

By: Representative Summers

To: Apportionment and
Elections

HOUSE BILL NO. 345

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

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



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

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

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

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

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

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

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

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

54 **SECTION 4.** (1) The early voting period shall begin twenty
55 (20) days before the date of each primary, general, runoff,
56 special and municipal election for public office and continue
57 until 12:00 p.m. on Saturday preceding the election day. If the



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

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

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

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



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

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

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

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

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



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

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

114 23-15-625. (1) The registrar shall be responsible for
115 providing applications for absentee voting as provided in this
116 section. At least sixty (60) days before any election in which
117 absentee voting is provided for by law, the registrar shall
118 provide a sufficient number of applications. In the event a
119 special election is called and set at a date which makes it
120 impractical or impossible to prepare applications for absent
121 elector's ballot sixty (60) days before the election, the
122 registrar shall provide applications as soon as practicable after
123 the election is called. The registrar shall fill in the date of
124 the particular election on the application for which the
125 application will be used.

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



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

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

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

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

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

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



entrance to the registrar's office. The registrar shall also furnish to each precinct manager a list of the names of all persons in each respective precinct voting absentee by mail and in person to be posted in a conspicuous place at the polling place for public notice. The application on file with the registrar and the envelopes containing the ballots that voters mailed to the registrar shall be kept by the registrar in his or her office in a secure location. At the time such boxes are delivered to the election commissioners or managers, the registrar shall also turn over a list of all such persons who have voted by absentee ballot and whose mailed ballots are in the registrar's office.

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

(6) The registrar shall process all applications for absentee ballots by using the Statewide Election Management System. The registrar shall account for all absentee ballots delivered to and received by mail as well as those who voted absentee in person from qualified voters by processing such ballots using the Statewide Election Management System.

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

23-15-627. Any elector described in Section 23-15-713 may request an absentee ballot application and vote in person at the



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

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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



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

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

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

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

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

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

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

229 * * *

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



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

237 () I have a temporary or permanent physical disability,
238 which may include, but is not limited to, a physician-imposed
239 quarantine due to COVID-19 during the year 2020. Or, I am caring
240 for a dependent that is under a physician-imposed quarantine due
241 to COVID-19 beginning with July 8, 2020, and the same being
242 repealed on December 31, 2020.

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

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

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

251 * * *

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

254 Mail 'Absent Elector's Ballot' to me at the following address
255 _____.

256 () I wish to receive an absentee ballot for the runoff
257 election _____.



258 I realize that I can be fined up to Five Thousand Dollars
259 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
260 for making a false statement in this application and for selling
261 my vote and violating the Mississippi Absentee Voter Law. (This
262 sentence is to be in bold print.)

263 If you are temporarily or permanently disabled, you are not
264 required to have this application notarized or signed by an
265 official authorized to administer oaths for absentee balloting.
266 You are required to sign this application in the proper place and
267 have a person eighteen (18) years of age or older witness your
268 signature and sign this application in the proper place.

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

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

273 _____
274 (Signature of absent elector)

275 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
276 2____.

277 _____
278 (Official authorized to administer oaths
279 for absentee balloting.)

280 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
281 DISABLED:



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

286 _____
287 (Signature of witness)

288 CERTIFICATE OF DELIVERY

289 I hereby certify that _____ (print name of voter)
290 has requested that I, _____ (print name of person
291 delivering application), deliver to the voter this absentee ballot
292 application.

293 _____
294 (Signature of person delivering application)

295 _____
296 (Address of person delivering application)"

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

299 23-15-629. (1) The application for an absentee ballot of a
300 person who is permanently or temporarily physically disabled shall
301 be accompanied by a statement signed by such person's physician,
302 or nurse practitioner * * *. The statement must show that the
303 person signing the statement is a licensed, practicing * * *
304 physician or nurse practitioner and must indicate that the person
305 applying for the absentee ballot is permanently or temporarily



306 physically disabled to such a degree that it is difficult for him
307 or her to vote in person.

308 (2) An application accompanied by the statement provided for
309 in subsection (1) of this section shall entitle such permanently
310 physically disabled person to automatically receive an absentee
311 ballot for all elections on a continuing basis without the
312 necessity for reapplication. The application accompanied by the
313 statement provided in subsection (1) of this section entitles the
314 temporarily physically disabled person to receive an absentee
315 ballot by mail for that election and a later corresponding runoff
316 election.

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

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



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

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

* * *

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

(* * *b) After marking the ballot, fill out and sign the "ELECTOR'S CERTIFICATE" on the back of the envelope so that the signature is across the flap of the envelope to ensure the integrity of the ballot. All absent electors shall have the attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across the flap on the back of the envelope. Place the necessary postage on the envelope and deposit it in the post office or some government receptacle provided for deposit of mail so that the absent elector's ballot will be postmarked on or before the date of the election and received by the registrar no more than five (5) business days after the election.

Any notary public, United States postmaster, assistant United States postmaster, United States postal supervisor, clerk in charge of a contract postal station, or other officer having authority to administer an oath or take an acknowledgment may be



an attesting witness; provided, however, that in the case of an absent elector who is temporarily or permanently physically disabled, the attesting witness may be any person eighteen (18) years of age or older and such person is not required to have the authority to administer an oath. If a postmaster, assistant postmaster, postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his or her signature on the elector's certificate must be authenticated by the cancellation stamp of their respective post offices. If an officer having authority to administer an oath or take an acknowledgement acts as attesting witness, his or her signature on the elector's certificate, together with his or her title and address, but no seal, shall be required. * * *

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

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



(* * *e) Any voter casting an absentee ballot who declares that he or she requires assistance to vote by reason of blindness, temporary or permanent physical disability or inability to read or write, shall be entitled to receive assistance in the marking of his or her absentee ballot and in completing the affidavit on the absentee ballot envelope. The voter may be given assistance by anyone of the voter's choice other than a candidate whose name appears on the absentee ballot being marked, the spouse, parent or child of a candidate whose name appears on the absentee ballot being marked or the voter's employer, an agent of that employer or a union representative; however, a candidate whose name is on the ballot or the spouse, parent or child of such candidate may provide assistance upon request to any voter who is related within the first degree. In order to ensure the integrity of the ballot, any person who provides assistance to an absentee voter shall be required to sign and complete the "Certificate of Person Providing Voter Assistance" on the absentee ballot envelope.

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

* * *

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



406 23-15-635. (1) The form of the elector's certificate,
407 attesting witness certification and certificate of person
408 providing voter assistance on the back of the envelope used by
409 absentee voters who are not absent voters as defined in Section
410 23-15-673, shall be as follows:

411 "ELECTOR'S CERTIFICATE

412 STATE OF _____

413 COUNTY OF _____

414 I, _____, under penalty of perjury do solemnly swear
415 that this envelope contains the ballot marked by me indicating my
416 choice of the candidates or propositions to be submitted at the
417 election to be held on the ____ day of _____, 2____, and I
418 hereby authorize the registrar to place this envelope in the
419 ballot box on my behalf, and I further authorize the election
420 managers to open this envelope and place my ballot among the other
421 ballots cast before such ballots are counted, and record my name
422 on the poll list as if I were present in person and voted.

423 I further swear that I marked the enclosed ballot in secret.

424 **Penalties for vote fraud are up to five (5) years in prison and a**
425 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
426 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
427 **to one (1) year in jail and a fine of up to * * * Three Thousand**
428 **Dollars (\$3,000.00). (Miss. Code. Ann. Section 97-13-37.)**

429 _____
430 (Signature of voter)



431 CERTIFICATE OF ATTESTING WITNESS

432 Under penalty of perjury I affirm that the above named voter
433 personally appeared before me, on this the ____ day of _____,
434 2____, and is known by me to be the person named, and who, after
435 being duly sworn or having affirmed, subscribed the foregoing oath
436 or affirmation. That the voter exhibited to me his or her blank
437 ballot; that the ballot was not marked or voted before the voter
438 exhibited the ballot to me; that the voter was not solicited or
439 advised by me to vote for any candidate, question or issue, and
440 that the voter, after marking his or her ballot, placed it in the
441 envelope, closed and sealed the envelope in my presence, and
442 signed and swore or affirmed the above certificate.

443 _____	_____
444 (Attesting witness)	(Address)
445 _____	_____
446 (Official title)	(City and State)

447 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

448 (* * * If the voter has received assistance in marking
449 * * * his or her absentee ballot, the person who provided
450 assistance shall complete the following form.) I, under penalty
451 of perjury, hereby certify that the above-named voter declared to
452 me that he or she is blind, temporarily or permanently physically
453 disabled, or cannot read or write, and that the voter requested
454 that I assist the voter in marking the enclosed absentee ballot.
455 I hereby certify that the ballot preferences on the enclosed



456 ballot are those communicated by the voter to me, and that I have
457 marked the enclosed ballot in accordance with the voter's
458 instructions.

459 **Penalties for vote fraud are up to five (5) years in prison and a**
460 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
461 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
462 **to one (1) year in jail and a fine of up to * * * Three Thousand**
463 **Dollars (\$3,000.00). (Miss. Code. Ann. Section 97-13-37.)**

464 _____
465 Signature of person providing assistance

466 _____
467 Printed name of person providing assistance

468 _____
469 Address of person providing assistance

470 _____
471 Date and time assistance provided

472 _____
473 Family relationship to voter (if any)"

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

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



481 23-15-637. (1) (a) Absentee ballots and applications
482 received by mail, except for fax or electronically transmitted
483 ballots as otherwise provided by Section 23-15-699 for UOCAVA
484 ballots, must be postmarked on or before the date of the election
485 and received by the registrar no more than five (5) business days
486 after the election; any received after such time shall be handled
487 as provided in Section 23-15-647 and shall not be counted.

488 (b) * * * At the close of business each day at the
489 office of the registrar, the ballot box used mailed-in absentee
490 ballots shall be sealed and not unsealed until the beginning of
491 the next business day, and the seal number shall be recorded with
492 the number of ballots cast which shall be stored in a secure
493 location in the registrar's office.

494 (2) The registrar shall deposit all absentee ballots which
495 have been timely cast and received by mail in a secured and sealed
496 box in a designated location in the registrar's office upon
497 receipt. The registrar shall not send any absentee ballots to the
498 precinct polling locations.

499 (3) The Secretary of State shall promulgate rules and
500 regulations necessary to ensure that when a qualified elector who
501 is qualified to vote absentee votes by absentee ballot * * * by
502 mail * * * that person's absentee vote is final and he or she may
503 not vote at the polling place on election day. Notwithstanding
504 any other provisions of law to the contrary, the Secretary of
505 State shall promulgate rules and regulations necessary to ensure



506 that absentee ballots received by mail shall remain in the
507 registrar's office for counting and not be taken to the precincts
508 on election day.

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

511 23-15-639. (1) The examination and counting of all absentee
512 ballots shall be conducted as follows:

513 (a) At the opening of the regular balloting and at the
514 opening of the polls, the resolution board established under
515 Section 23-15-523 and trained in the process of canvassing
516 absentee ballots shall first take the envelopes containing the
517 absentee ballots of such electors from the secure location at the
518 circuit clerk's office, and the name, address and precinct
519 inscribed on each envelope shall be announced by the election
520 managers.

521 (b) The signature on the application shall then be
522 compared with the signature on the back of the envelope. If it
523 corresponds and the affidavit, if one is required, is sufficient
524 and the resolution board find that the applicant is a registered
525 and qualified voter or otherwise qualified to vote, the envelope
526 shall then be opened and the ballot removed from the envelope,
527 without * * * unfolding the ballot, or * * * permitting the ballot
528 to be unfolded or examined.

529 (c) Having observed and found the ballot to be regular
530 as far as can be observed from its official endorsement, the



531 resolution board shall deposit it in the ballot box with the other
532 ballots before counting any ballots and enter the voter's name in
533 the receipt book provided for that purpose. All absentee ballots
534 received prior to 7:00 p.m. the day before the election shall be
535 counted in the registrar's office by the resolution board when the
536 polls close and then added to the votes cast in each precinct.
537 All absentee ballots received after 7:00 p.m. the day before the
538 election but not later than the fifth business day after the
539 election shall be processed by the resolution board.

540 * * *

541 (* * *2) The resolution board shall process the absentee
542 ballots using the procedure provided in subsection (1) of this
543 section.

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

546 23-15-641. (1) For all absentee votes received by mail,
547 if * * * a required affidavit or the required certificate of the
548 officer before whom the affidavit is taken is * * *
549 insufficient, * * * the signatures do not correspond, * * * the
550 applicant is not a duly qualified elector in the precinct * * * or
551 otherwise qualified to vote, * * * the ballot envelope is open or
552 has been opened and resealed, or the voter is not eligible to vote
553 absentee, the previously cast vote by absentee ballot shall not be
554 allowed. Without opening the voter's envelope the resolution



555 board shall mark across its face "REJECTED", with the reason * * *
556 why the ballot was rejected.

557 (2) For all absentee votes received by mail, if the ballot
558 envelope contains more than one (1) ballot of any kind, the ballot
559 shall not be counted but shall be marked "REJECTED", with the
560 reason * * * why the ballot was rejected, and the registrar shall
561 promptly notify the voter of such rejection. The voter's
562 envelopes and affidavits, * * * when such vote is rejected,
563 without disturbing the contents of the envelope, shall be retained
564 and preserved in the same manner as other ballots at the election.
565 Such votes may be challenged in the same manner and for the same
566 reasons that any other vote cast in such election may be
567 challenged.

568 * * *

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

573 (5) All electors voting absentee shall be provided with
574 written information to inform the person how to ascertain whether
575 his or her ballot was counted and, if rejected, the reason * * *
576 for the rejection.

577 **SECTION 16.** Section 23-15-647, Mississippi Code of 1972, is
578 amended as follows:



579 23-15-647. The registrar shall keep safely and unopened all
580 official absentee ballots which are received by mail after the
581 applicable cutoff period * * *. Upon receipt of such ballot, the
582 registrar shall write the day and hour of the receipt of the
583 ballot on its envelope. All such absentee ballots * * * received
584 by the registrar after the cutoff time shall be safely kept
585 unopened by the registrar for the period of time required for the
586 preservation of ballots used in the election, and shall then,
587 without being opened, be destroyed in like manner as the used
588 ballots of the election.

589 **SECTION 17.** Section 23-15-649, Mississippi Code of 1972, is
590 amended as follows:

591 23-15-649. For all elections, the election officials shall
592 prepare and print, as soon as the deadline for the qualification
593 of candidates has passed or forty-five (45) days before the
594 election, whichever is later, official ballots for each voting
595 precinct to be known as absentee voter ballots * * *. These
596 absentee ballots shall be prepared and printed in the same form
597 and shall be of the same size and texture as the regular official
598 ballot except that they shall be printed on tinted paper of a tint
599 different from that of the regular official ballot or with a
600 header of different tint.

601 **SECTION 18.** Section 23-15-657, Mississippi Code of 1972, is
602 amended as follows:



603 23-15-657. The registrar is authorized to accept requests
604 for absentee ballots by telephone. * * * The registrar shall
605 ascertain the name and complete address of the person making the
606 telephone request and the person for whom the request is being
607 made if different than the requestor and shall print upon the
608 absentee ballot application the name and complete address of the
609 requestor * * *, the relation of * * * that person to the voter if
610 requested by a person other than the voter, the name and complete
611 address of the voter if requested by a person other than the voter
612 and the date * * * the request was made. * * * These requests
613 shall be processed through the Statewide Election Management
614 System.

615 **SECTION 19.** Section 23-15-713, Mississippi Code of 1972, is
616 amended as follows:

617 23-15-713. For the purpose of this subarticle, any duly
618 qualified elector may vote by an absentee ballot to be received
619 and returned via mail by the elector to the registrar of the
620 elector's county of residence as provided in this subarticle if
621 the elector falls within at least one (1) of the following
622 categories:

623 * * *

624 (* * * a) Any qualified elector who is required to be
625 away from his or her place of residence on any election day due to
626 his or her employment as an employee of a member of the
627 Mississippi congressional delegation and the spouse and dependents



of such person if he or she * * * resides with such absentee voter
away from the county of the spouse's voting residence.

* * *

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

(* * * c) The parent, spouse or dependent of a person
with a temporary or permanent physical disability who is
hospitalized outside of his or her county of residence or more
than fifty (50) miles distant from his or her residence, if the
parent, spouse or dependent will be with such person during the
early voting period or on election day. For purposes of this
paragraph (e), "temporary physical disability" shall include any
qualified elector who is under a physician-imposed quarantine due
to COVID-19 during the year 2020 or is caring for a dependent who
is under a physician-imposed quarantine due to COVID-19 beginning



with July 8, 2020, and the same being repealed on December 31, 2020.

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

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

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

SECTION 20. Section 23-15-715, Mississippi Code of 1972, is amended as follows:

23-15-715. Any elector described in Section 23-15-713 and desiring an absentee ballot as provided in this subarticle may secure same if * * * within forty-five (45) days before any election day but not later than seven (7) days before the election day, the elector applies for an absentee ballot as provided in the provisions of this act. * * * All applications, other than those of persons having a temporary or permanent physical disability, shall * * * be sworn to and subscribed before an official who is authorized to administer oaths or other official authorized to witness absentee balloting as provided in this article. The application must be accompanied by a verifying affidavit as required by this article. The applications of persons have a



temporary or permanent physical disability are not required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. * * *

(c) Except when the voter has requested a runoff ballot on the initial absentee ballot application, upon request for a runoff ballot pursuant to Section 23-15-719, the registrar shall mail together the absentee ballot application and the absentee ballot to the absent voter for the runoff election.

SECTION 21. Section 23-15-719, Mississippi Code of 1972, is amended as follows:

23-15-719. (1) Except where the registrar has already mailed a ballot with an application, upon receipt of a properly completed application form by an elector qualified to vote absentee as provided in this article, the registrar shall mail the absent voter an absentee ballot within one (1) business day, or as soon as the absentee ballot is prepared and available, containing the names of all the candidates and propositions, if any, to be voted on in the election. The registrar shall include with the absentee ballot an official envelope that complies with the provisions of this article * * *. The registrar shall not personally hand deliver ballots to voters. After the applicant has properly marked the ballot and properly folded it, he shall deposit it in the envelope furnished him by the registrar.

After the absentee voter has sealed the envelope, he or she shall subscribe and swear to an affidavit and mail the ballot to



the address provided on the absentee ballot official envelope.

* * * Ballots requested under Section 23-15-713(f) shall be mailed to the voter's address outside of the county in which he or she is registered.

