

By: Representative Denton

To: Apportionment and  
Elections; Accountability,  
Efficiency, Transparency

HOUSE BILL NO. 243

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



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

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

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

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

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



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

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

78 **SECTION 2.** The general election in 2023 and every general  
79 election thereafter shall be held on the first Tuesday after the  
80 first Monday of November of the year. When more than one (1)  
81 person has qualified or been certified as a candidate for any  
82 office, a preferential election for such office shall be held  
83 three (3) weeks before the general election.

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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

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

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

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



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

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

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

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



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

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

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

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





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

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



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

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

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

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

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



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

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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

384 21-8-7. (1) Each municipality operating under the  
385 mayor-council form of government shall be governed by an elected  
386 council and an elected mayor. Other officers and employees shall  
387 be duly appointed pursuant to this chapter, general law or  
388 ordinance.

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



393 Section \* \* \* 11 of this act, and shall serve for a term of four  
394 (4) years beginning on the first day of July next following the  
395 election that is not on a weekend.

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

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





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

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

439 (c) (i) It shall be the mandatory duty of the council  
440 to redistrict the municipality by ordinance, which ordinance may  
441 not be vetoed by the mayor, within six (6) months after the  
442 official publication by the United States of the population of the



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

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

459 (d) If annexation of additional territory into the  
460 municipal corporate limits of the municipality occurs less than  
461 six (6) months before the \* \* \* preferential election of a general  
462 municipal election, the council shall, by ordinance adopted within  
463 three (3) days of the effective date of the annexation, assign the  
464 annexed territory to an adjacent ward or wards so as to maintain  
465 as nearly as possible substantial equality of population between  
466 wards; any subsequent redistricting of the municipality by  
467 ordinance as required by this chapter shall not serve as the basis



468 for representation until the next regularly scheduled election for  
469 municipal council members.

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

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

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

484 21-9-15. (1) (a) The legislative power of any city in  
485 which the council-manager plan of government is in effect under  
486 this chapter shall be vested in a council consisting of a mayor  
487 and five (5) councilmen.

488 (b) Any city with a larger or smaller number of  
489 councilmen, \* \* \* before September 30, 1962, may retain this  
490 larger or smaller number of councilmen or may adopt the council  
491 size of five (5) as prescribed herein. This option shall be  
492 exercised through the enactment of an appropriate ordinance by the



493 municipal governing body \* \* \* before the election to adopt the  
494 council-manager plan of government. In the event the council  
495 fails to exercise this option, the council shall consist of five  
496 (5) councilmen.

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

514 (d) Councilmen elected to represent wards must be  
515 residents of their wards; and in cities having more or fewer than  
516 five (5) councilmen, \* \* \* before September 30, 1962, the city  
517 governing body shall determine the number of councilmen to



518 represent the wards and the number of councilmen to represent the  
519 city-wide district.

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

535 After publication of the population of the municipality  
536 according to the 1980 decennial census, the governing authorities  
537 of the municipality shall designate the geographical boundaries of  
538 new wards as provided in this \* \* \* paragraph. Each ward shall  
539 contain as nearly as possible the population factor obtained by  
540 dividing by four (4) the city's population as shown by the 1980  
541 and each most recent decennial census thereafter. It shall be the  
542 mandatory duty of the council to redistrict the city by ordinance,



543 which ordinance may not be vetoed by the mayor, within six (6)  
544 months after the official publication by the United States of the  
545 population of the city as enumerated in each decennial census, and  
546 within six (6) months after the effective date of any expansion of  
547 municipal boundaries; provided, however, if the publication of the  
548 most recent decennial census or effective date of an expansion of  
549 the municipal boundaries occurs six (6) months or more \* \* \*  
550 before the \* \* \* preferential election of a general municipal  
551 election, then the council shall redistrict the city by ordinance  
552 within at least sixty (60) days of \* \* \* the preferential  
553 election. If the publication of the most recent decennial census  
554 occurs less than six (6) months \* \* \* before the \* \* \*  
555 preferential election of a general municipal election, the  
556 election shall be held with regard to currently defined wards; and  
557 reapportioned wards based on the census shall not serve as the  
558 basis for representation until the next regularly scheduled  
559 election in which council members shall be elected. If annexation  
560 of additional territory into the municipal corporate limits of the  
561 city shall occur less than six (6) months \* \* \* before the \* \* \*  
562 preferential election of a general municipal election, the city  
563 council shall, by ordinance adopted within three (3) days of the  
564 effective date of \* \* \* the annexation, assign \* \* \* the annexed  
565 territory to an adjacent ward or wards so as to maintain as nearly  
566 as possible substantial equality of population between wards. Any  
567 subsequent redistricting of the city by ordinance as required by



568 this section shall not serve as the basis for representation until  
569 the next regularly scheduled election for city councilmen.

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

588 The method of electing the mayor and councilmen shall be the  
589 same as otherwise provided by law except as provided in this  
590 chapter. The mayor and councilmen elected hereunder shall hold  
591 office for a term of four (4) years and until their successors are  
592 elected and qualified. No person shall be eligible to the office



593 of mayor or councilman unless he or she is a qualified elector of  
594 such city.

595 (3) (a) In the event a city with a population of one  
596 hundred thousand (100,000) or more inhabitants according to the  
597 last decennial census adopts the council-manager form of  
598 government, the legislative power of \* \* \* the city shall be  
599 vested in a council consisting of a mayor and eight (8)  
600 councilmen.

601 (b) At the next regular municipal election which takes  
602 place after the adoption of the council-manager form of  
603 government, the mayor shall be elected at large by the voters of  
604 the entire municipality. The municipality shall be divided into  
605 five (5) wards with one (1) councilman to be elected from each  
606 ward by the voters of that ward, and three (3) councilmen to be  
607 elected from the municipality at large. Councilmen elected to  
608 represent wards must be residents of their wards at the time of  
609 qualification for election, and any councilman who removes his or  
610 her residence from the city or from the ward from which he was  
611 elected shall vacate his or her office.

612 (c) It shall be the duty of the municipal governing  
613 body existing at the time of the adoption of the council-manager  
614 form of government to designate the geographical boundaries of the  
615 five (5) wards within sixty (60) days after the election in which  
616 the council-manager form is selected. In designating the  
617 geographical boundaries of the five (5) wards, each ward shall





618 contain as nearly as possible the population factor obtained by  
619 dividing by five (5) the city's population as shown by the most  
620 recent decennial census. It shall be the mandatory duty of the  
621 council to redistrict the city by ordinance, which ordinance may  
622 not be vetoed by the mayor, within six (6) months after the  
623 official publication by the United States of the population of the  
624 city as enumerated in each decennial census, and within six (6)  
625 months after the effective date of any expansion of municipal  
626 boundaries; however, if the publication of the most recent  
627 decennial census or effective date of an expansion of the  
628 municipal boundaries occurs six (6) months or more \* \* \* before  
629 the \* \* \* preferential election of a general municipal election,  
630 then the council shall redistrict the city by ordinance within at  
631 least sixty (60) days of such \* \* \* preferential election. If the  
632 publication of the most recent decennial census occurs less than  
633 six (6) months \* \* \* before the \* \* \* preferential election of a  
634 general municipal election, the election shall be held with regard  
635 to currently defined wards; and reapportioned wards based on the  
636 census shall not serve as the basis for representation until the  
637 next regularly scheduled election in which city councilmen shall  
638 be elected. If annexation of additional territory into the  
639 municipal corporate limits of the city shall occur less than six  
640 (6) months \* \* \* before the \* \* \* preferential election of a  
641 general municipal election, the city council shall, by ordinance  
642 adopted within three (3) days of the effective date of such



643 annexation, assign such annexed territory to an adjacent ward or  
644 wards so as to maintain as nearly as possible substantial equality  
645 of population between wards; any subsequent redistricting of the  
646 city by ordinance as required by this section shall not serve as  
647 the basis for representation until the next regularly scheduled  
648 election for city councilmen.

649 (4) The method of electing the mayor and councilmen shall be  
650 the same as otherwise provided by law, except as provided in this  
651 chapter. The mayor and councilmen elected hereunder shall hold  
652 office for a term of four (4) years and until their successors are  
653 elected and qualified. No person shall be eligible to the office  
654 of mayor or councilman unless he or she is a qualified elector of  
655 such city.

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

658 21-9-17. Except as otherwise provided, all candidates for  
659 mayor and councilmen, or any of them, to be voted for at any  
660 general or special municipal election, shall be nominated by  
661 \* \* \* preferential election, and no other name or names shall be  
662 placed on the official ballot at such general or special election  
663 than those selected in the manner prescribed herein. Such \* \* \*  
664 preferential election shall be held not less than ten (10), nor  
665 more than thirty (30) days, preceding the general or special  
666 election, and such \* \* \* preferential election shall be held and



667 conducted in the manner as near as may be as is provided by law  
668 for state and county \* \* \* preferential elections.

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

671 21-15-1. All officers elected at the general or regular  
672 municipal election provided for in Section \* \* \* 11 of this act,  
673 shall qualify and enter upon the discharge of their duties on the  
674 first day of July after such general election that is not on a  
675 weekend, and shall hold their offices for a term of four (4) years  
676 and until their successors are duly elected and qualified.

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

679 21-31-27. No person holding any office, place, position or  
680 employment subject to civil service, is under any obligation to  
681 contribute to any political fund or to render any political  
682 service to any person or party whatsoever, and no person shall be  
683 removed, reduced in grade or salary, or otherwise prejudiced for  
684 refusing so to do. No public officer, whether elected or  
685 appointed, shall discharge, promote, demote or in any manner  
686 change the official rank, employment or compensation of any person  
687 under civil service, or promise or threaten so to do, for giving  
688 or withholding, or neglecting to make any contribution of money,  
689 or service, or any other valuable thing, for any political  
690 purpose.



691 If any person holding any office, place, position or  
692 employment subject to civil service, actively participates in  
693 political activity in any \* \* \* preferential election or general  
694 election in a municipality where he or she is employed, it shall  
695 be deemed cause for removal.

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

698 23-15-11. Every inhabitant of this state, except persons  
699 adjudicated to be non compos mentis, who is a citizen of the  
700 United States of America, eighteen (18) years old and upwards, who  
701 has resided in this state for thirty (30) days and for thirty (30)  
702 days in the county in which he or she seeks to vote, and for  
703 thirty (30) days in the incorporated municipality in which he or  
704 she seeks to vote, and who has been duly registered as an elector  
705 under Section 23-15-33, and who has never been convicted of vote  
706 fraud or of any crime listed in Section 241, Mississippi  
707 Constitution of 1890, shall be a qualified elector in and for the  
708 county, municipality and voting precinct of his or her residence,  
709 and shall be entitled to vote at any election upon compliance with  
710 Section 23-15-563. If the thirtieth day to register before an  
711 election falls on a Sunday or legal holiday, the registration  
712 applications submitted on the business day immediately following  
713 the Sunday or legal holiday shall be accepted and entered in the  
714 Statewide Elections Management System for the purpose of enabling  
715 voters to vote in the next election. Any person who will be



716 eighteen (18) years of age or older on or before the date of the  
717 general election and who is duly registered to vote not less than  
718 thirty (30) days before the \* \* \* preferential election associated  
719 with the general election, may vote in the \* \* \* preferential  
720 election even though the person has not reached his or her  
721 eighteenth birthday at the time that the person seeks to vote at  
722 the \* \* \* preferential election. No others than those specified  
723 in this section shall be entitled, or shall be allowed, to vote at  
724 any election.

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

727       23-15-21. It shall be unlawful for any person who is not a  
728 citizen of the United States or the State of Mississippi to  
729 register or to vote in any \* \* \* special, preferential or general  
730 election in the state.

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

733       23-15-31. All of the provisions of this subarticle shall be  
734 applicable, insofar as possible, to municipal, \* \* \* preferential,  
735 general and special elections; and wherever therein any duty is  
736 imposed or any power or authority is conferred upon the county  
737 registrar \* \* \* or county election commissioners \* \* \* with  
738 reference to a state and county election, such duty shall likewise  
739 be conferred upon the municipal registrar \* \* \* or municipal



740 election commission \* \* \* with reference to any municipal  
741 election.

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

744 23-15-37. (1) The registrar shall register the electors of  
745 his or her county at any time during regular office hours.

746 (2) The county registrar may keep his or her office open to  
747 register voters from 8:00 a.m. until 7:00 p.m., including the noon  
748 hour, for the five (5) business days immediately preceding the  
749 thirtieth day before any regularly scheduled \* \* \* preferential or  
750 general election. The county registrar shall also keep his or her  
751 office open from 8:00 a.m. until 12:00 noon on the Saturday  
752 immediately preceding the thirtieth day before any regularly  
753 scheduled \* \* \* preferential or general election, unless that  
754 Saturday falls on a legal holiday, in which case registration  
755 applications submitted on the Monday immediately following the  
756 legal holiday shall be accepted and entered in the Statewide  
757 Elections Management System for the purpose of enabling such  
758 voters to vote in the next primary or general election.

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



764 (4) A person who is physically disabled and unable to visit  
765 the office of the registrar to register to vote due to such  
766 disability may contact the registrar and request that the  
767 registrar or the registrar's deputy visit him or her for the  
768 purpose of registering such person to vote. The registrar or the  
769 registrar's deputy shall visit that person as soon as possible  
770 after such request and provide the person with an application for  
771 registration, if necessary. The completed application for  
772 registration shall be executed in the presence of the registrar or  
773 the registrar's deputy.

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

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

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

786 23-15-153. (1) At least during the following times, the  
787 election commissioners shall meet at the office of the registrar  
788 or the office of the election commissioners to carefully revise



789 the county voter roll as electronically maintained by the  
790 Statewide Elections Management System and remove from the roll the  
791 names of all voters who have requested to be purged from the voter  
792 roll, died, received an adjudication of non compos mentis, been  
793 convicted of a disenfranchising crime, or otherwise become  
794 disqualified as electors for any cause, and shall register the  
795 names of all persons who have duly applied to be registered but  
796 have been illegally denied registration:

797 (a) On the Tuesday after the second Monday in January  
798 1987 and every following year;

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

802 (c) On the first Monday in the month immediately  
803 preceding the first \* \* \* preferential election for state, state  
804 district legislative, county and county district offices in the  
805 years in which those offices are elected; and

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

809 Except for the names of those voters who are duly qualified  
810 to vote in the election, no name shall be permitted to remain in  
811 the Statewide Elections Management System; however, no name shall  
812 be purged from the Statewide Elections Management System based on  
813 a change in the residence of an elector except in accordance with





814 procedures provided for by the National Voter Registration Act of  
815 1993. Except as otherwise provided by Section 23-15-573, no  
816 person shall vote at any election whose name is not in the county  
817 voter roll electronically maintained by the Statewide Elections  
818 Management System.

819 (2) Except as provided in this section, and subject to the  
820 following annual limitations, the election commissioners shall be  
821 entitled to receive a per diem in the amount of One Hundred  
822 Dollars (\$100.00), to be paid from the county general fund, for  
823 every day or period of no less than five (5) hours accumulated  
824 over two (2) or more days actually employed in the performance of  
825 their duties in the conduct of an election or actually employed in  
826 the performance of their duties for the necessary time spent in  
827 the revision of the county voter roll as electronically maintained  
828 by the Statewide Elections Management System as required in  
829 subsection (1) of this section:

830 (a) In counties having less than fifteen thousand  
831 (15,000) residents according to the latest federal decennial  
832 census, not more than fifty (50) days per year, with no more than  
833 fifteen (15) additional days allowed for the conduct of each  
834 election in excess of one (1) occurring in any calendar year;

835 (b) In counties having fifteen thousand (15,000)  
836 residents according to the latest federal decennial census but  
837 less than thirty thousand (30,000) residents according to the  
838 latest federal decennial census, not more than seventy-five (75)



839 days per year, with no more than twenty-five (25) additional days  
840 allowed for the conduct of each election in excess of one (1)  
841 occurring in any calendar year;

842 (c) In counties having thirty thousand (30,000)  
843 residents according to the latest federal decennial census but  
844 less than seventy thousand (70,000) residents according to the  
845 latest federal decennial census, not more than one hundred (100)  
846 days per year, with no more than thirty-five (35) additional days  
847 allowed for the conduct of each election in excess of one (1)  
848 occurring in any calendar year;

849 (d) In counties having seventy thousand (70,000)  
850 residents according to the latest federal decennial census but  
851 less than ninety thousand (90,000) residents according to the  
852 latest federal decennial census, not more than one hundred  
853 twenty-five (125) days per year, with no more than forty-five (45)  
854 additional days allowed for the conduct of each election in excess  
855 of one (1) occurring in any calendar year;

856 (e) In counties having ninety thousand (90,000)  
857 residents according to the latest federal decennial census but  
858 less than one hundred seventy thousand (170,000) residents  
859 according to the latest federal decennial census, not more than  
860 one hundred fifty (150) days per year, with no more than  
861 fifty-five (55) additional days allowed for the conduct of each  
862 election in excess of one (1) occurring in any calendar year;



863 (f) In counties having one hundred seventy thousand  
864 (170,000) residents according to the latest federal decennial  
865 census but less than two hundred thousand (200,000) residents  
866 according to the latest federal decennial census, not more than  
867 one hundred seventy-five (175) days per year, with no more than  
868 sixty-five (65) additional days allowed for the conduct of each  
869 election in excess of one (1) occurring in any calendar year;

870 (g) In counties having two hundred thousand (200,000)  
871 residents according to the latest federal decennial census but  
872 less than two hundred twenty-five thousand (225,000) residents  
873 according to the latest federal decennial census, not more than  
874 one hundred ninety (190) days per year, with no more than  
875 seventy-five (75) additional days allowed for the conduct of each  
876 election in excess of one (1) occurring in any calendar year;

877 (h) In counties having two hundred twenty-five thousand  
878 (225,000) residents according to the latest federal decennial  
879 census but less than two hundred fifty thousand (250,000)  
880 residents according to the latest federal decennial census, not  
881 more than two hundred fifteen (215) days per year, with no more  
882 than eighty-five (85) additional days allowed for the conduct of  
883 each election in excess of one (1) occurring in any calendar year;

884 (i) In counties having two hundred fifty thousand  
885 (250,000) residents according to the latest federal decennial  
886 census but less than two hundred seventy-five thousand (275,000)  
887 residents according to the latest federal decennial census, not



888 more than two hundred thirty (230) days per year, with no more  
889 than ninety-five (95) additional days allowed for the conduct of  
890 each election in excess of one (1) occurring in any calendar year;

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

897 (3) In addition to the number of days authorized in  
898 subsection (2) of this section, the board of supervisors of a  
899 county may authorize, in its discretion, the election  
900 commissioners to receive a per diem in the amount provided for in  
901 subsection (2) of this section, to be paid from the county general  
902 fund, for every day or period of no less than five (5) hours  
903 accumulated over two (2) or more days actually employed in the  
904 performance of their duties in the conduct of an election or  
905 actually employed in the performance of their duties for the  
906 necessary time spent in the revision of the county voter roll as  
907 electronically maintained by the Statewide Elections Management  
908 System as required in subsection (1) of this section, not to  
909 exceed five (5) days.

910 (4) (a) The election commissioners shall be entitled to  
911 receive a per diem in the amount of One Hundred Dollars (\$100.00),  
912 to be paid from the county general fund, not to exceed ten (10)



913 days for every day or period of no less than five (5) hours  
914 accumulated over two (2) or more days actually employed in the  
915 performance of their duties for the necessary time spent in the  
916 revision of the county voter roll as electronically maintained by  
917 the Statewide Elections Management System before any special  
918 election. For purposes of this paragraph, the regular special  
919 election day shall not be considered a special election. The  
920 annual limitations set forth in subsection (2) of this section  
921 shall not apply to this paragraph.

922 (b) The election commissioners shall be entitled to  
923 receive a per diem in the amount of One Hundred Fifty Dollars  
924 (\$150.00), to be paid from the county general fund, for the  
925 performance of their duties on the day of any primary, runoff,  
926 general or special election. The annual limitations set forth in  
927 subsection (2) of this section shall apply to this paragraph.

