

By: Representatives Paden, Summers

To: Apportionment and Elections

HOUSE BILL NO. 22

1 AN ACT TO CREATE THE EARLY VOTING ACT; TO PROVIDE  
2 DEFINITIONS; TO PROVIDE THAT THE EARLY VOTING PERIOD SHALL BEGIN  
3 SIX DAYS BEFORE THE ELECTION AND CONTINUE UNTIL THE LAST REGULAR  
4 BUSINESS DAY PRECEDING THE ELECTION; TO PROVIDE THAT EARLY VOTING  
5 SHALL BE FOR EACH PRIMARY, GENERAL, RUNOFF, SPECIAL AND MUNICIPAL  
6 ELECTION FOR PUBLIC OFFICE; TO PROVIDE THE HOURS FOR EARLY VOTING  
7 IN THE REGISTRAR'S OFFICE DURING REGULAR BUSINESS HOURS; TO  
8 PROVIDE THAT NOTICE OF EARLY VOTING SHALL BE PROVIDED IN THREE  
9 PUBLIC PLACES EIGHT DAYS BEFORE THE VOTING BEGINS; TO PROVIDE THE  
10 PROCEDURES TO FOLLOW WHEN CASTING A BALLOT DURING THE EARLY VOTING  
11 PERIOD; TO PROVIDE THE MANNER FOR CHALLENGING THE QUALIFICATIONS  
12 OF A VOTER DURING THE EARLY VOTING PERIOD; TO AMEND SECTIONS  
13 23-15-625, 23-15-627, 23-15-629, 23-15-631, 23-15-635, 23-15-637,  
14 23-15-639, 23-15-641, 23-15-647, 23-15-649, 23-15-657, 23-15-713,  
15 23-15-715, 23-15-719 AND 23-15-735, MISSISSIPPI CODE OF 1972, TO  
16 REVISE THE VOTERS WHO ARE ELIGIBLE TO VOTE BY ABSENTEE BALLOT; TO  
17 PROHIBIT A VOTER FROM CASTING AN ABSENTEE BALLOT IN PERSON AT THE  
18 OFFICE OF THE COUNTY REGISTRAR; TO CONFORM TO THE PROVISIONS OF  
19 THIS ACT; TO AMEND SECTIONS 23-15-31, 23-15-37, 23-15-43,  
20 23-15-47, 23-15-65, 23-15-127, 23-15-153, 23-15-171, 23-15-173,  
21 23-15-191, 23-15-195, 23-15-197, 23-15-231, 23-15-233, 23-15-239,  
22 23-15-241, 23-15-245, 23-15-247, 23-15-251, 23-15-255, 23-15-263,  
23 23-15-265, 23-15-267, 23-15-309, 23-15-331, 23-15-333, 23-15-335,  
24 23-15-353, 23-15-357, 23-15-359, 23-15-363, 23-15-367, 7-3-39,  
25 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 six-day period that  
42 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 six (6)  
55 days before the date of each primary, general, runoff, special and  
56 municipal election for public office and continue until 12:00 p.m.  
57 on Saturday preceding the election day. If the date prescribed



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

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

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

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



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

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

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

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

101 **SECTION 6.** Each political party, candidate or any  
102 representative of a political party or candidate pursuant to  
103 Section 23-15-577 shall have the right to be present at the office  
104 of the appropriate registrar when it is open for early voting and  
105 to challenge the qualifications of any person offering to vote in  
106 the same manner as provided by law for challenging qualifications  
107 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



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

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

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

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

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

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



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

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

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

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

181 23-15-627. Any elector described in Section 23-15-713 may  
182 request an absentee ballot application and vote in person at the



183 office of the registrar in the county in which he or she resides.  
184 The registrar shall be responsible for furnishing an absentee  
185 ballot application form to any elector authorized to receive an  
186 absentee ballot. Except as otherwise provided in Section  
187 23-15-625, absentee ballot applications shall be furnished to a  
188 person only upon the oral or written request of the elector who  
189 seeks to vote by absentee ballot; however, the parent, child,  
190 spouse, sibling, legal guardian, those empowered with a power of  
191 attorney for that elector's affairs or agent of the elector, who  
192 is designated in writing and witnessed by a resident of this state  
193 who shall write his or her physical address on such designation,  
194 may orally request an absentee ballot application on behalf of the  
195 elector. The written designation shall be valid for one (1) year  
196 after the date of the designation. An absentee ballot application  
197 must have the seal of the circuit or municipal clerk affixed to it  
198 and be initialed by the registrar or his or her deputy in order to  
199 be used to obtain an absentee ballot. A reproduction of an  
200 absentee ballot application shall not be valid unless it is a  
201 reproduction provided by the office of the registrar of the  
202 jurisdiction in which the election is being held and which  
203 contains the seal and initials required by this section. Such  
204 application shall be substantially in the following form:

205 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

206 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
207 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.



