

By: Representative Clarke

To: Apportionment and Elections

HOUSE BILL NO. 199

1 AN ACT TO CREATE THE EARLY VOTING ACT; TO PROVIDE
2 DEFINITIONS; TO PROVIDE THAT THE EARLY VOTING PERIOD SHALL BEGIN
3 NOT MORE THAN TWENTY-ONE DAYS NOR LESS THAN FIVE DAYS BEFORE THE
4 ELECTION AND CONTINUE UNTIL THE LAST REGULAR BUSINESS DAY
5 PRECEDING THE ELECTION; TO PROVIDE THAT EARLY VOTING SHALL BE FOR
6 EACH PRIMARY, GENERAL, RUNOFF, SPECIAL AND MUNICIPAL ELECTION FOR
7 PUBLIC OFFICE; TO PROVIDE THE HOURS FOR EARLY VOTING IN THE
8 REGISTRAR'S OFFICE DURING REGULAR BUSINESS HOURS; TO PROVIDE THAT
9 NOTICE OF EARLY VOTING SHALL BE PROVIDED IN THREE PUBLIC PLACES
10 EIGHT DAYS BEFORE THE VOTING BEGINS; TO PROVIDE THE PROCEDURES TO
11 FOLLOW WHEN CASTING A BALLOT DURING THE EARLY VOTING PERIOD; TO
12 PROVIDE THE MANNER FOR CHALLENGING THE QUALIFICATIONS OF A VOTER
13 DURING THE EARLY VOTING PERIOD; TO AMEND SECTIONS 23-15-625,
14 23-15-627, 23-15-629, 23-15-631, 23-15-635, 23-15-637, 23-15-639,
15 23-15-641, 23-15-647, 23-15-649, 23-15-657, 23-15-713, 23-15-715,
16 23-15-719 AND 23-15-735, MISSISSIPPI CODE OF 1972, TO REVISE THE
17 VOTERS WHO ARE ELIGIBLE TO VOTE BY ABSENTEE BALLOT; TO PROHIBIT A
18 VOTER FROM CASTING AN ABSENTEE BALLOT IN PERSON AT THE OFFICE OF
19 THE COUNTY REGISTRAR; TO CONFORM TO THE PROVISIONS OF THIS ACT; TO
20 AMEND SECTIONS 23-15-31, 23-15-37, 23-15-43, 23-15-47, 23-15-65,
21 23-15-127, 23-15-153, 23-15-171, 23-15-173, 23-15-191, 23-15-195,
22 23-15-197, 23-15-231, 23-15-233, 23-15-239, 23-15-241, 23-15-245,
23 23-15-247, 23-15-251, 23-15-255, 23-15-263, 23-15-265, 23-15-267,
24 23-15-309, 23-15-331, 23-15-333, 23-15-335, 23-15-353, 23-15-357,
25 23-15-359, 23-15-363, 23-15-367, 7-3-39, 23-15-511, 23-15-515,
26 23-15-531.6, 23-15-545, 23-15-573, 23-15-613, 23-15-781,
27 23-15-785, 23-15-807, 23-15-833, 23-15-843, 23-15-851, 23-15-853,
28 23-15-855, 23-15-857, 23-15-859, 23-15-895, 23-15-913, 23-15-963,
29 23-15-977, 23-15-1031, 23-15-1081, 23-15-1083, 23-15-1085,
30 23-15-1091, 21-3-3, 21-9-17, 37-5-9, 21-8-7 AND 9-4-5, MISSISSIPPI
31 CODE OF 1972, TO CONFORM TO THE PROVISIONS OF THIS ACT; AND FOR
32 RELATED PURPOSES.

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



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

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

39 (a) "Election" means the period of time that is
40 available for casting a final vote. References to the time of an
41 election or the duration of the election shall encompass, unless
42 the context clearly indicates otherwise, the period that has been
43 designed for early voting, which shall be not more than twenty-one
44 (21) days nor less than five (5) days before the election.

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

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

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

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

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

56 **SECTION 4.** (1) The early voting period shall begin not more
57 than twenty-one (21) nor less than five (5) days before the date
58 of each primary, general, runoff, special and municipal election



59 for public office and continue until 12:00 p.m. on Saturday
60 preceding the election day. If the date prescribed for beginning
61 the early voting period falls on a Sunday or state holiday, the
62 early voting period shall begin on the next regular business day.

63 (2) Early voting shall be conducted in the office of the
64 appropriate registrar during regular business hours. If the
65 office space of the registrar is insufficient or inconvenient to
66 accommodate early voting, the registrar may provide an alternate
67 location to conduct early voting, and in such case, adequate
68 notice shall be posted at the registrar's office that informs the
69 public of the location where early voting is being conducted. The
70 registrar may conduct early voting at an additional secure polling
71 place outside his or her office. During the last full week
72 preceding an election, the office of the appropriate registrar may
73 extend the office hours to accommodate early voters. All
74 registrar offices shall remain open from 8:00 a.m. until 12:00
75 p.m. for the Saturday two (2) weeks immediately preceding each
76 election and from 8:00 a.m. until 4:00 p.m. for the Saturday
77 immediately preceding each election.

78 (3) Notice of the early voting hours shall be given by the
79 officials in charge of the election not less than twenty-five (25)
80 days before the day early voting begins. The notice shall be
81 posted in three (3) public places within the county or
82 municipality, with one (1) place being the county courthouse in a
83 county election or city hall in a municipal election.



84 **SECTION 5.** (1) A qualified elector who desires to vote
85 during the early voting period shall appear at the office of the
86 appropriate registrar in the county or municipality in which the
87 elector is registered to vote and shall present an acceptable form
88 of photo identification. Upon verification of the proper location
89 and identity, the elector shall sign the appropriate receipt book
90 and cast his or her vote in the same manner that the vote would be
91 cast on the day of the election. Except as otherwise provided in
92 Sections 1 through 7 of this act, the election laws that govern
93 the procedures for a person who appears to vote on the day of an
94 election shall apply when a person appears to vote during the
95 early voting period.

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

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

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

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



109 the same manner as provided by law for challenging qualifications
110 at the polling place on election day.

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

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

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

129 (2) The registrar shall be authorized to disburse
130 applications for absentee ballots to any qualified elector within
131 the county where he or she serves. Any person who presents to the
132 registrar an oral or written request for an absentee ballot
133 application for a voter entitled to vote absentee by mail, other



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

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

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

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

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

157 (4) The registrar * * *, upon receiving by mail the
158 envelopes containing the absentee ballots shall keep an accurate



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

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

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

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



184 23-15-627. Any elector described in Section 23-15-713 may
185 request an absentee ballot application and vote in person at the
186 office of the registrar in the county in which he or she resides.
187 The registrar shall be responsible for furnishing an absentee
188 ballot application form to any elector authorized to receive an
189 absentee ballot. Except as otherwise provided in Section
190 23-15-625, absentee ballot applications shall be furnished to a
191 person only upon the oral or written request of the elector who
192 seeks to vote by absentee ballot; however, the parent, child,
193 spouse, sibling, legal guardian, those empowered with a power of
194 attorney for that elector's affairs or agent of the elector, who
195 is designated in writing and witnessed by a resident of this state
196 who shall write his or her physical address on such designation,
197 may orally request an absentee ballot application on behalf of the
198 elector. The written designation shall be valid for one (1) year
199 after the date of the designation. An absentee ballot application
200 must have the seal of the circuit or municipal clerk affixed to it
201 and be initialed by the registrar or his or her deputy in order to
202 be used to obtain an absentee ballot. A reproduction of an
203 absentee ballot application shall not be valid unless it is a
204 reproduction provided by the office of the registrar of the
205 jurisdiction in which the election is being held and which
206 contains the seal and initials required by this section. Such
207 application shall be substantially in the following form:
208 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT



209 I, _____, duly qualified and registered in the ____ Precinct
210 of the County of _____, and State of Mississippi, coming within
211 the purview of the definition 'ABSENT ELECTOR' will be * * *
212 unable to vote in person because (check appropriate reason):

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

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

219 () I am a member of the Merchant Marine or the American Red
220 Cross and am a citizen of Mississippi or spouse or dependent of
221 such member.

222 () I am a disabled war veteran who is a patient in any
223 hospital and am a citizen of Mississippi or spouse or dependent of
224 such veteran.

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

229 () I am a citizen of Mississippi temporarily residing
230 outside the territorial limits of the United States and the
231 District of Columbia.

232 * * *



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

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

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

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

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

252 () I am a member of the congressional delegation, or spouse
253 or dependent of a member of the congressional delegation.

254 * * *

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



257 Mail 'Absent Elector's Ballot' to me at the following address

258 _____.

259 () I wish to receive an absentee ballot for the runoff

260 election _____.

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

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

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

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

276 _____

277 (Signature of absent elector)

278 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
279 2__.

280 _____

281 (Official authorized to administer oaths



282 for absentee balloting.)

283 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY
284 DISABLED:

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

289 _____
290 (Signature of witness)

291 CERTIFICATE OF DELIVERY

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

296 _____
297 (Signature of person delivering application)

298 _____
299 (Address of person delivering application)"

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

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



307 physician or nurse practitioner and must indicate that the person
308 applying for the absentee ballot is permanently or temporarily
309 physically disabled to such a degree that it is difficult for him
310 or her to vote in person.

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

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

330 (4) The registrar shall mail a ballot to all persons who are
331 determined by the election commissioners to be qualified electors



332 pursuant to subsection (3) of this section by no later than forty
333 (40) days before the election.

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

336 23-15-631. (1) The registrar shall enclose with each ballot
337 mailed to an absent elector separate printed instructions
338 furnished by the registrar containing the following:

339 * * *

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

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

355 Any notary public, United States postmaster, assistant United
356 States postmaster, United States postal supervisor, clerk in



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

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

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



382 first degree to the candidate or the spouse, parent or child of
383 the candidate.

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

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

406 * * *



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

409 23-15-635. (1) The form of the elector's certificate,
410 attesting witness certification and certificate of person
411 providing voter assistance on the back of the envelope used by
412 absentee voters who are not absent voters as defined in Section
413 23-15-673, shall be as follows:

414 "ELECTOR'S CERTIFICATE

415 STATE OF _____

416 COUNTY OF _____

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

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

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



432

(Signature of voter)

433

434 CERTIFICATE OF ATTESTING WITNESS

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

446

(Attesting witness) (Address)

447

448

(Official title) (City and State)

449

450 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

451

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



457 that I assist the voter in marking the enclosed absentee ballot.
458 I hereby certify that the ballot preferences on the enclosed
459 ballot are those communicated by the voter to me, and that I have
460 marked the enclosed ballot in accordance with the voter's
461 instructions.

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

467 _____

468 Signature of person providing assistance

469 _____

470 Printed name of person providing assistance

471 _____

472 Address of person providing assistance

473 _____

474 Date and time assistance provided

475 _____

476 Family relationship to voter (if any)"

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



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

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

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

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

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



507 any other provisions of law to the contrary, the Secretary of
508 State shall promulgate rules and regulations necessary to ensure
509 that absentee ballots received by mail shall remain in the
510 registrar's office for counting and not be taken to the precincts
511 on election day.

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

514 23-15-639. (1) The examination and counting of all absentee
515 ballots shall be conducted as follows:

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

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



532 (c) Having observed and found the ballot to be regular
533 as far as can be observed from its official endorsement, the
534 resolution board shall deposit it in the ballot box with the other
535 ballots before counting any ballots and enter the voter's name in
536 the receipt book provided for that purpose. All absentee ballots
537 received prior to 7:00 p.m. the day before the election shall be
538 counted in the registrar's office by the resolution board when the
539 polls close and then added to the votes cast in each precinct.
540 All absentee ballots received after 7:00 p.m. the day before the
541 election but not later than the fifth business day after the
542 election shall be processed by the resolution board.

543 * * *

544 (* * *2) The resolution board shall process the absentee
545 ballots using the procedure provided in subsection (1) of this
546 section.

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

549 23-15-641. (1) For all absentee votes received by mail,
550 if * * * a required affidavit or the required certificate of the
551 officer before whom the affidavit is taken is * * *
552 insufficient, * * * the signatures do not correspond, * * * the
553 applicant is not a duly qualified elector in the precinct * * * or
554 otherwise qualified to vote, * * * the ballot envelope is open or
555 has been opened and resealed, or the voter is not eligible to vote
556 absentee, the previously cast vote by absentee ballot shall not be



557 allowed. Without opening the voter's envelope the resolution
558 board shall mark across its face "REJECTED", with the reason * * *
559 why the ballot was rejected.

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

571 * * *

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

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

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



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

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

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

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



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

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

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

626 * * *

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



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

633 * * *

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

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



655 with July 8, 2020, and the same being repealed on December 31,
656 2020.

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

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

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

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

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



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

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

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

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

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



705 the address provided on the absentee ballot official envelope.

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

709 * * *

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

712 23-15-735. * * * Absentee ballots shall not be delivered in
713 person to an absentee voter or to any other person.

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

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

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

728 23-15-37. (1) The registrar shall register the electors of
729 his or her county at any time during regular office hours.



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

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

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



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

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

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

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

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



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

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

785 23-15-47. (1) Any person who is qualified to register to
786 vote in the State of Mississippi may register to vote by mail-in
787 application in the manner prescribed in this section.

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

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

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



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

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



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

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

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

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

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

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

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

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



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

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



878 her county or municipal polling place by mailing the voter a new
879 voter registration card.

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

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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

975 (a) On the Tuesday after the second Monday in January
976 1987 and every following year;



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

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

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

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

1000 (2) Except as provided in this section, and subject to the
1001 following annual limitations, the election commissioners shall be



1002 entitled to receive a per diem in the amount of One Hundred
1003 Dollars (\$100.00), to be paid from the county general fund, for
1004 every day or period of no less than five (5) hours accumulated
1005 over two (2) or more days actually employed in the performance of
1006 their duties in the conduct of an election or actually employed in
1007 the performance of their duties for the necessary time spent in
1008 the revision of the county voter roll as electronically maintained
1009 by the Statewide Elections Management System as required in
1010 subsection (1) of this section:

1011 (a) In counties having less than fifteen thousand
1012 (15,000) residents according to the latest federal decennial
1013 census, not more than fifty (50) days per year, with no more than
1014 fifteen (15) additional days allowed for the conduct of each
1015 election in excess of one (1) occurring in any calendar year;

1016 (b) In counties having fifteen thousand (15,000)
1017 residents according to the latest federal decennial census but
1018 less than thirty thousand (30,000) residents according to the
1019 latest federal decennial census, not more than seventy-five (75)
1020 days per year, with no more than twenty-five (25) additional days
1021 allowed for the conduct of each election in excess of one (1)
1022 occurring in any calendar year;

1023 (c) In counties having thirty thousand (30,000)
1024 residents according to the latest federal decennial census but
1025 less than seventy thousand (70,000) residents according to the
1026 latest federal decennial census, not more than one hundred (100)



1027 days per year, with no more than thirty-five (35) additional days
1028 allowed for the conduct of each election in excess of one (1)
1029 occurring in any calendar year;

1030 (d) In counties having seventy thousand (70,000)
1031 residents according to the latest federal decennial census but
1032 less than ninety thousand (90,000) residents according to the
1033 latest federal decennial census, not more than one hundred
1034 twenty-five (125) days per year, with no more than forty-five (45)
1035 additional days allowed for the conduct of each election in excess
1036 of one (1) occurring in any calendar year;

1037 (e) In counties having ninety thousand (90,000)
1038 residents according to the latest federal decennial census but
1039 less than one hundred seventy thousand (170,000) residents
1040 according to the latest federal decennial census, not more than
1041 one hundred fifty (150) days per year, with no more than
1042 fifty-five (55) additional days allowed for the conduct of each
1043 election in excess of one (1) occurring in any calendar year;

1044 (f) In counties having one hundred seventy thousand
1045 (170,000) residents according to the latest federal decennial
1046 census but less than two hundred thousand (200,000) residents
1047 according to the latest federal decennial census, not more than
1048 one hundred seventy-five (175) days per year, with no more than
1049 sixty-five (65) additional days allowed for the conduct of each
1050 election in excess of one (1) occurring in any calendar year;



1051 (g) In counties having two hundred thousand (200,000)
1052 residents according to the latest federal decennial census but
1053 less than two hundred twenty-five thousand (225,000) residents
1054 according to the latest federal decennial census, not more than
1055 one hundred ninety (190) days per year, with no more than
1056 seventy-five (75) additional days allowed for the conduct of each
1057 election in excess of one (1) occurring in any calendar year;

1058 (h) In counties having two hundred twenty-five thousand
1059 (225,000) residents according to the latest federal decennial
1060 census but less than two hundred fifty thousand (250,000)
1061 residents according to the latest federal decennial census, not
1062 more than two hundred fifteen (215) days per year, with no more
1063 than eighty-five (85) additional days allowed for the conduct of
1064 each election in excess of one (1) occurring in any calendar year;

1065 (i) In counties having two hundred fifty thousand
1066 (250,000) residents according to the latest federal decennial
1067 census but less than two hundred seventy-five thousand (275,000)
1068 residents according to the latest federal decennial census, not
1069 more than two hundred thirty (230) days per year, with no more
1070 than ninety-five (95) additional days allowed for the conduct of
1071 each election in excess of one (1) occurring in any calendar year;

1072 (j) In counties having two hundred seventy-five
1073 thousand (275,000) residents according to the latest federal
1074 decennial census or more, not more than two hundred forty (240)
1075 days per year, with no more than one hundred five (105) additional



1076 days allowed for the conduct of each election in excess of one (1)
1077 occurring in any calendar year.

1078 (3) In addition to the number of days authorized in
1079 subsection (2) of this section, the board of supervisors of a
1080 county may authorize, in its discretion, the election
1081 commissioners to receive a per diem in the amount provided for in
1082 subsection (2) of this section, to be paid from the county general
1083 fund, for every day or period of no less than five (5) hours
1084 accumulated over two (2) or more days actually employed in the
1085 performance of their duties in the conduct of an election or
1086 actually employed in the performance of their duties for the
1087 necessary time spent in the revision of the county voter roll as
1088 electronically maintained by the Statewide Elections Management
1089 System as required in subsection (1) of this section, not to
1090 exceed five (5) days.

