

By: Representative Reynolds

To: Apportionment and
Elections

HOUSE BILL NO. 696

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



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

35 **SECTION 1.** The title of Sections 1 through 7 of this chapter
36 shall be known and may be cited as the "Pre-election Day Voting
37 Act."

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

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

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

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

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

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

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

57 **SECTION 4.** (1) The pre-election day voting period shall
58 begin fourteen (14) days before the date of each primary, general,



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

64 (2) Pre-election day voting shall be conducted in the office
65 of the appropriate registrar during regular business hours. If
66 the office space of the registrar is insufficient or inconvenient
67 to accommodate pre-election day voting, the registrar may provide
68 an alternate location to conduct pre-election day voting, and in
69 such case, adequate notice shall be posted at the registrar's
70 office that informs the public of the location where pre-election
71 day voting is being conducted. The registrar may conduct
72 pre-election day voting at an additional secure polling place
73 outside his or her office. During the last full week preceding an
74 election, the office of the appropriate registrar may extend the
75 office hours to accommodate pre-election day voters during the
76 lunch period and until 7:00 p.m. All registrar offices shall
77 remain open from 8:00 a.m. until 12:00 p.m. for the two (2)
78 Saturdays immediately preceding each election.

79 (3) Notice of the pre-election day voting hours shall be
80 given by the officials in charge of the election not less than
81 eight (8) days before the day pre-election day voting begins. The
82 notice shall be posted in three (3) public places within the
83 county or municipality, with one (1) place being the county



84 courthouse in a county election or city hall in a municipal
85 election.

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

98 (2) All votes cast during the pre-election day voting period
99 shall be final.

100 (3) The votes cast during the pre-election day voting period
101 shall be announced simultaneously with all other votes cast on
102 election day.

103 (4) Qualified electors voting during the pre-election day
104 voting period shall be entitled to the same voting assistance that
105 they would be entitled to on the actual election day.

106 SECTION 6. Each political party, candidate or any
107 representative of a political party or candidate pursuant to
108 Section 23-15-577 shall have the right to be present at the office



109 of the appropriate registrar when it is open for pre-election day
110 voting and to challenge the qualifications of any person offering
111 to vote in the same manner as provided by law for challenging
112 qualifications at the polling place on election day.

113 **SECTION 7.** The Secretary of State shall promulgate rules and
114 regulations necessary to effectuate pre-election day voting,
115 including measures to inform the public about the availability of
116 pre-election day voting.

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

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

131 (2) The registrar shall be authorized to disburse
132 applications for absentee ballots to any qualified elector within
133 the county where he or she serves. Any person who presents to the



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

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

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

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

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



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

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

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



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

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



208 contains the seal and initials required by this section. Such
209 application shall be substantially in the following form:

210 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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

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

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



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

234 * * *

235 () I * * * am a citizen of Mississippi temporarily residing
236 outside of the county of my residence during the pre-election day
237 voting period or on election day.

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

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

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

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



255 () I am a member of the congressional delegation, or spouse
256 or dependent of a member of the congressional delegation.

257 * * *

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

260 Mail 'Absent Elector's Ballot' to me at the following address
261 _____.

262 () I wish to receive an absentee ballot for the runoff
263 election _____.

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

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

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

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

279 _____



(Signature of absent elector)

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

(Official authorized to administer oaths
for absentee balloting.)

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

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

(Signature of witness)

CERTIFICATE OF DELIVERY

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

(Signature of person delivering application)

(Address of person delivering application)"

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



305 23-15-629. (1) The application for an absentee ballot of a
306 person who is permanently or temporarily physically disabled shall
307 be accompanied by a statement signed by such person's physician,
308 or nurse practitioner * * *. The statement must show that the
309 person signing the statement is a licensed, practicing * * *
310 physician or nurse practitioner and must indicate that the person
311 applying for the absentee ballot is permanently or temporarily
312 physically disabled to such a degree that it is difficult for him
313 or her to vote in person.

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

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



330 of the county. Upon completion of such examination, the election
331 commissioners shall return the list to the registrar by no later
332 than forty-five (45) days before the election.

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

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

339 23-15-631. (1) The registrar shall enclose with each ballot
340 mailed to an absent elector separate printed instructions
341 furnished by the registrar containing the following:

342 * * *

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

347 (* * *b) After marking the ballot, fill out and sign
348 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that
349 the signature is across the flap of the envelope to ensure the
350 integrity of the ballot. All absent electors shall have the
351 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
352 the flap on the back of the envelope. Place the necessary postage
353 on the envelope and deposit it in the post office or some
354 government receptacle provided for deposit of mail so that the



355 absent elector's ballot will be postmarked on or before the date
356 of the election and received by the registrar no more than five
357 (5) business days after the election.

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

375 (* * *c) When the application accompanies the ballot
376 it shall not be returned in the same envelope as the ballot but
377 shall be returned in a separate preaddressed envelope provided by
378 the registrar. However, if time permits, the registrar shall



379 first send and receive a returned application from the absent
380 elector before mailing the absentee ballot.

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

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



403 Person Providing Voter Assistance" on the absentee ballot
404 envelope.

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

409 * * *

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

412 23-15-635. (1) The form of the elector's certificate,
413 attesting witness certification and certificate of person
414 providing voter assistance on the back of the envelope used by
415 absentee voters who are not absent voters as defined in Section
416 23-15-673, shall be as follows:

417 "ELECTOR'S CERTIFICATE

418 STATE OF _____

419 COUNTY OF _____

420 I, _____, under penalty of perjury do solemnly swear
421 that this envelope contains the ballot marked by me indicating my
422 choice of the candidates or propositions to be submitted at the
423 election to be held on the ___ day of _____, 2____, and I
424 hereby authorize the registrar to place this envelope in the
425 ballot box on my behalf, and I further authorize the election
426 managers to open this envelope and place my ballot among the other



427 ballots cast before such ballots are counted, and record my name
428 on the poll list as if I were present in person and voted.

429 I further swear that I marked the enclosed ballot in secret.
430 **Penalties for vote fraud are up to five (5) years in prison and a**
431 **fine of up to Five Thousand Dollars (\$5,000.00). (Miss. Code.**
432 **Ann. Section 23-15-753.) Penalties for voter intimidation are up**
433 **to one (1) year in jail and a fine of up to * * * Three Thousand**
434 **Dollars (\$3,000.00). (Miss. Code. Ann. Section 97-13-37.)**

435 _____
436 (Signature of voter)

437 CERTIFICATE OF ATTESTING WITNESS

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

449 _____
450 (Attesting witness) (Address)
451 _____



452 (Official title) (City and State)

453 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

454 (* * * If the voter has received assistance in marking
455 * * * his or her absentee ballot, the person who provided
456 assistance shall complete the following form.) I, under penalty
457 of perjury, hereby certify that the above-named voter declared to
458 me that he or she is blind, temporarily or permanently physically
459 disabled, or cannot read or write, and that the voter requested
460 that I assist the voter in marking the enclosed absentee ballot.
461 I hereby certify that the ballot preferences on the enclosed
462 ballot are those communicated by the voter to me, and that I have
463 marked the enclosed ballot in accordance with the voter's
464 instructions.

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

470 _____
471 Signature of person providing assistance

472 _____
473 Printed name of person providing assistance

474 _____
475 Address of person providing assistance

476 _____



477 Date and time assistance provided

478

479 _____
Family relationship to voter (if any)"

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

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

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

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

500 (2) The registrar shall deposit all absentee ballots which
501 have been timely cast and received by mail in a secured and sealed



502 box in a designated location in the registrar's office upon
503 receipt. The registrar shall not send any absentee ballots to the
504 precinct polling locations.

505 (3) The Secretary of State shall promulgate rules and
506 regulations necessary to ensure that when a qualified elector who
507 is qualified to vote absentee votes by absentee ballot * * * by
508 mail * * * that person's absentee vote is final and he or she may
509 not vote at the polling place on election day. Notwithstanding
510 any other provisions of law to the contrary, the Secretary of
511 State shall promulgate rules and regulations necessary to ensure
512 that absentee ballots received by mail shall remain in the
513 registrar's office for counting and not be taken to the precincts
514 on election day.

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

517 23-15-639. (1) The examination and counting of all absentee
518 ballots shall be conducted as follows:

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



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

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

546 * * *

547 (* * *2) The resolution board shall process the absentee
548 ballots using the procedure provided in subsection (1) of this
549 section.

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



552 23-15-641. (1) For all absentee votes received by mail,
553 if * * * a required affidavit or the required certificate of the
554 officer before whom the affidavit is taken is * * *
555 insufficient, * * * the signatures do not correspond, * * * the
556 applicant is not a duly qualified elector in the precinct * * * or
557 otherwise qualified to vote, * * * the ballot envelope is open or
558 has been opened and resealed, or the voter is not eligible to vote
559 absentee, the previously cast vote by absentee ballot shall not be
560 allowed. Without opening the voter's envelope the resolution
561 board shall mark across its face "REJECTED", with the reason * * *
562 why the ballot was rejected.

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

574 * * *

575 (* * *3) The ballots marked "REJECTED" shall be placed in a
576 separate envelope in the secure ballot transfer case and delivered



577 to the officials in charge of conducting the election at the
578 central tabulation point of the county.

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

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

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

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

597 23-15-649. For all elections, the election officials shall
598 prepare and print, as soon as the deadline for the qualification
599 of candidates has passed or forty-five (45) days before the
600 election, whichever is later, official ballots for each voting
601 precinct to be known as absentee voter ballots * * *. These



602 absentee ballots shall be prepared and printed in the same form
603 and shall be of the same size and texture as the regular official
604 ballot except that they shall be printed on tinted paper of a tint
605 different from that of the regular official ballot or with a
606 header of different tint.

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

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

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

623 23-15-713. For the purpose of this subarticle, any duly
624 qualified elector may vote by an absentee ballot to be received
625 and returned via mail by the elector to the registrar of the
626 elector's county of residence as provided in this subarticle if



627 the elector falls within at least one (1) of the following
628 categories:

629 * * *

630 (* * *a) Any qualified elector who is required to be
631 away from his or her place of residence on any election day due to
632 his or her employment as an employee of a member of the
633 Mississippi congressional delegation and the spouse and dependents
634 of such person if he or she * * * resides with such absentee voter
635 away from the county of the spouse's voting residence.

636 * * *

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

648 (* * *c) The parent, spouse or dependent of a person
649 with a temporary or permanent physical disability who is
650 hospitalized outside of his or her county of residence or more
651 than fifty (50) miles distant from his or her residence, if the



652 parent, spouse or dependent will be with such person during the
653 pre-election day voting period or on election day. For purposes
654 of this paragraph (e), "temporary physical disability" shall
655 include any qualified elector who is under a physician-imposed
656 quarantine due to COVID-19 during the year 2020 or is caring for a
657 dependent who is under a physician-imposed quarantine due to
658 COVID-19 beginning with July 8, 2020, and the same being repealed
659 on December 31, 2020.

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

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

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

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

671 23-15-715. Any elector described in Section 23-15-713 and
672 desiring an absentee ballot as provided in this subarticle may
673 secure same if * * * within forty-five (45) days before any
674 election day but not later than seven (7) days before the election
675 day, the elector applies for an absentee ballot as provided in the
676 provisions of this act. * * * All applications, other than those



677 of persons having a temporary or permanent physical disability,
678 shall * * * be sworn to and subscribed before an official who is
679 authorized to administer oaths or other official authorized to
680 witness absentee balloting as provided in this article. The
681 application must be accompanied by a verifying affidavit as
682 required by this article. The applications of persons have a
683 temporary or permanent physical disability are not required to be
684 accompanied by an affidavit but shall be witnessed and signed by a
685 person eighteen (18) years of age or older. * * *

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

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

693 23-15-719. (1) Except where the registrar has already
694 mailed a ballot with an application, upon receipt of a properly
695 completed application form by an elector qualified to vote
696 absentee as provided in this article, the registrar shall mail the
697 absent voter an absentee ballot within one (1) business day, or as
698 soon as the absentee ballot is prepared and available, containing
699 the names of all the candidates and propositions, if any, to be
700 voted on in the election. The registrar shall include with the
701 absentee ballot an official envelope that complies with the



702 provisions of this article * * *. The registrar shall not
703 personally hand deliver ballots to voters. After the applicant
704 has properly marked the ballot and properly folded it, he shall
705 deposit it in the envelope furnished him by the registrar.

706 After the absentee voter has sealed the envelope, he or she
707 shall subscribe and swear to an affidavit and mail the ballot to
708 the address provided on the absentee ballot official envelope.

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

712 * * *

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

715 23-15-735. * * * Absentee ballots shall not be delivered in
716 person to an absentee voter or to any other person.

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

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



727 commission or municipal executive committee with reference to any
728 municipal election or pre-election day voting.

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

731 23-15-37. (1) The registrar shall register the electors of
732 his or her county at any time during regular office hours.

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

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



752 (4) A person who is physically disabled and unable to visit
753 the office of the registrar to register to vote due to such
754 disability may contact the registrar and request that the
755 registrar or the registrar's deputy visit him or her for the
756 purpose of registering such person to vote. The registrar or the
757 registrar's deputy shall visit that person as soon as possible
758 after such request and provide the person with an application for
759 registration, if necessary. The completed application for
760 registration shall be executed in the presence of the registrar or
761 the registrar's deputy.

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

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

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

774 23-15-43. In the event an applicant is not registered, there
775 shall be an automatic review by the county election commissioners
776 under the procedures provided in Sections 23-15-61 through



777 23-15-79. In addition to the meetings of the election
778 commissioners provided in those sections, the commissioners are
779 required to hold such additional meetings to determine all pending
780 cases of registration on review before the election * * * or
781 pre-election day voting period during which the applicant desires
782 to vote.

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

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

789 23-15-47. (1) Any person who is qualified to register to
790 vote in the State of Mississippi may register to vote by mail-in
791 application in the manner prescribed in this section.

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

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



802 vote in the next election. The postmark date of a mailed
803 application shall be the applicant's date of registration.

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

815 (c) If the county registrar determines that the
816 applicant is qualified and his or her application is legible and
817 complete, the county registrar shall mail the applicant written
818 notification that the application has been approved, specifying
819 the county voting precinct, municipal voting precinct, if any,
820 polling place and supervisor district in which the person shall
821 vote. This written notification of approval containing the
822 specified information shall be the voter's registration card. The
823 registration card shall be provided by the county registrar to the
824 applicant in accordance with Section 23-15-39. Upon entry of the
825 voter registration information into the Statewide Elections
826 Management System, the system shall assign a voter registration



827 number to the applicant. The assigned voter registration number
828 shall be clpre-election day shown on the written notification of
829 approval. In mailing the written notification, the county
830 registrar shall note the following on the envelope: "DO NOT
831 FORWARD". If any registration notification form is returned as
832 undeliverable, the voter's registration shall be void.

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

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

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

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

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

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

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



852 (e) If the mail-in application of a person is subject
853 to rejection for any of the reasons set forth in paragraph (d)(i)
854 through (iii) of this subsection, and it appears to the county
855 registrar that the defect or omission is of such a minor nature
856 and that any necessary additional information may be supplied by
857 the applicant over the telephone or by further correspondence, the
858 county registrar may write or call the applicant at the telephone
859 number or address, or both, provided on the application. If the
860 county registrar is able to contact the applicant by mail or
861 telephone, the county registrar shall attempt to ascertain the
862 necessary information, and if this information is sufficient for
863 the registrar to complete the application, the applicant shall be
864 registered. If the necessary information cannot be obtained by
865 mail or telephone, or is not sufficient to complete the
866 application within fourteen (14) days of receipt, the county
867 registrar shall give the applicant written notice of the rejection
868 and provide the reason for the rejection. The county registrar
869 shall further inform the applicant that he or she has a right to
870 attempt to register by appearing in person or by filing another
871 mail-in application.

872 (f) If a mail-in application is subject to rejection
873 for the reason stated in paragraph (d)(v) of this subsection and
874 the "present home address" portion of the application is different
875 from the residence address for the applicant found in the
876 Statewide Elections Management System, the mail-in application



877 shall be deemed a written request to update the voter's
878 registration pursuant to Section 23-15-13. The county registrar
879 or the election commissioners shall update the voter's residence
880 address in the Statewide Elections Management System and, if
881 necessary, advise the voter of a change in the location of his or
882 her county or municipal polling place by mailing the voter a new
883 voter registration card.

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

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

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

898 (c) Bulk quantities of forms for application for voter
899 registration by mail shall be furnished by the Secretary of State
900 to any person or organization. The Secretary of State shall
901 charge a person or organization the actual cost he or she incurs



902 in providing bulk quantities of forms for application for voter
903 registration to such person or organization.

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

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

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

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

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

923 23-15-65. The board of election commissioners shall meet at
924 the courthouse of its county on the second Monday in September
925 preceding any general election or in a sufficient amount of time
926 to hear appeals before the period for pre-election day voting



927 begins, and shall remain in session from day to day, so long as
928 business may require. Three (3) election commissioners shall
929 constitute a quorum to do business; but the concurrence of at
930 least three (3) election commissioners shall be necessary in all
931 cases for the rendition of a decision. The election commissioners
932 shall hear and determine all appeals from the decisions of the
933 registrar of their county, allowing or refusing the applications
934 of electors to be registered; and they shall correct illegal or
935 improper registrations, and shall secure the elective franchise,
936 as affected by registration, to those who may be illegally or
937 improperly denied the same.

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

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

950 (2) The election commissioners of the county or municipality
951 shall revise the primary pollbooks at the time and in the manner



952 and in accordance with the laws now fixed and in force for
953 revising pollbooks now provided for under the law, except they
954 shall not remove from the pollbook any person who is qualified to
955 participate in primary elections * * *. However, upon the written
956 request of the municipal election commission, the county election
957 commissioners * * * shall revise the primary pollbooks of the
958 municipality as provided in this subsection.

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

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

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



977 names of all persons who have duly applied to be registered but
978 have been illegally denied registration:

979 (a) On the Tuesday after the second Monday in January
980 1987 and every following year;

981 (b) On the first Tuesday in the month immediately * * *
982 before the pre-election day voting period begins for the first
983 primary election for members of Congress in the years when members
984 of Congress are elected;

985 (c) On the first Monday in the month immediately * * *
986 before the pre-election day voting period begins for the first
987 primary election for state, state district legislative, county and
988 county district offices in the years in which those offices are
989 elected; and

990 (d) On the second Monday of September * * * before the
991 pre-election day voting period begins for the general election or
992 regular special election day in years in which a general election
993 is not conducted.