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

333           23-15-631. (1) The registrar shall enclose with each ballot  
334 mailed to an absent elector separate printed instructions  
335 furnished by the registrar containing the following:

336           \* \* \*

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

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

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



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

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

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



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

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

403 \* \* \*

404 **SECTION 12.** Section 23-15-635, Mississippi Code of 1972, is  
405 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 ( \* \* \*4) All electors voting absentee shall be provided  
574 with written information to inform the person how to ascertain  
575 whether his or her ballot was counted and, if rejected, the  
576 reason \* \* \* 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



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

630 \* \* \*

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

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



652 with July 8, 2020, and the same being repealed on December 31,  
653 2020.

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

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

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

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

665 23-15-715. Any elector described in Section 23-15-713 and  
666 desiring an absentee ballot as provided in this subarticle may  
667 secure same if \* \* \* within forty-five (45) days before any  
668 election day but not later than seven (7) days before the election  
669 day, the elector applies for an absentee ballot as provided in the  
670 provisions of this act. \* \* \* All applications, other than those  
671 of persons having a temporary or permanent physical disability,  
672 shall \* \* \* be sworn to and subscribed before an official who is  
673 authorized to administer oaths or other official authorized to  
674 witness absentee balloting as provided in this article. The  
675 application must be accompanied by a verifying affidavit as  
676 required by this article. The applications of persons have a



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

680 \* \* \* Except when the voter has requested a runoff ballot on  
681 the initial absentee ballot application, upon request for a runoff  
682 ballot pursuant to Section 23-15-719, the registrar shall mail  
683 together the absentee ballot application and the absentee ballot  
684 to the absent voter for the runoff election.

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

687 23-15-719. (1) Except where the registrar has already  
688 mailed a ballot with an application, upon receipt of a properly  
689 completed application form by an elector qualified to vote  
690 absentee as provided in this article, the registrar shall mail the  
691 absent voter an absentee ballot within one (1) business day, or as  
692 soon as the absentee ballot is prepared and available, containing  
693 the names of all the candidates and propositions, if any, to be  
694 voted on in the election. The registrar shall include with the  
695 absentee ballot an official envelope that complies with the  
696 provisions of this article \* \* \*. The registrar shall not  
697 personally hand deliver ballots to voters. After the applicant  
698 has properly marked the ballot and properly folded it, he shall  
699 deposit it in the envelope furnished him by the registrar.

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



702 the address provided on the absentee ballot official envelope.

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

706 \* \* \*

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

709 23-15-735. \* \* \* Absentee ballots shall not be delivered in  
710 person to an absentee voter or to any other person.

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

713 23-15-31. All of the provisions of this subarticle shall be  
714 applicable, insofar as possible, to municipal, primary, general  
715 and special elections and early voting; and wherever therein any  
716 duty is imposed or any power or authority is conferred upon the  
717 county registrar, county election commissioners or county  
718 executive committee with reference to a state and county election  
719 or early voting, \* \* \* that duty shall likewise be conferred upon  
720 the municipal registrar, municipal election commission or  
721 municipal executive committee with reference to any municipal  
722 election or early voting.

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

725 23-15-37. (1) The registrar shall register the electors of  
726 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



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

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

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

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

768 23-15-43. In the event an applicant is not registered, there  
769 shall be an automatic review by the county election commissioners  
770 under the procedures provided in Sections 23-15-61 through  
771 23-15-79. In addition to the meetings of the election  
772 commissioners provided in those sections, the commissioners are  
773 required to hold such additional meetings to determine all pending  
774 cases of registration on review before the election \* \* \* or early  
775 voting period during which the applicant desires to vote.



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

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

782 23-15-47. (1) Any person who is qualified to register to  
783 vote in the State of Mississippi may register to vote by mail-in  
784 application in the manner prescribed in this section.