1091 (4) (a) The election commissioners shall be entitled to
1092 receive a per diem in the amount of One Hundred Dollars (\$100.00),
1093 to be paid from the county general fund, not to exceed ten (10)
1094 days for every day or period of no less than five (5) hours
1095 accumulated over two (2) or more days actually employed in the
1096 performance of their duties for the necessary time spent in the
1097 revision of the county voter roll as electronically maintained by
1098 the Statewide Elections Management System before any special
1099 election. For purposes of this paragraph, the regular special
1100 election day shall not be considered a special election. The



1101 annual limitations set forth in subsection (2) of this section
1102 shall not apply to this paragraph.

1103 (b) The election commissioners shall be entitled to
1104 receive a per diem in the amount of One Hundred Fifty Dollars
1105 (\$150.00), to be paid from the county general fund, for the
1106 performance of their duties on the day of any primary, runoff,
1107 general or special election. The annual limitations set forth in
1108 subsection (2) of this section shall apply to this paragraph.

1109 (c) The board of supervisors may, in its discretion,
1110 pay the election commissioners an additional amount not to exceed
1111 Fifty Dollars (\$50.00) for the performance of their duties at any
1112 election occurring from July 1, 2020, through December 31, 2020,
1113 which shall be considered additional pandemic pay. Such
1114 compensation shall be payable out of the county general fund, and
1115 may be payable from federal funds available for such purpose, or a
1116 combination of both funding sources.

1117 (5) The election commissioners shall be entitled to receive
1118 a per diem in the amount of One Hundred Dollars (\$100.00), to be
1119 paid from the county general fund, not to exceed fourteen (14)
1120 days for every day or period of no less than five (5) hours
1121 accumulated over two (2) or more days actually employed in the
1122 performance of their duties for the necessary time spent in the
1123 revision of the county voter roll as electronically maintained by
1124 the Statewide Elections Management System and in the conduct of a
1125 runoff election following either a general or special election.



1126 (6) The election commissioners shall be entitled to receive
1127 only one (1) per diem payment for those days when the election
1128 commissioners discharge more than one (1) duty or responsibility
1129 on the same day.

1130 (7) In preparation for a municipal primary, runoff, general
1131 or special election, the county registrar shall generate and
1132 distribute the master voter roll and pollbooks from the Statewide
1133 Elections Management System for the municipality located within
1134 the county. The municipality shall pay the county registrar for
1135 the actual cost of preparing and printing the municipal master
1136 voter roll pollbooks. A municipality may secure "read only"
1137 access to the Statewide Elections Management System and print its
1138 own pollbooks using this information.

1139 (8) County election commissioners who perform the duties of
1140 an executive committee with regard to the conduct of a primary
1141 election under a written agreement authorized by law to be entered
1142 into with an executive committee shall receive per diem as
1143 provided for in subsection (2) of this section. The days that
1144 county election commissioners are employed in the conduct of a
1145 primary election shall be treated the same as days county election
1146 commissioners are employed in the conduct of other elections.

1147 (9) In addition to any per diem authorized by this section,
1148 any election commissioner shall be entitled to the mileage
1149 reimbursement rate allowable to federal employees for the use of a
1150 privately owned vehicle while on official travel on election day.



1151 (10) Every election commissioner shall sign personally a
 1152 certification setting forth the number of hours actually worked in
 1153 the performance of the commissioner's official duties and for
 1154 which the commissioner seeks compensation. The certification must
 1155 be on a form as prescribed in this subsection. The commissioner's
 1156 signature is, as a matter of law, made under the commissioner's
 1157 oath of office and under penalties of perjury.

1158 The certification form shall be as follows:

1159 **COUNTY ELECTION COMMISSIONER**

1160 **PER DIEM CLAIM FORM**

1161 NAME: _____ COUNTY: _____

1162 ADDRESS: _____ DISTRICT: _____

1163 CITY: _____ ZIP: _____

		PURPOSE	APPLICABLE	ACTUAL	PER DIEM
DATE	BEGINNING	ENDING	OF	HOURS	DAYS
WORKED	TIME	TIME	WORK	WORKED	EARNED

1167 _____

1168 _____

1169 _____

1170 TOTAL NUMBER OF PER DIEM DAYS EARNED

1171 EXCLUDING ELECTION DAYS _____

1172 PER DIEM RATE PER DAY EARNED X \$100.00

1173 TOTAL NUMBER PER DIEM DAYS EARNED

1174 FOR ELECTION DAYS _____

1175 PER DIEM RATE PER DAY EARNED X \$150.00



1176 TOTAL AMOUNT OF PER DIEM CLAIMED \$_____

1177 I understand that I am signing this document under my oath as
1178 an election commissioner and under penalties of perjury.

1179 I understand that I am requesting payment from taxpayer funds
1180 and that I have an obligation to be specific and truthful as to
1181 the amount of hours worked and the compensation I am requesting.

1182 Signed this the _____ day of _____, ____.

1183 _____

1184 Commissioner's Signature

1185 When properly completed and signed, the certification must be
1186 filed with the clerk of the county board of supervisors before any
1187 payment may be made. The certification will be a public record
1188 available for inspection and reproduction immediately upon the
1189 oral or written request of any person.

1190 Any person may contest the accuracy of the certification in
1191 any respect by notifying the chair of the commission, any member
1192 of the board of supervisors or the clerk of the board of
1193 supervisors of the contest at any time before or after payment is
1194 made. If the contest is made before payment is made, no payment
1195 shall be made as to the contested certificate until the contest is
1196 finally disposed of. The person filing the contest shall be
1197 entitled to a full hearing, and the clerk of the board of
1198 supervisors shall issue subpoenas upon request of the contestor
1199 compelling the attendance of witnesses and production of documents
1200 and things. The contestor shall have the right to appeal de novo



1201 to the circuit court of the involved county, which appeal must be
1202 perfected within thirty (30) days from a final decision of the
1203 commission, the clerk of the board of supervisors or the board of
1204 supervisors, as the case may be.

1205 Any contestor who successfully contests any certification
1206 will be awarded all expenses incident to his or her contest,
1207 together with reasonable attorney's fees, which will be awarded
1208 upon petition to the chancery court of the involved county upon
1209 final disposition of the contest before the election commission,
1210 board of supervisors, clerk of the board of supervisors, or, in
1211 case of an appeal, final disposition by the court. The
1212 commissioner against whom the contest is decided shall be liable
1213 for the payment of the expenses and attorney's fees, and the
1214 county shall be jointly and severally liable for same.

1215 (11) Any election commissioner who has not received a
1216 certificate issued by the Secretary of State pursuant to Section
1217 23-15-211 indicating that the election commissioner has received
1218 the required elections seminar instruction and that the election
1219 commissioner is fully qualified to conduct an election, shall not
1220 receive any compensation authorized by this section or Section
1221 23-15-239.

1222 **SECTION 30.** Section 23-15-171, Mississippi Code of 1972, is
1223 amended as follows:

1224 23-15-171. (1) Except as otherwise provided in Section 4 of
1225 this act, municipal primary elections shall be held on the first



1226 Tuesday in April preceding the general municipal election and, in
1227 the event a second primary shall be necessary, such second primary
1228 shall be held on the fourth Tuesday in April preceding such
1229 general municipal election. The candidate receiving a majority of
1230 the votes cast in the election shall be the party nominee. If no
1231 candidate shall receive a majority vote at the election, the two
1232 (2) candidates receiving the highest number of votes shall have
1233 their names placed on the ballot for the second primary election.
1234 The candidate receiving the most votes cast in the second primary
1235 election shall be the party nominee. However, if no candidate
1236 shall receive a majority vote at the first primary, and there is a
1237 tie in the election of those receiving the next highest vote,
1238 those candidates receiving the next highest vote and the candidate
1239 receiving the highest vote shall have their names placed on the
1240 ballot for the second primary election, and whoever receives the
1241 most votes cast in the second primary election shall be the party
1242 nominee. At the primary election the municipal executive
1243 committee shall perform the same duties as are specified by law
1244 and performed by members of the county executive committee with
1245 regard to state and county primary elections. Each municipal
1246 executive committee shall have as many members as there are
1247 elective officers of the municipality, and the members of the
1248 municipal executive committee of each political party shall be
1249 elected in the primary elections held for the nomination of
1250 candidates for municipal offices. The provisions of this section



1251 shall govern all municipal primary elections as far as applicable,
1252 but the officers to prepare the ballots and the poll managers and
1253 other officials of the primary election shall be appointed by the
1254 municipal executive committee of the party holding the primary,
1255 and the returns of such election shall be made to such municipal
1256 executive committee. Vacancies in the executive committee shall
1257 be filled by it.

1258 (2) Provided, however, that in municipalities operating
1259 under a special or private charter which fixes a time for holding
1260 elections, other than the time fixed by Chapter 491, Laws of 1950,
1261 the first primary election shall be held on the first Tuesday, two
1262 (2) months before the time for holding the general election, as
1263 fixed by the charter, and the second primary election, where
1264 necessary, shall be held three (3) weeks after the first primary
1265 election, unless the charter of any such municipality provides
1266 otherwise, in which event the provisions of the special or private
1267 charter shall prevail as to the time of holding such primary
1268 elections.

1269 (3) All primary elections in municipalities shall be held
1270 and conducted in the same manner as is provided by law for state
1271 and county primary elections.

1272 **SECTION 31.** Section 23-15-173, Mississippi Code of 1972, is
1273 amended as follows:

1274 23-15-173. (1) A general municipal election shall be held
1275 in each city, town or village on the first Tuesday after the first



1276 Monday of June 1985, and every four (4) years thereafter, for the
1277 election of all municipal officers elected by the people. Early
1278 voting for those general municipal elections shall be conducted as
1279 provided in Sections 1 through 7 of this act.

1280 (2) All municipal general elections shall be held and
1281 conducted in the same manner as is provided by law for state and
1282 county general elections.

1283 (3) The provisions of Sections 23-15-171 and 23-15-173,
1284 which fix the times to hold primary and general elections, shall
1285 not apply to any municipality operating under a special or private
1286 charter where the governing board or authority thereof, on or
1287 before June 25, 1952, shall have adopted and spread upon its
1288 minutes a resolution or ordinance declining to accept the
1289 provisions, in which event the primary and general elections shall
1290 be held at the time fixed by the charter of the municipality.

1291 **SECTION 32.** Section 23-15-191, Mississippi Code of 1972, is
1292 amended as follows:

1293 23-15-191. The first primary shall be held on the first
1294 Tuesday after the first Monday of August preceding any regular or
1295 general election; and the second primary shall be held three (3)
1296 weeks thereafter. Early voting for the primary election shall be
1297 conducted as provided for in Sections 1 through 7 of this act.

1298 The candidate that receives a majority of the votes cast in the
1299 election shall be the party nominee. If no candidate receives a
1300 majority vote at the election, then the two (2) candidates who



1301 receive the highest number of votes shall have their names placed
1302 on the ballot for the second primary election to be held three (3)
1303 weeks later. The candidate who receives the most votes in the
1304 second primary election shall be the party nominee. However, if
1305 no candidate receives a majority vote at the first primary, and
1306 there is a tie in the election of those receiving the next highest
1307 vote, then those candidates receiving the next highest vote and
1308 the candidate receiving the highest vote shall have their names
1309 placed on the ballot for the second primary election to be held
1310 three (3) weeks later, and whoever receives the most votes cast in
1311 the second primary election shall be the party nominee.

1312 **SECTION 33.** Section 23-15-195, Mississippi Code of 1972, is
1313 amended as follows:

1314 23-15-195. Except as otherwise provided in Sections 1
1315 through 7 of this act, all elections by the people shall be by
1316 ballot, and shall be concluded in one (1) day.

1317 **SECTION 34.** Section 23-15-197, Mississippi Code of 1972, is
1318 amended as follows:

1319 23-15-197. (1) Times for holding primary and general
1320 elections for congressional offices shall be as prescribed in
1321 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1322 (2) Times for holding elections for the office of judge of
1323 the Supreme Court shall be as prescribed in Section 23-15-991 and
1324 Sections 23-15-974 through 23-15-985, and times for holding



1325 elections for the office of judge of the Court of Appeals shall be
1326 as prescribed in Section 9-4-5.

1327 (3) Times for holding elections for the office of circuit
1328 court judge and the office of chancery court judge shall be as
1329 prescribed in Sections 23-15-974 through 23-15-985, and Section
1330 23-15-1015.

1331 (4) Times for holding elections for the office of county
1332 election commissioners shall be as prescribed in Section
1333 23-15-213.

1334 (5) Times for holding elections for the office of levee
1335 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1336 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1337 Laws of 1983; and Chapter 438, Laws of 2010.

1338 (6) Times for holding early voting shall be as provided in
1339 Sections 1 through 7 of this act.

1340 **SECTION 35.** Section 23-15-231, Mississippi Code of 1972, is
1341 amended as follows:

1342 23-15-231. Before every * * * early voting period begins,
1343 the election commissioners shall appoint three (3) persons for
1344 each voting precinct to be poll managers, one (1) of whom shall be
1345 designated by the election commissioners as election bailiff. For
1346 general and special elections, the poll managers shall not all be
1347 of the same political party if suitable persons of different
1348 political parties can be found in the district. If any person
1349 appointed shall fail to attend and serve, the poll managers



1350 present, if any, may designate someone to fill his or her place;
1351 and if the election commissioners fail to make the appointments or
1352 in case of the failure of all those appointed to attend and serve,
1353 any three (3) qualified electors present when the polls should be
1354 opened may act as poll managers. Provided, however, any person
1355 appointed to be poll manager or act as poll manager shall be a
1356 qualified elector of the county in which the polling place is
1357 located.

1358 **SECTION 36.** Section 23-15-233, Mississippi Code of 1972, is
1359 amended as follows:

1360 23-15-233. The poll managers shall take care that the
1361 election * * * and the early voting are conducted fairly and
1362 agreeably to law, and they shall be judges of the qualifications
1363 of electors, and may examine, on oath, any person duly registered
1364 and offering to vote touching his or her qualifications as an
1365 elector, which oath any of the poll managers may administer.

1366 **SECTION 37.** Section 23-15-239, Mississippi Code of 1972, is
1367 amended as follows:

1368 **[Until January 1, 2020, this section shall read as follows:]**

1369 23-15-239. (1) The executive committee of each county, in
1370 the case of a primary election, or the election commissioners of
1371 each county, in the case of all other elections, in conjunction
1372 with the circuit clerk, shall, in the years in which counties
1373 conduct an election, sponsor and conduct, not less than five (5)
1374 days before the early voting period begins for each election, not



1375 less than four (4) hours and not more than eight (8) hours of poll
1376 manager training to instruct poll managers as to their duties in
1377 the proper administration of the election and the operation of the
1378 polling place. Any poll manager who completes the online training
1379 course provided by the Secretary of State shall only be required
1380 to complete two (2) hours of in-person poll manager training. No
1381 poll manager shall serve in any election unless he or she has
1382 received these instructions once during the twelve (12) months
1383 immediately preceding the date upon which the early voting period
1384 for each election * * * begins; however, nothing in this section
1385 shall prevent the appointment of an alternate poll manager to fill
1386 a vacancy in case of an emergency. The county executive committee
1387 or the election commissioners, as appropriate, shall train a
1388 sufficient number of alternates to serve in the event a poll
1389 manager is unable to serve for any reason.

1390 (2) (a) If it is eligible under Section 23-15-266, the
1391 county executive committee may enter into a written agreement with
1392 the circuit clerk or the county election commission authorizing
1393 the circuit clerk or the county election commission to perform any
1394 of the duties required of the county executive committee pursuant
1395 to this section. Any agreement entered into pursuant to this
1396 subsection shall be signed by the chair of the county executive
1397 committee and the circuit clerk or the chair of the county
1398 election commission, as appropriate. The county executive



1399 committee shall notify the state executive committee and the
1400 Secretary of State of the existence of the agreement.

1401 (b) If it is eligible under Section 23-15-266, the
1402 municipal executive committee may enter into a written agreement
1403 with the municipal clerk or the municipal election commission
1404 authorizing the municipal clerk or the municipal election
1405 commission to perform any of the duties required of the municipal
1406 executive committee pursuant to this section. Any agreement
1407 entered into pursuant to this subsection shall be signed by the
1408 chair of the municipal executive committee and the municipal clerk
1409 or the chair of the municipal election commission, as appropriate.
1410 The municipal executive committee shall notify the state executive
1411 committee and the Secretary of State of the existence of the
1412 agreement.

1413 (3) The board of supervisors and the municipal governing
1414 authority, in their discretion, may compensate poll managers who
1415 attend these training sessions. The compensation shall be at a
1416 rate of not less than the federal hourly minimum wage nor more
1417 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1418 compensated for more than sixteen (16) hours of attendance at the
1419 training sessions regardless of the actual amount of time that
1420 they attended the training sessions.

1421 (4) The time and location of the training sessions required
1422 pursuant to this section shall be announced to the general public
1423 by posting a notice thereof at the courthouse and by delivering a



1424 copy of the notice to the office of a newspaper having general
1425 circulation in the county five (5) days before the date upon which
1426 the training session is to be conducted. Persons who will serve
1427 as poll watchers for candidates and political parties, as well as
1428 members of the general public, shall be allowed to attend the
1429 sessions.

1430 (5) Subject to the following annual limitations, the
1431 election commissioners shall be entitled to receive a per diem in
1432 the amount of One Hundred Dollars (\$100.00), to be paid from the
1433 county general fund, for every day or period of no less than five
1434 (5) hours accumulated over two (2) or more days actually employed
1435 in the performance of their duties for the necessary time spent in
1436 conducting training sessions as required by this section:

1437 (a) In counties having less than fifteen thousand
1438 (15,000) residents according to the latest federal decennial
1439 census, not more than five (5) days per year;

1440 (b) In counties having fifteen thousand (15,000)
1441 residents according to the latest federal decennial census but
1442 less than thirty thousand (30,000) residents according to the
1443 latest federal decennial census, not more than eight (8) days per
1444 year;

1445 (c) In counties having thirty thousand (30,000)
1446 residents according to the latest federal decennial census but
1447 less than seventy thousand (70,000) residents according to the



1448 latest federal decennial census, not more than ten (10) days per
1449 year;

1450 (d) In counties having seventy thousand (70,000)
1451 residents according to the latest federal decennial census but
1452 less than ninety thousand (90,000) residents according to the
1453 latest federal decennial census, not more than twelve (12) days
1454 per year;

1455 (e) In counties having ninety thousand (90,000)
1456 residents according to the latest federal decennial census but
1457 less than one hundred seventy thousand (170,000) residents
1458 according to the latest federal decennial census, not more than
1459 fifteen (15) days per year;

1460 (f) In counties having one hundred seventy thousand
1461 (170,000) residents according to the latest federal decennial
1462 census but less than two hundred thousand (200,000) residents
1463 according to the latest federal decennial census, not more than
1464 eighteen (18) days per year;

1465 (g) In counties having two hundred thousand (200,000)
1466 residents according to the latest federal decennial census but
1467 less than two hundred twenty-five thousand (225,000) residents
1468 according to the latest federal decennial census, not more than
1469 nineteen (19) days per year;

1470 (h) In counties having two hundred twenty-five thousand
1471 (225,000) residents or more according to the latest federal
1472 decennial census, not more than twenty-two (22) days per year.



