

By: Representative Osborne

To: Apportionment and Elections

HOUSE BILL NO. 969

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

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



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

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

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

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

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

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

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

52 (c) At an early voting location as provided in Section
53 4 of this act;

54 (d) By a mail-in absentee ballot.

55 **SECTION 4.** (1) (a) Except as otherwise provided in this
56 section, if the qualified elector votes early in the office of the



57 registrar, the early voting period shall begin seven (7) days
58 before the date of each primary, general, runoff, special and
59 municipal election for public office and continue until 12:00 p.m.
60 on Saturday preceding the election day. If the date prescribed
61 for beginning the early voting period falls on a Sunday or state
62 holiday, the early voting period shall begin on the next regular
63 business day. During the last full week preceding an election,
64 the office of the appropriate registrar may extend the office
65 hours to accommodate early voters. All registrar offices shall
66 remain open from 8:00 a.m. until 12:00 p.m. for the two (2)
67 Saturdays immediately preceding each election.

68 (b) (i) The county board of election commissioners or
69 the municipal election commissioners, in the case of municipal
70 elections, may decide to hold early voting at additional polling
71 places outside the office of the registrar. If the appropriate
72 election commissioners make that determination, the early voting
73 period shall begin fifteen (15) days before the date of each
74 primary, general, runoff, special and municipal election for
75 public office from the hours of 8:00 a.m. until 5:00 p.m. Monday
76 through Friday and 10:00 a.m. until 4:00 p.m. on the Saturday
77 immediately before the election day and 8:00 a.m. until 5:00 p.m.
78 on the Monday immediately preceding the election. If the date
79 prescribed for beginning the early voting period falls on a Sunday
80 or state holiday, the early voting period shall begin on the next
81 regular business day.



82 (ii) If the appropriate election commissioners
83 determine to hold early voting at additional polling places
84 outside the office of the registrar, they shall determine by
85 unanimous vote the location of the additional polling places.

86 (iii) The appropriate election commissioners shall
87 appoint the election officials for the additional early voting
88 polling places in the same manner as other election officials are
89 appointed for election day.

90 (iv) The appropriate election commissioners shall
91 notify the registrar of their decision to hold early voting at
92 additional polling places outside the office of the registrar
93 within ten (10) days of the decision.

94 (2) If the appropriate election commissioners determine to
95 hold early voting at additional polling places on the days and
96 times under subsection (1)(b) of this section, the registrar may
97 choose not to hold early voting at his or her office. The
98 registrar shall notify the appropriate election commissioners
99 within ten (10) of making the determination. Adequate notice
100 shall be posted at the registrar's office that informs the public
101 of the location where early voting is being conducted.

102 (3) Notice of the early voting hours shall be given by the
103 officials in charge of the election not less than fourteen (14)
104 days before the day early voting begins. The notice shall be
105 posted in three (3) public places within the county or



106 municipality, with one (1) place being the county courthouse in a
107 county election or city hall in a municipal election.

108 SECTION 5. (1) (a) A qualified elector who desires to vote
109 during the early voting period at the office of the registrar
110 shall appear at the office of the appropriate registrar in the
111 county or municipality in which the elector is registered to vote
112 and shall present an acceptable form of photo identification.
113 Upon verification of the proper location and identity, the elector
114 shall sign the appropriate receipt book and cast his or her vote
115 in the same manner that the vote would be cast on the day of the
116 election. Except as otherwise provided in Sections 1 through 7 of
117 this act, the election laws that govern the procedures for a
118 person who appears to vote on the day of an election shall apply
119 when a person appears to vote during the early voting period.

120 (b) Before a qualified elector is permitted to cast a
121 ballot at an additional early voting polling place, the election
122 official shall:

123 (i) Request the voter to identify himself or
124 herself by stating his or her name, date of birth and address in
125 order to verify his or her registration;

126 (ii) Request the voter to present an acceptable
127 form of photo identification to the election official;

128 (iii) If the voter's name or address is not the
129 same as that in the county voter registration record files,



130 request the voter to complete an updated voter registration
131 application form;

132 (iv) Request the voter to sign an early voting
133 receipt book or early voting request form that identifies his or
134 her name, address, date of birth and the date on the roster or
135 form; and

136 (v) Enter the voter's precinct number on the early
137 voting roster or early voting request form.

138 (2) The early voting election official shall record the date
139 on all pages of the early voting receipt book or early voting
140 request form and keep a daily record of the number of early voting
141 ballots cast.

142 (3) All voted ballots and nonvoted ballots and all related
143 election materials at each additional early voting polling place
144 shall be stored in a secure location in the courthouse or in a
145 secure location as determined by the appropriate election
146 commissioners immediately after the close of the additional
147 polling places each day that early voting is conducted there.

148 (4) (a) If the voter is not listed in the pollbook and the
149 registrar or election official is unable to verify the voter's
150 registration, but the voter contends that he or she is eligible to
151 vote, or if the voter fails to provide an acceptable form of photo
152 identification, then the voter may fill out an affidavit ballot as
153 provided in Section 23-15-573.



154 (b) A person who is a resident of a long-term care or
155 residential care facility licensed by the state may vote at the
156 facility upon providing the required photo identification before
157 voting as otherwise required by law.

158 (5) The registrar or appropriate election commissioners
159 shall ensure that all early voting locations, including the office
160 of the registrar and the additional early voting polling places,
161 adequately permit the early voter to personally and secretly cast
162 his or her ballot.

163 (6) (a) The registrar or other appropriate election
164 official shall record early votes, in the same manner as other
165 votes are recorded, in the permanent voter registration record of
166 an elector who voted at an early voting location to indicate that
167 the elector has voted.

168 (b) The registrar shall record in the permanent voter
169 registration record no later than twenty-four (24) hours after the
170 elector has voted.

171 (c) If the elector votes on a Friday or Saturday, the
172 registrar shall record in the permanent voter registration record
173 no later than the close of business on the Monday following the
174 vote.

175 (7) All votes cast during the early voting period shall be
176 final.



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

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

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

190 **SECTION 7.** The Secretary of State shall promulgate rules and
191 regulations necessary to effectuate early voting, including
192 measures to inform the public about the availability of early
193 voting.

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

196 23-15-625. (1) The registrar shall be responsible for
197 providing applications for absentee voting as provided in this
198 section. At least sixty (60) days before any election in which
199 absentee voting is provided for by law, the registrar shall
200 provide a sufficient number of applications. In the event a
201 special election is called and set at a date which makes it



202 impractical or impossible to prepare applications for absent
203 elector's ballot sixty (60) days before the election, the
204 registrar shall provide applications as soon as practicable after
205 the election is called. The registrar shall fill in the date of
206 the particular election on the application for which the
207 application will be used.

208 (2) The registrar shall be authorized to disburse
209 applications for absentee ballots to any qualified elector within
210 the county where he or she serves. Any person who presents to the
211 registrar an oral or written request for an absentee ballot
212 application for a voter entitled to vote absentee by mail, other
213 than the elector who seeks to vote by absentee ballot, shall, in
214 the presence of the registrar, sign the application and print on
215 the application his or her name and address and the name of the
216 elector for whom the application is being requested in the place
217 provided for on the application for that purpose. However, if for
218 any reason such person is unable to write the information
219 required, then the registrar shall write the information on a
220 printed form which has been prescribed by the Secretary of State.
221 The form shall provide a place for such person to place his or her
222 mark after the form has been filled out by the registrar.

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



226 person soliciting the absentee ballot applications or absentee
227 ballots is:

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

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

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

236 (4) The registrar * * *, upon receiving by mail the
237 envelopes containing the absentee ballots shall keep an accurate
238 list of all persons preparing such ballots. The list shall be
239 kept in a conspicuous place accessible to the public near the
240 entrance to the registrar's office. The registrar shall also
241 furnish to each precinct manager a list of the names of all
242 persons in each respective precinct voting absentee by mail and in
243 person to be posted in a conspicuous place at the polling place
244 for public notice. The application on file with the registrar and
245 the envelopes containing the ballots that voters mailed to the
246 registrar shall be kept by the registrar in his or her office in a
247 secure location. At the time such boxes are delivered to the
248 election commissioners or managers, the registrar shall also turn
249 over a list of all such persons who have voted by absentee ballot
250 and whose mailed ballots are in the registrar's office.



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

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

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

263 23-15-627. Any elector described in Section 23-15-713 may
264 request an absentee ballot application and vote in person at the
265 office of the registrar in the county in which he or she resides.
266 The registrar shall be responsible for furnishing an absentee
267 ballot application form to any elector authorized to receive an
268 absentee ballot. Except as otherwise provided in Section
269 23-15-625, absentee ballot applications shall be furnished to a
270 person only upon the oral or written request of the elector who
271 seeks to vote by absentee ballot; however, the parent, child,
272 spouse, sibling, legal guardian, those empowered with a power of
273 attorney for that elector's affairs or agent of the elector, who
274 is designated in writing and witnessed by a resident of this state
275 who shall write his or her physical address on such designation,



276 may orally request an absentee ballot application on behalf of the
277 elector. The written designation shall be valid for one (1) year
278 after the date of the designation. An absentee ballot application
279 must have the seal of the circuit or municipal clerk affixed to it
280 and be initialed by the registrar or his or her deputy in order to
281 be used to obtain an absentee ballot. A reproduction of an
282 absentee ballot application shall not be valid unless it is a
283 reproduction provided by the office of the registrar of the
284 jurisdiction in which the election is being held and which
285 contains the seal and initials required by this section. Such
286 application shall be substantially in the following form:

287 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

298 () I am a member of the Merchant Marine or the American Red
299 Cross and am a citizen of Mississippi or spouse or dependent of
300 such member.



301 () I am a disabled war veteran who is a patient in any
302 hospital and am a citizen of Mississippi or spouse or dependent of
303 such veteran.

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

308 () I am a citizen of Mississippi temporarily residing
309 outside the territorial limits of the United States and the
310 District of Columbia.

311 * * *

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

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

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

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



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

331 () I am a member of the congressional delegation, or spouse
332 or dependent of a member of the congressional delegation.