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

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

797 (b) Upon receipt of a mail-in application, the county  
798 registrar shall stamp the application with the date of receipt,  
799 and shall verify the application either by matching the  
800 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.



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

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

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

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

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

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

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

845 (e) If the mail-in application of a person is subject  
846 to rejection for any of the reasons set forth in paragraph (d)(i)  
847 through (iii) of this subsection, and it appears to the county  
848 registrar that the defect or omission is of such a minor nature  
849 and that any necessary additional information may be supplied by  
850 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.



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

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

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

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

916 23-15-65. The board of election commissioners shall meet at  
917 the courthouse of its county on the second Monday in September  
918 preceding any general election or in a sufficient amount of time  
919 to hear appeals before the period for early voting begins, and  
920 shall remain in session from day to day, so long as business may  
921 require. Three (3) election commissioners shall constitute a  
922 quorum to do business; but the concurrence of at least three (3)  
923 election commissioners shall be necessary in all cases for the  
924 rendition of a decision. The election commissioners shall hear



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

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

933         23-15-127. (1) It shall be the duty of the registrar of the  
934 county or municipality to prepare and furnish to the appropriate  
935 election commissioner pollbooks for each voting precinct in which  
936 the election is to be conducted, or to the appropriate registrar  
937 pollbooks for each registrar's office in which early voting is to  
938 be conducted, in which shall be entered the name, residence, date  
939 of birth and date of registration of each person duly registered  
940 in \* \* \* that voting precinct as now provided by law, and which  
941 pollbooks shall be known as "primary election pollbooks" and shall  
942 be used only in holding primary elections.

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



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

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

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

961 23-15-153. (1) At least during the following times, the  
962 election commissioners shall meet at the office of the registrar  
963 or the office of the election commissioners to carefully revise  
964 the county voter roll as electronically maintained by the  
965 Statewide Elections Management System and remove from the roll the  
966 names of all voters who have requested to be purged from the voter  
967 roll, died, received an adjudication of non compos mentis, been  
968 convicted of a disenfranchising crime, or otherwise become  
969 disqualified as electors for any cause, and shall register the  
970 names of all persons who have duly applied to be registered but  
971 have been illegally denied registration:

972 (a) On the Tuesday after the second Monday in January  
973 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
1163	WORKED	TIME	TIME	WORK	SECTION
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



1273 Monday of June 1985, and every four (4) years thereafter, for the  
1274 election of all municipal officers elected by the people. Early  
1275 voting for those general municipal elections shall be conducted as  
1276 provided in Sections 1 through 7 of this act.

1277 (2) All municipal general elections shall be held and  
1278 conducted in the same manner as is provided by law for state and  
1279 county general elections.

1280 (3) The provisions of Sections 23-15-171 and 23-15-173,  
1281 which fix the times to hold primary and general elections, shall  
1282 not apply to any municipality operating under a special or private  
1283 charter where the governing board or authority thereof, on or  
1284 before June 25, 1952, shall have adopted and spread upon its  
1285 minutes a resolution or ordinance declining to accept the  
1286 provisions, in which event the primary and general elections shall  
1287 be held at the time fixed by the charter of the municipality.

1288 **SECTION 32.** Section 23-15-191, Mississippi Code of 1972, is  
1289 amended as follows:

1290 23-15-191. The first primary shall be held on the first  
1291 Tuesday after the first Monday of August preceding any regular or  
1292 general election; and the second primary shall be held three (3)  
1293 weeks thereafter. Early voting for the primary election shall be  
1294 conducted as provided for in Sections 1 through 7 of this act.

1295 The candidate that receives a majority of the votes cast in the  
1296 election shall be the party nominee. If no candidate receives a  
1297 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:



1619           23-15-241. The poll manager designated an election bailiff  
1620 shall, in addition to his or her other duties, be present during  
1621 the early voting period and on election day to keep the peace and  
1622 to protect the voting place, and to prevent improper intrusion  
1623 upon the voting place or interference with the election, and to  
1624 arrest all persons creating any disturbance about the voting  
1625 place, and to enable all qualified electors who have not voted,  
1626 and who desire to vote, to have unobstructed access to the polls  
1627 for the purpose of voting when others are not voting.