994 Except for the names of those voters who are duly qualified
995 to vote in the election, no name shall be permitted to remain in
996 the Statewide Elections Management System; however, no name shall
997 be purged from the Statewide Elections Management System based on
998 a change in the residence of an elector except in accordance with
999 procedures provided for by the National Voter Registration Act of
1000 1993. Except as otherwise provided by Section 23-15-573, no
1001 person shall vote at any election whose name is not in the county



1002 voter roll electronically maintained by the Statewide Elections
1003 Management System.

1004 (2) Except as provided in this section, and subject to the
1005 following annual limitations, the election commissioners shall be
1006 entitled to receive a per diem in the amount of One Hundred
1007 Dollars (\$100.00), to be paid from the county general fund, for
1008 every day or period of no less than five (5) hours accumulated
1009 over two (2) or more days actually employed in the performance of
1010 their duties in the conduct of an election or actually employed in
1011 the performance of their duties for the necessary time spent in
1012 the revision of the county voter roll as electronically maintained
1013 by the Statewide Elections Management System as required in
1014 subsection (1) of this section:

1015 (a) In counties having less than fifteen thousand
1016 (15,000) residents according to the latest federal decennial
1017 census, not more than fifty (50) days per year, with no more than
1018 fifteen (15) additional days allowed for the conduct of each
1019 election in excess of one (1) occurring in any calendar year;

1020 (b) In counties having fifteen thousand (15,000)
1021 residents according to the latest federal decennial census but
1022 less than thirty thousand (30,000) residents according to the
1023 latest federal decennial census, not more than seventy-five (75)
1024 days per year, with no more than twenty-five (25) additional days
1025 allowed for the conduct of each election in excess of one (1)
1026 occurring in any calendar year;



1027 (c) In counties having thirty thousand (30,000)
1028 residents according to the latest federal decennial census but
1029 less than seventy thousand (70,000) residents according to the
1030 latest federal decennial census, not more than one hundred (100)
1031 days per year, with no more than thirty-five (35) additional days
1032 allowed for the conduct of each election in excess of one (1)
1033 occurring in any calendar year;

1034 (d) In counties having seventy thousand (70,000)
1035 residents according to the latest federal decennial census but
1036 less than ninety thousand (90,000) residents according to the
1037 latest federal decennial census, not more than one hundred
1038 twenty-five (125) days per year, with no more than forty-five (45)
1039 additional days allowed for the conduct of each election in excess
1040 of one (1) occurring in any calendar year;

1041 (e) In counties having ninety thousand (90,000)
1042 residents according to the latest federal decennial census but
1043 less than one hundred seventy thousand (170,000) residents
1044 according to the latest federal decennial census, not more than
1045 one hundred fifty (150) days per year, with no more than
1046 fifty-five (55) additional days allowed for the conduct of each
1047 election in excess of one (1) occurring in any calendar year;

1048 (f) In counties having one hundred seventy thousand
1049 (170,000) residents according to the latest federal decennial
1050 census but less than two hundred thousand (200,000) residents
1051 according to the latest federal decennial census, not more than



1052 one hundred seventy-five (175) days per year, with no more than
1053 sixty-five (65) additional days allowed for the conduct of each
1054 election in excess of one (1) occurring in any calendar year;

1055 (g) In counties having two hundred thousand (200,000)
1056 residents according to the latest federal decennial census but
1057 less than two hundred twenty-five thousand (225,000) residents
1058 according to the latest federal decennial census, not more than
1059 one hundred ninety (190) days per year, with no more than
1060 seventy-five (75) additional days allowed for the conduct of each
1061 election in excess of one (1) occurring in any calendar year;

1062 (h) In counties having two hundred twenty-five thousand
1063 (225,000) residents according to the latest federal decennial
1064 census but less than two hundred fifty thousand (250,000)
1065 residents according to the latest federal decennial census, not
1066 more than two hundred fifteen (215) days per year, with no more
1067 than eighty-five (85) additional days allowed for the conduct of
1068 each election in excess of one (1) occurring in any calendar year;

1069 (i) In counties having two hundred fifty thousand
1070 (250,000) residents according to the latest federal decennial
1071 census but less than two hundred seventy-five thousand (275,000)
1072 residents according to the latest federal decennial census, not
1073 more than two hundred thirty (230) days per year, with no more
1074 than ninety-five (95) additional days allowed for the conduct of
1075 each election in excess of one (1) occurring in any calendar year;



1076 (j) In counties having two hundred seventy-five
1077 thousand (275,000) residents according to the latest federal
1078 decennial census or more, not more than two hundred forty (240)
1079 days per year, with no more than one hundred five (105) additional
1080 days allowed for the conduct of each election in excess of one (1)
1081 occurring in any calendar year.

1082 (3) In addition to the number of days authorized in
1083 subsection (2) of this section, the board of supervisors of a
1084 county may authorize, in its discretion, the election
1085 commissioners to receive a per diem in the amount provided for in
1086 subsection (2) of this section, to be paid from the county general
1087 fund, for every day or period of no less than five (5) hours
1088 accumulated over two (2) or more days actually employed in the
1089 performance of their duties in the conduct of an election or
1090 actually employed in the performance of their duties for the
1091 necessary time spent in the revision of the county voter roll as
1092 electronically maintained by the Statewide Elections Management
1093 System as required in subsection (1) of this section, not to
1094 exceed five (5) days.

1095 (4) (a) The election commissioners shall be entitled to
1096 receive a per diem in the amount of One Hundred Dollars (\$100.00),
1097 to be paid from the county general fund, not to exceed ten (10)
1098 days for every day or period of no less than five (5) hours
1099 accumulated over two (2) or more days actually employed in the
1100 performance of their duties for the necessary time spent in the



1101 revision of the county voter roll as electronically maintained by
1102 the Statewide Elections Management System before any special
1103 election. For purposes of this paragraph, the regular special
1104 election day shall not be considered a special election. The
1105 annual limitations set forth in subsection (2) of this section
1106 shall not apply to this paragraph.

1107 (b) The election commissioners shall be entitled to
1108 receive a per diem in the amount of One Hundred Fifty Dollars
1109 (\$150.00), to be paid from the county general fund, for the
1110 performance of their duties on the day of any primary, runoff,
1111 general or special election. The annual limitations set forth in
1112 subsection (2) of this section shall apply to this paragraph.

1113 (c) The board of supervisors may, in its discretion,
1114 pay the election commissioners an additional amount not to exceed
1115 Fifty Dollars (\$50.00) for the performance of their duties at any
1116 election occurring from July 1, 2020, through December 31, 2020,
1117 which shall be considered additional pandemic pay. Such
1118 compensation shall be payable out of the county general fund, and
1119 may be payable from federal funds available for such purpose, or a
1120 combination of both funding sources.

1121 (5) The election commissioners shall be entitled to receive
1122 a per diem in the amount of One Hundred Dollars (\$100.00), to be
1123 paid from the county general fund, not to exceed fourteen (14)
1124 days for every day or period of no less than five (5) hours
1125 accumulated over two (2) or more days actually employed in the



1126 performance of their duties for the necessary time spent in the
1127 revision of the county voter roll as electronically maintained by
1128 the Statewide Elections Management System and in the conduct of a
1129 runoff election following either a general or special election.

1130 (6) The election commissioners shall be entitled to receive
1131 only one (1) per diem payment for those days when the election
1132 commissioners discharge more than one (1) duty or responsibility
1133 on the same day.

1134 (7) In preparation for a municipal primary, runoff, general
1135 or special election, the county registrar shall generate and
1136 distribute the master voter roll and pollbooks from the Statewide
1137 Elections Management System for the municipality located within
1138 the county. The municipality shall pay the county registrar for
1139 the actual cost of preparing and printing the municipal master
1140 voter roll pollbooks. A municipality may secure "read only"
1141 access to the Statewide Elections Management System and print its
1142 own pollbooks using this information.

1143 (8) County election commissioners who perform the duties of
1144 an executive committee with regard to the conduct of a primary
1145 election under a written agreement authorized by law to be entered
1146 into with an executive committee shall receive per diem as
1147 provided for in subsection (2) of this section. The days that
1148 county election commissioners are employed in the conduct of a
1149 primary election shall be treated the same as days county election
1150 commissioners are employed in the conduct of other elections.



1151 (9) In addition to any per diem authorized by this section,
1152 any election commissioner shall be entitled to the mileage
1153 reimbursement rate allowable to federal employees for the use of a
1154 privately owned vehicle while on official travel on election day.

1155 (10) Every election commissioner shall sign personally a
1156 certification setting forth the number of hours actually worked in
1157 the performance of the commissioner's official duties and for
1158 which the commissioner seeks compensation. The certification must
1159 be on a form as prescribed in this subsection. The commissioner's
1160 signature is, as a matter of law, made under the commissioner's
1161 oath of office and under penalties of perjury.

1162 The certification form shall be as follows:

1163 **COUNTY ELECTION COMMISSIONER**

1164 **PER DIEM CLAIM FORM**

1165 NAME: _____ COUNTY: _____

1166 ADDRESS: _____ DISTRICT: _____

1167 CITY: _____ ZIP: _____

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

1171 _____

1172 _____

1173 _____

1174 TOTAL NUMBER OF PER DIEM DAYS EARNED

1175 EXCLUDING ELECTION DAYS _____



1176 PER DIEM RATE PER DAY EARNED X \$100.00
 1177 TOTAL NUMBER PER DIEM DAYS EARNED
 1178 FOR ELECTION DAYS _____
 1179 PER DIEM RATE PER DAY EARNED X \$150.00
 1180 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1181 I understand that I am signing this document under my oath as
 1182 an election commissioner and under penalties of perjury.

1183 I understand that I am requesting payment from taxpayer funds
 1184 and that I have an obligation to be specific and truthful as to
 1185 the amount of hours worked and the compensation I am requesting.

1186 Signed this the _____ day of _____, ____.

1187 _____
 1188 Commissioner's Signature

1189 When properly completed and signed, the certification must be
 1190 filed with the clerk of the county board of supervisors before any
 1191 payment may be made. The certification will be a public record
 1192 available for inspection and reproduction immediately upon the
 1193 oral or written request of any person.

1194 Any person may contest the accuracy of the certification in
 1195 any respect by notifying the chair of the commission, any member
 1196 of the board of supervisors or the clerk of the board of
 1197 supervisors of the contest at any time before or after payment is
 1198 made. If the contest is made before payment is made, no payment
 1199 shall be made as to the contested certificate until the contest is
 1200 finally disposed of. The person filing the contest shall be



1201 entitled to a full hearing, and the clerk of the board of
1202 supervisors shall issue subpoenas upon request of the contestor
1203 compelling the attendance of witnesses and production of documents
1204 and things. The contestor shall have the right to appeal de novo
1205 to the circuit court of the involved county, which appeal must be
1206 perfected within thirty (30) days from a final decision of the
1207 commission, the clerk of the board of supervisors or the board of
1208 supervisors, as the case may be.

1209 Any contestor who successfully contests any certification
1210 will be awarded all expenses incident to his or her contest,
1211 together with reasonable attorney's fees, which will be awarded
1212 upon petition to the chancery court of the involved county upon
1213 final disposition of the contest before the election commission,
1214 board of supervisors, clerk of the board of supervisors, or, in
1215 case of an appeal, final disposition by the court. The
1216 commissioner against whom the contest is decided shall be liable
1217 for the payment of the expenses and attorney's fees, and the
1218 county shall be jointly and severally liable for same.

1219 (11) Any election commissioner who has not received a
1220 certificate issued by the Secretary of State pursuant to Section
1221 23-15-211 indicating that the election commissioner has received
1222 the required elections seminar instruction and that the election
1223 commissioner is fully qualified to conduct an election, shall not
1224 receive any compensation authorized by this section or Section
1225 23-15-239.



1226 **SECTION 30.** Section 23-15-171, Mississippi Code of 1972, is
1227 amended as follows:

1228 23-15-171. (1) Except as otherwise provided in Section 4 of
1229 this act, municipal primary elections shall be held on the first
1230 Tuesday in April preceding the general municipal election and, in
1231 the event a second primary shall be necessary, such second primary
1232 shall be held on the fourth Tuesday in April preceding such
1233 general municipal election. The candidate receiving a majority of
1234 the votes cast in the election shall be the party nominee. If no
1235 candidate shall receive a majority vote at the election, the two
1236 (2) candidates receiving the highest number of votes shall have
1237 their names placed on the ballot for the second primary election.
1238 The candidate receiving the most votes cast in the second primary
1239 election shall be the party nominee. However, if no candidate
1240 shall receive a majority vote at the first primary, and there is a
1241 tie in the election of those receiving the next highest vote,
1242 those candidates receiving the next highest vote and the candidate
1243 receiving the highest vote shall have their names placed on the
1244 ballot for the second primary election, and whoever receives the
1245 most votes cast in the second primary election shall be the party
1246 nominee. At the primary election the municipal executive
1247 committee shall perform the same duties as are specified by law
1248 and performed by members of the county executive committee with
1249 regard to state and county primary elections. Each municipal
1250 executive committee shall have as many members as there are



1251 elective officers of the municipality, and the members of the
1252 municipal executive committee of each political party shall be
1253 elected in the primary elections held for the nomination of
1254 candidates for municipal offices. The provisions of this section
1255 shall govern all municipal primary elections as far as applicable,
1256 but the officers to prepare the ballots and the poll managers and
1257 other officials of the primary election shall be appointed by the
1258 municipal executive committee of the party holding the primary,
1259 and the returns of such election shall be made to such municipal
1260 executive committee. Vacancies in the executive committee shall
1261 be filled by it.

1262 (2) Provided, however, that in municipalities operating
1263 under a special or private charter which fixes a time for holding
1264 elections, other than the time fixed by Chapter 491, Laws of 1950,
1265 the first primary election shall be held on the first Tuesday, two
1266 (2) months before the time for holding the general election, as
1267 fixed by the charter, and the second primary election, where
1268 necessary, shall be held three (3) weeks after the first primary
1269 election, unless the charter of any such municipality provides
1270 otherwise, in which event the provisions of the special or private
1271 charter shall prevail as to the time of holding such primary
1272 elections.

1273 (3) All primary elections in municipalities shall be held
1274 and conducted in the same manner as is provided by law for state
1275 and county primary elections.



1276 **SECTION 31.** Section 23-15-173, Mississippi Code of 1972, is
1277 amended as follows:

1278 23-15-173. (1) A general municipal election shall be held
1279 in each city, town or village on the first Tuesday after the first
1280 Monday of June 1985, and every four (4) years thereafter, for the
1281 election of all municipal officers elected by the people.

1282 Pre-election day voting for those general municipal elections
1283 shall be conducted as provided in Sections 1 through 7 of this
1284 act.

1285 (2) All municipal general elections shall be held and
1286 conducted in the same manner as is provided by law for state and
1287 county general elections.

1288 (3) The provisions of Sections 23-15-171 and 23-15-173,
1289 which fix the times to hold primary and general elections, shall
1290 not apply to any municipality operating under a special or private
1291 charter where the governing board or authority thereof, on or
1292 before June 25, 1952, shall have adopted and spread upon its
1293 minutes a resolution or ordinance declining to accept the
1294 provisions, in which event the primary and general elections shall
1295 be held at the time fixed by the charter of the municipality.

1296 **SECTION 32.** Section 23-15-191, Mississippi Code of 1972, is
1297 amended as follows:

1298 23-15-191. The first primary shall be held on the first
1299 Tuesday after the first Monday of August preceding any regular or
1300 general election; and the second primary shall be held three (3)



1301 weeks thereafter. Pre-election day voting for the primary
1302 election shall be conducted as provided for in Sections 1 through
1303 7 of this act. The candidate that receives a majority of the
1304 votes cast in the election shall be the party nominee. If no
1305 candidate receives a majority vote at the election, then the two
1306 (2) candidates who receive the highest number of votes shall have
1307 their names placed on the ballot for the second primary election
1308 to be held three (3) weeks later. The candidate who receives the
1309 most votes in the second primary election shall be the party
1310 nominee. However, if no candidate receives a majority vote at the
1311 first primary, and there is a tie in the election of those
1312 receiving the next highest vote, then those candidates receiving
1313 the next highest vote and the candidate receiving the highest vote
1314 shall have their names placed on the ballot for the second primary
1315 election to be held three (3) weeks later, and whoever receives
1316 the most votes cast in the second primary election shall be the
1317 party nominee.

1318 **SECTION 33.** Section 23-15-195, Mississippi Code of 1972, is
1319 amended as follows:

1320 23-15-195. Except as otherwise provided in Sections 1
1321 through 7 of this act, all elections by the people shall be by
1322 ballot, and shall be concluded in one (1) day.

1323 **SECTION 34.** Section 23-15-197, Mississippi Code of 1972, is
1324 amended as follows:



1325 23-15-197. (1) Times for holding primary and general
1326 elections for congressional offices shall be as prescribed in
1327 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1328 (2) Times for holding elections for the office of judge of
1329 the Supreme Court shall be as prescribed in Section 23-15-991 and
1330 Sections 23-15-974 through 23-15-985, and times for holding
1331 elections for the office of judge of the Court of Appeals shall be
1332 as prescribed in Section 9-4-5.

1333 (3) Times for holding elections for the office of circuit
1334 court judge and the office of chancery court judge shall be as
1335 prescribed in Sections 23-15-974 through 23-15-985, and Section
1336 23-15-1015.

1337 (4) Times for holding elections for the office of county
1338 election commissioners shall be as prescribed in Section
1339 23-15-213.

1340 (5) Times for holding elections for the office of levee
1341 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1342 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1343 Laws of 1983; and Chapter 438, Laws of 2010.

1344 (6) Times for holding pre-election day voting shall be as
1345 provided in Sections 1 through 7 of this act.

1346 **SECTION 35.** Section 23-15-231, Mississippi Code of 1972, is
1347 amended as follows:

1348 23-15-231. Before every * * * pre-election day voting period
1349 begins, the election commissioners shall appoint three (3) persons



1350 for each voting precinct to be poll managers, one (1) of whom
1351 shall be designated by the election commissioners as election
1352 bailiff. For general and special elections, the poll managers
1353 shall not all be of the same political party if suitable persons
1354 of different political parties can be found in the district. If
1355 any person appointed shall fail to attend and serve, the poll
1356 managers present, if any, may designate someone to fill his or her
1357 place; and if the election commissioners fail to make the
1358 appointments or in case of the failure of all those appointed to
1359 attend and serve, any three (3) qualified electors present when
1360 the polls should be opened may act as poll managers. Provided,
1361 however, any person appointed to be poll manager or act as poll
1362 manager shall be a qualified elector of the county in which the
1363 polling place is located.