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

936 (5) The election commissioners shall be entitled to receive  
937 a per diem in the amount of One Hundred Dollars (\$100.00), to be



938 paid from the county general fund, not to exceed fourteen (14)  
939 days for every day or period of no less than five (5) hours  
940 accumulated over two (2) or more days actually employed in the  
941 performance of their duties for the necessary time spent in the  
942 revision of the county voter roll as electronically maintained by  
943 the Statewide Elections Management System and in the conduct of a  
944 runoff election following either a general or special election.

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

949 (7) In preparation for a municipal primary, runoff, general  
950 or special election, the county registrar shall generate and  
951 distribute the master voter roll and pollbooks from the Statewide  
952 Elections Management System for the municipality located within  
953 the county. The municipality shall pay the county registrar for  
954 the actual cost of preparing and printing the municipal master  
955 voter roll pollbooks. A municipality may secure "read only"  
956 access to the Statewide Elections Management System and print its  
957 own pollbooks using this information.

958 (8) County election commissioners who perform the duties of  
959 an executive committee with regard to the conduct of a \* \* \*  
960 preferential election under a written agreement authorized by law  
961 to be entered into with an executive committee shall receive per  
962 diem as provided for in subsection (2) of this section. The days



963 that county election commissioners are employed in the conduct of  
964 a primary election shall be treated the same as days county  
965 election commissioners are employed in the conduct of other  
966 elections.

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

971 (10) Every election commissioner shall sign personally a  
972 certification setting forth the number of hours actually worked in  
973 the performance of the commissioner's official duties and for  
974 which the commissioner seeks compensation. The certification must  
975 be on a form as prescribed in this subsection. The commissioner's  
976 signature is, as a matter of law, made under the commissioner's  
977 oath of office and under penalties of perjury.

978 The certification form shall be as follows:

979 **COUNTY ELECTION COMMISSIONER**

980 **PER DIEM CLAIM FORM**

981 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

982 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

983 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

987 \_\_\_\_\_



988 \_\_\_\_\_

989 \_\_\_\_\_

990 TOTAL NUMBER OF PER DIEM DAYS EARNED

991 EXCLUDING ELECTION DAYS \_\_\_\_\_

992 PER DIEM RATE PER DAY EARNED X \$100.00

993 TOTAL NUMBER PER DIEM DAYS EARNED

994 FOR ELECTION DAYS \_\_\_\_\_

995 PER DIEM RATE PER DAY EARNED X \$150.00

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

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

999 I understand that I am requesting payment from taxpayer funds  
1000 and that I have an obligation to be specific and truthful as to  
1001 the amount of hours worked and the compensation I am requesting.

1002 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

1003 \_\_\_\_\_

1004 Commissioner's Signature

1005 When properly completed and signed, the certification must be  
1006 filed with the clerk of the county board of supervisors before any  
1007 payment may be made. The certification will be a public record  
1008 available for inspection and reproduction immediately upon the  
1009 oral or written request of any person.

1010 Any person may contest the accuracy of the certification in  
1011 any respect by notifying the chair of the commission, any member  
1012 of the board of supervisors or the clerk of the board of





1013 supervisors of the contest at any time before or after payment is  
1014 made. If the contest is made before payment is made, no payment  
1015 shall be made as to the contested certificate until the contest is  
1016 finally disposed of. The person filing the contest shall be  
1017 entitled to a full hearing, and the clerk of the board of  
1018 supervisors shall issue subpoenas upon request of the contestor  
1019 compelling the attendance of witnesses and production of documents  
1020 and things. The contestor shall have the right to appeal de novo  
1021 to the circuit court of the involved county, which appeal must be  
1022 perfected within thirty (30) days from a final decision of the  
1023 commission, the clerk of the board of supervisors or the board of  
1024 supervisors, as the case may be.

1025 Any contestor who successfully contests any certification  
1026 will be awarded all expenses incident to his or her contest,  
1027 together with reasonable attorney's fees, which will be awarded  
1028 upon petition to the chancery court of the involved county upon  
1029 final disposition of the contest before the election commission,  
1030 board of supervisors, clerk of the board of supervisors, or, in  
1031 case of an appeal, final disposition by the court. The  
1032 commissioner against whom the contest is decided shall be liable  
1033 for the payment of the expenses and attorney's fees, and the  
1034 county shall be jointly and severally liable for same.

1035 (11) Any election commissioner who has not received a  
1036 certificate issued by the Secretary of State pursuant to Section  
1037 23-15-211 indicating that the election commissioner has received



1038 the required elections seminar instruction and that the election  
1039 commissioner is fully qualified to conduct an election, shall not  
1040 receive any compensation authorized by this section or Section  
1041 23-15-239.

1042         **SECTION 30.** Section 23-15-173, Mississippi Code of 1972, is  
1043 amended as follows:

1044         23-15-173. (1) A general municipal election shall be held  
1045 in each city, town or village on the first Tuesday after the first  
1046 Monday of June 1985, and every four (4) years thereafter, for the  
1047 election of all municipal officers elected by the people.

1048         \* \* \*

1049         ( \* \* \*2) The provisions of Sections 23-15-171 and  
1050 23-15-173, which fix the times to hold primary and general  
1051 elections, shall not apply to any municipality operating under a  
1052 special or private charter where the governing board or authority  
1053 thereof, on or before June 25, 1952, shall have adopted and spread  
1054 upon its minutes a resolution or ordinance declining to accept the  
1055 provisions, in which event the primary and general elections shall  
1056 be held at the time fixed by the charter of the municipality.

1057         **SECTION 31.** Section 23-15-197, Mississippi Code of 1972, is  
1058 amended as follows:

1059         23-15-197. (1) Times for holding \* \* \* general elections  
1060 for congressional offices shall be as prescribed in Sections \* \* \*  
1061 23-15-1033 and 23-15-1041.



1062 (2) Times for holding elections for the office of judge of  
1063 the Supreme Court shall be as prescribed in Section 23-15-991 and  
1064 Sections 23-15-974 through 23-15-985, and times for holding  
1065 elections for the office of judge of the Court of Appeals shall be  
1066 as prescribed in Section 9-4-5.

1067 (3) Times for holding elections for the office of circuit  
1068 court judge and the office of chancery court judge shall be as  
1069 prescribed in Sections 23-15-974 through 23-15-985, and Section  
1070 23-15-1015.

1071 (4) Times for holding elections for the office of county  
1072 election commissioners shall be as prescribed in Section  
1073 23-15-213.

1074 (5) Times for holding elections for the office of levee  
1075 commissioner shall be as prescribed in Chapter 12, Laws of 1928;  
1076 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,  
1077 Laws of 1983; and Chapter 438, Laws of 2010.

1078 **SECTION 32.** Section 23-15-213, Mississippi Code of 1972, is  
1079 amended as follows:

1080 **[Until December 31, 2022, this section shall read as**  
1081 **follows:]**

1082 23-15-213. (1) At the general election in 2020, there shall  
1083 be elected five (5) election commissioners for each county whose  
1084 terms of office shall commence on the first Monday of January  
1085 following their election. Each of the commissioners shall be  
1086 required to attend a training seminar provided by the Secretary of



1087 State and satisfactorily complete a skills assessment, and before  
1088 acting, shall take and subscribe the oath of office prescribed by  
1089 the Constitution. The oath shall be filed in the office of the  
1090 clerk of the chancery court. Upon filing the oath of office, the  
1091 election commissioner may be provided access to the Statewide  
1092 Elections Management System for the purpose of performing his or  
1093 her duties. While engaged in their duties, the commissioners  
1094 shall be conservators of the peace in the county, with all the  
1095 duties and powers of such.

1096 (2) The qualified electors of each supervisors district  
1097 shall elect, at the general election in 2020, in their district  
1098 one (1) election commissioner. The election commissioners from  
1099 board of supervisors' Districts One, Three and Five shall serve  
1100 for a term of four (4) years. The election commissioners from  
1101 board of supervisors' Districts Two and Four shall serve for a  
1102 term of three (3) years. No more than one (1) commissioner shall  
1103 be a resident of and reside in each supervisors district of the  
1104 county; it being the purpose of this section that the county board  
1105 of election commissioners shall consist of one (1) person from  
1106 each supervisors district of the county and that each commissioner  
1107 be elected from the supervisors district in which he or she  
1108 resides.

1109 (3) Candidates for county election commissioner shall  
1110 qualify by filing with the clerk of the board of supervisors of  
1111 their respective counties a petition personally signed by not less



1112 than fifty (50) qualified electors of the supervisors district in  
1113 which they reside, requesting that they be a candidate, by 5:00  
1114 p.m. not later than the first Monday in June of the year in which  
1115 the election occurs and unless the petition is filed within the  
1116 required time, their names shall not be placed upon the ballot.  
1117 All candidates shall declare in writing their party affiliation,  
1118 if any, to the board of supervisors, and such party affiliation  
1119 shall be shown on the official ballot.

1120 (4) The petition shall have attached thereto a certificate  
1121 of the county registrar showing the number of qualified electors  
1122 on each petition, which shall be furnished by the registrar on  
1123 request. The board shall determine the sufficiency of the  
1124 petition, and if the petition contains the required number of  
1125 signatures and is filed within the time required, the president of  
1126 the board shall verify that the candidate is a resident of the  
1127 supervisors district in which he or she seeks election and that  
1128 the candidate is otherwise qualified as provided by law, and shall  
1129 certify that the candidate is qualified to the chair or secretary  
1130 of the county election commission and the names of the candidates  
1131 shall be placed upon the ballot for the ensuing election. No  
1132 county election commissioner shall serve or be considered as  
1133 elected until he or she has received a majority of the votes cast  
1134 for the position or post for which he or she is a candidate. If a  
1135 majority vote is not received in the \* \* \* preferential election,  
1136 then the \* \* \* procedures described in Section 5 and 6 of this act



1137 shall be followed to determine the candidates whose names will be  
1138 placed on the general election ballot, which is in accordance with  
1139 appropriate procedures followed in other elections \* \* \* when no  
1140 candidate receives a majority of the votes.

1141 (5) Upon taking office, the county election commissioners  
1142 shall organize by electing a chair and a secretary.

1143 (6) It shall be the duty of the chair to have the official  
1144 ballot printed and distributed at each general or special  
1145 election.

1146 **[From and after January 1, 2023, this section shall read as**  
1147 **follows:]**

1148 23-15-213. (1) There shall be elected five (5) election  
1149 commissioners for each county whose terms of office shall commence  
1150 on the first Monday of January following their election and who  
1151 shall serve for a term of four (4) years. Each of the  
1152 commissioners shall be required to attend a training seminar  
1153 provided by the Secretary of State and satisfactorily complete a  
1154 skills assessment, and before acting, shall take and subscribe the  
1155 oath of office prescribed by the Constitution. The oath shall be  
1156 filed in the office of the clerk of the chancery court. Upon  
1157 filing the oath of office, the election commissioner may be  
1158 provided access to the Statewide Elections Management System for  
1159 the purpose of performing his or her duties. While engaged in  
1160 their duties, the commissioners shall be conservators of the peace  
1161 in the county, with all the duties and powers of such.



1162           (2)   (a)   At the general election in 2024 and every four (4)  
1163 years thereafter, the qualified electors of the board of  
1164 supervisors' Districts One, Three and Five shall elect in their  
1165 district one (1) election commissioner.

1166           (b)   At the general election in 2023 and every four (4)  
1167 years thereafter, the qualified electors of the board of  
1168 supervisors' Districts Two and Four shall elect in their district  
1169 one (1) election commissioner.

1170           (c)   No more than one (1) commissioner shall be a  
1171 resident of and reside in each supervisors district of the county;  
1172 it being the purpose of this section that the county board of  
1173 election commissioners shall consist of one (1) person from each  
1174 supervisors district of the county and that each commissioner be  
1175 elected from the supervisors district in which he or she resides.

1176           (3)   Candidates for county election commissioner shall  
1177 qualify by filing with the clerk of the board of supervisors of  
1178 their respective counties a petition personally signed by not less  
1179 than fifty (50) qualified electors of the supervisors district in  
1180 which they reside, requesting that they be a candidate, by 5:00  
1181 p.m. not later than February 1 of the year in which the election  
1182 occurs and unless the petition is filed within the required time,  
1183 their names shall not be placed upon the ballot. All candidates  
1184 shall declare in writing their party affiliation, if any, to the  
1185 board of supervisors, and such party affiliation shall be shown on  
1186 the official ballot.



1187 (4) The petition shall have attached thereto a certificate  
1188 of the county registrar showing the number of qualified electors  
1189 on each petition, which shall be furnished by the registrar on  
1190 request. The board shall determine the sufficiency of the  
1191 petition, and if the petition contains the required number of  
1192 signatures and is filed within the time required, the president of  
1193 the board shall verify that the candidate is a resident of the  
1194 supervisors district in which he or she seeks election and that  
1195 the candidate is otherwise qualified as provided by law, and shall  
1196 certify that the candidate is qualified to the chair or secretary  
1197 of the county election commission and the names of the candidates  
1198 shall be placed upon the ballot for the ensuing election. No  
1199 county election commissioner shall serve or be considered as  
1200 elected until he or she has received a majority of the votes cast  
1201 for the position or post for which he or she is a candidate. If a  
1202 majority vote is not received in the \* \* \* preferential election,  
1203 then the \* \* \* procedures described in Section 5 and 6 of this act  
1204 shall be followed to determine the candidates whose names will be  
1205 placed on the general election ballot, which is in accordance with  
1206 appropriate procedures followed in other elections \* \* \* when no  
1207 candidate receives a majority of the votes.

1208 (5) In the first meeting in January of each year, the county  
1209 election commissioners shall organize by electing a chair and a  
1210 secretary, who shall serve a one \* \* \* -year term. The county  
1211 election commissioners shall provide the names of the chair and





1212 secretary to the Secretary of State and provide notice of any  
1213 change in officers which may occur during the year.

1214 (6) It shall be the duty of the chair to have the official  
1215 ballot printed and distributed at each general or special  
1216 election.

1217 **SECTION 33.** Section 23-15-239, Mississippi Code of 1972, is  
1218 amended as follows:

1219 **[Until January 1, 2020, this section shall read as follows:]**

1220 23-15-239. (1) The executive committee of each county, in  
1221 the case of a \* \* \* preferential election, or the election  
1222 commissioners of each county, in the case of all other elections,  
1223 in conjunction with the circuit clerk, shall, in the years in  
1224 which counties conduct an election, sponsor and conduct, not less  
1225 than five (5) days before each election, not less than four (4)  
1226 hours and not more than eight (8) hours of poll manager training  
1227 to instruct poll managers as to their duties in the proper  
1228 administration of the election and the operation of the polling  
1229 place. Any poll manager who completes the online training course  
1230 provided by the Secretary of State shall only be required to  
1231 complete two (2) hours of in-person poll manager training. No  
1232 poll manager shall serve in any election unless he or she has  
1233 received these instructions once during the twelve (12) months  
1234 immediately preceding the date upon which the election is held;  
1235 however, nothing in this section shall prevent the appointment of  
1236 an alternate poll manager to fill a vacancy in case of an



1237 emergency. The county executive committee or the election  
1238 commissioners, as appropriate, shall train a sufficient number of  
1239 alternates to serve in the event a poll manager is unable to serve  
1240 for any reason.

1241 (2) (a) If it is eligible under Section 23-15-266, the  
1242 county executive committee may enter into a written agreement with  
1243 the circuit clerk or the county election commission authorizing  
1244 the circuit clerk or the county election commission to perform any  
1245 of the duties required of the county executive committee pursuant  
1246 to this section. Any agreement entered into pursuant to this  
1247 subsection shall be signed by the chair of the county executive  
1248 committee and the circuit clerk or the chair of the county  
1249 election commission, as appropriate. The county executive  
1250 committee shall notify the state executive committee and the  
1251 Secretary of State of the existence of the agreement.

1252 (b) If it is eligible under Section 23-15-266, the  
1253 municipal executive committee may enter into a written agreement  
1254 with the municipal clerk or the municipal election commission  
1255 authorizing the municipal clerk or the municipal election  
1256 commission to perform any of the duties required of the municipal  
1257 executive committee pursuant to this section. Any agreement  
1258 entered into pursuant to this subsection shall be signed by the  
1259 chair of the municipal executive committee and the municipal clerk  
1260 or the chair of the municipal election commission, as appropriate.  
1261 The municipal executive committee shall notify the state executive



1262 committee and the Secretary of State of the existence of the  
1263 agreement.

1264 (3) The board of supervisors and the municipal governing  
1265 authority, in their discretion, may compensate poll managers who  
1266 attend these training sessions. The compensation shall be at a  
1267 rate of not less than the federal hourly minimum wage nor more  
1268 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be  
1269 compensated for more than sixteen (16) hours of attendance at the  
1270 training sessions regardless of the actual amount of time that  
1271 they attended the training sessions.

1272 (4) The time and location of the training sessions required  
1273 pursuant to this section shall be announced to the general public  
1274 by posting a notice thereof at the courthouse and by delivering a  
1275 copy of the notice to the office of a newspaper having general  
1276 circulation in the county five (5) days before the date upon which  
1277 the training session is to be conducted. Persons who will serve  
1278 as poll watchers for candidates and political parties, as well as  
1279 members of the general public, shall be allowed to attend the  
1280 sessions.

1281 (5) Subject to the following annual limitations, the  
1282 election commissioners shall be entitled to receive a per diem in  
1283 the amount of One Hundred Dollars (\$100.00), to be paid from the  
1284 county general fund, for every day or period of no less than five  
1285 (5) hours accumulated over two (2) or more days actually employed



1286 in the performance of their duties for the necessary time spent in  
1287 conducting training sessions as required by this section:

1288 (a) In counties having less than fifteen thousand  
1289 (15,000) residents according to the latest federal decennial  
1290 census, not more than five (5) days per year;

1291 (b) In counties having fifteen thousand (15,000)  
1292 residents according to the latest federal decennial census but  
1293 less than thirty thousand (30,000) residents according to the  
1294 latest federal decennial census, not more than eight (8) days per  
1295 year;

1296 (c) In counties having thirty thousand (30,000)  
1297 residents according to the latest federal decennial census but  
1298 less than seventy thousand (70,000) residents according to the  
1299 latest federal decennial census, not more than ten (10) days per  
1300 year;

1301 (d) In counties having seventy thousand (70,000)  
1302 residents according to the latest federal decennial census but  
1303 less than ninety thousand (90,000) residents according to the  
1304 latest federal decennial census, not more than twelve (12) days  
1305 per year;

1306 (e) In counties having ninety thousand (90,000)  
1307 residents according to the latest federal decennial census but  
1308 less than one hundred seventy thousand (170,000) residents  
1309 according to the latest federal decennial census, not more than  
1310 fifteen (15) days per year;



1311 (f) In counties having one hundred seventy thousand  
1312 (170,000) residents according to the latest federal decennial  
1313 census but less than two hundred thousand (200,000) residents  
1314 according to the latest federal decennial census, not more than  
1315 eighteen (18) days per year;

1316 (g) In counties having two hundred thousand (200,000)  
1317 residents according to the latest federal decennial census but  
1318 less than two hundred twenty-five thousand (225,000) residents  
1319 according to the latest federal decennial census, not more than  
1320 nineteen (19) days per year;

1321 (h) In counties having two hundred twenty-five thousand  
1322 (225,000) residents or more according to the latest federal  
1323 decennial census, not more than twenty-two (22) days per year.

1324 (6) Election commissioners shall claim the per diem  
1325 authorized in subsection (5) of this section in the manner  
1326 provided for in Section 23-15-153(6).

1327 (7) (a) To provide poll manager training, the Secretary of  
1328 State has developed a single, comprehensive poll manager training  
1329 program to ensure uniform, secure elections throughout the state.  
1330 The program includes online training on all state and federal  
1331 election laws and procedures and voting machine opening and  
1332 closing procedures.