1473 (6) Election commissioners shall claim the per diem
1474 authorized in subsection (5) of this section in the manner
1475 provided for in Section 23-15-153(6).

1476 (7) (a) To provide poll manager training, the Secretary of
1477 State has developed a single, comprehensive poll manager training
1478 program to ensure uniform, secure elections throughout the state.
1479 The program includes online training on all state and federal
1480 election laws and procedures and voting machine opening and
1481 closing procedures.

1482 (b) County election commissioners shall designate one
1483 (1) poll manager per precinct, who shall individually access and
1484 complete the online training program, including all skills
1485 assessments, at least five (5) days before the early voting period
1486 for an election begins. The poll manager shall be defined as a
1487 "certified poll manager," and entitled to a "Certificate of
1488 Completion" and compensation for the successful completion of the
1489 training and skills assessment in the amount of Twenty-five
1490 Dollars (\$25.00) payable from the Secretary of State.
1491 Compensation paid to any poll manager under this paragraph (b)
1492 shall not exceed Twenty-five Dollars (\$25.00) per calendar year.

1493 (c) Every election held after January 1, 2018, shall
1494 have at least one (1) certified poll manager appointed by the
1495 county election officials to work in each polling place in the
1496 county during each general election.



1497 **[From and after January 1, 2020, this section shall read as**
1498 **follows:]**

1499 23-15-239. (1) The executive committee of each county, in
1500 the case of a primary election, or the election commissioners of
1501 each county, in the case of all other elections, in conjunction
1502 with the circuit clerk, shall, in the years in which counties
1503 conduct an election, sponsor and conduct, not less than five (5)
1504 days before the early voting period for each election begins, not
1505 less than four (4) hours and not more than eight (8) hours of poll
1506 manager training to instruct poll managers as to their duties in
1507 the proper administration of the election and the operation of the
1508 polling place. Any poll manager who completes the online training
1509 course provided by the Secretary of State shall only be required
1510 to complete two (2) hours of in-person poll manager training. No
1511 poll manager shall serve in any election unless he or she has
1512 received these instructions once during the twelve (12) months
1513 immediately preceding the date upon which the election is held;
1514 however, nothing in this section shall prevent the appointment of
1515 an alternate poll manager to fill a vacancy in case of an
1516 emergency. The county executive committee or the election
1517 commissioners, as appropriate, shall train a sufficient number of
1518 alternates to serve in the event a poll manager is unable to serve
1519 for any reason.

1520 (2) (a) If it is eligible under Section 23-15-266, the
1521 county executive committee may enter into a written agreement with



1522 the circuit clerk or the county election commission authorizing
1523 the circuit clerk or the county election commission to perform any
1524 of the duties required of the county executive committee pursuant
1525 to this section. Any agreement entered into pursuant to this
1526 subsection shall be signed by the chair of the county executive
1527 committee and the circuit clerk or the chair of the county
1528 election commission, as appropriate. The county executive
1529 committee shall notify the state executive committee and the
1530 Secretary of State of the existence of the agreement.

1531 (b) If it is eligible under Section 23-15-266, the
1532 municipal executive committee may enter into a written agreement
1533 with the municipal clerk or the municipal election commission
1534 authorizing the municipal clerk or the municipal election
1535 commission to perform any of the duties required of the municipal
1536 executive committee pursuant to this section. Any agreement
1537 entered into pursuant to this subsection shall be signed by the
1538 chair of the municipal executive committee and the municipal clerk
1539 or the chair of the municipal election commission, as appropriate.
1540 The municipal executive committee shall notify the state executive
1541 committee and the Secretary of State of the existence of the
1542 agreement.

1543 (3) The board of supervisors and the municipal governing
1544 authority, in their discretion, may compensate poll managers who
1545 attend these training sessions. The compensation shall be at a
1546 rate of not less than the federal hourly minimum wage nor more



1547 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1548 compensated for more than sixteen (16) hours of attendance at the
1549 training sessions regardless of the actual amount of time that
1550 they attended the training sessions.

1551 (4) The time and location of the training sessions required
1552 pursuant to this section shall be announced to the general public
1553 by posting a notice thereof at the courthouse and by delivering a
1554 copy of the notice to the office of a newspaper having general
1555 circulation in the county five (5) days before the date upon which
1556 the training session is to be conducted. Persons who will serve
1557 as poll watchers for candidates and political parties, as well as
1558 members of the general public, shall be allowed to attend the
1559 sessions.

1560 (5) Subject to the following annual limitations, the
1561 election commissioners shall be entitled to receive a per diem in
1562 the amount of One Hundred Dollars (\$100.00), to be paid from the
1563 county general fund, for every day or period of no less than five
1564 (5) hours accumulated over two (2) or more days actually employed
1565 in the performance of their duties for the necessary time spent in
1566 conducting training sessions as required by this section:

1567 (a) In counties having less than fifteen thousand
1568 (15,000) residents according to the latest federal decennial
1569 census, not more than five (5) days per year;

1570 (b) In counties having fifteen thousand (15,000)
1571 residents according to the latest federal decennial census but



1572 less than thirty thousand (30,000) residents according to the
1573 latest federal decennial census, not more than eight (8) days per
1574 year;

1575 (c) In counties having thirty thousand (30,000)
1576 residents according to the latest federal decennial census but
1577 less than seventy thousand (70,000) residents according to the
1578 latest federal decennial census, not more than ten (10) days per
1579 year;

1580 (d) In counties having seventy thousand (70,000)
1581 residents according to the latest federal decennial census but
1582 less than ninety thousand (90,000) residents according to the
1583 latest federal decennial census, not more than twelve (12) days
1584 per year;

1585 (e) In counties having ninety thousand (90,000)
1586 residents according to the latest federal decennial census but
1587 less than one hundred seventy thousand (170,000) residents
1588 according to the latest federal decennial census, not more than
1589 fifteen (15) days per year;

1590 (f) In counties having one hundred seventy thousand
1591 (170,000) residents according to the latest federal decennial
1592 census but less than two hundred thousand (200,000) residents
1593 according to the latest federal decennial census, not more than
1594 eighteen (18) days per year;

1595 (g) In counties having two hundred thousand (200,000)
1596 residents according to the latest federal decennial census but



1597 less than two hundred twenty-five thousand (225,000) residents
1598 according to the latest federal decennial census, not more than
1599 nineteen (19) days per year;

1600 (h) In counties having two hundred twenty-five thousand
1601 (225,000) residents or more according to the latest federal
1602 decennial census, not more than twenty-two (22) days per year.

1603 (6) Election commissioners shall claim the per diem
1604 authorized in subsection (5) of this section in the manner
1605 provided for in Section 23-15-153(6).

1606 (7) (a) To provide poll manager training, the Secretary of
1607 State has developed a single, comprehensive poll manager training
1608 program to ensure uniform, secure elections throughout the state.
1609 The program includes online training on all state and federal
1610 election laws and procedures and voting machine opening and
1611 closing procedures.

1612 (b) County poll managers who individually access and
1613 complete the online training program, including all skills
1614 assessments, at least five (5) days before the early voting period
1615 for an election begins shall be defined as "certified poll
1616 managers," and entitled to a "Certificate of Completion."

1617 (c) At least one (1) certified poll manager shall be
1618 appointed by the county election officials to work in each polling
1619 place in the county during each general election.

1620 **SECTION 38.** Section 23-15-241, Mississippi Code of 1972, is
1621 amended as follows:



1622 23-15-241. The poll manager designated an election bailiff
1623 shall, in addition to his or her other duties, be present during
1624 the early voting period and on election day to keep the peace and
1625 to protect the voting place, and to prevent improper intrusion
1626 upon the voting place or interference with the election, and to
1627 arrest all persons creating any disturbance about the voting
1628 place, and to enable all qualified electors who have not voted,
1629 and who desire to vote, to have unobstructed access to the polls
1630 for the purpose of voting when others are not voting.

1631 **SECTION 39.** Section 23-15-245, Mississippi Code of 1972, is
1632 amended as follows:

1633 23-15-245. It shall be the duty of the poll manager
1634 designated as bailiff to be present at the voting place, and to
1635 take such steps as will accomplish the purpose of his or her
1636 appointment, and the poll manager designated as bailiff shall have
1637 full power to do so and may summon to his or her aid all persons
1638 present at the voting place. A space thirty (30) feet in every
1639 direction from the polls, or the room in which the * * * voting is
1640 held, shall be kept open and clear of all persons except the
1641 election officials, individuals present to vote and credentialed
1642 poll watchers as defined by Section 23-15-577. The electors shall
1643 approach the polls from one (1) direction, line, door or passage,
1644 and depart in another as nearly opposite as convenient.

1645 **SECTION 40.** Section 23-15-247, Mississippi Code of 1972, is
1646 amended as follows:



1647 23-15-247. The election commissioners in each county shall
1648 procure, if not already provided, a sufficient number of ballot
1649 boxes, which shall be distributed by them to the voting precincts
1650 of the county before the time for opening the polls for early
1651 voting and on election day. The boxes shall be securely sealed
1652 from the opening of the polls * * * for early voting until the
1653 polls close on election day; and the box shall be kept by one (1)
1654 of the managers, and the manager having the box shall carefully
1655 keep it, and neither open it himself or herself nor permit it to
1656 be opened, nor permit any person to have any access to it
1657 throughout the voting period during an election. The box shall
1658 not be removed from the polling building or place after the polls
1659 are opened until the polls close and the count is complete. After
1660 each election the ballot boxes shall be delivered to the clerk of
1661 the circuit court of the county for preservation; and he or she
1662 shall keep them for future use, and, when called for, deliver them
1663 to the election commissioners.

1664 **SECTION 41.** Section 23-15-251, Mississippi Code of 1972, is
1665 amended as follows:

1666 23-15-251. The election commissioners, in appointing the
1667 poll managers of an election, shall designate one (1) of the poll
1668 managers at each voting place to receive and distribute the
1669 official ballots, and shall deliver to him or her the proper
1670 number of ballots for his or her district not less than one (1)
1671 day before the early voting period begins and not less than one



1672 (1) day before election day; and the poll manager receiving the
1673 ballots from the election commissioners shall distribute the same
1674 to the electors of his or her district in the manner herein
1675 provided. It shall be the duty of the designated poll manager for
1676 service at a voting place other than the courthouse, to carry to
1677 that voting place, on the day before the early voting period
1678 begins and on the day before election day, or before 6:00 a.m. on
1679 the morning the early voting period begins and on the morning of
1680 the election day, the ballot box, the pollbook, the blank tally
1681 sheets, the blank forms to be used in making returns, the other
1682 necessary stationery and supplies and the official printed ballots
1683 aforesaid, and all of the same used and unused shall be returned
1684 by the designated poll manager to the election commissioners on
1685 the day * * * after the election.

1686 **SECTION 42.** Section 23-15-255, Mississippi Code of 1972, is
1687 amended as follows:

1688 23-15-255. (1) The supervisor of each respective
1689 supervisors district shall provide at each election place a
1690 sufficient number of voting compartments, shelves and tables for
1691 the use of electors, which shall be so arranged that it will be
1692 impossible for a voter in one (1) compartment to see another voter
1693 who is preparing his or her ballot. The number of voting
1694 compartments and shelves or tables shall not be less than one (1)
1695 to every two hundred (200) electors in the voting precinct.



1696 (2) The poll managers of each precinct shall publicly post
1697 the following information at the precinct polling place * * *
1698 during any election:

1699 (a) A sample ballot that will be used at the election;

1700 (b) The hours during which the polling places will be
1701 open for early voting and on election day;

1702 (c) Instructions on how to vote, including how to cast
1703 a vote and how to cast an affidavit ballot;

1704 (d) Instructions for persons who have registered to
1705 vote by mail and first time voters, if appropriate;

1706 (e) General information on voting rights, including
1707 information on the right of an individual to cast an affidavit
1708 ballot and instructions on how to contact the appropriate
1709 officials if these rights are alleged to have been violated; * * *

1710 (f) The consequences under federal and state laws
1711 regarding fraud and misrepresentation;

1712 (g) A list of voters in each polling place that have
1713 already cast an absentee ballot or voted during the early voting
1714 period; and

1715 (h) The acceptable forms of photo identification that
1716 may be presented in the polling place.

1717 **SECTION 43.** Section 23-15-263, Mississippi Code of 1972, is
1718 amended as follows:

1719 23-15-263. (1) Unless otherwise provided in this chapter,
1720 the county executive committee at primary elections shall perform



1721 all duties that relate to the qualification of candidates for
1722 primary elections, print ballots for the early voting period for
1723 primary elections and for primary * * * election day, appoint the
1724 primary election officers, resolve contests in regard to primary
1725 elections, and perform all other duties required by law to be
1726 performed by the county executive committee; however, each house
1727 of the Legislature shall rule on the qualifications of the
1728 membership of its respective body in contests involving the
1729 qualifications of * * * its members. The executive committee
1730 shall be subject to all the penalties to which county election
1731 commissioners are subject, except that Section 23-15-217 shall not
1732 apply to members of the county executive committee who seek
1733 elective office.

1734 (2) A member of a county executive committee shall be
1735 automatically disqualified to serve on the county executive
1736 committee, and shall be considered to have resigned * * * from the
1737 county executive committee, upon his or her qualification as a
1738 candidate for any elective office. The provisions of this
1739 subsection shall not apply to a member of a county executive
1740 committee who qualifies as a candidate for a municipal elective
1741 office.

1742 (3) The primary election officers appointed by the executive
1743 committee of the party shall have the powers and perform the
1744 duties, where not otherwise provided, required of * * * those
1745 officers in a general election, and any * * * act or omission



1746 which by law is an offense when committed in or about or in
1747 respect to * * * the general elections, shall be an offense if
1748 committed in or about or in respect to a primary election; and the
1749 same shall be indictable and punishable in the same way as if the
1750 election was a general election for the election of state and
1751 county officers, except as specially modified or otherwise
1752 provided in this chapter.

1753 **SECTION 44.** Section 23-15-265, Mississippi Code of 1972, is
1754 amended as follows:

1755 23-15-265. (1) The county executive committee of each
1756 county shall meet not less than two (2) weeks before the
1757 date * * * the period for early voting begins for any primary
1758 election and appoint the poll managers for same, all of whom may
1759 be members of the same political party. The number of poll
1760 managers appointed by the county executive committee shall be the
1761 same number as election commissioners are allowed to appoint
1762 pursuant to Sections 23-15-231 and 23-15-235. If the county
1763 executive committee fails to meet on the date named, supra,
1764 further notice shall be given of the time and place of meeting.

1765 (2) (a) If it is eligible under Section 23-15-266, the
1766 county executive committee may enter into a written agreement with
1767 the circuit clerk or the county election commission authorizing
1768 the circuit clerk or the county election commission to perform any
1769 of the duties required of the county executive committee pursuant
1770 to this section. Any agreement entered into pursuant to this



1771 subsection shall be signed by the chair of the county executive
1772 committee and the circuit clerk or the chair of the county
1773 election commission, as appropriate. The county executive
1774 committee shall notify the state executive committee and the
1775 Secretary of State of the existence of the agreement.

1776 (b) If it is eligible under Section 23-15-266, the
1777 municipal executive committee may enter into a written agreement
1778 with the municipal clerk or the municipal election commission
1779 authorizing the municipal clerk or the municipal election
1780 commission to perform any of the duties required of the municipal
1781 executive committee pursuant to this section. Any agreement
1782 entered into pursuant to this subsection shall be signed by the
1783 chair of the municipal executive committee and the municipal clerk
1784 or the chair of the municipal election commission, as appropriate.
1785 The municipal executive committee shall notify the state executive
1786 committee and the Secretary of State of the existence of such
1787 agreement.

1788 **SECTION 45.** Section 23-15-267, Mississippi Code of 1972, is
1789 amended as follows:

1790 23-15-267. (1) The ballot boxes provided by the election
1791 commissioners in each county shall be used in primary elections,
1792 and the county executive committees shall distribute them to the
1793 voting precincts of the county before the time for opening the
1794 polls, in the same manner, as near as may be, as that provided for
1795 in general elections.



1796 (2) The boxes shall be securely sealed and locked beginning
1797 at the start of voting during the period for early voting and on
1798 election day until the end of voting on election day; and the box
1799 shall be kept by one (1) of the poll managers, and the poll
1800 manager having the box shall carefully keep it, and neither open
1801 it himself or herself nor permit it to be done, nor permit any
1802 person to have any access to it throughout voting during the
1803 period for early voting and during election day. The box shall
1804 not be removed from the polling place after the polls are open
1805 until the polls close and the count is completed.

1806 (3) After each election, the ballot boxes shall be delivered
1807 to the clerk of the circuit court of the county for preservation;
1808 and he or she shall keep them for future use, and, when called
1809 for, deliver them to the election commissioners.

1810 (4) (a) If it is eligible under Section 23-15-266, the
1811 county executive committee may enter into a written agreement with
1812 the circuit clerk or the county election commission authorizing
1813 the circuit clerk or the county election commission to perform any
1814 of the duties required of the county executive committee pursuant
1815 to this section. Any agreement entered into pursuant to this
1816 subsection shall be signed by the chair of the county executive
1817 committee and the circuit clerk or the chair of the county
1818 election commission, as appropriate. The county executive
1819 committee shall notify the State Executive Committee and the
1820 Secretary of State of the existence of such agreement.



1821 (b) If it is eligible under Section 23-15-266, the
1822 municipal executive committee may enter into a written agreement
1823 with the municipal clerk or the municipal election commission
1824 authorizing the municipal clerk or the municipal election
1825 commission to perform any of the duties required of the municipal
1826 executive committee pursuant to this section. Any agreement
1827 entered into pursuant to this subsection shall be signed by the
1828 chair of the municipal executive committee and the municipal clerk
1829 or the chair of the municipal election commission, as appropriate.
1830 The municipal executive committee shall notify the State Executive
1831 Committee and the Secretary of State of the existence of such
1832 agreement.