333 * * *

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

336 Mail 'Absent Elector's Ballot' to me at the following address
337 _____.

338 () I wish to receive an absentee ballot for the runoff
339 election _____.

340 I realize that I can be fined up to Five Thousand Dollars
341 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
342 for making a false statement in this application and for selling
343 my vote and violating the Mississippi Absentee Voter Law. (This
344 sentence is to be in bold print.)

345 If you are temporarily or permanently disabled, you are not
346 required to have this application notarized or signed by an
347 official authorized to administer oaths for absentee balloting.
348 You are required to sign this application in the proper place and
349 have a person eighteen (18) years of age or older witness your
350 signature and sign this application in the proper place.



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

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

355 _____
356 (Signature of absent elector)

357 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
358 2____.

359 _____
360 (Official authorized to administer oaths
361 for absentee balloting.)

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

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

368 _____
369 (Signature of witness)

370 CERTIFICATE OF DELIVERY

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

375 _____



376 (Signature of person delivering application)

377 _____

378 (Address of person delivering application)"

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

381 23-15-629. (1) The application for an absentee ballot of a
382 person who is permanently or temporarily physically disabled shall
383 be accompanied by a statement signed by such person's physician,
384 or nurse practitioner * * *. The statement must show that the
385 person signing the statement is a licensed, practicing * * *
386 physician or nurse practitioner and must indicate that the person
387 applying for the absentee ballot is permanently or temporarily
388 physically disabled to such a degree that it is difficult for him
389 or her to vote in person.

390 (2) An application accompanied by the statement provided for
391 in subsection (1) of this section shall entitle such permanently
392 physically disabled person to automatically receive an absentee
393 ballot for all elections on a continuing basis without the
394 necessity for reapplication. The application accompanied by the
395 statement provided in subsection (1) of this section entitles the
396 temporarily physically disabled person to receive an absentee
397 ballot by mail for that election and a later corresponding runoff
398 election.

399 (3) The registrar of each county shall keep an accurate list
400 of the names and addresses of all persons whose applications for



401 absentee ballot are accompanied by the statement set forth in
402 subsection (1) of this section. Sixty (60) days before each
403 election, the registrar shall deliver such list to the election
404 commissioners who shall examine the list and delete from it the
405 names of all persons listed who are no longer qualified electors
406 of the county. Upon completion of such examination, the election
407 commissioners shall return the list to the registrar by no later
408 than forty-five (45) days before the election.

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

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

415 23-15-631. (1) The registrar shall enclose with each ballot
416 mailed to an absent elector separate printed instructions
417 furnished by the registrar containing the following:

418 * * *

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

423 (* * *b) After marking the ballot, fill out and sign
424 the "ELECTOR'S CERTIFICATE" on the back of the envelope so that
425 the signature is across the flap of the envelope to ensure the



426 integrity of the ballot. All absent electors shall have the
427 attesting witness sign the "ATTESTING WITNESS CERTIFICATE" across
428 the flap on the back of the envelope. Place the necessary postage
429 on the envelope and deposit it in the post office or some
430 government receptacle provided for deposit of mail so that the
431 absent elector's ballot will be postmarked on or before the date
432 of the election and received by the registrar no more than five
433 (5) business days after the election.

434 Any notary public, United States postmaster, assistant United
435 States postmaster, United States postal supervisor, clerk in
436 charge of a contract postal station, or other officer having
437 authority to administer an oath or take an acknowledgment may be
438 an attesting witness; provided, however, that in the case of an
439 absent elector who is temporarily or permanently physically
440 disabled, the attesting witness may be any person eighteen (18)
441 years of age or older and such person is not required to have the
442 authority to administer an oath. If a postmaster, assistant
443 postmaster, postal supervisor, or clerk in charge of a contract
444 postal station acts as an attesting witness, his or her signature
445 on the elector's certificate must be authenticated by the
446 cancellation stamp of their respective post offices. If an
447 officer having authority to administer an oath or take an
448 acknowledgement acts as attesting witness, his or her signature on
449 the elector's certificate, together with his or her title and
450 address, but no seal, shall be required. * * *



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

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

463 (* * *e) Any voter casting an absentee ballot who
464 declares that he or she requires assistance to vote by reason of
465 blindness, temporary or permanent physical disability or inability
466 to read or write, shall be entitled to receive assistance in the
467 marking of his or her absentee ballot and in completing the
468 affidavit on the absentee ballot envelope. The voter may be given
469 assistance by anyone of the voter's choice other than a candidate
470 whose name appears on the absentee ballot being marked, the
471 spouse, parent or child of a candidate whose name appears on the
472 absentee ballot being marked or the voter's employer, an agent of
473 that employer or a union representative; however, a candidate
474 whose name is on the ballot or the spouse, parent or child of such
475 candidate may provide assistance upon request to any voter who is



476 related within the first degree. In order to ensure the integrity
477 of the ballot, any person who provides assistance to an absentee
478 voter shall be required to sign and complete the "Certificate of
479 Person Providing Voter Assistance" on the absentee ballot
480 envelope.

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

485 * * *

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

488 23-15-635. (1) The form of the elector's certificate,
489 attesting witness certification and certificate of person
490 providing voter assistance on the back of the envelope used by
491 absentee voters who are not absent voters as defined in Section
492 23-15-673, shall be as follows:

493 "ELECTOR'S CERTIFICATE

494 STATE OF _____

495 COUNTY OF _____

496 I, _____, under penalty of perjury do solemnly swear
497 that this envelope contains the ballot marked by me indicating my
498 choice of the candidates or propositions to be submitted at the
499 election to be held on the ___ day of _____, 2____, and I
500 hereby authorize the registrar to place this envelope in the



501 ballot box on my behalf, and I further authorize the election
502 managers to open this envelope and place my ballot among the other
503 ballots cast before such ballots are counted, and record my name
504 on the poll list as if I were present in person and voted.

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

511 _____
512 (Signature of voter)

513 CERTIFICATE OF ATTESTING WITNESS

514 Under penalty of perjury I affirm that the above named voter
515 personally appeared before me, on this the ___ day of _____,
516 2____, and is known by me to be the person named, and who, after
517 being duly sworn or having affirmed, subscribed the foregoing oath
518 or affirmation. That the voter exhibited to me his or her blank
519 ballot; that the ballot was not marked or voted before the voter
520 exhibited the ballot to me; that the voter was not solicited or
521 advised by me to vote for any candidate, question or issue, and
522 that the voter, after marking his or her ballot, placed it in the
523 envelope, closed and sealed the envelope in my presence, and
524 signed and swore or affirmed the above certificate.

525 _____



526 (Attesting witness) (Address)
527 _____

528 (Official title) (City and State)

529 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

530 (* * * If the voter has received assistance in marking
531 * * * his or her absentee ballot, the person who provided
532 assistance shall complete the following form.) I, under penalty
533 of perjury, hereby certify that the above-named voter declared to
534 me that he or she is blind, temporarily or permanently physically
535 disabled, or cannot read or write, and that the voter requested
536 that I assist the voter in marking the enclosed absentee ballot.
537 I hereby certify that the ballot preferences on the enclosed
538 ballot are those communicated by the voter to me, and that I have
539 marked the enclosed ballot in accordance with the voter's
540 instructions.

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

546 _____
547 Signature of person providing assistance

548 _____
549 Printed name of person providing assistance

550 _____



551 Address of person providing assistance

552 _____

553 Date and time assistance provided

554 _____

555 Family relationship to voter (if any)"

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

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

563 23-15-637. (1) (a) Absentee ballots and applications
564 received by mail, except for fax or electronically transmitted
565 ballots as otherwise provided by Section 23-15-699 for UOCAVA
566 ballots, must be postmarked on or before the date of the election
567 and received by the registrar no more than five (5) business days
568 after the election; any received after such time shall be handled
569 as provided in Section 23-15-647 and shall not be counted.

570 (b) * * * At the close of business each day at the
571 office of the registrar, the ballot box used mailed-in absentee
572 ballots shall be sealed and not unsealed until the beginning of
573 the next business day, and the seal number shall be recorded with
574 the number of ballots cast which shall be stored in a secure
575 location in the registrar's office.



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

581 (3) The Secretary of State shall promulgate rules and
582 regulations necessary to ensure that when a qualified elector who
583 is qualified to vote absentee votes by absentee ballot * * * by
584 mail * * * that person's absentee vote is final and he or she may
585 not vote at the polling place on election day. Notwithstanding
586 any other provisions of law to the contrary, the Secretary of
587 State shall promulgate rules and regulations necessary to ensure
588 that absentee ballots received by mail shall remain in the
589 registrar's office for counting and not be taken to the precincts
590 on election day.

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

593 23-15-639. (1) The examination and counting of all absentee
594 ballots shall be conducted as follows:

595 (a) At the opening of the regular balloting and at the
596 opening of the polls, the resolution board established under
597 Section 23-15-523 and trained in the process of canvassing
598 absentee ballots shall first take the envelopes containing the
599 absentee ballots of such electors from the secure location at the
600 circuit clerk's office, and the name, address and precinct



601 inscribed on each envelope shall be announced by the election
602 managers.

603 (b) The signature on the application shall then be
604 compared with the signature on the back of the envelope. If it
605 corresponds and the affidavit, if one is required, is sufficient
606 and the resolution board find that the applicant is a registered
607 and qualified voter or otherwise qualified to vote, the envelope
608 shall then be opened and the ballot removed from the envelope,
609 without * * * unfolding the ballot, or * * * permitting the ballot
610 to be unfolded or examined.

611 (c) Having observed and found the ballot to be regular
612 as far as can be observed from its official endorsement, the
613 resolution board shall deposit it in the ballot box with the other
614 ballots before counting any ballots and enter the voter's name in
615 the receipt book provided for that purpose. All absentee ballots
616 received prior to 7:00 p.m. the day before the election shall be
617 counted in the registrar's office by the resolution board when the
618 polls close and then added to the votes cast in each precinct.
619 All absentee ballots received after 7:00 p.m. the day before the
620 election but not later than the fifth business day after the
621 election shall be processed by the resolution board.

