436 politic within the State of Mississippi; or
3437 (ii) Any member, officer, director, commissioner,
3438 supervisor, chief, head, agent or employee of the State of
3439 Mississippi, or any agency thereof, of any political subdivision
3440 of the State of Mississippi, of any body politic within the State
3441 of Mississippi, or of any public entity created by or under the
3442 laws of the State of Mississippi or by executive order of the
3443 Governor of the state, any of which is funded by public funds or
3444 which expends, authorizes or recommends the use of public funds;
3445 (l) "Public servant" means:
3446 (i) Any elected or appointed official of the
3447 government;
3448 (ii) Any officer, director, commissioner,
3449 supervisor, chief, head, agent or employee of the government or
3450 any agency thereof, or of any public entity created by or under
3451 the laws of the State of Mississippi or created by an agency or
3452 governmental entity thereof, any of which is funded by public
3453 funds or which expends, authorizes or recommends the use of public
3454 funds; or
3455 (iii) Any individual who receives a salary, per
3456 diem or expenses paid in whole or in part out of funds authorized
3457 to be expended by the government.



3458 **SECTION 81.** Section 65-1-3, Mississippi Code of 1972, is
3459 amended as follows:

3460 65-1-3. There shall be a State Highway Commission which
3461 shall consist of three (3) members, one (1) from each of the three
3462 (3) Supreme Court Districts of the state. Only qualified electors
3463 who are citizens of the Supreme Court District in which he or she
3464 seeks election for five (5) years immediately preceding the day of
3465 the election shall be eligible for such office; however, the
3466 five-year citizen requirement shall apply to elections held from
3467 and after January 1, 2020.

3468 On Tuesday after the first Monday in November of the year
3469 1951, and every four (4) years thereafter, State Highway
3470 Commissioners shall be elected at the same time and in the same
3471 manner as the Governor is chosen; and the laws
3472 governing * * *~~primary~~ preferential elections and the holding of
3473 general elections in this state shall apply to and govern
3474 the * * *~~nomination~~ and election of State Highway Commissioners.
3475 The State Highway Commissioners so elected shall enter upon the
3476 discharge of the duties of their respective offices on the first
3477 Monday of January in the year next succeeding the date of their
3478 election, and they shall serve for a term of four (4) years and
3479 until their successors shall have been duly elected and qualified.

3480 If any one or more of the State Highway Commissioners elected
3481 under the provisions of this chapter shall die, resign or be
3482 removed from office, the Governor shall fill the vacancy by



3483 appointment for the unexpired term, provided such unexpired term
3484 shall not exceed twelve (12) months. If * * *~~such~~ the unexpired
3485 term * * *~~shall~~ exceeds twelve (12) months, the Governor shall,
3486 within fifteen (15) days from the date of such vacancy, by
3487 proclamation duly made, call an election in the Supreme Court
3488 District in which * * *~~such~~ the vacancy exists, to be held within
3489 sixty (60) days from the date of the issuance of * * *~~such~~ the
3490 proclamation, at which election a State Highway Commissioner shall
3491 be elected to fill such vacancy for the remaining portion of such
3492 unexpired term. Such special election shall be held in the manner
3493 provided for holding general elections in this state, as far as
3494 practicable.

3495 Each of * * *~~said~~ the State Highway Commissioners, before
3496 entering upon the discharge of the duties of his or her office,
3497 shall take and subscribe the oath of office required of other
3498 state officials and shall execute bond in the sum of Fifty
3499 Thousand Dollars (\$50,000.00), with some surety company authorized
3500 to do business in this state as surety, conditioned for the
3501 faithful performance of the duties of his or her office and for
3502 the faithful and true accounting of all funds or monies or
3503 property coming into his or her hands by virtue of his or her
3504 office, and conditioned further that all such funds, monies and
3505 property will be expended and used by him or her only for purposes
3506 authorized by law, * * *~~said~~ the bond to be approved by the
3507 Governor or Attorney General and to be filed in the Office of the



3508 Secretary of State. The premium on such bonds shall be paid out
3509 of the funds of the Mississippi Department of Transportation.

3510 From and after July 1, 1992, the State Highway Commission
3511 shall be the Mississippi Transportation Commission and the members
3512 thereof shall be the Mississippi Transportation Commissioners.