* * *

SECTION 22. Section 23-15-735, Mississippi Code of 1972, is amended as follows:

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

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

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

SECTION 24. Section 23-15-37, Mississippi Code of 1972, is amended as follows:

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



727 (2) The county registrar may keep his or her office open to
728 register voters from 8:00 a.m. until 7:00 p.m., including the noon
729 hour, for the five (5) business days immediately preceding the
730 thirtieth day before any regularly scheduled primary or general
731 election. The county registrar shall also keep his or her office
732 open from 8:00 a.m. until 12:00 noon on the Saturday immediately
733 preceding the thirtieth day before any regularly scheduled primary
734 or general election, unless that Saturday falls on a legal
735 holiday, in which case registration applications submitted on the
736 Monday immediately following the legal holiday shall be accepted
737 and entered in the Statewide Elections Management System for the
738 purpose of enabling such voters to vote in the next primary or
739 general election.

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

746 (4) A person who is physically disabled and unable to visit
747 the office of the registrar to register to vote due to such
748 disability may contact the registrar and request that the
749 registrar or the registrar's deputy visit him or her for the
750 purpose of registering such person to vote. The registrar or the
751 registrar's deputy shall visit that person as soon as possible



after such request and provide the person with an application for registration, if necessary. The completed application for registration shall be executed in the presence of the registrar or the registrar's deputy.

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

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

SECTION 25. Section 23-15-43, Mississippi Code of 1972, is amended as follows:

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



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

SECTION 26. Section 23-15-47, Mississippi Code of 1972, is amended as follows:

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

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

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

(b) Upon receipt of a mail-in application, the county registrar shall stamp the application with the date of receipt, and shall verify the application either by matching the applicant's Mississippi driver's license number through the



801 Mississippi Department of Public Safety or by matching the
802 applicant's social security number through the American
803 Association of Motor Vehicle Administrators. Within fourteen (14)
804 days of receipt of a mail-in registration application, the county
805 registrar shall complete action on the application, including any
806 attempts to notify the applicant of the status of his or her
807 application.

808 (c) If the county registrar determines that the
809 applicant is qualified and his or her application is legible and
810 complete, the county registrar shall mail the applicant written
811 notification that the application has been approved, specifying
812 the county voting precinct, municipal voting precinct, if any,
813 polling place and supervisor district in which the person shall
814 vote. This written notification of approval containing the
815 specified information shall be the voter's registration card. The
816 registration card shall be provided by the county registrar to the
817 applicant in accordance with Section 23-15-39. Upon entry of the
818 voter registration information into the Statewide Elections
819 Management System, the system shall assign a voter registration
820 number to the applicant. The assigned voter registration number
821 shall be clearly shown on the written notification of approval.
822 In mailing the written notification, the county registrar shall
823 note the following on the envelope: "DO NOT FORWARD". If any
824 registration notification form is returned as undeliverable, the
825 voter's registration shall be void.



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

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

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

(iii) The county registrar is unable to determine, from the address and information stated on the application, the precinct in which the voter should be assigned or the supervisor district in which he or she is entitled to vote;

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

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

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

(e) If the mail-in application of a person is subject to rejection for any of the reasons set forth in paragraph (d)(i) through (iii) of this subsection, and it appears to the county registrar that the defect or omission is of such a minor nature and that any necessary additional information may be supplied by the applicant over the telephone or by further correspondence, the



851 county registrar may write or call the applicant at the telephone
852 number or address, or both, provided on the application. If the
853 county registrar is able to contact the applicant by mail or
854 telephone, the county registrar shall attempt to ascertain the
855 necessary information, and if this information is sufficient for
856 the registrar to complete the application, the applicant shall be
857 registered. If the necessary information cannot be obtained by
858 mail or telephone, or is not sufficient to complete the
859 application within fourteen (14) days of receipt, the county
860 registrar shall give the applicant written notice of the rejection
861 and provide the reason for the rejection. The county registrar
862 shall further inform the applicant that he or she has a right to
863 attempt to register by appearing in person or by filing another
864 mail-in application.

865 (f) If a mail-in application is subject to rejection
866 for the reason stated in paragraph (d)(v) of this subsection and
867 the "present home address" portion of the application is different
868 from the residence address for the applicant found in the
869 Statewide Elections Management System, the mail-in application
870 shall be deemed a written request to update the voter's
871 registration pursuant to Section 23-15-13. The county registrar
872 or the election commissioners shall update the voter's residence
873 address in the Statewide Elections Management System and, if
874 necessary, advise the voter of a change in the location of his or



875 her county or municipal polling place by mailing the voter a new
876 voter registration card.

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

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

885 (b) The Secretary of State shall distribute without
886 charge sufficient forms for application for voter registration by
887 mail to the Commissioner of Public Safety, who shall distribute
888 the forms to each driver's license examining and renewal station
889 in the state, and shall ensure that the forms are regularly
890 available to the public at such stations.

891 (c) Bulk quantities of forms for application for voter
892 registration by mail shall be furnished by the Secretary of State
893 to any person or organization. The Secretary of State shall
894 charge a person or organization the actual cost he or she incurs
895 in providing bulk quantities of forms for application for voter
896 registration to such person or organization.

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



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

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

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

SECTION 27. Section 23-15-65, Mississippi Code of 1972, is amended as follows:

23-15-65. The board of election commissioners shall meet at the courthouse of its county on the second Monday in September preceding any general election or in a sufficient amount of time to hear appeals before the period for early voting begins, and shall remain in session from day to day, so long as business may require. Three (3) election commissioners shall constitute a quorum to do business; but the concurrence of at least three (3) election commissioners shall be necessary in all cases for the rendition of a decision. The election commissioners shall hear



and determine all appeals from the decisions of the registrar of their county, allowing or refusing the applications of electors to be registered; and they shall correct illegal or improper registrations, and shall secure the elective franchise, as affected by registration, to those who may be illegally or improperly denied the same.

SECTION 28. Section 23-15-127, Mississippi Code of 1972, is amended as follows:

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

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



commissioners * * * shall revise the primary pollbooks of the municipality as provided in this subsection.

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

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

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

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



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

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

983 (d) On the second Monday of September * * * before the
984 early voting period begins for the general election or regular
985 special election day in years in which a general election is not
986 conducted.

987 Except for the names of those voters who are duly qualified
988 to vote in the election, no name shall be permitted to remain in
989 the Statewide Elections Management System; however, no name shall
990 be purged from the Statewide Elections Management System based on
991 a change in the residence of an elector except in accordance with
992 procedures provided for by the National Voter Registration Act of
993 1993. Except as otherwise provided by Section 23-15-573, no
994 person shall vote at any election whose name is not in the county
995 voter roll electronically maintained by the Statewide Elections
996 Management System.

997 (2) Except as provided in this section, and subject to the
998 following annual limitations, the election commissioners shall be



999 entitled to receive a per diem in the amount of One Hundred
1000 Dollars (\$100.00), to be paid from the county general fund, for
1001 every day or period of no less than five (5) hours accumulated
1002 over two (2) or more days actually employed in the performance of
1003 their duties in the conduct of an election or actually employed in
1004 the performance of their duties for the necessary time spent in
1005 the revision of the county voter roll as electronically maintained
1006 by the Statewide Elections Management System as required in
1007 subsection (1) of this section:

1008 (a) In counties having less than fifteen thousand
1009 (15,000) residents according to the latest federal decennial
1010 census, not more than fifty (50) days per year, with no more than
1011 fifteen (15) additional days allowed for the conduct of each
1012 election in excess of one (1) occurring in any calendar year;

1013 (b) In counties having fifteen thousand (15,000)
1014 residents according to the latest federal decennial census but
1015 less than thirty thousand (30,000) residents according to the
1016 latest federal decennial census, not more than seventy-five (75)
1017 days per year, with no more than twenty-five (25) additional days
1018 allowed for the conduct of each election in excess of one (1)
1019 occurring in any calendar year;

1020 (c) In counties having thirty thousand (30,000)
1021 residents according to the latest federal decennial census but
1022 less than seventy thousand (70,000) residents according to the
1023 latest federal decennial census, not more than one hundred (100)



1024 days per year, with no more than thirty-five (35) additional days
1025 allowed for the conduct of each election in excess of one (1)
1026 occurring in any calendar year;

1027 (d) In counties having seventy thousand (70,000)
1028 residents according to the latest federal decennial census but
1029 less than ninety thousand (90,000) residents according to the
1030 latest federal decennial census, not more than one hundred
1031 twenty-five (125) days per year, with no more than forty-five (45)
1032 additional days allowed for the conduct of each election in excess
1033 of one (1) occurring in any calendar year;

1034 (e) In counties having ninety thousand (90,000)
1035 residents according to the latest federal decennial census but
1036 less than one hundred seventy thousand (170,000) residents
1037 according to the latest federal decennial census, not more than
1038 one hundred fifty (150) days per year, with no more than
1039 fifty-five (55) additional days allowed for the conduct of each
1040 election in excess of one (1) occurring in any calendar year;

1041 (f) In counties having one hundred seventy thousand
1042 (170,000) residents according to the latest federal decennial
1043 census but less than two hundred thousand (200,000) residents
1044 according to the latest federal decennial census, not more than
1045 one hundred seventy-five (175) days per year, with no more than
1046 sixty-five (65) additional days allowed for the conduct of each
1047 election in excess of one (1) occurring in any calendar year;



1048 (g) In counties having two hundred thousand (200,000)
1049 residents according to the latest federal decennial census but
1050 less than two hundred twenty-five thousand (225,000) residents
1051 according to the latest federal decennial census, not more than
1052 one hundred ninety (190) days per year, with no more than
1053 seventy-five (75) additional days allowed for the conduct of each
1054 election in excess of one (1) occurring in any calendar year;
1055 (h) In counties having two hundred twenty-five thousand
1056 (225,000) residents according to the latest federal decennial
1057 census but less than two hundred fifty thousand (250,000)
1058 residents according to the latest federal decennial census, not
1059 more than two hundred fifteen (215) days per year, with no more
1060 than eighty-five (85) additional days allowed for the conduct of
1061 each election in excess of one (1) occurring in any calendar year;
1062 (i) In counties having two hundred fifty thousand
1063 (250,000) residents according to the latest federal decennial
1064 census but less than two hundred seventy-five thousand (275,000)
1065 residents according to the latest federal decennial census, not
1066 more than two hundred thirty (230) days per year, with no more
1067 than ninety-five (95) additional days allowed for the conduct of
1068 each election in excess of one (1) occurring in any calendar year;
1069 (j) In counties having two hundred seventy-five
1070 thousand (275,000) residents according to the latest federal
1071 decennial census or more, not more than two hundred forty (240)
1072 days per year, with no more than one hundred five (105) additional



1073 days allowed for the conduct of each election in excess of one (1)
1074 occurring in any calendar year.

1075 (3) In addition to the number of days authorized in
1076 subsection (2) of this section, the board of supervisors of a
1077 county may authorize, in its discretion, the election
1078 commissioners to receive a per diem in the amount provided for in
1079 subsection (2) of this section, to be paid from the county general
1080 fund, for every day or period of no less than five (5) hours
1081 accumulated over two (2) or more days actually employed in the
1082 performance of their duties in the conduct of an election or
1083 actually employed in the performance of their duties for the
1084 necessary time spent in the revision of the county voter roll as
1085 electronically maintained by the Statewide Elections Management
1086 System as required in subsection (1) of this section, not to
1087 exceed five (5) days.

1088 (4) (a) The election commissioners shall be entitled to
1089 receive a per diem in the amount of One Hundred Dollars (\$100.00),
1090 to be paid from the county general fund, not to exceed ten (10)
1091 days for every day or period of no less than five (5) hours
1092 accumulated over two (2) or more days actually employed in the
1093 performance of their duties for the necessary time spent in the
1094 revision of the county voter roll as electronically maintained by
1095 the Statewide Elections Management System before any special
1096 election. For purposes of this paragraph, the regular special
1097 election day shall not be considered a special election. The



1098 annual limitations set forth in subsection (2) of this section
1099 shall not apply to this paragraph.

1100 (b) The election commissioners shall be entitled to
1101 receive a per diem in the amount of One Hundred Fifty Dollars
1102 (\$150.00), to be paid from the county general fund, for the
1103 performance of their duties on the day of any primary, runoff,
1104 general or special election. The annual limitations set forth in
1105 subsection (2) of this section shall apply to this paragraph.

1106 (c) The board of supervisors may, in its discretion,
1107 pay the election commissioners an additional amount not to exceed
1108 Fifty Dollars (\$50.00) for the performance of their duties at any
1109 election occurring from July 1, 2020, through December 31, 2020,
1110 which shall be considered additional pandemic pay. Such
1111 compensation shall be payable out of the county general fund, and
1112 may be payable from federal funds available for such purpose, or a
1113 combination of both funding sources.

1114 (5) The election commissioners shall be entitled to receive
1115 a per diem in the amount of One Hundred Dollars (\$100.00), to be
1116 paid from the county general fund, not to exceed fourteen (14)
1117 days for every day or period of no less than five (5) hours
1118 accumulated over two (2) or more days actually employed in the
1119 performance of their duties for the necessary time spent in the
1120 revision of the county voter roll as electronically maintained by
1121 the Statewide Elections Management System and in the conduct of a
1122 runoff election following either a general or special election.



1123 (6) The election commissioners shall be entitled to receive
1124 only one (1) per diem payment for those days when the election
1125 commissioners discharge more than one (1) duty or responsibility
1126 on the same day.

1127 (7) In preparation for a municipal primary, runoff, general
1128 or special election, the county registrar shall generate and
1129 distribute the master voter roll and pollbooks from the Statewide
1130 Elections Management System for the municipality located within
1131 the county. The municipality shall pay the county registrar for
1132 the actual cost of preparing and printing the municipal master
1133 voter roll pollbooks. A municipality may secure "read only"
1134 access to the Statewide Elections Management System and print its
1135 own pollbooks using this information.

1136 (8) County election commissioners who perform the duties of
1137 an executive committee with regard to the conduct of a primary
1138 election under a written agreement authorized by law to be entered
1139 into with an executive committee shall receive per diem as
1140 provided for in subsection (2) of this section. The days that
1141 county election commissioners are employed in the conduct of a
1142 primary election shall be treated the same as days county election
1143 commissioners are employed in the conduct of other elections.

1144 (9) In addition to any per diem authorized by this section,
1145 any election commissioner shall be entitled to the mileage
1146 reimbursement rate allowable to federal employees for the use of a
1147 privately owned vehicle while on official travel on election day.



1148 (10) Every election commissioner shall sign personally a
1149 certification setting forth the number of hours actually worked in
1150 the performance of the commissioner's official duties and for
1151 which the commissioner seeks compensation. The certification must
1152 be on a form as prescribed in this subsection. The commissioner's
1153 signature is, as a matter of law, made under the commissioner's
1154 oath of office and under penalties of perjury.

1155 The certification form shall be as follows:

1156 **COUNTY ELECTION COMMISSIONER**

1157 **PER DIEM CLAIM FORM**

1158 NAME: _____ COUNTY: _____

1159 ADDRESS: _____ DISTRICT: _____

1160 CITY: _____ ZIP: _____

1161				PURPOSE	APPLICABLE	ACTUAL	PER DIEM
1162	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS	DAYS
1163	WORKED	TIME	TIME	WORK	SECTION	WORKED	EARNED

1164 _____

1165 _____

1166 _____

1167 TOTAL NUMBER OF PER DIEM DAYS EARNED

1168 EXCLUDING ELECTION DAYS _____

1169 PER DIEM RATE PER DAY EARNED X \$100.00

1170 TOTAL NUMBER PER DIEM DAYS EARNED

1171 FOR ELECTION DAYS _____

1172 PER DIEM RATE PER DAY EARNED X \$150.00



1173 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

1174 I understand that I am signing this document under my oath as
1175 an election commissioner and under penalties of perjury.

1176 I understand that I am requesting payment from taxpayer funds
1177 and that I have an obligation to be specific and truthful as to
1178 the amount of hours worked and the compensation I am requesting.

1179 Signed this the _____ day of _____, ____.

1180 _____

1181 Commissioner's Signature

1182 When properly completed and signed, the certification must be
1183 filed with the clerk of the county board of supervisors before any
1184 payment may be made. The certification will be a public record
1185 available for inspection and reproduction immediately upon the
1186 oral or written request of any person.

1187 Any person may contest the accuracy of the certification in
1188 any respect by notifying the chair of the commission, any member
1189 of the board of supervisors or the clerk of the board of
1190 supervisors of the contest at any time before or after payment is
1191 made. If the contest is made before payment is made, no payment
1192 shall be made as to the contested certificate until the contest is
1193 finally disposed of. The person filing the contest shall be
1194 entitled to a full hearing, and the clerk of the board of
1195 supervisors shall issue subpoenas upon request of the contestor
1196 compelling the attendance of witnesses and production of documents
1197 and things. The contestor shall have the right to appeal de novo



1198 to the circuit court of the involved county, which appeal must be
1199 perfected within thirty (30) days from a final decision of the
1200 commission, the clerk of the board of supervisors or the board of
1201 supervisors, as the case may be.

1202 Any contestor who successfully contests any certification
1203 will be awarded all expenses incident to his or her contest,
1204 together with reasonable attorney's fees, which will be awarded
1205 upon petition to the chancery court of the involved county upon
1206 final disposition of the contest before the election commission,
1207 board of supervisors, clerk of the board of supervisors, or, in
1208 case of an appeal, final disposition by the court. The
1209 commissioner against whom the contest is decided shall be liable
1210 for the payment of the expenses and attorney's fees, and the
1211 county shall be jointly and severally liable for same.

1212 (11) Any election commissioner who has not received a
1213 certificate issued by the Secretary of State pursuant to Section
1214 23-15-211 indicating that the election commissioner has received
1215 the required elections seminar instruction and that the election
1216 commissioner is fully qualified to conduct an election, shall not
1217 receive any compensation authorized by this section or Section
1218 23-15-239.

1219 **SECTION 30.** Section 23-15-171, Mississippi Code of 1972, is
1220 amended as follows:

1221 23-15-171. (1) Except as otherwise provided in Section 4 of
1222 this act, municipal primary elections shall be held on the first



1223 Tuesday in April preceding the general municipal election and, in
1224 the event a second primary shall be necessary, such second primary
1225 shall be held on the fourth Tuesday in April preceding such
1226 general municipal election. The candidate receiving a majority of
1227 the votes cast in the election shall be the party nominee. If no
1228 candidate shall receive a majority vote at the election, the two
1229 (2) candidates receiving the highest number of votes shall have
1230 their names placed on the ballot for the second primary election.
1231 The candidate receiving the most votes cast in the second primary
1232 election shall be the party nominee. However, if no candidate
1233 shall receive a majority vote at the first primary, and there is a
1234 tie in the election of those receiving the next highest vote,
1235 those candidates receiving the next highest vote and the candidate
1236 receiving the highest vote shall have their names placed on the
1237 ballot for the second primary election, and whoever receives the
1238 most votes cast in the second primary election shall be the party
1239 nominee. At the primary election the municipal executive
1240 committee shall perform the same duties as are specified by law
1241 and performed by members of the county executive committee with
1242 regard to state and county primary elections. Each municipal
1243 executive committee shall have as many members as there are
1244 elective officers of the municipality, and the members of the
1245 municipal executive committee of each political party shall be
1246 elected in the primary elections held for the nomination of
1247 candidates for municipal offices. The provisions of this section



1248 shall govern all municipal primary elections as far as applicable,
1249 but the officers to prepare the ballots and the poll managers and
1250 other officials of the primary election shall be appointed by the
1251 municipal executive committee of the party holding the primary,
1252 and the returns of such election shall be made to such municipal
1253 executive committee. Vacancies in the executive committee shall
1254 be filled by it.