1364 **SECTION 36.** Section 23-15-233, Mississippi Code of 1972, is
1365 amended as follows:

1366 23-15-233. The poll managers shall take care that the
1367 election * * * and the pre-election day voting are conducted
1368 fairly and agreeably to law, and they shall be judges of the
1369 qualifications of electors, and may examine, on oath, any person
1370 duly registered and offering to vote touching his or her
1371 qualifications as an elector, which oath any of the poll managers
1372 may administer.

1373 **SECTION 37.** Section 23-15-239, Mississippi Code of 1972, is
1374 amended as follows:



1375 23-15-239. (1) The executive committee of each county, in
1376 the case of a primary election, or the election commissioners of
1377 each county, in the case of all other elections, in conjunction
1378 with the circuit clerk, shall, in the years in which counties
1379 conduct an election, sponsor and conduct, not less than five (5)
1380 days before the pre-election day voting period for each election
1381 begins, not less than four (4) hours and not more than eight (8)
1382 hours of poll manager training to instruct poll managers as to
1383 their duties in the proper administration of the election and the
1384 operation of the polling place. Any poll manager who completes
1385 the online training course provided by the Secretary of State
1386 shall only be required to complete two (2) hours of in-person poll
1387 manager training. No poll manager shall serve in any election
1388 unless he or she has received these instructions once during the
1389 twelve (12) months immediately preceding the date upon which the
1390 election is held; however, nothing in this section shall prevent
1391 the appointment of an alternate poll manager to fill a vacancy in
1392 case of an emergency. The county executive committee or the
1393 election commissioners, as appropriate, shall train a sufficient
1394 number of alternates to serve in the event a poll manager is
1395 unable to serve for any reason.

1396 (2) (a) If it is eligible under Section 23-15-266, the
1397 county executive committee may enter into a written agreement with
1398 the circuit clerk or the county election commission authorizing
1399 the circuit clerk or the county election commission to perform any



1400 of the duties required of the county executive committee pursuant
1401 to this section. Any agreement entered into pursuant to this
1402 subsection shall be signed by the chair of the county executive
1403 committee and the circuit clerk or the chair of the county
1404 election commission, as appropriate. The county executive
1405 committee shall notify the state executive committee and the
1406 Secretary of State of the existence of the agreement.

1407 (b) If it is eligible under Section 23-15-266, the
1408 municipal executive committee may enter into a written agreement
1409 with the municipal clerk or the municipal election commission
1410 authorizing the municipal clerk or the municipal election
1411 commission to perform any of the duties required of the municipal
1412 executive committee pursuant to this section. Any agreement
1413 entered into pursuant to this subsection shall be signed by the
1414 chair of the municipal executive committee and the municipal clerk
1415 or the chair of the municipal election commission, as appropriate.
1416 The municipal executive committee shall notify the state executive
1417 committee and the Secretary of State of the existence of the
1418 agreement.

1419 (3) The board of supervisors and the municipal governing
1420 authority, in their discretion, may compensate poll managers who
1421 attend these training sessions. The compensation shall be at a
1422 rate of not less than the federal hourly minimum wage nor more
1423 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1424 compensated for more than sixteen (16) hours of attendance at the



1425 training sessions regardless of the actual amount of time that
1426 they attended the training sessions.

1427 (4) The time and location of the training sessions required
1428 pursuant to this section shall be announced to the general public
1429 by posting a notice thereof at the courthouse and by delivering a
1430 copy of the notice to the office of a newspaper having general
1431 circulation in the county five (5) days before the date upon which
1432 the training session is to be conducted. Persons who will serve
1433 as poll watchers for candidates and political parties, as well as
1434 members of the general public, shall be allowed to attend the
1435 sessions.

1436 (5) Subject to the following annual limitations, the
1437 election commissioners shall be entitled to receive a per diem in
1438 the amount of One Hundred Dollars (\$100.00), to be paid from the
1439 county general fund, for every day or period of no less than five
1440 (5) hours accumulated over two (2) or more days actually employed
1441 in the performance of their duties for the necessary time spent in
1442 conducting training sessions as required by this section:

1443 (a) In counties having less than fifteen thousand
1444 (15,000) residents according to the latest federal decennial
1445 census, not more than five (5) days per year;

1446 (b) In counties having fifteen thousand (15,000)
1447 residents according to the latest federal decennial census but
1448 less than thirty thousand (30,000) residents according to the



1449 latest federal decennial census, not more than eight (8) days per
1450 year;

1451 (c) In counties having thirty thousand (30,000)
1452 residents according to the latest federal decennial census but
1453 less than seventy thousand (70,000) residents according to the
1454 latest federal decennial census, not more than ten (10) days per
1455 year;

1456 (d) In counties having seventy thousand (70,000)
1457 residents according to the latest federal decennial census but
1458 less than ninety thousand (90,000) residents according to the
1459 latest federal decennial census, not more than twelve (12) days
1460 per year;

1461 (e) In counties having ninety thousand (90,000)
1462 residents according to the latest federal decennial census but
1463 less than one hundred seventy thousand (170,000) residents
1464 according to the latest federal decennial census, not more than
1465 fifteen (15) days per year;

1466 (f) In counties having one hundred seventy thousand
1467 (170,000) residents according to the latest federal decennial
1468 census but less than two hundred thousand (200,000) residents
1469 according to the latest federal decennial census, not more than
1470 eighteen (18) days per year;

1471 (g) In counties having two hundred thousand (200,000)
1472 residents according to the latest federal decennial census but
1473 less than two hundred twenty-five thousand (225,000) residents



1474 according to the latest federal decennial census, not more than
1475 nineteen (19) days per year;

1476 (h) In counties having two hundred twenty-five thousand
1477 (225,000) residents or more according to the latest federal
1478 decennial census, not more than twenty-two (22) days per year.

1479 (6) Election commissioners shall claim the per diem
1480 authorized in subsection (5) of this section in the manner
1481 provided for in Section 23-15-153(6).

1482 (7) (a) To provide poll manager training, the Secretary of
1483 State has developed a single, comprehensive poll manager training
1484 program to ensure uniform, secure elections throughout the state.
1485 The program includes online training on all state and federal
1486 election laws and procedures and voting machine opening and
1487 closing procedures.

1488 (b) County poll managers who individually access and
1489 complete the online training program, including all skills
1490 assessments, at least five (5) days before the pre-election day
1491 voting period for an election begin shall be defined as "certified
1492 poll managers," and entitled to a "Certificate of Completion."

1493 (c) At least one (1) certified poll manager shall be
1494 appointed by the county election officials to work in each polling
1495 place in the county during each general election.

1496 **SECTION 38.** Section 23-15-241, Mississippi Code of 1972, is
1497 amended as follows:



1498 23-15-241. The poll manager designated an election bailiff
1499 shall, in addition to his or her other duties, be present during
1500 the pre-election day voting period and on election day to keep the
1501 peace and to protect the voting place, and to prevent improper
1502 intrusion upon the voting place or interference with the election,
1503 and to arrest all persons creating any disturbance about the
1504 voting place, and to enable all qualified electors who have not
1505 voted, and who desire to vote, to have unobstructed access to the
1506 polls for the purpose of voting when others are not voting.

1507 **SECTION 39.** Section 23-15-245, Mississippi Code of 1972, is
1508 amended as follows:

1509 23-15-245. It shall be the duty of the poll manager
1510 designated as bailiff to be present at the voting place, and to
1511 take such steps as will accomplish the purpose of his or her
1512 appointment, and the poll manager designated as bailiff shall have
1513 full power to do so and may summon to his or her aid all persons
1514 present at the voting place. A space thirty (30) feet in every
1515 direction from the polls, or the room in which the * * * voting is
1516 held, shall be kept open and clear of all persons except the
1517 election officials, individuals present to vote and credentialed
1518 poll watchers as defined by Section 23-15-577. The electors shall
1519 approach the polls from one (1) direction, line, door or passage,
1520 and depart in another as npre-election day opposite as convenient.

1521 **SECTION 40.** Section 23-15-247, Mississippi Code of 1972, is
1522 amended as follows:



1523 23-15-247. The election commissioners in each county shall
1524 procure, if not already provided, a sufficient number of ballot
1525 boxes, which shall be distributed by them to the voting precincts
1526 of the county before the time for opening the polls for
1527 pre-election day voting and on election day. The boxes shall be
1528 securely sealed from the opening of the polls * * * for
1529 pre-election day voting until the polls close on election day; and
1530 the box shall be kept by one (1) of the managers, and the manager
1531 having the box shall carefully keep it, and neither open it
1532 himself or herself nor permit it to be opened, nor permit any
1533 person to have any access to it throughout the voting period
1534 during an election. The box shall not be removed from the polling
1535 building or place after the polls are opened until the polls close
1536 and the count is complete. After each election the ballot boxes
1537 shall be delivered to the clerk of the circuit court of the county
1538 for preservation; and he or she shall keep them for future use,
1539 and, when called for, deliver them to the election commissioners.

1540 **SECTION 41.** Section 23-15-251, Mississippi Code of 1972, is
1541 amended as follows:

1542 23-15-251. The election commissioners, in appointing the
1543 poll managers of an election, shall designate one (1) of the poll
1544 managers at each voting place to receive and distribute the
1545 official ballots, and shall deliver to him or her the proper
1546 number of ballots for his or her district not less than one (1)
1547 day before the pre-election day voting period begins and not less



1548 than one (1) day before election day; and the poll manager
1549 receiving the ballots from the election commissioners shall
1550 distribute the same to the electors of his or her district in the
1551 manner herein provided. It shall be the duty of the designated
1552 poll manager for service at a voting place other than the
1553 courthouse, to carry to that voting place, on the day before the
1554 pre-election day voting period begins and on the day before
1555 election day, or before 6:00 a.m. on the morning the pre-election
1556 day voting period begins and on the morning of the election day,
1557 the ballot box, the pollbook, the blank tally sheets, the blank
1558 forms to be used in making returns, the other necessary stationery
1559 and supplies and the official printed ballots aforesaid, and all
1560 of the same used and unused shall be returned by the designated
1561 poll manager to the election commissioners on the day * * * after
1562 the election.

1563 **SECTION 42.** Section 23-15-255, Mississippi Code of 1972, is
1564 amended as follows:

1565 23-15-255. (1) The supervisor of each respective
1566 supervisors district shall provide at each election place a
1567 sufficient number of voting compartments, shelves and tables for
1568 the use of electors, which shall be so arranged that it will be
1569 impossible for a voter in one (1) compartment to see another voter
1570 who is preparing his or her ballot. The number of voting
1571 compartments and shelves or tables shall not be less than one (1)
1572 to every two hundred (200) electors in the voting precinct.



1573 (2) The poll managers of each precinct shall publicly post
1574 the following information at the precinct polling place * * *
1575 during any election:

1576 (a) A sample ballot that will be used at the election;

1577 (b) The hours during which the polling places will be
1578 open for pre-election day voting and on election day;

1579 (c) Instructions on how to vote, including how to cast
1580 a vote and how to cast an affidavit ballot;

1581 (d) Instructions for persons who have registered to
1582 vote by mail and first time voters, if appropriate;

1583 (e) General information on voting rights, including
1584 information on the right of an individual to cast an affidavit
1585 ballot and instructions on how to contact the appropriate
1586 officials if these rights are alleged to have been violated; * * *

1587 (f) The consequences under federal and state laws
1588 regarding fraud and misrepresentation;

1589 (g) A list of voters in each polling place that have
1590 already cast an absentee ballot or voted during the pre-election
1591 day voting period; and

1592 (h) The acceptable forms of photo identification that
1593 may be presented in the polling place.

1594 **SECTION 43.** Section 23-15-263, Mississippi Code of 1972, is
1595 amended as follows:

1596 23-15-263. (1) Unless otherwise provided in this chapter,
1597 the county executive committee at primary elections shall perform



1598 all duties that relate to the qualification of candidates for
1599 primary elections, print ballots for the pre-election day voting
1600 period for primary elections and for primary * * * election day,
1601 appoint the primary election officers, resolve contests in regard
1602 to primary elections, and perform all other duties required by law
1603 to be performed by the county executive committee; however, each
1604 house of the Legislature shall rule on the qualifications of the
1605 membership of its respective body in contests involving the
1606 qualifications of * * * its members. The executive committee
1607 shall be subject to all the penalties to which county election
1608 commissioners are subject, except that Section 23-15-217 shall not
1609 apply to members of the county executive committee who seek
1610 elective office.

1611 (2) A member of a county executive committee shall be
1612 automatically disqualified to serve on the county executive
1613 committee, and shall be considered to have resigned * * * from the
1614 county executive committee, upon his or her qualification as a
1615 candidate for any elective office. The provisions of this
1616 subsection shall not apply to a member of a county executive
1617 committee who qualifies as a candidate for a municipal elective
1618 office.

1619 (3) The primary election officers appointed by the executive
1620 committee of the party shall have the powers and perform the
1621 duties, where not otherwise provided, required of * * * those
1622 officers in a general election, and any * * * act or omission



1623 which by law is an offense when committed in or about or in
1624 respect to * * * the general elections, shall be an offense if
1625 committed in or about or in respect to a primary election; and the
1626 same shall be indictable and punishable in the same way as if the
1627 election was a general election for the election of state and
1628 county officers, except as specially modified or otherwise
1629 provided in this chapter.

1630 **SECTION 44.** Section 23-15-265, Mississippi Code of 1972, is
1631 amended as follows:

1632 23-15-265. (1) The county executive committee of each
1633 county shall meet not less than two (2) weeks before the
1634 date * * * the period for pre-election day voting begins for any
1635 primary election and appoint the poll managers for same, all of
1636 whom may be members of the same political party. The number of
1637 poll managers appointed by the county executive committee shall be
1638 the same number as election commissioners are allowed to appoint
1639 pursuant to Sections 23-15-231 and 23-15-235. If the county
1640 executive committee fails to meet on the date named, supra,
1641 further notice shall be given of the time and place of meeting.

1642 (2) (a) If it is eligible under Section 23-15-266, the
1643 county executive committee may enter into a written agreement with
1644 the circuit clerk or the county election commission authorizing
1645 the circuit clerk or the county election commission to perform any
1646 of the duties required of the county executive committee pursuant
1647 to this section. Any agreement entered into pursuant to this



1648 subsection shall be signed by the chair of the county executive
1649 committee and the circuit clerk or the chair of the county
1650 election commission, as appropriate. The county executive
1651 committee shall notify the state executive committee and the
1652 Secretary of State of the existence of the agreement.

1653 (b) If it is eligible under Section 23-15-266, the
1654 municipal executive committee may enter into a written agreement
1655 with the municipal clerk or the municipal election commission
1656 authorizing the municipal clerk or the municipal election
1657 commission to perform any of the duties required of the municipal
1658 executive committee pursuant to this section. Any agreement
1659 entered into pursuant to this subsection shall be signed by the
1660 chair of the municipal executive committee and the municipal clerk
1661 or the chair of the municipal election commission, as appropriate.
1662 The municipal executive committee shall notify the state executive
1663 committee and the Secretary of State of the existence of such
1664 agreement.

1665 **SECTION 45.** Section 23-15-267, Mississippi Code of 1972, is
1666 amended as follows:

1667 23-15-267. (1) The ballot boxes provided by the election
1668 commissioners in each county shall be used in primary elections,
1669 and the county executive committees shall distribute them to the
1670 voting precincts of the county before the time for opening the
1671 polls, in the same manner, as near as may be, as that provided for
1672 in general elections.



1673 (2) The boxes shall be securely sealed and locked beginning
1674 at the start of voting during the period for pre-election day
1675 voting and on election day until the end of voting on election
1676 day; and the box shall be kept by one (1) of the poll managers,
1677 and the poll manager having the box shall carefully keep it, and
1678 neither open it himself or herself nor permit it to be done, nor
1679 permit any person to have any access to it throughout voting
1680 during the period for pre-election day voting and during election
1681 day. The box shall not be removed from the polling place after
1682 the polls are open until the polls close and the count is
1683 completed.

1684 (3) After each election, the ballot boxes shall be delivered
1685 to the clerk of the circuit court of the county for preservation;
1686 and he or she shall keep them for future use, and, when called
1687 for, deliver them to the election commissioners.

1688 (4) (a) If it is eligible under Section 23-15-266, the
1689 county executive committee may enter into a written agreement with
1690 the circuit clerk or the county election commission authorizing
1691 the circuit clerk or the county election commission to perform any
1692 of the duties required of the county executive committee pursuant
1693 to this section. Any agreement entered into pursuant to this
1694 subsection shall be signed by the chair of the county executive
1695 committee and the circuit clerk or the chair of the county
1696 election commission, as appropriate. The county executive



1697 committee shall notify the State Executive Committee and the
1698 Secretary of State of the existence of such agreement.

1699 (b) If it is eligible under Section 23-15-266, the
1700 municipal executive committee may enter into a written agreement
1701 with the municipal clerk or the municipal election commission
1702 authorizing the municipal clerk or the municipal election
1703 commission to perform any of the duties required of the municipal
1704 executive committee pursuant to this section. Any agreement
1705 entered into pursuant to this subsection shall be signed by the
1706 chair of the municipal executive committee and the municipal clerk
1707 or the chair of the municipal election commission, as appropriate.
1708 The municipal executive committee shall notify the State Executive
1709 Committee and the Secretary of State of the existence of such
1710 agreement.

1711 (5) The person, or persons, whose duty it is to comply with
1712 the provisions of this section and who shall fail, or neglect,
1713 from any cause, to deliver the boxes or any of them as herein
1714 provided shall, upon conviction, be fined not less than Two
1715 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1716 the residence of the person, or persons, who violates any of the
1717 provisions of this section, for a period of not less than thirty
1718 (30) days or more than six (6) months, and fined not more than
1719 Five Hundred Dollars (\$500.00).