1628           **SECTION 39.** Section 23-15-245, Mississippi Code of 1972, is  
1629 amended as follows:

1630           23-15-245. It shall be the duty of the poll manager  
1631 designated as bailiff to be present at the voting place, and to  
1632 take such steps as will accomplish the purpose of his or her  
1633 appointment, and the poll manager designated as bailiff shall have  
1634 full power to do so and may summon to his or her aid all persons  
1635 present at the voting place. A space thirty (30) feet in every  
1636 direction from the polls, or the room in which the \* \* \* voting is  
1637 held, shall be kept open and clear of all persons except the  
1638 election officials, individuals present to vote and credentialed  
1639 poll watchers as defined by Section 23-15-577. The electors shall  
1640 approach the polls from one (1) direction, line, door or passage,  
1641 and depart in another as nearly opposite as convenient.

1642           **SECTION 40.** Section 23-15-247, Mississippi Code of 1972, is  
1643 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 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



1943 shall contain the names of all the candidates to be voted for at  
1944 the election, and there shall be left on each ballot one (1) blank  
1945 space under the title of each office for which a nominee is to be  
1946 elected; and in the event of the death of any candidate whose name  
1947 shall have been printed on the ballot, the name of the candidate  
1948 duly substituted in the place of the deceased candidate may be  
1949 written in such blank space by the voter. Except as otherwise  
1950 provided in subsection (2) of this section, the order in which the  
1951 titles to the various offices shall be printed, and the size,  
1952 print and quality of the paper of the ballot is left to the  
1953 discretion of the county executive committee. Provided, however,  
1954 that in all cases the arrangement of the names of the candidates  
1955 for each office shall be alphabetical. No ballot shall be used  
1956 except those so printed.

1957 (2) The titles for the various offices shall be listed in  
1958 the following order:

1959 (a) Candidates, electors or delegates for the following  
1960 national offices:

1961 (i) President of the United States of America;

1962 (ii) United States Senator or United States

1963 Representative;

1964 (b) Candidates for the following statewide offices:

1965 Governor, Lieutenant Governor, Secretary of State, Attorney

1966 General, State Treasurer, Auditor of Public Accounts, Commissioner

1967 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.



2065 (3) Any person charged with any of the duties prescribed in  
2066 this section who shall willfully or with culpable carelessness  
2067 violate the same shall be guilty of a misdemeanor.

2068 **SECTION 50.** Section 23-15-353, Mississippi Code of 1972, is  
2069 amended as follows:

2070 23-15-353. The officer charged with printing and  
2071 distributing the official ballot shall ascertain from the  
2072 registrar, at least ten (10) days before the day \* \* \* early  
2073 voting for that election begins, the number of registered voters  
2074 in each voting precinct; and he or she shall have printed and  
2075 distributed a sufficient number of ballots for use in each  
2076 precinct.

2077 **SECTION 51.** Section 23-15-357, Mississippi Code of 1972, is  
2078 amended as follows:

2079 23-15-357. On the back and outside of the ballot shall be  
2080 printed the words "OFFICIAL BALLOT," the name of the voting  
2081 precinct or place for which the ballot is prepared, \* \* \* the date  
2082 of the election and the date of the period for early voting.

2083 **SECTION 52.** Section 23-15-359, Mississippi Code of 1972, is  
2084 amended as follows:

2085 23-15-359. (1) Except as provided in this section, the  
2086 ballot shall contain the names of all party nominees certified by  
2087 the appropriate executive committee, and independent and special  
2088 election candidates who have timely filed petitions containing the  
2089 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



2603 description of any verbal instructions and any other evidence of  
2604 voter education that was used \* \* \* during the election.

2605 (5) Not later than January 31 of the year following the  
2606 election, the Secretary of State shall submit a report to the  
2607 Governor, Lieutenant Governor and Speaker of the House of  
2608 Representatives analyzing the reports required to be filed  
2609 pursuant to this section. The analysis shall include the  
2610 following:

2611 (a) The performance of each voting device type  
2612 used \* \* \* during the election;

2613 (b) Any problems with voter or poll worker instructions  
2614 or ballot design and layout that have been identified as a result  
2615 of analyzing the reports received;

2616 (c) Recommendations for reducing the number of residual  
2617 votes reported; and

2618 (d) Such other information as the Secretary of State  
2619 deems beneficial.

2620 (6) The reports required pursuant to this section shall be  
2621 in such form as may be required by rules and regulations  
2622 promulgated by the Secretary of State.