1255 (2) Provided, however, that in municipalities operating
1256 under a special or private charter which fixes a time for holding
1257 elections, other than the time fixed by Chapter 491, Laws of 1950,
1258 the first primary election shall be held on the first Tuesday, two
1259 (2) months before the time for holding the general election, as
1260 fixed by the charter, and the second primary election, where
1261 necessary, shall be held three (3) weeks after the first primary
1262 election, unless the charter of any such municipality provides
1263 otherwise, in which event the provisions of the special or private
1264 charter shall prevail as to the time of holding such primary
1265 elections.

1266 (3) All primary elections in municipalities shall be held
1267 and conducted in the same manner as is provided by law for state
1268 and county primary elections.

1269 **SECTION 31.** Section 23-15-173, Mississippi Code of 1972, is
1270 amended as follows:

1271 23-15-173. (1) A general municipal election shall be held
1272 in each city, town or village on the first Tuesday after the first



Monday of June 1985, and every four (4) years thereafter, for the election of all municipal officers elected by the people. Early voting for those general municipal elections shall be conducted as provided in Sections 1 through 7 of this act.

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

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

SECTION 32. Section 23-15-191, Mississippi Code of 1972, is amended as follows:

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

The candidate that receives a majority of the votes cast in the election shall be the party nominee. If no candidate receives a majority vote at the election, then the two (2) candidates who



1298 receive the highest number of votes shall have their names placed
1299 on the ballot for the second primary election to be held three (3)
1300 weeks later. The candidate who receives the most votes in the
1301 second primary election shall be the party nominee. However, if
1302 no candidate receives a majority vote at the first primary, and
1303 there is a tie in the election of those receiving the next highest
1304 vote, then those candidates receiving the next highest vote and
1305 the candidate receiving the highest vote shall have their names
1306 placed on the ballot for the second primary election to be held
1307 three (3) weeks later, and whoever receives the most votes cast in
1308 the second primary election shall be the party nominee.

1309 **SECTION 33.** Section 23-15-195, Mississippi Code of 1972, is
1310 amended as follows:

1311 23-15-195. Except as otherwise provided in Sections 1
1312 through 7 of this act, all elections by the people shall be by
1313 ballot, and shall be concluded in one (1) day.

1314 **SECTION 34.** Section 23-15-197, Mississippi Code of 1972, is
1315 amended as follows:

1316 23-15-197. (1) Times for holding primary and general
1317 elections for congressional offices shall be as prescribed in
1318 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1319 (2) Times for holding elections for the office of judge of
1320 the Supreme Court shall be as prescribed in Section 23-15-991 and
1321 Sections 23-15-974 through 23-15-985, and times for holding



1322 elections for the office of judge of the Court of Appeals shall be
1323 as prescribed in Section 9-4-5.

1324 (3) Times for holding elections for the office of circuit
1325 court judge and the office of chancery court judge shall be as
1326 prescribed in Sections 23-15-974 through 23-15-985, and Section
1327 23-15-1015.

1328 (4) Times for holding elections for the office of county
1329 election commissioners shall be as prescribed in Section
1330 23-15-213.

1331 (5) Times for holding elections for the office of levee
1332 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1333 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1334 Laws of 1983; and Chapter 438, Laws of 2010.

1335 (6) Times for holding early voting shall be as provided in
1336 Sections 1 through 7 of this act.

1337 **SECTION 35.** Section 23-15-231, Mississippi Code of 1972, is
1338 amended as follows:

1339 23-15-231. Before every * * * early voting period begins,
1340 the election commissioners shall appoint three (3) persons for
1341 each voting precinct to be poll managers, one (1) of whom shall be
1342 designated by the election commissioners as election bailiff. For
1343 general and special elections, the poll managers shall not all be
1344 of the same political party if suitable persons of different
1345 political parties can be found in the district. If any person
1346 appointed shall fail to attend and serve, the poll managers



1347 present, if any, may designate someone to fill his or her place;
1348 and if the election commissioners fail to make the appointments or
1349 in case of the failure of all those appointed to attend and serve,
1350 any three (3) qualified electors present when the polls should be
1351 opened may act as poll managers. Provided, however, any person
1352 appointed to be poll manager or act as poll manager shall be a
1353 qualified elector of the county in which the polling place is
1354 located.

1355 **SECTION 36.** Section 23-15-233, Mississippi Code of 1972, is
1356 amended as follows:

1357 23-15-233. The poll managers shall take care that the
1358 election * * * and the early voting are conducted fairly and
1359 agreeably to law, and they shall be judges of the qualifications
1360 of electors, and may examine, on oath, any person duly registered
1361 and offering to vote touching his or her qualifications as an
1362 elector, which oath any of the poll managers may administer.

1363 **SECTION 37.** Section 23-15-239, Mississippi Code of 1972, is
1364 amended as follows:

1365 **[Until January 1, 2020, this section shall read as follows:]**

1366 23-15-239. (1) The executive committee of each county, in
1367 the case of a primary election, or the election commissioners of
1368 each county, in the case of all other elections, in conjunction
1369 with the circuit clerk, shall, in the years in which counties
1370 conduct an election, sponsor and conduct, not less than five (5)
1371 days before the early voting period begins for each election, not



1372 less than four (4) hours and not more than eight (8) hours of poll
1373 manager training to instruct poll managers as to their duties in
1374 the proper administration of the election and the operation of the
1375 polling place. Any poll manager who completes the online training
1376 course provided by the Secretary of State shall only be required
1377 to complete two (2) hours of in-person poll manager training. No
1378 poll manager shall serve in any election unless he or she has
1379 received these instructions once during the twelve (12) months
1380 immediately preceding the date upon which the early voting period
1381 for each election * * * begins; however, nothing in this section
1382 shall prevent the appointment of an alternate poll manager to fill
1383 a vacancy in case of an emergency. The county executive committee
1384 or the election commissioners, as appropriate, shall train a
1385 sufficient number of alternates to serve in the event a poll
1386 manager is unable to serve for any reason.

1387 (2) (a) If it is eligible under Section 23-15-266, the
1388 county executive committee may enter into a written agreement with
1389 the circuit clerk or the county election commission authorizing
1390 the circuit clerk or the county election commission to perform any
1391 of the duties required of the county executive committee pursuant
1392 to this section. Any agreement entered into pursuant to this
1393 subsection shall be signed by the chair of the county executive
1394 committee and the circuit clerk or the chair of the county
1395 election commission, as appropriate. The county executive



1396 committee shall notify the state executive committee and the
1397 Secretary of State of the existence of the agreement.

1398 (b) If it is eligible under Section 23-15-266, the
1399 municipal executive committee may enter into a written agreement
1400 with the municipal clerk or the municipal election commission
1401 authorizing the municipal clerk or the municipal election
1402 commission to perform any of the duties required of the municipal
1403 executive committee pursuant to this section. Any agreement
1404 entered into pursuant to this subsection shall be signed by the
1405 chair of the municipal executive committee and the municipal clerk
1406 or the chair of the municipal election commission, as appropriate.
1407 The municipal executive committee shall notify the state executive
1408 committee and the Secretary of State of the existence of the
1409 agreement.

1410 (3) The board of supervisors and the municipal governing
1411 authority, in their discretion, may compensate poll managers who
1412 attend these training sessions. The compensation shall be at a
1413 rate of not less than the federal hourly minimum wage nor more
1414 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1415 compensated for more than sixteen (16) hours of attendance at the
1416 training sessions regardless of the actual amount of time that
1417 they attended the training sessions.

1418 (4) The time and location of the training sessions required
1419 pursuant to this section shall be announced to the general public
1420 by posting a notice thereof at the courthouse and by delivering a



1421 copy of the notice to the office of a newspaper having general
1422 circulation in the county five (5) days before the date upon which
1423 the training session is to be conducted. Persons who will serve
1424 as poll watchers for candidates and political parties, as well as
1425 members of the general public, shall be allowed to attend the
1426 sessions.

1427 (5) Subject to the following annual limitations, the
1428 election commissioners shall be entitled to receive a per diem in
1429 the amount of One Hundred Dollars (\$100.00), to be paid from the
1430 county general fund, for every day or period of no less than five
1431 (5) hours accumulated over two (2) or more days actually employed
1432 in the performance of their duties for the necessary time spent in
1433 conducting training sessions as required by this section:

1434 (a) In counties having less than fifteen thousand
1435 (15,000) residents according to the latest federal decennial
1436 census, not more than five (5) days per year;

1437 (b) In counties having fifteen thousand (15,000)
1438 residents according to the latest federal decennial census but
1439 less than thirty thousand (30,000) residents according to the
1440 latest federal decennial census, not more than eight (8) days per
1441 year;

1442 (c) In counties having thirty thousand (30,000)
1443 residents according to the latest federal decennial census but
1444 less than seventy thousand (70,000) residents according to the



1445 latest federal decennial census, not more than ten (10) days per
1446 year;

1447 (d) In counties having seventy thousand (70,000)
1448 residents according to the latest federal decennial census but
1449 less than ninety thousand (90,000) residents according to the
1450 latest federal decennial census, not more than twelve (12) days
1451 per year;

1452 (e) In counties having ninety thousand (90,000)
1453 residents according to the latest federal decennial census but
1454 less than one hundred seventy thousand (170,000) residents
1455 according to the latest federal decennial census, not more than
1456 fifteen (15) days per year;

1457 (f) In counties having one hundred seventy thousand
1458 (170,000) residents according to the latest federal decennial
1459 census but less than two hundred thousand (200,000) residents
1460 according to the latest federal decennial census, not more than
1461 eighteen (18) days per year;

1462 (g) In counties having two hundred thousand (200,000)
1463 residents according to the latest federal decennial census but
1464 less than two hundred twenty-five thousand (225,000) residents
1465 according to the latest federal decennial census, not more than
1466 nineteen (19) days per year;

1467 (h) In counties having two hundred twenty-five thousand
1468 (225,000) residents or more according to the latest federal
1469 decennial census, not more than twenty-two (22) days per year.



1470 (6) Election commissioners shall claim the per diem
1471 authorized in subsection (5) of this section in the manner
1472 provided for in Section 23-15-153(6).

1473 (7) (a) To provide poll manager training, the Secretary of
1474 State has developed a single, comprehensive poll manager training
1475 program to ensure uniform, secure elections throughout the state.
1476 The program includes online training on all state and federal
1477 election laws and procedures and voting machine opening and
1478 closing procedures.

1479 (b) County election commissioners shall designate one
1480 (1) poll manager per precinct, who shall individually access and
1481 complete the online training program, including all skills
1482 assessments, at least five (5) days before the early voting period
1483 for an election begins. The poll manager shall be defined as a
1484 "certified poll manager," and entitled to a "Certificate of
1485 Completion" and compensation for the successful completion of the
1486 training and skills assessment in the amount of Twenty-five
1487 Dollars (\$25.00) payable from the Secretary of State.
1488 Compensation paid to any poll manager under this paragraph (b)
1489 shall not exceed Twenty-five Dollars (\$25.00) per calendar year.

1490 (c) Every election held after January 1, 2018, shall
1491 have at least one (1) certified poll manager appointed by the
1492 county election officials to work in each polling place in the
1493 county during each general election.



1494 **[From and after January 1, 2020, this section shall read as**
1495 **follows:]**

1496 23-15-239. (1) The executive committee of each county, in
1497 the case of a primary election, or the election commissioners of
1498 each county, in the case of all other elections, in conjunction
1499 with the circuit clerk, shall, in the years in which counties
1500 conduct an election, sponsor and conduct, not less than five (5)
1501 days before the early voting period for each election begins, not
1502 less than four (4) hours and not more than eight (8) hours of poll
1503 manager training to instruct poll managers as to their duties in
1504 the proper administration of the election and the operation of the
1505 polling place. Any poll manager who completes the online training
1506 course provided by the Secretary of State shall only be required
1507 to complete two (2) hours of in-person poll manager training. No
1508 poll manager shall serve in any election unless he or she has
1509 received these instructions once during the twelve (12) months
1510 immediately preceding the date upon which the election is held;
1511 however, nothing in this section shall prevent the appointment of
1512 an alternate poll manager to fill a vacancy in case of an
1513 emergency. The county executive committee or the election
1514 commissioners, as appropriate, shall train a sufficient number of
1515 alternates to serve in the event a poll manager is unable to serve
1516 for any reason.

1517 (2) (a) If it is eligible under Section 23-15-266, the
1518 county executive committee may enter into a written agreement with



1519 the circuit clerk or the county election commission authorizing
1520 the circuit clerk or the county election commission to perform any
1521 of the duties required of the county executive committee pursuant
1522 to this section. Any agreement entered into pursuant to this
1523 subsection shall be signed by the chair of the county executive
1524 committee and the circuit clerk or the chair of the county
1525 election commission, as appropriate. The county executive
1526 committee shall notify the state executive committee and the
1527 Secretary of State of the existence of the agreement.

1528 (b) If it is eligible under Section 23-15-266, the
1529 municipal executive committee may enter into a written agreement
1530 with the municipal clerk or the municipal election commission
1531 authorizing the municipal clerk or the municipal election
1532 commission to perform any of the duties required of the municipal
1533 executive committee pursuant to this section. Any agreement
1534 entered into pursuant to this subsection shall be signed by the
1535 chair of the municipal executive committee and the municipal clerk
1536 or the chair of the municipal election commission, as appropriate.
1537 The municipal executive committee shall notify the state executive
1538 committee and the Secretary of State of the existence of the
1539 agreement.

1540 (3) The board of supervisors and the municipal governing
1541 authority, in their discretion, may compensate poll managers who
1542 attend these training sessions. The compensation shall be at a
1543 rate of not less than the federal hourly minimum wage nor more



1544 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1545 compensated for more than sixteen (16) hours of attendance at the
1546 training sessions regardless of the actual amount of time that
1547 they attended the training sessions.

1548 (4) The time and location of the training sessions required
1549 pursuant to this section shall be announced to the general public
1550 by posting a notice thereof at the courthouse and by delivering a
1551 copy of the notice to the office of a newspaper having general
1552 circulation in the county five (5) days before the date upon which
1553 the training session is to be conducted. Persons who will serve
1554 as poll watchers for candidates and political parties, as well as
1555 members of the general public, shall be allowed to attend the
1556 sessions.

1557 (5) Subject to the following annual limitations, the
1558 election commissioners shall be entitled to receive a per diem in
1559 the amount of One Hundred Dollars (\$100.00), to be paid from the
1560 county general fund, for every day or period of no less than five
1561 (5) hours accumulated over two (2) or more days actually employed
1562 in the performance of their duties for the necessary time spent in
1563 conducting training sessions as required by this section:

1564 (a) In counties having less than fifteen thousand
1565 (15,000) residents according to the latest federal decennial
1566 census, not more than five (5) days per year;

1567 (b) In counties having fifteen thousand (15,000)
1568 residents according to the latest federal decennial census but



1569 less than thirty thousand (30,000) residents according to the
1570 latest federal decennial census, not more than eight (8) days per
1571 year;

1572 (c) In counties having thirty thousand (30,000)
1573 residents according to the latest federal decennial census but
1574 less than seventy thousand (70,000) residents according to the
1575 latest federal decennial census, not more than ten (10) days per
1576 year;

1577 (d) In counties having seventy thousand (70,000)
1578 residents according to the latest federal decennial census but
1579 less than ninety thousand (90,000) residents according to the
1580 latest federal decennial census, not more than twelve (12) days
1581 per year;

1582 (e) In counties having ninety thousand (90,000)
1583 residents according to the latest federal decennial census but
1584 less than one hundred seventy thousand (170,000) residents
1585 according to the latest federal decennial census, not more than
1586 fifteen (15) days per year;

1587 (f) In counties having one hundred seventy thousand
1588 (170,000) residents according to the latest federal decennial
1589 census but less than two hundred thousand (200,000) residents
1590 according to the latest federal decennial census, not more than
1591 eighteen (18) days per year;

1592 (g) In counties having two hundred thousand (200,000)
1593 residents according to the latest federal decennial census but



1594 less than two hundred twenty-five thousand (225,000) residents
1595 according to the latest federal decennial census, not more than
1596 nineteen (19) days per year;

1597 (h) In counties having two hundred twenty-five thousand
1598 (225,000) residents or more according to the latest federal
1599 decennial census, not more than twenty-two (22) days per year.

1600 (6) Election commissioners shall claim the per diem
1601 authorized in subsection (5) of this section in the manner
1602 provided for in Section 23-15-153(6).

1603 (7) (a) To provide poll manager training, the Secretary of
1604 State has developed a single, comprehensive poll manager training
1605 program to ensure uniform, secure elections throughout the state.
1606 The program includes online training on all state and federal
1607 election laws and procedures and voting machine opening and
1608 closing procedures.

1609 (b) County poll managers who individually access and
1610 complete the online training program, including all skills
1611 assessments, at least five (5) days before the early voting period
1612 for an election begins shall be defined as "certified poll
1613 managers," and entitled to a "Certificate of Completion."

1614 (c) At least one (1) certified poll manager shall be
1615 appointed by the county election officials to work in each polling
1616 place in the county during each general election.

1617 **SECTION 38.** Section 23-15-241, Mississippi Code of 1972, is
1618 amended as follows:



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

SECTION 39. Section 23-15-245, Mississippi Code of 1972, is amended as follows:

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

SECTION 40. Section 23-15-247, Mississippi Code of 1972, is amended as follows:



1644 23-15-247. The election commissioners in each county shall
1645 procure, if not already provided, a sufficient number of ballot
1646 boxes, which shall be distributed by them to the voting precincts
1647 of the county before the time for opening the polls for early
1648 voting and on election day. The boxes shall be securely sealed
1649 from the opening of the polls * * * for early voting until the
1650 polls close on election day; and the box shall be kept by one (1)
1651 of the managers, and the manager having the box shall carefully
1652 keep it, and neither open it himself or herself nor permit it to
1653 be opened, nor permit any person to have any access to it
1654 throughout the voting period during an election. The box shall
1655 not be removed from the polling building or place after the polls
1656 are opened until the polls close and the count is complete. After
1657 each election the ballot boxes shall be delivered to the clerk of
1658 the circuit court of the county for preservation; and he or she
1659 shall keep them for future use, and, when called for, deliver them
1660 to the election commissioners.