1833 (5) The person, or persons, whose duty it is to comply with
1834 the provisions of this section and who shall fail, or neglect,
1835 from any cause, to deliver the boxes or any of them as herein
1836 provided shall, upon conviction, be fined not less than Two
1837 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1838 the residence of the person, or persons, who violates any of the
1839 provisions of this section, for a period of not less than thirty
1840 (30) days or more than six (6) months, and fined not more than
1841 Five Hundred Dollars (\$500.00).

1842 **SECTION 46.** Section 23-15-309, Mississippi Code of 1972, is
1843 amended as follows:

1844 23-15-309. (1) Nominations for all municipal officers which
1845 are elective shall be made * * * during the days for conducting a



1846 primary election, or elections, to be held in the manner
1847 prescribed by law. All persons desiring to be candidates for the
1848 nomination in the primary elections shall first pay Ten Dollars
1849 (\$10.00) to the clerk of the municipality, at least sixty (60)
1850 days before date the early voting period begins for the first
1851 primary election, no later than 5:00 p.m. on such deadline day.
1852 If the sixtieth day to file the fee and written statement before
1853 the date the early voting period begins for an election falls on a
1854 Sunday or legal holiday, the fees and written statements submitted
1855 on the business day immediately following the Sunday or legal
1856 holiday shall be accepted.

1857 (2) The fee paid pursuant to subsection (1) of this section
1858 shall be accompanied by a written statement containing the name
1859 and address of the candidate, the party with which he or she is
1860 affiliated, the email address of the candidate, if any, and the
1861 office for which he or she is a candidate.

1862 (3) The clerk shall promptly receipt the payment, stating
1863 the office for which the person making the payment is running and
1864 the political party with which such person is affiliated. The
1865 clerk shall keep an itemized account in detail showing the time
1866 and date of the receipt of such payment received by him or her,
1867 from whom such payment was received, the party with which such
1868 person is affiliated and for what office the person paying the fee
1869 is a candidate. No candidate may attempt to qualify with any
1870 political party that does not have a duly organized municipal



1871 executive committee, and the municipal clerk shall not accept any
1872 assessments made pursuant to subsection (1) if the municipal clerk
1873 does not have contact information for the secretary of the
1874 municipal executive committee for that political party. The clerk
1875 shall promptly supply all necessary information and pay over all
1876 fees so received to the secretary of the proper municipal
1877 executive committee. The funds may be used and disbursed in the
1878 same manner as is allowed in Section 23-15-299 in regard to other
1879 executive committees.

1880 (4) Upon receipt of the above information, the proper
1881 municipal executive committee shall then determine, at the time of
1882 the qualifying deadline, whether each candidate is a qualified
1883 elector of the municipality, and of the ward if the office sought
1884 is a ward office, shall determine whether each candidate either
1885 meets all other qualifications to hold the office he or she is
1886 seeking or presents absolute proof that he or she will, subject to
1887 no contingencies, meet all qualifications on or before the date of
1888 the general or special election at which he or she could be
1889 elected to office. The executive committee shall determine
1890 whether the candidate has taken the steps necessary to qualify for
1891 more than one (1) office at the election. The committee also
1892 shall determine whether any candidate has been convicted of any
1893 felony in a court of this state, or has been convicted on or after
1894 December 8, 1992, of any offense in another state which is a
1895 felony under the laws of this state, or has been convicted of any



1896 felony in a federal court on or after December 8, 1992. Excepted
1897 from the above are convictions of manslaughter and violations of
1898 the United States Internal Revenue Code or any violations of the
1899 tax laws of this state unless such offense also involved misuse or
1900 abuse of his or her office or money coming into his or her hands
1901 by virtue of the office. If the proper municipal executive
1902 committee finds that a candidate either (a) does not meet all
1903 qualifications to hold the office he or she seeks and fails to
1904 provide absolute proof, subject to no contingencies, that he or
1905 she will meet the qualifications on or before the date * * *the
1906 early voting period begins for the general or special election at
1907 which he or she could be elected, or (b) has been convicted of a
1908 felony as described in this subsection and not pardoned, then the
1909 executive committee shall notify the candidate and give the
1910 candidate an opportunity to be heard. The executive committee
1911 shall mail notice to the candidate at least three (3) business
1912 days before the hearing to the address provided by the candidate
1913 on the qualifying forms, and the committee shall attempt to
1914 contact the candidate by telephone, email and facsimile if the
1915 candidate provided this information on the forms. If the
1916 candidate fails to appear at the hearing or to prove he or she
1917 meets all qualifications to hold the office subject to no
1918 contingencies, then the name of such candidate shall not be placed
1919 upon the ballot. If the executive committee determines that the
1920 candidate has taken the steps necessary to qualify for more than



1921 one (1) office at the election, the action required by Section
1922 23-15-905, shall be taken.

1923 (5) Where there is but one (1) candidate, the proper
1924 municipal executive committee when the time has expired within
1925 which the names of candidates shall be furnished shall declare
1926 such candidate the nominee.

1927 **SECTION 47.** Section 23-15-331, Mississippi Code of 1972, is
1928 amended as follows:

1929 23-15-331. It shall be the duty of the state executive
1930 committee of each political party to furnish to each county
1931 executive committee, not less than fifty (50) days * * * before
1932 the * * * period for early voting begins the names of all state
1933 and state district candidates and all candidates for legislative
1934 districts composed of more than one (1) county or parts of more
1935 than one (1) county who have qualified as provided by law, and in
1936 accordance with the requirements of Section 23-15-333 a sample of
1937 the official ballot to be used in the primary, the general form of
1938 which shall be followed as nearly as practicable.

1939 **SECTION 48.** Section 23-15-333, Mississippi Code of 1972, is
1940 amended as follows:

1941 23-15-333. (1) The county executive committee shall have
1942 printed all necessary ballots, for use in primary elections. The
1943 county executive committee shall have printed all necessary
1944 absentee ballots forty-five (45) days before the period for early
1945 voting begins for the election as required by law. The ballots



1946 shall contain the names of all the candidates to be voted for at
1947 the election, and there shall be left on each ballot one (1) blank
1948 space under the title of each office for which a nominee is to be
1949 elected; and in the event of the death of any candidate whose name
1950 shall have been printed on the ballot, the name of the candidate
1951 duly substituted in the place of the deceased candidate may be
1952 written in such blank space by the voter. Except as otherwise
1953 provided in subsection (2) of this section, the order in which the
1954 titles to the various offices shall be printed, and the size,
1955 print and quality of the paper of the ballot is left to the
1956 discretion of the county executive committee. Provided, however,
1957 that in all cases the arrangement of the names of the candidates
1958 for each office shall be alphabetical. No ballot shall be used
1959 except those so printed.

1960 (2) The titles for the various offices shall be listed in
1961 the following order:

1962 (a) Candidates, electors or delegates for the following
1963 national offices:

1964 (i) President of the United States of America;

1965 (ii) United States Senator or United States
1966 Representative;

1967 (b) Candidates for the following statewide offices:

1968 Governor, Lieutenant Governor, Secretary of State, Attorney

1969 General, State Treasurer, Auditor of Public Accounts, Commissioner
1970 of Agriculture and Commerce, Commissioner of Insurance;



1971 (c) Candidates for the following state district
1972 offices: Mississippi Transportation Commissioner, Public Service
1973 Commissioner, District Attorney;

1974 (d) Candidates for the following legislative offices:
1975 Senator and House of Representatives;

1976 (e) Candidates for countywide office;

1977 (f) Candidates for county district office.

1978 The order in which the titles for the various offices are
1979 listed within each of the categories listed in paragraphs (e) and
1980 (f) are left to the discretion of the county executive committee.
1981 Candidates' names shall be listed alphabetically under each office
1982 by the candidate's last name.

1983 (3) If after the deadline to qualify as a candidate for an
1984 office, only one (1) person has duly qualified to be a candidate
1985 for the office in the primary election, the name of that person
1986 shall be placed on the ballot; provided, however, that if not more
1987 than one (1) person has duly qualified to be a candidate for each
1988 office on the primary election ballot, the election for all
1989 offices on the ballot shall be dispensed with and the appropriate
1990 executive committee shall declare each candidate as the party
1991 nominee if the candidate meets all the qualifications to hold the
1992 office.

1993 (4) (a) If it is eligible under Section 23-15-266, the
1994 county executive committee may enter into a written agreement with
1995 the circuit clerk or the county election commission authorizing



1996 the circuit clerk or the county election commission to perform any
1997 of the duties required of the county executive committee pursuant
1998 to this section. Any agreement entered into pursuant to this
1999 subsection shall be signed by the chair of the county executive
2000 committee and the circuit clerk or the chair of the county
2001 election commission, as appropriate. The county executive
2002 committee shall notify the state executive committee and the
2003 Secretary of State of the existence of such agreement.

2004 (b) If it is eligible under Section 23-15-266, the
2005 municipal executive committee may enter into a written agreement
2006 with the municipal clerk or the municipal election commission
2007 authorizing the municipal clerk or the municipal election
2008 commission to perform any of the duties required of the municipal
2009 executive committee pursuant to this section. Any agreement
2010 entered into pursuant to this subsection shall be signed by the
2011 chair of the municipal executive committee and the municipal clerk
2012 or the chair of the municipal election commission, as appropriate.
2013 The municipal executive committee shall notify the state executive
2014 committee and the Secretary of State of the existence of such
2015 agreement.

2016 **SECTION 49.** Section 23-15-335, Mississippi Code of 1972, is
2017 amended as follows:

2018 23-15-335. (1) The county executive committee shall
2019 designate a person whose duty it shall be to distribute all
2020 necessary ballots for use * * * during a primary election, and



2021 shall designate one (1) among the poll managers at each polling
2022 place to receive and receipt for the blank ballots to be used at
2023 that place. When the blank ballots are delivered to a local poll
2024 manager, the distributor shall take from the local poll manager a
2025 receipt therefor signed in duplicate by both the distributor and
2026 the poll manager, one (1) of which receipts the distributor shall
2027 deliver to the circuit clerk and the other shall be retained by
2028 the local poll manager and the last mentioned duplicate receipt
2029 shall be enclosed in the ballot box with the voted ballots when
2030 the polls have been closed and the votes have been counted. The
2031 printer of the ballots shall take a receipt from the distributor
2032 of the ballots for the total number of the blank ballots delivered
2033 to the distributor. The printer shall secure all ballots printed
2034 by him or her in such a safe manner that no person can procure
2035 them or any of them, and he or she shall deliver no blank ballot
2036 or ballots to any person except the distributor above mentioned,
2037 and then only upon his or her receipt therefor as above specified.
2038 The distributor of the blank ballots shall so securely hold the
2039 same that no person can obtain any of them, and he or she shall
2040 not deliver any of them to any person other than to the authorized
2041 local poll managers and upon their respective receipts therefor.
2042 The executive committee shall see to it that the total blank
2043 ballots delivered to the distributor, shall correspond with the
2044 total of the receipts executed by the local poll managers.



2045 (2) (a) If it is eligible under Section 23-15-266, the
2046 county executive committee may enter into a written agreement with
2047 the circuit clerk or the county election commission authorizing
2048 the circuit clerk or the county election commission to perform any
2049 of the duties required of the county executive committee pursuant
2050 to this section. Any agreement entered into pursuant to this
2051 subsection shall be signed by the chair of the county executive
2052 committee and the circuit clerk or the chair of the county
2053 election commission, as appropriate. The county executive
2054 committee shall notify the state executive committee and the
2055 Secretary of State of the existence of such agreement.

2056 (b) If it is eligible under Section 23-15-266, the
2057 municipal executive committee may enter into a written agreement
2058 with the municipal clerk or the municipal election commission
2059 authorizing the municipal clerk or the municipal election
2060 commission to perform any of the duties required of the municipal
2061 executive committee pursuant to this section. Any agreement
2062 entered into pursuant to this subsection shall be signed by the
2063 chair of the municipal executive committee and the municipal clerk
2064 or the chair of the municipal election commission, as appropriate.
2065 The municipal executive committee shall notify the state executive
2066 committee and the Secretary of State of the existence of such
2067 agreement.



2068 (3) Any person charged with any of the duties prescribed in
2069 this section who shall willfully or with culpable carelessness
2070 violate the same shall be guilty of a misdemeanor.

2071 **SECTION 50.** Section 23-15-353, Mississippi Code of 1972, is
2072 amended as follows:

2073 23-15-353. The officer charged with printing and
2074 distributing the official ballot shall ascertain from the
2075 registrar, at least ten (10) days before the day * * * early
2076 voting for that election begins, the number of registered voters
2077 in each voting precinct; and he or she shall have printed and
2078 distributed a sufficient number of ballots for use in each
2079 precinct.

2080 **SECTION 51.** Section 23-15-357, Mississippi Code of 1972, is
2081 amended as follows:

2082 23-15-357. On the back and outside of the ballot shall be
2083 printed the words "OFFICIAL BALLOT," the name of the voting
2084 precinct or place for which the ballot is prepared, * * * the date
2085 of the election and the date of the period for early voting.

2086 **SECTION 52.** Section 23-15-359, Mississippi Code of 1972, is
2087 amended as follows:

2088 23-15-359. (1) Except as provided in this section, the
2089 ballot shall contain the names of all party nominees certified by
2090 the appropriate executive committee, and independent and special
2091 election candidates who have timely filed petitions containing the
2092 required signatures and assessments that must be paid pursuant to



2093 Section 23-15-297, if the candidates and nominees meet all of the
2094 qualifications to hold the office sought. A petition requesting
2095 that an independent or special election candidate's name be placed
2096 on the ballot for any office shall be filed as provided for in
2097 subsection (3) or (4) of this section, as appropriate, and shall
2098 be signed by not less than the following number of qualified
2099 electors:

2100 (a) For an office elected by the state at large, not
2101 less than one thousand (1,000) qualified electors.

2102 (b) For an office elected by the qualified electors of
2103 a Supreme Court district, not less than three hundred (300)
2104 qualified electors.

2105 (c) For an office elected by the qualified electors of
2106 a congressional district, not less than two hundred (200)
2107 qualified electors.

2108 (d) For an office elected by the qualified electors of
2109 a circuit or chancery court district, not less than one hundred
2110 (100) qualified electors.

2111 (e) For an office elected by the qualified electors of
2112 a senatorial or representative district, not less than fifty (50)
2113 qualified electors.

2114 (f) For an office elected by the qualified electors of
2115 a county, not less than fifty (50) qualified electors.



2116 (g) For an office elected by the qualified electors of
2117 a supervisors district or justice court district, not less than
2118 fifteen (15) qualified electors.

2119 (h) For the Office of President of the United States, a
2120 party nominee or independent candidate shall pay an assessment in
2121 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

2122 (2) (a) Unless the petition or fee, whichever is
2123 applicable, required above shall be filed as provided for in
2124 subsection (3), (4) or (5) of this section, as appropriate, the
2125 name of the person requested to be a candidate, unless nominated
2126 by a political party, shall not be placed upon the ballot. The
2127 ballot shall contain the names of each candidate for each office,
2128 and the names shall be listed under the name of the political
2129 party that candidate represents as provided by law and as
2130 certified to the circuit clerk by the state executive committee of
2131 the political party. In the event the candidate qualifies as an
2132 independent as provided in this section, he or she shall be listed
2133 on the ballot as an independent candidate.

2134 (b) The name of an independent or special election
2135 candidate who dies before the printing of the ballots, shall not
2136 be placed on the ballots.

2137 (3) Petitions for offices described in paragraphs (a), (b),
2138 (c), (d) and (e) of subsection (1) of this section shall be filed
2139 with the Secretary of State by no later than 5:00 p.m. on the same
2140 date or business day, as applicable, by which candidates are



2141 required to pay the fee provided for in Section 23-15-297;
2142 however, no petition may be filed before January 1 of the year in
2143 which the election for the office is held.

2144 (4) Petitions for offices described in paragraphs (f) and
2145 (g) of subsection (1) of this section shall be filed with the
2146 proper circuit clerk by no later than 5:00 p.m. on the same date
2147 by which candidates are required to pay the fee provided for in
2148 Section 23-15-297; however, no petition may be filed before
2149 January 1 of the year in which the election for the office is
2150 held. The circuit clerk shall notify the county election
2151 commissioners of all persons who have filed petitions with the
2152 clerk. The notification shall occur within two (2) business days
2153 and shall contain all necessary information.

2154 (5) The assessment for the office described in paragraph (h)
2155 of subsection (1) of this section shall be paid to the Secretary
2156 of State. The Secretary of State shall deposit any qualifying
2157 fees received from candidates into the Elections Support Fund
2158 established in Section 23-15-5.

2159 (6) The election commissioners may also have printed upon
2160 the ballot any local issue election matter that is authorized to
2161 be * * * voted on * * * during the period for voting for the
2162 regular or general election pursuant to Section 23-15-375;
2163 however, the ballot form of the local issue must be filed with the
2164 election commissioners by the appropriate governing authority not



2165 less than sixty (60) days before the date * * * the early voting
2166 period begins for the election.

2167 (7) The provisions of this section shall not apply to
2168 municipal elections or to the election of the offices of justice
2169 of the Supreme Court, judge of the Court of Appeals, circuit
2170 judge, chancellor, county court judge and family court judge.

2171 (8) Nothing in this section shall prohibit special elections
2172 to fill vacancies in either house of the Legislature from being
2173 held as provided in Section 23-15-851. In all elections conducted
2174 under the provisions of Section 23-15-851, there shall be printed
2175 on the ballot the name of any candidate who, not having been
2176 nominated by a political party, shall have been requested to be a
2177 candidate for any office by a petition filed with the Secretary of
2178 State and signed by not less than fifty (50) qualified electors.

2179 (9) (a) The appropriate election commission shall determine
2180 whether each candidate is a qualified elector of the state, state
2181 district, county or county district they seek to serve, and
2182 whether each candidate meets all other qualifications to hold the
2183 office he or she is seeking or presents absolute proof that he or
2184 she will, subject to no contingencies, meet all qualifications on
2185 or before the date * * * the early voting period begins for the
2186 general or special election at which he or she could be elected to
2187 office. The election commission shall determine whether the
2188 candidate has taken the steps necessary to qualify for more than
2189 one (1) office at the election. The election commission also



2190 shall determine whether any candidate has been convicted (i) of
2191 any felony in a court of this state, (ii) on or after December 8,
2192 1992, of any offense in another state which is a felony under the
2193 laws of this state, (iii) of any felony in a federal court on or
2194 after December 8, 1992, or (iv) of any offense that involved the
2195 misuse or abuse of his or her office or money coming into his or
2196 her hands by virtue of the office. Excepted from the above are
2197 convictions of manslaughter and violations of the United States
2198 Internal Revenue Code or any violations of the tax laws of this
2199 state.