1720 **SECTION 46.** Section 23-15-309, Mississippi Code of 1972, is
1721 amended as follows:



1722 23-15-309. (1) Nominations for all municipal officers which
1723 are elective shall be made * * * during the days for conducting a
1724 primary election, or elections, to be held in the manner
1725 prescribed by law. All persons desiring to be candidates for the
1726 nomination in the primary elections shall first pay Ten Dollars
1727 (\$10.00) to the clerk of the municipality, at least sixty (60)
1728 days before the date the pre-election day voting period begins for
1729 the first primary election, no later than 5:00 p.m. on such
1730 deadline day. If the sixtieth day to file the fee and written
1731 statement before the date the pre-election day voting period
1732 begins for an election falls on a Sunday or legal holiday, the
1733 fees and written statements submitted on the business day
1734 immediately following the Sunday or legal holiday shall be
1735 accepted.

1736 (2) The fee paid pursuant to subsection (1) of this section
1737 shall be accompanied by a written statement containing the name
1738 and address of the candidate, the party with which he or she is
1739 affiliated, the email address of the candidate, if any, and the
1740 office for which he or she is a candidate.

1741 (3) The clerk shall promptly receipt the payment, stating
1742 the office for which the person making the payment is running and
1743 the political party with which such person is affiliated. The
1744 clerk shall keep an itemized account in detail showing the time
1745 and date of the receipt of such payment received by him or her,
1746 from whom such payment was received, the party with which such



1747 person is affiliated and for what office the person paying the fee
1748 is a candidate. No candidate may attempt to qualify with any
1749 political party that does not have a duly organized municipal
1750 executive committee, and the municipal clerk shall not accept any
1751 assessments made pursuant to subsection (1) if the municipal clerk
1752 does not have contact information for the secretary of the
1753 municipal executive committee for that political party. The clerk
1754 shall promptly supply all necessary information and pay over all
1755 fees so received to the secretary of the proper municipal
1756 executive committee. The funds may be used and disbursed in the
1757 same manner as is allowed in Section 23-15-299 in regard to other
1758 executive committees.

1759 (4) Upon receipt of the above information, the proper
1760 municipal executive committee shall then determine, at the time of
1761 the qualifying deadline, whether each candidate is a qualified
1762 elector of the municipality, and of the ward if the office sought
1763 is a ward office, shall determine whether each candidate either
1764 meets all other qualifications to hold the office he or she is
1765 seeking or presents absolute proof that he or she will, subject to
1766 no contingencies, meet all qualifications on or before the date of
1767 the general or special election at which he or she could be
1768 elected to office. The executive committee shall determine
1769 whether the candidate has taken the steps necessary to qualify for
1770 more than one (1) office at the election. The committee also
1771 shall determine whether any candidate has been convicted of any



1772 felony in a court of this state, or has been convicted on or after
1773 December 8, 1992, of any offense in another state which is a
1774 felony under the laws of this state, or has been convicted of any
1775 felony in a federal court on or after December 8, 1992. Excepted
1776 from the above are convictions of manslaughter and violations of
1777 the United States Internal Revenue Code or any violations of the
1778 tax laws of this state unless such offense also involved misuse or
1779 abuse of his or her office or money coming into his or her hands
1780 by virtue of the office. If the proper municipal executive
1781 committee finds that a candidate either (a) does not meet all
1782 qualifications to hold the office he or she seeks and fails to
1783 provide absolute proof, subject to no contingencies, that he or
1784 she will meet the qualifications on or before the date * * * the
1785 pre-election day voting period begins for the general or special
1786 election at which he or she could be elected, or (b) has been
1787 convicted of a felony as described in this subsection and not
1788 pardoned, then the executive committee shall notify the candidate
1789 and give the candidate an opportunity to be heard. The executive
1790 committee shall mail notice to the candidate at least three (3)
1791 business days before the hearing to the address provided by the
1792 candidate on the qualifying forms, and the committee shall attempt
1793 to contact the candidate by telephone, email and facsimile if the
1794 candidate provided this information on the forms. If the
1795 candidate fails to appear at the hearing or to prove he or she
1796 meets all qualifications to hold the office subject to no



1797 contingencies, then the name of such candidate shall not be placed
1798 upon the ballot. If the executive committee determines that the
1799 candidate has taken the steps necessary to qualify for more than
1800 one (1) office at the election, the action required by Section
1801 23-15-905, shall be taken.

1802 (5) Where there is but one (1) candidate, the proper
1803 municipal executive committee when the time has expired within
1804 which the names of candidates shall be furnished shall declare
1805 such candidate the nominee.

1806 **SECTION 47.** Section 23-15-331, Mississippi Code of 1972, is
1807 amended as follows:

1808 23-15-331. It shall be the duty of the state executive
1809 committee of each political party to furnish to each county
1810 executive committee, not less than fifty (50) days * * * before
1811 the * * * period for pre-election day voting begins the names of
1812 all state and state district candidates and all candidates for
1813 legislative districts composed of more than one (1) county or
1814 parts of more than one (1) county who have qualified as provided
1815 by law, and in accordance with the requirements of Section
1816 23-15-333 a sample of the official ballot to be used in the
1817 primary, the general form of which shall be followed as
1818 practicable.

1819 **SECTION 48.** Section 23-15-333, Mississippi Code of 1972, is
1820 amended as follows:



1821 23-15-333. (1) The county executive committee shall have
1822 printed all necessary ballots, for use in primary elections. The
1823 county executive committee shall have printed all necessary
1824 absentee ballots forty-five (45) days before the period for
1825 pre-election day voting begins for the election as required by
1826 law. The ballots shall contain the names of all the candidates to
1827 be voted for at the election, and there shall be left on each
1828 ballot one (1) blank space under the title of each office for
1829 which a nominee is to be elected; and in the event of the death of
1830 any candidate whose name shall have been printed on the ballot,
1831 the name of the candidate duly substituted in the place of the
1832 deceased candidate may be written in such blank space by the
1833 voter. Except as otherwise provided in subsection (2) of this
1834 section, the order in which the titles to the various offices
1835 shall be printed, and the size, print and quality of the paper of
1836 the ballot is left to the discretion of the county executive
1837 committee. Provided, however, that in all cases the arrangement
1838 of the names of the candidates for each office shall be
1839 alphabetical. No ballot shall be used except those so printed.

1840 (2) The titles for the various offices shall be listed in
1841 the following order:

1842 (a) Candidates, electors or delegates for the following
1843 national offices:

1844 (i) President of the United States of America;



1845 (ii) United States Senator or United States
1846 Representative;

1847 (b) Candidates for the following statewide offices:
1848 Governor, Lieutenant Governor, Secretary of State, Attorney
1849 General, State Treasurer, Auditor of Public Accounts, Commissioner
1850 of Agriculture and Commerce, Commissioner of Insurance;

1851 (c) Candidates for the following state district
1852 offices: Mississippi Transportation Commissioner, Public Service
1853 Commissioner, District Attorney;

1854 (d) Candidates for the following legislative offices:
1855 Senator and House of Representatives;

1856 (e) Candidates for countywide office;

1857 (f) Candidates for county district office.

1858 The order in which the titles for the various offices are
1859 listed within each of the categories listed in paragraphs (e) and
1860 (f) are left to the discretion of the county executive committee.
1861 Candidates' names shall be listed alphabetically under each office
1862 by the candidate's last name.

1863 (3) If after the deadline to qualify as a candidate for an
1864 office, only one (1) person has duly qualified to be a candidate
1865 for the office in the primary election, the name of that person
1866 shall be placed on the ballot; provided, however, that if not more
1867 than one (1) person has duly qualified to be a candidate for each
1868 office on the primary election ballot, the election for all
1869 offices on the ballot shall be dispensed with and the appropriate



1870 executive committee shall declare each candidate as the party
1871 nominee if the candidate meets all the qualifications to hold the
1872 office.

1873 (4) (a) If it is eligible under Section 23-15-266, the
1874 county executive committee may enter into a written agreement with
1875 the circuit clerk or the county election commission authorizing
1876 the circuit clerk or the county election commission to perform any
1877 of the duties required of the county executive committee pursuant
1878 to this section. Any agreement entered into pursuant to this
1879 subsection shall be signed by the chair of the county executive
1880 committee and the circuit clerk or the chair of the county
1881 election commission, as appropriate. The county executive
1882 committee shall notify the state executive committee and the
1883 Secretary of State of the existence of such agreement.

1884 (b) If it is eligible under Section 23-15-266, the
1885 municipal executive committee may enter into a written agreement
1886 with the municipal clerk or the municipal election commission
1887 authorizing the municipal clerk or the municipal election
1888 commission to perform any of the duties required of the municipal
1889 executive committee pursuant to this section. Any agreement
1890 entered into pursuant to this subsection shall be signed by the
1891 chair of the municipal executive committee and the municipal clerk
1892 or the chair of the municipal election commission, as appropriate.
1893 The municipal executive committee shall notify the state executive



1894 committee and the Secretary of State of the existence of such
1895 agreement.

1896 **SECTION 49.** Section 23-15-335, Mississippi Code of 1972, is
1897 amended as follows:

1898 23-15-335. (1) The county executive committee shall
1899 designate a person whose duty it shall be to distribute all
1900 necessary ballots for use * * * during a primary election, and
1901 shall designate one (1) among the poll managers at each polling
1902 place to receive and receipt for the blank ballots to be used at
1903 that place. When the blank ballots are delivered to a local poll
1904 manager, the distributor shall take from the local poll manager a
1905 receipt therefor signed in duplicate by both the distributor and
1906 the poll manager, one (1) of which receipts the distributor shall
1907 deliver to the circuit clerk and the other shall be retained by
1908 the local poll manager and the last mentioned duplicate receipt
1909 shall be enclosed in the ballot box with the voted ballots when
1910 the polls have been closed and the votes have been counted. The
1911 printer of the ballots shall take a receipt from the distributor
1912 of the ballots for the total number of the blank ballots delivered
1913 to the distributor. The printer shall secure all ballots printed
1914 by him or her in such a safe manner that no person can procure
1915 them or any of them, and he or she shall deliver no blank ballot
1916 or ballots to any person except the distributor above mentioned,
1917 and then only upon his or her receipt therefor as above specified.
1918 The distributor of the blank ballots shall so securely hold the



1919 same that no person can obtain any of them, and he or she shall
1920 not deliver any of them to any person other than to the authorized
1921 local poll managers and upon their respective receipts therefor.
1922 The executive committee shall see to it that the total blank
1923 ballots delivered to the distributor, shall correspond with the
1924 total of the receipts executed by the local poll managers.

1925 (2) (a) If it is eligible under Section 23-15-266, the
1926 county executive committee may enter into a written agreement with
1927 the circuit clerk or the county election commission authorizing
1928 the circuit clerk or the county election commission to perform any
1929 of the duties required of the county executive committee pursuant
1930 to this section. Any agreement entered into pursuant to this
1931 subsection shall be signed by the chair of the county executive
1932 committee and the circuit clerk or the chair of the county
1933 election commission, as appropriate. The county executive
1934 committee shall notify the state executive committee and the
1935 Secretary of State of the existence of such agreement.

1936 (b) If it is eligible under Section 23-15-266, the
1937 municipal executive committee may enter into a written agreement
1938 with the municipal clerk or the municipal election commission
1939 authorizing the municipal clerk or the municipal election
1940 commission to perform any of the duties required of the municipal
1941 executive committee pursuant to this section. Any agreement
1942 entered into pursuant to this subsection shall be signed by the
1943 chair of the municipal executive committee and the municipal clerk



1944 or the chair of the municipal election commission, as appropriate.
1945 The municipal executive committee shall notify the state executive
1946 committee and the Secretary of State of the existence of such
1947 agreement.

1948 (3) Any person charged with any of the duties prescribed in
1949 this section who shall willfully or with culpable carelessness
1950 violate the same shall be guilty of a misdemeanor.

1951 **SECTION 50.** Section 23-15-353, Mississippi Code of 1972, is
1952 amended as follows:

1953 23-15-353. The officer charged with printing and
1954 distributing the official ballot shall ascertain from the
1955 registrar, at least ten (10) days before the day * * *
1956 pre-election day voting for that election begins, the number of
1957 registered voters in each voting precinct; and he or she shall
1958 have printed and distributed a sufficient number of ballots for
1959 use in each precinct.

1960 **SECTION 51.** Section 23-15-357, Mississippi Code of 1972, is
1961 amended as follows:

1962 23-15-357. On the back and outside of the ballot shall be
1963 printed the words "OFFICIAL BALLOT," the name of the voting
1964 precinct or place for which the ballot is prepared, * * * the date
1965 of the election and the date of the period for pre-election day
1966 voting.

1967 **SECTION 52.** Section 23-15-359, Mississippi Code of 1972, is
1968 amended as follows:



1969 23-15-359. (1) Except as provided in this section, the
1970 ballot shall contain the names of all party nominees certified by
1971 the appropriate executive committee, and independent and special
1972 election candidates who have timely filed petitions containing the
1973 required signatures and assessments that must be paid pursuant to
1974 Section 23-15-297, if the candidates and nominees meet all of the
1975 qualifications to hold the office sought. A petition requesting
1976 that an independent or special election candidate's name be placed
1977 on the ballot for any office shall be filed as provided for in
1978 subsection (3) or (4) of this section, as appropriate, and shall
1979 be signed by not less than the following number of qualified
1980 electors:

1981 (a) For an office elected by the state at large, not
1982 less than one thousand (1,000) qualified electors.

1983 (b) For an office elected by the qualified electors of
1984 a Supreme Court district, not less than three hundred (300)
1985 qualified electors.

1986 (c) For an office elected by the qualified electors of
1987 a congressional district, not less than two hundred (200)
1988 qualified electors.

1989 (d) For an office elected by the qualified electors of
1990 a circuit or chancery court district, not less than one hundred
1991 (100) qualified electors.



1992 (e) For an office elected by the qualified electors of
1993 a senatorial or representative district, not less than fifty (50)
1994 qualified electors.

1995 (f) For an office elected by the qualified electors of
1996 a county, not less than fifty (50) qualified electors.

1997 (g) For an office elected by the qualified electors of
1998 a supervisors district or justice court district, not less than
1999 fifteen (15) qualified electors.

2000 (h) For the Office of President of the United States, a
2001 party nominee or independent candidate shall pay an assessment in
2002 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

2003 (2) (a) Unless the petition or fee, whichever is
2004 applicable, required above shall be filed as provided for in
2005 subsection (3), (4) or (5) of this section, as appropriate, the
2006 name of the person requested to be a candidate, unless nominated
2007 by a political party, shall not be placed upon the ballot. The
2008 ballot shall contain the names of each candidate for each office,
2009 and the names shall be listed under the name of the political
2010 party that candidate represents as provided by law and as
2011 certified to the circuit clerk by the state executive committee of
2012 the political party. In the event the candidate qualifies as an
2013 independent as provided in this section, he or she shall be listed
2014 on the ballot as an independent candidate.



2015 (b) The name of an independent or special election
2016 candidate who dies before the printing of the ballots, shall not
2017 be placed on the ballots.

2018 (3) Petitions for offices described in paragraphs (a), (b),
2019 (c), (d) and (e) of subsection (1) of this section shall be filed
2020 with the Secretary of State by no later than 5:00 p.m. on the same
2021 date or business day, as applicable, by which candidates are
2022 required to pay the fee provided for in Section 23-15-297;
2023 however, no petition may be filed before January 1 of the year in
2024 which the election for the office is held.

2025 (4) Petitions for offices described in paragraphs (f) and
2026 (g) of subsection (1) of this section shall be filed with the
2027 proper circuit clerk by no later than 5:00 p.m. on the same date
2028 by which candidates are required to pay the fee provided for in
2029 Section 23-15-297; however, no petition may be filed before
2030 January 1 of the year in which the election for the office is
2031 held. The circuit clerk shall notify the county election
2032 commissioners of all persons who have filed petitions with the
2033 clerk. The notification shall occur within two (2) business days
2034 and shall contain all necessary information.

2035 (5) The assessment for the office described in paragraph (h)
2036 of subsection (1) of this section shall be paid to the Secretary
2037 of State. The Secretary of State shall deposit any qualifying
2038 fees received from candidates into the Elections Support Fund
2039 established in Section 23-15-5.



2040 (6) The election commissioners may also have printed upon
2041 the ballot any local issue election matter that is authorized to
2042 be * * * voted on * * * during the period for voting for the
2043 regular or general election pursuant to Section 23-15-375;
2044 however, the ballot form of the local issue must be filed with the
2045 election commissioners by the appropriate governing authority not
2046 less than sixty (60) days before the date * * * the pre-election
2047 day voting period begins for the election.

2048 (7) The provisions of this section shall not apply to
2049 municipal elections or to the election of the offices of justice
2050 of the Supreme Court, judge of the Court of Appeals, circuit
2051 judge, chancellor, county court judge and family court judge.

2052 (8) Nothing in this section shall prohibit special elections
2053 to fill vacancies in either house of the Legislature from being
2054 held as provided in Section 23-15-851. In all elections conducted
2055 under the provisions of Section 23-15-851, there shall be printed
2056 on the ballot the name of any candidate who, not having been
2057 nominated by a political party, shall have been requested to be a
2058 candidate for any office by a petition filed with the Secretary of
2059 State and signed by not less than fifty (50) qualified electors.

2060 (9) (a) The appropriate election commission shall determine
2061 whether each candidate is a qualified elector of the state, state
2062 district, county or county district they seek to serve, and
2063 whether each candidate meets all other qualifications to hold the
2064 office he or she is seeking or presents absolute proof that he or



2065 she will, subject to no contingencies, meet all qualifications on
2066 or before the date * * * the pre-election day voting period begins
2067 for the general or special election at which he or she could be
2068 elected to office. The election commission shall determine
2069 whether the candidate has taken the steps necessary to qualify for
2070 more than one (1) office at the election. The election commission
2071 also shall determine whether any candidate has been convicted (i)
2072 of any felony in a court of this state, (ii) on or after December
2073 8, 1992, of any offense in another state which is a felony under
2074 the laws of this state, (iii) of any felony in a federal court on
2075 or after December 8, 1992, or (iv) of any offense that involved
2076 the misuse or abuse of his or her office or money coming into his
2077 or her hands by virtue of the office. Excepted from the above are
2078 convictions of manslaughter and violations of the United States
2079 Internal Revenue Code or any violations of the tax laws of this
2080 state.