622 * * *

623 (* * *2) The resolution board shall process the absentee
624 ballots using the procedure provided in subsection (1) of this
625 section.



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

628 23-15-641. (1) For all absentee votes received by mail,
629 if * * * a required affidavit or the required certificate of the
630 officer before whom the affidavit is taken is * * *
631 insufficient, * * * the signatures do not correspond, * * * the
632 applicant is not a duly qualified elector in the precinct * * * or
633 otherwise qualified to vote, * * * the ballot envelope is open or
634 has been opened and resealed, or the voter is not eligible to vote
635 absentee, the previously cast vote by absentee ballot shall not be
636 allowed. Without opening the voter's envelope the resolution
637 board shall mark across its face "REJECTED", with the reason * * *
638 why the ballot was rejected.

639 (2) For all absentee votes received by mail, if the ballot
640 envelope contains more than one (1) ballot of any kind, the ballot
641 shall not be counted but shall be marked "REJECTED", with the
642 reason * * * why the ballot was rejected, and the registrar shall
643 promptly notify the voter of such rejection. The voter's
644 envelopes and affidavits, * * * when such vote is rejected,
645 without disturbing the contents of the envelope, shall be retained
646 and preserved in the same manner as other ballots at the election.
647 Such votes may be challenged in the same manner and for the same
648 reasons that any other vote cast in such election may be
649 challenged.

650 * * *



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

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

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

661 23-15-647. The registrar shall keep safely and unopened all
662 official absentee ballots which are received by mail after the
663 applicable cutoff period * * *. Upon receipt of such ballot, the
664 registrar shall write the day and hour of the receipt of the
665 ballot on its envelope. All such absentee ballots * * * received
666 by the registrar after the cutoff time shall be safely kept
667 unopened by the registrar for the period of time required for the
668 preservation of ballots used in the election, and shall then,
669 without being opened, be destroyed in like manner as the used
670 ballots of the election.

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

673 23-15-649. For all elections, the election officials shall
674 prepare and print, as soon as the deadline for the qualification
675 of candidates has passed or forty-five (45) days before the



676 election, whichever is later, official ballots for each voting
677 precinct to be known as absentee voter ballots * * *. These
678 absentee ballots shall be prepared and printed in the same form
679 and shall be of the same size and texture as the regular official
680 ballot except that they shall be printed on tinted paper of a tint
681 different from that of the regular official ballot or with a
682 header of different tint.

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

685 23-15-657. The registrar is authorized to accept requests
686 for absentee ballots by telephone. * * * The registrar shall
687 ascertain the name and complete address of the person making the
688 telephone request and the person for whom the request is being
689 made if different than the requestor and shall print upon the
690 absentee ballot application the name and complete address of the
691 requestor * * *, the relation of * * * that person to the voter if
692 requested by a person other than the voter, the name and complete
693 address of the voter if requested by a person other than the voter
694 and the date * * * the request was made. * * * These requests
695 shall be processed through the Statewide Election Management
696 System.

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

699 23-15-713. For the purpose of this subarticle, any duly
700 qualified elector may vote by an absentee ballot to be received



701 and returned via mail by the elector to the registrar of the
702 elector's county of residence as provided in this subarticle if
703 the elector falls within at least one (1) of the following
704 categories:

705 * * *

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

712 * * *

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

724 (* * *c) The parent, spouse or dependent of a person
725 with a temporary or permanent physical disability who is



726 hospitalized outside of his or her county of residence or more
727 than fifty (50) miles distant from his or her residence, if the
728 parent, spouse or dependent will be with such person during the
729 early voting period or on election day. For purposes of this
730 paragraph (e), "temporary physical disability" shall include any
731 qualified elector who is under a physician-imposed quarantine due
732 to COVID-19 during the year 2020 or is caring for a dependent who
733 is under a physician-imposed quarantine due to COVID-19 beginning
734 with July 8, 2020, and the same being repealed on December 31,
735 2020.

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

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

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

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

747 23-15-715. Any elector described in Section 23-15-713 and
748 desiring an absentee ballot as provided in this subarticle may
749 secure same if * * * within forty-five (45) days before any
750 election day but not later than seven (7) days before the election



751 day, the elector applies for an absentee ballot as provided in the
752 provisions of this act. * * * All applications, other than those
753 of persons having a temporary or permanent physical disability,
754 shall * * * be sworn to and subscribed before an official who is
755 authorized to administer oaths or other official authorized to
756 witness absentee balloting as provided in this article. The
757 application must be accompanied by a verifying affidavit as
758 required by this article. The applications of persons have a
759 temporary or permanent physical disability are not required to be
760 accompanied by an affidavit but shall be witnessed and signed by a
761 person eighteen (18) years of age or older. * * *

762 * * * Except when the voter has requested a runoff ballot on
763 the initial absentee ballot application, upon request for a runoff
764 ballot pursuant to Section 23-15-719, the registrar shall mail
765 together the absentee ballot application and the absentee ballot
766 to the absent voter for the runoff election.

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

769 23-15-719. (1) Except where the registrar has already
770 mailed a ballot with an application, upon receipt of a properly
771 completed application form by an elector qualified to vote
772 absentee as provided in this article, the registrar shall mail the
773 absent voter an absentee ballot within one (1) business day, or as
774 soon as the absentee ballot is prepared and available, containing
775 the names of all the candidates and propositions, if any, to be



776 voted on in the election. The registrar shall include with the
777 absentee ballot an official envelope that complies with the
778 provisions of this article * * *. The registrar shall not
779 personally hand deliver ballots to voters. After the applicant
780 has properly marked the ballot and properly folded it, he shall
781 deposit it in the envelope furnished him by the registrar.

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

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

788 * * *

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

791 23-15-735. * * * Absentee ballots shall not be delivered in
792 person to an absentee voter or to any other person.

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

795 23-15-31. All of the provisions of this subarticle shall be
796 applicable, insofar as possible, to municipal, primary, general
797 and special elections and early voting; and wherever therein any
798 duty is imposed or any power or authority is conferred upon the
799 county registrar, county election commissioners or county
800 executive committee with reference to a state and county election



801 or early voting, * * * that duty shall likewise be conferred upon
802 the municipal registrar, municipal election commission or
803 municipal executive committee with reference to any municipal
804 election or early voting.

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

807 23-15-37. (1) The registrar shall register the electors of
808 his or her county at any time during regular office hours.

809 (2) The county registrar may keep his or her office open to
810 register voters from 8:00 a.m. until 7:00 p.m., including the noon
811 hour, for the five (5) business days immediately preceding the
812 thirtieth day before any regularly scheduled primary or general
813 election. The county registrar shall also keep his or her office
814 open from 8:00 a.m. until 12:00 noon on the Saturday immediately
815 preceding the thirtieth day before any regularly scheduled primary
816 or general election, unless that Saturday falls on a legal
817 holiday, in which case registration applications submitted on the
818 Monday immediately following the legal holiday shall be accepted
819 and entered in the Statewide Elections Management System for the
820 purpose of enabling such voters to vote in the next primary or
821 general election.

822 (3) The registrar, or any deputy registrar duly appointed by
823 law, may visit and spend such time as he or she may deem necessary
824 at any location in his or her county, selected by the registrar
825 not less than thirty (30) days before * * * any regularly



826 scheduled primary or general election, for the purpose of
827 registering voters.

828 (4) A person who is physically disabled and unable to visit
829 the office of the registrar to register to vote due to such
830 disability may contact the registrar and request that the
831 registrar or the registrar's deputy visit him or her for the
832 purpose of registering such person to vote. The registrar or the
833 registrar's deputy shall visit that person as soon as possible
834 after such request and provide the person with an application for
835 registration, if necessary. The completed application for
836 registration shall be executed in the presence of the registrar or
837 the registrar's deputy.

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

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

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



850 23-15-43. In the event an applicant is not registered, there
851 shall be an automatic review by the county election commissioners
852 under the procedures provided in Sections 23-15-61 through
853 23-15-79. In addition to the meetings of the election
854 commissioners provided in those sections, the commissioners are
855 required to hold such additional meetings to determine all pending
856 cases of registration on review before the election * * * or early
857 voting period during which the applicant desires to vote.

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

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

864 23-15-47. (1) Any person who is qualified to register to
865 vote in the State of Mississippi may register to vote by mail-in
866 application in the manner prescribed in this section.

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

869 (a) Any qualified elector may register to vote by
870 mailing or delivering a completed mail-in application to his or
871 her county registrar at least thirty (30) days before any election
872 day; however, if the thirtieth day to register before an election
873 falls on a Sunday or legal holiday, the registration applications
874 submitted on the business day immediately following the Sunday or



875 legal holiday shall be accepted and entered into the Statewide
876 Elections Management System for the purpose of enabling voters to
877 vote in the next election. The postmark date of a mailed
878 application shall be the applicant's date of registration.

879 (b) Upon receipt of a mail-in application, the county
880 registrar shall stamp the application with the date of receipt,
881 and shall verify the application either by matching the
882 applicant's Mississippi driver's license number through the
883 Mississippi Department of Public Safety or by matching the
884 applicant's social security number through the American
885 Association of Motor Vehicle Administrators. Within fourteen (14)
886 days of receipt of a mail-in registration application, the county
887 registrar shall complete action on the application, including any
888 attempts to notify the applicant of the status of his or her
889 application.

890 (c) If the county registrar determines that the
891 applicant is qualified and his or her application is legible and
892 complete, the county registrar shall mail the applicant written
893 notification that the application has been approved, specifying
894 the county voting precinct, municipal voting precinct, if any,
895 polling place and supervisor district in which the person shall
896 vote. This written notification of approval containing the
897 specified information shall be the voter's registration card. The
898 registration card shall be provided by the county registrar to the
899 applicant in accordance with Section 23-15-39. Upon entry of the



900 voter registration information into the Statewide Elections
901 Management System, the system shall assign a voter registration
902 number to the applicant. The assigned voter registration number
903 shall be clearly shown on the written notification of approval.
904 In mailing the written notification, the county registrar shall
905 note the following on the envelope: "DO NOT FORWARD". If any
906 registration notification form is returned as undeliverable, the
907 voter's registration shall be void.