2200 (b) If the appropriate election commission finds that a
2201 candidate either (i) is not a qualified elector, (ii) does not
2202 meet all qualifications to hold the office he or she seeks and
2203 fails to provide absolute proof, subject to no contingencies, that
2204 he or she will meet the qualifications on or before the date * * *
2205 the early voting period begins the general or special election at
2206 which he or she could be elected, or (iii) has been convicted of a
2207 felony or other disqualifying offense as described in paragraph
2208 (a) of this subsection, and not pardoned, then the election
2209 commission shall notify the candidate and give the candidate an
2210 opportunity to be heard. The election commission shall mail
2211 notice to the candidate at least three (3) business days before
2212 the hearing to the address provided by the candidate on the
2213 qualifying forms, and the committee shall attempt to contact the
2214 candidate by telephone, email and facsimile if the candidate



2215 provided this information on the forms. If the candidate fails to
2216 appear at the hearing or to prove that he or she meets all
2217 qualifications to hold the office subject to no contingencies,
2218 then the name of such candidate shall not be placed upon the
2219 ballot. If the appropriate election commission determines that
2220 the candidate has taken the steps necessary to qualify for more
2221 than one (1) office at the election, the action required by
2222 Section 23-15-905, shall be taken.

2223 (10) If after the deadline to qualify as a candidate for an
2224 office or after the time for holding any party primary for an
2225 office, only one (1) person has duly qualified to be a candidate
2226 for the office in the general election, the name of that person
2227 shall be placed on the ballot; provided, however, that if not more
2228 than one (1) person duly qualified to be a candidate for each
2229 office on the general election ballot, the election for all
2230 offices on the ballot shall be dispensed with and the appropriate
2231 election commission shall declare each candidate elected without
2232 opposition if the candidate meets all the qualifications to hold
2233 the office as determined pursuant to a review by the election
2234 commission in accordance with the provisions of subsection (9) of
2235 this section and if the candidate has filed all required campaign
2236 finance disclosure reports as required by Section 23-15-807.

2237 (11) The petition required by this section may not be filed
2238 by using the Internet.



2239 **SECTION 53.** Section 23-15-363, Mississippi Code of 1972, is
2240 amended as follows:

2241 23-15-363. After the proper officer has knowledge of or has
2242 been notified of the nomination, as provided, of any candidate for
2243 office, the officer shall not omit his or her name from the
2244 ballot, unless upon the written request of the candidate
2245 nominated, made at least ten (10) days before the early voting
2246 period for the election begins, and in no case after * * * the
2247 ballot has been printed; and every ballot shall contain the names
2248 of all candidates nominated as specified, and not duly withdrawn.

2249 **SECTION 54.** Section 23-15-367, Mississippi Code of 1972, is
2250 amended as follows:

2251 23-15-367. (1) Except as otherwise provided by Sections
2252 23-15-974 through 23-15-985 and subsection (2) of this section,
2253 the size, print and quality of paper of the official ballot is
2254 left to the discretion of the officer charged with printing the
2255 official ballot.

2256 (2) The titles for the various offices shall be listed in
2257 the following order:

2258 (a) Candidates, electors or delegates for the following
2259 national offices:

2260 (i) President;

2261 (ii) United States Senator or United States
2262 Representative;



2263 (b) Candidates for the following statewide office:
2264 Governor, Lieutenant Governor, Secretary of State, Attorney
2265 General, State Treasurer, Auditor of Public Accounts, Commissioner
2266 of Agriculture and Commerce, Commissioner of Insurance;

2267 (c) Candidates for the following state district
2268 offices: Mississippi Transportation Commissioner, Public Service
2269 Commissioner, District Attorney;

2270 (d) Candidates for the following legislative offices:
2271 Senate and House of Representatives;

2272 (e) Candidates for countywide office;

2273 (f) Candidates for county district office.

2274 The order in which the titles for the various offices are
2275 listed within paragraphs (e) and (f) is left to the discretion of
2276 the county election commissioners. Nominees of the political
2277 parties, qualified to conduct primary elections as defined in
2278 Section 23-15-291, shall be listed first alphabetically by the
2279 candidate's last name, followed by any other candidates listed
2280 alphabetically by last name.

2281 (3) It is the duty of the Secretary of State, with the
2282 approval of the Governor, to furnish the designated election
2283 commissioner of each county a sample of the official ballot, not
2284 less than fifty-five (55) days before the early voting period
2285 begins for the election, the general form of which shall be
2286 followed as nearly as practicable.



2287 **SECTION 55.** Section 7-3-39, Mississippi Code of 1972, is
2288 amended as follows:

2289 7-3-39. The Secretary of State shall have published in full
2290 each constitutional amendment two (2) weeks * * * before the
2291 period for early voting for the election begins, if early voting
2292 is authorized for that election, at which the qualified electors
2293 shall vote on * * * the amendments, in each county in each
2294 newspaper having a general circulation in the county, as defined
2295 in Section 13-3-31; or * * * the Secretary of State shall have
2296 each amendment posted in three (3) public places in the county if
2297 all * * * the newspapers in the county refuse to publish same at
2298 the price provided in Section 7-3-41.

2299 **SECTION 56.** Section 23-15-511, Mississippi Code of 1972, is
2300 amended as follows:

2301 23-15-511. The ballots shall, as far as practicable, be in
2302 the same order of arrangement as provided for paper ballots that
2303 are to be counted manually, except that the information may be
2304 printed in vertical or horizontal rows. Nothing in this chapter
2305 shall be construed as prohibiting the information being presented
2306 to the voters from being printed on both sides of a single ballot.
2307 In those years when a special election shall occur * * * during
2308 the same voting period as the general election, the names of
2309 candidates in any special election and the general election shall
2310 be placed on the same ballot by the election commissioners or
2311 officials in charge of the election, but the general election



2312 candidates shall be clearly distinguished from the special
2313 election candidates. At any time a special election is * * *
2314 during the same voting period as a party primary election, the
2315 names of the candidates in the special election may be placed on
2316 the same ballot by the officials in charge of the election, but
2317 shall be clearly distinguished as special election candidates or
2318 primary election candidates.

2319 Ballots shall be printed in plain clear type in black ink and
2320 upon clear white materials of such size and arrangement as to be
2321 compatible with the OMR equipment. Absentee ballots shall be
2322 prepared and printed in the same form and shall be on the same
2323 size and texture as the regular official ballots, except that they
2324 shall be printed on tinted paper; or the ink used to print the
2325 ballots shall be of a color different from that of the ink used to
2326 print the regular official ballots. Arrows may be printed on the
2327 ballot to indicate the place to mark the ballot, which may be to
2328 the right or left of the names of candidates and propositions.
2329 The titles of offices may be arranged in vertical columns on the
2330 ballot and shall be printed above or at the side of the names of
2331 candidates so as to indicate clearly the candidates for each
2332 office and the number to be elected. In case there are more
2333 candidates for an office than can be printed in one (1) column,
2334 the ballot shall be clearly marked that the list of candidates is
2335 continued on the following column. The names of candidates for
2336 each office shall be printed in vertical columns, grouped by the



2337 offices that they seek. In partisan elections, the party
2338 designation of each candidate, which may be abbreviated, shall be
2339 printed following his or her name.

2340 One (1) sample ballot, which shall be a facsimile of the
2341 official ballot and instructions to the voters, shall be provided
2342 for each precinct and shall be posted in each polling place during
2343 early voting and on election day.

2344 A separate ballot security envelope or suitable equivalent in
2345 which the voter can place his or her ballot after voting, shall be
2346 provided to conceal the choices the voter has made. Absentee
2347 voters will receive a similar ballot security envelope provided by
2348 the county in which the absentee voter will insert their voted
2349 ballot, which then can be inserted into a return envelope to be
2350 mailed back to the election official. Absentee ballots will not
2351 be required to be folded when a ballot security envelope is
2352 provided.

2353 **SECTION 57.** Section 23-15-515, Mississippi Code of 1972, is
2354 amended as follows:

2355 23-15-515. The circuit clerk shall be the custodian of OMR
2356 equipment acquired by the county, who shall be charged with the
2357 proper storage, maintenance and repair of the OMR equipment. The
2358 municipal clerk shall be the custodian of the OMR equipment
2359 acquired by the municipality, and shall be charged with the proper
2360 storage, maintenance and repair of the OMR equipment. The
2361 custodian or the officials in charge of the election shall repair



2362 or replace any OMR equipment which fails to function properly
2363 during the early voting period or on election day.

2364 **SECTION 58.** Section 23-15-531.6, Mississippi Code of 1972,
2365 is amended as follows:

2366 23-15-531.6. (1) For each primary or general election, the
2367 officials in charge of the election shall use at least
2368 seventy-five percent (75%) of all DRE units available to the
2369 county or municipality, as the case may be. For all other
2370 elections in which the officials in charge of the election choose
2371 to use DRE units, at least one-third (1/3) of all DRE units
2372 available to the county or municipality, as the case may be, shall
2373 be used in such elections.

2374 (2) The officials in charge of the election shall ensure the
2375 delivery of the proper DRE units to the polling places of the
2376 respective precincts at least one (1) hour before the time for
2377 opening the polls during the early voting period and at each
2378 election and shall cause each unit to be set up in the proper
2379 manner for use in voting.

2380 (3) (a) On or before the second day before the early voting
2381 period begins and before any election day, the officials in charge
2382 of the conduct of the election shall cause each DRE unit to be
2383 tested for logic and accuracy to ascertain that the units will
2384 correctly count the votes cast for all offices and on all
2385 questions, in a manner the Secretary of State may further
2386 prescribe by rule or regulation.



2387 (b) Public notice of the time and place of the test
2388 shall be made at least five (5) days before the date of the test.
2389 Candidates, representatives of candidates, political parties, news
2390 media and the public shall be permitted to observe the testing of
2391 the DRE units.

2392 (4) The officials in charge of the conduct of the election
2393 shall test all memory cards and encoders to be used in any
2394 election.

2395 (5) The officials in charge of the election shall require
2396 that each DRE unit be inspected and sealed before the delivery of
2397 each DRE unit to the polling place. Before opening the polls each
2398 day on which the DRE units will be used * * * during an election
2399 or the period for early voting, the poll manager shall break the
2400 seal on each unit, turn on each unit, certify that each unit is
2401 operating properly and is set to zero, and print a zero tape
2402 certifying that each unit is set to zero and shall keep or record
2403 such certification on each unit.

2404 (6) The officials in charge of the election, election
2405 commissioners and poll managers shall provide ample protection
2406 against molestation of and injury to the DRE units, and, for that
2407 purpose, the officials in charge of the election, election
2408 commissioners and poll managers may call upon any law enforcement
2409 officer to furnish any assistance that may be necessary. It shall
2410 be the duty of any law enforcement officer to furnish assistance



2411 when so requested by the officials in charge of the election,
2412 election commissioner or poll manager.

2413 (7) The officials in charge of the election, in conjunction
2414 with the governing authorities, shall, at least one (1) hour
2415 before opening the polls for early voting and on election day:

2416 (a) Provide sufficient lighting to enable electors to
2417 read the ballot and to enable poll managers to examine the booth
2418 and conduct their responsibilities;

2419 (b) Provide directions for voting on the DRE units that
2420 shall be prominently posted within each voting booth and provide
2421 at least one (1) sample ballot for each primary or general
2422 election shall be prominently posted outside the enclosed space
2423 within the polling place;

2424 (c) Ensure that each DRE unit and its tabulating
2425 mechanism is secure throughout the day; and

2426 (d) Provide such other materials and supplies as may be
2427 necessary or required by law.

2428 **SECTION 59.** Section 23-15-545, Mississippi Code of 1972, is
2429 amended as follows:

2430 23-15-545. At each election, at least one (1) poll manager
2431 shall be charged with writing in the pollbook the word "VOTED," in
2432 the column having at its head the date of the early voting period
2433 or the date of the election, opposite the name of each elector
2434 upon return of a marked paper ballot by the elector with the
2435 initials of the initialing poll manager or alternate initialing



2436 poll manager affixed thereon. When a DRE unit is used in the
2437 polling place, the word "VOTED" shall be marked by at least one
2438 (1) poll manager in the pollbook in the column having at its head
2439 the date of the election, opposite the name of the elector.

2440 **SECTION 60.** Section 23-15-573, Mississippi Code of 1972, is
2441 amended as follows:

2442 23-15-573. (1) If any person declares that he or she is a
2443 registered voter in the jurisdiction in which he or she offers to
2444 vote and that he or she is eligible to vote during the early
2445 voting period or in the election, but his or her name does not
2446 appear upon the pollbooks, or that he or she is not able to cast a
2447 regular early voting day or election day ballot under a provision
2448 of state or federal law but is otherwise qualified to vote, or
2449 that he or she has been illegally denied registration, or that he
2450 or she is unable to present an acceptable form of photo
2451 identification:

2452 (a) A poll manager shall notify the person that he or
2453 she may cast an affidavit ballot * * * during the election.

2454 (b) The person shall be permitted to cast an affidavit
2455 ballot at the polling place upon execution of a written affidavit
2456 before one (1) of the poll managers stating that the individual:

2457 (i) Believes he or she is a registered voter in
2458 the jurisdiction in which he or she desires to vote and is
2459 eligible to vote * * * during the election; or



2460 (ii) Is not able to cast a regular early voting
2461 day or election day ballot under a provision of state or federal
2462 law but is otherwise qualified to vote; or

2463 (iii) Believes that he or she has been illegally
2464 denied registration; or

2465 (iv) Is unable to present an acceptable form of
2466 photo identification.

2467 (c) The poll manager shall allow the individual to mark
2468 a paper ballot properly endorsed by the initialing poll manager or
2469 alternate initialing poll manager in accordance with Section
2470 23-15-541, which shall be delivered by him or her to the proper
2471 election official who shall enclose it in an affidavit ballot
2472 envelope, with the written and signed affidavit of the voter
2473 affixed to the envelope, seal the envelope and mark plainly upon
2474 it the name of the person offering to vote.

2475 (2) The affidavit ballot envelope shall include:

2476 (a) The complete name of the voter;

2477 (b) A present and previous physical and mailing address
2478 of the voter;

2479 (c) Telephone numbers where the voter may be contacted;

2480 (d) A statement that the affiant believes he or she is
2481 registered to vote in the jurisdiction in which he or she offers
2482 to vote;

2483 (e) The signature of the affiant; and



2484 (f) The signature of the poll manager at the polling
2485 place at which the affiant offers to vote.

2486 (3) (a) A separate receipt book shall be maintained for
2487 affidavit voters and the affidavit voters shall sign the receipt
2488 book upon completing the affidavit ballot.

2489 (b) If the affidavit voter is casting an affidavit
2490 ballot because the voter is unable to present an acceptable form
2491 of photo identification and the voter's name appears in the
2492 pollbook, then the poll manager shall write "NO ID" across from
2493 the voter's name and in the appropriate column in the pollbook.

2494 (c) In canvassing the returns of the election, the
2495 executive committee in primary elections, or the election
2496 commissioners in other elections, shall examine the records and
2497 allow the ballot to be counted, or not counted as it appears
2498 legal.

2499 (d) An affidavit ballot of a voter who was unable to
2500 present an acceptable form of photo identification shall not be
2501 rejected for this reason if the voter does either of the
2502 following:

2503 (i) Returns to the circuit clerk's office, or to
2504 the municipal clerk's office for municipal elections, within five
2505 (5) business days after the date * * * the person voted during the
2506 election and presents an acceptable form of photo identification;

2507 (ii) Returns to the circuit clerk's office within
2508 five (5) business days after the date of the election to obtain



2509 the Mississippi Voter Identification Card, or in municipal
2510 election, returns to the municipal clerk's office within five (5)
2511 business days after the date * * * the person voted during the
2512 election to present his or her Mississippi Voter Identification
2513 Card or Temporary Mississippi Voter Identification Card; or

2514 (iii) Returns to the circuit clerk's office, or to
2515 the municipal clerk's office for municipal elections, within five
2516 (5) business days after the date * * * the person voted during the
2517 election to execute a separate Affidavit of Religious Objection.

2518 (4) When a person is offered the opportunity to vote by
2519 affidavit ballot, he or she shall be provided with written
2520 information that informs the person how to ascertain whether his
2521 or her affidavit ballot was counted and, if the vote was not
2522 counted, the reasons the vote was not counted.

2523 (5) The officials in charge of the election shall process
2524 all affidavit ballots by using the Statewide Elections Management
2525 System. The officials in charge of the election shall account for
2526 all affidavit ballots cast in each election, categorizing the
2527 affidavit ballots cast by reason and recording the total number of
2528 affidavit ballots counted and not counted in each such category in
2529 the Statewide Elections Management System.

2530 (6) The Secretary of State shall, by rule duly adopted,
2531 establish a uniform affidavit ballot envelope that shall be used
2532 in all elections in this state. The Secretary of State shall
2533 print and distribute a sufficient number of affidavit ballot



2534 envelopes to the registrar of each county for use in elections.
2535 The registrar shall distribute the affidavit ballot envelopes to
2536 municipal and county executive committees for use in primary
2537 elections and to municipal and county election commissioners for
2538 use in all other elections.

2539 (7) County registrars and municipal registrars shall
2540 maintain a secure free access system that complies with the Help
2541 America Vote Act of 2002, by which persons who vote by affidavit
2542 ballot may determine if their ballots were counted, and if not,
2543 the reasons the ballot was not counted.

2544 (8) Any person who votes * * * during any election as a
2545 result of a federal or state court order or other order extending
2546 the time established by law for closing the polls on an election
2547 day, may only vote by affidavit ballot. Any affidavit ballot cast
2548 under this subsection shall be separated and kept apart from other
2549 affidavit ballots cast by voters not affected by the order.

2550 **SECTION 61.** Section 23-15-613, Mississippi Code of 1972, is
2551 amended as follows:

2552 23-15-613. (1) As used in this section "residual votes"
2553 means overvotes, undervotes and any other vote not counted for any
2554 reason.