2081 (b) If the appropriate election commission finds that a
2082 candidate either (i) is not a qualified elector, (ii) does not
2083 meet all qualifications to hold the office he or she seeks and
2084 fails to provide absolute proof, subject to no contingencies, that
2085 he or she will meet the qualifications on or before the date * * *
2086 the pre-election day voting period begins the general or special
2087 election at which he or she could be elected, or (iii) has been
2088 convicted of a felony or other disqualifying offense as described
2089 in paragraph (a) of this subsection, and not pardoned, then the



2090 election commission shall notify the candidate and give the
2091 candidate an opportunity to be heard. The election commission
2092 shall mail notice to the candidate at least three (3) business
2093 days before the hearing to the address provided by the candidate
2094 on the qualifying forms, and the committee shall attempt to
2095 contact the candidate by telephone, email and facsimile if the
2096 candidate provided this information on the forms. If the
2097 candidate fails to appear at the hearing or to prove that he or
2098 she meets all qualifications to hold the office subject to no
2099 contingencies, then the name of such candidate shall not be placed
2100 upon the ballot. If the appropriate election commission
2101 determines that the candidate has taken the steps necessary to
2102 qualify for more than one (1) office at the election, the action
2103 required by Section 23-15-905, shall be taken.

2104 (10) If after the deadline to qualify as a candidate for an
2105 office or after the time for holding any party primary for an
2106 office, only one (1) person has duly qualified to be a candidate
2107 for the office in the general election, the name of that person
2108 shall be placed on the ballot; provided, however, that if not more
2109 than one (1) person duly qualified to be a candidate for each
2110 office on the general election ballot, the election for all
2111 offices on the ballot shall be dispensed with and the appropriate
2112 election commission shall declare each candidate elected without
2113 opposition if the candidate meets all the qualifications to hold
2114 the office as determined pursuant to a review by the election



2115 commission in accordance with the provisions of subsection (9) of
2116 this section and if the candidate has filed all required campaign
2117 finance disclosure reports as required by Section 23-15-807.

2118 (11) The petition required by this section may not be filed
2119 by using the Internet.

2120 **SECTION 53.** Section 23-15-363, Mississippi Code of 1972, is
2121 amended as follows:

2122 23-15-363. After the proper officer has knowledge of or has
2123 been notified of the nomination, as provided, of any candidate for
2124 office, the officer shall not omit his or her name from the
2125 ballot, unless upon the written request of the candidate
2126 nominated, made at least ten (10) days before the pre-election day
2127 voting period for the election begins, and in no case after * * *
2128 the ballot has been printed; and every ballot shall contain the
2129 names of all candidates nominated as specified, and not duly
2130 withdrawn.

2131 **SECTION 54.** Section 23-15-367, Mississippi Code of 1972, is
2132 amended as follows:

2133 23-15-367. (1) Except as otherwise provided by Sections
2134 23-15-974 through 23-15-985 and subsection (2) of this section,
2135 the size, print and quality of paper of the official ballot is
2136 left to the discretion of the officer charged with printing the
2137 official ballot.

2138 (2) The titles for the various offices shall be listed in
2139 the following order:



2140 (a) Candidates, electors or delegates for the following
2141 national offices:

2142 (i) President;

2143 (ii) United States Senator or United States
2144 Representative;

2145 (b) Candidates for the following statewide office:
2146 Governor, Lieutenant Governor, Secretary of State, Attorney
2147 General, State Treasurer, Auditor of Public Accounts, Commissioner
2148 of Agriculture and Commerce, Commissioner of Insurance;

2149 (c) Candidates for the following state district
2150 offices: Mississippi Transportation Commissioner, Public Service
2151 Commissioner, District Attorney;

2152 (d) Candidates for the following legislative offices:
2153 Senate and House of Representatives;

2154 (e) Candidates for countywide office;

2155 (f) Candidates for county district office.

2156 The order in which the titles for the various offices are
2157 listed within paragraphs (e) and (f) is left to the discretion of
2158 the county election commissioners. Nominees of the political
2159 parties, qualified to conduct primary elections as defined in
2160 Section 23-15-291, shall be listed first alphabetically by the
2161 candidate's last name, followed by any other candidates listed
2162 alphabetically by last name.

2163 (3) It is the duty of the Secretary of State, with the
2164 approval of the Governor, to furnish the designated election



2165 commissioner of each county a sample of the official ballot, not
2166 less than fifty-five (55) days before the pre-election day voting
2167 period begins for the election, the general form of which shall be
2168 followed as nearly as practicable.

2169 **SECTION 55.** Section 7-3-39, Mississippi Code of 1972, is
2170 amended as follows:

2171 7-3-39. The Secretary of State shall have published in full
2172 each constitutional amendment two (2) weeks * * * before the
2173 period for pre-election day voting for the election begins, if
2174 pre-election day voting is authorized for that election, at which
2175 the qualified electors shall vote on * * * the amendments, in each
2176 county in each newspaper having a general circulation in the
2177 county, as defined in Section 13-3-31; or * * * the Secretary of
2178 State shall have each amendment posted in three (3) public places
2179 in the county if all * * * the newspapers in the county refuse to
2180 publish same at the price provided in Section 7-3-41.

2181 **SECTION 56.** Section 23-15-511, Mississippi Code of 1972, is
2182 amended as follows:

2183 23-15-511. The ballots shall, as far as practicable, be in
2184 the same order of arrangement as provided for paper ballots that
2185 are to be counted manually, except that the information may be
2186 printed in vertical or horizontal rows. Nothing in this chapter
2187 shall be construed as prohibiting the information being presented
2188 to the voters from being printed on both sides of a single ballot.
2189 In those years when a special election shall occur * * * during



2190 the same voting period as the general election, the names of
2191 candidates in any special election and the general election shall
2192 be placed on the same ballot by the election commissioners or
2193 officials in charge of the election, but the general election
2194 candidates shall be clpre-election day distinguished from the
2195 special election candidates. At any time a special election
2196 is * * * during the same voting period as a party primary
2197 election, the names of the candidates in the special election may
2198 be placed on the same ballot by the officials in charge of the
2199 election, but shall be clpre-election day distinguished as special
2200 election candidates or primary election candidates.

2201 Ballots shall be printed in plain clear type in black ink and
2202 upon clear white materials of such size and arrangement as to be
2203 compatible with the OMR equipment. Absentee ballots shall be
2204 prepared and printed in the same form and shall be on the same
2205 size and texture as the regular official ballots, except that they
2206 shall be printed on tinted paper; or the ink used to print the
2207 ballots shall be of a color different from that of the ink used to
2208 print the regular official ballots. Arrows may be printed on the
2209 ballot to indicate the place to mark the ballot, which may be to
2210 the right or left of the names of candidates and propositions.
2211 The titles of offices may be arranged in vertical columns on the
2212 ballot and shall be printed above or at the side of the names of
2213 candidates so as to indicate clpre-election day the candidates for
2214 each office and the number to be elected. In case there are more



2215 candidates for an office than can be printed in one (1) column,
2216 the ballot shall be clpre-election day marked that the list of
2217 candidates is continued on the following column. The names of
2218 candidates for each office shall be printed in vertical columns,
2219 grouped by the offices that they seek. In partisan elections, the
2220 party designation of each candidate, which may be abbreviated,
2221 shall be printed following his or her name.

2222 One (1) sample ballot, which shall be a facsimile of the
2223 official ballot and instructions to the voters, shall be provided
2224 for each precinct and shall be posted in each polling place during
2225 pre-election day voting and on election day.

2226 A separate ballot security envelope or suitable equivalent in
2227 which the voter can place his or her ballot after voting, shall be
2228 provided to conceal the choices the voter has made. Absentee
2229 voters will receive a similar ballot security envelope provided by
2230 the county in which the absentee voter will insert their voted
2231 ballot, which then can be inserted into a return envelope to be
2232 mailed back to the election official. Absentee ballots will not
2233 be required to be folded when a ballot security envelope is
2234 provided.

2235 **SECTION 57.** Section 23-15-515, Mississippi Code of 1972, is
2236 amended as follows:

2237 23-15-515. The circuit clerk shall be the custodian of OMR
2238 equipment acquired by the county, who shall be charged with the
2239 proper storage, maintenance and repair of the OMR equipment. The



2240 municipal clerk shall be the custodian of the OMR equipment
2241 acquired by the municipality, and shall be charged with the proper
2242 storage, maintenance and repair of the OMR equipment. The
2243 custodian or the officials in charge of the election shall repair
2244 or replace any OMR equipment which fails to function properly
2245 during the pre-election day voting period or on election day.

2246 **SECTION 58.** Section 23-15-531.6, Mississippi Code of 1972,
2247 is amended as follows:

2248 23-15-531.6. (1) For each primary or general election, the
2249 officials in charge of the election shall use at least
2250 seventy-five percent (75%) of all DRE units available to the
2251 county or municipality, as the case may be. For all other
2252 elections in which the officials in charge of the election choose
2253 to use DRE units, at least one-third (1/3) of all DRE units
2254 available to the county or municipality, as the case may be, shall
2255 be used in such elections.

2256 (2) The officials in charge of the election shall ensure the
2257 delivery of the proper DRE units to the polling places of the
2258 respective precincts at least one (1) hour before the time for
2259 opening the polls during the pre-election day voting period and at
2260 each election and shall cause each unit to be set up in the proper
2261 manner for use in voting.

2262 (3) (a) On or before the second day before the pre-election
2263 day voting period begins and before any election day, the
2264 officials in charge of the conduct of the election shall cause



2265 each DRE unit to be tested for logic and accuracy to ascertain
2266 that the units will correctly count the votes cast for all offices
2267 and on all questions, in a manner the Secretary of State may
2268 further prescribe by rule or regulation.

2269 (b) Public notice of the time and place of the test
2270 shall be made at least five (5) days before the date of the test.
2271 Candidates, representatives of candidates, political parties, news
2272 media and the public shall be permitted to observe the testing of
2273 the DRE units.

2274 (4) The officials in charge of the conduct of the election
2275 shall test all memory cards and encoders to be used in any
2276 election.

2277 (5) The officials in charge of the election shall require
2278 that each DRE unit be inspected and sealed before the delivery of
2279 each DRE unit to the polling place. Before opening the polls each
2280 day on which the DRE units will be used * * * during an election
2281 or the period for pre-election day voting, the poll manager shall
2282 break the seal on each unit, turn on each unit, certify that each
2283 unit is operating properly and is set to zero, and print a zero
2284 tape certifying that each unit is set to zero and shall keep or
2285 record such certification on each unit.

2286 (6) The officials in charge of the election, election
2287 commissioners and poll managers shall provide ample protection
2288 against molestation of and injury to the DRE units, and, for that
2289 purpose, the officials in charge of the election, election



2290 commissioners and poll managers may call upon any law enforcement
2291 officer to furnish any assistance that may be necessary. It shall
2292 be the duty of any law enforcement officer to furnish assistance
2293 when so requested by the officials in charge of the election,
2294 election commissioner or poll manager.

2295 (7) The officials in charge of the election, in conjunction
2296 with the governing authorities, shall, at least one (1) hour
2297 before opening the polls for pre-election day voting and on
2298 election day:

2299 (a) Provide sufficient lighting to enable electors to
2300 read the ballot and to enable poll managers to examine the booth
2301 and conduct their responsibilities;

2302 (b) Provide directions for voting on the DRE units that
2303 shall be prominently posted within each voting booth and provide
2304 at least one (1) sample ballot for each primary or general
2305 election shall be prominently posted outside the enclosed space
2306 within the polling place;

2307 (c) Ensure that each DRE unit and its tabulating
2308 mechanism is secure throughout the day; and

2309 (d) Provide such other materials and supplies as may be
2310 necessary or required by law.

2311 **SECTION 59.** Section 23-15-545, Mississippi Code of 1972, is
2312 amended as follows:

2313 23-15-545. At each election, at least one (1) poll manager
2314 shall be charged with writing in the pollbook the word "VOTED," in



2315 the column having at its head the date of the pre-election day
2316 voting period or the date of the election, opposite the name of
2317 each elector upon return of a marked paper ballot by the elector
2318 with the initials of the initialing poll manager or alternate
2319 initialing poll manager affixed thereon. When a DRE unit is used
2320 in the polling place, the word "VOTED" shall be marked by at least
2321 one (1) poll manager in the pollbook in the column having at its
2322 head the date of the election, opposite the name of the elector.

2323 **SECTION 60.** Section 23-15-573, Mississippi Code of 1972, is
2324 amended as follows:

2325 23-15-573. (1) If any person declares that he or she is a
2326 registered voter in the jurisdiction in which he or she offers to
2327 vote and that he or she is eligible to vote during the
2328 pre-election day voting period or in the election, but his or her
2329 name does not appear upon the pollbooks, or that he or she is not
2330 able to cast a regular pre-election day voting or election day
2331 ballot under a provision of state or federal law but is otherwise
2332 qualified to vote, or that he or she has been illegally denied
2333 registration, or that he or she is unable to present an acceptable
2334 form of photo identification:

2335 (a) A poll manager shall notify the person that he or
2336 she may cast an affidavit ballot * * * during the election.

2337 (b) The person shall be permitted to cast an affidavit
2338 ballot at the polling place upon execution of a written affidavit
2339 before one (1) of the poll managers stating that the individual:



2340 (i) Believes he or she is a registered voter in
2341 the jurisdiction in which he or she desires to vote and is
2342 eligible to vote * * * during the election; or

2343 (ii) Is not able to cast a regular pre-election
2344 day voting or election day ballot under a provision of state or
2345 federal law but is otherwise qualified to vote; or

2346 (iii) Believes that he or she has been illegally
2347 denied registration; or

2348 (iv) Is unable to present an acceptable form of
2349 photo identification.

2350 (c) The poll manager shall allow the individual to mark
2351 a paper ballot properly endorsed by the initialing poll manager or
2352 alternate initialing poll manager in accordance with Section
2353 23-15-541, which shall be delivered by him or her to the proper
2354 election official who shall enclose it in an affidavit ballot
2355 envelope, with the written and signed affidavit of the voter
2356 affixed to the envelope, seal the envelope and mark plainly upon
2357 it the name of the person offering to vote.

2358 (2) The affidavit ballot envelope shall include:

2359 (a) The complete name of the voter;

2360 (b) A present and previous physical and mailing address
2361 of the voter;

2362 (c) Telephone numbers where the voter may be contacted;



2363 (d) A statement that the affiant believes he or she is
2364 registered to vote in the jurisdiction in which he or she offers
2365 to vote;

2366 (e) The signature of the affiant; and

2367 (f) The signature of the poll manager at the polling
2368 place at which the affiant offers to vote.

2369 (3) (a) A separate receipt book shall be maintained for
2370 affidavit voters and the affidavit voters shall sign the receipt
2371 book upon completing the affidavit ballot.

2372 (b) If the affidavit voter is casting an affidavit
2373 ballot because the voter is unable to present an acceptable form
2374 of photo identification and the voter's name appears in the
2375 pollbook, then the poll manager shall write "NO ID" across from
2376 the voter's name and in the appropriate column in the pollbook.

2377 (c) In canvassing the returns of the election, the
2378 executive committee in primary elections, or the election
2379 commissioners in other elections, shall examine the records and
2380 allow the ballot to be counted, or not counted as it appears
2381 legal.

2382 (d) An affidavit ballot of a voter who was unable to
2383 present an acceptable form of photo identification shall not be
2384 rejected for this reason if the voter does either of the
2385 following:

2386 (i) Returns to the circuit clerk's office, or to
2387 the municipal clerk's office for municipal elections, within five



2388 (5) business days after the date * * * the person voted during the
2389 election and presents an acceptable form of photo identification;

2390 (ii) Returns to the circuit clerk's office within
2391 five (5) business days after the date of the election to obtain
2392 the Mississippi Voter Identification Card, or in municipal
2393 election, returns to the municipal clerk's office within five (5)
2394 business days after the date * * * the person voted during the
2395 election to present his or her Mississippi Voter Identification
2396 Card or Temporary Mississippi Voter Identification Card; or

2397 (iii) Returns to the circuit clerk's office, or to
2398 the municipal clerk's office for municipal elections, within five
2399 (5) business days after the date * * * the person voted during the
2400 election to execute a separate Affidavit of Religious Objection.

2401 (4) When a person is offered the opportunity to vote by
2402 affidavit ballot, he or she shall be provided with written
2403 information that informs the person how to ascertain whether his
2404 or her affidavit ballot was counted and, if the vote was not
2405 counted, the reasons the vote was not counted.

2406 (5) The officials in charge of the election shall process
2407 all affidavit ballots by using the Statewide Elections Management
2408 System. The officials in charge of the election shall account for
2409 all affidavit ballots cast in each election, categorizing the
2410 affidavit ballots cast by reason and recording the total number of
2411 affidavit ballots counted and not counted in each such category in
2412 the Statewide Elections Management System.



2413 (6) The Secretary of State shall, by rule duly adopted,
2414 establish a uniform affidavit ballot envelope that shall be used
2415 in all elections in this state. The Secretary of State shall
2416 print and distribute a sufficient number of affidavit ballot
2417 envelopes to the registrar of each county for use in elections.
2418 The registrar shall distribute the affidavit ballot envelopes to
2419 municipal and county executive committees for use in primary
2420 elections and to municipal and county election commissioners for
2421 use in all other elections.

2422 (7) County registrars and municipal registrars shall
2423 maintain a secure free access system that complies with the Help
2424 America Vote Act of 2002, by which persons who vote by affidavit
2425 ballot may determine if their ballots were counted, and if not,
2426 the reasons the ballot was not counted.

2427 (8) Any person who votes * * * during any election as a
2428 result of a federal or state court order or other order extending
2429 the time established by law for closing the polls on an election
2430 day, may only vote by affidavit ballot. Any affidavit ballot cast
2431 under this subsection shall be separated and kept apart from other
2432 affidavit ballots cast by voters not affected by the order.

2433 **SECTION 61.** Section 23-15-613, Mississippi Code of 1972, is
2434 amended as follows:

2435 23-15-613. (1) As used in this section "residual votes"
2436 means overvotes, undervotes and any other vote not counted for any
2437 reason.



2438 (2) For every election, election commissions and county and
2439 municipal executive committees shall report to the Secretary of
2440 State residual vote information; however, if the voting
2441 devices * * * used in the election do not produce a ballot, other
2442 information shall be reported as required in this section.