1661 **SECTION 41.** Section 23-15-251, Mississippi Code of 1972, is
1662 amended as follows:

1663 23-15-251. The election commissioners, in appointing the
1664 poll managers of an election, shall designate one (1) of the poll
1665 managers at each voting place to receive and distribute the
1666 official ballots, and shall deliver to him or her the proper
1667 number of ballots for his or her district not less than one (1)
1668 day before the early voting period begins and not less than one



1669 (1) day before election day; and the poll manager receiving the
1670 ballots from the election commissioners shall distribute the same
1671 to the electors of his or her district in the manner herein
1672 provided. It shall be the duty of the designated poll manager for
1673 service at a voting place other than the courthouse, to carry to
1674 that voting place, on the day before the early voting period
1675 begins and on the day before election day, or before 6:00 a.m. on
1676 the morning the early voting period begins and on the morning of
1677 the election day, the ballot box, the pollbook, the blank tally
1678 sheets, the blank forms to be used in making returns, the other
1679 necessary stationery and supplies and the official printed ballots
1680 aforesaid, and all of the same used and unused shall be returned
1681 by the designated poll manager to the election commissioners on
1682 the day * * * after the election.

1683 **SECTION 42.** Section 23-15-255, Mississippi Code of 1972, is
1684 amended as follows:

1685 23-15-255. (1) The supervisor of each respective
1686 supervisors district shall provide at each election place a
1687 sufficient number of voting compartments, shelves and tables for
1688 the use of electors, which shall be so arranged that it will be
1689 impossible for a voter in one (1) compartment to see another voter
1690 who is preparing his or her ballot. The number of voting
1691 compartments and shelves or tables shall not be less than one (1)
1692 to every two hundred (200) electors in the voting precinct.



1693 (2) The poll managers of each precinct shall publicly post
1694 the following information at the precinct polling place * * *
1695 during any election:

1696 (a) A sample ballot that will be used at the election;

1697 (b) The hours during which the polling places will be
1698 open for early voting and on election day;

1699 (c) Instructions on how to vote, including how to cast
1700 a vote and how to cast an affidavit ballot;

1701 (d) Instructions for persons who have registered to
1702 vote by mail and first time voters, if appropriate;

1703 (e) General information on voting rights, including
1704 information on the right of an individual to cast an affidavit
1705 ballot and instructions on how to contact the appropriate
1706 officials if these rights are alleged to have been violated; * * *

1707 (f) The consequences under federal and state laws
1708 regarding fraud and misrepresentation;

1709 (g) A list of voters in each polling place that have
1710 already cast an absentee ballot or voted during the early voting
1711 period; and

1712 (h) The acceptable forms of photo identification that
1713 may be presented in the polling place.

1714 **SECTION 43.** Section 23-15-263, Mississippi Code of 1972, is
1715 amended as follows:

1716 23-15-263. (1) Unless otherwise provided in this chapter,
1717 the county executive committee at primary elections shall perform



1718 all duties that relate to the qualification of candidates for
1719 primary elections, print ballots for the early voting period for
1720 primary elections and for primary * * * election day, appoint the
1721 primary election officers, resolve contests in regard to primary
1722 elections, and perform all other duties required by law to be
1723 performed by the county executive committee; however, each house
1724 of the Legislature shall rule on the qualifications of the
1725 membership of its respective body in contests involving the
1726 qualifications of * * * its members. The executive committee
1727 shall be subject to all the penalties to which county election
1728 commissioners are subject, except that Section 23-15-217 shall not
1729 apply to members of the county executive committee who seek
1730 elective office.

1731 (2) A member of a county executive committee shall be
1732 automatically disqualified to serve on the county executive
1733 committee, and shall be considered to have resigned * * * from the
1734 county executive committee, upon his or her qualification as a
1735 candidate for any elective office. The provisions of this
1736 subsection shall not apply to a member of a county executive
1737 committee who qualifies as a candidate for a municipal elective
1738 office.

1739 (3) The primary election officers appointed by the executive
1740 committee of the party shall have the powers and perform the
1741 duties, where not otherwise provided, required of * * * those
1742 officers in a general election, and any * * * act or omission



1743 which by law is an offense when committed in or about or in
1744 respect to * * * the general elections, shall be an offense if
1745 committed in or about or in respect to a primary election; and the
1746 same shall be indictable and punishable in the same way as if the
1747 election was a general election for the election of state and
1748 county officers, except as specially modified or otherwise
1749 provided in this chapter.

1750 **SECTION 44.** Section 23-15-265, Mississippi Code of 1972, is
1751 amended as follows:

1752 23-15-265. (1) The county executive committee of each
1753 county shall meet not less than two (2) weeks before the
1754 date * * * the period for early voting begins for any primary
1755 election and appoint the poll managers for same, all of whom may
1756 be members of the same political party. The number of poll
1757 managers appointed by the county executive committee shall be the
1758 same number as election commissioners are allowed to appoint
1759 pursuant to Sections 23-15-231 and 23-15-235. If the county
1760 executive committee fails to meet on the date named, supra,
1761 further notice shall be given of the time and place of meeting.

1762 (2) (a) If it is eligible under Section 23-15-266, the
1763 county executive committee may enter into a written agreement with
1764 the circuit clerk or the county election commission authorizing
1765 the circuit clerk or the county election commission to perform any
1766 of the duties required of the county executive committee pursuant
1767 to this section. Any agreement entered into pursuant to this



1768 subsection shall be signed by the chair of the county executive
1769 committee and the circuit clerk or the chair of the county
1770 election commission, as appropriate. The county executive
1771 committee shall notify the state executive committee and the
1772 Secretary of State of the existence of the agreement.

1773 (b) If it is eligible under Section 23-15-266, the
1774 municipal executive committee may enter into a written agreement
1775 with the municipal clerk or the municipal election commission
1776 authorizing the municipal clerk or the municipal election
1777 commission to perform any of the duties required of the municipal
1778 executive committee pursuant to this section. Any agreement
1779 entered into pursuant to this subsection shall be signed by the
1780 chair of the municipal executive committee and the municipal clerk
1781 or the chair of the municipal election commission, as appropriate.
1782 The municipal executive committee shall notify the state executive
1783 committee and the Secretary of State of the existence of such
1784 agreement.

1785 **SECTION 45.** Section 23-15-267, Mississippi Code of 1972, is
1786 amended as follows:

1787 23-15-267. (1) The ballot boxes provided by the election
1788 commissioners in each county shall be used in primary elections,
1789 and the county executive committees shall distribute them to the
1790 voting precincts of the county before the time for opening the
1791 polls, in the same manner, as near as may be, as that provided for
1792 in general elections.



1793 (2) The boxes shall be securely sealed and locked beginning
1794 at the start of voting during the period for early voting and on
1795 election day until the end of voting on election day; and the box
1796 shall be kept by one (1) of the poll managers, and the poll
1797 manager having the box shall carefully keep it, and neither open
1798 it himself or herself nor permit it to be done, nor permit any
1799 person to have any access to it throughout voting during the
1800 period for early voting and during election day. The box shall
1801 not be removed from the polling place after the polls are open
1802 until the polls close and the count is completed.

1803 (3) After each election, the ballot boxes shall be delivered
1804 to the clerk of the circuit court of the county for preservation;
1805 and he or she shall keep them for future use, and, when called
1806 for, deliver them to the election commissioners.

1807 (4) (a) If it is eligible under Section 23-15-266, the
1808 county executive committee may enter into a written agreement with
1809 the circuit clerk or the county election commission authorizing
1810 the circuit clerk or the county election commission to perform any
1811 of the duties required of the county executive committee pursuant
1812 to this section. Any agreement entered into pursuant to this
1813 subsection shall be signed by the chair of the county executive
1814 committee and the circuit clerk or the chair of the county
1815 election commission, as appropriate. The county executive
1816 committee shall notify the State Executive Committee and the
1817 Secretary of State of the existence of such agreement.



1818 (b) If it is eligible under Section 23-15-266, the
1819 municipal executive committee may enter into a written agreement
1820 with the municipal clerk or the municipal election commission
1821 authorizing the municipal clerk or the municipal election
1822 commission to perform any of the duties required of the municipal
1823 executive committee pursuant to this section. Any agreement
1824 entered into pursuant to this subsection shall be signed by the
1825 chair of the municipal executive committee and the municipal clerk
1826 or the chair of the municipal election commission, as appropriate.
1827 The municipal executive committee shall notify the State Executive
1828 Committee and the Secretary of State of the existence of such
1829 agreement.

1830 (5) The person, or persons, whose duty it is to comply with
1831 the provisions of this section and who shall fail, or neglect,
1832 from any cause, to deliver the boxes or any of them as herein
1833 provided shall, upon conviction, be fined not less than Two
1834 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1835 the residence of the person, or persons, who violates any of the
1836 provisions of this section, for a period of not less than thirty
1837 (30) days or more than six (6) months, and fined not more than
1838 Five Hundred Dollars (\$500.00).

1839 **SECTION 46.** Section 23-15-309, Mississippi Code of 1972, is
1840 amended as follows:

1841 23-15-309. (1) Nominations for all municipal officers which
1842 are elective shall be made * * * during the days for conducting a



1843 primary election, or elections, to be held in the manner
1844 prescribed by law. All persons desiring to be candidates for the
1845 nomination in the primary elections shall first pay Ten Dollars
1846 (\$10.00) to the clerk of the municipality, at least sixty (60)
1847 days before the date the early voting period begins for the first
1848 primary election, no later than 5:00 p.m. on such deadline day.
1849 If the sixtieth day to file the fee and written statement before
1850 the date the early voting period begins for an election falls on a
1851 Sunday or legal holiday, the fees and written statements submitted
1852 on the business day immediately following the Sunday or legal
1853 holiday shall be accepted.

1854 (2) The fee paid pursuant to subsection (1) of this section
1855 shall be accompanied by a written statement containing the name
1856 and address of the candidate, the party with which he or she is
1857 affiliated, the email address of the candidate, if any, and the
1858 office for which he or she is a candidate.

1859 (3) The clerk shall promptly receipt the payment, stating
1860 the office for which the person making the payment is running and
1861 the political party with which such person is affiliated. The
1862 clerk shall keep an itemized account in detail showing the time
1863 and date of the receipt of such payment received by him or her,
1864 from whom such payment was received, the party with which such
1865 person is affiliated and for what office the person paying the fee
1866 is a candidate. No candidate may attempt to qualify with any
1867 political party that does not have a duly organized municipal



1868 executive committee, and the municipal clerk shall not accept any
1869 assessments made pursuant to subsection (1) if the municipal clerk
1870 does not have contact information for the secretary of the
1871 municipal executive committee for that political party. The clerk
1872 shall promptly supply all necessary information and pay over all
1873 fees so received to the secretary of the proper municipal
1874 executive committee. The funds may be used and disbursed in the
1875 same manner as is allowed in Section 23-15-299 in regard to other
1876 executive committees.

1877 (4) Upon receipt of the above information, the proper
1878 municipal executive committee shall then determine, at the time of
1879 the qualifying deadline, whether each candidate is a qualified
1880 elector of the municipality, and of the ward if the office sought
1881 is a ward office, shall determine whether each candidate either
1882 meets all other qualifications to hold the office he or she is
1883 seeking or presents absolute proof that he or she will, subject to
1884 no contingencies, meet all qualifications on or before the date of
1885 the general or special election at which he or she could be
1886 elected to office. The executive committee shall determine
1887 whether the candidate has taken the steps necessary to qualify for
1888 more than one (1) office at the election. The committee also
1889 shall determine whether any candidate has been convicted of any
1890 felony in a court of this state, or has been convicted on or after
1891 December 8, 1992, of any offense in another state which is a
1892 felony under the laws of this state, or has been convicted of any



1893 felony in a federal court on or after December 8, 1992. Excepted
1894 from the above are convictions of manslaughter and violations of
1895 the United States Internal Revenue Code or any violations of the
1896 tax laws of this state unless such offense also involved misuse or
1897 abuse of his or her office or money coming into his or her hands
1898 by virtue of the office. If the proper municipal executive
1899 committee finds that a candidate either (a) does not meet all
1900 qualifications to hold the office he or she seeks and fails to
1901 provide absolute proof, subject to no contingencies, that he or
1902 she will meet the qualifications on or before the date * * * the
1903 early voting period begins for the general or special election at
1904 which he or she could be elected, or (b) has been convicted of a
1905 felony as described in this subsection and not pardoned, then the
1906 executive committee shall notify the candidate and give the
1907 candidate an opportunity to be heard. The executive committee
1908 shall mail notice to the candidate at least three (3) business
1909 days before the hearing to the address provided by the candidate
1910 on the qualifying forms, and the committee shall attempt to
1911 contact the candidate by telephone, email and facsimile if the
1912 candidate provided this information on the forms. If the
1913 candidate fails to appear at the hearing or to prove he or she
1914 meets all qualifications to hold the office subject to no
1915 contingencies, then the name of such candidate shall not be placed
1916 upon the ballot. If the executive committee determines that the
1917 candidate has taken the steps necessary to qualify for more than



1918 one (1) office at the election, the action required by Section
1919 23-15-905, shall be taken.

1920 (5) Where there is but one (1) candidate, the proper
1921 municipal executive committee when the time has expired within
1922 which the names of candidates shall be furnished shall declare
1923 such candidate the nominee.

1924 **SECTION 47.** Section 23-15-331, Mississippi Code of 1972, is
1925 amended as follows:

1926 23-15-331. It shall be the duty of the state executive
1927 committee of each political party to furnish to each county
1928 executive committee, not less than fifty (50) days * * * before
1929 the * * * period for early voting begins the names of all state
1930 and state district candidates and all candidates for legislative
1931 districts composed of more than one (1) county or parts of more
1932 than one (1) county who have qualified as provided by law, and in
1933 accordance with the requirements of Section 23-15-333 a sample of
1934 the official ballot to be used in the primary, the general form of
1935 which shall be followed as nearly as practicable.

1936 **SECTION 48.** Section 23-15-333, Mississippi Code of 1972, is
1937 amended as follows:

1938 23-15-333. (1) The county executive committee shall have
1939 printed all necessary ballots, for use in primary elections. The
1940 county executive committee shall have printed all necessary
1941 absentee ballots forty-five (45) days before the period for early
1942 voting begins for the election as required by law. The ballots



shall contain the names of all the candidates to be voted for at the election, and there shall be left on each ballot one (1) blank space under the title of each office for which a nominee is to be elected; and in the event of the death of any candidate whose name shall have been printed on the ballot, the name of the candidate duly substituted in the place of the deceased candidate may be written in such blank space by the voter. Except as otherwise provided in subsection (2) of this section, the order in which the titles to the various offices shall be printed, and the size, print and quality of the paper of the ballot is left to the discretion of the county executive committee. Provided, however, that in all cases the arrangement of the names of the candidates for each office shall be alphabetical. No ballot shall be used except those so printed.

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

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

(i) President of the United States of America;
(ii) United States Senator or United States Representative;

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



1968 (c) Candidates for the following state district
1969 offices: Mississippi Transportation Commissioner, Public Service
1970 Commissioner, District Attorney;

1971 (d) Candidates for the following legislative offices:
1972 Senator and House of Representatives;

1973 (e) Candidates for countywide office;

1974 (f) Candidates for county district office.

1975 The order in which the titles for the various offices are
1976 listed within each of the categories listed in paragraphs (e) and
1977 (f) are left to the discretion of the county executive committee.
1978 Candidates' names shall be listed alphabetically under each office
1979 by the candidate's last name.

1980 (3) If after the deadline to qualify as a candidate for an
1981 office, only one (1) person has duly qualified to be a candidate
1982 for the office in the primary election, the name of that person
1983 shall be placed on the ballot; provided, however, that if not more
1984 than one (1) person has duly qualified to be a candidate for each
1985 office on the primary election ballot, the election for all
1986 offices on the ballot shall be dispensed with and the appropriate
1987 executive committee shall declare each candidate as the party
1988 nominee if the candidate meets all the qualifications to hold the
1989 office.

1990 (4) (a) If it is eligible under Section 23-15-266, the
1991 county executive committee may enter into a written agreement with
1992 the circuit clerk or the county election commission authorizing



1993 the circuit clerk or the county election commission to perform any
1994 of the duties required of the county executive committee pursuant
1995 to this section. Any agreement entered into pursuant to this
1996 subsection shall be signed by the chair of the county executive
1997 committee and the circuit clerk or the chair of the county
1998 election commission, as appropriate. The county executive
1999 committee shall notify the state executive committee and the
2000 Secretary of State of the existence of such agreement.

2001 (b) If it is eligible under Section 23-15-266, the
2002 municipal executive committee may enter into a written agreement
2003 with the municipal clerk or the municipal election commission
2004 authorizing the municipal clerk or the municipal election
2005 commission to perform any of the duties required of the municipal
2006 executive committee pursuant to this section. Any agreement
2007 entered into pursuant to this subsection shall be signed by the
2008 chair of the municipal executive committee and the municipal clerk
2009 or the chair of the municipal election commission, as appropriate.
2010 The municipal executive committee shall notify the state executive
2011 committee and the Secretary of State of the existence of such
2012 agreement.

2013 **SECTION 49.** Section 23-15-335, Mississippi Code of 1972, is
2014 amended as follows:

2015 23-15-335. (1) The county executive committee shall
2016 designate a person whose duty it shall be to distribute all
2017 necessary ballots for use * * * during a primary election, and



2018 shall designate one (1) among the poll managers at each polling
2019 place to receive and receipt for the blank ballots to be used at
2020 that place. When the blank ballots are delivered to a local poll
2021 manager, the distributor shall take from the local poll manager a
2022 receipt therefor signed in duplicate by both the distributor and
2023 the poll manager, one (1) of which receipts the distributor shall
2024 deliver to the circuit clerk and the other shall be retained by
2025 the local poll manager and the last mentioned duplicate receipt
2026 shall be enclosed in the ballot box with the voted ballots when
2027 the polls have been closed and the votes have been counted. The
2028 printer of the ballots shall take a receipt from the distributor
2029 of the ballots for the total number of the blank ballots delivered
2030 to the distributor. The printer shall secure all ballots printed
2031 by him or her in such a safe manner that no person can procure
2032 them or any of them, and he or she shall deliver no blank ballot
2033 or ballots to any person except the distributor above mentioned,
2034 and then only upon his or her receipt therefor as above specified.
2035 The distributor of the blank ballots shall so securely hold the
2036 same that no person can obtain any of them, and he or she shall
2037 not deliver any of them to any person other than to the authorized
2038 local poll managers and upon their respective receipts therefor.
2039 The executive committee shall see to it that the total blank
2040 ballots delivered to the distributor, shall correspond with the
2041 total of the receipts executed by the local poll managers.