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

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

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

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

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

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



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

927 (e) If the mail-in application of a person is subject
928 to rejection for any of the reasons set forth in paragraph (d)(i)
929 through (iii) of this subsection, and it appears to the county
930 registrar that the defect or omission is of such a minor nature
931 and that any necessary additional information may be supplied by
932 the applicant over the telephone or by further correspondence, the
933 county registrar may write or call the applicant at the telephone
934 number or address, or both, provided on the application. If the
935 county registrar is able to contact the applicant by mail or
936 telephone, the county registrar shall attempt to ascertain the
937 necessary information, and if this information is sufficient for
938 the registrar to complete the application, the applicant shall be
939 registered. If the necessary information cannot be obtained by
940 mail or telephone, or is not sufficient to complete the
941 application within fourteen (14) days of receipt, the county
942 registrar shall give the applicant written notice of the rejection
943 and provide the reason for the rejection. The county registrar
944 shall further inform the applicant that he or she has a right to
945 attempt to register by appearing in person or by filing another
946 mail-in application.

947 (f) If a mail-in application is subject to rejection
948 for the reason stated in paragraph (d)(v) of this subsection and
949 the "present home address" portion of the application is different



950 from the residence address for the applicant found in the
951 Statewide Elections Management System, the mail-in application
952 shall be deemed a written request to update the voter's
953 registration pursuant to Section 23-15-13. The county registrar
954 or the election commissioners shall update the voter's residence
955 address in the Statewide Elections Management System and, if
956 necessary, advise the voter of a change in the location of his or
957 her county or municipal polling place by mailing the voter a new
958 voter registration card.

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

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

967 (b) The Secretary of State shall distribute without
968 charge sufficient forms for application for voter registration by
969 mail to the Commissioner of Public Safety, who shall distribute
970 the forms to each driver's license examining and renewal station
971 in the state, and shall ensure that the forms are regularly
972 available to the public at such stations.

973 (c) Bulk quantities of forms for application for voter
974 registration by mail shall be furnished by the Secretary of State



975 to any person or organization. The Secretary of State shall
976 charge a person or organization the actual cost he or she incurs
977 in providing bulk quantities of forms for application for voter
978 registration to such person or organization.

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

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

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

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

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

998 23-15-65. The board of election commissioners shall meet at
999 the courthouse of its county on the second Monday in September



1000 preceding any general election or in a sufficient amount of time
1001 to hear appeals before the period for early voting begins, and
1002 shall remain in session from day to day, so long as business may
1003 require. Three (3) election commissioners shall constitute a
1004 quorum to do business; but the concurrence of at least three (3)
1005 election commissioners shall be necessary in all cases for the
1006 rendition of a decision. The election commissioners shall hear
1007 and determine all appeals from the decisions of the registrar of
1008 their county, allowing or refusing the applications of electors to
1009 be registered; and they shall correct illegal or improper
1010 registrations, and shall secure the elective franchise, as
1011 affected by registration, to those who may be illegally or
1012 improperly denied the same.

1013 **SECTION 28.** Section 23-15-127, Mississippi Code of 1972, is
1014 amended as follows:

1015 23-15-127. (1) It shall be the duty of the registrar of the
1016 county or municipality to prepare and furnish to the appropriate
1017 election commissioner pollbooks for each voting precinct in which
1018 the election is to be conducted, or to the appropriate registrar
1019 pollbooks for each registrar's office in which early voting is to
1020 be conducted, in which shall be entered the name, residence, date
1021 of birth and date of registration of each person duly registered
1022 in * * * that voting precinct as now provided by law, and which
1023 pollbooks shall be known as "primary election pollbooks" and shall
1024 be used only in holding primary elections.



1025 (2) The election commissioners of the county or municipality
1026 shall revise the primary pollbooks at the time and in the manner
1027 and in accordance with the laws now fixed and in force for
1028 revising pollbooks now provided for under the law, except they
1029 shall not remove from the pollbook any person who is qualified to
1030 participate in primary elections * * *. However, upon the written
1031 request of the municipal election commission, the county election
1032 commissioners * * * shall revise the primary pollbooks of the
1033 municipality as provided in this subsection.

1034 (3) All laws applicable to the revision of pollbooks now in
1035 use shall be applicable to the revision of pollbooks for primary
1036 elections, and all rights of voters to be heard and to appeal to
1037 the executive committee of his or her party from the action of the
1038 election commissioners now provided by law shall be available to
1039 the voter in the revisions of the pollbooks for primary elections
1040 provided for in this section.

1041 **SECTION 29.** Section 23-15-153, Mississippi Code of 1972, is
1042 amended as follows:

1043 23-15-153. (1) At least during the following times, the
1044 election commissioners shall meet at the office of the registrar
1045 or the office of the election commissioners to carefully revise
1046 the county voter roll as electronically maintained by the
1047 Statewide Elections Management System and remove from the roll the
1048 names of all voters who have requested to be purged from the voter
1049 roll, died, received an adjudication of non compos mentis, been



1050 convicted of a disenfranchising crime, or otherwise become
1051 disqualified as electors for any cause, and shall register the
1052 names of all persons who have duly applied to be registered but
1053 have been illegally denied registration:

1054 (a) On the Tuesday after the second Monday in January
1055 1987 and every following year;

1056 (b) On the first Tuesday in the month immediately * * *
1057 before the early voting period begins for the first primary
1058 election for members of Congress in the years when members of
1059 Congress are elected;

1060 (c) On the first Monday in the month immediately * * *
1061 before the early voting period begins for the first primary
1062 election for state, state district legislative, county and county
1063 district offices in the years in which those offices are elected;
1064 and

1065 (d) On the second Monday of September * * * before the
1066 early voting period begins for the general election or regular
1067 special election day in years in which a general election is not
1068 conducted.

1069 Except for the names of those voters who are duly qualified
1070 to vote in the election, no name shall be permitted to remain in
1071 the Statewide Elections Management System; however, no name shall
1072 be purged from the Statewide Elections Management System based on
1073 a change in the residence of an elector except in accordance with
1074 procedures provided for by the National Voter Registration Act of



1075 1993. Except as otherwise provided by Section 23-15-573, no
1076 person shall vote at any election whose name is not in the county
1077 voter roll electronically maintained by the Statewide Elections
1078 Management System.

1079 (2) Except as provided in this section, and subject to the
1080 following annual limitations, the election commissioners shall be
1081 entitled to receive a per diem in the amount of One Hundred
1082 Dollars (\$100.00), to be paid from the county general fund, for
1083 every day or period of no less than five (5) hours accumulated
1084 over two (2) or more days actually employed in the performance of
1085 their duties in the conduct of an election or actually employed in
1086 the performance of their duties for the necessary time spent in
1087 the revision of the county voter roll as electronically maintained
1088 by the Statewide Elections Management System as required in
1089 subsection (1) of this section:

1090 (a) In counties having less than fifteen thousand
1091 (15,000) residents according to the latest federal decennial
1092 census, not more than fifty (50) days per year, with no more than
1093 fifteen (15) additional days allowed for the conduct of each
1094 election in excess of one (1) occurring in any calendar year;

1095 (b) In counties having fifteen thousand (15,000)
1096 residents according to the latest federal decennial census but
1097 less than thirty thousand (30,000) residents according to the
1098 latest federal decennial census, not more than seventy-five (75)
1099 days per year, with no more than twenty-five (25) additional days



1100 allowed for the conduct of each election in excess of one (1)
1101 occurring in any calendar year;

1102 (c) In counties having thirty thousand (30,000)
1103 residents according to the latest federal decennial census but
1104 less than seventy thousand (70,000) residents according to the
1105 latest federal decennial census, not more than one hundred (100)
1106 days per year, with no more than thirty-five (35) additional days
1107 allowed for the conduct of each election in excess of one (1)
1108 occurring in any calendar year;

1109 (d) In counties having seventy thousand (70,000)
1110 residents according to the latest federal decennial census but
1111 less than ninety thousand (90,000) residents according to the
1112 latest federal decennial census, not more than one hundred
1113 twenty-five (125) days per year, with no more than forty-five (45)
1114 additional days allowed for the conduct of each election in excess
1115 of one (1) occurring in any calendar year;

1116 (e) In counties having ninety thousand (90,000)
1117 residents according to the latest federal decennial census but
1118 less than one hundred seventy thousand (170,000) residents
1119 according to the latest federal decennial census, not more than
1120 one hundred fifty (150) days per year, with no more than
1121 fifty-five (55) additional days allowed for the conduct of each
1122 election in excess of one (1) occurring in any calendar year;

1123 (f) In counties having one hundred seventy thousand
1124 (170,000) residents according to the latest federal decennial



1125 census but less than two hundred thousand (200,000) residents
1126 according to the latest federal decennial census, not more than
1127 one hundred seventy-five (175) days per year, with no more than
1128 sixty-five (65) additional days allowed for the conduct of each
1129 election in excess of one (1) occurring in any calendar year;

1130 (g) In counties having two hundred thousand (200,000)
1131 residents according to the latest federal decennial census but
1132 less than two hundred twenty-five thousand (225,000) residents
1133 according to the latest federal decennial census, not more than
1134 one hundred ninety (190) days per year, with no more than
1135 seventy-five (75) additional days allowed for the conduct of each
1136 election in excess of one (1) occurring in any calendar year;

1137 (h) In counties having two hundred twenty-five thousand
1138 (225,000) residents according to the latest federal decennial
1139 census but less than two hundred fifty thousand (250,000)
1140 residents according to the latest federal decennial census, not
1141 more than two hundred fifteen (215) days per year, with no more
1142 than eighty-five (85) additional days allowed for the conduct of
1143 each election in excess of one (1) occurring in any calendar year;

1144 (i) In counties having two hundred fifty thousand
1145 (250,000) residents according to the latest federal decennial
1146 census but less than two hundred seventy-five thousand (275,000)
1147 residents according to the latest federal decennial census, not
1148 more than two hundred thirty (230) days per year, with no more



1149 than ninety-five (95) additional days allowed for the conduct of
1150 each election in excess of one (1) occurring in any calendar year;

1151 (j) In counties having two hundred seventy-five
1152 thousand (275,000) residents according to the latest federal
1153 decennial census or more, not more than two hundred forty (240)
1154 days per year, with no more than one hundred five (105) additional
1155 days allowed for the conduct of each election in excess of one (1)
1156 occurring in any calendar year.