1333 (b) County election commissioners shall designate one  
1334 (1) poll manager per precinct, who shall individually access and  
1335 complete the online training program, including all skills



1336 assessments, at least five (5) days before an election. The poll  
1337 manager shall be defined as a "certified poll manager," and  
1338 entitled to a "Certificate of Completion" and compensation for the  
1339 successful completion of the training and skills assessment in the  
1340 amount of Twenty-five Dollars (\$25.00) payable from the Secretary  
1341 of State. Compensation paid to any poll manager under this  
1342 paragraph (b) shall not exceed Twenty-five Dollars (\$25.00) per  
1343 calendar year.

1344 (c) Every election held after January 1, 2018, shall  
1345 have at least one (1) certified poll manager appointed by the  
1346 county election officials to work in each polling place in the  
1347 county during each general election.

1348 **[From and after January 1, 2020, this section shall read as**  
1349 **follows:]**

1350 23-15-239. (1) The executive committee of each county, in  
1351 the case of a \* \* \* preferential election, or the election  
1352 commissioners of each county, in the case of all other elections,  
1353 in conjunction with the circuit clerk, shall, in the years in  
1354 which counties conduct an election, sponsor and conduct, not less  
1355 than five (5) days before each election, not less than four (4)  
1356 hours and not more than eight (8) hours of poll manager training  
1357 to instruct poll managers as to their duties in the proper  
1358 administration of the election and the operation of the polling  
1359 place. Any poll manager who completes the online training course  
1360 provided by the Secretary of State shall only be required to



1361 complete two (2) hours of in-person poll manager training. No  
1362 poll manager shall serve in any election unless he or she has  
1363 received these instructions once during the twelve (12) months  
1364 immediately preceding the date upon which the election is held;  
1365 however, nothing in this section shall prevent the appointment of  
1366 an alternate poll manager to fill a vacancy in case of an  
1367 emergency. The county executive committee or the election  
1368 commissioners, as appropriate, shall train a sufficient number of  
1369 alternates to serve in the event a poll manager is unable to serve  
1370 for any reason.

1371 (2) (a) If it is eligible under Section 23-15-266, the  
1372 county executive committee may enter into a written agreement with  
1373 the circuit clerk or the county election commission authorizing  
1374 the circuit clerk or the county election commission to perform any  
1375 of the duties required of the county executive committee pursuant  
1376 to this section. Any agreement entered into pursuant to this  
1377 subsection shall be signed by the chair of the county executive  
1378 committee and the circuit clerk or the chair of the county  
1379 election commission, as appropriate. The county executive  
1380 committee shall notify the state executive committee and the  
1381 Secretary of State of the existence of the agreement.

1382 (b) If it is eligible under Section 23-15-266, the  
1383 municipal executive committee may enter into a written agreement  
1384 with the municipal clerk or the municipal election commission  
1385 authorizing the municipal clerk or the municipal election



1386 commission to perform any of the duties required of the municipal  
1387 executive committee pursuant to this section. Any agreement  
1388 entered into pursuant to this subsection shall be signed by the  
1389 chair of the municipal executive committee and the municipal clerk  
1390 or the chair of the municipal election commission, as appropriate.  
1391 The municipal executive committee shall notify the state executive  
1392 committee and the Secretary of State of the existence of the  
1393 agreement.

1394 (3) The board of supervisors and the municipal governing  
1395 authority, in their discretion, may compensate poll managers who  
1396 attend these training sessions. The compensation shall be at a  
1397 rate of not less than the federal hourly minimum wage nor more  
1398 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be  
1399 compensated for more than sixteen (16) hours of attendance at the  
1400 training sessions regardless of the actual amount of time that  
1401 they attended the training sessions.

1402 (4) The time and location of the training sessions required  
1403 pursuant to this section shall be announced to the general public  
1404 by posting a notice thereof at the courthouse and by delivering a  
1405 copy of the notice to the office of a newspaper having general  
1406 circulation in the county five (5) days before the date upon which  
1407 the training session is to be conducted. Persons who will serve  
1408 as poll watchers for candidates and political parties, as well as  
1409 members of the general public, shall be allowed to attend the  
1410 sessions.





1411 (5) Subject to the following annual limitations, the  
1412 election commissioners shall be entitled to receive a per diem in  
1413 the amount of One Hundred Dollars (\$100.00), to be paid from the  
1414 county general fund, for every day or period of no less than five  
1415 (5) hours accumulated over two (2) or more days actually employed  
1416 in the performance of their duties for the necessary time spent in  
1417 conducting training sessions as required by this section:

1418 (a) In counties having less than fifteen thousand  
1419 (15,000) residents according to the latest federal decennial  
1420 census, not more than five (5) days per year;

1421 (b) In counties having fifteen thousand (15,000)  
1422 residents according to the latest federal decennial census but  
1423 less than thirty thousand (30,000) residents according to the  
1424 latest federal decennial census, not more than eight (8) days per  
1425 year;

1426 (c) In counties having thirty thousand (30,000)  
1427 residents according to the latest federal decennial census but  
1428 less than seventy thousand (70,000) residents according to the  
1429 latest federal decennial census, not more than ten (10) days per  
1430 year;

1431 (d) In counties having seventy thousand (70,000)  
1432 residents according to the latest federal decennial census but  
1433 less than ninety thousand (90,000) residents according to the  
1434 latest federal decennial census, not more than twelve (12) days  
1435 per year;



1436 (e) In counties having ninety thousand (90,000)  
1437 residents according to the latest federal decennial census but  
1438 less than one hundred seventy thousand (170,000) residents  
1439 according to the latest federal decennial census, not more than  
1440 fifteen (15) days per year;

1441 (f) In counties having one hundred seventy thousand  
1442 (170,000) residents according to the latest federal decennial  
1443 census but less than two hundred thousand (200,000) residents  
1444 according to the latest federal decennial census, not more than  
1445 eighteen (18) days per year;

1446 (g) In counties having two hundred thousand (200,000)  
1447 residents according to the latest federal decennial census but  
1448 less than two hundred twenty-five thousand (225,000) residents  
1449 according to the latest federal decennial census, not more than  
1450 nineteen (19) days per year;

1451 (h) In counties having two hundred twenty-five thousand  
1452 (225,000) residents or more according to the latest federal  
1453 decennial census, not more than twenty-two (22) days per year.

1454 (6) Election commissioners shall claim the per diem  
1455 authorized in subsection (5) of this section in the manner  
1456 provided for in Section 23-15-153(6).

1457 (7) (a) To provide poll manager training, the Secretary of  
1458 State has developed a single, comprehensive poll manager training  
1459 program to ensure uniform, secure elections throughout the state.  
1460 The program includes online training on all state and federal



1461 election laws and procedures and voting machine opening and  
1462 closing procedures.

1463 (b) County poll managers who individually access and  
1464 complete the online training program, including all skills  
1465 assessments, at least five (5) days before an election shall be  
1466 defined as "certified poll managers," and entitled to a  
1467 "Certificate of Completion."

1468 (c) At least one (1) certified poll manager shall be  
1469 appointed by the county election officials to work in each polling  
1470 place in the county during each general election.

1471 **SECTION 34.** Section 23-15-240, Mississippi Code of 1972, is  
1472 amended as follows:

1473 23-15-240. (1) The officials in charge of the election in a  
1474 county or municipality may, in their discretion, appoint not more  
1475 than two (2) students for each precinct to serve as student  
1476 interns during elections. To be appointed a student intern a  
1477 student must:

1478 (a) Be recommended by a principal or other school  
1479 official, or the person responsible for the student's legitimate  
1480 home instruction program;

1481 (b) Be at least sixteen (16) years of age at the time  
1482 of the election for which the appointment is made;

1483 (c) Be a resident of the county or municipality for  
1484 which the appointment is made;



1485 (d) Be enrolled in a public high school, an accredited  
1486 private high school or a legitimate home instruction program and  
1487 be classified as a junior or senior or its equivalent, or be  
1488 enrolled in a junior college or a college or university; and

1489 (e) Meet any additional qualifications considered  
1490 necessary by the officials in charge of the election in the county  
1491 or municipality.

1492 (2) (a) The duties of the student interns appointed  
1493 pursuant to this section shall be determined by the officials in  
1494 charge of the election in the county or municipality; however, the  
1495 duties shall not include:

1496 (i) Determining the qualifications of a voter in  
1497 case a voter is challenged;

1498 (ii) The discharge of any duties related to  
1499 affidavit ballots;

1500 (iii) The operation and maintenance of any voting  
1501 equipment;

1502 (iv) Any duties normally assigned to a bailiff; or

1503 (v) The tallying of votes.

1504 (b) Student interns shall at all times be under the  
1505 supervision of the poll managers of the election while performing  
1506 their duties at precincts.

1507 (3) Before performing any duties, student interns shall  
1508 attend all required training for poll managers of the county or  
1509 municipality and any additional training considered necessary by



1510 the officials in charge of the election in the county or  
1511 municipality.

1512 (4) As used in this section "officials in charge of the  
1513 election" means the county or municipal executive committee, as  
1514 appropriate, in \* \* \* preferential elections and the county or  
1515 municipal election commission, as appropriate, in all other  
1516 elections.

1517 **SECTION 35.** Section 23-15-266, Mississippi Code of 1972, is  
1518 amended as follows:

1519 23-15-266. A county or municipal executive committee shall  
1520 be eligible to enter into written agreements with a circuit or  
1521 municipal clerk or a county or municipal election commission as  
1522 provided for in Section 23-15-239(2) \* \* \* only if the political  
1523 party with which such county or municipal executive committee is  
1524 affiliated:

1525 (a) Has cast for its candidate for Governor in the last  
1526 two (2) gubernatorial elections ten percent (10%) of the total  
1527 vote cast for Governor; or

1528 (b) Has cast for its candidate for Governor in three  
1529 (3) of the last five (5) gubernatorial elections twenty-five  
1530 percent (25%) of the total vote cast for Governor.

1531 **SECTION 36.** Section 23-15-271, Mississippi Code of 1972, is  
1532 amended as follows:

1533 23-15-271. (1) The state executive committee of any  
1534 political party authorized to conduct \* \* \* preferential elections



1535 shall form an election integrity assurance committee for each  
1536 congressional district. The state executive committee shall  
1537 appoint three (3) of its members to each congressional district  
1538 election integrity assurance committee. The members so appointed  
1539 shall be residents of the congressional district for which the  
1540 election integrity assurance committee is formed. The state  
1541 executive committee shall name a chair and a secretary from among  
1542 the members of each committee. The state executive committee  
1543 shall provide to each circuit and municipal clerk a list of the  
1544 members of the congressional district integrity assurance  
1545 committee for the congressional district in which the county or  
1546 municipality of the clerk is located.

1547 (2) If within sixty (60) days of an election, a county  
1548 executive committee or a municipal executive committee fails to  
1549 attend training or perform in a timely manner any of the duties  
1550 specified in \* \* \* Section 23-15-239, \* \* \* and there is no  
1551 written agreement in place between the county or municipal  
1552 executive committee and the county or municipal election  
1553 commission or the circuit or municipal clerk pursuant to  
1554 such \* \* \* section, or there is such an agreement in place and it  
1555 is not being executed, the circuit or municipal clerk shall notify  
1556 the chair and secretary of the congressional district election  
1557 integrity assurance committee or the chair of the state executive  
1558 committee of such failure and call upon them to take immediate and  
1559 appropriate action to ensure that such duties are performed in



1560 order to secure the orderly conduct of the \* \* \* preferential  
1561 election. Upon receiving the notice, the election integrity  
1562 assurance committee shall be responsible for conducting any  
1563 required training and shall be authorized to contract on behalf of  
1564 the county or municipal executive committee with the county or  
1565 municipal election commission or the circuit or municipal clerk  
1566 for the conduct of the \* \* \* preferential election.

1567 (3) Nothing in this section shall be construed to authorize  
1568 the state executive committee or a congressional district election  
1569 assurance committee to conduct \* \* \* preferential elections.

1570 **SECTION 37.** Section 23-15-313, Mississippi Code of 1972, is  
1571 amended as follows:

1572 23-15-313. (1) If there be any political party, or parties,  
1573 in any municipality which shall not have a party executive  
1574 committee for \* \* \* the municipality, \* \* \* the political party,  
1575 or parties, shall within thirty (30) days of the date for which a  
1576 candidate for a municipal office is required to qualify in that  
1577 municipality select qualified electors of that municipality and of  
1578 that party's political faith to serve on a temporary municipal  
1579 executive committee until members of a municipal executive  
1580 committee are elected at the next regular election for executive  
1581 committees. The temporary municipal executive committee shall be  
1582 selected in the following manner: The \* \* \* chair of the county  
1583 executive committee of the party desiring to select a temporary  
1584 municipal executive committee shall call, upon petition of five



1585 (5) or more members of that political faith, a mass meeting of the  
1586 qualified electors of their political faith who reside in \* \* \*  
1587 the municipality to meet at some convenient place within \* \* \* the  
1588 municipality, at a time to be designated in the call, and at such  
1589 mass convention the members of that political faith shall select a  
1590 temporary municipal executive committee which shall serve until  
1591 members of a municipal executive committee are elected at the next  
1592 regular election for executive committees. The public shall be  
1593 given notice of such mass meeting as provided in Section  
1594 23-15-315. The \* \* \* chair of the county executive committee  
1595 shall authorize the call within five (5) calendar days of receipt  
1596 of the petition. If the \* \* \* chair of the county executive  
1597 committee is either incapacitated, unavailable or nonresponsive  
1598 and does not authorize the mass call within five (5) calendar days  
1599 of receipt of the petition, any elected officer of the county  
1600 executive committee may authorize the call within five (5)  
1601 calendar days. If no elected officer of the county executive  
1602 committee acts to approve such petition after an additional five  
1603 (5) calendar days from the date, the chair of the county executive  
1604 committee not taking action as provided by this section, the  
1605 petitioners shall be authorized to produce the call themselves.

1606 (2) If no municipal executive committee is selected or  
1607 otherwise formed before an election, the county executive  
1608 committee may serve as the temporary municipal executive committee  
1609 and exercise all of the duties of the municipal executive





1610 committee for the municipal election. After a county executive  
1611 committee has fulfilled its duties as the temporary municipal  
1612 executive committee, as soon as practicable thereafter, the county  
1613 executive committee shall select a municipal executive committee  
1614 no later than before the next municipal election.

1615 (3) A person who has been convicted of a felony in a court  
1616 of this state or any other state or a court of the United States,  
1617 shall be barred from serving as a member of a municipal executive  
1618 committee.

1619 **SECTION 38.** Section 23-15-367, Mississippi Code of 1972, is  
1620 amended as follows:

1621 23-15-367. (1) Except as otherwise provided by \* \* \*  
1622 subsection (2) of this section, the size, print and quality of  
1623 paper of the official ballot is left to the discretion of the  
1624 officer charged with printing the official ballot.

1625 (2) The titles for the various offices shall be listed in  
1626 the following order:

1627 (a) Candidates, electors or delegates for the following  
1628 national offices:

1629 (i) President;

1630 (ii) United States Senator or United States  
1631 Representative;

1632 (b) Candidates for the following statewide office:  
1633 Governor, Lieutenant Governor, Secretary of State, Attorney



1634 General, State Treasurer, Auditor of Public Accounts, Commissioner  
1635 of Agriculture and Commerce, Commissioner of Insurance;

1636 (c) Candidates for the following state district  
1637 offices: Mississippi Transportation Commissioner, Public Service  
1638 Commissioner, District Attorney;

1639 (d) Candidates for the following legislative offices:  
1640 Senate and House of Representatives;

1641 (e) Candidates for countywide office;

1642 (f) Candidates for county district office.

1643 The order in which the titles for the various offices are  
1644 listed within paragraphs (e) and (f) is left to the discretion of  
1645 the county election commissioners. Nominees of the political  
1646 parties, qualified to conduct primary elections as defined in  
1647 Section 23-15-291, shall be listed first alphabetically by the  
1648 candidate's last name, followed by any other candidates listed  
1649 alphabetically by last name.

1650 (3) It is the duty of the Secretary of State, with the  
1651 approval of the Governor, to furnish the designated election  
1652 commissioner of each county a sample of the official ballot, not  
1653 less than \* \* \* fifty (50) days before the election, the general  
1654 form of which shall be followed as nearly as practicable.

1655 **SECTION 39.** Section 23-15-375, Mississippi Code of 1972, is  
1656 amended as follows:

1657 23-15-375. Local issue elections may be held on the same  
1658 date as any regular or general election. A local issue election



1659 held on the same date as the regular or general election shall be  
1660 conducted in the same manner as the regular or general election  
1661 using the same poll workers and the same equipment. A local issue  
1662 may be placed on the regular or general election ballot pursuant  
1663 to the provisions of Section \* \* \* 10 of this act. The provisions  
1664 of this section and Section \* \* \* 10 of this act with regard to  
1665 local issue elections shall not be construed to affect any  
1666 statutory requirements specifying the notice procedure and the  
1667 necessary percentage of qualified electors voting in such an  
1668 election which is needed for adoption of the local issue. Whether  
1669 or not a local issue is adopted or defeated at a local issue  
1670 election held on the same day as a regular or general election  
1671 shall be determined in accordance with relevant statutory  
1672 requirements regarding the necessary percentage of qualified  
1673 electors who voted in the local issue election, and only those  
1674 persons voting for or against the issue shall be counted in making  
1675 that determination. As used in this section "local issue  
1676 elections" include elections regarding the issuance of bonds,  
1677 local option elections, elections regarding the levy of additional  
1678 ad valorem taxes and other similar elections authorized by law  
1679 that are called to consider issues that affect a single local  
1680 governmental entity. As used in this section "local issue" means  
1681 any issue that may be voted on in a local issue election.

1682         **SECTION 40.** Section 23-15-507, Mississippi Code of 1972, is  
1683 amended as follows:



1684 23-15-507. No OMR equipment shall be acquired or used in  
1685 accordance with this chapter unless it shall:

1686 (a) Permit eligible voters to vote at any election for  
1687 all persons for whom they are lawfully entitled to vote; to vote  
1688 for as many persons for an office as they are lawfully entitled to  
1689 vote; to vote for or against any ballot initiative, measure or  
1690 other local issue upon which they are lawfully entitled to vote;

1691 (b) The OMR equipment shall be capable of rejecting  
1692 choices marked on the ballot if the number of choices exceeds the  
1693 number that the voter is entitled to vote for the office or on the  
1694 measure;

1695 (c) Permit each voter, in presidential elections, by  
1696 one (1) mark to vote for the candidates of that party for  
1697 President, Vice President, and their presidential electors, or to  
1698 vote individually for the electors of their choice when permitted  
1699 by law;

1700 (d) Permit each voter \* \* \* to vote for the \* \* \*  
1701 candidates of one or more parties and for independent candidates;  
1702 \* \* \*

1703 ( \* \* \*e) Permit each voter to vote for persons whose  
1704 names are not on the printed ballot;

1705 ( \* \* \*f) Be suitably designed for the purpose used, of  
1706 durable construction, and may be used safely, efficiently and  
1707 accurately in the conduct of elections and the counting of  
1708 ballots;



1709 ( \* \* \*g) Be provided with means for sealing the  
1710 ballots after the close of the polls;

1711 ( \* \* \*h) When properly operated, record correctly and  
1712 count accurately all votes cast; and

1713 ( \* \* \*i) Provide the voter with a set of instructions  
1714 that will be displayed in such a way that a voter may readily  
1715 learn the method of voting.