2443 (3) For every election, election commissions and county and
2444 municipal executive committees responsible for the conduct of
2445 elections in which ballots are generated that are counted by hand
2446 or by OMR equipment or the tabulating mechanism of a DRE unit
2447 shall report to the Secretary of State all residual votes for all
2448 candidates and ballot measures in the elections for which they are
2449 responsible for conducting. The residual vote reports shall:

2450 (a) Be received by the Secretary of State no later than
2451 December 15 of the year in which the election is held;

2452 (b) Include any suggested explanation or suspected
2453 cause of the residual votes;

2454 (c) Include a copy of a voided official ballot for the
2455 election as such ballot appeared to voters at the election and
2456 copies of voided affidavit and absentee ballots if they are
2457 different from the official ballot;

2458 (d) Include the total voter turnout for each election,
2459 including the period for pre-election day voting, to be determined
2460 by totaling the number of persons signing the receipt book at each
2461 precinct, absentee voters and persons who voted by affidavit
2462 ballot and persons whose ballots were challenged and rejected; and



2463 (e) Include a copy of any printed voting instructions
2464 given or visible to voters * * * during the election and a
2465 description of any verbal instructions and any other evidence of
2466 voter education that was used in the election.

2467 (4) For every election, election commissions and county and
2468 municipal executive committees responsible for the conduct of
2469 election in which voting devices are used that do not generate
2470 ballots that are counted by hand or by OMR equipment or the
2471 tabulating mechanism of a DRE unit, shall file a report with the
2472 Secretary of State which shall:

2473 (a) Be received by the Secretary of State no later than
2474 December 15 of the year in which the election is held;

2475 (b) Include the total voter turnout for each election,
2476 including the period for pre-election day voting, to be determined
2477 by totaling the number of persons signing the receipt book at each
2478 precinct, absentee voters and persons who voted by affidavit
2479 ballot and persons whose ballots were challenged and rejected;

2480 (c) Include in the report any anecdotal information
2481 obtained concerning voter problems with the voting equipment or
2482 ballot layout;

2483 (d) Include in the report any suggested explanation or
2484 suspected cause of any difference in the amount of total voter
2485 turnout and the number of counted votes for candidates for various
2486 offices; and



2487 (e) Include a copy of any printed voting instructions
2488 given or visible to voters * * * during the election and a
2489 description of any verbal instructions and any other evidence of
2490 voter education that was used * * * during the election.

2491 (5) Not later than January 31 of the year following the
2492 election, the Secretary of State shall submit a report to the
2493 Governor, Lieutenant Governor and Speaker of the House of
2494 Representatives analyzing the reports required to be filed
2495 pursuant to this section. The analysis shall include the
2496 following:

2497 (a) The performance of each voting device type
2498 used * * * during the election;

2499 (b) Any problems with voter or poll worker instructions
2500 or ballot design and layout that have been identified as a result
2501 of analyzing the reports received;

2502 (c) Recommendations for reducing the number of residual
2503 votes reported; and

2504 (d) Such other information as the Secretary of State
2505 deems beneficial.

2506 (6) The reports required pursuant to this section shall be
2507 in such form as may be required by rules and regulations
2508 promulgated by the Secretary of State.

2509 **SECTION 62.** Section 23-15-781, Mississippi Code of 1972, is
2510 amended as follows:



2511 23-15-781. The number of electors of President and Vice
2512 President of the United States to which this state may be
2513 entitled, shall be chosen by the qualified electors of the state
2514 at large, on the first Tuesday after the first Monday of November
2515 in the year in which an election of President and Vice President
2516 shall occur and during the pre-election day voting period.

2517 **SECTION 63.** Section 23-15-785, Mississippi Code of 1972, is
2518 amended as follows:

2519 23-15-785. (1) When presidential electors are to be chosen,
2520 the Secretary of State of Mississippi shall certify to the circuit
2521 clerks of the several counties the names of all candidates for
2522 President and Vice President who are nominated by any national
2523 convention or other like assembly of any political party or by
2524 written petition signed by at least one thousand (1,000) qualified
2525 voters of this state.

2526 (2) The certificate of nomination by a political party
2527 convention must be signed by the presiding officer and secretary
2528 of the convention and by the * * * chair of the state executive
2529 committee of the political party making the nomination. Any
2530 nominating petition, to be valid, must contain the signatures as
2531 well as the addresses of the petitioners. The certificates and
2532 petitions must be filed with the State Board of Election
2533 Commissioners by filing them in the Office of the Secretary of
2534 State by 5:00 p.m. not less than sixty (60) days * * * before the
2535 day * * * pre-election day voting begins for the election.



2536 (3) Each certificate of nomination and nominating petition
2537 must be accompanied by a list of the names and addresses of
2538 persons, who shall be qualified voters of this state, equal in
2539 number to the number of presidential electors to be chosen. Each
2540 person so listed shall execute the following statement which shall
2541 be attached to the certificate or petition when it is filed with
2542 the State Board of Election Commissioners: "I do hereby consent
2543 and do hereby agree to serve as elector for President and Vice
2544 President of the United States, if elected to that position, and
2545 do hereby agree that, if so elected, I shall cast my ballot as
2546 such for _____ for President and _____ for Vice President of
2547 the United States" (inserting in * * * the blank spaces the
2548 respective names of the persons named as nominees for * * * the
2549 respective offices in the certificate to which this statement is
2550 attached).

2551 (4) The State Board of Election Commissioners and any other
2552 official charged with the preparation of official ballots shall
2553 place on * * * the official ballots the words "PRESIDENTIAL
2554 ELECTORS FOR (here insert the name of the candidate for President,
2555 the word 'AND' and the name of the candidate for Vice President)"
2556 in lieu of placing the names of such presidential electors on the
2557 official ballots, and a vote cast therefor shall be counted and
2558 shall be in all respects effective as a vote for each of the
2559 presidential electors representing those candidates for President
2560 and Vice President of the United States. In the case of unpledged



2561 electors, the State Board of Election Commissioners and any other
2562 official charged with the preparation of official ballots shall
2563 place on * * * the official ballots the words "UNPLEDGED
2564 ELECTOR(S) (here insert the name(s) of individual unpledged
2565 elector(s) if placed upon the ballot based upon a petition granted
2566 in the manner provided by law stating the individual name(s) of
2567 the elector(s) rather than a slate of electors)."

2568 **SECTION 64.** Section 23-15-807, Mississippi Code of 1972, is
2569 amended as follows:

2570 23-15-807. (a) Each candidate or political committee shall
2571 file reports of contributions and disbursements in accordance with
2572 the provisions of this section. All candidates or political
2573 committees required to report such contributions and disbursements
2574 may terminate the obligation to report only upon submitting a
2575 final report that contributions will no longer be received or
2576 disbursements made and that the candidate or committee has no
2577 outstanding debts or obligations. The candidate, treasurer or
2578 chief executive officer shall sign the report.

2579 (b) Candidates seeking election, or nomination for election,
2580 and political committees making expenditures to influence or
2581 attempt to influence voters for or against the nomination for
2582 election of one or more candidates or balloted measures * * *
2583 during such election, shall file the following reports:

2584 (i) In any calendar year during which there is a
2585 regularly scheduled election, a pre-election report shall be filed



2586 no later than the seventh day before pre-election day voting
2587 begins for any election in which the candidate or political
2588 committee has accepted contributions or made expenditures and
2589 shall be completed as of the tenth day before pre-election day
2590 voting begins for the election;

2591 (ii) In 1987 and every fourth year thereafter, periodic
2592 reports shall be filed no later than the tenth day after April 30,
2593 May 31, June 30, September 30 and December 31, and shall be
2594 completed as of the last day of each period;

2595 (iii) In any calendar years except 1987 and except
2596 every fourth year thereafter, a report covering the calendar year
2597 shall be filed no later than January 31 of the following calendar
2598 year; and

2599 (iv) Except as otherwise provided in the requirements
2600 of paragraph (i) of this subsection (b), unopposed candidates are
2601 not required to file pre-election reports but must file all other
2602 reports required by paragraphs (ii) and (iii) of this subsection
2603 (b).

2604 (c) All candidates for judicial office as defined in Section
2605 23-15-975, or their political committees, shall file periodic
2606 reports in the year in which they are to be elected no later than
2607 the tenth day after April 30, May 31, June 30, September 30 and
2608 December 31.

2609 (d) Each report under this article shall disclose:



2610 (i) For the reporting period and the calendar year, the
2611 total amount of all contributions and the total amount of all
2612 expenditures of the candidate or reporting committee, including
2613 those required to be identified pursuant to paragraph (ii) of this
2614 subsection (d) as well as the total of all other contributions and
2615 expenditures during the calendar year. The reports shall be
2616 cumulative during the calendar year to which they relate;

2617 (ii) The identification of:

2618 1. Each person or political committee who makes a
2619 contribution to the reporting candidate or political committee
2620 during the reporting period, whose contribution or contributions
2621 within the calendar year have an aggregate amount or value in
2622 excess of Two Hundred Dollars (\$200.00) together with the date and
2623 amount of any such contribution;

2624 2. Each person or organization, candidate or
2625 political committee who receives an expenditure, payment or other
2626 transfer from the reporting candidate, political committee or its
2627 agent, employee, designee, contractor, consultant or other person
2628 or persons acting in its behalf during the reporting period when
2629 the expenditure, payment or other transfer to the person,
2630 organization, candidate or political committee within the calendar
2631 year have an aggregate value or amount in excess of Two Hundred
2632 Dollars (\$200.00) together with the date and amount of the
2633 expenditure;



2634 (iii) The total amount of cash on hand of each
2635 reporting candidate and reporting political committee;

2636 (iv) In addition to the contents of reports specified
2637 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2638 political party shall disclose:

2639 1. Each person or political committee who makes a
2640 contribution to a political party during the reporting period and
2641 whose contribution or contributions to a political party within
2642 the calendar year have an aggregate amount or value in excess of
2643 Two Hundred Dollars (\$200.00), together with the date and amount
2644 of the contribution;

2645 2. Each person or organization who receives an
2646 expenditure or expenditures by a political party during the
2647 reporting period when the expenditure or expenditures to the
2648 person or organization within the calendar year have an aggregate
2649 value or amount in excess of Two Hundred Dollars (\$200.00),
2650 together with the date and amount of the expenditure;

2651 (v) Disclosure required under this section of an
2652 expenditure to a credit card issuer, financial institution or
2653 business allowing payments and money transfers to be made over the
2654 Internet must include, by way of detail or separate entry, the
2655 amount of funds passing to each person, business entity or
2656 organization receiving funds from the expenditure.

2657 (e) The appropriate office specified in Section 23-15-805
2658 must be in actual receipt of the reports specified in this article



2659 by 5:00 p.m. on the dates specified in subsection (b) of this
2660 section. If the date specified in subsection (b) of this section
2661 shall fall on a weekend or legal holiday then the report shall be
2662 due in the appropriate office at 5:00 p.m. on the first working
2663 day before the date specified in subsection (b) of this section.
2664 The reporting candidate or reporting political committee shall
2665 ensure that the reports are delivered to the appropriate office by
2666 the filing deadline. The Secretary of State may approve specific
2667 means of electronic transmission of completed campaign finance
2668 disclosure reports, which may include, but not be limited to,
2669 transmission by electronic facsimile (FAX) devices.

2670 (f) (i) If any contribution of more than Two Hundred
2671 Dollars (\$200.00) is received by a candidate or candidate's
2672 political committee after the tenth day, but more than forty-eight
2673 (48) hours before 12:01 a.m. of the day of pre-election day voting
2674 begins for the election, the candidate or political committee
2675 shall notify the appropriate office designated in Section
2676 23-15-805, within forty-eight (48) hours of receipt of the
2677 contribution. The notification shall include:

- 2678 1. The name of the receiving candidate;
2679 2. The name of the receiving candidate's political
2680 committee, if any;
2681 3. The office sought by the candidate;
2682 4. The identification of the contributor;
2683 5. The date of receipt;



- 2684 6. The amount of the contribution;
- 2685 7. If the contribution is in-kind, a description
- 2686 of the in-kind contribution; and
- 2687 8. The signature of the candidate or the treasurer
- 2688 or chair of the candidate's political organization.

2689 (ii) The notification shall be in writing, and may be

2690 transmitted by overnight mail, courier service, or other reliable

2691 means, including electronic facsimile (FAX), but the candidate or

2692 candidate's committee shall ensure that the notification shall in

2693 fact be received in the appropriate office designated in Section

2694 23-15-805 within forty-eight (48) hours of the contribution.

2695 **SECTION 65.** Section 23-15-833, Mississippi Code of 1972, is

2696 amended as follows:

2697 23-15-833. Except as otherwise provided by law, the first

2698 Tuesday after the first Monday in November of each year shall be

2699 designated the regular special election day, and on that day and

2700 during the period established for pre-election day voting an

2701 election shall be held to fill any vacancy in county, county

2702 district, and district attorney elective offices, and any vacancy

2703 in the office of circuit judge or chancellor.

2704 All special elections, or elections to fill vacancies, shall

2705 in all respects be held, conducted and returned in the same manner

2706 as general elections, except that where no candidate receives a

2707 majority of the votes cast in the election, a runoff election

2708 shall be held three (3) weeks after the election. The two (2)



2709 candidates who receive the highest popular votes for the office
2710 shall have their names submitted as the candidates to the runoff
2711 and the candidate who leads in the runoff election shall be
2712 elected to the office. When there is a tie in the first election
2713 of those receiving the next highest vote, these two (2) and the
2714 one receiving the highest vote, none having received a majority,
2715 shall go into the runoff election and whoever leads in the runoff
2716 election shall be entitled to the office.

2717 In those years when the regular special election day shall
2718 occur * * * during the same * * * period of time as the general
2719 election, the names of candidates in any special election and the
2720 general election shall be placed on the same ballot, but shall be
2721 clpre-election day distinguished as general election candidates or
2722 special election candidates. At any time a special election is
2723 held * * * during the same * * * period of time as a party primary
2724 election, the names of the candidates in the special election may
2725 be placed on the same ballot, but shall be clpre-election day
2726 distinguished as special election candidates or primary election
2727 candidates.

2728 **SECTION 66.** Section 23-15-843, Mississippi Code of 1972, is
2729 amended as follows:

2730 23-15-843. In case of death, resignation or vacancy from any
2731 cause in the office of district attorney, the unexpired term of
2732 which shall exceed six (6) months, the Governor shall within ten
2733 (10) days after the vacancy occurs issue a proclamation calling an



2734 election to fill a vacancy in the office of district attorney to
2735 be held * * * during the next regular special election * * *
2736 period of time in the district where the vacancy occurred unless
2737 the vacancy occurs in a year in which a general election would
2738 normally be held for that office as provided by law, in which case
2739 the appointed person shall serve the unexpired portion of the
2740 term. Candidates in such a special election shall qualify in the
2741 same manner and be subject to the same time limitations as set
2742 forth in Section 23-15-839. Pending the holding of a special
2743 election, the Governor shall make an emergency appointment to fill
2744 the vacancy until the same shall be filled by election.

2745 **SECTION 67.** Section 23-15-851, Mississippi Code of 1972, is
2746 amended as follows:

2747 23-15-851. (1) Except as otherwise provided in subsection
2748 (2) of this section, within thirty (30) days after vacancies occur
2749 in either house of the Legislature, the Governor shall issue writs
2750 of election to fill the vacancies on a day specified in the writ
2751 of election. At least sixty (60) days' notice shall be given of
2752 the election in each county or part of a county in which the
2753 election shall be held. The qualifying deadline for the election
2754 shall be fifty (50) days before the pre-election day voting begins
2755 for the election. Notice of the election shall be posted at the
2756 courthouse and in each supervisors district in the county or part
2757 of county in which such election shall be held for as near sixty



2758 (60) days as may be practicable. The election shall be prepared
2759 for and held as in the case of a general election.

2760 (2) If a vacancy occurs in a calendar year in which the
2761 general election for state officers is held, the Governor may
2762 elect not to issue a writ of election to fill the vacancy.

2763 **SECTION 68.** Section 23-15-853, Mississippi Code of 1972, is
2764 amended as follows:

2765 23-15-853. (1) If a vacancy occurs in the representation in
2766 Congress, the vacancy shall be filled for the unexpired term by a
2767 special election, to be ordered by the Governor, within sixty (60)
2768 days after the vacancy occurs, and held at a time fixed by his or
2769 her order, and which time shall * * * begin not less than sixty
2770 (60) days after the issuance of the order of the Governor, which
2771 shall be directed to the election commissioners of the several
2772 counties of the district, who shall, immediately on the receipt of
2773 the order, give notice of the election by publishing the same in a
2774 newspaper having a general circulation in the county and by
2775 posting the notice at the front door of the courthouse. The order
2776 shall also be directed to the State Board of Election
2777 Commissioners. The election shall be prepared for and conducted,
2778 and returns shall be made, in all respects as provided for a
2779 special election to fill vacancies.

2780 (2) Candidates for the office in such an election must
2781 qualify with the Secretary of State by 5:00 p.m. not less than
2782 fifty (50) days before the * * * pre-election day voting period



2783 begins for the election. If the fiftieth day to qualify before an
2784 election falls on a Sunday or legal holiday, the qualification
2785 submitted on the business day immediately following the Sunday or
2786 legal holiday shall be accepted. The election commissioners shall
2787 have printed on the ballot in such special election the name of
2788 any candidate who shall have been requested to be a candidate for
2789 the office by a petition filed with the Secretary of State and
2790 personally signed by not less than one thousand (1,000) qualified
2791 electors of the district. The petition shall be filed by 5:00
2792 p.m. not less than fifty (50) days before the * * * pre-election
2793 day voting period begins for the election. If the fiftieth day to
2794 file the petition before an election falls on a Sunday or legal
2795 holiday, the petition filed on the business day immediately
2796 following the Sunday or legal holiday shall be accepted.

2797 There shall be attached to each petition above provided for,
2798 upon the time of filing with the Secretary of State, a certificate
2799 from the appropriate registrar or registrars showing the number of
2800 qualified electors appearing upon each petition which the
2801 registrar shall furnish to the petitioner upon request.

2802 **SECTION 69.** Section 23-15-855, Mississippi Code of 1972, is
2803 amended as follows:

2804 23-15-855. (1) If a vacancy shall occur in the office of
2805 United States Senator from Mississippi by death, resignation or
2806 otherwise, the Governor shall, within ten (10) days after
2807 receiving official notice of the vacancy, issue a proclamation for



2808 an election to be held in the state to elect a Senator to fill the
2809 remaining unexpired term, provided the unexpired term is more than
2810 twelve (12) months and the election shall * * * begin within
2811 ninety (90) days from the time the proclamation is issued and the
2812 returns of such election shall be certified to the Governor in the
2813 manner set out above for regular elections, unless the vacancy
2814 occurs in a year in which a general state or congressional
2815 election is held, in which event the Governor's proclamation shall
2816 designate the period for conducting the general election * * * as
2817 the time for electing a Senator, and the vacancy shall be filled
2818 by appointment as hereinafter provided.