1157 (3) In addition to the number of days authorized in
1158 subsection (2) of this section, the board of supervisors of a
1159 county may authorize, in its discretion, the election
1160 commissioners to receive a per diem in the amount provided for in
1161 subsection (2) of this section, to be paid from the county general
1162 fund, for every day or period of no less than five (5) hours
1163 accumulated over two (2) or more days actually employed in the
1164 performance of their duties in the conduct of an election or
1165 actually employed in the performance of their duties for the
1166 necessary time spent in the revision of the county voter roll as
1167 electronically maintained by the Statewide Elections Management
1168 System as required in subsection (1) of this section, not to
1169 exceed five (5) days.

1170 (4) (a) The election commissioners shall be entitled to
1171 receive a per diem in the amount of One Hundred Dollars (\$100.00),
1172 to be paid from the county general fund, not to exceed ten (10)
1173 days for every day or period of no less than five (5) hours



1174 accumulated over two (2) or more days actually employed in the
1175 performance of their duties for the necessary time spent in the
1176 revision of the county voter roll as electronically maintained by
1177 the Statewide Elections Management System before any special
1178 election. For purposes of this paragraph, the regular special
1179 election day shall not be considered a special election. The
1180 annual limitations set forth in subsection (2) of this section
1181 shall not apply to this paragraph.

1182 (b) The election commissioners shall be entitled to
1183 receive a per diem in the amount of One Hundred Fifty Dollars
1184 (\$150.00), to be paid from the county general fund, for the
1185 performance of their duties on the day of any primary, runoff,
1186 general or special election. The annual limitations set forth in
1187 subsection (2) of this section shall apply to this paragraph.

1188 (c) The board of supervisors may, in its discretion,
1189 pay the election commissioners an additional amount not to exceed
1190 Fifty Dollars (\$50.00) for the performance of their duties at any
1191 election occurring from July 1, 2020, through December 31, 2020,
1192 which shall be considered additional pandemic pay. Such
1193 compensation shall be payable out of the county general fund, and
1194 may be payable from federal funds available for such purpose, or a
1195 combination of both funding sources.

1196 (5) The election commissioners shall be entitled to receive
1197 a per diem in the amount of One Hundred Dollars (\$100.00), to be
1198 paid from the county general fund, not to exceed fourteen (14)



1199 days for every day or period of no less than five (5) hours
1200 accumulated over two (2) or more days actually employed in the
1201 performance of their duties for the necessary time spent in the
1202 revision of the county voter roll as electronically maintained by
1203 the Statewide Elections Management System and in the conduct of a
1204 runoff election following either a general or special election.

1205 (6) The election commissioners shall be entitled to receive
1206 only one (1) per diem payment for those days when the election
1207 commissioners discharge more than one (1) duty or responsibility
1208 on the same day.

1209 (7) In preparation for a municipal primary, runoff, general
1210 or special election, the county registrar shall generate and
1211 distribute the master voter roll and pollbooks from the Statewide
1212 Elections Management System for the municipality located within
1213 the county. The municipality shall pay the county registrar for
1214 the actual cost of preparing and printing the municipal master
1215 voter roll pollbooks. A municipality may secure "read only"
1216 access to the Statewide Elections Management System and print its
1217 own pollbooks using this information.

1218 (8) County election commissioners who perform the duties of
1219 an executive committee with regard to the conduct of a primary
1220 election under a written agreement authorized by law to be entered
1221 into with an executive committee shall receive per diem as
1222 provided for in subsection (2) of this section. The days that
1223 county election commissioners are employed in the conduct of a



1224 primary election shall be treated the same as days county election
1225 commissioners are employed in the conduct of other elections.

1226 (9) In addition to any per diem authorized by this section,
1227 any election commissioner shall be entitled to the mileage
1228 reimbursement rate allowable to federal employees for the use of a
1229 privately owned vehicle while on official travel on election day.

1230 (10) Every election commissioner shall sign personally a
1231 certification setting forth the number of hours actually worked in
1232 the performance of the commissioner's official duties and for
1233 which the commissioner seeks compensation. The certification must
1234 be on a form as prescribed in this subsection. The commissioner's
1235 signature is, as a matter of law, made under the commissioner's
1236 oath of office and under penalties of perjury.

1237 The certification form shall be as follows:

1238 **COUNTY ELECTION COMMISSIONER**

1239 **PER DIEM CLAIM FORM**

1240 NAME: _____ COUNTY: _____

1241 ADDRESS: _____ DISTRICT: _____

1242 CITY: _____ ZIP: _____

1243 PURPOSE APPLICABLE ACTUAL PER DIEM

1244 DATE BEGINNING ENDING OF MS CODE HOURS DAYS

1245 WORKED TIME TIME WORK SECTION WORKED EARNED

1246 _____

1247 _____

1248 _____



1249 TOTAL NUMBER OF PER DIEM DAYS EARNED
 1250 EXCLUDING ELECTION DAYS _____
 1251 PER DIEM RATE PER DAY EARNED X \$100.00
 1252 TOTAL NUMBER PER DIEM DAYS EARNED
 1253 FOR ELECTION DAYS _____
 1254 PER DIEM RATE PER DAY EARNED X \$150.00
 1255 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1256 I understand that I am signing this document under my oath as
 1257 an election commissioner and under penalties of perjury.

1258 I understand that I am requesting payment from taxpayer funds
 1259 and that I have an obligation to be specific and truthful as to
 1260 the amount of hours worked and the compensation I am requesting.

1261 Signed this the _____ day of _____, ____.

1262 _____
 1263 Commissioner's Signature

1264 When properly completed and signed, the certification must be
 1265 filed with the clerk of the county board of supervisors before any
 1266 payment may be made. The certification will be a public record
 1267 available for inspection and reproduction immediately upon the
 1268 oral or written request of any person.

1269 Any person may contest the accuracy of the certification in
 1270 any respect by notifying the chair of the commission, any member
 1271 of the board of supervisors or the clerk of the board of
 1272 supervisors of the contest at any time before or after payment is
 1273 made. If the contest is made before payment is made, no payment



1274 shall be made as to the contested certificate until the contest is
1275 finally disposed of. The person filing the contest shall be
1276 entitled to a full hearing, and the clerk of the board of
1277 supervisors shall issue subpoenas upon request of the contestor
1278 compelling the attendance of witnesses and production of documents
1279 and things. The contestor shall have the right to appeal de novo
1280 to the circuit court of the involved county, which appeal must be
1281 perfected within thirty (30) days from a final decision of the
1282 commission, the clerk of the board of supervisors or the board of
1283 supervisors, as the case may be.

1284 Any contestor who successfully contests any certification
1285 will be awarded all expenses incident to his or her contest,
1286 together with reasonable attorney's fees, which will be awarded
1287 upon petition to the chancery court of the involved county upon
1288 final disposition of the contest before the election commission,
1289 board of supervisors, clerk of the board of supervisors, or, in
1290 case of an appeal, final disposition by the court. The
1291 commissioner against whom the contest is decided shall be liable
1292 for the payment of the expenses and attorney's fees, and the
1293 county shall be jointly and severally liable for same.

1294 (11) Any election commissioner who has not received a
1295 certificate issued by the Secretary of State pursuant to Section
1296 23-15-211 indicating that the election commissioner has received
1297 the required elections seminar instruction and that the election
1298 commissioner is fully qualified to conduct an election, shall not



1299 receive any compensation authorized by this section or Section
1300 23-15-239.

1301 **SECTION 30.** Section 23-15-171, Mississippi Code of 1972, is
1302 amended as follows:

1303 23-15-171. (1) Except as otherwise provided in Section 4 of
1304 this act, municipal primary elections shall be held on the first
1305 Tuesday in April preceding the general municipal election and, in
1306 the event a second primary shall be necessary, such second primary
1307 shall be held on the fourth Tuesday in April preceding such
1308 general municipal election. The candidate receiving a majority of
1309 the votes cast in the election shall be the party nominee. If no
1310 candidate shall receive a majority vote at the election, the two
1311 (2) candidates receiving the highest number of votes shall have
1312 their names placed on the ballot for the second primary election.
1313 The candidate receiving the most votes cast in the second primary
1314 election shall be the party nominee. However, if no candidate
1315 shall receive a majority vote at the first primary, and there is a
1316 tie in the election of those receiving the next highest vote,
1317 those candidates receiving the next highest vote and the candidate
1318 receiving the highest vote shall have their names placed on the
1319 ballot for the second primary election, and whoever receives the
1320 most votes cast in the second primary election shall be the party
1321 nominee. At the primary election the municipal executive
1322 committee shall perform the same duties as are specified by law
1323 and performed by members of the county executive committee with



1324 regard to state and county primary elections. Each municipal
1325 executive committee shall have as many members as there are
1326 elective officers of the municipality, and the members of the
1327 municipal executive committee of each political party shall be
1328 elected in the primary elections held for the nomination of
1329 candidates for municipal offices. The provisions of this section
1330 shall govern all municipal primary elections as far as applicable,
1331 but the officers to prepare the ballots and the poll managers and
1332 other officials of the primary election shall be appointed by the
1333 municipal executive committee of the party holding the primary,
1334 and the returns of such election shall be made to such municipal
1335 executive committee. Vacancies in the executive committee shall
1336 be filled by it.