1716 **SECTION 41.** Section 23-15-511, Mississippi Code of 1972, is  
1717 amended as follows:

1718 23-15-511. The ballots shall, as far as practicable, be in  
1719 the same order of arrangement as provided for paper ballots that  
1720 are to be counted manually, except that the information may be  
1721 printed in vertical or horizontal rows. Nothing in this chapter  
1722 shall be construed as prohibiting the information being presented  
1723 to the voters from being printed on both sides of a single ballot.  
1724 In those years when a special election shall occur on the same day  
1725 as the general election, the names of candidates in any special  
1726 election and the general election shall be placed on the same  
1727 ballot by the election commissioners or officials in charge of the  
1728 election, but the general election candidates shall be clearly  
1729 distinguished from the special election candidates. At any time a  
1730 special election is held on the same day as a \* \* \* preferential  
1731 election, the names of the candidates in the special election may  
1732 be placed on the same ballot by the officials in charge of the



1733 election, but shall be clearly distinguished as special election  
1734 candidates or \* \* \* preferential election candidates.

1735 Ballots shall be printed in plain clear type in black ink and  
1736 upon clear white materials of such size and arrangement as to be  
1737 compatible with the OMR equipment. Absentee ballots shall be  
1738 prepared and printed in the same form and shall be on the same  
1739 size and texture as the regular official ballots, except that they  
1740 shall be printed on tinted paper; or the ink used to print the  
1741 ballots shall be of a color different from that of the ink used to  
1742 print the regular official ballots. Arrows may be printed on the  
1743 ballot to indicate the place to mark the ballot, which may be to  
1744 the right or left of the names of candidates and propositions.  
1745 The titles of offices may be arranged in vertical columns on the  
1746 ballot and shall be printed above or at the side of the names of  
1747 candidates so as to indicate clearly the candidates for each  
1748 office and the number to be elected. In case there are more  
1749 candidates for an office than can be printed in one (1) column,  
1750 the ballot shall be clearly marked that the list of candidates is  
1751 continued on the following column. The names of candidates for  
1752 each office shall be printed in vertical columns, grouped by the  
1753 offices that they seek. \* \* \* The party designation, if any, of  
1754 each candidate \* \* \* shall be printed following his or her name as  
1755 provided in Section 10 of this act.

1756 One (1) sample ballot, which shall be a facsimile of the  
1757 official ballot and instructions to the voters, shall be provided



1758 for each precinct and shall be posted in each polling place on  
1759 election day.

1760 A separate ballot security envelope or suitable equivalent in  
1761 which the voter can place his or her ballot after voting, shall be  
1762 provided to conceal the choices the voter has made. Absentee  
1763 voters will receive a similar ballot security envelope provided by  
1764 the county in which the absentee voter will insert their voted  
1765 ballot, which then can be inserted into a return envelope to be  
1766 mailed back to the election official. Absentee ballots will not  
1767 be required to be folded when a ballot security envelope is  
1768 provided.

1769 **SECTION 42.** Section 23-15-513, Mississippi Code of 1972, is  
1770 amended as follows:

1771 23-15-513. (1) The official ballots, sample ballots and  
1772 other necessary forms and supplies of the forms and description  
1773 required by this chapter or required for the conduct of elections  
1774 with an electronic voting system shall be prepared and furnished  
1775 by the same official, in the same manner and time, and delivered  
1776 to the same officials as provided by law with respect to paper  
1777 ballots that are to be counted manually.

1778 (2) For each \* \* \* preferential election, the number of  
1779 official ballots that shall be printed by each executive committee  
1780 shall be not less than one hundred twenty-five percent (125%) of  
1781 the highest number of votes cast in a comparable primary election



1782 conducted by the same political party in the preceding ten (10)  
1783 years.

1784 (3) For each general election, the number of official  
1785 ballots that shall be printed shall be a number equal to not less  
1786 than sixty percent (60%) of the registered voters eligible to vote  
1787 in the election.

1788 **SECTION 43.** Section 23-15-523, Mississippi Code of 1972, is  
1789 amended as follows:

1790 23-15-523. (1) All proceedings at the counting center shall  
1791 be under the direction of the election commissioners or officials  
1792 in charge of the election, and shall be conducted under the  
1793 observations of the public, but no persons except those authorized  
1794 for the purpose shall touch any ballot. All persons who are  
1795 engaged in processing and counting of the ballots shall take the  
1796 oath provided in Section 268, Mississippi Constitution of 1890.

1797 (2) The election commissioners or the officials in charge of  
1798 the election shall appoint qualified electors who have received  
1799 the training required by subsection (11) of this section to serve  
1800 as members of the "resolution board." An odd number of not less  
1801 than three (3) members shall be appointed to the resolution board.  
1802 The members of the board shall take the oath provided in Section  
1803 268, Mississippi Constitution of 1890. All ballots that have been  
1804 rejected by the OMR equipment and that are damaged or defective,  
1805 blank or overvoted will be reviewed by the board. Election  
1806 commissioners, candidates who are on the ballot and the spouse,





1807 parents, siblings or children of such a candidate shall not be  
1808 appointed to the resolution board. In general and special  
1809 elections, members of the party executive committees shall not be  
1810 appointed to the resolution board unless members of all of the  
1811 party executive committees \* \* \* are appointed to the resolution  
1812 board.

1813 (3) (a) If any ballot is damaged or defective so that it  
1814 cannot be properly counted by the OMR equipment, the ballot will  
1815 be deposited in an envelope provided for that purpose marked  
1816 "RESOLUTION BOARD." All such ballots shall be carefully handled  
1817 so as to avoid altering, removing or adding any mark on the  
1818 ballot.

1819 (b) The election commissioners or the officials in  
1820 charge of the election shall have the members of the resolution  
1821 board ascertain the intent of the voter, if possible, and, if so,  
1822 manually count any damaged or defective ballots.

1823 (c) The resolution board shall prepare a duplicate to  
1824 the damaged or defective ballot in the following manner:

1825 (i) The resolution board shall prepare a duplicate  
1826 to the original damaged or defective ballot marked identically to  
1827 the original.

1828 (ii) The resolution board shall mark the first  
1829 original they examine as "Original #1" and the duplicate of this  
1830 original as "Duplicate #1." Later originals and duplicates shall  
1831 be likewise marked and numbered consecutively so the duplicate of



1832 each original can be identified. Duplicate ballots shall be  
1833 stamped in a different manner from the original ballots so that  
1834 they may be easily distinguished from the originals.

1835 (iii) The duplicate ballots prepared pursuant to  
1836 this paragraph shall be counted by the OMR equipment.

1837 (4) The resolution board shall examine ballots that have  
1838 been rejected by the OMR equipment for appearing to be "blank" to  
1839 verify if they are blank or were marked with a "nondetectable"  
1840 marking device. If it is determined that the ballot was marked  
1841 with a nondetectable device, the resolution board shall prepare a  
1842 duplicate to the original blank ballot in the same manner and in  
1843 accordance with the same process provided in subsection (3)(c).

1844 (5) All ballots that are rejected by the OMR equipment and  
1845 that contain overvotes shall be inspected by the resolution board.  
1846 Regarding those rejected ballots upon which an overvote appears,  
1847 if the voter intent cannot be determined by the resolution board,  
1848 the officials in charge of the election may use the OMR equipment  
1849 in determining the vote in the races that are unaffected by the  
1850 overvote. All other ballots that are overvoted shall be counted  
1851 manually following the provisions of this section at the direction  
1852 of the officials in charge of the election. The return printed by  
1853 the OMR equipment to which have been added the manually tallied  
1854 ballots, which shall be duly certified by the officials in charge  
1855 of the election, shall constitute the official return of each  
1856 voting precinct. Unofficial and incomplete returns may be



1857 released during the count. Upon the completion of the counting,  
1858 the official returns shall be open to the public.

1859 (6) When the resolution board reviews any OMR ballot in  
1860 which the voter has failed to fill in the arrow, oval, circle or  
1861 square for a candidate or a ballot measure, the resolution board  
1862 shall, if the intent of the voter can be ascertained, count the  
1863 vote if:

1864 (a) The voter marks the ballot with a "cross" (X) or  
1865 "checkmark" (✓) and the lines that form the mark intersect within  
1866 or on the line of the arrow, oval, circle or square by the ballot  
1867 measure or the name of the candidate.

1868 (b) The voter blackens the arrow, oval, circle or  
1869 square adjacent to the ballot measure or the name of the candidate  
1870 in pencil or ink and the blackened portion extends beyond the  
1871 boundaries of the arrow, oval, circle or square.

1872 (c) The voter marks the ballot with a "cross" (X) or  
1873 "checkmark" (✓) and the lines that form the mark intersect  
1874 adjacent to the ballot measure or the name of the candidate.

1875 (d) The voter underlines the ballot measure or the name  
1876 of a candidate.

1877 (e) The voter draws a line from the arrow, oval, circle  
1878 or square to a ballot measure or the name of a candidate.

1879 (f) The voter draws a circle or oval around the ballot  
1880 measure or the name of the candidate.



1881 (g) The voter draws a circle or oval around the arrow,  
1882 oval, circle or square adjacent to the ballot measure or the name  
1883 of the candidate.

1884 (7) The resolution board, when inspecting an OMR ballot that  
1885 contains or appears to contain one or more overvotes, appears to  
1886 be damaged or defective, or is rejected by the OMR equipment for  
1887 any reason or cannot be counted by the OMR equipment, shall make  
1888 its determination in accordance with the following:

1889 (a) When an elector casts more votes for any office or  
1890 measure than he or she is entitled to cast at an election, all the  
1891 elector's votes for that office or measure are invalid and the  
1892 elector is deemed to have voted for none of them. If an elector  
1893 casts less votes for any office or measure than he or she is  
1894 entitled to cast at an election, all votes cast by the elector  
1895 shall be counted but no vote shall be counted more than once.

1896 (b) If an elector casts more than one (1) vote for the  
1897 same candidate for the same office, the first vote is valid and  
1898 the remaining votes for that candidate are invalid.

1899 (c) No write-in vote for a candidate whose name is  
1900 printed on the ballot shall be regarded as invalid due to  
1901 misspelling a candidate's name, or by abbreviation, addition or  
1902 omission or use of a wrong initial in the name, as long as the  
1903 intent of the voter can be ascertained.

1904 (d) In any case where a voter writes in the name of a  
1905 candidate for President of the United States whose name is printed



1906 on the general election ballot, the failure by the voter to write  
1907 in the name of a candidate for the Office of Vice President of the  
1908 United States on the general election ballot does not invalidate  
1909 the elector's vote for the slate of electors for any candidate  
1910 whose name is written in for the Office of President of the United  
1911 States.

1912 (e) For any ballot measure in which the words "for" or  
1913 "against" are printed on a ballot, if the voter shall write the  
1914 word "for" or the word "against" instead of or in addition to  
1915 marking the ballot in accordance with the ballot instruction in  
1916 the space adjacent to the preprinted words "for" or "against," the  
1917 resolution board shall, in reviewing such ballot, count the vote  
1918 in accordance with the voter's handwritten preference, unless the  
1919 voter marks the ballot in the space adjacent to the preprinted  
1920 words "for" or "against" contrary to the handwritten preference,  
1921 in which case no vote shall be recorded for such ballot in regard  
1922 to the ballot measure.

1923 (f) For any ballot measure in which the words "yes" or  
1924 "no" are printed on a ballot, if the voter shall write the word  
1925 "yes" or the word "no" instead of or in addition to marking the  
1926 ballot in accordance with the ballot instructions in the space  
1927 adjacent to the preprinted words "yes" or "no," the resolution  
1928 board shall, in reviewing such ballot, count the vote in  
1929 accordance with the voter's handwritten preference, unless the  
1930 voter marks the ballot in the space adjacent to the preprinted



1931 words "yes" or "no" contrary to the handwritten preference, in  
1932 which case no vote shall be recorded for such ballot in regard to  
1933 the ballot measure.

1934 (8) OMR equipment shall be programmed, calibrated, adjusted  
1935 and set up to reject ballots that appear to be damaged or  
1936 defective. Any switch, lever or feature on OMR equipment that  
1937 enables or permits the OMR equipment to override the rejection of  
1938 damaged or defective ballots so that such ballots will not be  
1939 reviewed by the resolution board, shall not be used.

1940 (9) Ballots shall be manually counted by the resolution  
1941 board only when the ballots are:

1942 (a) Properly before the resolution board due to being  
1943 rejected by the OMR equipment because the ballots appear to be  
1944 damaged or defective or are rejected by the OMR equipment for any  
1945 other reason; or

1946 (b) Properly before the resolution board due to a  
1947 malfunction in the OMR equipment.

1948 (10) The resolution board shall make and keep a record  
1949 regarding the handling and counting of all ballots inspected under  
1950 this section.

1951 (11) The executive committee of each county or municipality,  
1952 in the case of a \* \* \* preferential election, or the election  
1953 commissioners of each county or municipality, in the case of all  
1954 other elections, in conjunction with the circuit or municipal  
1955 clerk respectively, shall sponsor and conduct, a training session



1956 for up to two (2) hours, not less than five (5) days before each  
1957 election, to instruct those qualified electors who are appointed  
1958 to serve as members of the resolution board as to their specific  
1959 duties in the election. No member appointed to serve on the  
1960 resolution board shall serve in any election unless he or she has  
1961 received such instruction once during the twelve (12) months  
1962 immediately preceding the date upon which the election is held.  
1963 Online training courses developed by the Secretary of State,  
1964 though not sponsored or conducted by the executive committee or  
1965 the election commissioners, may be used to meet the requirements  
1966 of this subsection (11).

1967       **SECTION 44.** Section 23-15-531.6, Mississippi Code of 1972,  
1968 is amended as follows:

1969       23-15-531.6. (1) For each \* \* \* preferential or general  
1970 election, the officials in charge of the election shall use at  
1971 least seventy-five percent (75%) of all DRE units available to the  
1972 county or municipality, as the case may be. For all other  
1973 elections in which the officials in charge of the election choose  
1974 to use DRE units, at least one-third (1/3) of all DRE units  
1975 available to the county or municipality, as the case may be, shall  
1976 be used in such elections.

1977       (2) The officials in charge of the election shall ensure the  
1978 delivery of the proper DRE units to the polling places of the  
1979 respective precincts at least one (1) hour before the time for



1980 opening the polls at each election and shall cause each unit to be  
1981 set up in the proper manner for use in voting.

1982 (3) (a) On or before the second day before any election,  
1983 the officials in charge of the conduct of the election shall cause  
1984 each DRE unit to be tested for logic and accuracy to ascertain  
1985 that the units will correctly count the votes cast for all offices  
1986 and on all questions, in a manner the Secretary of State may  
1987 further prescribe by rule or regulation.

1988 (b) Public notice of the time and place of the test  
1989 shall be made at least five (5) days before the date of the test.  
1990 Candidates, representatives of candidates, political parties, news  
1991 media and the public shall be permitted to observe the testing of  
1992 the DRE units.

1993 (4) The officials in charge of the conduct of the election  
1994 shall test all memory cards and encoders to be used in any  
1995 election.

1996 (5) The officials in charge of the election shall require  
1997 that each DRE unit be inspected and sealed before the delivery of  
1998 each DRE unit to the polling place. Before opening the polls each  
1999 day on which the DRE units will be used in an election, the poll  
2000 manager shall break the seal on each unit, turn on each unit,  
2001 certify that each unit is operating properly and is set to zero,  
2002 and print a zero tape certifying that each unit is set to zero and  
2003 shall keep or record such certification on each unit.





2004           (6) The officials in charge of the election, election  
2005 commissioners and poll managers shall provide ample protection  
2006 against molestation of and injury to the DRE units, and, for that  
2007 purpose, the officials in charge of the election, election  
2008 commissioners and poll managers may call upon any law enforcement  
2009 officer to furnish any assistance that may be necessary. It shall  
2010 be the duty of any law enforcement officer to furnish assistance  
2011 when so requested by the officials in charge of the election,  
2012 election commissioner or poll manager.

2013           (7) The officials in charge of the election, in conjunction  
2014 with the governing authorities, shall, at least one (1) hour  
2015 before opening the polls:

2016                   (a) Provide sufficient lighting to enable electors to  
2017 read the ballot and to enable poll managers to examine the booth  
2018 and conduct their responsibilities;

2019                   (b) Provide directions for voting on the DRE units that  
2020 shall be prominently posted within each voting booth and provide  
2021 at least one (1) sample ballot for each \* \* \* preferential or  
2022 general election shall be prominently posted outside the enclosed  
2023 space within the polling place;

2024                   (c) Ensure that each DRE unit and its tabulating  
2025 mechanism is secure throughout the day; and

2026                   (d) Provide such other materials and supplies as may be  
2027 necessary or required by law.



2028           **SECTION 45.** Section 23-15-557, Mississippi Code of 1972, is  
2029 amended as follows:

2030           23-15-557. The governing authorities of any municipality  
2031 within the State of Mississippi are hereby authorized and  
2032 empowered, in their discretion, to divide the municipality into a  
2033 sufficient number of voting precincts of such size and location as  
2034 is necessary, and there shall be the same number of polling  
2035 places. The authority conducting an election shall not be  
2036 required, however, to establish a polling place in each of \* \* \*  
2037 the precincts, but \* \* \* the election authorities, whether in  
2038 a \* \* \* preferential or \* \* \* general election, may locate and  
2039 establish such polling places, without regard to precinct lines,  
2040 in such manner as in the discretion of such authority will better  
2041 accommodate the electorate and better facilitate the holding of  
2042 the election.

2043           **SECTION 46.** Section 23-15-561, Mississippi Code of 1972, is  
2044 amended as follows:

2045           23-15-561. (1) It shall be unlawful during any \* \* \*  
2046 election for any candidate for any elective office or any  
2047 representative of \* \* \* the candidate or any other person to  
2048 publicly or privately put up or in any way offer any prize, cash  
2049 award or other item of value to be raffled, drawn for, played for  
2050 or contested for in order to encourage persons to vote or to  
2051 refrain from voting in any election.



2052 (2) Any person who shall violate the provisions of  
2053 subsection (1) of this section shall, upon conviction thereof, be  
2054 punished by a fine in an amount not to exceed Five Thousand  
2055 Dollars (\$5,000.00).

2056 (3) Any candidate who shall violate the provisions of  
2057 subsection (1) of this section shall, upon conviction thereof, in  
2058 addition to the fine prescribed above, be punished by:

2059 (a) Disqualification as a candidate in the race for the  
2060 elective office; or

2061 (b) Removal from the elective office, if the offender  
2062 has been elected thereto.

2063 **SECTION 47.** Section 23-15-573, Mississippi Code of 1972, is  
2064 amended as follows:

2065 23-15-573. (1) If any person declares that he or she is a  
2066 registered voter in the jurisdiction in which he or she offers to  
2067 vote and that he or she is eligible to vote in the election, but  
2068 his or her name does not appear upon the pollbooks, or that he or  
2069 she is not able to cast a regular election day ballot under a  
2070 provision of state or federal law but is otherwise qualified to  
2071 vote, or that he or she has been illegally denied registration, or  
2072 that he or she is unable to present an acceptable form of photo  
2073 identification:

2074 (a) A poll manager shall notify the person that he or  
2075 she may cast an affidavit ballot at the election.



2076 (b) The person shall be permitted to cast an affidavit  
2077 ballot at the polling place upon execution of a written affidavit  
2078 before one (1) of the poll managers stating that the individual:

2079 (i) Believes he or she is a registered voter in  
2080 the jurisdiction in which he or she desires to vote and is  
2081 eligible to vote in the election; or

2082 (ii) Is not able to cast a regular election day  
2083 ballot under a provision of state or federal law but is otherwise  
2084 qualified to vote; or

2085 (iii) Believes that he or she has been illegally  
2086 denied registration; or

2087 (iv) Is unable to present an acceptable form of  
2088 photo identification.

2089 (c) The poll manager shall allow the individual to mark  
2090 a paper ballot properly endorsed by the initialing poll manager or  
2091 alternate initialing poll manager in accordance with Section  
2092 23-15-541, which shall be delivered by him or her to the proper  
2093 election official who shall enclose it in an affidavit ballot  
2094 envelope, with the written and signed affidavit of the voter  
2095 affixed to the envelope, seal the envelope and mark plainly upon  
2096 it the name of the person offering to vote.