2819 (2) In case of a vacancy in the office of United States
2820 Senator, the Governor may appoint a Senator to fill the vacancy
2821 temporarily, and if the United States Senate be in session at the
2822 time the vacancy occurs the Governor shall appoint a Senator
2823 within ten (10) days after receiving official notice thereof, and
2824 the appointed Senator shall serve until a successor is elected and
2825 commissioned as provided for in subsection (1) of this section,
2826 provided that such unexpired term as he or she may be appointed to
2827 fill shall be for a longer time than one (1) year, but if for a
2828 shorter time than one (1) year, he or she shall serve for the full
2829 time of the unexpired term and no special election shall be called
2830 by the Governor but a successor shall be elected at the regular
2831 election.



2832 **SECTION 70.** Section 23-15-857, Mississippi Code of 1972, is
2833 amended as follows:

2834 23-15-857. (1) When there is a vacancy in an elective
2835 office in a city, town or village, the unexpired term of which
2836 shall not exceed six (6) months, the same shall be filled by
2837 appointment by the governing authority or remainder of the
2838 governing authority of the city, town or village. The municipal
2839 clerk shall certify the appointment to the Secretary of State and
2840 the appointed person or persons shall be commissioned by the
2841 Governor.

2842 (2) When there is a vacancy in an elective office in a city,
2843 town or village, the unexpired term of which shall exceed six (6)
2844 months, the governing authority or remainder of the governing
2845 authority of the city, town or village shall make and enter on the
2846 minutes an order for an election to be held in the city, town or
2847 village to fill the vacancy and fix a * * * time period upon which
2848 the pre-election day voting and election day shall be held. The
2849 order shall be made and entered upon the minutes at the next
2850 regular meeting of the governing authority after the vacancy
2851 occurs, or at a special meeting to be held not later than ten (10)
2852 days after the vacancy occurs, Saturdays, Sundays and legal
2853 holidays excluded, whichever shall occur first. The election
2854 shall be held on a date not less than thirty (30) days nor more
2855 than forty-five (45) days after the date upon which the order is
2856 adopted.



2857 Notice of the election shall be given by the municipal clerk
2858 by notice published in a newspaper published in the municipality.
2859 The notice shall be published once each week for three (3)
2860 successive weeks * * * before the date * * * pre-election day
2861 voting begins for the election. The first notice shall be
2862 published at least thirty (30) days before * * * pre-election day
2863 voting begins for the election. Notice shall also be given by
2864 posting a copy of the notice at three (3) public places in the
2865 municipality not less than twenty-one (21) days before * * *
2866 pre-election day voting begins for the election. One (1) of the
2867 notices shall be posted at the city, town or village hall. In the
2868 event that there is no newspaper published in the municipality,
2869 such notice shall be published as provided for above in a
2870 newspaper that has a general circulation within the municipality
2871 and by posting as provided for above. Additionally, the governing
2872 authority may publish the notice in that newspaper for as many
2873 additional times as may be deemed necessary by the governing
2874 authority.

2875 Each candidate shall qualify by petition filed with the
2876 municipal clerk by 5:00 p.m. at least twenty (20) days before
2877 the * * * pre-election day voting period begins for the election.
2878 If the twentieth day to file the petition before the election
2879 falls on a Sunday or legal holiday, the petition filed on the
2880 business day immediately following the Sunday or legal holiday



2881 shall be accepted. The petition shall be signed by not less than
2882 the following number of qualified electors:

2883 (a) For an office of a city, town, village or municipal
2884 district having a population of one thousand (1,000) or more, not
2885 less than fifty (50) qualified electors.

2886 (b) For an office of a city, town, village or municipal
2887 district having a population of less than one thousand (1,000),
2888 not less than fifteen (15) qualified electors.

2889 No qualifying fee shall be required of any candidate, and the
2890 election shall be held as far as practicable in the same manner as
2891 municipal general elections.

2892 The candidate receiving a majority of the votes cast in the
2893 election shall be elected. If no candidate receives a majority
2894 vote at the election, the two (2) candidates receiving the highest
2895 number of votes shall have their names placed on the ballot for
2896 the election to be held three (3) weeks thereafter. The candidate
2897 receiving a majority of the votes cast in the election shall be
2898 elected. However, if no candidate receives a majority and there
2899 is a tie in the election of those receiving the next highest vote,
2900 those receiving the next highest vote and the candidate receiving
2901 the highest vote shall have their names placed on the ballot for
2902 the election to be held three (3) weeks thereafter, and whoever
2903 receives the most votes cast in the election shall be elected.

2904 Should the election held three (3) weeks thereafter result in
2905 a tie vote, the prevailing candidate shall be decided by a toss of



2906 a coin or by lot fairly and publicly drawn under the supervision
2907 of the election commission.

2908 The clerk of the election commission shall then give a
2909 certificate of election to the person elected, and return to the
2910 Secretary of State a copy of the order of holding the election and
2911 runoff election results, certified by the clerk of the governing
2912 authority. The person elected shall be commissioned by the
2913 Governor.

2914 However, if nineteen (19) days before the * * * pre-election
2915 day voting period begins for the election only one (1) person
2916 shall have qualified as a candidate, the governing authority, or
2917 remainder of the governing authority, shall dispense with the
2918 election and appoint that one (1) candidate in lieu of an
2919 election. In the event no person shall have qualified by 5:00
2920 p.m. at least twenty (20) days before * * * the pre-election day
2921 voting period begins for the election, the governing authority or
2922 remainder of the governing authority shall dispense with the
2923 election and fill the vacancy by appointment. The clerk of the
2924 governing authority shall certify the appointment to the Secretary
2925 of State, and the appointed person shall be commissioned by the
2926 Governor.

2927 **SECTION 71.** Section 23-15-859, Mississippi Code of 1972, is
2928 amended as follows:

2929 23-15-859. Whenever under any statute a special election is
2930 required or authorized to be held in any municipality, and the



2931 statute authorizing or requiring the election does not specify the
2932 time within which the election shall be called, or the notice
2933 which shall be given, the governing authorities of the
2934 municipality shall, by resolution, fix a date upon which the
2935 election shall be held. The date shall not be less than
2936 twenty-one (21) nor more than thirty (30) days after the date upon
2937 which such resolution is adopted, and not less than three (3)
2938 weeks' notice of the election shall be given by the clerk by a
2939 notice published in a newspaper published in the municipality once
2940 each week for three (3) weeks next * * * before the * * *
2941 pre-election day voting period begins for the election, and by
2942 posting a copy of the notice at three (3) public places in the
2943 municipality. Nothing herein, however, shall be applicable to
2944 elections on the question of the issuance of the bonds of a
2945 municipality or to general or primary elections for the election
2946 of municipal officers.

2947 The provisions of this section shall be applicable to all
2948 municipalities of this state, whether operating under a code
2949 charter, special charter or the commission form of government,
2950 except in cases of conflicts between the provisions of the section
2951 and the provisions of the special charter of a municipality, or
2952 the law governing the commission form of government, in which
2953 cases of conflict the provisions of the special charter or the
2954 statutes relative to the commission form of government shall
2955 apply.



2956 **SECTION 72.** Section 23-15-895, Mississippi Code of 1972, is
2957 amended as follows:

2958 23-15-895. No candidate for an elective office, or any
2959 representative of such candidate, and no proponent or opponent of
2960 any constitutional amendment, local issue or other measure printed
2961 on the ballot may post or distribute cards, posters or other
2962 campaign literature within one hundred fifty (150) feet of any
2963 entrance of the building wherein pre-election day voting or any
2964 election is being held. No candidate or a representative named by
2965 him or her in writing may appear at any polling place while armed
2966 or uniformed, or display any badge or credentials except as may be
2967 issued by the manager of the polling place. As used in this
2968 section, the term "local issue" shall have the meaning ascribed to
2969 such term in Section 23-15-375. This section shall be enforced by
2970 election officials and law enforcement officials.

2971 **SECTION 73.** Section 23-15-913, Mississippi Code of 1972, is
2972 amended as follows:

2973 23-15-913. The judges listed and selected to hear election
2974 disputes, as provided in Section 23-15-951, shall be available
2975 during pre-election day voting and on election day to immediately
2976 hear and resolve any election * * * disputes. The rules for
2977 filing pleadings shall be relaxed to carry out the purposes of
2978 this section. The judges selected shall perform no other judicial
2979 duties * * * during the election * * * period. The Supreme Court
2980 shall make judges available to hear disputes in the county in



2981 which the disputes occur but no judge shall hear disputes in the
2982 district or county in which he or she was elected nor shall any
2983 judge hear any dispute in which any potential conflict may arise.
2984 Each judge shall be fair and impartial and shall be assigned on
2985 that basis.

2986 **SECTION 74.** Section 23-15-963, Mississippi Code of 1972, is
2987 amended as follows:

2988 23-15-963. (1) Any person desiring to contest the
2989 qualifications of another person who has qualified pursuant to the
2990 provisions of Section 23-15-359 * * * as a candidate for any
2991 office elected at a general election, shall file a petition
2992 specifically setting forth the grounds of the challenge not later
2993 than thirty-one (31) days after the date of the first primary
2994 election set forth in Section 23-15-191 * * *. * * * The petition
2995 shall be filed with the same body with whom the candidate in
2996 question qualified pursuant to Section 23-15-359 * * *.

2997 (2) Any person desiring to contest the qualifications of
2998 another person who has qualified pursuant to the provisions of
2999 Section 23-15-213 * * * as a candidate for county election
3000 commissioner elected at a general election, shall file a petition
3001 specifically setting forth the grounds of the challenge no later
3002 than sixty (60) days * * * before the period for pre-election day
3003 voting begins for the general election. * * * The petition shall
3004 be filed with the county board of supervisors, being the same body



3005 with whom the candidate in question qualified pursuant to Section
3006 23-15-213 * * *.

3007 (3) Any person desiring to contest the qualifications of
3008 another person who has qualified pursuant to the provisions of
3009 Section 23-15-361 * * * as a candidate for municipal office
3010 elected on the date designated by law for regular municipal
3011 elections, shall file a petition specifically setting forth the
3012 grounds of the challenge no later than thirty-one (31) days after
3013 the date of the first primary election set forth in Section
3014 23-15-309 * * *. * * * The petition shall be filed with the
3015 municipal election commissioners * * *, being the same body with
3016 whom the candidate in question qualified pursuant to Section
3017 23-15-361 * * *.

3018 (4) Within ten (10) days of receipt of the petition
3019 described in subsections (1), (2) and (3) of this section, the
3020 appropriate election officials shall meet and rule upon the
3021 petition. At least two (2) days before the hearing to consider
3022 the petition, the appropriate election officials shall give notice
3023 to both the petitioner and the contested candidate of the time and
3024 place of the hearing on the petition. Each party shall be given
3025 an opportunity to be heard at such meeting and present evidence in
3026 support of his or her position.

3027 (5) If the appropriate election officials fail to rule upon
3028 the petition within the time required above, such inaction shall



3029 be interpreted as a denial of the request for relief contained in
3030 the petition.

3031 (6) Any party aggrieved by the action or inaction of the
3032 appropriate election officials may file a petition for judicial
3033 review to the circuit court of the county in which the election
3034 officials whose decision is being reviewed sits. * * * The
3035 petition must be filed no later than fifteen (15) days after the
3036 date the petition was originally filed with the appropriate
3037 election officials. * * * The person filing for judicial review
3038 shall give a cost bond in the sum of Three Hundred Dollars
3039 (\$300.00) with two (2) or more sufficient sureties conditioned to
3040 pay all costs in case his or her petition be dismissed, and an
3041 additional bond may be required, by the court, if necessary, at
3042 any subsequent stage of the proceedings.

3043 (7) The circuit court with whom such a petition for judicial
3044 review has been filed shall at the earliest possible date set the
3045 matter for hearing. Notice shall be given to the interested
3046 parties of the time set for hearing by the circuit clerk. The
3047 hearing before the circuit court shall be de novo. The matter
3048 shall be tried to the circuit judge, without a jury. After
3049 hearing the evidence, the circuit judge shall determine whether
3050 the candidate whose qualifications have been challenged is legally
3051 qualified to have his or her name placed upon the ballot in
3052 question. The circuit judge may, upon disqualification of any



3053 such candidate, order that * * * the candidate * * * bear the
3054 court costs of the proceedings.

3055 (8) Within three (3) days after judgment is rendered by the
3056 circuit court, the contestant or contestee, or both, may file an
3057 appeal in the Supreme Court upon giving a cost bond in the sum of
3058 Three Hundred Dollars (\$300.00), together with a bill of
3059 exceptions * * * that shall state the point or points of law at
3060 issue with a sufficient synopsis of the facts to fully disclose
3061 the bearing and relevancy of such points of law. The bill of
3062 exceptions shall be signed by the trial judge, or in case of his
3063 or her absence, refusal or disability, by two (2) disinterested
3064 attorneys, as is provided by law in other cases of bills of
3065 exception. The filing of * * * the appeals shall automatically
3066 suspend the decision of the circuit court and the appropriate
3067 election officials are entitled to proceed based upon their
3068 decision unless and until the Supreme Court, in its discretion,
3069 stays further proceedings in the matter. The appeal shall be
3070 immediately docketed in the Supreme Court and referred to the
3071 court en banc upon briefs without oral argument unless the court
3072 shall call for oral argument, and shall be decided at the earliest
3073 possible date, as a preference case over all others. The Supreme
3074 Court shall have the authority to grant such relief as is
3075 appropriate under the circumstances.

3076 (9) The procedure set forth above shall be the * * * only
3077 manner in which the qualifications of a candidate seeking public



3078 office who qualified pursuant to the provisions of Sections
3079 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
3080 before the time of his or her election. After any such person has
3081 been elected to public office, the election may be challenged as
3082 otherwise provided by law. After any person assumes an elective
3083 office, his or her qualifications to hold that office may be
3084 contested as otherwise provided by law.

3085 **SECTION 75.** Section 23-15-977, Mississippi Code of 1972, is
3086 amended as follows:

3087 23-15-977. (1) Except as otherwise provided in this
3088 section, all candidates for judicial office as defined in Section
3089 23-15-975 of this subarticle shall file their intent to be a
3090 candidate with the proper officials and pay the proper assessment
3091 by not later than 5:00 p.m. on February 1 of the year in which the
3092 general election for the judicial office is held. If February 1
3093 occurs on a Saturday, Sunday or legal holiday, candidates shall
3094 file their intent to be a candidate and pay the proper assessment
3095 by 5:00 p.m. on the business day immediately following the
3096 Saturday, Sunday or legal holiday. Candidates shall pay to the
3097 proper officials the following amounts:

3098 (a) Candidates for Supreme Court justice and Court of
3099 Appeals judge, the sum of Two Hundred Dollars (\$200.00).

3100 (b) Candidates for circuit judge and chancellor, the
3101 sum of One Hundred Dollars (\$100.00).



3102 (c) Candidates for county judge and family court judge,
3103 the sum of Fifteen Dollars (\$15.00).

3104 Candidates for judicial office may not file their intent to
3105 be a candidate and pay the proper assessment before January 1 of
3106 the year in which the election for the judicial office is held.

3107 (2) Candidates for judicial offices listed in paragraphs (a)
3108 and (b) of subsection (1) of this section shall file their intent
3109 to be a candidate with, and pay the proper assessment made
3110 pursuant to subsection (1) of this section to, the State Board of
3111 Election Commissioners.

3112 (3) Candidates for judicial offices listed in paragraph (c)
3113 of subsection (1) of this section shall file their intent to be a
3114 candidate with, and pay the proper assessment made pursuant to
3115 subsection (1) of this section to, the circuit clerk of the proper
3116 county. The circuit clerk shall notify the county election
3117 commissioners of all persons who have filed their intent to be a
3118 candidate with, and paid the proper assessment to, such clerk.
3119 The notification shall occur within two (2) business days and
3120 shall contain all necessary information.

3121 (4) If only one (1) person files his or her intent to be a
3122 candidate for a judicial office and that person later dies,
3123 resigns or is otherwise disqualified from holding the judicial
3124 office after the deadline provided for in subsection (1) of this
3125 section but more than seventy (70) days before the date * * * that
3126 pre-election day voting begins for the general election, the



3127 Governor, upon notification of the death, resignation or
3128 disqualification of the person, shall issue a proclamation
3129 authorizing candidates to file their intent to be a candidate for
3130 that judicial office for a period of not less than seven (7) nor
3131 more than ten (10) days from the date of the proclamation.

3132 (5) If only one (1) person qualifies as a candidate for a
3133 judicial office and that person later dies, resigns or is
3134 otherwise disqualified from holding the judicial office within
3135 seventy (70) days before the date * * * that pre-election day
3136 voting begins for the general election, the judicial office shall
3137 be considered vacant for the new term and the vacancy shall be
3138 filled as provided in by law.

3139 **SECTION 76.** Section 23-15-1031, Mississippi Code of 1972, is
3140 amended as follows:

3141 23-15-1031. Except as provided by Section 23-15-1081, the
3142 first primary election for * * * members of Congress shall be held
3143 on the first Tuesday in June of the years in which * * * members
3144 of Congress are elected, and a second primary, if necessary, shall
3145 be held three (3) weeks thereafter. Each year in which a
3146 presidential election is held, the congressional primary shall be
3147 held as provided in Section 23-15-1081. The election shall be
3148 held in all districts of the state during the same period for
3149 pre-election day voting and on the same day. Candidates for
3150 United States Senator shall be nominated at the congressional
3151 primary next preceding the general election at which a senator is



3152 to be elected and in the same manner that * * * members of
3153 Congress are nominated. The chair and secretary of the state
3154 executive committee shall certify the vote for United States
3155 Senator to the Secretary of State in the same manner that county
3156 executive committees certify the returns of counties in general
3157 state and county primary elections.

3158 **SECTION 77.** Section 23-15-1081, Mississippi Code of 1972, is
3159 amended as follows:

3160 23-15-1081. A presidential preference primary may be held on
3161 the second Tuesday in March of each year in which a President of
3162 the United States is to be elected and during the pre-election day
3163 voting period established in this act. Each political party * * *
3164 that has cast for its candidates for President and Vice President
3165 in the previous presidential election more than twenty percent
3166 (20%) of the total vote cast for President and Vice President in
3167 the state, may conduct a presidential preference primary. No
3168 elector shall vote in the primary of more than one (1) political
3169 party in the same presidential preference primary.