1337 (2) Provided, however, that in municipalities operating
1338 under a special or private charter which fixes a time for holding
1339 elections, other than the time fixed by Chapter 491, Laws of 1950,
1340 the first primary election shall be held on the first Tuesday, two
1341 (2) months before the time for holding the general election, as
1342 fixed by the charter, and the second primary election, where
1343 necessary, shall be held three (3) weeks after the first primary
1344 election, unless the charter of any such municipality provides
1345 otherwise, in which event the provisions of the special or private
1346 charter shall prevail as to the time of holding such primary
1347 elections.



1348 (3) All primary elections in municipalities shall be held
1349 and conducted in the same manner as is provided by law for state
1350 and county primary elections.

1351 **SECTION 31.** Section 23-15-173, Mississippi Code of 1972, is
1352 amended as follows:

1353 23-15-173. (1) A general municipal election shall be held
1354 in each city, town or village on the first Tuesday after the first
1355 Monday of June 1985, and every four (4) years thereafter, for the
1356 election of all municipal officers elected by the people. Early
1357 voting for those general municipal elections shall be conducted as
1358 provided in Sections 1 through 7 of this act.

1359 (2) All municipal general elections shall be held and
1360 conducted in the same manner as is provided by law for state and
1361 county general elections.

1362 (3) The provisions of Sections 23-15-171 and 23-15-173,
1363 which fix the times to hold primary and general elections, shall
1364 not apply to any municipality operating under a special or private
1365 charter where the governing board or authority thereof, on or
1366 before June 25, 1952, shall have adopted and spread upon its
1367 minutes a resolution or ordinance declining to accept the
1368 provisions, in which event the primary and general elections shall
1369 be held at the time fixed by the charter of the municipality.

1370 **SECTION 32.** Section 23-15-191, Mississippi Code of 1972, is
1371 amended as follows:



1372 23-15-191. The first primary shall be held on the first
1373 Tuesday after the first Monday of August preceding any regular or
1374 general election; and the second primary shall be held three (3)
1375 weeks thereafter. Early voting for the primary election shall be
1376 conducted as provided for in Sections 1 through 7 of this act.

1377 The candidate that receives a majority of the votes cast in the
1378 election shall be the party nominee. If no candidate receives a
1379 majority vote at the election, then the two (2) candidates who
1380 receive the highest number of votes shall have their names placed
1381 on the ballot for the second primary election to be held three (3)
1382 weeks later. The candidate who receives the most votes in the
1383 second primary election shall be the party nominee. However, if
1384 no candidate receives a majority vote at the first primary, and
1385 there is a tie in the election of those receiving the next highest
1386 vote, then those candidates receiving the next highest vote and
1387 the candidate receiving the highest vote shall have their names
1388 placed on the ballot for the second primary election to be held
1389 three (3) weeks later, and whoever receives the most votes cast in
1390 the second primary election shall be the party nominee.

1391 **SECTION 33.** Section 23-15-195, Mississippi Code of 1972, is
1392 amended as follows:

1393 23-15-195. Except as otherwise provided in Sections 1
1394 through 7 of this act, all elections by the people shall be by
1395 ballot, and shall be concluded in one (1) day.



1396 **SECTION 34.** Section 23-15-197, Mississippi Code of 1972, is
1397 amended as follows:

1398 23-15-197. (1) Times for holding primary and general
1399 elections for congressional offices shall be as prescribed in
1400 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1401 (2) Times for holding elections for the office of judge of
1402 the Supreme Court shall be as prescribed in Section 23-15-991 and
1403 Sections 23-15-974 through 23-15-985, and times for holding
1404 elections for the office of judge of the Court of Appeals shall be
1405 as prescribed in Section 9-4-5.

1406 (3) Times for holding elections for the office of circuit
1407 court judge and the office of chancery court judge shall be as
1408 prescribed in Sections 23-15-974 through 23-15-985, and Section
1409 23-15-1015.

1410 (4) Times for holding elections for the office of county
1411 election commissioners shall be as prescribed in Section
1412 23-15-213.

1413 (5) Times for holding elections for the office of levee
1414 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1415 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1416 Laws of 1983; and Chapter 438, Laws of 2010.

1417 (6) Times for holding early voting shall be as provided in
1418 Sections 1 through 7 of this act.

1419 **SECTION 35.** Section 23-15-231, Mississippi Code of 1972, is
1420 amended as follows:



1421 23-15-231. Before every * * * early voting period begins,
1422 the election commissioners shall appoint three (3) persons for
1423 each voting precinct to be poll managers, one (1) of whom shall be
1424 designated by the election commissioners as election bailiff. For
1425 general and special elections, the poll managers shall not all be
1426 of the same political party if suitable persons of different
1427 political parties can be found in the district. If any person
1428 appointed shall fail to attend and serve, the poll managers
1429 present, if any, may designate someone to fill his or her place;
1430 and if the election commissioners fail to make the appointments or
1431 in case of the failure of all those appointed to attend and serve,
1432 any three (3) qualified electors present when the polls should be
1433 opened may act as poll managers. Provided, however, any person
1434 appointed to be poll manager or act as poll manager shall be a
1435 qualified elector of the county in which the polling place is
1436 located.

1437 **SECTION 36.** Section 23-15-233, Mississippi Code of 1972, is
1438 amended as follows:

1439 23-15-233. The poll managers shall take care that the
1440 election * * * and the early voting are conducted fairly and
1441 agreeably to law, and they shall be judges of the qualifications
1442 of electors, and may examine, on oath, any person duly registered
1443 and offering to vote touching his or her qualifications as an
1444 elector, which oath any of the poll managers may administer.



1445 **SECTION 37.** Section 23-15-239, Mississippi Code of 1972, is
1446 amended as follows:

1447 23-15-239. (1) The executive committee of each county, in
1448 the case of a primary election, or the election commissioners of
1449 each county, in the case of all other elections, in conjunction
1450 with the circuit clerk, shall, in the years in which counties
1451 conduct an election, sponsor and conduct, not less than five (5)
1452 days before the early voting period for each election begins, not
1453 less than four (4) hours and not more than eight (8) hours of poll
1454 manager training to instruct poll managers as to their duties in
1455 the proper administration of the election and the operation of the
1456 polling place. Any poll manager who completes the online training
1457 course provided by the Secretary of State shall only be required
1458 to complete two (2) hours of in-person poll manager training. No
1459 poll manager shall serve in any election unless he or she has
1460 received these instructions once during the twelve (12) months
1461 immediately preceding the date upon which the election is held;
1462 however, nothing in this section shall prevent the appointment of
1463 an alternate poll manager to fill a vacancy in case of an
1464 emergency. The county executive committee or the election
1465 commissioners, as appropriate, shall train a sufficient number of
1466 alternates to serve in the event a poll manager is unable to serve
1467 for any reason.

1468 (2) (a) If it is eligible under Section 23-15-266, the
1469 county executive committee may enter into a written agreement with



1470 the circuit clerk or the county election commission authorizing
1471 the circuit clerk or the county election commission to perform any
1472 of the duties required of the county executive committee pursuant
1473 to this section. Any agreement entered into pursuant to this
1474 subsection shall be signed by the chair of the county executive
1475 committee and the circuit clerk or the chair of the county
1476 election commission, as appropriate. The county executive
1477 committee shall notify the state executive committee and the
1478 Secretary of State of the existence of the agreement.

1479 (b) If it is eligible under Section 23-15-266, the
1480 municipal executive committee may enter into a written agreement
1481 with the municipal clerk or the municipal election commission
1482 authorizing the municipal clerk or the municipal election
1483 commission to perform any of the duties required of the municipal
1484 executive committee pursuant to this section. Any agreement
1485 entered into pursuant to this subsection shall be signed by the
1486 chair of the municipal executive committee and the municipal clerk
1487 or the chair of the municipal election commission, as appropriate.
1488 The municipal executive committee shall notify the state executive
1489 committee and the Secretary of State of the existence of the
1490 agreement.

1491 (3) The board of supervisors and the municipal governing
1492 authority, in their discretion, may compensate poll managers who
1493 attend these training sessions. The compensation shall be at a
1494 rate of not less than the federal hourly minimum wage nor more



1495 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1496 compensated for more than sixteen (16) hours of attendance at the
1497 training sessions regardless of the actual amount of time that
1498 they attended the training sessions.

1499 (4) The time and location of the training sessions required
1500 pursuant to this section shall be announced to the general public
1501 by posting a notice thereof at the courthouse and by delivering a
1502 copy of the notice to the office of a newspaper having general
1503 circulation in the county five (5) days before the date upon which
1504 the training session is to be conducted. Persons who will serve
1505 as poll watchers for candidates and political parties, as well as
1506 members of the general public, shall be allowed to attend the
1507 sessions.

1508 (5) Subject to the following annual limitations, the
1509 election commissioners shall be entitled to receive a per diem in
1510 the amount of One Hundred Dollars (\$100.00), to be paid from the
1511 county general fund, for every day or period of no less than five
1512 (5) hours accumulated over two (2) or more days actually employed
1513 in the performance of their duties for the necessary time spent in
1514 conducting training sessions as required by this section:

1515 (a) In counties having less than fifteen thousand
1516 (15,000) residents according to the latest federal decennial
1517 census, not more than five (5) days per year;

1518 (b) In counties having fifteen thousand (15,000)
1519 residents according to the latest federal decennial census but



1520 less than thirty thousand (30,000) residents according to the
1521 latest federal decennial census, not more than eight (8) days per
1522 year;

1523 (c) In counties having thirty thousand (30,000)
1524 residents according to the latest federal decennial census but
1525 less than seventy thousand (70,000) residents according to the
1526 latest federal decennial census, not more than ten (10) days per
1527 year;

1528 (d) In counties having seventy thousand (70,000)
1529 residents according to the latest federal decennial census but
1530 less than ninety thousand (90,000) residents according to the
1531 latest federal decennial census, not more than twelve (12) days
1532 per year;

1533 (e) In counties having ninety thousand (90,000)
1534 residents according to the latest federal decennial census but
1535 less than one hundred seventy thousand (170,000) residents
1536 according to the latest federal decennial census, not more than
1537 fifteen (15) days per year;

1538 (f) In counties having one hundred seventy thousand
1539 (170,000) residents according to the latest federal decennial
1540 census but less than two hundred thousand (200,000) residents
1541 according to the latest federal decennial census, not more than
1542 eighteen (18) days per year;

1543 (g) In counties having two hundred thousand (200,000)
1544 residents according to the latest federal decennial census but



1545 less than two hundred twenty-five thousand (225,000) residents
1546 according to the latest federal decennial census, not more than
1547 nineteen (19) days per year;

1548 (h) In counties having two hundred twenty-five thousand
1549 (225,000) residents or more according to the latest federal
1550 decennial census, not more than twenty-two (22) days per year.