2097 (2) The affidavit ballot envelope shall include:

2098 (a) The complete name of the voter;

2099 (b) A present and previous physical and mailing address  
2100 of the voter;



2101 (c) Telephone numbers where the voter may be contacted;

2102 (d) A statement that the affiant believes he or she is  
2103 registered to vote in the jurisdiction in which he or she offers  
2104 to vote;

2105 (e) The signature of the affiant; and

2106 (f) The signature of the poll manager at the polling  
2107 place at which the affiant offers to vote.

2108 (3) (a) A separate receipt book shall be maintained for  
2109 affidavit voters and the affidavit voters shall sign the receipt  
2110 book upon completing the affidavit ballot.

2111 (b) If the affidavit voter is casting an affidavit  
2112 ballot because the voter is unable to present an acceptable form  
2113 of photo identification and the voter's name appears in the  
2114 pollbook, then the poll manager shall write "NO ID" across from  
2115 the voter's name and in the appropriate column in the pollbook.

2116 (c) In canvassing the returns of the election, the  
2117 \* \* \* election commissioners \* \* \* shall examine the records and  
2118 allow the ballot to be counted, or not counted as it appears  
2119 legal.

2120 (d) An affidavit ballot of a voter who was unable to  
2121 present an acceptable form of photo identification shall not be  
2122 rejected for this reason if the voter does either of the  
2123 following:

2124 (i) Returns to the circuit clerk's office, or to  
2125 the municipal clerk's office for municipal elections, within five



2126 (5) business days after the date of the election and presents an  
2127 acceptable form of photo identification;

2128 (ii) Returns to the circuit clerk's office within  
2129 five (5) business days after the date of the election to obtain  
2130 the Mississippi Voter Identification Card, or in municipal  
2131 election, returns to the municipal clerk's office within five (5)  
2132 business days after the date of the election to present his or her  
2133 Mississippi Voter Identification Card or Temporary Mississippi  
2134 Voter Identification Card; or

2135 (iii) Returns to the circuit clerk's office, or to  
2136 the municipal clerk's office for municipal elections, within five  
2137 (5) business days after the date of the election to execute a  
2138 separate Affidavit of Religious Objection.

2139 (4) When a person is offered the opportunity to vote by  
2140 affidavit ballot, he or she shall be provided with written  
2141 information that informs the person how to ascertain whether his  
2142 or her affidavit ballot was counted and, if the vote was not  
2143 counted, the reasons the vote was not counted.

2144 (5) The officials in charge of the election shall process  
2145 all affidavit ballots by using the Statewide Elections Management  
2146 System. The officials in charge of the election shall account for  
2147 all affidavit ballots cast in each election, categorizing the  
2148 affidavit ballots cast by reason and recording the total number of  
2149 affidavit ballots counted and not counted in each such category in  
2150 the Statewide Elections Management System.



2151 (6) The Secretary of State shall, by rule duly adopted,  
2152 establish a uniform affidavit ballot envelope that shall be used  
2153 in all elections in this state. The Secretary of State shall  
2154 print and distribute a sufficient number of affidavit ballot  
2155 envelopes to the registrar of each county for use in elections.  
2156 The registrar shall distribute the affidavit ballot  
2157 envelopes \* \* \* to municipal and county election commissioners for  
2158 use in \* \* \* elections.

2159 (7) County registrars and municipal registrars shall  
2160 maintain a secure free access system that complies with the Help  
2161 America Vote Act of 2002, by which persons who vote by affidavit  
2162 ballot may determine if their ballots were counted, and if not,  
2163 the reasons the ballot was not counted.

2164 (8) Any person who votes in any election as a result of a  
2165 federal or state court order or other order extending the time  
2166 established by law for closing the polls on an election day, may  
2167 only vote by affidavit ballot. Any affidavit ballot cast under  
2168 this subsection shall be separated and kept apart from other  
2169 affidavit ballots cast by voters not affected by the order.

2170 **SECTION 48.** Section 23-15-593, Mississippi Code of 1972, is  
2171 amended as follows:

2172 23-15-593. When the ballot box is opened and examined by  
2173 the \* \* \* county election commissioners \* \* \* and it is found that  
2174 there have been failures in material particulars to comply with  
2175 the requirements of Section 23-15-591 and Section 23-15-895 to



2176 such an extent that it is impossible to arrive at the will of the  
2177 voters at such precinct, the entire box may be thrown out unless  
2178 it be made to appear with reasonable certainty that the  
2179 irregularities were not deliberately permitted or engaged in by  
2180 the poll managers at that box, or by one (1) of them responsible  
2181 for the wrong or wrongs, for the purpose of electing or defeating  
2182 a certain candidate or candidates by manipulating the election or  
2183 the returns thereof at that box in such manner as to have it  
2184 thrown out; in which latter case \* \* \* the county election  
2185 commission \* \* \* shall conduct such hearing and make such  
2186 determination in respect to the box as may appear lawfully just,  
2187 subject to a judicial review of the matter as elsewhere provided  
2188 by this chapter. \* \* \* The election commission, or the court upon  
2189 review, may order another election to be held at that box  
2190 appointing new poll managers to hold the same.

2191 **SECTION 49.** Section 23-15-595, Mississippi Code of 1972, is  
2192 amended as follows:

2193 23-15-595. The box containing the ballots and other records  
2194 required by this chapter shall, immediately after the ballots have  
2195 been counted, be delivered by one (1) of the poll managers to the  
2196 clerk of the circuit court of the county and the clerk shall, in  
2197 the presence of the poll manager making delivery of the box, place  
2198 upon the lock of such box a tamper-evident seal. The seals shall  
2199 be numbered consecutively to the number of ballot boxes used in  
2200 the election in the county, and the clerk shall keep in a place





2201 separate from such boxes a record of the number of the seal of  
2202 each separate box in the county. The board of supervisors of the  
2203 county shall pay the cost of providing the seals. Upon demand  
2204 of \* \* \* a county election commissioner, the boxes and their  
2205 contents shall be delivered to the county election commission, and  
2206 after the commission has finished the work of tabulating returns  
2207 and counting ballots as required by law, the commission shall  
2208 return all papers and ballots to the box of the precinct where the  
2209 election was held, and it shall make redelivery of the boxes and  
2210 their contents to the circuit clerk who shall reseal the boxes.  
2211 Upon every occasion the boxes shall be reopened and each resealing  
2212 shall be done as provided in this chapter.

2213         **SECTION 50.** Section 23-15-601, Mississippi Code of 1972, is  
2214 amended as follows:

2215         23-15-601. (1) When the result of the election shall have  
2216 been ascertained by the poll managers they, or one (1) of their  
2217 number, or some fit person designated by them, shall, on the night  
2218 of the election, deliver to the election commissioners, at the  
2219 courthouse, a statement of the whole number of votes given for  
2220 each person and for what office; and the election commissioners  
2221 shall, on the first or second day after the preferential election  
2222 and after the general election, canvass the returns, ascertain and  
2223 declare the result, and \* \* \* announce the names of the candidates  
2224 who have received a majority of the votes cast for representative  
2225 in the Legislature of districts composed of one (1) county or



2226 less, or other county office, board of supervisors, justice court  
2227 judge and constable \* \* \*, and shall also announce the names of  
2228 those candidates for the above mentioned offices that are to be  
2229 submitted to the general election.

2230 The vote for state and state district offices shall be  
2231 tabulated by precincts and certified to and returned to the state  
2232 election commissioners, such returns to be mailed by registered  
2233 letter or any safe mode of transportation within thirty-six (36)  
2234 hours after the returns are canvassed and the results ascertained.  
2235 The state election commissioners shall meet a week from the day  
2236 following the preferential election held for state and district  
2237 offices, and shall proceed to canvass the returns and to declare  
2238 the results and announce the names of the candidates for the  
2239 different offices who have received a majority of the votes cast  
2240 and the names of those candidates whose names are to be submitted  
2241 to the general election. The state election commissioners shall  
2242 also meet a week from the day on which the general election is  
2243 held and receive and canvass the returns for state and district  
2244 offices voted on in the general election. An exact and full  
2245 duplicate of all tabulations by precincts, as certified under this  
2246 section, shall be filed with the circuit clerk of the county who  
2247 shall safely preserve the same in his or her office.

2248 (2) The election commissioners shall transmit to the  
2249 Secretary of State, on such forms and by such methods as may be  
2250 required by rules and regulations promulgated by the Secretary of



2251 State, a statement of the total number of votes cast in the county  
2252 for each candidate for each office and the total number of votes  
2253 cast for such candidates in each precinct in the district in which  
2254 the candidate ran.

2255         **SECTION 51.** Section 23-15-605, Mississippi Code of 1972, is  
2256 amended as follows:

2257         23-15-605. The Secretary of State, immediately after  
2258 receiving the returns of \* \* \* a general election, not longer than  
2259 thirty (30) days after the election, shall sum up the whole number  
2260 of votes given for each candidate other than candidates for state  
2261 offices, legislative offices composed of one (1) county or less,  
2262 county offices and county district offices, according to the  
2263 statements of the votes certified to him or her and ascertain the  
2264 person or persons having the largest number of votes for each  
2265 office, and declare such person or persons to be duly elected; and  
2266 thereupon all persons chosen to any office at the election shall  
2267 be commissioned by the Governor; but if it appears that two (2) or  
2268 more candidates for any district office where the district is  
2269 composed of two (2) or more counties, standing highest on the  
2270 list, and not elected, have an equal number of votes, the election  
2271 shall be decided between the candidates having an equal number of  
2272 votes by each candidate individually drawing one (1) of the two  
2273 (2) sealed containers from an opaque bag, under the direction of  
2274 the Governor and Secretary of State. The containers shall consist  
2275 of a straw of conspicuous length, and the candidate drawing the



2276 container with the longer of the two (2) straws shall be declared  
2277 the winner.

2278         **SECTION 52.** Section 23-15-673, Mississippi Code of 1972, is  
2279 amended as follows:

2280         23-15-673. (1) For the purposes of this subarticle, the  
2281 term "absent voter" shall mean and include the following persons  
2282 if they are absent from their county of residence and are  
2283 otherwise qualified to vote in Mississippi:

2284             (a) Any enlisted or commissioned members, male or  
2285 female, of the United States Army, or any of its respective  
2286 components or various divisions thereof; any enlisted or  
2287 commissioned members, male or female, of the United States Navy,  
2288 or any of its respective components or various divisions thereof;  
2289 any enlisted or commissioned members, male or female, of the  
2290 United States Air Force, or any of its respective components or  
2291 various divisions thereof; any enlisted or commissioned members,  
2292 male or female, of the United States Marines, or any of its  
2293 respective components or various divisions thereof; or any persons  
2294 in any division of the armed services of the United States, who  
2295 are citizens of Mississippi;

2296             (b) Any member of the Merchant Marine and the American  
2297 Red Cross who is a citizen of Mississippi;

2298             (c) Any disabled war veteran who is a patient in any  
2299 hospital and who is a citizen of Mississippi;



2300 (d) Any civilian attached to and serving outside of the  
2301 United States with any branch of the Armed Forces or with the  
2302 Merchant Marine or American Red Cross, and who is a citizen of  
2303 Mississippi;

2304 (e) Any trained or certified emergency response  
2305 provider who is deployed during the time period authorized by law  
2306 for absentee voting, on election day, or during any state of  
2307 emergency declared by the President of the United States or any  
2308 Governor of any state within the United States;

2309 (f) Any citizen of Mississippi temporarily residing  
2310 outside the territorial limits of the United States and the  
2311 District of Columbia;

2312 (g) Any citizen of Mississippi enrolled as a student at  
2313 the United States Naval Academy, the United States Coast Guard  
2314 Academy, the United States Merchant Marine Academy, the United  
2315 States Air Force Academy or the United States Military Academy.

2316 (2) The spouse and dependents of any absent voter as set out  
2317 in paragraphs (a) through (g) of subsection (1) of this section  
2318 shall also be included in the meaning of absent voter and may  
2319 register to vote and vote an absentee ballot as provided in this  
2320 subarticle if also absent from the county of their residence on  
2321 the date of the election and otherwise qualified to vote in  
2322 Mississippi.

2323 (3) For the purpose of this subarticle, the term "election"  
2324 shall mean and include the following sets of elections: special



2325 and runoff special elections, preferential and general  
2326 elections \* \* \* or general elections without preferential  
2327 elections, whichever system is applicable.

2328         **SECTION 53.** Section 23-15-687, Mississippi Code of 1972, is  
2329 amended as follows:

2330             23-15-687. (1) The registrar shall keep all applications  
2331 for absentee ballots and shall, within twenty-four (24) hours, if  
2332 possible, send to the absent voter on whose behalf the application  
2333 is made, the proper affidavit and the proper ballot or ballots  
2334 applicable to the elections. \* \* \* The information shall be  
2335 processed through the Statewide Election Management System.

2336             (2) One (1) application for an absentee ballot shall serve  
2337 as a request by the applicant for an absentee ballot for:

2338                 (a) The next federal general election, including  
2339 all \* \* \* preferential elections associated with the election;

2340                 (b) All state and county \* \* \* preferential and general  
2341 elections that occur after the receipt of the application by the  
2342 registrar through the date of the next federal general election  
2343 that occurs after the receipt of the application by the registrar.

2344             (3) The registrar shall preserve all applications for  
2345 absentee ballots for one (1) year as a record to be furnished to  
2346 any court or other duly constituted authority for inspection or  
2347 evidence if properly requested.

2348             (4) If the registrar rejects an application for an absentee  
2349 ballot or denies a request to register to vote from a uniformed



2350 services applicant or an overseas voter, the registrar shall  
2351 provide the person with the reasons for the rejection.

2352 (5) Any runoff election for a federal election shall be  
2353 considered a continuation of such federal election.

2354 (6) An absent voter as defined in Section 23-15-673(1) may  
2355 sign an absentee ballot application by electronic signature. The  
2356 Secretary of State shall adopt rules necessary to implement this  
2357 subsection.

2358 **SECTION 54.** Section 23-15-692, Mississippi Code of 1972, is  
2359 amended as follows:

2360 23-15-692. (1) An absent voter who resides outside the  
2361 United States, who is a member of the United States Armed Forces  
2362 or who is a family member of a member of the Armed Forces, and who  
2363 is a registered voter of the State of Mississippi, may use the  
2364 Federal Write-In-Absentee Ballot as provided for by 42 USCS  
2365 1973ff-2 in preferential, general, special \* \* \* and runoff  
2366 elections for local, state and federal offices.

2367 (2) Upon receipt of a Federal Write-In-Absentee Ballot  
2368 executed by a person who is a registered voter or whose  
2369 information on the form is sufficient to register or update the  
2370 registration of that person, the Federal Write-In-Absentee Ballot  
2371 shall be considered as an absentee ballot request. Nothing in  
2372 this subsection shall suspend the voter registration deadlines  
2373 otherwise provided by law.



2374           **SECTION 55.** Section 23-15-713, Mississippi Code of 1972, is  
2375 amended as follows:

2376           23-15-713. For the purpose of this subarticle, any duly  
2377 qualified elector may vote as provided in this subarticle if the  
2378 elector falls within at least one (1) of the following categories:

2379           (a) Any qualified elector who is a bona fide student,  
2380 teacher or administrator at any college, university, junior  
2381 college, high, junior high, or elementary grade school whose  
2382 studies or employment at such institution necessitates his or her  
2383 absence from the county of his or her voting residence on the date  
2384 of any \* \* \* general or special election, or the spouse and  
2385 dependents of that student, teacher or administrator if such  
2386 spouse or dependent(s) maintain a common domicile, outside of the  
2387 county of his or her voting residence, with such student, teacher  
2388 or administrator.

2389           (b) Any qualified elector who is required to be away  
2390 from his or her place of residence on any election day due to his  
2391 or her employment as an employee of a member of the Mississippi  
2392 congressional delegation and the spouse and dependents of such  
2393 person if he or she \* \* \* resides with such absentee voter away  
2394 from the county of the spouse's voting residence.

2395           (c) Any qualified elector who is away from his or her  
2396 county of residence on election day for any reason.

2397           (d) Any person who has a temporary or permanent  
2398 physical disability and who, because of such disability, is unable





2399 to vote in person without substantial hardship to himself, herself  
2400 or others, or whose attendance at the voting place could  
2401 reasonably cause danger to himself, herself or others. For  
2402 purposes of this paragraph (d), "temporary physical disability"  
2403 shall include any qualified elector who is under a  
2404 physician-imposed quarantine due to COVID-19 during the year 2020  
2405 or is caring for a dependent who is under a physician-imposed  
2406 quarantine due to COVID-19 beginning with July 8, 2020, and the  
2407 same being repealed on December 31, 2020.

2408 (e) The parent, spouse or dependent of a person with a  
2409 temporary or permanent physical disability who is hospitalized  
2410 outside of his or her county of residence or more than fifty (50)  
2411 miles distant from his or her residence, if the parent, spouse or  
2412 dependent will be with such person on election day. For purposes  
2413 of this paragraph (e), "temporary physical disability" shall  
2414 include any qualified elector who is under a physician-imposed  
2415 quarantine due to COVID-19 during the year 2020 or is caring for a  
2416 dependent who is under a physician-imposed quarantine due to  
2417 COVID-19 beginning with July 8, 2020, and the same being repealed  
2418 on December 31, 2020.

2419 (f) Any person who is sixty-five (65) years of age or  
2420 older.

2421 (g) Any member of the Mississippi congressional  
2422 delegation absent from Mississippi on election day, and the spouse  
2423 and dependents of such member of the congressional delegation.



2424 (h) Any qualified elector who will be unable to vote in  
2425 person because he or she is required to be at work on election day  
2426 during the times at which the polls will be open.

2427 **SECTION 56.** Section 23-15-755, Mississippi Code of 1972, is  
2428 amended as follows:

2429 23-15-755. All of the provisions of Sections 23-15-621  
2430 through 23-15-735 shall be applicable, insofar as possible, to  
2431 municipal, \* \* \* preferential, general and special elections, and  
2432 wherever herein any duty is imposed or any power or authority is  
2433 conferred upon the county registrar \* \* \* or county election  
2434 commissioners, \* \* \* with reference to a state and county  
2435 election, such duty shall likewise be imposed and such power and  
2436 authority shall likewise be conferred upon the municipal  
2437 registrar \* \* \* or municipal election commission \* \* \* with  
2438 reference to any municipal election. \* \* \*

2439 **SECTION 57.** Section 23-15-771, Mississippi Code of 1972, is  
2440 amended as follows:

2441 23-15-771. At the state convention, a slate of electors  
2442 composed of the number of electors allotted to this state,  
2443 which \* \* \* electors announce a clearly expressed design and  
2444 purpose to support the candidates for President and Vice President  
2445 of the national political party with which the \* \* \* party of this  
2446 state has had an affiliation and identity of purpose heretofore,  
2447 shall be designated and selected for a place upon the \* \* \*  
2448 election ballot to be held as herein provided.



2449           **SECTION 58.** Section 23-15-801, Mississippi Code of 1972, is  
2450 amended as follows:

2451           23-15-801. (a) "Election" means a general, special, \* \* \*  
2452 preferential or runoff election.

2453           (b) "Candidate" means an individual who seeks \* \* \*  
2454 election \* \* \* to any elective office other than a federal  
2455 elective office. For purposes of this article, an individual  
2456 shall be deemed to seek \* \* \* election:

2457           (i) If the individual has received contributions  
2458 aggregating in excess of Two Hundred Dollars (\$200.00) or has made  
2459 expenditures aggregating in excess of Two Hundred Dollars  
2460 (\$200.00) or for a candidate for the Legislature or any statewide  
2461 or state district office, by the qualifying deadlines specified in  
2462 Sections \* \* \* 8 and 9 of this act and 23-15-977, whichever occurs  
2463 first; or

2464           (ii) If the individual has given his or her consent to  
2465 another person to receive contributions or make expenditures on  
2466 behalf of the individual and if the other person has received  
2467 contributions aggregating in excess of Two Hundred Dollars  
2468 (\$200.00) during a calendar year, or has made expenditures  
2469 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
2470 calendar year.