3170 **SECTION 78.** Section 23-15-1083, Mississippi Code of 1972, is
3171 amended as follows:

3172 23-15-1083. Beginning in 1988, as an alternative to the
3173 congressional primary election date set forth in Section
3174 23-15-1031, when a political party elects to conduct a
3175 presidential preference primary, the first primary election
3176 for * * * members of Congress, and senators, if senators are to be



3177 elected, shall be held on the second Tuesday in March and during
3178 the pre-election day voting period established in this act, and
3179 the second primary, when one is necessary, shall be held three (3)
3180 weeks thereafter, and the election shall be held in all districts
3181 of the state on the same day.

3182 **SECTION 79.** Section 23-15-1085, Mississippi Code of 1972, is
3183 amended as follows:

3184 23-15-1085. The * * * chair of a party's state executive
3185 committee shall notify the Secretary of State if the party intends
3186 to hold a presidential preference primary. The Secretary of State
3187 shall be notified * * * before December 1 of the year preceding
3188 the year in which a presidential preference primary may be held
3189 pursuant to Section 23-15-1081. Upon * * * the notification, the
3190 Secretary of State shall issue a proclamation setting every
3191 party's congressional and senatorial primary elections, including
3192 the period for pre-election day voting, that are to be held in the
3193 year in which the presidential preference primary is to be held on
3194 the date provided for in Section 23-15-1083. Once the Secretary of
3195 State has issued a proclamation pursuant to this section, the
3196 dates of the congressional and senatorial primary elections shall
3197 not be changed.

3198 **SECTION 80.** Section 23-15-1091, Mississippi Code of 1972, is
3199 amended as follows:

3200 23-15-1091. When the Secretary of State places the name of a
3201 candidate on the ballot pursuant to Section 23-15-1093, he or she



3202 shall notify the candidate that his or her name will appear on the
3203 ballot of this state in the presidential preference primary
3204 election.

3205 The secretary shall also notify the candidate that he or she
3206 may withdraw his or her name from the ballot by filing with the
3207 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3208 later than the sixtieth day before the period for pre-election day
3209 voting begins for that election.

3210 **SECTION 81.** Section 21-3-3, Mississippi Code of 1972, is
3211 amended as follows:

3212 21-3-3. The elective officers of all municipalities
3213 operating under a code charter shall be the mayor, the aldermen,
3214 municipal judge, the marshal or chief of police, the tax collector
3215 and the tax assessor. From and after July 1, 2017, the governing
3216 authorities of the municipality shall appoint a city or town clerk
3217 who shall likewise serve as an officer of the municipality.
3218 However, the governing authorities of the municipality shall have
3219 the power, by ordinance, to combine the office of clerk or marshal
3220 with the office of tax collector and/or tax assessor. * * * The
3221 governing authorities shall have the further power to provide
3222 that * * * any of * * * those officers, except those of mayor and
3223 aldermen, shall be appointive, in which case the marshal or chief
3224 of police, the tax collector, the tax assessor, and the city or
3225 town clerk, or such of * * * the officers as may be made
3226 appointive, shall be appointed by the governing authorities. Any



3227 action taken by the governing authorities to make any of * * * the
3228 offices appointive shall be by ordinance of * * * the
3229 municipality, and no such ordinance shall be adopted within ninety
3230 (90) days * * * before the period for pre-election day voting
3231 begins for any regular general election for the election of
3232 municipal officers. No such ordinance shall become effective
3233 during the term of office of any officer whose office shall be
3234 affected thereby. If any such office is made appointive, the
3235 person appointed thereto shall hold office at the pleasure of the
3236 governing authorities and may be discharged by * * * the governing
3237 authorities at any time, either with or without cause, and it
3238 shall be discretionary with the governing authorities whether or
3239 not to require * * * the person appointed thereto to reside within
3240 the corporate limits of the municipality in order to hold * * *
3241 the office.

3242 **SECTION 82.** Section 21-9-17, Mississippi Code of 1972, is
3243 amended as follows:

3244 21-9-17. Except as otherwise provided, all candidates for
3245 mayor and councilmen, or any of them, to be voted for * * * during
3246 the periods for holding any general or special municipal election,
3247 shall be nominated by party primary election, and no other name or
3248 names shall be placed on the official ballot at * * * the general
3249 or special election than those selected in the manner prescribed
3250 herein. Such primary election or elections, shall be held not
3251 less than ten (10), nor more than thirty (30) days, * * * before



3252 the general or special election, and * * * the primary election or
3253 elections shall be held and conducted in the manner as near as may
3254 be as is provided by law for state and county primary elections.

3255 **SECTION 83.** Section 37-5-9, Mississippi Code of 1972, is
3256 amended as follows:

3257 37-5-9. The name of any qualified elector who is a candidate
3258 for the county board of education shall be placed on the ballot
3259 used in the general elections by the county election
3260 commissioners, provided that the candidate files with the county
3261 election commissioners, not more than ninety (90) days and not
3262 less than sixty (60) days * * * before the date * * * pre-election
3263 day voting begins for the general election, a petition of
3264 nomination signed by not less than fifty (50) qualified electors
3265 of the county residing within each supervisors district. Where
3266 there are less than one hundred (100) qualified electors in * * *
3267 the supervisors district, it shall only be required that * * * the
3268 petition of nomination be signed by at least twenty percent (20%)
3269 of the qualified electors of such supervisors district. The
3270 candidate in each supervisors district who receives the majority
3271 of votes cast in the district shall be declared elected. If no
3272 candidate receives a majority of the votes cast at the election, a
3273 runoff shall be held between the two (2) candidates receiving the
3274 highest number of votes in the first election. The runoff
3275 election, in the event that such is necessary, shall be held three
3276 (3) weeks after the first election.



3277 When any member of the county board of education is to be
3278 elected from the county at large under the provisions of this
3279 chapter, then the petition required by the preceding paragraph
3280 hereof shall be signed by the required number of qualified
3281 electors residing in any part of the county outside of the
3282 territory embraced within a municipal separate school district or
3283 special municipal separate school district. The candidate who
3284 receives the majority of votes cast in the election shall be
3285 declared elected. If no candidate receives a majority of the
3286 votes cast at the election, a runoff shall be held between the two
3287 (2) candidates receiving the highest number of votes in the first
3288 election. The runoff election, in the event that such is
3289 necessary, shall be held three (3) weeks after the first election.

3290 In no case shall any qualified elector residing within a
3291 municipal separate school district or special municipal separate
3292 school district be eligible to sign a petition of nomination for
3293 any candidate for the county board of education under any of the
3294 provisions of this section.

3295 **SECTION 84.** Section 21-8-7, Mississippi Code of 1972, is
3296 amended as follows:

3297 21-8-7. (1) Each municipality operating under the
3298 mayor-council form of government shall be governed by an elected
3299 council and an elected mayor. Other officers and employees shall
3300 be duly appointed pursuant to this chapter, general law or
3301 ordinance.



3302 (2) Except as otherwise provided in subsection (4) of this
3303 section, the mayor and council members shall be elected by the
3304 voters of the municipality at a regular municipal election held on
3305 the first Tuesday after the first Monday in June as provided in
3306 Section 21-11-7, and shall serve for a term of four (4) years
3307 beginning on the first day of July next following the election
3308 that is not on a weekend. Votes for mayor and council members may
3309 also be cast during the period for pre-election day voting as
3310 provided for in this act.

3311 (3) The terms of the initial mayor and council members shall
3312 commence at the expiration of the terms of office of the elected
3313 officials of the municipality serving at the time of adoption of
3314 the mayor-council form.

3315 (4) (a) The council shall consist of five (5), seven (7) or
3316 nine (9) members. In the event there are five (5) council
3317 members, the municipality shall be divided into either five (5) or
3318 four (4) wards. In the event there are seven (7) council members,
3319 the municipality shall be divided into either seven (7), six (6)
3320 or five (5) wards. In the event there are nine (9) council
3321 members, the municipality shall be divided into seven (7) or nine
3322 (9) wards. If the municipality is divided into fewer wards than
3323 it has council members, the other council member or members shall
3324 be elected from the municipality at large. The total number of
3325 council members and the number of council members elected from
3326 wards shall be established by the petition or petitions presented



3327 pursuant to Section 21-8-3. One (1) council member shall be
3328 elected from each ward by the voters of that ward. Council
3329 members elected to represent wards must be residents of their
3330 wards at the time of qualification for election, and any council
3331 member who removes the member's residence from the municipality or
3332 from the ward from which elected shall vacate that office.
3333 However, any candidate for council member who is properly
3334 qualified as a candidate under applicable law shall be deemed to
3335 be qualified as a candidate in whatever ward the member resides if
3336 the ward has changed after the council has redistricted the
3337 municipality as provided in paragraph (c)(ii) of this subsection
3338 (4), and if the wards have been so changed, any person may qualify
3339 as a candidate for council member, using the person's existing
3340 residence or by changing the person's residence, not less than
3341 fifteen (15) days before the period for pre-election day voting
3342 begins for the first party primary or special party primary, as
3343 the case may be, notwithstanding any other residency or
3344 qualification requirements to the contrary.

3345 (b) The council or board existing at the time of the
3346 adoption of the mayor-council form of government shall designate
3347 the geographical boundaries of the wards within one hundred twenty
3348 (120) days after the election in which the mayor-council form of
3349 government is selected. In designating the geographical
3350 boundaries of the wards, each ward shall contain, as npre-election
3351 day as possible, the population factor obtained by dividing the



3352 municipality's population as shown by the most recent decennial
3353 census by the number of wards into which the municipality is to be
3354 divided.

3355 (c) (i) It shall be the mandatory duty of the council
3356 to redistrict the municipality by ordinance, which ordinance may
3357 not be vetoed by the mayor, within six (6) months after the
3358 official publication by the United States of the population of the
3359 municipality as enumerated in each decennial census, and within
3360 six (6) months after the effective date of any expansion of
3361 municipal boundaries; however, if the publication of the most
3362 recent decennial census or effective date of an expansion of the
3363 municipal boundaries occurs six (6) months or more before the
3364 first party primary of a general municipal election, then the
3365 council shall redistrict the municipality by ordinance not less
3366 than sixty (60) days before the period for pre-election day voting
3367 begins for the first party primary.

3368 (ii) If the publication of the most recent
3369 decennial census occurs less than six (6) months before the first
3370 primary of a general municipal election, the election shall be
3371 held with regard to the existing defined wards; reapportioned
3372 wards based on the census shall not serve as the basis for
3373 representation until the next regularly scheduled election in
3374 which council members shall be elected.

3375 (d) If annexation of additional territory into the
3376 municipal corporate limits of the municipality occurs less than



3377 six (6) months before the first party primary of a general
3378 municipal election, the council shall, by ordinance adopted within
3379 three (3) days of the effective date of the annexation, assign the
3380 annexed territory to an adjacent ward or wards so as to maintain
3381 as npre-election day as possible substantial equality of
3382 population between wards; any subsequent redistricting of the
3383 municipality by ordinance, as required by this chapter, shall not
3384 serve as the basis for representation until the next regularly
3385 scheduled election for municipal council members.

3386 (5) Vacancies occurring in the council shall be filled as
3387 provided in Section 23-15-857.

3388 (6) The mayor shall maintain an office at the city hall.
3389 The council members shall not maintain individual offices at the
3390 city hall; however, in a municipality having a population of one
3391 hundred thousand (100,000) and above according to the latest
3392 federal decennial census, council members may have individual
3393 offices in the city hall. Clerical work of council members in the
3394 performance of the duties of their office shall be performed by
3395 municipal employees or at municipal expense, and council members
3396 shall be reimbursed for the reasonable expenses incurred in the
3397 performance of the duties of their office.

3398 **SECTION 85.** Section 9-4-5, Mississippi Code of 1972, is
3399 amended as follows:

3400 9-4-5. (1) The term of office of judges of the Court of
3401 Appeals shall be eight (8) years. An election shall be held on



3402 the first Tuesday after the first Monday in November 1994, to
3403 elect the ten (10) judges of the Court of Appeals, two (2) from
3404 each congressional district; provided, however, judges of the
3405 Court of Appeals who are elected to take office after the first
3406 Monday of January 2002, shall be elected from the Court of Appeals
3407 Districts described in subsection (5) of this section. The judges
3408 of the Court of Appeals shall begin service on the first Monday of
3409 January 1995. Votes for judges of the Court of Appeals may be
3410 cast, if applicable, during the period for pre-election day voting
3411 provided for in this act.

3412 (2) (a) In order to provide that the offices of not more
3413 than a majority of the judges of * * * the court shall become
3414 vacant at any one (1) time, the terms of office of six (6) of the
3415 judges first to be elected shall expire in less than eight (8)
3416 years. For the purpose of all elections of members of the court,
3417 each of the ten (10) judges of the Court of Appeals shall be
3418 considered a separate office. The two (2) offices in each of the
3419 five (5) districts shall be designated Position Number 1 and
3420 Position Number 2, and in qualifying for office as a candidate for
3421 any office of judge of the Court of Appeals each candidate shall
3422 state the position number of the office to which he or she aspires
3423 and the election ballots shall so indicate.

3424 (i) In Congressional District Number 1, the judge
3425 of the Court of Appeals for Position Number 1 shall be that office
3426 for which the term ends January 1, 1999, and the judge of the



3427 Court of Appeals for Position Number 2 shall be that office for
3428 which the term ends January 1, 2003.

3429 (ii) In Congressional District Number 2, the judge
3430 of the Court of Appeals for Position Number 1 shall be that office
3431 for which the term ends on January 1, 2003, and the judge of the
3432 Court of Appeals for Position Number 2 shall be that office for
3433 which the term ends January 1, 2001.

3434 (iii) In Congressional District Number 3, the
3435 judge of the Court of Appeals for Position Number 1 shall be that
3436 office for which the term ends on January 1, 2001, and the judge
3437 of the Court of Appeals for Position Number 2 shall be that office
3438 for which the term ends January 1, 1999.

3439 (iv) In Congressional District Number 4, the judge
3440 of the Court of Appeals for Position Number 1 shall be that office
3441 for which the term ends on January 1, 1999, and the judge of the
3442 Court of Appeals for Position Number 2 shall be that office for
3443 which the term ends January 1, 2003.

3444 (v) In Congressional District Number 5, the judge
3445 of the Court of Appeals for Position Number 1 shall be that office
3446 for which the term ends on January 1, 2003, and the judge of the
3447 Court of Appeals for Position Number 2 shall be that office for
3448 which the term ends January 1, 2001.

3449 (b) The laws regulating the general elections shall
3450 apply to and govern the elections of judges of the Court of



3451 Appeals except as otherwise provided in Sections 23-15-974 through
3452 23-15-985.

3453 (c) In the year * * * before the expiration of the term
3454 of an incumbent, and likewise each eighth year thereafter, an
3455 election shall be held in the manner provided in this section in
3456 the district from which the incumbent Court of Appeals judge was
3457 elected at which there shall be elected a successor to the
3458 incumbent, whose term of office shall thereafter begin on the
3459 first Monday of January of the year in which the term of the
3460 incumbent he or she succeeds expires.

3461 (3) No person shall be eligible for the office of judge of
3462 the Court of Appeals who has not attained the age of thirty (30)
3463 years at the time of his or her election and who has not been a
3464 practicing attorney and citizen of the state for five (5) years
3465 immediately * * * before the election.

3466 (4) Any vacancy on the Court of Appeals shall be filled by
3467 appointment of the Governor for that portion of the unexpired
3468 term * * * before the election to fill the remainder of * * * the
3469 term according to provisions of Section 23-15-849 * * *.

3470 (5) (a) The State of Mississippi is hereby divided into
3471 five (5) Court of Appeals Districts as follows:

3472 **FIRST DISTRICT.** The First Court of Appeals District shall be
3473 composed of the following counties and portions of counties:
3474 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3475 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,



3476 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3477 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3478 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3479 Nations and Poplar Creek; in Panola County the precincts of East
3480 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3481 Springport, South Springport, Eureka, Williamson, East Batesville
3482 4, West Batesville 4, Fern Hill, North Batesville A, East
3483 Batesville 5 and West Batesville 5; and in Tallahatchie County the
3484 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3485 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3486 Murphreesboro and Rosebloom.

3487 **SECOND DISTRICT.** The Second Court of Appeals District shall
3488 be composed of the following counties and portions of counties:
3489 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3490 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
3491 Tunica, Warren, Washington and Yazoo; in Attala County the
3492 precincts of Northeast, Hesterville, Possomneck, North Central,
3493 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3494 County not included in the First Court of Appeals District; in
3495 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3496 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3497 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3498 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3499 precincts of Conway, West Carthage, Wiggins, Thomastown and
3500 Ofahoma; in Madison County the precincts of Farmhaven, Canton



3501 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3502 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3503 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3504 Canton Precinct 1 and Canton Precinct 4; that portion of
3505 Montgomery County not included in the First Court of Appeals
3506 District; that portion of Panola County not included in the First
3507 Court of Appeals District; and that portion of Tallahatchie County
3508 not included in the First Court of Appeals District.

3509 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3510 composed of the following counties and portions of counties:
3511 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3512 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3513 portion of Attala County not included in the Second Court of
3514 Appeals District; in Jones County the precincts of Northwest High
3515 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
3516 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3517 Antioch and Landrum; that portion of Leake County not included in
3518 the Second Court of Appeals District; that portion of Madison
3519 County not included in the Second Court of Appeals District; and
3520 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3521 Diamond, Chaparral, Matherville, Coit and Eucutta.

3522 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3523 be composed of the following counties and portions of counties:
3524 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3525 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;



3526 that portion of Hinds County not included in the Second Court of
3527 Appeals District; and that portion of Jones county not included in
3528 the Third Court of Appeals District.

3529 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3530 composed of the following counties and portions of counties:
3531 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3532 River, Perry and Stone; and that portion of Wayne County not
3533 included in the Third Court of Appeals District.

3534 (b) The boundaries of the Court of Appeals Districts
3535 described in paragraph (a) of this subsection shall be the
3536 boundaries of the counties and precincts listed in paragraph (a)
3537 of this subsection as such boundaries existed on October 1, 1990.

3538 **SECTION 86.** This act shall take effect and be in force from
3539 and after July 1, 2022.