2623 **SECTION 62.** Section 23-15-781, Mississippi Code of 1972, is  
2624 amended as follows:

2625 23-15-781. The number of electors of President and Vice  
2626 President of the United States to which this state may be  
2627 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



2852 term. Candidates in such a special election shall qualify in the  
2853 same manner and be subject to the same time limitations as set  
2854 forth in Section 23-15-839. Pending the holding of a special  
2855 election, the Governor shall make an emergency appointment to fill  
2856 the vacancy until the same shall be filled by election.

2857 **SECTION 67.** Section 23-15-851, Mississippi Code of 1972, is  
2858 amended as follows:

2859 23-15-851. (1) Except as otherwise provided in subsection  
2860 (2) of this section, within thirty (30) days after vacancies occur  
2861 in either house of the Legislature, the Governor shall issue writs  
2862 of election to fill the vacancies on a day specified in the writ  
2863 of election. At least sixty (60) days' notice shall be given of  
2864 the election in each county or part of a county in which the  
2865 election shall be held. The qualifying deadline for the election  
2866 shall be fifty (50) days before the early voting begins for the  
2867 election. Notice of the election shall be posted at the  
2868 courthouse and in each supervisors district in the county or part  
2869 of county in which such election shall be held for as near sixty  
2870 (60) days as may be practicable. The election shall be prepared  
2871 for and held as in the case of a general election.

2872 (2) If a vacancy occurs in a calendar year in which the  
2873 general election for state officers is held, the Governor may  
2874 elect not to issue a writ of election to fill the vacancy.

2875 **SECTION 68.** Section 23-15-853, Mississippi Code of 1972, is  
2876 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



3027 the governing authority, shall dispense with the election and  
3028 appoint that one (1) candidate in lieu of an election. In the  
3029 event no person shall have qualified by 5:00 p.m. at least twenty  
3030 (20) days before \* \* \* the early voting period begins for the  
3031 election, the governing authority or remainder of the governing  
3032 authority shall dispense with the election and fill the vacancy by  
3033 appointment. The clerk of the governing authority shall certify  
3034 the appointment to the Secretary of State, and the appointed  
3035 person shall be commissioned by the Governor.

3036 **SECTION 71.** Section 23-15-859, Mississippi Code of 1972, is  
3037 amended as follows:

3038 23-15-859. Whenever under any statute a special election is  
3039 required or authorized to be held in any municipality, and the  
3040 statute authorizing or requiring the election does not specify the  
3041 time within which the election shall be called, or the notice  
3042 which shall be given, the governing authorities of the  
3043 municipality shall, by resolution, fix a date upon which the  
3044 election shall be held. The date shall not be less than  
3045 twenty-one (21) nor more than thirty (30) days after the date upon  
3046 which such resolution is adopted, and not less than three (3)  
3047 weeks' notice of the election shall be given by the clerk by a  
3048 notice published in a newspaper published in the municipality once  
3049 each week for three (3) weeks next \* \* \* before the \* \* \* early  
3050 voting period begins for the election, and by posting a copy of  
3051 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



3077 section, the term "local issue" shall have the meaning ascribed to  
3078 such term in Section 23-15-375. This section shall be enforced by  
3079 election officials and law enforcement officials.

3080 **SECTION 73.** Section 23-15-913, Mississippi Code of 1972, is  
3081 amended as follows:

3082 23-15-913. The judges listed and selected to hear election  
3083 disputes, as provided in Section 23-15-951, shall be available  
3084 during early voting and on election day to immediately hear and  
3085 resolve any election \* \* \* disputes. The rules for filing  
3086 pleadings shall be relaxed to carry out the purposes of this  
3087 section. The judges selected shall perform no other judicial  
3088 duties \* \* \* during the election \* \* \* period. The Supreme Court  
3089 shall make judges available to hear disputes in the county in  
3090 which the disputes occur but no judge shall hear disputes in the  
3091 district or county in which he or she was elected nor shall any  
3092 judge hear any dispute in which any potential conflict may arise.  
3093 Each judge shall be fair and impartial and shall be assigned on  
3094 that basis.