2471           (c) "Political committee" means any committee, party, club,  
2472 association, political action committee, campaign committee or  
2473 other groups of persons or affiliated organizations that receives



2474 contributions aggregating in excess of Two Hundred Dollars  
2475 (\$200.00) during a calendar year or that makes expenditures  
2476 aggregating in excess of Two Hundred Dollars (\$200.00) during a  
2477 calendar year for the purpose of influencing or attempting to  
2478 influence the action of voters for or against the \* \* \* election,  
2479 of one or more candidates, or balloted measures. Political  
2480 committee shall, in addition, include each political party  
2481 registered with the Secretary of State.

2482 (d) "Affiliated organization" means any organization that is  
2483 not a political committee, but that directly or indirectly  
2484 establishes, administers or financially supports a political  
2485 committee.

2486 (e) (i) "Contribution" shall include any gift,  
2487 subscription, loan, advance or deposit of money or anything of  
2488 value made by any person or political committee for the purpose of  
2489 influencing any election for elective office or balloted measure;

2490 (ii) "Contribution" shall not include the value of  
2491 services provided without compensation by any individual who  
2492 volunteers on behalf of a candidate or political committee; or the  
2493 cost of any food or beverage for use in any candidate's campaign  
2494 or for use by or on behalf of any political committee of a  
2495 political party;

2496 (iii) "Contribution to a political party" includes any  
2497 gift, subscription, loan, advance or deposit of money or anything  
2498 of value made by any person, political committee, or other



2499 organization to a political party and to any committee,  
2500 subcommittee, campaign committee, political committee and other  
2501 groups of persons and affiliated organizations of the political  
2502 party;

2503 (iv) "Contribution to a political party" shall not  
2504 include the value of services provided without compensation by any  
2505 individual who volunteers on behalf of a political party or a  
2506 candidate of a political party.

2507 (f) (i) "Expenditure" shall include any purchase, payment,  
2508 distribution, loan, advance, deposit, gift of money or anything of  
2509 value, made by any person or political committee for the purpose  
2510 of influencing any balloted measure or election for elective  
2511 office; and a written contract, promise, or agreement to make an  
2512 expenditure;

2513 (ii) "Expenditure" shall not include any news story,  
2514 commentary or editorial distributed through the facilities of any  
2515 broadcasting station, newspaper, magazine, or other periodical  
2516 publication, unless the facilities are owned or controlled by any  
2517 political party, political committee, or candidate; or nonpartisan  
2518 activity designed to encourage individuals to vote or to register  
2519 to vote;

2520 (iii) "Expenditure by a political party" includes 1.  
2521 any purchase, payment, distribution, loan, advance, deposit, gift  
2522 of money or anything of value, made by any political party and by  
2523 any contractor, subcontractor, agent, and consultant to the



2524 political party; and 2. a written contract, promise, or agreement  
2525 to make such an expenditure.

2526 (g) The term "identification" shall mean:

2527 (i) In the case of any individual, the name, the  
2528 mailing address, and the occupation of such individual, as well as  
2529 the name of his or her employer; and

2530 (ii) In the case of any other person, the full name and  
2531 address of the person.

2532 (h) The term "political party" shall mean an association,  
2533 committee or organization which nominates a candidate for election  
2534 to any elective office whose name appears on the election ballot  
2535 as the candidate of the association, committee or organization.

2536 (i) The term "person" shall mean any individual, family,  
2537 firm, corporation, partnership, association or other legal entity.

2538 (j) The term "independent expenditure" shall mean an  
2539 expenditure by a person expressly advocating the election or  
2540 defeat of a clearly identified candidate that is made without  
2541 cooperation or consultation with any candidate or any authorized  
2542 committee or agent of the candidate, and that is not made in  
2543 concert with or at the request or suggestion of any candidate or  
2544 any authorized committee or agent of the candidate.

2545 (k) The term "clearly identified" shall mean that:

2546 (i) The name of the candidate involved appears; or

2547 (ii) A photograph or drawing of the candidate appears;

2548 or



2549 (iii) The identity of the candidate is apparent by  
2550 unambiguous reference.

2551 **SECTION 59.** Section 23-15-807, Mississippi Code of 1972, is  
2552 amended as follows:

2553 23-15-807. (a) Each candidate or political committee shall  
2554 file reports of contributions and disbursements in accordance with  
2555 the provisions of this section. All candidates or political  
2556 committees required to report such contributions and disbursements  
2557 may terminate the obligation to report only upon submitting a  
2558 final report that contributions will no longer be received or  
2559 disbursements made and that the candidate or committee has no  
2560 outstanding debts or obligations. The candidate, treasurer or  
2561 chief executive officer shall sign the report.

2562 (b) Candidates seeking election \* \* \* and political  
2563 committees making expenditures to influence or attempt to  
2564 influence voters for or against the \* \* \* election of one or more  
2565 candidates or balloted measures at such election, shall file the  
2566 following reports:

2567 (i) In any calendar year during which there is a  
2568 regularly scheduled election, a pre-election report shall be filed  
2569 no later than the seventh day before any election in which the  
2570 candidate or political committee has accepted contributions or  
2571 made expenditures and shall be completed as of the tenth day  
2572 before the election;



2573           (ii) In 1987 and every fourth year thereafter, periodic  
2574 reports shall be filed no later than the tenth day after April 30,  
2575 May 31, June 30, September 30 and December 31, and shall be  
2576 completed as of the last day of each period;

2577           (iii) In any calendar years except 1987 and except  
2578 every fourth year thereafter, a report covering the calendar year  
2579 shall be filed no later than January 31 of the following calendar  
2580 year; and

2581           (iv) Except as otherwise provided in the requirements  
2582 of paragraph (i) of this subsection (b), unopposed candidates are  
2583 not required to file pre-election reports but must file all other  
2584 reports required by paragraphs (ii) and (iii) of this subsection  
2585 (b).

2586           (c) All candidates for judicial office as defined in Section  
2587 23-15-975, or their political committees, shall file periodic  
2588 reports in the year in which they are to be elected no later than  
2589 the tenth day after April 30, May 31, June 30, September 30 and  
2590 December 31.

2591           (d) Each report under this article shall disclose:

2592           (i) For the reporting period and the calendar year, the  
2593 total amount of all contributions and the total amount of all  
2594 expenditures of the candidate or reporting committee, including  
2595 those required to be identified pursuant to paragraph (ii) of this  
2596 subsection (d) as well as the total of all other contributions and





2597 expenditures during the calendar year. The reports shall be  
2598 cumulative during the calendar year to which they relate;

2599 (ii) The identification of:

2600 1. Each person or political committee who makes a  
2601 contribution to the reporting candidate or political committee  
2602 during the reporting period, whose contribution or contributions  
2603 within the calendar year have an aggregate amount or value in  
2604 excess of Two Hundred Dollars (\$200.00) when made to a political  
2605 committee or to a candidate for an office other than statewide  
2606 office or office elected by Supreme Court district, or in excess  
2607 of Five Hundred Dollars (\$500.00) when made to a candidate for  
2608 statewide office or office elected by Supreme Court district,  
2609 together with the date and amount of any such contribution;

2610 2. Each person or organization, candidate or  
2611 political committee who receives an expenditure, payment or other  
2612 transfer from the reporting candidate, political committee or its  
2613 agent, employee, designee, contractor, consultant or other person  
2614 or persons acting in its behalf during the reporting period when  
2615 the expenditure, payment or other transfer to the person,  
2616 organization, candidate or political committee within the calendar  
2617 year have an aggregate value or amount in excess of Two Hundred  
2618 Dollars (\$200.00) when received from a political committee or  
2619 candidate for an office other than statewide office or office  
2620 elected by Supreme Court district, or in excess of Five Hundred  
2621 Dollars (\$500.00) when received from a candidate for statewide



2622 office or office elected by Supreme Court district, together with  
2623 the date and amount of the expenditure;

2624 (iii) The total amount of cash on hand of each  
2625 reporting candidate and reporting political committee;

2626 (iv) In addition to the contents of reports specified  
2627 in paragraphs (i), (ii) and (iii) of this subsection (d), each  
2628 political party shall disclose:

2629 1. Each person or political committee who makes a  
2630 contribution to a political party during the reporting period and  
2631 whose contribution or contributions to a political party within  
2632 the calendar year have an aggregate amount or value in excess of  
2633 Two Hundred Dollars (\$200.00), together with the date and amount  
2634 of the contribution;

2635 2. Each person or organization who receives an  
2636 expenditure or expenditures by a political party during the  
2637 reporting period when the expenditure or expenditures to the  
2638 person or organization within the calendar year have an aggregate  
2639 value or amount in excess of Two Hundred Dollars (\$200.00),  
2640 together with the date and amount of the expenditure;

2641 (v) Disclosure required under this section of an  
2642 expenditure to a credit card issuer, financial institution or  
2643 business allowing payments and money transfers to be made over the  
2644 Internet must include, by way of detail or separate entry, the  
2645 amount of funds passing to each person, business entity or  
2646 organization receiving funds from the expenditure.



2647 (e) The appropriate office specified in Section 23-15-805  
2648 must be in actual receipt of the reports specified in this article  
2649 by 5:00 p.m. on the dates specified in subsection (b) of this  
2650 section. If the date specified in subsection (b) of this section  
2651 shall fall on a weekend or legal holiday then the report shall be  
2652 due in the appropriate office at 5:00 p.m. on the first working  
2653 day before the date specified in subsection (b) of this section.  
2654 The reporting candidate or reporting political committee shall  
2655 ensure that the reports are delivered to the appropriate office by  
2656 the filing deadline. The Secretary of State may approve specific  
2657 means of electronic transmission of completed campaign finance  
2658 disclosure reports, which may include, but not be limited to,  
2659 transmission by electronic facsimile (FAX) devices.

2660 (f) (i) If any contribution of more than Two Hundred  
2661 Dollars (\$200.00) is received by a candidate or candidate's  
2662 political committee after the tenth day, but more than forty-eight  
2663 (48) hours before 12:01 a.m. of the day of the election, the  
2664 candidate or political committee shall notify the appropriate  
2665 office designated in Section 23-15-805, within forty-eight (48)  
2666 hours of receipt of the contribution. The notification shall  
2667 include:

- 2668 1. The name of the receiving candidate;  
2669 2. The name of the receiving candidate's political  
2670 committee, if any;  
2671 3. The office sought by the candidate;



- 2672 4. The identification of the contributor;  
2673 5. The date of receipt;  
2674 6. The amount of the contribution;  
2675 7. If the contribution is in-kind, a description  
2676 of the in-kind contribution; and  
2677 8. The signature of the candidate or the treasurer  
2678 or chair of the candidate's political organization.

2679 (ii) The notification shall be in writing, and may be  
2680 transmitted by overnight mail, courier service, or other reliable  
2681 means, including electronic facsimile (FAX), but the candidate or  
2682 candidate's committee shall ensure that the notification shall in  
2683 fact be received in the appropriate office designated in Section  
2684 23-15-805 within forty-eight (48) hours of the contribution.

2685 **SECTION 60.** Section 23-15-811, Mississippi Code of 1972, is  
2686 amended as follows:

2687 23-15-811. (a) Any candidate or any other person who  
2688 willfully violates the provisions and prohibitions of this article  
2689 shall be guilty of a misdemeanor and upon conviction shall be  
2690 punished by a fine in a sum not to exceed Three Thousand Dollars  
2691 (\$3,000.00) or imprisoned for not longer than six (6) months or by  
2692 both fine and imprisonment.

2693 (b) In addition to the penalties provided in subsection (a)  
2694 of this section and Chapter 13, Title 97, Mississippi Code of  
2695 1972, any candidate or political committee which is required to  
2696 file a statement or report and fails to file the statement or



2697 report on the date it is due may be compelled to file the  
2698 statement or report by an action in the nature of a mandamus  
2699 brought by the Mississippi Ethics Commission.

2700 (c) No candidate shall be certified \* \* \* as elected to  
2701 office until he or she files all reports required by this article  
2702 that are due as of the date of certification.

2703 (d) No candidate who is elected to office shall receive any  
2704 salary or other remuneration for the office until he or she files  
2705 all reports required by this article that are due as of the date  
2706 the salary or remuneration is payable.

2707 (e) In the event that a candidate fails to timely file any  
2708 report required pursuant to this article but subsequently files a  
2709 report or reports containing all of the information required to be  
2710 reported, the candidate shall not be subject to the sanctions of  
2711 subsections (c) and (d) of this section.

2712 **SECTION 61.** Section 23-15-833, Mississippi Code of 1972, is  
2713 amended as follows:

2714 23-15-833. Except as otherwise provided by law, the first  
2715 Tuesday after the first Monday in November of each year shall be  
2716 designated the regular special election day, and on that day an  
2717 election shall be held to fill any vacancy in county, county  
2718 district, and district attorney elective offices, and any vacancy  
2719 in the office of circuit judge or chancellor.

2720 All special elections, or elections to fill vacancies, shall  
2721 in all respects be held, conducted and returned in the same manner



2722 as general elections, except that where no candidate receives a  
2723 majority of the votes cast in the election, a runoff election  
2724 shall be held three (3) weeks after the election. The two (2)  
2725 candidates who receive the highest popular votes for the office  
2726 shall have their names submitted as the candidates to the runoff  
2727 and the candidate who leads in the runoff election shall be  
2728 elected to the office. When there is a tie in the first election  
2729 of those receiving the next highest vote, these two (2) and the  
2730 one receiving the highest vote, none having received a majority,  
2731 shall go into the runoff election and whoever leads in the runoff  
2732 election shall be entitled to the office.

2733 In those years when the regular special election day shall  
2734 occur on the same day as the general election, the names of  
2735 candidates in any special election and the general election shall  
2736 be placed on the same ballot, but shall be clearly distinguished  
2737 as general election candidates or special election  
2738 candidates. \* \* \*

2739 **SECTION 62.** Section 23-15-859, Mississippi Code of 1972, is  
2740 amended as follows:

2741 23-15-859. Whenever under any statute a special election is  
2742 required or authorized to be held in any municipality, and the  
2743 statute authorizing or requiring the election does not specify the  
2744 time within which the election shall be called, or the notice  
2745 which shall be given, the governing authorities of the  
2746 municipality shall, by resolution, fix a date upon which the



2747 election shall be held. The date shall not be less than  
2748 twenty-one (21) nor more than thirty (30) days after the date upon  
2749 which such resolution is adopted, and not less than three (3)  
2750 weeks' notice of the election shall be given by the clerk by a  
2751 notice published in a newspaper published in the municipality once  
2752 each week for three (3) weeks next preceding the date of the  
2753 election, and by posting a copy of the notice at three (3) public  
2754 places in the municipality. Nothing herein, however, shall be  
2755 applicable to elections on the question of the issuance of the  
2756 bonds of a municipality or to general or \* \* \* preferential  
2757 elections for the election of municipal officers.

2758 The provisions of this section shall be applicable to all  
2759 municipalities of this state, whether operating under a code  
2760 charter, special charter or the commission form of government,  
2761 except in cases of conflicts between the provisions of the section  
2762 and the provisions of the special charter of a municipality, or  
2763 the law governing the commission form of government, in which  
2764 cases of conflict the provisions of the special charter or the  
2765 statutes relative to the commission form of government shall  
2766 apply.

2767 **SECTION 63.** Section 23-15-873, Mississippi Code of 1972, is  
2768 amended as follows:

2769 23-15-873. (1) No person, whether an officer or not, shall,  
2770 in order to promote his or her own candidacy, or that of any other  
2771 person, to be a candidate for public office in this state,



2772 directly or indirectly, himself, or herself or through another  
2773 person, promise to appoint, or promise to secure or assist in  
2774 securing the appointment \* \* \* or election of another person to  
2775 any public position or employment, or to secure or assist in  
2776 securing any public contract or the employment of any person under  
2777 any public contractor, or to secure or assist in securing the  
2778 expenditure of any public funds in the personal behalf of any  
2779 particular person or group of persons, except that the candidate  
2780 may publicly announce what is his or her choice or purpose in  
2781 relation to an election in which he or she may be called on to  
2782 take part if elected.

2783 (2) It shall be unlawful for any person to directly or  
2784 indirectly solicit or receive any promise by this section  
2785 prohibited, but this does not apply to any person when it comes to  
2786 their office force.

2787 (3) Any violation of this section shall constitute a  
2788 violation of Section 97-13-37 and shall be referred to the  
2789 district attorney for prosecution.

2790 **SECTION 64.** Section 23-15-881, Mississippi Code of 1972, is  
2791 amended as follows:

2792 23-15-881. It shall be unlawful for the Mississippi  
2793 Transportation Commission or any member of the Mississippi  
2794 Transportation Commission, or the board of supervisors of any  
2795 county or any member of the board of supervisors of such county,  
2796 to employ, during the months of \* \* \* August, September, October





2797 and November of any year in which a general \* \* \* election is held  
2798 for the \* \* \* election of members of the Mississippi  
2799 Transportation Commission and members of the boards of  
2800 supervisors, a greater number of persons to work and maintain the  
2801 state highways, in any highway district, or the public roads, in  
2802 any supervisors district of the county, as the case may be, than  
2803 the average number of persons employed for similar purposes in  
2804 such highway district or supervisors district, as the case may be,  
2805 during the months of \* \* \* August, September, October and November  
2806 of the three (3) years immediately preceding the year in which  
2807 such general \* \* \* election is held. It shall be unlawful for the  
2808 Mississippi Transportation Commission, or the board of supervisors  
2809 of any county, to expend out of the state highway funds, or the  
2810 road funds of the county or any supervisors district thereof, as  
2811 the case may be, in the payment of wages or other compensation for  
2812 labor performed in working and maintaining the highways of any  
2813 highway district, or the public roads of any supervisors district  
2814 of the county, as the case may be, during the months of \* \* \*  
2815 August, September, October and November of such election year, a  
2816 total amount in excess of the average total amount expended for  
2817 such labor, in such highway district or supervisors district, as  
2818 the case may be, during the corresponding four-month period of the  
2819 three (3) years immediately preceding.

2820         It shall be the duty of the Mississippi Transportation  
2821 Commission and the board of supervisors of each county,



2822 respectively, to keep sufficient records of the numbers of  
2823 employees and expenditures made for labor on the state highways of  
2824 each highway district, and the public roads of each supervisors  
2825 district, for the months of \* \* \* August, September, October and  
2826 November of each year, to show the number of persons employed for  
2827 such work in each highway district and each supervisors district,  
2828 as the case may be, during said four-month period, and the total  
2829 amount expended in the payment of salaries and other compensation  
2830 to such employees, so that it may be ascertained, from an  
2831 examination of such records, whether or not the provisions of this  
2832 chapter have been violated.

2833         **SECTION 65.** Section 23-15-885, Mississippi Code of 1972, is  
2834 amended as follows:

2835         23-15-885. The restrictions imposed in Sections 23-15-881  
2836 and 23-15-883 shall likewise apply to the mayor and board of  
2837 aldermen, or other governing authority, of each municipality, in  
2838 the employment of labor for working and maintaining the streets of  
2839 the municipality during the four-month period next preceding the  
2840 date of holding the general \* \* \* election in such municipality  
2841 for the election of municipal officers.

2842         **SECTION 66.** Section 23-15-891, Mississippi Code of 1972, is  
2843 amended as follows:

2844         23-15-891. No common carrier, Internet service provider or  
2845 telephone company shall give to any candidate, or to any member of  
2846 any political committee, or to any person to be used to aid or



2847 promote the success or defeat of any candidate for election for  
2848 any public office, free transportation or Internet service or  
2849 telephone service, as the case may be, or any reduction thereof  
2850 that is not made alike to all other persons. All persons required  
2851 by the provisions of this chapter to make and file statements  
2852 shall make oath that they have not received or made use of,  
2853 directly or indirectly, in connection with any candidacy for \* \* \*  
2854 election to any public office, free transportation or Internet or  
2855 telephone service.