2042 (2) (a) If it is eligible under Section 23-15-266, the
2043 county executive committee may enter into a written agreement with
2044 the circuit clerk or the county election commission authorizing
2045 the circuit clerk or the county election commission to perform any
2046 of the duties required of the county executive committee pursuant
2047 to this section. Any agreement entered into pursuant to this
2048 subsection shall be signed by the chair of the county executive
2049 committee and the circuit clerk or the chair of the county
2050 election commission, as appropriate. The county executive
2051 committee shall notify the state executive committee and the
2052 Secretary of State of the existence of such agreement.

2053 (b) If it is eligible under Section 23-15-266, the
2054 municipal executive committee may enter into a written agreement
2055 with the municipal clerk or the municipal election commission
2056 authorizing the municipal clerk or the municipal election
2057 commission to perform any of the duties required of the municipal
2058 executive committee pursuant to this section. Any agreement
2059 entered into pursuant to this subsection shall be signed by the
2060 chair of the municipal executive committee and the municipal clerk
2061 or the chair of the municipal election commission, as appropriate.
2062 The municipal executive committee shall notify the state executive
2063 committee and the Secretary of State of the existence of such
2064 agreement.



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

SECTION 50. Section 23-15-353, Mississippi Code of 1972, is amended as follows:

23-15-353. The officer charged with printing and distributing the official ballot shall ascertain from the registrar, at least ten (10) days before the day * * * early voting for that election begins, the number of registered voters in each voting precinct; and he or she shall have printed and distributed a sufficient number of ballots for use in each precinct.

SECTION 51. Section 23-15-357, Mississippi Code of 1972, is amended as follows:

23-15-357. On the back and outside of the ballot shall be printed the words "OFFICIAL BALLOT," the name of the voting precinct or place for which the ballot is prepared, * * * the date of the election and the date of the period for early voting.

SECTION 52. Section 23-15-359, Mississippi Code of 1972, is amended as follows:

23-15-359. (1) Except as provided in this section, the ballot shall contain the names of all party nominees certified by the appropriate executive committee, and independent and special election candidates who have timely filed petitions containing the required signatures and assessments that must be paid pursuant to



2090 Section 23-15-297, if the candidates and nominees meet all of the
2091 qualifications to hold the office sought. A petition requesting
2092 that an independent or special election candidate's name be placed
2093 on the ballot for any office shall be filed as provided for in
2094 subsection (3) or (4) of this section, as appropriate, and shall
2095 be signed by not less than the following number of qualified
2096 electors:

2097 (a) For an office elected by the state at large, not
2098 less than one thousand (1,000) qualified electors.

2099 (b) For an office elected by the qualified electors of
2100 a Supreme Court district, not less than three hundred (300)
2101 qualified electors.

2102 (c) For an office elected by the qualified electors of
2103 a congressional district, not less than two hundred (200)
2104 qualified electors.

2105 (d) For an office elected by the qualified electors of
2106 a circuit or chancery court district, not less than one hundred
2107 (100) qualified electors.

2108 (e) For an office elected by the qualified electors of
2109 a senatorial or representative district, not less than fifty (50)
2110 qualified electors.

2111 (f) For an office elected by the qualified electors of
2112 a county, not less than fifty (50) qualified electors.



2113 (g) For an office elected by the qualified electors of
2114 a supervisors district or justice court district, not less than
2115 fifteen (15) qualified electors.

2116 (h) For the Office of President of the United States, a
2117 party nominee or independent candidate shall pay an assessment in
2118 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

2119 (2) (a) Unless the petition or fee, whichever is
2120 applicable, required above shall be filed as provided for in
2121 subsection (3), (4) or (5) of this section, as appropriate, the
2122 name of the person requested to be a candidate, unless nominated
2123 by a political party, shall not be placed upon the ballot. The
2124 ballot shall contain the names of each candidate for each office,
2125 and the names shall be listed under the name of the political
2126 party that candidate represents as provided by law and as
2127 certified to the circuit clerk by the state executive committee of
2128 the political party. In the event the candidate qualifies as an
2129 independent as provided in this section, he or she shall be listed
2130 on the ballot as an independent candidate.

2131 (b) The name of an independent or special election
2132 candidate who dies before the printing of the ballots, shall not
2133 be placed on the ballots.

2134 (3) Petitions for offices described in paragraphs (a), (b),
2135 (c), (d) and (e) of subsection (1) of this section shall be filed
2136 with the Secretary of State by no later than 5:00 p.m. on the same
2137 date or business day, as applicable, by which candidates are



2138 required to pay the fee provided for in Section 23-15-297;
2139 however, no petition may be filed before January 1 of the year in
2140 which the election for the office is held.

2141 (4) Petitions for offices described in paragraphs (f) and
2142 (g) of subsection (1) of this section shall be filed with the
2143 proper circuit clerk by no later than 5:00 p.m. on the same date
2144 by which candidates are required to pay the fee provided for in
2145 Section 23-15-297; however, no petition may be filed before
2146 January 1 of the year in which the election for the office is
2147 held. The circuit clerk shall notify the county election
2148 commissioners of all persons who have filed petitions with the
2149 clerk. The notification shall occur within two (2) business days
2150 and shall contain all necessary information.

2151 (5) The assessment for the office described in paragraph (h)
2152 of subsection (1) of this section shall be paid to the Secretary
2153 of State. The Secretary of State shall deposit any qualifying
2154 fees received from candidates into the Elections Support Fund
2155 established in Section 23-15-5.

2156 (6) The election commissioners may also have printed upon
2157 the ballot any local issue election matter that is authorized to
2158 be * * * voted on * * * during the period for voting for the
2159 regular or general election pursuant to Section 23-15-375;
2160 however, the ballot form of the local issue must be filed with the
2161 election commissioners by the appropriate governing authority not



2162 less than sixty (60) days before the date * * * the early voting
2163 period begins for the election.

2164 (7) The provisions of this section shall not apply to
2165 municipal elections or to the election of the offices of justice
2166 of the Supreme Court, judge of the Court of Appeals, circuit
2167 judge, chancellor, county court judge and family court judge.

2168 (8) Nothing in this section shall prohibit special elections
2169 to fill vacancies in either house of the Legislature from being
2170 held as provided in Section 23-15-851. In all elections conducted
2171 under the provisions of Section 23-15-851, there shall be printed
2172 on the ballot the name of any candidate who, not having been
2173 nominated by a political party, shall have been requested to be a
2174 candidate for any office by a petition filed with the Secretary of
2175 State and signed by not less than fifty (50) qualified electors.

2176 (9) (a) The appropriate election commission shall determine
2177 whether each candidate is a qualified elector of the state, state
2178 district, county or county district they seek to serve, and
2179 whether each candidate meets all other qualifications to hold the
2180 office he or she is seeking or presents absolute proof that he or
2181 she will, subject to no contingencies, meet all qualifications on
2182 or before the date * * * the early voting period begins for the
2183 general or special election at which he or she could be elected to
2184 office. The election commission shall determine whether the
2185 candidate has taken the steps necessary to qualify for more than
2186 one (1) office at the election. The election commission also



2187 shall determine whether any candidate has been convicted (i) of
2188 any felony in a court of this state, (ii) on or after December 8,
2189 1992, of any offense in another state which is a felony under the
2190 laws of this state, (iii) of any felony in a federal court on or
2191 after December 8, 1992, or (iv) of any offense that involved the
2192 misuse or abuse of his or her office or money coming into his or
2193 her hands by virtue of the office. Excepted from the above are
2194 convictions of manslaughter and violations of the United States
2195 Internal Revenue Code or any violations of the tax laws of this
2196 state.

2197 (b) If the appropriate election commission finds that a
2198 candidate either (i) is not a qualified elector, (ii) does not
2199 meet all qualifications to hold the office he or she seeks and
2200 fails to provide absolute proof, subject to no contingencies, that
2201 he or she will meet the qualifications on or before the date * * *
2202 the early voting period begins the general or special election at
2203 which he or she could be elected, or (iii) has been convicted of a
2204 felony or other disqualifying offense as described in paragraph
2205 (a) of this subsection, and not pardoned, then the election
2206 commission shall notify the candidate and give the candidate an
2207 opportunity to be heard. The election commission shall mail
2208 notice to the candidate at least three (3) business days before
2209 the hearing to the address provided by the candidate on the
2210 qualifying forms, and the committee shall attempt to contact the
2211 candidate by telephone, email and facsimile if the candidate



2212 provided this information on the forms. If the candidate fails to
2213 appear at the hearing or to prove that he or she meets all
2214 qualifications to hold the office subject to no contingencies,
2215 then the name of such candidate shall not be placed upon the
2216 ballot. If the appropriate election commission determines that
2217 the candidate has taken the steps necessary to qualify for more
2218 than one (1) office at the election, the action required by
2219 Section 23-15-905, shall be taken.

2220 (10) If after the deadline to qualify as a candidate for an
2221 office or after the time for holding any party primary for an
2222 office, only one (1) person has duly qualified to be a candidate
2223 for the office in the general election, the name of that person
2224 shall be placed on the ballot; provided, however, that if not more
2225 than one (1) person duly qualified to be a candidate for each
2226 office on the general election ballot, the election for all
2227 offices on the ballot shall be dispensed with and the appropriate
2228 election commission shall declare each candidate elected without
2229 opposition if the candidate meets all the qualifications to hold
2230 the office as determined pursuant to a review by the election
2231 commission in accordance with the provisions of subsection (9) of
2232 this section and if the candidate has filed all required campaign
2233 finance disclosure reports as required by Section 23-15-807.

2234 (11) The petition required by this section may not be filed
2235 by using the Internet.



2236 **SECTION 53.** Section 23-15-363, Mississippi Code of 1972, is
2237 amended as follows:

2238 23-15-363. After the proper officer has knowledge of or has
2239 been notified of the nomination, as provided, of any candidate for
2240 office, the officer shall not omit his or her name from the
2241 ballot, unless upon the written request of the candidate
2242 nominated, made at least ten (10) days before the early voting
2243 period for the election begins, and in no case after * * * the
2244 ballot has been printed; and every ballot shall contain the names
2245 of all candidates nominated as specified, and not duly withdrawn.

2246 **SECTION 54.** Section 23-15-367, Mississippi Code of 1972, is
2247 amended as follows:

2248 23-15-367. (1) Except as otherwise provided by Sections
2249 23-15-974 through 23-15-985 and subsection (2) of this section,
2250 the size, print and quality of paper of the official ballot is
2251 left to the discretion of the officer charged with printing the
2252 official ballot.

2253 (2) The titles for the various offices shall be listed in
2254 the following order:

2255 (a) Candidates, electors or delegates for the following
2256 national offices:

2257 (i) President;

2258 (ii) United States Senator or United States
2259 Representative;



2260 (b) Candidates for the following statewide office:
2261 Governor, Lieutenant Governor, Secretary of State, Attorney
2262 General, State Treasurer, Auditor of Public Accounts, Commissioner
2263 of Agriculture and Commerce, Commissioner of Insurance;

2264 (c) Candidates for the following state district
2265 offices: Mississippi Transportation Commissioner, Public Service
2266 Commissioner, District Attorney;

2267 (d) Candidates for the following legislative offices:
2268 Senate and House of Representatives;

2269 (e) Candidates for countywide office;

2270 (f) Candidates for county district office.

2271 The order in which the titles for the various offices are
2272 listed within paragraphs (e) and (f) is left to the discretion of
2273 the county election commissioners. Nominees of the political
2274 parties, qualified to conduct primary elections as defined in
2275 Section 23-15-291, shall be listed first alphabetically by the
2276 candidate's last name, followed by any other candidates listed
2277 alphabetically by last name.

2278 (3) It is the duty of the Secretary of State, with the
2279 approval of the Governor, to furnish the designated election
2280 commissioner of each county a sample of the official ballot, not
2281 less than fifty-five (55) days before the early voting period
2282 begins for the election, the general form of which shall be
2283 followed as nearly as practicable.



2284 **SECTION 55.** Section 7-3-39, Mississippi Code of 1972, is
2285 amended as follows:

2286 7-3-39. The Secretary of State shall have published in full
2287 each constitutional amendment two (2) weeks * * * before the
2288 period for early voting for the election begins, if early voting
2289 is authorized for that election, at which the qualified electors
2290 shall vote on * * * the amendments, in each county in each
2291 newspaper having a general circulation in the county, as defined
2292 in Section 13-3-31; or * * * the Secretary of State shall have
2293 each amendment posted in three (3) public places in the county if
2294 all * * * the newspapers in the county refuse to publish same at
2295 the price provided in Section 7-3-41.

2296 **SECTION 56.** Section 23-15-511, Mississippi Code of 1972, is
2297 amended as follows:

2298 23-15-511. The ballots shall, as far as practicable, be in
2299 the same order of arrangement as provided for paper ballots that
2300 are to be counted manually, except that the information may be
2301 printed in vertical or horizontal rows. Nothing in this chapter
2302 shall be construed as prohibiting the information being presented
2303 to the voters from being printed on both sides of a single ballot.
2304 In those years when a special election shall occur * * * during
2305 the same voting period as the general election, the names of
2306 candidates in any special election and the general election shall
2307 be placed on the same ballot by the election commissioners or
2308 officials in charge of the election, but the general election



2309 candidates shall be clearly distinguished from the special
2310 election candidates. At any time a special election is * * *
2311 during the same voting period as a party primary election, the
2312 names of the candidates in the special election may be placed on
2313 the same ballot by the officials in charge of the election, but
2314 shall be clearly distinguished as special election candidates or
2315 primary election candidates.

2316 Ballots shall be printed in plain clear type in black ink and
2317 upon clear white materials of such size and arrangement as to be
2318 compatible with the OMR equipment. Absentee ballots shall be
2319 prepared and printed in the same form and shall be on the same
2320 size and texture as the regular official ballots, except that they
2321 shall be printed on tinted paper; or the ink used to print the
2322 ballots shall be of a color different from that of the ink used to
2323 print the regular official ballots. Arrows may be printed on the
2324 ballot to indicate the place to mark the ballot, which may be to
2325 the right or left of the names of candidates and propositions.
2326 The titles of offices may be arranged in vertical columns on the
2327 ballot and shall be printed above or at the side of the names of
2328 candidates so as to indicate clearly the candidates for each
2329 office and the number to be elected. In case there are more
2330 candidates for an office than can be printed in one (1) column,
2331 the ballot shall be clearly marked that the list of candidates is
2332 continued on the following column. The names of candidates for
2333 each office shall be printed in vertical columns, grouped by the



2334 offices that they seek. In partisan elections, the party
2335 designation of each candidate, which may be abbreviated, shall be
2336 printed following his or her name.

2337 One (1) sample ballot, which shall be a facsimile of the
2338 official ballot and instructions to the voters, shall be provided
2339 for each precinct and shall be posted in each polling place during
2340 early voting and on election day.

2341 A separate ballot security envelope or suitable equivalent in
2342 which the voter can place his or her ballot after voting, shall be
2343 provided to conceal the choices the voter has made. Absentee
2344 voters will receive a similar ballot security envelope provided by
2345 the county in which the absentee voter will insert their voted
2346 ballot, which then can be inserted into a return envelope to be
2347 mailed back to the election official. Absentee ballots will not
2348 be required to be folded when a ballot security envelope is
2349 provided.

2350 **SECTION 57.** Section 23-15-515, Mississippi Code of 1972, is
2351 amended as follows:

2352 23-15-515. The circuit clerk shall be the custodian of OMR
2353 equipment acquired by the county, who shall be charged with the
2354 proper storage, maintenance and repair of the OMR equipment. The
2355 municipal clerk shall be the custodian of the OMR equipment
2356 acquired by the municipality, and shall be charged with the proper
2357 storage, maintenance and repair of the OMR equipment. The
2358 custodian or the officials in charge of the election shall repair



2359 or replace any OMR equipment which fails to function properly
2360 during the early voting period or on election day.

2361 **SECTION 58.** Section 23-15-531.6, Mississippi Code of 1972,
2362 is amended as follows:

2363 23-15-531.6. (1) For each primary or general election, the
2364 officials in charge of the election shall use at least
2365 seventy-five percent (75%) of all DRE units available to the
2366 county or municipality, as the case may be. For all other
2367 elections in which the officials in charge of the election choose
2368 to use DRE units, at least one-third (1/3) of all DRE units
2369 available to the county or municipality, as the case may be, shall
2370 be used in such elections.

2371 (2) The officials in charge of the election shall ensure the
2372 delivery of the proper DRE units to the polling places of the
2373 respective precincts at least one (1) hour before the time for
2374 opening the polls during the early voting period and at each
2375 election and shall cause each unit to be set up in the proper
2376 manner for use in voting.

2377 (3) (a) On or before the second day before the early voting
2378 period begins and before any election day, the officials in charge
2379 of the conduct of the election shall cause each DRE unit to be
2380 tested for logic and accuracy to ascertain that the units will
2381 correctly count the votes cast for all offices and on all
2382 questions, in a manner the Secretary of State may further
2383 prescribe by rule or regulation.



2384 (b) Public notice of the time and place of the test
2385 shall be made at least five (5) days before the date of the test.
2386 Candidates, representatives of candidates, political parties, news
2387 media and the public shall be permitted to observe the testing of
2388 the DRE units.

2389 (4) The officials in charge of the conduct of the election
2390 shall test all memory cards and encoders to be used in any
2391 election.

2392 (5) The officials in charge of the election shall require
2393 that each DRE unit be inspected and sealed before the delivery of
2394 each DRE unit to the polling place. Before opening the polls each
2395 day on which the DRE units will be used * * * during an election
2396 or the period for early voting, the poll manager shall break the
2397 seal on each unit, turn on each unit, certify that each unit is
2398 operating properly and is set to zero, and print a zero tape
2399 certifying that each unit is set to zero and shall keep or record
2400 such certification on each unit.

2401 (6) The officials in charge of the election, election
2402 commissioners and poll managers shall provide ample protection
2403 against molestation of and injury to the DRE units, and, for that
2404 purpose, the officials in charge of the election, election
2405 commissioners and poll managers may call upon any law enforcement
2406 officer to furnish any assistance that may be necessary. It shall
2407 be the duty of any law enforcement officer to furnish assistance



2408 when so requested by the officials in charge of the election,
2409 election commissioner or poll manager.

2410 (7) The officials in charge of the election, in conjunction
2411 with the governing authorities, shall, at least one (1) hour
2412 before opening the polls for early voting and on election day:

2413 (a) Provide sufficient lighting to enable electors to
2414 read the ballot and to enable poll managers to examine the booth
2415 and conduct their responsibilities;

2416 (b) Provide directions for voting on the DRE units that
2417 shall be prominently posted within each voting booth and provide
2418 at least one (1) sample ballot for each primary or general
2419 election shall be prominently posted outside the enclosed space
2420 within the polling place;

2421 (c) Ensure that each DRE unit and its tabulating
2422 mechanism is secure throughout the day; and

2423 (d) Provide such other materials and supplies as may be
2424 necessary or required by law.