3095 **SECTION 74.** Section 23-15-963, Mississippi Code of 1972, is  
3096 amended as follows:

3097 23-15-963. (1) Any person desiring to contest the  
3098 qualifications of another person who has qualified pursuant to the  
3099 provisions of Section 23-15-359 \* \* \* as a candidate for any  
3100 office elected at a general election, shall file a petition  
3101 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 February 1 of the year in which the  
3201 general election for the judicial office is held. If February 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 justice and Court of  
3208 Appeals judge, 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



3277 shall vote in the primary of more than one (1) political party in  
3278 the same presidential preference primary.

3279 **SECTION 78.** Section 23-15-1083, Mississippi Code of 1972, is  
3280 amended as follows:

3281 23-15-1083. Beginning in 1988, as an alternative to the  
3282 congressional primary election date set forth in Section  
3283 23-15-1031, when a political party elects to conduct a  
3284 presidential preference primary, the first primary election  
3285 for \* \* \* members of Congress, and senators, if senators are to be  
3286 elected, shall be held on the second Tuesday in March and during  
3287 the early voting period established in this act, and the second  
3288 primary, when one is necessary, shall be held three (3) weeks  
3289 thereafter, and the election shall be held in all districts of the  
3290 state on the same day.

3291 **SECTION 79.** Section 23-15-1085, Mississippi Code of 1972, is  
3292 amended as follows:

3293 23-15-1085. The \* \* \* chair of a party's state executive  
3294 committee shall notify the Secretary of State if the party intends  
3295 to hold a presidential preference primary. The Secretary of State  
3296 shall be notified \* \* \* before December 1 of the year preceding  
3297 the year in which a presidential preference primary may be held  
3298 pursuant to Section 23-15-1081. Upon \* \* \* the notification, the  
3299 Secretary of State shall issue a proclamation setting every  
3300 party's congressional and senatorial primary elections, including  
3301 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:



3352 21-9-17. Except as otherwise provided, all candidates for  
3353 mayor and councilmen, or any of them, to be voted for \* \* \* during  
3354 the periods for holding any general or special municipal election,  
3355 shall be nominated by party primary election, and no other name or  
3356 names shall be placed on the official ballot at \* \* \* the general  
3357 or special election than those selected in the manner prescribed  
3358 herein. Such primary election or elections, shall be held not  
3359 less than ten (10), nor more than thirty (30) days, \* \* \* before  
3360 the general or special election, and \* \* \* the primary election or  
3361 elections shall be held and conducted in the manner as near as may  
3362 be as is provided by law for state and county primary elections.

3363 **SECTION 83.** Section 37-5-9, Mississippi Code of 1972, is  
3364 amended as follows:

3365 37-5-9. The name of any qualified elector who is a candidate  
3366 for the county board of education shall be placed on the ballot  
3367 used in the general elections by the county election  
3368 commissioners, provided that the candidate files with the county  
3369 election commissioners, not more than ninety (90) days and not  
3370 less than sixty (60) days \* \* \* before the date \* \* \* early voting  
3371 begins for the general election, a petition of nomination signed  
3372 by not less than fifty (50) qualified electors of the county  
3373 residing within each supervisors district. Where there are less  
3374 than one hundred (100) qualified electors in \* \* \* the supervisors  
3375 district, it shall only be required that \* \* \* the petition of  
3376 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,



3624 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,  
3625 Antioch and Landrum; that portion of Leake County not included in  
3626 the Second Court of Appeals District; that portion of Madison  
3627 County not included in the Second Court of Appeals District; and  
3628 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,  
3629 Diamond, Chaparral, Matherville, Coit and Eucutta.

3630         **FOURTH DISTRICT.** The Fourth Court of Appeals District shall  
3631 be composed of the following counties and portions of counties:  
3632 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,  
3633 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;  
3634 that portion of Hinds County not included in the Second Court of  
3635 Appeals District; and that portion of Jones county not included in  
3636 the Third Court of Appeals District.

3637         **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be  
3638 composed of the following counties and portions of counties:  
3639 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl  
3640 River, Perry and Stone; and that portion of Wayne County not  
3641 included in the Third Court of Appeals District.

3642                 (b) The boundaries of the Court of Appeals Districts  
3643 described in paragraph (a) of this subsection shall be the  
3644 boundaries of the counties and precincts listed in paragraph (a)  
3645 of this subsection as such boundaries existed on October 1, 1990.

3646         **SECTION 86.** This act shall take effect and be in force from  
3647 and after July 1, 2024.