2856         **SECTION 67.** Section 23-15-911, Mississippi Code of 1972, is  
2857 amended as follows:

2858         23-15-911. (1) (a) When the returns for a box and the  
2859 contents of the ballot box and the conduct of the election have  
2860 been canvassed and reviewed by the county election  
2861 commission \* \* \*, all the contents of the box required to be  
2862 placed and sealed in the ballot box by the poll managers shall be  
2863 replaced therein by the election commission \* \* \*, and the box  
2864 shall be forthwith resealed and delivered to the circuit clerk,  
2865 who shall safely keep and secure the same against any tampering.  
2866 At any time within twelve (12) days after the canvass and  
2867 examination of the box and its contents by the election  
2868 commission \* \* \*, any candidate or his or her representative  
2869 authorized in writing by him or her shall have the right of full  
2870 examination of the box and its contents upon three (3) days'  
2871 notice of his or her application therefor served upon the opposing



2872 candidates. The service of notice shall be provided to each  
2873 opposing candidate by delivering a copy personally to each  
2874 candidate, or by performing two (2) of the following:

2875 (i) By leaving a copy at each candidate's usual  
2876 place of residence with a family member, who shall be no less than  
2877 sixteen (16) years of age and, who resides in the candidate's  
2878 residence;

2879 (ii) By email or other electronic means, with  
2880 receipt deemed upon transmission; or

2881 (iii) By mailing a copy of the notice by  
2882 registered or certified mail that is addressed to each opposing  
2883 candidate at that candidate's residence with receipt deemed  
2884 mailing.

2885 (b) If service of notice cannot be made to any opposing  
2886 candidate, then notice may be posted on the door of each  
2887 candidate's usual place of abode. If any candidate's usual place  
2888 of residence is a multi-family dwelling, a copy of the notice must  
2889 be mailed to the candidate or candidates by United States  
2890 first-class mail, postage prepaid, return receipt requested.  
2891 Proof of service of notice upon any opposing candidate shall be  
2892 made to the circuit clerk within three (3) days before a full  
2893 examination of the ballot box may be conducted.

2894 (c) The examination shall be conducted in the presence  
2895 of the circuit clerk or his or her deputy who shall be charged  
2896 with the duty to see that none of the contents of the box are



2897 removed from the presence of the clerk or in any way tampered  
2898 with. Upon the completion of the examination the box shall be  
2899 resealed with all its original contents inside. And if any  
2900 contest or complaint before the court shall arise over the box, it  
2901 shall be kept intact and sealed until the court hearing and  
2902 another ballot box, if necessary, shall be furnished for the  
2903 precinct involved.

2904 (2) The provisions of this section allowing the examination  
2905 of ballot boxes shall apply in the case of an election contest  
2906 regarding the seat of a member of the state Legislature. In such  
2907 a case, the results of the examination shall be reported by the  
2908 applicable circuit clerk to the Clerk of the House of  
2909 Representatives or the Secretary of the Senate, as the case may  
2910 be.

2911 **SECTION 68.** Section 23-15-951, Mississippi Code of 1972, is  
2912 amended as follows:

2913 23-15-951. Except as otherwise provided by Section 23-15-955  
2914 or 23-15-961, a person desiring to contest the election of another  
2915 person returned as elected to any office within any county, may,  
2916 within twenty (20) days after the election, file a petition in the  
2917 office of the clerk of the circuit court of the county, setting  
2918 forth the grounds upon which the election is contested. When such  
2919 a petition is filed, the circuit clerk shall immediately notify,  
2920 by registered letter, telegraph, telephone, or personally the  
2921 Chief Justice of the Supreme Court or in his or her absence, or



2922 disability, some other Justice of the Supreme Court, who shall  
2923 forthwith designate and notify a circuit judge or chancellor of a  
2924 district other than that which embraces the district, subdistrict,  
2925 county or any of the counties, involved in the contest or  
2926 complaint, to proceed to the county in which the contest or  
2927 complaint has been filed to hear and determine the contest or  
2928 complaint. The circuit clerk shall also cause a copy of \* \* \* the  
2929 petition to be served upon the contestee, which shall serve as  
2930 notice to \* \* \* the contestee.

2931 The Supreme Court shall compile a list of judges throughout  
2932 the state to hear \* \* \* the disputes before an election. It shall  
2933 be the official duty of the designated circuit judge or chancellor  
2934 to proceed to discharge the duty of hearing the contest at the  
2935 earliest possible date. The date of the contest shall be fixed by  
2936 the judge or chancellor, and the judge or chancellor shall provide  
2937 reasonable notice to the contestant and the contestee of the date  
2938 and time fixed for the contest. The judge or chancellor shall  
2939 cause the contestant and contestee to be served in a reasonable  
2940 manner. When the contestee is served, such contestee shall  
2941 promptly file his or her answer, and cross-complaint, if the  
2942 contestee has a cross-complaint.

2943 The court shall, at the first term, cause an issue to be made  
2944 up and tried by a jury, and the verdict of the jury shall find the  
2945 person having the greatest number of legal votes at the election.  
2946 If the jury shall find against the person returned elected, the



2947 clerk shall issue a certificate thereof; and the person in whose  
2948 favor the jury shall find shall be commissioned by the Governor,  
2949 and shall qualify and enter upon the duties of his or her office.  
2950 Each party shall be allowed ten (10) peremptory challenges, and  
2951 new trials shall be granted and costs awarded as in other cases.  
2952 In case the election of district attorney or other state district  
2953 election be contested, the petition may be filed in any county of  
2954 the district or in any county of an adjoining district within  
2955 twenty (20) days after the election, and like proceedings shall be  
2956 had thereon as in the case of county officers, and the person  
2957 found to be entitled to the office shall qualify as required by  
2958 law and enter upon the duties of his or her office.

2959 A person desiring to contest the election of another person  
2960 returned as elected to any seat in the Mississippi Legislature  
2961 shall comply with the provisions of Section 23-15-955. A person  
2962 desiring to contest the qualifications of a candidate \* \* \* in a  
2963 preferential election shall comply with the provisions of Section  
2964 23-15-961.

2965 **SECTION 69.** Section 23-15-961, Mississippi Code of 1972, is  
2966 amended as follows:

2967 23-15-961. (1) Any person desiring to contest the  
2968 qualifications of another person as a candidate \* \* \* for office  
2969 in a preferential election shall file a petition specifically  
2970 setting forth the grounds of the challenge within ten (10) days  
2971 after the qualifying deadline for the office in question. The



2972 petition shall be filed with the proper executive committee with  
2973 whom the candidate in question qualified or with the proper  
2974 election commission with whom the candidate in question qualified  
2975 if the candidate is not affiliated with a political party.

2976 (2) Within ten (10) days of receipt of the petition  
2977 described in subsection (1) of this section, the appropriate  
2978 executive committee or election commission shall meet and rule  
2979 upon the petition. At least two (2) days before the hearing to  
2980 consider the petition, the appropriate executive committee or  
2981 election commission shall give notice to both the petitioner and  
2982 the contested candidate of the time and place of the hearing on  
2983 the petition. Each party shall be given an opportunity to be  
2984 heard at that meeting and present evidence in support of his or  
2985 her position.

2986 (3) If the appropriate executive committee or election  
2987 commission fails to rule upon the petition within the time  
2988 required in subsection (2) of this section, that inaction shall be  
2989 interpreted as a denial of the request for relief contained in the  
2990 petition.

2991 (4) Any party aggrieved by the action or inaction of the  
2992 appropriate executive committee or election commission may file a  
2993 petition for judicial review to the circuit court of the county in  
2994 which the executive committee or election commission whose  
2995 decision is being reviewed sits. The petition must be filed no  
2996 later than fifteen (15) days after the date the petition was





2997 originally filed with the appropriate executive committee or  
2998 election commission. The person filing for judicial review shall  
2999 give a cost bond in the sum of Three Hundred Dollars (\$300.00)  
3000 with two (2) or more sufficient sureties conditioned to pay all  
3001 costs in case his or her petition be dismissed, and an additional  
3002 bond may be required, by the court, if necessary, at any  
3003 subsequent stage of the proceedings.

3004 (5) Upon the filing of the petition and bond, the circuit  
3005 clerk shall immediately, by registered letter or by telegraph or  
3006 by telephone, or personally, notify the Chief Justice of the  
3007 Supreme Court, or in his or her absence, or disability, some other  
3008 judge of the Supreme Court, who shall forthwith designate and  
3009 notify a circuit judge or retired judge on senior status of a  
3010 district other than that which embraces the district, subdistrict,  
3011 county or any of the counties, involved in the contest or  
3012 complaint, to proceed to the county in which the contest or  
3013 complaint has been filed to hear and determine the contest or  
3014 complaint. It shall be the official duty of the trial judge to  
3015 proceed to the discharge of the designated duty at the earliest  
3016 possible date to be fixed by the judge and of which the contestant  
3017 and contestee shall have reasonable notice. The contestant and  
3018 contestee are to be served in a reasonable manner as the judge may  
3019 direct, in response to which notice the contestee shall promptly  
3020 file his or her answer, and also his or her cross-complaint  
3021 if \* \* \* a cross-complaint exists. The hearing before the trial



3022 court shall be de novo. The matter shall be tried to the trial  
3023 judge, without a jury. After hearing the evidence, the trial  
3024 judge shall determine whether the candidate whose qualifications  
3025 have been challenged is legally qualified to have his or her name  
3026 placed upon the ballot in question. The trial judge may, upon  
3027 disqualification of any such candidate, order that such candidate  
3028 shall bear the court costs of the proceedings.

3029 (6) Within three (3) days after judgment is rendered by the  
3030 circuit court, the contestant or contestee, or both, may file an  
3031 appeal in the Supreme Court upon giving a cost bond in the sum of  
3032 Three Hundred Dollars (\$300.00), together with a bill of  
3033 exceptions which shall state the point or points of law at issue  
3034 with a sufficient synopsis of the facts to fully disclose the  
3035 bearing and relevancy of such points of law. The bill of  
3036 exceptions shall be signed by the trial judge, or in case of his  
3037 or her absence, refusal or disability, by two (2) disinterested  
3038 attorneys, as is provided by law in other cases of bills of  
3039 exception. The filing of such appeals shall automatically suspend  
3040 the decision of the circuit court and the appropriate executive  
3041 committee or election commission is entitled to proceed based upon  
3042 their decision \* \* \* until the Supreme Court, in its discretion,  
3043 stays further proceedings in the matter. The appeal shall be  
3044 immediately docketed in the Supreme Court and referred to the  
3045 court en banc upon briefs without oral argument unless the court  
3046 shall call for oral argument, and shall be decided at the earliest



3047 possible date, as a preference case over all others. The Supreme  
3048 Court shall have the authority to grant such relief as is  
3049 appropriate under the circumstances.

3050 (7) The procedure set forth in this section shall be  
3051 the \* \* \* only manner in which the qualifications of a candidate  
3052 seeking public office \* \* \* in a preferential election may be  
3053 challenged \* \* \* before the time \* \* \* the candidate's name is  
3054 placed on the general election ballot. After a \* \* \* candidate in  
3055 a preferential election has been elected to public office, the  
3056 election may be challenged as otherwise provided by law. After  
3057 a \* \* \* candidate in a preferential election assumes an elective  
3058 office, his or her qualifications to hold that office may be  
3059 contested as otherwise provided by law.

3060 **SECTION 70.** Section 23-15-963, Mississippi Code of 1972, is  
3061 amended as follows:

3062 23-15-963. (1) Any person desiring to contest the  
3063 qualifications of another person who has qualified pursuant  
3064 to \* \* \* Sections 8 and 9 of this act as a candidate for any  
3065 office elected at a general election, shall file a petition  
3066 specifically setting forth the grounds of the challenge not later  
3067 than thirty-one (31) days after the date of the \* \* \* preferential  
3068 election set forth in Section \* \* \* 2 of this act. Such petition  
3069 shall be filed with the same body with whom the candidate in  
3070 question qualified pursuant to \* \* \* Sections 8 and 9 of this act.



3071 (2) Any person desiring to contest the qualifications of  
3072 another person who has qualified pursuant to the provisions of  
3073 Section 23-15-213 \* \* \* as a candidate for county election  
3074 commissioner elected at a general election, shall file a petition  
3075 specifically setting forth the grounds of the challenge no later  
3076 than sixty (60) days \* \* \* before the general election. \* \* \* The  
3077 petition shall be filed with the county board of supervisors,  
3078 being the same body with whom the candidate in question qualified  
3079 pursuant to Section 23-15-213 \* \* \*.

3080 (3) Any person desiring to contest the qualifications of  
3081 another person who has qualified pursuant to the provisions  
3082 of \* \* \* Section 11 of this act as a candidate for municipal  
3083 office elected on the date designated by law for regular municipal  
3084 elections, shall file a petition specifically setting forth the  
3085 grounds of the challenge no later than thirty-one (31) days after  
3086 the date of the \* \* \* preferential election set forth in Section  
3087 \* \* \* 2 of this act. \* \* \* The petition shall be filed with the  
3088 municipal election commissioners \* \* \*, being the same body with  
3089 whom the candidate in question qualified pursuant to Section \* \* \*  
3090 11 of this act.

3091 (4) Within ten (10) days of receipt of the petition  
3092 described in subsections (1), (2) and (3) of this section, the  
3093 appropriate election officials shall meet and rule upon the  
3094 petition. At least two (2) days before the hearing to consider  
3095 the petition, the appropriate election officials shall give notice



3096 to both the petitioner and the contested candidate of the time and  
3097 place of the hearing on the petition. Each party shall be given  
3098 an opportunity to be heard at \* \* \* the meeting and present  
3099 evidence in support of his or her position.

3100 (5) If the appropriate election officials fail to rule upon  
3101 the petition within the time required above, such inaction shall  
3102 be interpreted as a denial of the request for relief contained in  
3103 the petition.

3104 (6) Any party aggrieved by the action or inaction of the  
3105 appropriate election officials may file a petition for judicial  
3106 review to the circuit court of the county in which the election  
3107 officials whose decision is being reviewed sits. \* \* \* The  
3108 petition must be filed no later than fifteen (15) days after the  
3109 date the petition was originally filed with the appropriate  
3110 election officials. \* \* \* The person filing for judicial review  
3111 shall give a cost bond in the sum of Three Hundred Dollars  
3112 (\$300.00) with two (2) or more sufficient sureties conditioned to  
3113 pay all costs in case his or her petition be dismissed, and an  
3114 additional bond may be required, by the court, if necessary, at  
3115 any subsequent stage of the proceedings.

3116 (7) The circuit court with whom \* \* \* a petition for  
3117 judicial review has been filed shall at the earliest possible date  
3118 set the matter for hearing. Notice shall be given to the  
3119 interested parties of the time set for hearing by the circuit  
3120 clerk. The hearing before the circuit court shall be de novo.



3121 The matter shall be tried to the circuit judge, without a jury.  
3122 After hearing the evidence, the circuit judge shall determine  
3123 whether the candidate whose qualifications have been challenged is  
3124 legally qualified to have his or her name placed upon the ballot  
3125 in question. The circuit judge may, upon disqualification of any  
3126 such candidate, order that such candidate shall bear the court  
3127 costs of the proceedings.

3128 (8) Within three (3) days after judgment is rendered by the  
3129 circuit court, the contestant or contestee, or both, may file an  
3130 appeal in the Supreme Court upon giving a cost bond in the sum of  
3131 Three Hundred Dollars (\$300.00), together with a bill of  
3132 exceptions which shall state the point or points of law at issue  
3133 with a sufficient synopsis of the facts to fully disclose the  
3134 bearing and relevancy of such points of law. The bill of  
3135 exceptions shall be signed by the trial judge, or in case of his  
3136 or her absence, refusal or disability, by two (2) disinterested  
3137 attorneys, as is provided by law in other cases of bills of  
3138 exception. The filing of such appeals shall automatically suspend  
3139 the decision of the circuit court and the appropriate election  
3140 officials are entitled to proceed based upon their decision \* \* \*  
3141 until the Supreme Court, in its discretion, stays further  
3142 proceedings in the matter. The appeal shall be immediately  
3143 docketed in the Supreme Court and referred to the court en banc  
3144 upon briefs without oral argument unless the court shall call for  
3145 oral argument, and shall be decided at the earliest possible date,



3146 as a preference case over all others. The Supreme Court shall  
3147 have the authority to grant such relief as is appropriate under  
3148 the circumstances.

3149 (9) The procedure set forth above shall be the \* \* \* only  
3150 manner in which the qualifications of a candidate seeking public  
3151 office who qualified pursuant to the provisions of Sections \* \* \*  
3152 8, 9 and 11 of this act and Section 23-15-213 \* \* \*, may be  
3153 challenged \* \* \* before the time of his or her election. After  
3154 any such person has been elected to public office, the election  
3155 may be challenged as otherwise provided by law. After any person  
3156 assumes an elective office, his or her qualifications to hold that  
3157 office may be contested as otherwise provided by law.

3158 **SECTION 71.** Section 23-15-1065, Mississippi Code of 1972, is  
3159 amended as follows:

3160 23-15-1065. A person shall be barred from participating in  
3161 any primary election held by a political party if that person  
3162 claims or represents himself or herself in any manner to be a  
3163 member of any state, district or county executive committee of any  
3164 political party in this state, or claims to be the national  
3165 committeeman or national committeewoman or any other officer or  
3166 representative of the political party without having been lawfully  
3167 elected or chosen as such in the manner provided by the laws of  
3168 this state \* \* \*. Any person or persons who violate the  
3169 provisions of this section, in addition to other measures or  
3170 penalties provided by law, may be enjoined therefrom upon



3171 application to the courts by any person or persons, or any  
3172 political party, official or representative of the political party  
3173 aggrieved.

3174         **SECTION 72.** Section 23-15-1081, Mississippi Code of 1972, is  
3175 amended as follows:

3176         23-15-1081. A presidential preference primary or  
3177 presidential preferential election may be held on the second  
3178 Tuesday in March of each year in which a President of the United  
3179 States is to be elected. Each political party which has cast for  
3180 its candidates for President and Vice President in the previous  
3181 presidential election more than twenty percent (20%) of the total  
3182 vote cast for President and Vice President in the state, may  
3183 conduct a presidential preference primary. No elector shall vote  
3184 in the primary of more than one (1) political party in the same  
3185 presidential preference primary.

3186         **SECTION 73.** Section 23-15-1085, Mississippi Code of 1972, is  
3187 amended as follows:

3188         23-15-1085. The \* \* \* chair of a party's state executive  
3189 committee shall notify the Secretary of State if the party intends  
3190 to hold a presidential preference primary or presidential  
3191 preferential election. The Secretary of State shall be  
3192 notified \* \* \* before December 1 of the year preceding the year in  
3193 which a presidential preference primary or presidential  
3194 preferential election may be held pursuant to Section  
3195 23-15-1081. \* \* \*





3196           **SECTION 74.** Section 23-15-1087, Mississippi Code of 1972, is  
3197 amended as follows:

3198           23-15-1087. Except as otherwise provided in this chapter,  
3199 the laws regulating \* \* \* elections shall, in so far as practical,  
3200 apply to and govern presidential preference primary elections or  
3201 presidential preferential elections.

3202           **SECTION 75.** Section 23-15-1089, Mississippi Code of 1972, is  
3203 amended as follows:

3204           23-15-1089. The Secretary of State shall place the name of a  
3205 candidate upon the presidential preference primary ballot or the  
3206 presidential preference election ballot when the Secretary of  
3207 State shall have determined that such a candidate is qualified  
3208 under Section 23-15-1093.