2555 (2) For every election, election commissions and county and
2556 municipal executive committees shall report to the Secretary of
2557 State residual vote information; however, if the voting



2558 devices * * * used in the election do not produce a ballot, other
2559 information shall be reported as required in this section.

2560 (3) For every election, election commissions and county and
2561 municipal executive committees responsible for the conduct of
2562 elections in which ballots are generated that are counted by hand
2563 or by OMR equipment or the tabulating mechanism of a DRE unit
2564 shall report to the Secretary of State all residual votes for all
2565 candidates and ballot measures in the elections for which they are
2566 responsible for conducting. The residual vote reports shall:

2567 (a) Be received by the Secretary of State no later than
2568 December 15 of the year in which the election is held;

2569 (b) Include any suggested explanation or suspected
2570 cause of the residual votes;

2571 (c) Include a copy of a voided official ballot for the
2572 election as such ballot appeared to voters at the election and
2573 copies of voided affidavit and absentee ballots if they are
2574 different from the official ballot;

2575 (d) Include the total voter turnout for each election,
2576 including the period for early voting, to be determined by
2577 totaling the number of persons signing the receipt book at each
2578 precinct, absentee voters and persons who voted by affidavit
2579 ballot and persons whose ballots were challenged and rejected; and

2580 (e) Include a copy of any printed voting instructions
2581 given or visible to voters * * * during the election and a



2582 description of any verbal instructions and any other evidence of
2583 voter education that was used in the election.

2584 (4) For every election, election commissions and county and
2585 municipal executive committees responsible for the conduct of
2586 election in which voting devices are used that do not generate
2587 ballots that are counted by hand or by OMR equipment or the
2588 tabulating mechanism of a DRE unit, shall file a report with the
2589 Secretary of State which shall:

2590 (a) Be received by the Secretary of State no later than
2591 December 15 of the year in which the election is held;

2592 (b) Include the total voter turnout for each election,
2593 including the period for early voting, to be determined by
2594 totaling the number of persons signing the receipt book at each
2595 precinct, absentee voters and persons who voted by affidavit
2596 ballot and persons whose ballots were challenged and rejected;

2597 (c) Include in the report any anecdotal information
2598 obtained concerning voter problems with the voting equipment or
2599 ballot layout;

2600 (d) Include in the report any suggested explanation or
2601 suspected cause of any difference in the amount of total voter
2602 turnout and the number of counted votes for candidates for various
2603 offices; and

2604 (e) Include a copy of any printed voting instructions
2605 given or visible to voters * * * during the election and a



2606 description of any verbal instructions and any other evidence of
2607 voter education that was used * * * during the election.

2608 (5) Not later than January 31 of the year following the
2609 election, the Secretary of State shall submit a report to the
2610 Governor, Lieutenant Governor and Speaker of the House of
2611 Representatives analyzing the reports required to be filed
2612 pursuant to this section. The analysis shall include the
2613 following:

2614 (a) The performance of each voting device type
2615 used * * * during the election;

2616 (b) Any problems with voter or poll worker instructions
2617 or ballot design and layout that have been identified as a result
2618 of analyzing the reports received;

2619 (c) Recommendations for reducing the number of residual
2620 votes reported; and

2621 (d) Such other information as the Secretary of State
2622 deems beneficial.

2623 (6) The reports required pursuant to this section shall be
2624 in such form as may be required by rules and regulations
2625 promulgated by the Secretary of State.

2626 **SECTION 62.** Section 23-15-781, Mississippi Code of 1972, is
2627 amended as follows:

2628 23-15-781. The number of electors of President and Vice
2629 President of the United States to which this state may be
2630 entitled, shall be chosen by the qualified electors of the state



2631 at large, on the first Tuesday after the first Monday of November
2632 in the year in which an election of President and Vice President
2633 shall occur and during the early voting period.

2634 **SECTION 63.** Section 23-15-785, Mississippi Code of 1972, is
2635 amended as follows:

2636 23-15-785. (1) When presidential electors are to be chosen,
2637 the Secretary of State of Mississippi shall certify to the circuit
2638 clerks of the several counties the names of all candidates for
2639 President and Vice President who are nominated by any national
2640 convention or other like assembly of any political party or by
2641 written petition signed by at least one thousand (1,000) qualified
2642 voters of this state.

2643 (2) The certificate of nomination by a political party
2644 convention must be signed by the presiding officer and secretary
2645 of the convention and by the * * * chair of the state executive
2646 committee of the political party making the nomination. Any
2647 nominating petition, to be valid, must contain the signatures as
2648 well as the addresses of the petitioners. The certificates and
2649 petitions must be filed with the State Board of Election
2650 Commissioners by filing them in the Office of the Secretary of
2651 State by 5:00 p.m. not less than sixty (60) days * * * before the
2652 day * * * early voting begins for the election.

2653 (3) Each certificate of nomination and nominating petition
2654 must be accompanied by a list of the names and addresses of
2655 persons, who shall be qualified voters of this state, equal in



2656 number to the number of presidential electors to be chosen. Each
2657 person so listed shall execute the following statement which shall
2658 be attached to the certificate or petition when it is filed with
2659 the State Board of Election Commissioners: "I do hereby consent
2660 and do hereby agree to serve as elector for President and Vice
2661 President of the United States, if elected to that position, and
2662 do hereby agree that, if so elected, I shall cast my ballot as
2663 such for _____ for President and _____ for Vice President of
2664 the United States" (inserting in * * * the blank spaces the
2665 respective names of the persons named as nominees for * * * the
2666 respective offices in the certificate to which this statement is
2667 attached).

2668 (4) The State Board of Election Commissioners and any other
2669 official charged with the preparation of official ballots shall
2670 place on * * * the official ballots the words "PRESIDENTIAL
2671 ELECTORS FOR (here insert the name of the candidate for President,
2672 the word 'AND' and the name of the candidate for Vice President)"
2673 in lieu of placing the names of such presidential electors on the
2674 official ballots, and a vote cast therefor shall be counted and
2675 shall be in all respects effective as a vote for each of the
2676 presidential electors representing those candidates for President
2677 and Vice President of the United States. In the case of unpledged
2678 electors, the State Board of Election Commissioners and any other
2679 official charged with the preparation of official ballots shall
2680 place on * * * the official ballots the words "UNPLEDGED



2681 ELECTOR(S) (here insert the name(s) of individual unpledged
2682 elector(s) if placed upon the ballot based upon a petition granted
2683 in the manner provided by law stating the individual name(s) of
2684 the elector(s) rather than a slate of electors)."

2685 **SECTION 64.** Section 23-15-807, Mississippi Code of 1972, is
2686 amended as follows:

2687 23-15-807. (a) Each candidate or political committee shall
2688 file reports of contributions and disbursements in accordance with
2689 the provisions of this section. All candidates or political
2690 committees required to report such contributions and disbursements
2691 may terminate the obligation to report only upon submitting a
2692 final report that contributions will no longer be received or
2693 disbursements made and that the candidate or committee has no
2694 outstanding debts or obligations. The candidate, treasurer or
2695 chief executive officer shall sign the report.

2696 (b) Candidates seeking election, or nomination for election,
2697 and political committees making expenditures to influence or
2698 attempt to influence voters for or against the nomination for
2699 election of one or more candidates or balloted measures * * *
2700 during such election, shall file the following reports:

2701 (i) In any calendar year during which there is a
2702 regularly scheduled election, a pre-election report shall be filed
2703 no later than the seventh day before early voting begins for any
2704 election in which the candidate or political committee has



2705 accepted contributions or made expenditures and shall be completed
2706 as of the tenth day before early voting begins for the election;

2707 (ii) In 1987 and every fourth year thereafter, periodic
2708 reports shall be filed no later than the tenth day after April 30,
2709 May 31, June 30, September 30 and December 31, and shall be
2710 completed as of the last day of each period;

2711 (iii) In any calendar years except 1987 and except
2712 every fourth year thereafter, a report covering the calendar year
2713 shall be filed no later than January 31 of the following calendar
2714 year; and

2715 (iv) Except as otherwise provided in the requirements
2716 of paragraph (i) of this subsection (b), unopposed candidates are
2717 not required to file pre-election reports but must file all other
2718 reports required by paragraphs (ii) and (iii) of this subsection
2719 (b).

2720 (c) All candidates for judicial office as defined in Section
2721 23-15-975, or their political committees, shall file periodic
2722 reports in the year in which they are to be elected no later than
2723 the tenth day after April 30, May 31, June 30, September 30 and
2724 December 31.

2725 (d) Each report under this article shall disclose:

2726 (i) For the reporting period and the calendar year, the
2727 total amount of all contributions and the total amount of all
2728 expenditures of the candidate or reporting committee, including
2729 those required to be identified pursuant to paragraph (ii) of this



2730 subsection (d) as well as the total of all other contributions and
2731 expenditures during the calendar year. The reports shall be
2732 cumulative during the calendar year to which they relate;

2733 (ii) The identification of:

2734 1. Each person or political committee who makes a
2735 contribution to the reporting candidate or political committee
2736 during the reporting period, whose contribution or contributions
2737 within the calendar year have an aggregate amount or value in
2738 excess of Two Hundred Dollars (\$200.00) together with the date and
2739 amount of any such contribution;

2740 2. Each person or organization, candidate or
2741 political committee who receives an expenditure, payment or other
2742 transfer from the reporting candidate, political committee or its
2743 agent, employee, designee, contractor, consultant or other person
2744 or persons acting in its behalf during the reporting period when
2745 the expenditure, payment or other transfer to the person,
2746 organization, candidate or political committee within the calendar
2747 year have an aggregate value or amount in excess of Two Hundred
2748 Dollars (\$200.00) together with the date and amount of the
2749 expenditure;

2750 (iii) The total amount of cash on hand of each
2751 reporting candidate and reporting political committee;

2752 (iv) In addition to the contents of reports specified
2753 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2754 political party shall disclose:



2755 1. Each person or political committee who makes a
2756 contribution to a political party during the reporting period and
2757 whose contribution or contributions to a political party within
2758 the calendar year have an aggregate amount or value in excess of
2759 Two Hundred Dollars (\$200.00), together with the date and amount
2760 of the contribution;

2761 2. Each person or organization who receives an
2762 expenditure or expenditures by a political party during the
2763 reporting period when the expenditure or expenditures to the
2764 person or organization within the calendar year have an aggregate
2765 value or amount in excess of Two Hundred Dollars (\$200.00),
2766 together with the date and amount of the expenditure;

2767 (v) Disclosure required under this section of an
2768 expenditure to a credit card issuer, financial institution or
2769 business allowing payments and money transfers to be made over the
2770 Internet must include, by way of detail or separate entry, the
2771 amount of funds passing to each person, business entity or
2772 organization receiving funds from the expenditure.

2773 (e) The appropriate office specified in Section 23-15-805
2774 must be in actual receipt of the reports specified in this article
2775 by 5:00 p.m. on the dates specified in subsection (b) of this
2776 section. If the date specified in subsection (b) of this section
2777 shall fall on a weekend or legal holiday then the report shall be
2778 due in the appropriate office at 5:00 p.m. on the first working
2779 day before the date specified in subsection (b) of this section.



2780 The reporting candidate or reporting political committee shall
2781 ensure that the reports are delivered to the appropriate office by
2782 the filing deadline. The Secretary of State may approve specific
2783 means of electronic transmission of completed campaign finance
2784 disclosure reports, which may include, but not be limited to,
2785 transmission by electronic facsimile (FAX) devices.

2786 (f) (i) If any contribution of more than Two Hundred
2787 Dollars (\$200.00) is received by a candidate or candidate's
2788 political committee after the tenth day, but more than forty-eight
2789 (48) hours before 12:01 a.m. of the day of early voting begins for
2790 the election, the candidate or political committee shall notify
2791 the appropriate office designated in Section 23-15-805, within
2792 forty-eight (48) hours of receipt of the contribution. The
2793 notification shall include:

- 2794 1. The name of the receiving candidate;
- 2795 2. The name of the receiving candidate's political
2796 committee, if any;
- 2797 3. The office sought by the candidate;
- 2798 4. The identification of the contributor;
- 2799 5. The date of receipt;
- 2800 6. The amount of the contribution;
- 2801 7. If the contribution is in-kind, a description
2802 of the in-kind contribution; and
- 2803 8. The signature of the candidate or the treasurer
2804 or chair of the candidate's political organization.



2805 (ii) The notification shall be in writing, and may be
2806 transmitted by overnight mail, courier service, or other reliable
2807 means, including electronic facsimile (FAX), but the candidate or
2808 candidate's committee shall ensure that the notification shall in
2809 fact be received in the appropriate office designated in Section
2810 23-15-805 within forty-eight (48) hours of the contribution.

2811 **SECTION 65.** Section 23-15-833, Mississippi Code of 1972, is
2812 amended as follows:

2813 23-15-833. Except as otherwise provided by law, the first
2814 Tuesday after the first Monday in November of each year shall be
2815 designated the regular special election day, and on that day and
2816 during the period established for early voting an election shall
2817 be held to fill any vacancy in county, county district, and
2818 district attorney elective offices, and any vacancy in the office
2819 of circuit judge or chancellor.

2820 All special elections, or elections to fill vacancies, shall
2821 in all respects be held, conducted and returned in the same manner
2822 as general elections, except that where no candidate receives a
2823 majority of the votes cast in the election, a runoff election
2824 shall be held three (3) weeks after the election. The two (2)
2825 candidates who receive the highest popular votes for the office
2826 shall have their names submitted as the candidates to the runoff
2827 and the candidate who leads in the runoff election shall be
2828 elected to the office. When there is a tie in the first election
2829 of those receiving the next highest vote, these two (2) and the



2830 one receiving the highest vote, none having received a majority,
2831 shall go into the runoff election and whoever leads in the runoff
2832 election shall be entitled to the office.

2833 In those years when the regular special election day shall
2834 occur * * * during the same * * * period of time as the general
2835 election, the names of candidates in any special election and the
2836 general election shall be placed on the same ballot, but shall be
2837 clearly distinguished as general election candidates or special
2838 election candidates. At any time a special election is held * * *
2839 during the same * * * period of time as a party primary election,
2840 the names of the candidates in the special election may be placed
2841 on the same ballot, but shall be clearly distinguished as special
2842 election candidates or primary election candidates.

2843 **SECTION 66.** Section 23-15-843, Mississippi Code of 1972, is
2844 amended as follows:

2845 23-15-843. In case of death, resignation or vacancy from any
2846 cause in the office of district attorney, the unexpired term of
2847 which shall exceed six (6) months, the Governor shall within ten
2848 (10) days after the vacancy occurs issue a proclamation calling an
2849 election to fill a vacancy in the office of district attorney to
2850 be held * * * during the next regular special election * * *
2851 period of time in the district where the vacancy occurred unless
2852 the vacancy occurs in a year in which a general election would
2853 normally be held for that office as provided by law, in which case
2854 the appointed person shall serve the unexpired portion of the



2855 term. Candidates in such a special election shall qualify in the
2856 same manner and be subject to the same time limitations as set
2857 forth in Section 23-15-839. Pending the holding of a special
2858 election, the Governor shall make an emergency appointment to fill
2859 the vacancy until the same shall be filled by election.

2860 **SECTION 67.** Section 23-15-851, Mississippi Code of 1972, is
2861 amended as follows:

2862 23-15-851. (1) Except as otherwise provided in subsection
2863 (2) of this section, within thirty (30) days after vacancies occur
2864 in either house of the Legislature, the Governor shall issue writs
2865 of election to fill the vacancies on a day specified in the writ
2866 of election. At least sixty (60) days' notice shall be given of
2867 the election in each county or part of a county in which the
2868 election shall be held. The qualifying deadline for the election
2869 shall be fifty (50) days before the early voting begins for the
2870 election. Notice of the election shall be posted at the
2871 courthouse and in each supervisors district in the county or part
2872 of county in which such election shall be held for as near sixty
2873 (60) days as may be practicable. The election shall be prepared
2874 for and held as in the case of a general election.

2875 (2) If a vacancy occurs in a calendar year in which the
2876 general election for state officers is held, the Governor may
2877 elect not to issue a writ of election to fill the vacancy.

2878 **SECTION 68.** Section 23-15-853, Mississippi Code of 1972, is
2879 amended as follows:



2880 23-15-853. (1) If a vacancy occurs in the representation in
2881 Congress, the vacancy shall be filled for the unexpired term by a
2882 special election, to be ordered by the Governor, within sixty (60)
2883 days after the vacancy occurs, and held at a time fixed by his or
2884 her order, and which time shall * * * begin not less than sixty
2885 (60) days after the issuance of the order of the Governor, which
2886 shall be directed to the election commissioners of the several
2887 counties of the district, who shall, immediately on the receipt of
2888 the order, give notice of the election by publishing the same in a
2889 newspaper having a general circulation in the county and by
2890 posting the notice at the front door of the courthouse. The order
2891 shall also be directed to the State Board of Election
2892 Commissioners. The election shall be prepared for and conducted,
2893 and returns shall be made, in all respects as provided for a
2894 special election to fill vacancies.

2895 (2) Candidates for the office in such an election must
2896 qualify with the Secretary of State by 5:00 p.m. not less than
2897 fifty (50) days before the * * * early voting period begins for
2898 the election. If the fiftieth day to qualify before an election
2899 falls on a Sunday or legal holiday, the qualification submitted on
2900 the business day immediately following the Sunday or legal holiday
2901 shall be accepted. The election commissioners shall have printed
2902 on the ballot in such special election the name of any candidate
2903 who shall have been requested to be a candidate for the office by
2904 a petition filed with the Secretary of State and personally signed



2905 by not less than one thousand (1,000) qualified electors of the
2906 district. The petition shall be filed by 5:00 p.m. not less than
2907 fifty (50) days before the * * * early voting period begins for
2908 the election. If the fiftieth day to file the petition before an
2909 election falls on a Sunday or legal holiday, the petition filed on
2910 the business day immediately following the Sunday or legal holiday
2911 shall be accepted.

2912 There shall be attached to each petition above provided for,
2913 upon the time of filing with the Secretary of State, a certificate
2914 from the appropriate registrar or registrars showing the number of
2915 qualified electors appearing upon each petition which the
2916 registrar shall furnish to the petitioner upon request.