2425 **SECTION 59.** Section 23-15-545, Mississippi Code of 1972, is
2426 amended as follows:

2427 23-15-545. At each election, at least one (1) poll manager
2428 shall be charged with writing in the pollbook the word "VOTED," in
2429 the column having at its head the date of the early voting period
2430 or the date of the election, opposite the name of each elector
2431 upon return of a marked paper ballot by the elector with the
2432 initials of the initialing poll manager or alternate initialing



2433 poll manager affixed thereon. When a DRE unit is used in the
2434 polling place, the word "VOTED" shall be marked by at least one
2435 (1) poll manager in the pollbook in the column having at its head
2436 the date of the election, opposite the name of the elector.

2437 **SECTION 60.** Section 23-15-573, Mississippi Code of 1972, is
2438 amended as follows:

2439 23-15-573. (1) If any person declares that he or she is a
2440 registered voter in the jurisdiction in which he or she offers to
2441 vote and that he or she is eligible to vote during the early
2442 voting period or in the election, but his or her name does not
2443 appear upon the pollbooks, or that he or she is not able to cast a
2444 regular early voting day or election day ballot under a provision
2445 of state or federal law but is otherwise qualified to vote, or
2446 that he or she has been illegally denied registration, or that he
2447 or she is unable to present an acceptable form of photo
2448 identification:

2449 (a) A poll manager shall notify the person that he or
2450 she may cast an affidavit ballot * * * during the election.

2451 (b) The person shall be permitted to cast an affidavit
2452 ballot at the polling place upon execution of a written affidavit
2453 before one (1) of the poll managers stating that the individual:

2454 (i) Believes he or she is a registered voter in
2455 the jurisdiction in which he or she desires to vote and is
2456 eligible to vote * * * during the election; or



2457 (ii) Is not able to cast a regular early voting
2458 day or election day ballot under a provision of state or federal
2459 law but is otherwise qualified to vote; or

2460 (iii) Believes that he or she has been illegally
2461 denied registration; or

2462 (iv) Is unable to present an acceptable form of
2463 photo identification.

2464 (c) The poll manager shall allow the individual to mark
2465 a paper ballot properly endorsed by the initialing poll manager or
2466 alternate initialing poll manager in accordance with Section
2467 23-15-541, which shall be delivered by him or her to the proper
2468 election official who shall enclose it in an affidavit ballot
2469 envelope, with the written and signed affidavit of the voter
2470 affixed to the envelope, seal the envelope and mark plainly upon
2471 it the name of the person offering to vote.

2472 (2) The affidavit ballot envelope shall include:

2473 (a) The complete name of the voter;

2474 (b) A present and previous physical and mailing address
2475 of the voter;

2476 (c) Telephone numbers where the voter may be contacted;

2477 (d) A statement that the affiant believes he or she is
2478 registered to vote in the jurisdiction in which he or she offers
2479 to vote;

2480 (e) The signature of the affiant; and



2481 (f) The signature of the poll manager at the polling
2482 place at which the affiant offers to vote.

2483 (3) (a) A separate receipt book shall be maintained for
2484 affidavit voters and the affidavit voters shall sign the receipt
2485 book upon completing the affidavit ballot.

2486 (b) If the affidavit voter is casting an affidavit
2487 ballot because the voter is unable to present an acceptable form
2488 of photo identification and the voter's name appears in the
2489 pollbook, then the poll manager shall write "NO ID" across from
2490 the voter's name and in the appropriate column in the pollbook.

2491 (c) In canvassing the returns of the election, the
2492 executive committee in primary elections, or the election
2493 commissioners in other elections, shall examine the records and
2494 allow the ballot to be counted, or not counted as it appears
2495 legal.

2496 (d) An affidavit ballot of a voter who was unable to
2497 present an acceptable form of photo identification shall not be
2498 rejected for this reason if the voter does either of the
2499 following:

2500 (i) Returns to the circuit clerk's office, or to
2501 the municipal clerk's office for municipal elections, within five
2502 (5) business days after the date * * * the person voted during the
2503 election and presents an acceptable form of photo identification;

2504 (ii) Returns to the circuit clerk's office within
2505 five (5) business days after the date of the election to obtain



2506 the Mississippi Voter Identification Card, or in municipal
2507 election, returns to the municipal clerk's office within five (5)
2508 business days after the date * * * the person voted during the
2509 election to present his or her Mississippi Voter Identification
2510 Card or Temporary Mississippi Voter Identification Card; or

2511 (iii) Returns to the circuit clerk's office, or to
2512 the municipal clerk's office for municipal elections, within five
2513 (5) business days after the date * * * the person voted during the
2514 election to execute a separate Affidavit of Religious Objection.

2515 (4) When a person is offered the opportunity to vote by
2516 affidavit ballot, he or she shall be provided with written
2517 information that informs the person how to ascertain whether his
2518 or her affidavit ballot was counted and, if the vote was not
2519 counted, the reasons the vote was not counted.

2520 (5) The officials in charge of the election shall process
2521 all affidavit ballots by using the Statewide Elections Management
2522 System. The officials in charge of the election shall account for
2523 all affidavit ballots cast in each election, categorizing the
2524 affidavit ballots cast by reason and recording the total number of
2525 affidavit ballots counted and not counted in each such category in
2526 the Statewide Elections Management System.

2527 (6) The Secretary of State shall, by rule duly adopted,
2528 establish a uniform affidavit ballot envelope that shall be used
2529 in all elections in this state. The Secretary of State shall
2530 print and distribute a sufficient number of affidavit ballot



2531 envelopes to the registrar of each county for use in elections.
2532 The registrar shall distribute the affidavit ballot envelopes to
2533 municipal and county executive committees for use in primary
2534 elections and to municipal and county election commissioners for
2535 use in all other elections.

2536 (7) County registrars and municipal registrars shall
2537 maintain a secure free access system that complies with the Help
2538 America Vote Act of 2002, by which persons who vote by affidavit
2539 ballot may determine if their ballots were counted, and if not,
2540 the reasons the ballot was not counted.

2541 (8) Any person who votes * * * during any election as a
2542 result of a federal or state court order or other order extending
2543 the time established by law for closing the polls on an election
2544 day, may only vote by affidavit ballot. Any affidavit ballot cast
2545 under this subsection shall be separated and kept apart from other
2546 affidavit ballots cast by voters not affected by the order.

2547 **SECTION 61.** Section 23-15-613, Mississippi Code of 1972, is
2548 amended as follows:

2549 23-15-613. (1) As used in this section "residual votes"
2550 means overvotes, undervotes and any other vote not counted for any
2551 reason.

2552 (2) For every election, election commissions and county and
2553 municipal executive committees shall report to the Secretary of
2554 State residual vote information; however, if the voting



2555 devices * * * used in the election do not produce a ballot, other
2556 information shall be reported as required in this section.

2557 (3) For every election, election commissions and county and
2558 municipal executive committees responsible for the conduct of
2559 elections in which ballots are generated that are counted by hand
2560 or by OMR equipment or the tabulating mechanism of a DRE unit
2561 shall report to the Secretary of State all residual votes for all
2562 candidates and ballot measures in the elections for which they are
2563 responsible for conducting. The residual vote reports shall:

2564 (a) Be received by the Secretary of State no later than
2565 December 15 of the year in which the election is held;

2566 (b) Include any suggested explanation or suspected
2567 cause of the residual votes;

2568 (c) Include a copy of a voided official ballot for the
2569 election as such ballot appeared to voters at the election and
2570 copies of voided affidavit and absentee ballots if they are
2571 different from the official ballot;

2572 (d) Include the total voter turnout for each election,
2573 including the period for early voting, to be determined by
2574 totaling the number of persons signing the receipt book at each
2575 precinct, absentee voters and persons who voted by affidavit
2576 ballot and persons whose ballots were challenged and rejected; and

2577 (e) Include a copy of any printed voting instructions
2578 given or visible to voters * * * during the election and a



2579 description of any verbal instructions and any other evidence of
2580 voter education that was used in the election.

2581 (4) For every election, election commissions and county and
2582 municipal executive committees responsible for the conduct of
2583 election in which voting devices are used that do not generate
2584 ballots that are counted by hand or by OMR equipment or the
2585 tabulating mechanism of a DRE unit, shall file a report with the
2586 Secretary of State which shall:

2587 (a) Be received by the Secretary of State no later than
2588 December 15 of the year in which the election is held;

2589 (b) Include the total voter turnout for each election,
2590 including the period for early voting, to be determined by
2591 totaling the number of persons signing the receipt book at each
2592 precinct, absentee voters and persons who voted by affidavit
2593 ballot and persons whose ballots were challenged and rejected;

2594 (c) Include in the report any anecdotal information
2595 obtained concerning voter problems with the voting equipment or
2596 ballot layout;

2597 (d) Include in the report any suggested explanation or
2598 suspected cause of any difference in the amount of total voter
2599 turnout and the number of counted votes for candidates for various
2600 offices; and

2601 (e) Include a copy of any printed voting instructions
2602 given or visible to voters * * * during the election and a



description of any verbal instructions and any other evidence of voter education that was used * * * during the election.

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

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

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

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

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

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

SECTION 62. Section 23-15-781, Mississippi Code of 1972, is amended as follows:

23-15-781. The number of electors of President and Vice President of the United States to which this state may be entitled, shall be chosen by the qualified electors of the state



2628 at large, on the first Tuesday after the first Monday of November
2629 in the year in which an election of President and Vice President
2630 shall occur and during the early voting period.

2631 **SECTION 63.** Section 23-15-785, Mississippi Code of 1972, is
2632 amended as follows:

2633 23-15-785. (1) When presidential electors are to be chosen,
2634 the Secretary of State of Mississippi shall certify to the circuit
2635 clerks of the several counties the names of all candidates for
2636 President and Vice President who are nominated by any national
2637 convention or other like assembly of any political party or by
2638 written petition signed by at least one thousand (1,000) qualified
2639 voters of this state.

2640 (2) The certificate of nomination by a political party
2641 convention must be signed by the presiding officer and secretary
2642 of the convention and by the * * * chair of the state executive
2643 committee of the political party making the nomination. Any
2644 nominating petition, to be valid, must contain the signatures as
2645 well as the addresses of the petitioners. The certificates and
2646 petitions must be filed with the State Board of Election
2647 Commissioners by filing them in the Office of the Secretary of
2648 State by 5:00 p.m. not less than sixty (60) days * * * before the
2649 day * * * early voting begins for the election.

2650 (3) Each certificate of nomination and nominating petition
2651 must be accompanied by a list of the names and addresses of
2652 persons, who shall be qualified voters of this state, equal in



2653 number to the number of presidential electors to be chosen. Each
2654 person so listed shall execute the following statement which shall
2655 be attached to the certificate or petition when it is filed with
2656 the State Board of Election Commissioners: "I do hereby consent
2657 and do hereby agree to serve as elector for President and Vice
2658 President of the United States, if elected to that position, and
2659 do hereby agree that, if so elected, I shall cast my ballot as
2660 such for _____ for President and _____ for Vice President of
2661 the United States" (inserting in * * * the blank spaces the
2662 respective names of the persons named as nominees for * * * the
2663 respective offices in the certificate to which this statement is
2664 attached).

2665 (4) The State Board of Election Commissioners and any other
2666 official charged with the preparation of official ballots shall
2667 place on * * * the official ballots the words "PRESIDENTIAL
2668 ELECTORS FOR (here insert the name of the candidate for President,
2669 the word 'AND' and the name of the candidate for Vice President)"
2670 in lieu of placing the names of such presidential electors on the
2671 official ballots, and a vote cast therefor shall be counted and
2672 shall be in all respects effective as a vote for each of the
2673 presidential electors representing those candidates for President
2674 and Vice President of the United States. In the case of unpledged
2675 electors, the State Board of Election Commissioners and any other
2676 official charged with the preparation of official ballots shall
2677 place on * * * the official ballots the words "UNPLEDGED



2678 ELECTOR(S) (here insert the name(s) of individual unpledged
2679 elector(s) if placed upon the ballot based upon a petition granted
2680 in the manner provided by law stating the individual name(s) of
2681 the elector(s) rather than a slate of electors)."

2682 **SECTION 64.** Section 23-15-807, Mississippi Code of 1972, is
2683 amended as follows:

2684 23-15-807. (a) Each candidate or political committee shall
2685 file reports of contributions and disbursements in accordance with
2686 the provisions of this section. All candidates or political
2687 committees required to report such contributions and disbursements
2688 may terminate the obligation to report only upon submitting a
2689 final report that contributions will no longer be received or
2690 disbursements made and that the candidate or committee has no
2691 outstanding debts or obligations. The candidate, treasurer or
2692 chief executive officer shall sign the report.

2693 (b) Candidates seeking election, or nomination for election,
2694 and political committees making expenditures to influence or
2695 attempt to influence voters for or against the nomination for
2696 election of one or more candidates or balloted measures * * *
2697 during such election, shall file the following reports:

2698 (i) In any calendar year during which there is a
2699 regularly scheduled election, a pre-election report shall be filed
2700 no later than the seventh day before early voting begins for any
2701 election in which the candidate or political committee has



2702 accepted contributions or made expenditures and shall be completed
2703 as of the tenth day before early voting begins for the election;

2704 (ii) In 1987 and every fourth year thereafter, periodic
2705 reports shall be filed no later than the tenth day after April 30,
2706 May 31, June 30, September 30 and December 31, and shall be
2707 completed as of the last day of each period;

2708 (iii) In any calendar years except 1987 and except
2709 every fourth year thereafter, a report covering the calendar year
2710 shall be filed no later than January 31 of the following calendar
2711 year; and

2712 (iv) Except as otherwise provided in the requirements
2713 of paragraph (i) of this subsection (b), unopposed candidates are
2714 not required to file pre-election reports but must file all other
2715 reports required by paragraphs (ii) and (iii) of this subsection
2716 (b).

2717 (c) All candidates for judicial office as defined in Section
2718 23-15-975, or their political committees, shall file periodic
2719 reports in the year in which they are to be elected no later than
2720 the tenth day after April 30, May 31, June 30, September 30 and
2721 December 31.

2722 (d) Each report under this article shall disclose:

2723 (i) For the reporting period and the calendar year, the
2724 total amount of all contributions and the total amount of all
2725 expenditures of the candidate or reporting committee, including
2726 those required to be identified pursuant to paragraph (ii) of this



2727 subsection (d) as well as the total of all other contributions and
2728 expenditures during the calendar year. The reports shall be
2729 cumulative during the calendar year to which they relate;

2730 (ii) The identification of:

2731 1. Each person or political committee who makes a
2732 contribution to the reporting candidate or political committee
2733 during the reporting period, whose contribution or contributions
2734 within the calendar year have an aggregate amount or value in
2735 excess of Two Hundred Dollars (\$200.00) together with the date and
2736 amount of any such contribution;

2737 2. Each person or organization, candidate or
2738 political committee who receives an expenditure, payment or other
2739 transfer from the reporting candidate, political committee or its
2740 agent, employee, designee, contractor, consultant or other person
2741 or persons acting in its behalf during the reporting period when
2742 the expenditure, payment or other transfer to the person,
2743 organization, candidate or political committee within the calendar
2744 year have an aggregate value or amount in excess of Two Hundred
2745 Dollars (\$200.00) together with the date and amount of the
2746 expenditure;

2747 (iii) The total amount of cash on hand of each
2748 reporting candidate and reporting political committee;

2749 (iv) In addition to the contents of reports specified
2750 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2751 political party shall disclose:



2752 1. Each person or political committee who makes a
2753 contribution to a political party during the reporting period and
2754 whose contribution or contributions to a political party within
2755 the calendar year have an aggregate amount or value in excess of
2756 Two Hundred Dollars (\$200.00), together with the date and amount
2757 of the contribution;

2758 2. Each person or organization who receives an
2759 expenditure or expenditures by a political party during the
2760 reporting period when the expenditure or expenditures to the
2761 person or organization within the calendar year have an aggregate
2762 value or amount in excess of Two Hundred Dollars (\$200.00),
2763 together with the date and amount of the expenditure;

2764 (v) Disclosure required under this section of an
2765 expenditure to a credit card issuer, financial institution or
2766 business allowing payments and money transfers to be made over the
2767 Internet must include, by way of detail or separate entry, the
2768 amount of funds passing to each person, business entity or
2769 organization receiving funds from the expenditure.

2770 (e) The appropriate office specified in Section 23-15-805
2771 must be in actual receipt of the reports specified in this article
2772 by 5:00 p.m. on the dates specified in subsection (b) of this
2773 section. If the date specified in subsection (b) of this section
2774 shall fall on a weekend or legal holiday then the report shall be
2775 due in the appropriate office at 5:00 p.m. on the first working
2776 day before the date specified in subsection (b) of this section.



2777 The reporting candidate or reporting political committee shall
2778 ensure that the reports are delivered to the appropriate office by
2779 the filing deadline. The Secretary of State may approve specific
2780 means of electronic transmission of completed campaign finance
2781 disclosure reports, which may include, but not be limited to,
2782 transmission by electronic facsimile (FAX) devices.

2783 (f) (i) If any contribution of more than Two Hundred
2784 Dollars (\$200.00) is received by a candidate or candidate's
2785 political committee after the tenth day, but more than forty-eight
2786 (48) hours before 12:01 a.m. of the day of early voting begins for
2787 the election, the candidate or political committee shall notify
2788 the appropriate office designated in Section 23-15-805, within
2789 forty-eight (48) hours of receipt of the contribution. The
2790 notification shall include:

- 2791 1. The name of the receiving candidate;
- 2792 2. The name of the receiving candidate's political
2793 committee, if any;
- 2794 3. The office sought by the candidate;
- 2795 4. The identification of the contributor;
- 2796 5. The date of receipt;
- 2797 6. The amount of the contribution;
- 2798 7. If the contribution is in-kind, a description
2799 of the in-kind contribution; and
- 2800 8. The signature of the candidate or the treasurer
2801 or chair of the candidate's political organization.



2802 (ii) The notification shall be in writing, and may be
2803 transmitted by overnight mail, courier service, or other reliable
2804 means, including electronic facsimile (FAX), but the candidate or
2805 candidate's committee shall ensure that the notification shall in
2806 fact be received in the appropriate office designated in Section
2807 23-15-805 within forty-eight (48) hours of the contribution.

2808 **SECTION 65.** Section 23-15-833, Mississippi Code of 1972, is
2809 amended as follows:

2810 23-15-833. Except as otherwise provided by law, the first
2811 Tuesday after the first Monday in November of each year shall be
2812 designated the regular special election day, and on that day and
2813 during the period established for early voting an election shall
2814 be held to fill any vacancy in county, county district, and
2815 district attorney elective offices, and any vacancy in the office
2816 of circuit judge or chancellor.