3513 **SECTION 82.** Section 79-19-21, Mississippi Code of 1972, is
3514 amended as follows:

3515 79-19-21. The affairs of the association shall be managed by
3516 a board of not less than five (5) directors, elected by the
3517 members or stockholders from their own number and shall have all
3518 rights and powers as provided for under the general corporation
3519 laws of this state, and such other powers as may be necessary to
3520 the proper execution of provisions of this chapter. The bylaws
3521 may provide that the territory in which the association has
3522 members shall be divided into districts and that the directors
3523 shall be elected according to such districts. In such case the
3524 bylaws shall specify the number of directors to be elected by each
3525 district, the manner and method of reapportioning the directors
3526 and of redistricting the territory covered by the association.
3527 The bylaws may provide that * * * ~~primary~~ preferential elections
3528 should be held in each district to elect the directors apportioned
3529 to such districts and the result of all such * * * ~~primary~~
3530 preferential elections must be ratified by the next regular
3531 meeting of the association or may be considered final as to the
3532 association.



3533 The bylaws may provide that one or more directors may be
3534 appointed by the president of Mississippi State University of
3535 Agriculture and Applied Science or such other public official,
3536 commission, association or board as may be indicated by such
3537 bylaws. * * *~~Such~~ The directors shall represent primarily the
3538 interest of the general public in such associations. The director
3539 or directors so appointed need not be members or stockholders of
3540 the association, but shall have the same powers and rights as
3541 other directors. * * *~~Such~~ The directors shall not number more
3542 than one-fifth (1/5) of the entire number of directors.

3543 The directors of an association may provide a fair
3544 remuneration for the time actually spent by its officers,
3545 directors and employees in its service. No director, during the
3546 term of his or her office, shall be a party to a contract for
3547 profit with the association, differing in any way from the
3548 business relations accorded regular members or holders of common
3549 stock of the association.

3550 The bylaws may provide for an executive committee and may
3551 allot to * * *~~such~~ the committee all the functions and powers of
3552 the board of directors, subject to the general direction and
3553 control of the board.

3554 When a vacancy on the board of directors occurs, other than
3555 by expiration of term, the remaining members of the board, by a
3556 majority vote, shall fill the vacancy unless the bylaws provide
3557 for an election of directors by districts. In such a case the



3558 board of directors shall immediately call a special election to be
3559 voted in by the members or stockholders in that district to fill
3560 the vacancy.

3561 **SECTION 83.** Section 79-19-27, Mississippi Code of 1972, is
3562 amended as follows:

3563 79-19-27. Any member may bring charges against an officer or
3564 director by filing them in writing with the secretary of the
3565 association, together with a petition signed by ten percent (10%)
3566 of the members, requesting the removal of the officer or director
3567 in question. The removal shall be voted upon at the next regular
3568 or special meeting of the association and, by a vote of a majority
3569 of the members, the association may remove the officer or director
3570 and fill the vacancy. The director or officer against whom such
3571 charges have been brought shall be informed in writing of the
3572 charges * * * ~~previous to~~ before the meeting and shall have an
3573 opportunity at the meeting to be heard in person or by counsel and
3574 to present witnesses; and the person or persons bringing charges
3575 against him or her shall have the same opportunity. But * * * ~~such~~
3576 the officer or director may be suspended by a vote of two-thirds
3577 (2/3) of the directors, pending the hearing of such charges.

3578 In case the bylaws provide for election of directors by
3579 districts with * * * ~~primary~~ preferential elections in each
3580 district, then the petition for removal of a director must be
3581 signed by twenty percent (20%) of the members residing in the
3582 district from which he or she was elected. The board of directors



3583 must call a special meeting of the members residing in that
3584 district to consider the removal of the director. By a vote of
3585 the majority of the members of that district, the director in
3586 question shall be removed from office.

3587 **SECTION 84.** Section 95-1-5, Mississippi Code of 1972, is
3588 amended as follows:

3589 95-1-5. (1) Before any civil action is brought for
3590 publication, in a newspaper domiciled and published in this state
3591 or authorized to do business in Mississippi so as to be subject to
3592 the jurisdiction of the courts of this state, of a libel, or
3593 against any radio or television station domiciled in this state,
3594 the plaintiff shall, at least ten (10) days before instituting any
3595 such action, serve notice in writing on the defendant at its
3596 regular place of business, specifying the article, broadcast or
3597 telecast, and the statements therein, which he or she alleges to
3598 be false and defamatory.

3599 (2) If it appears upon the trial that * * *~~said~~ the article
3600 was published, broadcast or telecast in good faith, that its
3601 falsity was due to an honest mistake of the facts, and there were
3602 reasonable grounds for believing that the statements in * * *~~said~~
3603 the article, broadcast or telecast were true, and that within ten
3604 (10) days after the service of * * *~~said~~ the notice a full and
3605 fair correction, apology and retraction was published in the same
3606 edition or corresponding issues of the newspaper in
3607 which * * *~~said~~ the article appeared, and in as conspicuous place



3608 and type as was * * *~~said~~ the original article, or was broadcast
3609 or telecast under like conditions correcting an honest mistake,
3610 and if the jury shall so find, the plaintiff in such case shall
3611 recover only actual damages. The burden of proof of the foregoing
3612 facts shall be affirmative defenses of the defendant and pled as
3613 such.