2917 **SECTION 69.** Section 23-15-855, Mississippi Code of 1972, is
2918 amended as follows:

2919 23-15-855. (1) If a vacancy shall occur in the office of
2920 United States Senator from Mississippi by death, resignation or
2921 otherwise, the Governor shall, within ten (10) days after
2922 receiving official notice of the vacancy, issue a proclamation for
2923 an election to be held in the state to elect a Senator to fill the
2924 remaining unexpired term, provided the unexpired term is more than
2925 twelve (12) months and the election shall * * * begin within
2926 ninety (90) days from the time the proclamation is issued and the
2927 returns of such election shall be certified to the Governor in the
2928 manner set out above for regular elections, unless the vacancy
2929 occurs in a year in which a general state or congressional



2930 election is held, in which event the Governor's proclamation shall
2931 designate the period for conducting the general election * * * as
2932 the time for electing a Senator, and the vacancy shall be filled
2933 by appointment as hereinafter provided.

2934 (2) In case of a vacancy in the office of United States
2935 Senator, the Governor may appoint a Senator to fill the vacancy
2936 temporarily, and if the United States Senate be in session at the
2937 time the vacancy occurs the Governor shall appoint a Senator
2938 within ten (10) days after receiving official notice thereof, and
2939 the appointed Senator shall serve until a successor is elected and
2940 commissioned as provided for in subsection (1) of this section,
2941 provided that such unexpired term as he or she may be appointed to
2942 fill shall be for a longer time than one (1) year, but if for a
2943 shorter time than one (1) year, he or she shall serve for the full
2944 time of the unexpired term and no special election shall be called
2945 by the Governor but a successor shall be elected at the regular
2946 election.

2947 **SECTION 70.** Section 23-15-857, Mississippi Code of 1972, is
2948 amended as follows:

2949 23-15-857. (1) When there is a vacancy in an elective
2950 office in a city, town or village, the unexpired term of which
2951 shall not exceed six (6) months, the same shall be filled by
2952 appointment by the governing authority or remainder of the
2953 governing authority of the city, town or village. The municipal
2954 clerk shall certify the appointment to the Secretary of State and



2955 the appointed person or persons shall be commissioned by the
2956 Governor.

2957 (2) When there is a vacancy in an elective office in a city,
2958 town or village, the unexpired term of which shall exceed six (6)
2959 months, the governing authority or remainder of the governing
2960 authority of the city, town or village shall make and enter on the
2961 minutes an order for an election to be held in the city, town or
2962 village to fill the vacancy and fix a * * * time period upon which
2963 the early voting and election day shall be held. The order shall
2964 be made and entered upon the minutes at the next regular meeting
2965 of the governing authority after the vacancy occurs, or at a
2966 special meeting to be held not later than ten (10) days after the
2967 vacancy occurs, Saturdays, Sundays and legal holidays excluded,
2968 whichever shall occur first. The election shall be held on a date
2969 not less than thirty (30) days nor more than forty-five (45) days
2970 after the date upon which the order is adopted.

2971 Notice of the election shall be given by the municipal clerk
2972 by notice published in a newspaper published in the municipality.
2973 The notice shall be published once each week for three (3)
2974 successive weeks * * * before the date * * * early voting begins
2975 for the election. The first notice shall be published at least
2976 thirty (30) days before * * * early voting begins for the
2977 election. Notice shall also be given by posting a copy of the
2978 notice at three (3) public places in the municipality not less
2979 than twenty-one (21) days before * * * early voting begins for the



2980 election. One (1) of the notices shall be posted at the city,
2981 town or village hall. In the event that there is no newspaper
2982 published in the municipality, such notice shall be published as
2983 provided for above in a newspaper that has a general circulation
2984 within the municipality and by posting as provided for above.
2985 Additionally, the governing authority may publish the notice in
2986 that newspaper for as many additional times as may be deemed
2987 necessary by the governing authority.

2988 Each candidate shall qualify by petition filed with the
2989 municipal clerk by 5:00 p.m. at least twenty (20) days before
2990 the * * * early voting period begins for the election. If the
2991 twentieth day to file the petition before the election falls on a
2992 Sunday or legal holiday, the petition filed on the business day
2993 immediately following the Sunday or legal holiday shall be
2994 accepted. The petition shall be signed by not less than the
2995 following number of qualified electors:

2996 (a) For an office of a city, town, village or municipal
2997 district having a population of one thousand (1,000) or more, not
2998 less than fifty (50) qualified electors.

2999 (b) For an office of a city, town, village or municipal
3000 district having a population of less than one thousand (1,000),
3001 not less than fifteen (15) qualified electors.

3002 No qualifying fee shall be required of any candidate, and the
3003 election shall be held as far as practicable in the same manner as
3004 municipal general elections.



3005 The candidate receiving a majority of the votes cast in the
3006 election shall be elected. If no candidate receives a majority
3007 vote at the election, the two (2) candidates receiving the highest
3008 number of votes shall have their names placed on the ballot for
3009 the election to be held three (3) weeks thereafter. The candidate
3010 receiving a majority of the votes cast in the election shall be
3011 elected. However, if no candidate receives a majority and there
3012 is a tie in the election of those receiving the next highest vote,
3013 those receiving the next highest vote and the candidate receiving
3014 the highest vote shall have their names placed on the ballot for
3015 the election to be held three (3) weeks thereafter, and whoever
3016 receives the most votes cast in the election shall be elected.

3017 Should the election held three (3) weeks thereafter result in
3018 a tie vote, the prevailing candidate shall be decided by a toss of
3019 a coin or by lot fairly and publicly drawn under the supervision
3020 of the election commission.

3021 The clerk of the election commission shall then give a
3022 certificate of election to the person elected, and return to the
3023 Secretary of State a copy of the order of holding the election and
3024 runoff election results, certified by the clerk of the governing
3025 authority. The person elected shall be commissioned by the
3026 Governor.

3027 However, if nineteen (19) days before the * * * early voting
3028 period begins for the election only one (1) person shall have
3029 qualified as a candidate, the governing authority, or remainder of



3030 the governing authority, shall dispense with the election and
3031 appoint that one (1) candidate in lieu of an election. In the
3032 event no person shall have qualified by 5:00 p.m. at least twenty
3033 (20) days before * * * the early voting period begins for the
3034 election, the governing authority or remainder of the governing
3035 authority shall dispense with the election and fill the vacancy by
3036 appointment. The clerk of the governing authority shall certify
3037 the appointment to the Secretary of State, and the appointed
3038 person shall be commissioned by the Governor.

3039 **SECTION 71.** Section 23-15-859, Mississippi Code of 1972, is
3040 amended as follows:

3041 23-15-859. Whenever under any statute a special election is
3042 required or authorized to be held in any municipality, and the
3043 statute authorizing or requiring the election does not specify the
3044 time within which the election shall be called, or the notice
3045 which shall be given, the governing authorities of the
3046 municipality shall, by resolution, fix a date upon which the
3047 election shall be held. The date shall not be less than
3048 twenty-one (21) nor more than thirty (30) days after the date upon
3049 which such resolution is adopted, and not less than three (3)
3050 weeks' notice of the election shall be given by the clerk by a
3051 notice published in a newspaper published in the municipality once
3052 each week for three (3) weeks next * * * before the * * * early
3053 voting period begins for the election, and by posting a copy of
3054 the notice at three (3) public places in the municipality.



3055 Nothing herein, however, shall be applicable to elections on the
3056 question of the issuance of the bonds of a municipality or to
3057 general or primary elections for the election of municipal
3058 officers.

3059 The provisions of this section shall be applicable to all
3060 municipalities of this state, whether operating under a code
3061 charter, special charter or the commission form of government,
3062 except in cases of conflicts between the provisions of the section
3063 and the provisions of the special charter of a municipality, or
3064 the law governing the commission form of government, in which
3065 cases of conflict the provisions of the special charter or the
3066 statutes relative to the commission form of government shall
3067 apply.

3068 **SECTION 72.** Section 23-15-895, Mississippi Code of 1972, is
3069 amended as follows:

3070 23-15-895. No candidate for an elective office, or any
3071 representative of such candidate, and no proponent or opponent of
3072 any constitutional amendment, local issue or other measure printed
3073 on the ballot may post or distribute cards, posters or other
3074 campaign literature within one hundred fifty (150) feet of any
3075 entrance of the building wherein early voting or any election is
3076 being held. No candidate or a representative named by him or her
3077 in writing may appear at any polling place while armed or
3078 uniformed, or display any badge or credentials except as may be
3079 issued by the manager of the polling place. As used in this



3080 section, the term "local issue" shall have the meaning ascribed to
3081 such term in Section 23-15-375. This section shall be enforced by
3082 election officials and law enforcement officials.

3083 **SECTION 73.** Section 23-15-913, Mississippi Code of 1972, is
3084 amended as follows:

3085 23-15-913. The judges listed and selected to hear election
3086 disputes, as provided in Section 23-15-951, shall be available
3087 during early voting and on election day to immediately hear and
3088 resolve any election * * * disputes. The rules for filing
3089 pleadings shall be relaxed to carry out the purposes of this
3090 section. The judges selected shall perform no other judicial
3091 duties * * * during the election * * * period. The Supreme Court
3092 shall make judges available to hear disputes in the county in
3093 which the disputes occur but no judge shall hear disputes in the
3094 district or county in which he or she was elected nor shall any
3095 judge hear any dispute in which any potential conflict may arise.
3096 Each judge shall be fair and impartial and shall be assigned on
3097 that basis.

3098 **SECTION 74.** Section 23-15-963, Mississippi Code of 1972, is
3099 amended as follows:

3100 23-15-963. (1) Any person desiring to contest the
3101 qualifications of another person who has qualified pursuant to the
3102 provisions of Section 23-15-359 * * * as a candidate for any
3103 office elected at a general election, shall file a petition
3104 specifically setting forth the grounds of the challenge not later



3105 than thirty-one (31) days after the date of the first primary
3106 election set forth in Section 23-15-191 * * *. * * * The petition
3107 shall be filed with the same body with whom the candidate in
3108 question qualified pursuant to Section 23-15-359 * * *.

3109 (2) Any person desiring to contest the qualifications of
3110 another person who has qualified pursuant to the provisions of
3111 Section 23-15-213 * * * as a candidate for county election
3112 commissioner elected at a general election, shall file a petition
3113 specifically setting forth the grounds of the challenge no later
3114 than sixty (60) days * * * before the period for early voting
3115 begins for the general election. * * * The petition shall be
3116 filed with the county board of supervisors, being the same body
3117 with whom the candidate in question qualified pursuant to Section
3118 23-15-213 * * *.

3119 (3) Any person desiring to contest the qualifications of
3120 another person who has qualified pursuant to the provisions of
3121 Section 23-15-361 * * * as a candidate for municipal office
3122 elected on the date designated by law for regular municipal
3123 elections, shall file a petition specifically setting forth the
3124 grounds of the challenge no later than thirty-one (31) days after
3125 the date of the first primary election set forth in Section
3126 23-15-309 * * *. * * * The petition shall be filed with the
3127 municipal election commissioners * * *, being the same body with
3128 whom the candidate in question qualified pursuant to Section
3129 23-15-361 * * *.



3130 (4) Within ten (10) days of receipt of the petition
3131 described in subsections (1), (2) and (3) of this section, the
3132 appropriate election officials shall meet and rule upon the
3133 petition. At least two (2) days before the hearing to consider
3134 the petition, the appropriate election officials shall give notice
3135 to both the petitioner and the contested candidate of the time and
3136 place of the hearing on the petition. Each party shall be given
3137 an opportunity to be heard at such meeting and present evidence in
3138 support of his or her position.

3139 (5) If the appropriate election officials fail to rule upon
3140 the petition within the time required above, such inaction shall
3141 be interpreted as a denial of the request for relief contained in
3142 the petition.

3143 (6) Any party aggrieved by the action or inaction of the
3144 appropriate election officials may file a petition for judicial
3145 review to the circuit court of the county in which the election
3146 officials whose decision is being reviewed sits. * * * The
3147 petition must be filed no later than fifteen (15) days after the
3148 date the petition was originally filed with the appropriate
3149 election officials. * * * The person filing for judicial review
3150 shall give a cost bond in the sum of Three Hundred Dollars
3151 (\$300.00) with two (2) or more sufficient sureties conditioned to
3152 pay all costs in case his or her petition be dismissed, and an
3153 additional bond may be required, by the court, if necessary, at
3154 any subsequent stage of the proceedings.



3155 (7) The circuit court with whom such a petition for judicial
3156 review has been filed shall at the earliest possible date set the
3157 matter for hearing. Notice shall be given to the interested
3158 parties of the time set for hearing by the circuit clerk. The
3159 hearing before the circuit court shall be de novo. The matter
3160 shall be tried to the circuit judge, without a jury. After
3161 hearing the evidence, the circuit judge shall determine whether
3162 the candidate whose qualifications have been challenged is legally
3163 qualified to have his or her name placed upon the ballot in
3164 question. The circuit judge may, upon disqualification of any
3165 such candidate, order that * * * the candidate * * * bear the
3166 court costs of the proceedings.

3167 (8) Within three (3) days after judgment is rendered by the
3168 circuit court, the contestant or contestee, or both, may file an
3169 appeal in the Supreme Court upon giving a cost bond in the sum of
3170 Three Hundred Dollars (\$300.00), together with a bill of
3171 exceptions * * * that shall state the point or points of law at
3172 issue with a sufficient synopsis of the facts to fully disclose
3173 the bearing and relevancy of such points of law. The bill of
3174 exceptions shall be signed by the trial judge, or in case of his
3175 or her absence, refusal or disability, by two (2) disinterested
3176 attorneys, as is provided by law in other cases of bills of
3177 exception. The filing of * * * the appeals shall automatically
3178 suspend the decision of the circuit court and the appropriate
3179 election officials are entitled to proceed based upon their



3180 decision unless and until the Supreme Court, in its discretion,
3181 stays further proceedings in the matter. The appeal shall be
3182 immediately docketed in the Supreme Court and referred to the
3183 court en banc upon briefs without oral argument unless the court
3184 shall call for oral argument, and shall be decided at the earliest
3185 possible date, as a preference case over all others. The Supreme
3186 Court shall have the authority to grant such relief as is
3187 appropriate under the circumstances.

3188 (9) The procedure set forth above shall be the * * * only
3189 manner in which the qualifications of a candidate seeking public
3190 office who qualified pursuant to the provisions of Sections
3191 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
3192 before the time of his or her election. After any such person has
3193 been elected to public office, the election may be challenged as
3194 otherwise provided by law. After any person assumes an elective
3195 office, his or her qualifications to hold that office may be
3196 contested as otherwise provided by law.

3197 **SECTION 75.** Section 23-15-977, Mississippi Code of 1972, is
3198 amended as follows:

3199 23-15-977. (1) Except as otherwise provided in this
3200 section, all candidates for judicial office as defined in Section
3201 23-15-975 of this subarticle shall file their intent to be a
3202 candidate with the proper officials and pay the proper assessment
3203 by not later than 5:00 p.m. on February 1 of the year in which the
3204 general election for the judicial office is held. If February 1



3205 occurs on a Saturday, Sunday or legal holiday, candidates shall
3206 file their intent to be a candidate and pay the proper assessment
3207 by 5:00 p.m. on the business day immediately following the
3208 Saturday, Sunday or legal holiday. Candidates shall pay to the
3209 proper officials the following amounts:

3210 (a) Candidates for Supreme Court justice and Court of
3211 Appeals judge, the sum of Two Hundred Dollars (\$200.00).

3212 (b) Candidates for circuit judge and chancellor, the
3213 sum of One Hundred Dollars (\$100.00).

3214 (c) Candidates for county judge and family court judge,
3215 the sum of Fifteen Dollars (\$15.00).

3216 Candidates for judicial office may not file their intent to
3217 be a candidate and pay the proper assessment before January 1 of
3218 the year in which the election for the judicial office is held.

3219 (2) Candidates for judicial offices listed in paragraphs (a)
3220 and (b) of subsection (1) of this section shall file their intent
3221 to be a candidate with, and pay the proper assessment made
3222 pursuant to subsection (1) of this section to, the State Board of
3223 Election Commissioners.

3224 (3) Candidates for judicial offices listed in paragraph (c)
3225 of subsection (1) of this section shall file their intent to be a
3226 candidate with, and pay the proper assessment made pursuant to
3227 subsection (1) of this section to, the circuit clerk of the proper
3228 county. The circuit clerk shall notify the county election
3229 commissioners of all persons who have filed their intent to be a



3230 candidate with, and paid the proper assessment to, such clerk.
3231 The notification shall occur within two (2) business days and
3232 shall contain all necessary information.

3233 (4) If only one (1) person files his or her intent to be a
3234 candidate for a judicial office and that person later dies,
3235 resigns or is otherwise disqualified from holding the judicial
3236 office after the deadline provided for in subsection (1) of this
3237 section but more than seventy (70) days before the date * * * that
3238 early voting begins for the general election, the Governor, upon
3239 notification of the death, resignation or disqualification of the
3240 person, shall issue a proclamation authorizing candidates to file
3241 their intent to be a candidate for that judicial office for a
3242 period of not less than seven (7) nor more than ten (10) days from
3243 the date of the proclamation.

3244 (5) If only one (1) person qualifies as a candidate for a
3245 judicial office and that person later dies, resigns or is
3246 otherwise disqualified from holding the judicial office within
3247 seventy (70) days before the date * * * that early voting begins
3248 for the general election, the judicial office shall be considered
3249 vacant for the new term and the vacancy shall be filled as
3250 provided in by law.

3251 **SECTION 76.** Section 23-15-1031, Mississippi Code of 1972, is
3252 amended as follows:

3253 23-15-1031. Except as provided by Section 23-15-1081, the
3254 first primary election for * * * members of Congress shall be held



3255 on the first Tuesday in June of the years in which * * * members
3256 of Congress are elected, and a second primary, if necessary, shall
3257 be held three (3) weeks thereafter. Each year in which a
3258 presidential election is held, the congressional primary shall be
3259 held as provided in Section 23-15-1081. The election shall be
3260 held in all districts of the state during the same period for
3261 early voting and on the same day. Candidates for United States
3262 Senator shall be nominated at the congressional primary next
3263 preceding the general election at which a senator is to be elected
3264 and in the same manner that * * * members of Congress are
3265 nominated. The chair and secretary of the state executive
3266 committee shall certify the vote for United States Senator to the
3267 Secretary of State in the same manner that county executive
3268 committees certify the returns of counties in general state and
3269 county primary elections.