3209           On or after January 15 immediately preceding a presidential  
3210 preference primary election or presidential preferential election  
3211 the Secretary of State shall publicly announce and distribute to  
3212 the news media for publication a list of the candidates he or she  
3213 intends to place on the ballot at the following presidential  
3214 preference primary election or presidential preferential election.  
3215 Following this announcement he or she shall not add candidates  
3216 to \* \* \* the selection, and he or she shall not delete any  
3217 candidate whose name appears on the announced list, unless the  
3218 candidate dies or has withdrawn as a candidate as provided in this  
3219 chapter.



3220           **SECTION 76.** Section 23-15-1091, Mississippi Code of 1972, is  
3221 amended as follows:

3222           23-15-1091. When the Secretary of State places the name of a  
3223 candidate on the ballot pursuant to Section 23-15-1093, he or she  
3224 shall notify the candidate that his or her name will appear on the  
3225 ballot of this state in the presidential preference primary  
3226 election or the presidential preferential election.

3227           The secretary shall also notify the candidate that he or she  
3228 may withdraw his or her name from the ballot by filing with the  
3229 Secretary of State an affidavit pursuant to Section 23-15-1095 no  
3230 later than the sixtieth day before that election.

3231           **SECTION 77.** Section 23-15-1093, Mississippi Code of 1972, is  
3232 amended as follows:

3233           23-15-1093. (1) Any person desiring to have his or her name  
3234 placed on the presidential preference primary ballot or  
3235 presidential preferential election ballot shall pay a qualifying  
3236 fee and file the petition or petitions as described in this  
3237 section.

3238           (2) The amount of the qualifying fee shall be Two Thousand  
3239 Five Hundred Dollars (\$2,500.00). Each independent candidate  
3240 shall pay the qualifying fee to the Secretary of State. Each  
3241 political party candidate shall pay the qualifying fee to the  
3242 state executive committee of the appropriate political party.

3243           (3) A candidate shall file a petition or petitions in  
3244 support of his or her candidacy with the state executive committee



3245 of the appropriate political party or the Secretary of State,  
3246 whichever is applicable, after January 1 of the year in which the  
3247 presidential preference primary or presidential preferential  
3248 election is to be held and before January 15 of that same year.  
3249 To comply with this section, a candidate may file a petition or  
3250 petitions signed by a total of not less than five hundred (500)  
3251 qualified electors of the state, or petitions signed by not less  
3252 than one hundred (100) qualified electors of each congressional  
3253 district of the state, in which case there shall be a separate  
3254 petition for each congressional district. The petitions shall be  
3255 in such form as prescribed by the state executive committee or  
3256 Secretary of State, whichever is applicable; provided, that there  
3257 shall be a space for the county of residence of each signer next  
3258 to the space provided for his or her signature. No signature may  
3259 be counted as valid unless the county of residence of the signer  
3260 is provided. Each petition shall contain an affirmation under the  
3261 penalties of perjury that each signer is a qualified elector in  
3262 his or her congressional district or in the state, as appropriate.

3263 **SECTION 78.** Section 23-15-1095, Mississippi Code of 1972, is  
3264 amended as follows:

3265 23-15-1095. A candidate's name shall be printed on the  
3266 appropriate primary or preferential election ballot unless he or  
3267 she submits to the Secretary of State before the printing of the  
3268 official sample ballot, an affidavit stating without qualification  
3269 that he or she is not now and does not presently intend to become



3270 a candidate for the Office of President of the United States at  
3271 the upcoming nominating convention of his or her political party  
3272 or at the upcoming preferential election. If a candidate  
3273 withdraws pursuant to this section, the Secretary of State shall  
3274 notify the state executive committee of the political party of  
3275 such candidate or the appropriate election commission if such  
3276 candidate is not affiliated with a political party that the  
3277 candidate's name will not be placed on the ballot.

3278 **SECTION 79.** Section 23-15-1097, Mississippi Code of 1972, is  
3279 amended as follows:

3280 23-15-1097. All expenses of the presidential preference  
3281 primary election or presidential preferential election, which are  
3282 authorized expenses, as provided by statute relating to primary,  
3283 preferential or general elections, shall be paid in the same  
3284 manner as provided by law. Compensation of election officials  
3285 shall be limited to that which is authorized by statute.

3286 **SECTION 80.** Section 25-4-3, Mississippi Code of 1972, is  
3287 amended as follows:

3288 25-4-3. As used in this chapter, unless the context requires  
3289 otherwise:

3290 (a) "Advisory boards or commissions" means committees  
3291 created solely to provide technical or professional knowledge or  
3292 expertise to a parent organization, and whose members exercise no  
3293 direct authority to expend public funds other than reimbursement



3294 for personal expenses incurred as a result of a member's service  
3295 on the advisory board;

3296 (b) "Business" means any corporation, partnership, sole  
3297 proprietorship, firm, enterprise, franchise, association,  
3298 organization, holding company, self-employed individual,  
3299 joint-stock company, receivership, trust or other legal entity or  
3300 undertaking organized for economic gain or a nonprofit corporation  
3301 or other such entity, association or organization receiving public  
3302 funds;

3303 (c) "Candidate for public office" means an individual  
3304 who has filed the necessary documents or papers to appear as a  
3305 candidate for \* \* \* election to any elective office existing under  
3306 the laws of the State of Mississippi, including \* \* \*  
3307 preferential, special or general elections. The term "candidate"  
3308 does not include any person within the meaning of Section 301(b)  
3309 of the Federal Election Campaign Act of 1971;

3310 (d) "Commission" means the Mississippi Ethics  
3311 Commission;

3312 (e) "Compensation" means money or thing of value  
3313 received, or to be received, from any person for services rendered  
3314 or to be rendered;

3315 (f) "Household member" means:

3316 (i) The spouse of the public servant; or



3317 (ii) Any person over the age of twenty-one (21)  
3318 who resided in the public servant's household during the entire  
3319 reporting period \* \* \*;

3320 (g) "Income" means money or thing of value received, or  
3321 to be received, from any source, including, but not limited to,  
3322 any salary, wage, advance, payment, dividend, interest, rent,  
3323 forgiveness of debt, fee, royalty or any combination thereof;

3324 (h) "Person" means any individual, firm, business,  
3325 corporation, association, partnership, union or other legal  
3326 entity;

3327 (i) "Public employee" means any individual who receives  
3328 a salary, per diem or expenses paid in whole or in part out of  
3329 funds authorized to be expended by the Mississippi State  
3330 Legislature or by the governing body of any political subdivision  
3331 thereof, or any other body politic within the State of  
3332 Mississippi;

3333 (j) "Public funds" means all monies, whether federal,  
3334 state, district or local;

3335 (k) "Public official" means:

3336 (i) Any elected official of the State of  
3337 Mississippi or any political subdivision thereof or any other body  
3338 politic within the State of Mississippi; or

3339 (ii) Any member, officer, director, commissioner,  
3340 supervisor, chief, head, agent or employee of the State of  
3341 Mississippi, or any agency thereof, of any political subdivision



3342 of the State of Mississippi, of any body politic within the State  
3343 of Mississippi, or of any public entity created by or under the  
3344 laws of the State of Mississippi or by executive order of the  
3345 Governor of the state, any of which is funded by public funds or  
3346 which expends, authorizes or recommends the use of public funds;

3347 (1) "Public servant" means:

3348 (i) Any elected or appointed official of the  
3349 government;

3350 (ii) Any officer, director, commissioner,  
3351 supervisor, chief, head, agent or employee of the government or  
3352 any agency thereof, or of any public entity created by or under  
3353 the laws of the State of Mississippi or created by an agency or  
3354 governmental entity thereof, any of which is funded by public  
3355 funds or which expends, authorizes or recommends the use of public  
3356 funds; or

3357 (iii) Any individual who receives a salary, per  
3358 diem or expenses paid in whole or in part out of funds authorized  
3359 to be expended by the government.

3360 **SECTION 81.** Section 65-1-3, Mississippi Code of 1972, is  
3361 amended as follows:

3362 65-1-3. There shall be a State Highway Commission which  
3363 shall consist of three (3) members, one (1) from each of the three  
3364 (3) Supreme Court Districts of the state. Only qualified electors  
3365 who are citizens of the Supreme Court District in which he or she  
3366 seeks election for five (5) years immediately preceding the day of



3367 the election shall be eligible for such office; however, the  
3368 five-year citizen requirement shall apply to elections held from  
3369 and after January 1, 2020.

3370 On Tuesday after the first Monday in November of the year  
3371 1951, and every four (4) years thereafter, State Highway  
3372 Commissioners shall be elected at the same time and in the same  
3373 manner as the Governor is chosen; and the laws governing \* \* \*  
3374 preferential elections and the holding of general elections in  
3375 this state shall apply to and govern the \* \* \* election of State  
3376 Highway Commissioners. The State Highway Commissioners so elected  
3377 shall enter upon the discharge of the duties of their respective  
3378 offices on the first Monday of January in the year next succeeding  
3379 the date of their election, and they shall serve for a term of  
3380 four (4) years and until their successors shall have been duly  
3381 elected and qualified.

3382 If any one or more of the State Highway Commissioners elected  
3383 under the provisions of this chapter shall die, resign or be  
3384 removed from office, the Governor shall fill the vacancy by  
3385 appointment for the unexpired term, provided such unexpired term  
3386 shall not exceed twelve (12) months. If \* \* \* the unexpired  
3387 term \* \* \* exceeds twelve (12) months, the Governor shall, within  
3388 fifteen (15) days from the date of such vacancy, by proclamation  
3389 duly made, call an election in the Supreme Court District in  
3390 which \* \* \* the vacancy exists, to be held within sixty (60) days  
3391 from the date of the issuance of \* \* \* the proclamation, at which





3392 election a State Highway Commissioner shall be elected to fill  
3393 such vacancy for the remaining portion of such unexpired term.  
3394 Such special election shall be held in the manner provided for  
3395 holding general elections in this state, as far as practicable.

3396 Each of \* \* \* the State Highway Commissioners, before  
3397 entering upon the discharge of the duties of his or her office,  
3398 shall take and subscribe the oath of office required of other  
3399 state officials and shall execute bond in the sum of Fifty  
3400 Thousand Dollars (\$50,000.00), with some surety company authorized  
3401 to do business in this state as surety, conditioned for the  
3402 faithful performance of the duties of his or her office and for  
3403 the faithful and true accounting of all funds or monies or  
3404 property coming into his or her hands by virtue of his or her  
3405 office, and conditioned further that all such funds, monies and  
3406 property will be expended and used by him or her only for purposes  
3407 authorized by law, \* \* \* the bond to be approved by the Governor  
3408 or Attorney General and to be filed in the Office of the Secretary  
3409 of State. The premium on such bonds shall be paid out of the  
3410 funds of the Mississippi Department of Transportation.

3411 From and after July 1, 1992, the State Highway Commission  
3412 shall be the Mississippi Transportation Commission and the members  
3413 thereof shall be the Mississippi Transportation Commissioners.

3414 **SECTION 82.** Section 79-19-21, Mississippi Code of 1972, is  
3415 amended as follows:



3416           79-19-21. The affairs of the association shall be managed by  
3417 a board of not less than five (5) directors, elected by the  
3418 members or stockholders from their own number and shall have all  
3419 rights and powers as provided for under the general corporation  
3420 laws of this state, and such other powers as may be necessary to  
3421 the proper execution of provisions of this chapter. The bylaws  
3422 may provide that the territory in which the association has  
3423 members shall be divided into districts and that the directors  
3424 shall be elected according to such districts. In such case the  
3425 bylaws shall specify the number of directors to be elected by each  
3426 district, the manner and method of reapportioning the directors  
3427 and of redistricting the territory covered by the association.  
3428 The bylaws may provide that \* \* \* preferential elections should be  
3429 held in each district to elect the directors apportioned to such  
3430 districts and the result of all such \* \* \* preferential elections  
3431 must be ratified by the next regular meeting of the association or  
3432 may be considered final as to the association.

3433           The bylaws may provide that one or more directors may be  
3434 appointed by the president of Mississippi State University of  
3435 Agriculture and Applied Science or such other public official,  
3436 commission, association or board as may be indicated by such  
3437 bylaws. \* \* \* The directors shall represent primarily the  
3438 interest of the general public in such associations. The director  
3439 or directors so appointed need not be members or stockholders of  
3440 the association, but shall have the same powers and rights as



3441 other directors. \* \* \* The directors shall not number more than  
3442 one-fifth (1/5) of the entire number of directors.

3443 The directors of an association may provide a fair  
3444 remuneration for the time actually spent by its officers,  
3445 directors and employees in its service. No director, during the  
3446 term of his or her office, shall be a party to a contract for  
3447 profit with the association, differing in any way from the  
3448 business relations accorded regular members or holders of common  
3449 stock of the association.

3450 The bylaws may provide for an executive committee and may  
3451 allot to \* \* \* the committee all the functions and powers of the  
3452 board of directors, subject to the general direction and control  
3453 of the board.

3454 When a vacancy on the board of directors occurs, other than  
3455 by expiration of term, the remaining members of the board, by a  
3456 majority vote, shall fill the vacancy unless the bylaws provide  
3457 for an election of directors by districts. In such a case the  
3458 board of directors shall immediately call a special election to be  
3459 voted in by the members or stockholders in that district to fill  
3460 the vacancy.

3461 **SECTION 83.** Section 79-19-27, Mississippi Code of 1972, is  
3462 amended as follows:

3463 79-19-27. Any member may bring charges against an officer or  
3464 director by filing them in writing with the secretary of the  
3465 association, together with a petition signed by ten percent (10%)



3466 of the members, requesting the removal of the officer or director  
3467 in question. The removal shall be voted upon at the next regular  
3468 or special meeting of the association and, by a vote of a majority  
3469 of the members, the association may remove the officer or director  
3470 and fill the vacancy. The director or officer against whom such  
3471 charges have been brought shall be informed in writing of the  
3472 charges \* \* \* before the meeting and shall have an opportunity at  
3473 the meeting to be heard in person or by counsel and to present  
3474 witnesses; and the person or persons bringing charges against him  
3475 or her shall have the same opportunity. But \* \* \* the officer or  
3476 director may be suspended by a vote of two-thirds (2/3) of the  
3477 directors, pending the hearing of such charges.

3478 In case the bylaws provide for election of directors by  
3479 districts with \* \* \* preferential elections in each district, then  
3480 the petition for removal of a director must be signed by twenty  
3481 percent (20%) of the members residing in the district from which  
3482 he or she was elected. The board of directors must call a special  
3483 meeting of the members residing in that district to consider the  
3484 removal of the director. By a vote of the majority of the members  
3485 of that district, the director in question shall be removed from  
3486 office.

3487 **SECTION 84.** Section 95-1-5, Mississippi Code of 1972, is  
3488 amended as follows:

3489 95-1-5. (1) Before any civil action is brought for  
3490 publication, in a newspaper domiciled and published in this state



3491 or authorized to do business in Mississippi so as to be subject to  
3492 the jurisdiction of the courts of this state, of a libel, or  
3493 against any radio or television station domiciled in this state,  
3494 the plaintiff shall, at least ten (10) days before instituting any  
3495 such action, serve notice in writing on the defendant at its  
3496 regular place of business, specifying the article, broadcast or  
3497 telecast, and the statements therein, which he or she alleges to  
3498 be false and defamatory.

3499 (2) If it appears upon the trial that \* \* \* the article was  
3500 published, broadcast or telecast in good faith, that its falsity  
3501 was due to an honest mistake of the facts, and there were  
3502 reasonable grounds for believing that the statements in \* \* \* the  
3503 article, broadcast or telecast were true, and that within ten (10)  
3504 days after the service of \* \* \* the notice a full and fair  
3505 correction, apology and retraction was published in the same  
3506 edition or corresponding issues of the newspaper in which \* \* \*  
3507 the article appeared, and in as conspicuous place and type as  
3508 was \* \* \* the original article, or was broadcast or telecast under  
3509 like conditions correcting an honest mistake, and if the jury  
3510 shall so find, the plaintiff in such case shall recover only  
3511 actual damages. The burden of proof of the foregoing facts shall  
3512 be affirmative defenses of the defendant and pled as such.

3513 (3) This section shall not apply to any publication  
3514 concerning a candidate for public office made within ten (10) days  
3515 of any \* \* \* preferential, general or special election in which



3516 such candidate's candidacy for or election to public office is to  
3517 be determined, and this section shall not apply to any editorial  
3518 or to any regularly published column in which matters of opinions  
3519 are expressed.

3520       **SECTION 85.** Section 97-13-35, Mississippi Code of 1972, is  
3521 amended as follows:

3522       97-13-35. \* \* \* Any person who \* \* \* votes at \* \* \* an  
3523 election, not being legally qualified, or who \* \* \* votes in more  
3524 than one (1) county, or at more than one (1) place in any county  
3525 or in any city, town, or village entitled to separate  
3526 representation, or who \* \* \* votes out of the district of his or  
3527 her legal domicile, \* \* \* shall, upon conviction, be imprisoned in  
3528 the county jail not more than one (1) year, or be fined not more  
3529 than One Thousand Dollars (\$1,000.00), or both.

3530       \* \* \*

3531       **SECTION 86.** Section 23-15-575, Mississippi Code of 1972, is  
3532 brought forward as follows:

3533       23-15-575. No person shall vote or attempt to vote in the  
3534 primary election of one (1) party when he or she has voted on the  
3535 same date in the primary election of another party. No person  
3536 shall vote or attempt to vote in the second primary election of  
3537 one (1) party when he or she has voted in the first primary  
3538 election of another party.



3539           **SECTION 87.** Section 23-15-171, Mississippi Code of 1972,  
3540 which provides for the dates of municipal primary elections, is  
3541 repealed.

3542           **SECTION 88.** Section 23-15-191, Mississippi Code of 1972,  
3543 which provides for the date of state, district and county primary  
3544 elections, is repealed.

3545           **SECTION 89.** Sections 23-15-263, 23-15-265, 23-15-267,  
3546 23-15-291, 23-15-293, 23-15-295, 23-15-296, 23-15-297, 23-15-299,  
3547 23-15-301, 23-15-303, 23-15-305, 23-15-307, 23-15-309, 23-15-311,  
3548 23-15-317, 23-15-319, 23-15-331, 23-15-333 and 23-15-335,  
3549 Mississippi Code of 1972, which provide for the duties of the  
3550 state executive committee and county executive committees in  
3551 primary elections, provide for the qualification of candidates for  
3552 party primary elections, and provide for the conduct of party  
3553 primary elections, are repealed.

3554           **SECTION 90.** Sections 23-15-359, 23-15-361 and 23-15-363,  
3555 Mississippi Code of 1972, which provide for the contents of  
3556 general election ballots, are repealed.

3557           **SECTION 91.** Sections 23-15-597 and 23-15-599, Mississippi  
3558 Code of 1972, which provide for the canvass of returns and  
3559 announcement of vote by the county executive committees in primary  
3560 elections, and require the state executive committee to transmit  
3561 to the Secretary of State a tabulated statement of the party vote  
3562 for certain offices, are repealed.



3563           **SECTION 92.** Sections 23-15-921, 23-15-923, 23-15-925,  
3564 23-15-927, 23-15-929, 23-15-931, 23-15-933, 23-15-935, 23-15-937,  
3565 23-15-939 and 23-15-941, Mississippi Code of 1972, which provide  
3566 procedures for contests of primary elections, are repealed.

3567           **SECTION 93.** Section 23-15-1031, Mississippi Code of 1972,  
3568 which provides for the date of primary elections for Congressmen  
3569 and United States Senators, is repealed.

3570           **SECTION 94.** Section 23-15-1063, Mississippi Code of 1972,  
3571 which prohibits unregistered political parties from conducting  
3572 primary elections, is repealed.

3573           **SECTION 95.** Section 23-15-1083, Mississippi Code of 1972,  
3574 which requires that certain congressional primaries be held on the  
3575 same day as the presidential preference primary, is repealed.

3576           **SECTION 96.** Sections 1 through 17 of this act shall be  
3577 codified as new sections in Chapter 15, Title 23, Mississippi Code  
3578 of 1972.

3579           **SECTION 97.** This act shall take effect and be in force from  
3580 and after July 1, 2022.