2817 All special elections, or elections to fill vacancies, shall
2818 in all respects be held, conducted and returned in the same manner
2819 as general elections, except that where no candidate receives a
2820 majority of the votes cast in the election, a runoff election
2821 shall be held three (3) weeks after the election. The two (2)
2822 candidates who receive the highest popular votes for the office
2823 shall have their names submitted as the candidates to the runoff
2824 and the candidate who leads in the runoff election shall be
2825 elected to the office. When there is a tie in the first election
2826 of those receiving the next highest vote, these two (2) and the



2827 one receiving the highest vote, none having received a majority,
2828 shall go into the runoff election and whoever leads in the runoff
2829 election shall be entitled to the office.

2830 In those years when the regular special election day shall
2831 occur * * * during the same * * * period of time as the general
2832 election, the names of candidates in any special election and the
2833 general election shall be placed on the same ballot, but shall be
2834 clearly distinguished as general election candidates or special
2835 election candidates. At any time a special election is held * * *
2836 during the same * * * period of time as a party primary election,
2837 the names of the candidates in the special election may be placed
2838 on the same ballot, but shall be clearly distinguished as special
2839 election candidates or primary election candidates.

2840 **SECTION 66.** Section 23-15-843, Mississippi Code of 1972, is
2841 amended as follows:

2842 23-15-843. In case of death, resignation or vacancy from any
2843 cause in the office of district attorney, the unexpired term of
2844 which shall exceed six (6) months, the Governor shall within ten
2845 (10) days after the vacancy occurs issue a proclamation calling an
2846 election to fill a vacancy in the office of district attorney to
2847 be held * * * during the next regular special election * * *
2848 period of time in the district where the vacancy occurred unless
2849 the vacancy occurs in a year in which a general election would
2850 normally be held for that office as provided by law, in which case
2851 the appointed person shall serve the unexpired portion of the



term. Candidates in such a special election shall qualify in the same manner and be subject to the same time limitations as set forth in Section 23-15-839. Pending the holding of a special election, the Governor shall make an emergency appointment to fill the vacancy until the same shall be filled by election.

SECTION 67. Section 23-15-851, Mississippi Code of 1972, is amended as follows:

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

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

SECTION 68. Section 23-15-853, Mississippi Code of 1972, is amended as follows:



2877 23-15-853. (1) If a vacancy occurs in the representation in
2878 Congress, the vacancy shall be filled for the unexpired term by a
2879 special election, to be ordered by the Governor, within sixty (60)
2880 days after the vacancy occurs, and held at a time fixed by his or
2881 her order, and which time shall * * * begin not less than sixty
2882 (60) days after the issuance of the order of the Governor, which
2883 shall be directed to the election commissioners of the several
2884 counties of the district, who shall, immediately on the receipt of
2885 the order, give notice of the election by publishing the same in a
2886 newspaper having a general circulation in the county and by
2887 posting the notice at the front door of the courthouse. The order
2888 shall also be directed to the State Board of Election
2889 Commissioners. The election shall be prepared for and conducted,
2890 and returns shall be made, in all respects as provided for a
2891 special election to fill vacancies.

2892 (2) Candidates for the office in such an election must
2893 qualify with the Secretary of State by 5:00 p.m. not less than
2894 fifty (50) days before the * * * early voting period begins for
2895 the election. If the fiftieth day to qualify before an election
2896 falls on a Sunday or legal holiday, the qualification submitted on
2897 the business day immediately following the Sunday or legal holiday
2898 shall be accepted. The election commissioners shall have printed
2899 on the ballot in such special election the name of any candidate
2900 who shall have been requested to be a candidate for the office by
2901 a petition filed with the Secretary of State and personally signed



2902 by not less than one thousand (1,000) qualified electors of the
2903 district. The petition shall be filed by 5:00 p.m. not less than
2904 fifty (50) days before the * * * early voting period begins for
2905 the election. If the fiftieth day to file the petition before an
2906 election falls on a Sunday or legal holiday, the petition filed on
2907 the business day immediately following the Sunday or legal holiday
2908 shall be accepted.

2909 There shall be attached to each petition above provided for,
2910 upon the time of filing with the Secretary of State, a certificate
2911 from the appropriate registrar or registrars showing the number of
2912 qualified electors appearing upon each petition which the
2913 registrar shall furnish to the petitioner upon request.

2914 **SECTION 69.** Section 23-15-855, Mississippi Code of 1972, is
2915 amended as follows:

2916 23-15-855. (1) If a vacancy shall occur in the office of
2917 United States Senator from Mississippi by death, resignation or
2918 otherwise, the Governor shall, within ten (10) days after
2919 receiving official notice of the vacancy, issue a proclamation for
2920 an election to be held in the state to elect a Senator to fill the
2921 remaining unexpired term, provided the unexpired term is more than
2922 twelve (12) months and the election shall * * * begin within
2923 ninety (90) days from the time the proclamation is issued and the
2924 returns of such election shall be certified to the Governor in the
2925 manner set out above for regular elections, unless the vacancy
2926 occurs in a year in which a general state or congressional



2927 election is held, in which event the Governor's proclamation shall
2928 designate the period for conducting the general election * * * as
2929 the time for electing a Senator, and the vacancy shall be filled
2930 by appointment as hereinafter provided.

2931 (2) In case of a vacancy in the office of United States
2932 Senator, the Governor may appoint a Senator to fill the vacancy
2933 temporarily, and if the United States Senate be in session at the
2934 time the vacancy occurs the Governor shall appoint a Senator
2935 within ten (10) days after receiving official notice thereof, and
2936 the appointed Senator shall serve until a successor is elected and
2937 commissioned as provided for in subsection (1) of this section,
2938 provided that such unexpired term as he or she may be appointed to
2939 fill shall be for a longer time than one (1) year, but if for a
2940 shorter time than one (1) year, he or she shall serve for the full
2941 time of the unexpired term and no special election shall be called
2942 by the Governor but a successor shall be elected at the regular
2943 election.

2944 **SECTION 70.** Section 23-15-857, Mississippi Code of 1972, is
2945 amended as follows:

2946 23-15-857. (1) When there is a vacancy in an elective
2947 office in a city, town or village, the unexpired term of which
2948 shall not exceed six (6) months, the same shall be filled by
2949 appointment by the governing authority or remainder of the
2950 governing authority of the city, town or village. The municipal
2951 clerk shall certify the appointment to the Secretary of State and



2952 the appointed person or persons shall be commissioned by the
2953 Governor.

2954 (2) When there is a vacancy in an elective office in a city,
2955 town or village, the unexpired term of which shall exceed six (6)
2956 months, the governing authority or remainder of the governing
2957 authority of the city, town or village shall make and enter on the
2958 minutes an order for an election to be held in the city, town or
2959 village to fill the vacancy and fix a * * * time period upon which
2960 the early voting and election day shall be held. The order shall
2961 be made and entered upon the minutes at the next regular meeting
2962 of the governing authority after the vacancy occurs, or at a
2963 special meeting to be held not later than ten (10) days after the
2964 vacancy occurs, Saturdays, Sundays and legal holidays excluded,
2965 whichever shall occur first. The election shall be held on a date
2966 not less than thirty (30) days nor more than forty-five (45) days
2967 after the date upon which the order is adopted.

2968 Notice of the election shall be given by the municipal clerk
2969 by notice published in a newspaper published in the municipality.
2970 The notice shall be published once each week for three (3)
2971 successive weeks * * * before the date * * * early voting begins
2972 for the election. The first notice shall be published at least
2973 thirty (30) days before * * * early voting begins for the
2974 election. Notice shall also be given by posting a copy of the
2975 notice at three (3) public places in the municipality not less
2976 than twenty-one (21) days before * * * early voting begins for the



2977 election. One (1) of the notices shall be posted at the city,
2978 town or village hall. In the event that there is no newspaper
2979 published in the municipality, such notice shall be published as
2980 provided for above in a newspaper that has a general circulation
2981 within the municipality and by posting as provided for above.
2982 Additionally, the governing authority may publish the notice in
2983 that newspaper for as many additional times as may be deemed
2984 necessary by the governing authority.

2985 Each candidate shall qualify by petition filed with the
2986 municipal clerk by 5:00 p.m. at least twenty (20) days before
2987 the * * * early voting period begins for the election. If the
2988 twentieth day to file the petition before the election falls on a
2989 Sunday or legal holiday, the petition filed on the business day
2990 immediately following the Sunday or legal holiday shall be
2991 accepted. The petition shall be signed by not less than the
2992 following number of qualified electors:

2993 (a) For an office of a city, town, village or municipal
2994 district having a population of one thousand (1,000) or more, not
2995 less than fifty (50) qualified electors.

2996 (b) For an office of a city, town, village or municipal
2997 district having a population of less than one thousand (1,000),
2998 not less than fifteen (15) qualified electors.

2999 No qualifying fee shall be required of any candidate, and the
3000 election shall be held as far as practicable in the same manner as
3001 municipal general elections.



3002 The candidate receiving a majority of the votes cast in the
3003 election shall be elected. If no candidate receives a majority
3004 vote at the election, the two (2) candidates receiving the highest
3005 number of votes shall have their names placed on the ballot for
3006 the election to be held three (3) weeks thereafter. The candidate
3007 receiving a majority of the votes cast in the election shall be
3008 elected. However, if no candidate receives a majority and there
3009 is a tie in the election of those receiving the next highest vote,
3010 those receiving the next highest vote and the candidate receiving
3011 the highest vote shall have their names placed on the ballot for
3012 the election to be held three (3) weeks thereafter, and whoever
3013 receives the most votes cast in the election shall be elected.

3014 Should the election held three (3) weeks thereafter result in
3015 a tie vote, the prevailing candidate shall be decided by a toss of
3016 a coin or by lot fairly and publicly drawn under the supervision
3017 of the election commission.

3018 The clerk of the election commission shall then give a
3019 certificate of election to the person elected, and return to the
3020 Secretary of State a copy of the order of holding the election and
3021 runoff election results, certified by the clerk of the governing
3022 authority. The person elected shall be commissioned by the
3023 Governor.

3024 However, if nineteen (19) days before the * * * early voting
3025 period begins for the election only one (1) person shall have
3026 qualified as a candidate, the governing authority, or remainder of



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

SECTION 71. Section 23-15-859, Mississippi Code of 1972, is amended as follows:

23-15-859. Whenever under any statute a special election is required or authorized to be held in any municipality, and the statute authorizing or requiring the election does not specify the time within which the election shall be called, or the notice which shall be given, the governing authorities of the municipality shall, by resolution, fix a date upon which the election shall be held. The date shall not be less than twenty-one (21) nor more than thirty (30) days after the date upon which such resolution is adopted, and not less than three (3) weeks' notice of the election shall be given by the clerk by a notice published in a newspaper published in the municipality once each week for three (3) weeks next * * * before the * * * early voting period begins for the election, and by posting a copy of the notice at three (3) public places in the municipality.



3052 Nothing herein, however, shall be applicable to elections on the
3053 question of the issuance of the bonds of a municipality or to
3054 general or primary elections for the election of municipal
3055 officers.

3056 The provisions of this section shall be applicable to all
3057 municipalities of this state, whether operating under a code
3058 charter, special charter or the commission form of government,
3059 except in cases of conflicts between the provisions of the section
3060 and the provisions of the special charter of a municipality, or
3061 the law governing the commission form of government, in which
3062 cases of conflict the provisions of the special charter or the
3063 statutes relative to the commission form of government shall
3064 apply.

3065 **SECTION 72.** Section 23-15-895, Mississippi Code of 1972, is
3066 amended as follows:

3067 23-15-895. No candidate for an elective office, or any
3068 representative of such candidate, and no proponent or opponent of
3069 any constitutional amendment, local issue or other measure printed
3070 on the ballot may post or distribute cards, posters or other
3071 campaign literature within one hundred fifty (150) feet of any
3072 entrance of the building wherein early voting or any election is
3073 being held. No candidate or a representative named by him or her
3074 in writing may appear at any polling place while armed or
3075 uniformed, or display any badge or credentials except as may be
3076 issued by the manager of the polling place. As used in this



section, the term "local issue" shall have the meaning ascribed to such term in Section 23-15-375. This section shall be enforced by election officials and law enforcement officials.

SECTION 73. Section 23-15-913, Mississippi Code of 1972, is amended as follows:

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

SECTION 74. Section 23-15-963, Mississippi Code of 1972, is amended as follows:

23-15-963. (1) Any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-359 * * * as a candidate for any office elected at a general election, shall file a petition specifically setting forth the grounds of the challenge not later



3102 than thirty-one (31) days after the date of the first primary
3103 election set forth in Section 23-15-191 * * *. * * * The petition
3104 shall be filed with the same body with whom the candidate in
3105 question qualified pursuant to Section 23-15-359 * * *.

3106 (2) Any person desiring to contest the qualifications of
3107 another person who has qualified pursuant to the provisions of
3108 Section 23-15-213 * * * as a candidate for county election
3109 commissioner elected at a general election, shall file a petition
3110 specifically setting forth the grounds of the challenge no later
3111 than sixty (60) days * * * before the period for early voting
3112 begins for the general election. * * * The petition shall be
3113 filed with the county board of supervisors, being the same body
3114 with whom the candidate in question qualified pursuant to Section
3115 23-15-213 * * *.

3116 (3) Any person desiring to contest the qualifications of
3117 another person who has qualified pursuant to the provisions of
3118 Section 23-15-361 * * * as a candidate for municipal office
3119 elected on the date designated by law for regular municipal
3120 elections, shall file a petition specifically setting forth the
3121 grounds of the challenge no later than thirty-one (31) days after
3122 the date of the first primary election set forth in Section
3123 23-15-309 * * *. * * * The petition shall be filed with the
3124 municipal election commissioners * * *, being the same body with
3125 whom the candidate in question qualified pursuant to Section
3126 23-15-361 * * *.



3127 (4) Within ten (10) days of receipt of the petition
3128 described in subsections (1), (2) and (3) of this section, the
3129 appropriate election officials shall meet and rule upon the
3130 petition. At least two (2) days before the hearing to consider
3131 the petition, the appropriate election officials shall give notice
3132 to both the petitioner and the contested candidate of the time and
3133 place of the hearing on the petition. Each party shall be given
3134 an opportunity to be heard at such meeting and present evidence in
3135 support of his or her position.

3136 (5) If the appropriate election officials fail to rule upon
3137 the petition within the time required above, such inaction shall
3138 be interpreted as a denial of the request for relief contained in
3139 the petition.

3140 (6) Any party aggrieved by the action or inaction of the
3141 appropriate election officials may file a petition for judicial
3142 review to the circuit court of the county in which the election
3143 officials whose decision is being reviewed sits. * * * The
3144 petition must be filed no later than fifteen (15) days after the
3145 date the petition was originally filed with the appropriate
3146 election officials. * * * The person filing for judicial review
3147 shall give a cost bond in the sum of Three Hundred Dollars
3148 (\$300.00) with two (2) or more sufficient sureties conditioned to
3149 pay all costs in case his or her petition be dismissed, and an
3150 additional bond may be required, by the court, if necessary, at
3151 any subsequent stage of the proceedings.



3152 (7) The circuit court with whom such a petition for judicial
3153 review has been filed shall at the earliest possible date set the
3154 matter for hearing. Notice shall be given to the interested
3155 parties of the time set for hearing by the circuit clerk. The
3156 hearing before the circuit court shall be de novo. The matter
3157 shall be tried to the circuit judge, without a jury. After
3158 hearing the evidence, the circuit judge shall determine whether
3159 the candidate whose qualifications have been challenged is legally
3160 qualified to have his or her name placed upon the ballot in
3161 question. The circuit judge may, upon disqualification of any
3162 such candidate, order that * * * the candidate * * * bear the
3163 court costs of the proceedings.

3164 (8) Within three (3) days after judgment is rendered by the
3165 circuit court, the contestant or contestee, or both, may file an
3166 appeal in the Supreme Court upon giving a cost bond in the sum of
3167 Three Hundred Dollars (\$300.00), together with a bill of
3168 exceptions * * * that shall state the point or points of law at
3169 issue with a sufficient synopsis of the facts to fully disclose
3170 the bearing and relevancy of such points of law. The bill of
3171 exceptions shall be signed by the trial judge, or in case of his
3172 or her absence, refusal or disability, by two (2) disinterested
3173 attorneys, as is provided by law in other cases of bills of
3174 exception. The filing of * * * the appeals shall automatically
3175 suspend the decision of the circuit court and the appropriate
3176 election officials are entitled to proceed based upon their



3177 decision unless and until the Supreme Court, in its discretion,
3178 stays further proceedings in the matter. The appeal shall be
3179 immediately docketed in the Supreme Court and referred to the
3180 court en banc upon briefs without oral argument unless the court
3181 shall call for oral argument, and shall be decided at the earliest
3182 possible date, as a preference case over all others. The Supreme
3183 Court shall have the authority to grant such relief as is
3184 appropriate under the circumstances.

3185 (9) The procedure set forth above shall be the * * * only
3186 manner in which the qualifications of a candidate seeking public
3187 office who qualified pursuant to the provisions of Sections
3188 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
3189 before the time of his or her election. After any such person has
3190 been elected to public office, the election may be challenged as
3191 otherwise provided by law. After any person assumes an elective
3192 office, his or her qualifications to hold that office may be
3193 contested as otherwise provided by law.

3194 **SECTION 75.** Section 23-15-977, Mississippi Code of 1972, is
3195 amended as follows:

3196 23-15-977. (1) Except as otherwise provided in this
3197 section, all candidates for judicial office as defined in Section
3198 23-15-975 of this subarticle shall file their intent to be a
3199 candidate with the proper officials and pay the proper assessment
3200 by not later than 5:00 p.m. on March 1 of the year in which the
3201 general election for the judicial office is held. If March 1



3202 occurs on a Saturday, Sunday or legal holiday, candidates shall
3203 file their intent to be a candidate and pay the proper assessment
3204 by 5:00 p.m. on the business day immediately following the
3205 Saturday, Sunday or legal holiday. Candidates shall pay to the
3206 proper officials the following amounts:

3207 (a) Candidates for Supreme Court judge and Court of
3208 Appeals, the sum of Two Hundred Dollars (\$200.00).

3209 (b) Candidates for circuit judge and chancellor, the
3210 sum of One Hundred Dollars (\$100.00).

3211 (c) Candidates for county judge and family court judge,
3212 the sum of Fifteen Dollars (\$15.00).

3213 Candidates for judicial office may not file their intent to
3214 be a candidate and pay the proper assessment before January 1 of
3215 the year in which the election for the judicial office is held.

3216 (2) Candidates for judicial offices listed in paragraphs (a)
3217 and (b) of subsection (1) of this section shall file their intent
3218 to be a candidate with, and pay the proper assessment made
3219 pursuant to subsection (1) of this section to, the State Board of
3220 Election Commissioners.