3270 **SECTION 77.** Section 23-15-1081, Mississippi Code of 1972, is
3271 amended as follows:

3272 23-15-1081. A presidential preference primary may be held on
3273 the second Tuesday in March of each year in which a President of
3274 the United States is to be elected and during the early voting
3275 period established in this act. Each political party * * * that
3276 has cast for its candidates for President and Vice President in
3277 the previous presidential election more than twenty percent (20%)
3278 of the total vote cast for President and Vice President in the
3279 state, may conduct a presidential preference primary. No elector



3280 shall vote in the primary of more than one (1) political party in
3281 the same presidential preference primary.

3282 **SECTION 78.** Section 23-15-1083, Mississippi Code of 1972, is
3283 amended as follows:

3284 23-15-1083. Beginning in 1988, as an alternative to the
3285 congressional primary election date set forth in Section
3286 23-15-1031, when a political party elects to conduct a
3287 presidential preference primary, the first primary election
3288 for * * * members of Congress, and senators, if senators are to be
3289 elected, shall be held on the second Tuesday in March and during
3290 the early voting period established in this act, and the second
3291 primary, when one is necessary, shall be held three (3) weeks
3292 thereafter, and the election shall be held in all districts of the
3293 state on the same day.

3294 **SECTION 79.** Section 23-15-1085, Mississippi Code of 1972, is
3295 amended as follows:

3296 23-15-1085. The * * * chair of a party's state executive
3297 committee shall notify the Secretary of State if the party intends
3298 to hold a presidential preference primary. The Secretary of State
3299 shall be notified * * * before December 1 of the year preceding
3300 the year in which a presidential preference primary may be held
3301 pursuant to Section 23-15-1081. Upon * * * the notification, the
3302 Secretary of State shall issue a proclamation setting every
3303 party's congressional and senatorial primary elections, including
3304 the period for early voting, that are to be held in the year in



3305 which the presidential preference primary is to be held on the
3306 date provided for in Section 23-15-1083. Once the Secretary of
3307 State has issued a proclamation pursuant to this section, the
3308 dates of the congressional and senatorial primary elections shall
3309 not be changed.

3310 **SECTION 80.** Section 23-15-1091, Mississippi Code of 1972, is
3311 amended as follows:

3312 23-15-1091. When the Secretary of State places the name of a
3313 candidate on the ballot pursuant to Section 23-15-1093, he or she
3314 shall notify the candidate that his or her name will appear on the
3315 ballot of this state in the presidential preference primary
3316 election.

3317 The secretary shall also notify the candidate that he or she
3318 may withdraw his or her name from the ballot by filing with the
3319 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3320 later than the sixtieth day before the period for early voting
3321 begins for that election.

3322 **SECTION 81.** Section 21-3-3, Mississippi Code of 1972, is
3323 amended as follows:

3324 21-3-3. The elective officers of all municipalities
3325 operating under a code charter shall be the mayor, the aldermen,
3326 municipal judge, the marshal or chief of police, the tax collector
3327 and the tax assessor. From and after July 1, 2017, the governing
3328 authorities of the municipality shall appoint a city or town clerk
3329 who shall likewise serve as an officer of the municipality.



3330 However, the governing authorities of the municipality shall have
3331 the power, by ordinance, to combine the office of clerk or marshal
3332 with the office of tax collector and/or tax assessor. * * * The
3333 governing authorities shall have the further power to provide
3334 that * * * any of * * * those officers, except those of mayor and
3335 aldermen, shall be appointive, in which case the marshal or chief
3336 of police, the tax collector, the tax assessor, and the city or
3337 town clerk, or such of * * * the officers as may be made
3338 appointive, shall be appointed by the governing authorities. Any
3339 action taken by the governing authorities to make any of * * * the
3340 offices appointive shall be by ordinance of * * * the
3341 municipality, and no such ordinance shall be adopted within ninety
3342 (90) days * * * before the period for early voting begins for any
3343 regular general election for the election of municipal officers.
3344 No such ordinance shall become effective during the term of office
3345 of any officer whose office shall be affected thereby. If any
3346 such office is made appointive, the person appointed thereto shall
3347 hold office at the pleasure of the governing authorities and may
3348 be discharged by * * * the governing authorities at any time,
3349 either with or without cause, and it shall be discretionary with
3350 the governing authorities whether or not to require * * * the
3351 person appointed thereto to reside within the corporate limits of
3352 the municipality in order to hold * * * the office.

3353 **SECTION 82.** Section 21-9-17, Mississippi Code of 1972, is
3354 amended as follows:



3355 21-9-17. Except as otherwise provided, all candidates for
3356 mayor and councilmen, or any of them, to be voted for * * * during
3357 the periods for holding any general or special municipal election,
3358 shall be nominated by party primary election, and no other name or
3359 names shall be placed on the official ballot at * * * the general
3360 or special election than those selected in the manner prescribed
3361 herein. Such primary election or elections, shall be held not
3362 less than ten (10), nor more than thirty (30) days, * * * before
3363 the general or special election, and * * * the primary election or
3364 elections shall be held and conducted in the manner as near as may
3365 be as is provided by law for state and county primary elections.

3366 **SECTION 83.** Section 37-5-9, Mississippi Code of 1972, is
3367 amended as follows:

3368 37-5-9. The name of any qualified elector who is a candidate
3369 for the county board of education shall be placed on the ballot
3370 used in the general elections by the county election
3371 commissioners, provided that the candidate files with the county
3372 election commissioners, not more than ninety (90) days and not
3373 less than sixty (60) days * * * before the date * * * early voting
3374 begins for the general election, a petition of nomination signed
3375 by not less than fifty (50) qualified electors of the county
3376 residing within each supervisors district. Where there are less
3377 than one hundred (100) qualified electors in * * * the supervisors
3378 district, it shall only be required that * * * the petition of
3379 nomination be signed by at least twenty percent (20%) of the



3380 qualified electors of such supervisors district. The candidate in
3381 each supervisors district who receives the majority of votes cast
3382 in the district shall be declared elected. If no candidate
3383 receives a majority of the votes cast at the election, a runoff
3384 shall be held between the two (2) candidates receiving the highest
3385 number of votes in the first election. The runoff election, in
3386 the event that such is necessary, shall be held three (3) weeks
3387 after the first election.

3388 When any member of the county board of education is to be
3389 elected from the county at large under the provisions of this
3390 chapter, then the petition required by the preceding paragraph
3391 hereof shall be signed by the required number of qualified
3392 electors residing in any part of the county outside of the
3393 territory embraced within a municipal separate school district or
3394 special municipal separate school district. The candidate who
3395 receives the majority of votes cast in the election shall be
3396 declared elected. If no candidate receives a majority of the
3397 votes cast at the election, a runoff shall be held between the two
3398 (2) candidates receiving the highest number of votes in the first
3399 election. The runoff election, in the event that such is
3400 necessary, shall be held three (3) weeks after the first election.

3401 In no case shall any qualified elector residing within a
3402 municipal separate school district or special municipal separate
3403 school district be eligible to sign a petition of nomination for



3404 any candidate for the county board of education under any of the
3405 provisions of this section.

3406 **SECTION 84.** Section 21-8-7, Mississippi Code of 1972, is
3407 amended as follows:

3408 21-8-7. (1) Each municipality operating under the
3409 mayor-council form of government shall be governed by an elected
3410 council and an elected mayor. Other officers and employees shall
3411 be duly appointed pursuant to this chapter, general law or
3412 ordinance.

3413 (2) Except as otherwise provided in subsection (4) of this
3414 section, the mayor and council members shall be elected by the
3415 voters of the municipality at a regular municipal election held on
3416 the first Tuesday after the first Monday in June as provided in
3417 Section 21-11-7, and shall serve for a term of four (4) years
3418 beginning on the first day of July next following the election
3419 that is not on a weekend. Votes for mayor and council members may
3420 also be cast during the period for early voting as provided for in
3421 this act.

3422 (3) The terms of the initial mayor and council members shall
3423 commence at the expiration of the terms of office of the elected
3424 officials of the municipality serving at the time of adoption of
3425 the mayor-council form.

3426 (4) (a) The council shall consist of five (5), seven (7) or
3427 nine (9) members. In the event there are five (5) council
3428 members, the municipality shall be divided into either five (5) or



3429 four (4) wards. In the event there are seven (7) council members,
3430 the municipality shall be divided into either seven (7), six (6)
3431 or five (5) wards. In the event there are nine (9) council
3432 members, the municipality shall be divided into seven (7) or nine
3433 (9) wards. If the municipality is divided into fewer wards than
3434 it has council members, the other council member or members shall
3435 be elected from the municipality at large. The total number of
3436 council members and the number of council members elected from
3437 wards shall be established by the petition or petitions presented
3438 pursuant to Section 21-8-3. One (1) council member shall be
3439 elected from each ward by the voters of that ward. Council
3440 members elected to represent wards must be residents of their
3441 wards at the time of qualification for election, and any council
3442 member who removes the member's residence from the municipality or
3443 from the ward from which elected shall vacate that office.
3444 However, any candidate for council member who is properly
3445 qualified as a candidate under applicable law shall be deemed to
3446 be qualified as a candidate in whatever ward the member resides if
3447 the ward has changed after the council has redistricted the
3448 municipality as provided in paragraph (c)(ii) of this subsection
3449 (4), and if the wards have been so changed, any person may qualify
3450 as a candidate for council member, using the person's existing
3451 residence or by changing the person's residence, not less than
3452 fifteen (15) days before the period for early voting begins for
3453 the first party primary or special party primary, as the case may



3454 be, notwithstanding any other residency or qualification
3455 requirements to the contrary.

3456 (b) The council or board existing at the time of the
3457 adoption of the mayor-council form of government shall designate
3458 the geographical boundaries of the wards within one hundred twenty
3459 (120) days after the election in which the mayor-council form of
3460 government is selected. In designating the geographical
3461 boundaries of the wards, each ward shall contain, as nearly as
3462 possible, the population factor obtained by dividing the
3463 municipality's population as shown by the most recent decennial
3464 census by the number of wards into which the municipality is to be
3465 divided.

3466 (c) (i) It shall be the mandatory duty of the council
3467 to redistrict the municipality by ordinance, which ordinance may
3468 not be vetoed by the mayor, within six (6) months after the
3469 official publication by the United States of the population of the
3470 municipality as enumerated in each decennial census, and within
3471 six (6) months after the effective date of any expansion of
3472 municipal boundaries; however, if the publication of the most
3473 recent decennial census or effective date of an expansion of the
3474 municipal boundaries occurs six (6) months or more before the
3475 first party primary of a general municipal election, then the
3476 council shall redistrict the municipality by ordinance not less
3477 than sixty (60) days before the period for early voting begins for
3478 the first party primary.



3479 (ii) If the publication of the most recent
3480 decennial census occurs less than six (6) months before the first
3481 primary of a general municipal election, the election shall be
3482 held with regard to the existing defined wards; reapportioned
3483 wards based on the census shall not serve as the basis for
3484 representation until the next regularly scheduled election in
3485 which council members shall be elected.

3486 (d) If annexation of additional territory into the
3487 municipal corporate limits of the municipality occurs less than
3488 six (6) months before the first party primary of a general
3489 municipal election, the council shall, by ordinance adopted within
3490 three (3) days of the effective date of the annexation, assign the
3491 annexed territory to an adjacent ward or wards so as to maintain
3492 as nearly as possible substantial equality of population between
3493 wards; any subsequent redistricting of the municipality by
3494 ordinance, as required by this chapter, shall not serve as the
3495 basis for representation until the next regularly scheduled
3496 election for municipal council members.

3497 (5) Vacancies occurring in the council shall be filled as
3498 provided in Section 23-15-857.

3499 (6) The mayor shall maintain an office at the city hall.
3500 The council members shall not maintain individual offices at the
3501 city hall; however, in a municipality having a population of one
3502 hundred thousand (100,000) and above according to the latest
3503 federal decennial census, council members may have individual



3504 offices in the city hall. Clerical work of council members in the
3505 performance of the duties of their office shall be performed by
3506 municipal employees or at municipal expense, and council members
3507 shall be reimbursed for the reasonable expenses incurred in the
3508 performance of the duties of their office.

3509 **SECTION 85.** Section 9-4-5, Mississippi Code of 1972, is
3510 amended as follows:

3511 9-4-5. (1) The term of office of judges of the Court of
3512 Appeals shall be eight (8) years. An election shall be held on
3513 the first Tuesday after the first Monday in November 1994, to
3514 elect the ten (10) judges of the Court of Appeals, two (2) from
3515 each congressional district; provided, however, judges of the
3516 Court of Appeals who are elected to take office after the first
3517 Monday of January 2002, shall be elected from the Court of Appeals
3518 Districts described in subsection (5) of this section. The judges
3519 of the Court of Appeals shall begin service on the first Monday of
3520 January 1995. Votes for judges of the Court of Appeals may be
3521 cast, if applicable, during the period for early voting provided
3522 for in this act.

3523 (2) (a) In order to provide that the offices of not more
3524 than a majority of the judges of * * * the court shall become
3525 vacant at any one (1) time, the terms of office of six (6) of the
3526 judges first to be elected shall expire in less than eight (8)
3527 years. For the purpose of all elections of members of the court,
3528 each of the ten (10) judges of the Court of Appeals shall be



3529 considered a separate office. The two (2) offices in each of the
3530 five (5) districts shall be designated Position Number 1 and
3531 Position Number 2, and in qualifying for office as a candidate for
3532 any office of judge of the Court of Appeals each candidate shall
3533 state the position number of the office to which he or she aspires
3534 and the election ballots shall so indicate.

3535 (i) In Congressional District Number 1, the judge
3536 of the Court of Appeals for Position Number 1 shall be that office
3537 for which the term ends January 1, 1999, and the judge of the
3538 Court of Appeals for Position Number 2 shall be that office for
3539 which the term ends January 1, 2003.

3540 (ii) In Congressional District Number 2, the judge
3541 of the Court of Appeals for Position Number 1 shall be that office
3542 for which the term ends on January 1, 2003, and the judge of the
3543 Court of Appeals for Position Number 2 shall be that office for
3544 which the term ends January 1, 2001.

3545 (iii) In Congressional District Number 3, the
3546 judge of the Court of Appeals for Position Number 1 shall be that
3547 office for which the term ends on January 1, 2001, and the judge
3548 of the Court of Appeals for Position Number 2 shall be that office
3549 for which the term ends January 1, 1999.

3550 (iv) In Congressional District Number 4, the judge
3551 of the Court of Appeals for Position Number 1 shall be that office
3552 for which the term ends on January 1, 1999, and the judge of the



3553 Court of Appeals for Position Number 2 shall be that office for
3554 which the term ends January 1, 2003.

3555 (v) In Congressional District Number 5, the judge
3556 of the Court of Appeals for Position Number 1 shall be that office
3557 for which the term ends on January 1, 2003, and the judge of the
3558 Court of Appeals for Position Number 2 shall be that office for
3559 which the term ends January 1, 2001.

3560 (b) The laws regulating the general elections shall
3561 apply to and govern the elections of judges of the Court of
3562 Appeals except as otherwise provided in Sections 23-15-974 through
3563 23-15-985.

3564 (c) In the year * * * before the expiration of the term
3565 of an incumbent, and likewise each eighth year thereafter, an
3566 election shall be held in the manner provided in this section in
3567 the district from which the incumbent Court of Appeals judge was
3568 elected at which there shall be elected a successor to the
3569 incumbent, whose term of office shall thereafter begin on the
3570 first Monday of January of the year in which the term of the
3571 incumbent he or she succeeds expires.

3572 (3) No person shall be eligible for the office of judge of
3573 the Court of Appeals who has not attained the age of thirty (30)
3574 years at the time of his or her election and who has not been a
3575 practicing attorney and citizen of the state for five (5) years
3576 immediately * * * before the election.



3577 (4) Any vacancy on the Court of Appeals shall be filled by
3578 appointment of the Governor for that portion of the unexpired
3579 term * * * before the election to fill the remainder of * * * the
3580 term according to provisions of Section 23-15-849 * * *.

3581 (5) (a) The State of Mississippi is hereby divided into
3582 five (5) Court of Appeals Districts as follows:

3583 **FIRST DISTRICT.** The First Court of Appeals District shall be
3584 composed of the following counties and portions of counties:
3585 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3586 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3587 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3588 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3589 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3590 Nations and Poplar Creek; in Panola County the precincts of East
3591 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3592 Springport, South Springport, Eureka, Williamson, East Batesville
3593 4, West Batesville 4, Fern Hill, North Batesville A, East
3594 Batesville 5 and West Batesville 5; and in Tallahatchie County the
3595 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3596 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3597 Murphreesboro and Rosebloom.

3598 **SECOND DISTRICT.** The Second Court of Appeals District shall
3599 be composed of the following counties and portions of counties:
3600 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3601 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,



3602 Tunica, Warren, Washington and Yazoo; in Attala County the
3603 precincts of Northeast, Hesterville, Possomneck, North Central,
3604 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3605 County not included in the First Court of Appeals District; in
3606 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3607 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3608 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3609 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3610 precincts of Conway, West Carthage, Wiggins, Thomastown and
3611 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3612 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3613 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3614 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3615 Canton Precinct 1 and Canton Precinct 4; that portion of
3616 Montgomery County not included in the First Court of Appeals
3617 District; that portion of Panola County not included in the First
3618 Court of Appeals District; and that portion of Tallahatchie County
3619 not included in the First Court of Appeals District.

3620 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3621 composed of the following counties and portions of counties:
3622 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3623 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3624 portion of Attala County not included in the Second Court of
3625 Appeals District; in Jones County the precincts of Northwest High
3626 School, Shady Grove, Sharon, Erata, Glade, Myrick School,



3627 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3628 Antioch and Landrum; that portion of Leake County not included in
3629 the Second Court of Appeals District; that portion of Madison
3630 County not included in the Second Court of Appeals District; and
3631 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3632 Diamond, Chaparral, Matherville, Coit and Eucutta.

3633 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3634 be composed of the following counties and portions of counties:
3635 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3636 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3637 that portion of Hinds County not included in the Second Court of
3638 Appeals District; and that portion of Jones county not included in
3639 the Third Court of Appeals District.

3640 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3641 composed of the following counties and portions of counties:
3642 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3643 River, Perry and Stone; and that portion of Wayne County not
3644 included in the Third Court of Appeals District.

3645 (b) The boundaries of the Court of Appeals Districts
3646 described in paragraph (a) of this subsection shall be the
3647 boundaries of the counties and precincts listed in paragraph (a)
3648 of this subsection as such boundaries existed on October 1, 1990.

3649 **SECTION 86.** This act shall take effect and be in force from
3650 and after July 1, 2022.