3614 (3) This section shall not apply to any publication
3615 concerning a candidate for public office made within ten (10) days
3616 of any * * *~~primary~~ preferential, general or special election in
3617 which such candidate's candidacy for or election to public office
3618 is to be determined, and this section shall not apply to any
3619 editorial or to any regularly published column in which matters of
3620 opinions are expressed.

3621 **SECTION 85.** Section 97-13-35, Mississippi Code of 1972, is
3622 amended as follows:

3623 97-13-35. * * *~~(1)~~ Any person who * * *~~shall~~ votes
3624 at * * *~~any~~ an election, not being legally qualified, or
3625 who * * *~~shall~~ votes in more than one (1) county, or at more than
3626 one (1) place in any county or in any city, town, or village
3627 entitled to separate representation, or who * * *~~shall~~ votes out
3628 of the district of his or her legal domicile, * * *~~or who shall~~
3629 ~~vote or attempt to vote in the primary election of one (1) party~~
3630 ~~when he shall have voted on the same date in the primary election~~
3631 ~~of another party,~~ shall, upon conviction, be imprisoned in the



3632 county jail not more than one (1) year, or be fined not more than
3633 One Thousand Dollars (\$1,000.00), or both.

3634 * * * ~~(2) Any person who shall vote in the second primary~~
3635 ~~election of one (1) party when he voted in the first primary~~
3636 ~~election of another party preceding the same regular, special, or~~
3637 ~~general election shall, upon conviction, be guilty of a~~
3638 ~~misdemeanor and be imprisoned in the county jail not more than six~~
3639 ~~(6) months, or be fined not more than Five Hundred Dollars~~
3640 ~~(\$500.00), or both.~~

3641 **SECTION 86.** Section 23-15-575, Mississippi Code of 1972, is
3642 brought forward as follows:

3643 23-15-575. No person shall vote or attempt to vote in the
3644 primary election of one (1) party when he or she has voted on the
3645 same date in the primary election of another party. No person
3646 shall vote or attempt to vote in the second primary election of
3647 one (1) party when he or she has voted in the first primary
3648 election of another party.

3649 **SECTION 87.** Section 23-15-171, Mississippi Code of 1972,
3650 which provides for the dates of municipal primary elections, is
3651 repealed.

3652 **SECTION 88.** Section 23-15-191, Mississippi Code of 1972,
3653 which provides for the date of state, district and county primary
3654 elections, is repealed.

3655 **SECTION 89.** Sections 23-15-263, 23-15-265, 23-15-267,
3656 23-15-291, 23-15-293, 23-15-295, 23-15-296, 23-15-297, 23-15-299,



3657 23-15-301, 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311,
3658 23-15-317, 23-15-319, 23-15-331, 23-15-333 and 23-15-335,
3659 Mississippi Code of 1972, which provide for the duties of the
3660 state executive committee and county executive committees in
3661 primary elections, provide for the qualification of candidates for
3662 party primary elections, and provide for the conduct of party
3663 primary elections, are repealed.

3664 **SECTION 90.** Sections 23-15-359, 23-15-361 and 23-15-363,
3665 Mississippi Code of 1972, which provide for the contents of
3666 general election ballots, are repealed.

3667 **SECTION 91.** Sections 23-15-597 and 23-15-599, Mississippi
3668 Code of 1972, which provide for the canvass of returns and
3669 announcement of vote by the county executive committees in primary
3670 elections, and require the state executive committee to transmit
3671 to the Secretary of State a tabulated statement of the party vote
3672 for certain offices, are repealed.

3673 **SECTION 92.** Sections 23-15-921, 23-15-923, 23-15-925,
3674 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,
3675 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide
3676 procedures for contests of primary elections, are repealed.

3677 **SECTION 93.** Section 23-15-1031, Mississippi Code of 1972,
3678 which provides for the date of primary elections for Congressmen
3679 and United States Senators, is repealed.



3680 **SECTION 94.** Section 23-15-1063, Mississippi Code of 1972,
3681 which prohibits unregistered political parties from conducting
3682 primary elections, is repealed.

3683 **SECTION 95.** Section 23-15-1083, Mississippi Code of 1972,
3684 which requires that certain congressional primaries be held on the
3685 same day as the presidential preference primary, is repealed.

3686 **SECTION 96.** Sections 1 through 17 of this act shall be
3687 codified as new sections in Chapter 15, Title 23, Mississippi Code
3688 of 1972.

3689 **SECTION 97.** This act shall take effect and be in force from
3690 and after July 1, 2021.