1551 (6) Election commissioners shall claim the per diem
1552 authorized in subsection (5) of this section in the manner
1553 provided for in Section 23-15-153(6).

1554 (7) (a) To provide poll manager training, the Secretary of
1555 State has developed a single, comprehensive poll manager training
1556 program to ensure uniform, secure elections throughout the state.
1557 The program includes online training on all state and federal
1558 election laws and procedures and voting machine opening and
1559 closing procedures.

1560 (b) County poll managers who individually access and
1561 complete the online training program, including all skills
1562 assessments, at least five (5) days before the early voting period
1563 for an election begins shall be defined as "certified poll
1564 managers," and entitled to a "Certificate of Completion."

1565 (c) At least one (1) certified poll manager shall be
1566 appointed by the county election officials to work in each polling
1567 place in the county during each general election.

1568 **SECTION 38.** Section 23-15-241, Mississippi Code of 1972, is
1569 amended as follows:



1570 23-15-241. The poll manager designated an election bailiff
1571 shall, in addition to his or her other duties, be present during
1572 the early voting period and on election day to keep the peace and
1573 to protect the voting place, and to prevent improper intrusion
1574 upon the voting place or interference with the election, and to
1575 arrest all persons creating any disturbance about the voting
1576 place, and to enable all qualified electors who have not voted,
1577 and who desire to vote, to have unobstructed access to the polls
1578 for the purpose of voting when others are not voting.

1579 **SECTION 39.** Section 23-15-245, Mississippi Code of 1972, is
1580 amended as follows:

1581 23-15-245. It shall be the duty of the poll manager
1582 designated as bailiff to be present at the voting place, and to
1583 take such steps as will accomplish the purpose of his or her
1584 appointment, and the poll manager designated as bailiff shall have
1585 full power to do so and may summon to his or her aid all persons
1586 present at the voting place. A space thirty (30) feet in every
1587 direction from the polls, or the room in which the * * * voting is
1588 held, shall be kept open and clear of all persons except the
1589 election officials, individuals present to vote and credentialed
1590 poll watchers as defined by Section 23-15-577. The electors shall
1591 approach the polls from one (1) direction, line, door or passage,
1592 and depart in another as nearly opposite as convenient.

1593 **SECTION 40.** Section 23-15-247, Mississippi Code of 1972, is
1594 amended as follows:



1595 23-15-247. The election commissioners in each county shall
1596 procure, if not already provided, a sufficient number of ballot
1597 boxes, which shall be distributed by them to the voting precincts
1598 of the county before the time for opening the polls for early
1599 voting and on election day. The boxes shall be securely sealed
1600 from the opening of the polls * * * for early voting until the
1601 polls close on election day; and the box shall be kept by one (1)
1602 of the managers, and the manager having the box shall carefully
1603 keep it, and neither open it himself or herself nor permit it to
1604 be opened, nor permit any person to have any access to it
1605 throughout the voting period during an election. The box shall
1606 not be removed from the polling building or place after the polls
1607 are opened until the polls close and the count is complete. After
1608 each election the ballot boxes shall be delivered to the clerk of
1609 the circuit court of the county for preservation; and he or she
1610 shall keep them for future use, and, when called for, deliver them
1611 to the election commissioners.

1612 **SECTION 41.** Section 23-15-251, Mississippi Code of 1972, is
1613 amended as follows:

1614 23-15-251. The election commissioners, in appointing the
1615 poll managers of an election, shall designate one (1) of the poll
1616 managers at each voting place to receive and distribute the
1617 official ballots, and shall deliver to him or her the proper
1618 number of ballots for his or her district not less than one (1)
1619 day before the early voting period begins and not less than one



1620 (1) day before election day; and the poll manager receiving the
1621 ballots from the election commissioners shall distribute the same
1622 to the electors of his or her district in the manner herein
1623 provided. It shall be the duty of the designated poll manager for
1624 service at a voting place other than the courthouse, to carry to
1625 that voting place, on the day before the early voting period
1626 begins and on the day before election day, or before 6:00 a.m. on
1627 the morning the early voting period begins and on the morning of
1628 the election day, the ballot box, the pollbook, the blank tally
1629 sheets, the blank forms to be used in making returns, the other
1630 necessary stationery and supplies and the official printed ballots
1631 aforesaid, and all of the same used and unused shall be returned
1632 by the designated poll manager to the election commissioners on
1633 the day * * * after the election.

1634 **SECTION 42.** Section 23-15-255, Mississippi Code of 1972, is
1635 amended as follows:

1636 23-15-255. (1) The supervisor of each respective
1637 supervisors district shall provide at each election place a
1638 sufficient number of voting compartments, shelves and tables for
1639 the use of electors, which shall be so arranged that it will be
1640 impossible for a voter in one (1) compartment to see another voter
1641 who is preparing his or her ballot. The number of voting
1642 compartments and shelves or tables shall not be less than one (1)
1643 to every two hundred (200) electors in the voting precinct.



1644 (2) The poll managers of each precinct shall publicly post
1645 the following information at the precinct polling place * * *
1646 during any election:

1647 (a) A sample ballot that will be used at the election;

1648 (b) The hours during which the polling places will be
1649 open for early voting and on election day;

1650 (c) Instructions on how to vote, including how to cast
1651 a vote and how to cast an affidavit ballot;

1652 (d) Instructions for persons who have registered to
1653 vote by mail and first time voters, if appropriate;

1654 (e) General information on voting rights, including
1655 information on the right of an individual to cast an affidavit
1656 ballot and instructions on how to contact the appropriate
1657 officials if these rights are alleged to have been violated; * * *

1658 (f) The consequences under federal and state laws
1659 regarding fraud and misrepresentation;

1660 (g) A list of voters in each polling place that have
1661 already cast an absentee ballot or voted during the early voting
1662 period; and

1663 (h) The acceptable forms of photo identification that
1664 may be presented in the polling place.

1665 **SECTION 43.** Section 23-15-263, Mississippi Code of 1972, is
1666 amended as follows:

1667 23-15-263. (1) Unless otherwise provided in this chapter,
1668 the county executive committee at primary elections shall perform



1669 all duties that relate to the qualification of candidates for
1670 primary elections, print ballots for the early voting period for
1671 primary elections and for primary * * * election day, appoint the
1672 primary election officers, resolve contests in regard to primary
1673 elections, and perform all other duties required by law to be
1674 performed by the county executive committee; however, each house
1675 of the Legislature shall rule on the qualifications of the
1676 membership of its respective body in contests involving the
1677 qualifications of * * * its members. The executive committee
1678 shall be subject to all the penalties to which county election
1679 commissioners are subject, except that Section 23-15-217 shall not
1680 apply to members of the county executive committee who seek
1681 elective office.

1682 (2) A member of a county executive committee shall be
1683 automatically disqualified to serve on the county executive
1684 committee, and shall be considered to have resigned * * * from the
1685 county executive committee, upon his or her qualification as a
1686 candidate for any elective office. The provisions of this
1687 subsection shall not apply to a member of a county executive
1688 committee who qualifies as a candidate for a municipal elective
1689 office.

1690 (3) The primary election officers appointed by the executive
1691 committee of the party shall have the powers and perform the
1692 duties, where not otherwise provided, required of * * * those
1693 officers in a general election, and any * * * act or omission



1694 which by law is an offense when committed in or about or in
1695 respect to * * * the general elections, shall be an offense if
1696 committed in or about or in respect to a primary election; and the
1697 same shall be indictable and punishable in the same way as if the
1698 election was a general election for the election of state and
1699 county officers, except as specially modified or otherwise
1700 provided in this chapter.

1701 **SECTION 44.** Section 23-15-265, Mississippi Code of 1972, is
1702 amended as follows:

1703 23-15-265. (1) The county executive committee of each
1704 county shall meet not less than two (2) weeks before the
1705 date * * * the period for early voting begins for any primary
1706 election and appoint the poll managers for same, all of whom may
1707 be members of the same political party. The number of poll
1708 managers appointed by the county executive committee shall be the
1709 same number as election commissioners are allowed to appoint
1710 pursuant to Sections 23-15-231 and 23-15-235. If the county
1711 executive committee fails to meet on the date named, supra,
1712 further notice shall be given of the time and place of meeting.

1713 (2) (a) If it is eligible under Section 23-15-266, the
1714 county executive committee may enter into a written agreement with
1715 the circuit clerk or the county election commission authorizing
1716 the circuit clerk or the county election commission to perform any
1717 of the duties required of the county executive committee pursuant
1718 to this section. Any agreement entered into pursuant to this



1719 subsection shall be signed by the chair of the county executive
1720 committee and the circuit clerk or the chair of the county
1721 election commission, as appropriate. The county executive
1722 committee shall notify the state executive committee and the
1723 Secretary of State of the existence of the agreement.

1724 (b) If it is eligible under Section 23-15-266, the
1725 municipal executive committee may enter into a written agreement
1726 with the municipal clerk or the municipal election commission
1727 authorizing the municipal clerk or the municipal election
1728 commission to perform any of the duties required of the municipal
1729 executive committee pursuant to this section. Any agreement
1730 entered into pursuant to this subsection shall be signed by the
1731 chair of the municipal executive committee and the municipal clerk
1732 or the chair of the municipal election commission, as appropriate.
1733 The municipal executive committee shall notify the state executive
1734 committee and the Secretary of State of the existence of such
1735 agreement.