3221 (3) Candidates for judicial offices listed in paragraph (c)
3222 of subsection (1) of this section shall file their intent to be a
3223 candidate with, and pay the proper assessment made pursuant to
3224 subsection (1) of this section to, the circuit clerk of the proper
3225 county. The circuit clerk shall notify the county election
3226 commissioners of all persons who have filed their intent to be a



3227 candidate with, and paid the proper assessment to, such clerk.
3228 The notification shall occur within two (2) business days and
3229 shall contain all necessary information.

3230 (4) If only one (1) person files his or her intent to be a
3231 candidate for a judicial office and that person later dies,
3232 resigns or is otherwise disqualified from holding the judicial
3233 office after the deadline provided for in subsection (1) of this
3234 section but more than seventy (70) days before the date * * * that
3235 early voting begins for the general election, the Governor, upon
3236 notification of the death, resignation or disqualification of the
3237 person, shall issue a proclamation authorizing candidates to file
3238 their intent to be a candidate for that judicial office for a
3239 period of not less than seven (7) nor more than ten (10) days from
3240 the date of the proclamation.

3241 (5) If only one (1) person qualifies as a candidate for a
3242 judicial office and that person later dies, resigns or is
3243 otherwise disqualified from holding the judicial office within
3244 seventy (70) days before the date * * * that early voting begins
3245 for the general election, the judicial office shall be considered
3246 vacant for the new term and the vacancy shall be filled as
3247 provided in by law.

3248 **SECTION 76.** Section 23-15-1031, Mississippi Code of 1972, is
3249 amended as follows:

3250 23-15-1031. Except as provided by Section 23-15-1081, the
3251 first primary election for * * * members of Congress shall be held



3252 on the first Tuesday in June of the years in which * * * members
3253 of Congress are elected, and a second primary, if necessary, shall
3254 be held three (3) weeks thereafter. Each year in which a
3255 presidential election is held, the congressional primary shall be
3256 held as provided in Section 23-15-1081. The election shall be
3257 held in all districts of the state during the same period for
3258 early voting and on the same day. Candidates for United States
3259 Senator shall be nominated at the congressional primary next
3260 preceding the general election at which a senator is to be elected
3261 and in the same manner that * * * members of Congress are
3262 nominated. The chair and secretary of the state executive
3263 committee shall certify the vote for United States Senator to the
3264 Secretary of State in the same manner that county executive
3265 committees certify the returns of counties in general state and
3266 county primary elections.

3267 **SECTION 77.** Section 23-15-1081, Mississippi Code of 1972, is
3268 amended as follows:

3269 23-15-1081. A presidential preference primary may be held on
3270 the second Tuesday in March of each year in which a President of
3271 the United States is to be elected and during the early voting
3272 period established in this act. Each political party * * * that
3273 has cast for its candidates for President and Vice President in
3274 the previous presidential election more than twenty percent (20%)
3275 of the total vote cast for President and Vice President in the
3276 state, may conduct a presidential preference primary. No elector



shall vote in the primary of more than one (1) political party in the same presidential preference primary.

SECTION 78. Section 23-15-1083, Mississippi Code of 1972, is amended as follows:

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

SECTION 79. Section 23-15-1085, Mississippi Code of 1972, is amended as follows:

23-15-1085. The * * * chair of a party's state executive committee shall notify the Secretary of State if the party intends to hold a presidential preference primary. The Secretary of State shall be notified * * * before December 1 of the year preceding the year in which a presidential preference primary may be held pursuant to Section 23-15-1081. Upon * * * the notification, the Secretary of State shall issue a proclamation setting every party's congressional and senatorial primary elections, including the period for early voting, that are to be held in the year in



3302 which the presidential preference primary is to be held on the
3303 date provided for in Section 23-15-1083. Once the Secretary of
3304 State has issued a proclamation pursuant to this section, the
3305 dates of the congressional and senatorial primary elections shall
3306 not be changed.

3307 **SECTION 80.** Section 23-15-1091, Mississippi Code of 1972, is
3308 amended as follows:

3309 23-15-1091. When the Secretary of State places the name of a
3310 candidate on the ballot pursuant to Section 23-15-1093, he or she
3311 shall notify the candidate that his or her name will appear on the
3312 ballot of this state in the presidential preference primary
3313 election.

3314 The secretary shall also notify the candidate that he or she
3315 may withdraw his or her name from the ballot by filing with the
3316 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3317 later than the sixtieth day before the period for early voting
3318 begins for that election.

3319 **SECTION 81.** Section 21-3-3, Mississippi Code of 1972, is
3320 amended as follows:

3321 21-3-3. The elective officers of all municipalities
3322 operating under a code charter shall be the mayor, the aldermen,
3323 municipal judge, the marshal or chief of police, the tax collector
3324 and the tax assessor. From and after July 1, 2017, the governing
3325 authorities of the municipality shall appoint a city or town clerk
3326 who shall likewise serve as an officer of the municipality.



3327 However, the governing authorities of the municipality shall have
3328 the power, by ordinance, to combine the office of clerk or marshal
3329 with the office of tax collector and/or tax assessor. * * * The
3330 governing authorities shall have the further power to provide
3331 that * * * any of * * * those officers, except those of mayor and
3332 aldermen, shall be appointive, in which case the marshal or chief
3333 of police, the tax collector, the tax assessor, and the city or
3334 town clerk, or such of * * * the officers as may be made
3335 appointive, shall be appointed by the governing authorities. Any
3336 action taken by the governing authorities to make any of * * * the
3337 offices appointive shall be by ordinance of * * * the
3338 municipality, and no such ordinance shall be adopted within ninety
3339 (90) days * * * before the period for early voting begins for any
3340 regular general election for the election of municipal officers.
3341 No such ordinance shall become effective during the term of office
3342 of any officer whose office shall be affected thereby. If any
3343 such office is made appointive, the person appointed thereto shall
3344 hold office at the pleasure of the governing authorities and may
3345 be discharged by * * * the governing authorities at any time,
3346 either with or without cause, and it shall be discretionary with
3347 the governing authorities whether or not to require * * * the
3348 person appointed thereto to reside within the corporate limits of
3349 the municipality in order to hold * * * the office.

3350 **SECTION 82.** Section 21-9-17, Mississippi Code of 1972, is
3351 amended as follows:



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

SECTION 83. Section 37-5-9, Mississippi Code of 1972, is amended as follows:

37-5-9. The name of any qualified elector who is a candidate for the county board of education shall be placed on the ballot used in the general elections by the county election commissioners, provided that the candidate files with the county election commissioners, not more than ninety (90) days and not less than sixty (60) days * * * before the date * * * early voting begins for the general election, a petition of nomination signed by not less than fifty (50) qualified electors of the county residing within each supervisors district. Where there are less than one hundred (100) qualified electors in * * * the supervisors district, it shall only be required that * * * the petition of nomination be signed by at least twenty percent (20%) of the



3377 qualified electors of such supervisors district. The candidate in
3378 each supervisors district who receives the majority of votes cast
3379 in the district shall be declared elected. If no candidate
3380 receives a majority of the votes cast at the election, a runoff
3381 shall be held between the two (2) candidates receiving the highest
3382 number of votes in the first election. The runoff election, in
3383 the event that such is necessary, shall be held three (3) weeks
3384 after the first election.

3385 When any member of the county board of education is to be
3386 elected from the county at large under the provisions of this
3387 chapter, then the petition required by the preceding paragraph
3388 hereof shall be signed by the required number of qualified
3389 electors residing in any part of the county outside of the
3390 territory embraced within a municipal separate school district or
3391 special municipal separate school district. The candidate who
3392 receives the majority of votes cast in the election shall be
3393 declared elected. If no candidate receives a majority of the
3394 votes cast at the election, a runoff shall be held between the two
3395 (2) candidates receiving the highest number of votes in the first
3396 election. The runoff election, in the event that such is
3397 necessary, shall be held three (3) weeks after the first election.

3398 In no case shall any qualified elector residing within a
3399 municipal separate school district or special municipal separate
3400 school district be eligible to sign a petition of nomination for



3401 any candidate for the county board of education under any of the
3402 provisions of this section.

3403 **SECTION 84.** Section 21-8-7, Mississippi Code of 1972, is
3404 amended as follows:

3405 21-8-7. (1) Each municipality operating under the
3406 mayor-council form of government shall be governed by an elected
3407 council and an elected mayor. Other officers and employees shall
3408 be duly appointed pursuant to this chapter, general law or
3409 ordinance.

3410 (2) Except as otherwise provided in subsection (4) of this
3411 section, the mayor and council members shall be elected by the
3412 voters of the municipality at a regular municipal election held on
3413 the first Tuesday after the first Monday in June as provided in
3414 Section 21-11-7, and shall serve for a term of four (4) years
3415 beginning on the first day of July next following the election
3416 that is not on a weekend. Votes for mayor and council members may
3417 also be cast during the period for early voting as provided for in
3418 this act.

3419 (3) The terms of the initial mayor and council members shall
3420 commence at the expiration of the terms of office of the elected
3421 officials of the municipality serving at the time of adoption of
3422 the mayor-council form.

3423 (4) (a) The council shall consist of five (5), seven (7) or
3424 nine (9) members. In the event there are five (5) council
3425 members, the municipality shall be divided into either five (5) or



3426 four (4) wards. In the event there are seven (7) council members,
3427 the municipality shall be divided into either seven (7), six (6)
3428 or five (5) wards. In the event there are nine (9) council
3429 members, the municipality shall be divided into seven (7) or nine
3430 (9) wards. If the municipality is divided into fewer wards than
3431 it has council members, the other council member or members shall
3432 be elected from the municipality at large. The total number of
3433 council members and the number of council members elected from
3434 wards shall be established by the petition or petitions presented
3435 pursuant to Section 21-8-3. One (1) council member shall be
3436 elected from each ward by the voters of that ward. Council
3437 members elected to represent wards must be residents of their
3438 wards at the time of qualification for election, and any council
3439 member who removes the member's residence from the municipality or
3440 from the ward from which elected shall vacate that office.
3441 However, any candidate for council member who is properly
3442 qualified as a candidate under applicable law shall be deemed to
3443 be qualified as a candidate in whatever ward the member resides if
3444 the ward has changed after the council has redistricted the
3445 municipality as provided in paragraph (c)(ii) of this subsection
3446 (4), and if the wards have been so changed, any person may qualify
3447 as a candidate for council member, using the person's existing
3448 residence or by changing the person's residence, not less than
3449 fifteen (15) days before the period for early voting begins for
3450 the first party primary or special party primary, as the case may



3451 be, notwithstanding any other residency or qualification
3452 requirements to the contrary.

3453 (b) The council or board existing at the time of the
3454 adoption of the mayor-council form of government shall designate
3455 the geographical boundaries of the wards within one hundred twenty
3456 (120) days after the election in which the mayor-council form of
3457 government is selected. In designating the geographical
3458 boundaries of the wards, each ward shall contain, as nearly as
3459 possible, the population factor obtained by dividing the
3460 municipality's population as shown by the most recent decennial
3461 census by the number of wards into which the municipality is to be
3462 divided.

3463 (c) (i) It shall be the mandatory duty of the council
3464 to redistrict the municipality by ordinance, which ordinance may
3465 not be vetoed by the mayor, within six (6) months after the
3466 official publication by the United States of the population of the
3467 municipality as enumerated in each decennial census, and within
3468 six (6) months after the effective date of any expansion of
3469 municipal boundaries; however, if the publication of the most
3470 recent decennial census or effective date of an expansion of the
3471 municipal boundaries occurs six (6) months or more before the
3472 first party primary of a general municipal election, then the
3473 council shall redistrict the municipality by ordinance not less
3474 than sixty (60) days before the period for early voting begins for
3475 the first party primary.



3476 (ii) If the publication of the most recent
3477 decennial census occurs less than six (6) months before the first
3478 primary of a general municipal election, the election shall be
3479 held with regard to the existing defined wards; reapportioned
3480 wards based on the census shall not serve as the basis for
3481 representation until the next regularly scheduled election in
3482 which council members shall be elected.

3483 (d) If annexation of additional territory into the
3484 municipal corporate limits of the municipality occurs less than
3485 six (6) months before the first party primary of a general
3486 municipal election, the council shall, by ordinance adopted within
3487 three (3) days of the effective date of the annexation, assign the
3488 annexed territory to an adjacent ward or wards so as to maintain
3489 as nearly as possible substantial equality of population between
3490 wards; any subsequent redistricting of the municipality by
3491 ordinance, as required by this chapter, shall not serve as the
3492 basis for representation until the next regularly scheduled
3493 election for municipal council members.

3494 (5) Vacancies occurring in the council shall be filled as
3495 provided in Section 23-15-857.

3496 (6) The mayor shall maintain an office at the city hall.
3497 The council members shall not maintain individual offices at the
3498 city hall; however, in a municipality having a population of one
3499 hundred thousand (100,000) and above according to the latest
3500 federal decennial census, council members may have individual



3501 offices in the city hall. Clerical work of council members in the
3502 performance of the duties of their office shall be performed by
3503 municipal employees or at municipal expense, and council members
3504 shall be reimbursed for the reasonable expenses incurred in the
3505 performance of the duties of their office.

3506 **SECTION 85.** Section 9-4-5, Mississippi Code of 1972, is
3507 amended as follows:

3508 9-4-5. (1) The term of office of judges of the Court of
3509 Appeals shall be eight (8) years. An election shall be held on
3510 the first Tuesday after the first Monday in November 1994, to
3511 elect the ten (10) judges of the Court of Appeals, two (2) from
3512 each congressional district; provided, however, judges of the
3513 Court of Appeals who are elected to take office after the first
3514 Monday of January 2002, shall be elected from the Court of Appeals
3515 Districts described in subsection (5) of this section. The judges
3516 of the Court of Appeals shall begin service on the first Monday of
3517 January 1995. Votes for judges of the Court of Appeals may be
3518 cast, if applicable, during the period for early voting provided
3519 for in this act.

3520 (2) (a) In order to provide that the offices of not more
3521 than a majority of the judges of * * * the court shall become
3522 vacant at any one (1) time, the terms of office of six (6) of the
3523 judges first to be elected shall expire in less than eight (8)
3524 years. For the purpose of all elections of members of the court,
3525 each of the ten (10) judges of the Court of Appeals shall be



3526 considered a separate office. The two (2) offices in each of the
3527 five (5) districts shall be designated Position Number 1 and
3528 Position Number 2, and in qualifying for office as a candidate for
3529 any office of judge of the Court of Appeals each candidate shall
3530 state the position number of the office to which he or she aspires
3531 and the election ballots shall so indicate.

3532 (i) In Congressional District Number 1, the judge
3533 of the Court of Appeals for Position Number 1 shall be that office
3534 for which the term ends January 1, 1999, and the judge of the
3535 Court of Appeals for Position Number 2 shall be that office for
3536 which the term ends January 1, 2003.

3537 (ii) In Congressional District Number 2, the judge
3538 of the Court of Appeals for Position Number 1 shall be that office
3539 for which the term ends on January 1, 2003, and the judge of the
3540 Court of Appeals for Position Number 2 shall be that office for
3541 which the term ends January 1, 2001.

3542 (iii) In Congressional District Number 3, the
3543 judge of the Court of Appeals for Position Number 1 shall be that
3544 office for which the term ends on January 1, 2001, and the judge
3545 of the Court of Appeals for Position Number 2 shall be that office
3546 for which the term ends January 1, 1999.

3547 (iv) In Congressional District Number 4, the judge
3548 of the Court of Appeals for Position Number 1 shall be that office
3549 for which the term ends on January 1, 1999, and the judge of the



3550 Court of Appeals for Position Number 2 shall be that office for
3551 which the term ends January 1, 2003.

3552 (v) In Congressional District Number 5, the judge
3553 of the Court of Appeals for Position Number 1 shall be that office
3554 for which the term ends on January 1, 2003, and the judge of the
3555 Court of Appeals for Position Number 2 shall be that office for
3556 which the term ends January 1, 2001.

3557 (b) The laws regulating the general elections shall
3558 apply to and govern the elections of judges of the Court of
3559 Appeals except as otherwise provided in Sections 23-15-974 through
3560 23-15-985.

3561 (c) In the year * * * before the expiration of the term
3562 of an incumbent, and likewise each eighth year thereafter, an
3563 election shall be held in the manner provided in this section in
3564 the district from which the incumbent Court of Appeals judge was
3565 elected at which there shall be elected a successor to the
3566 incumbent, whose term of office shall thereafter begin on the
3567 first Monday of January of the year in which the term of the
3568 incumbent he or she succeeds expires.

3569 (3) No person shall be eligible for the office of judge of
3570 the Court of Appeals who has not attained the age of thirty (30)
3571 years at the time of his or her election and who has not been a
3572 practicing attorney and citizen of the state for five (5) years
3573 immediately * * * before the election.



3574 (4) Any vacancy on the Court of Appeals shall be filled by
3575 appointment of the Governor for that portion of the unexpired
3576 term * * * before the election to fill the remainder of * * * the
3577 term according to provisions of Section 23-15-849 * * *.

3578 (5) (a) The State of Mississippi is hereby divided into
3579 five (5) Court of Appeals Districts as follows:

3580 **FIRST DISTRICT.** The First Court of Appeals District shall be
3581 composed of the following counties and portions of counties:
3582 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3583 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3584 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3585 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3586 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3587 Nations and Poplar Creek; in Panola County the precincts of East
3588 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3589 Springport, South Springport, Eureka, Williamson, East Batesville
3590 4, West Batesville 4, Fern Hill, North Batesville A, East
3591 Batesville 5 and West Batesville 5; and in Tallahatchie County the
3592 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3593 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3594 Murphreesboro and Rosebloom.

3595 **SECOND DISTRICT.** The Second Court of Appeals District shall
3596 be composed of the following counties and portions of counties:
3597 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3598 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,



3599 Tunica, Warren, Washington and Yazoo; in Attala County the
3600 precincts of Northeast, Hesterville, Possomneck, North Central,
3601 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3602 County not included in the First Court of Appeals District; in
3603 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3604 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3605 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3606 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3607 precincts of Conway, West Carthage, Wiggins, Thomastown and
3608 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3609 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3610 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3611 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3612 Canton Precinct 1 and Canton Precinct 4; that portion of
3613 Montgomery County not included in the First Court of Appeals
3614 District; that portion of Panola County not included in the First
3615 Court of Appeals District; and that portion of Tallahatchie County
3616 not included in the First Court of Appeals District.

3617 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3618 composed of the following counties and portions of counties:
3619 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3620 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3621 portion of Attala County not included in the Second Court of
3622 Appeals District; in Jones County the precincts of Northwest High
3623 School, Shady Grove, Sharon, Erata, Glade, Myrick School,



Northeast High School, Rustin, Sandersville Civic Center, Tuckers, Antioch and Landrum; that portion of Leake County not included in the Second Court of Appeals District; that portion of Madison County not included in the Second Court of Appeals District; and in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee, Diamond, Chaparral, Matherville, Coit and Eucutta.

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

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

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

SECTION 86. This act shall take effect and be in force from and after July 1, 2021.