1736 **SECTION 45.** Section 23-15-267, Mississippi Code of 1972, is
1737 amended as follows:

1738 23-15-267. (1) The ballot boxes provided by the election
1739 commissioners in each county shall be used in primary elections,
1740 and the county executive committees shall distribute them to the
1741 voting precincts of the county before the time for opening the
1742 polls, in the same manner, as near as may be, as that provided for
1743 in general elections.



1744 (2) The boxes shall be securely sealed and locked beginning
1745 at the start of voting during the period for early voting and on
1746 election day until the end of voting on election day; and the box
1747 shall be kept by one (1) of the poll managers, and the poll
1748 manager having the box shall carefully keep it, and neither open
1749 it himself or herself nor permit it to be done, nor permit any
1750 person to have any access to it throughout voting during the
1751 period for early voting and during election day. The box shall
1752 not be removed from the polling place after the polls are open
1753 until the polls close and the count is completed.

1754 (3) After each election, the ballot boxes shall be delivered
1755 to the clerk of the circuit court of the county for preservation;
1756 and he or she shall keep them for future use, and, when called
1757 for, deliver them to the election commissioners.

1758 (4) (a) If it is eligible under Section 23-15-266, the
1759 county executive committee may enter into a written agreement with
1760 the circuit clerk or the county election commission authorizing
1761 the circuit clerk or the county election commission to perform any
1762 of the duties required of the county executive committee pursuant
1763 to this section. Any agreement entered into pursuant to this
1764 subsection shall be signed by the chair of the county executive
1765 committee and the circuit clerk or the chair of the county
1766 election commission, as appropriate. The county executive
1767 committee shall notify the State Executive Committee and the
1768 Secretary of State of the existence of such agreement.



1769 (b) If it is eligible under Section 23-15-266, the
1770 municipal executive committee may enter into a written agreement
1771 with the municipal clerk or the municipal election commission
1772 authorizing the municipal clerk or the municipal election
1773 commission to perform any of the duties required of the municipal
1774 executive committee pursuant to this section. Any agreement
1775 entered into pursuant to this subsection shall be signed by the
1776 chair of the municipal executive committee and the municipal clerk
1777 or the chair of the municipal election commission, as appropriate.
1778 The municipal executive committee shall notify the State Executive
1779 Committee and the Secretary of State of the existence of such
1780 agreement.

1781 (5) The person, or persons, whose duty it is to comply with
1782 the provisions of this section and who shall fail, or neglect,
1783 from any cause, to deliver the boxes or any of them as herein
1784 provided shall, upon conviction, be fined not less than Two
1785 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1786 the residence of the person, or persons, who violates any of the
1787 provisions of this section, for a period of not less than thirty
1788 (30) days or more than six (6) months, and fined not more than
1789 Five Hundred Dollars (\$500.00).

1790 **SECTION 46.** Section 23-15-309, Mississippi Code of 1972, is
1791 amended as follows:

1792 23-15-309. (1) Nominations for all municipal officers which
1793 are elective shall be made * * * during the days for conducting a



1794 primary election, or elections, to be held in the manner
1795 prescribed by law. All persons desiring to be candidates for the
1796 nomination in the primary elections shall first pay Ten Dollars
1797 (\$10.00) to the clerk of the municipality, at least sixty (60)
1798 days before date the early voting period begins for the first
1799 primary election, no later than 5:00 p.m. on such deadline day.
1800 If the sixtieth day to file the fee and written statement before
1801 the date the early voting period begins for an election falls on a
1802 Sunday or legal holiday, the fees and written statements submitted
1803 on the business day immediately following the Sunday or legal
1804 holiday shall be accepted.

1805 (2) The fee paid pursuant to subsection (1) of this section
1806 shall be accompanied by a written statement containing the name
1807 and address of the candidate, the party with which he or she is
1808 affiliated, the email address of the candidate, if any, and the
1809 office for which he or she is a candidate.

1810 (3) The clerk shall promptly receipt the payment, stating
1811 the office for which the person making the payment is running and
1812 the political party with which such person is affiliated. The
1813 clerk shall keep an itemized account in detail showing the time
1814 and date of the receipt of such payment received by him or her,
1815 from whom such payment was received, the party with which such
1816 person is affiliated and for what office the person paying the fee
1817 is a candidate. No candidate may attempt to qualify with any
1818 political party that does not have a duly organized municipal



1819 executive committee, and the municipal clerk shall not accept any
1820 assessments made pursuant to subsection (1) if the municipal clerk
1821 does not have contact information for the secretary of the
1822 municipal executive committee for that political party. The clerk
1823 shall promptly supply all necessary information and pay over all
1824 fees so received to the secretary of the proper municipal
1825 executive committee. The funds may be used and disbursed in the
1826 same manner as is allowed in Section 23-15-299 in regard to other
1827 executive committees.

1828 (4) Upon receipt of the above information, the proper
1829 municipal executive committee shall then determine, at the time of
1830 the qualifying deadline, whether each candidate is a qualified
1831 elector of the municipality, and of the ward if the office sought
1832 is a ward office, shall determine whether each candidate either
1833 meets all other qualifications to hold the office he or she is
1834 seeking or presents absolute proof that he or she will, subject to
1835 no contingencies, meet all qualifications on or before the date of
1836 the general or special election at which he or she could be
1837 elected to office. The executive committee shall determine
1838 whether the candidate has taken the steps necessary to qualify for
1839 more than one (1) office at the election. The committee also
1840 shall determine whether any candidate has been convicted of any
1841 felony in a court of this state, or has been convicted on or after
1842 December 8, 1992, of any offense in another state which is a
1843 felony under the laws of this state, or has been convicted of any



1844 felony in a federal court on or after December 8, 1992. Excepted
1845 from the above are convictions of manslaughter and violations of
1846 the United States Internal Revenue Code or any violations of the
1847 tax laws of this state unless such offense also involved misuse or
1848 abuse of his or her office or money coming into his or her hands
1849 by virtue of the office. If the proper municipal executive
1850 committee finds that a candidate either (a) does not meet all
1851 qualifications to hold the office he or she seeks and fails to
1852 provide absolute proof, subject to no contingencies, that he or
1853 she will meet the qualifications on or before the date * * * the
1854 early voting period begins for the general or special election at
1855 which he or she could be elected, or (b) has been convicted of a
1856 felony as described in this subsection and not pardoned, then the
1857 executive committee shall notify the candidate and give the
1858 candidate an opportunity to be heard. The executive committee
1859 shall mail notice to the candidate at least three (3) business
1860 days before the hearing to the address provided by the candidate
1861 on the qualifying forms, and the committee shall attempt to
1862 contact the candidate by telephone, email and facsimile if the
1863 candidate provided this information on the forms. If the
1864 candidate fails to appear at the hearing or to prove he or she
1865 meets all qualifications to hold the office subject to no
1866 contingencies, then the name of such candidate shall not be placed
1867 upon the ballot. If the executive committee determines that the
1868 candidate has taken the steps necessary to qualify for more than



1869 one (1) office at the election, the action required by Section
1870 23-15-905, shall be taken.

1871 (5) Where there is but one (1) candidate, the proper
1872 municipal executive committee when the time has expired within
1873 which the names of candidates shall be furnished shall declare
1874 such candidate the nominee.

1875 **SECTION 47.** Section 23-15-331, Mississippi Code of 1972, is
1876 amended as follows:

1877 23-15-331. It shall be the duty of the state executive
1878 committee of each political party to furnish to each county
1879 executive committee, not less than fifty (50) days * * * before
1880 the * * * period for early voting begins the names of all state
1881 and state district candidates and all candidates for legislative
1882 districts composed of more than one (1) county or parts of more
1883 than one (1) county who have qualified as provided by law, and in
1884 accordance with the requirements of Section 23-15-333 a sample of
1885 the official ballot to be used in the primary, the general form of
1886 which shall be followed as nearly as practicable.

1887 **SECTION 48.** Section 23-15-333, Mississippi Code of 1972, is
1888 amended as follows:

1889 23-15-333. (1) The county executive committee shall have
1890 printed all necessary ballots, for use in primary elections. The
1891 county executive committee shall have printed all necessary
1892 absentee ballots forty-five (45) days before the period for early
1893 voting begins for the election as required by law. The ballots



1894 shall contain the names of all the candidates to be voted for at
1895 the election, and there shall be left on each ballot one (1) blank
1896 space under the title of each office for which a nominee is to be
1897 elected; and in the event of the death of any candidate whose name
1898 shall have been printed on the ballot, the name of the candidate
1899 duly substituted in the place of the deceased candidate may be
1900 written in such blank space by the voter. Except as otherwise
1901 provided in subsection (2) of this section, the order in which the
1902 titles to the various offices shall be printed, and the size,
1903 print and quality of the paper of the ballot is left to the
1904 discretion of the county executive committee. Provided, however,
1905 that in all cases the arrangement of the names of the candidates
1906 for each office shall be alphabetical. No ballot shall be used
1907 except those so printed.

1908 (2) The titles for the various offices shall be listed in
1909 the following order:

1910 (a) Candidates, electors or delegates for the following
1911 national offices:

1912 (i) President of the United States of America;

1913 (ii) United States Senator or United States
1914 Representative;

1915 (b) Candidates for the following statewide offices:

1916 Governor, Lieutenant Governor, Secretary of State, Attorney

1917 General, State Treasurer, Auditor of Public Accounts, Commissioner
1918 of Agriculture and Commerce, Commissioner of Insurance;



1919 (c) Candidates for the following state district
1920 offices: Mississippi Transportation Commissioner, Public Service
1921 Commissioner, District Attorney;

1922 (d) Candidates for the following legislative offices:
1923 Senator and House of Representatives;

1924 (e) Candidates for countywide office;

1925 (f) Candidates for county district office.

1926 The order in which the titles for the various offices are
1927 listed within each of the categories listed in paragraphs (e) and
1928 (f) are left to the discretion of the county executive committee.
1929 Candidates' names shall be listed alphabetically under each office
1930 by the candidate's last name.

1931 (3) If after the deadline to qualify as a candidate for an
1932 office, only one (1) person has duly qualified to be a candidate
1933 for the office in the primary election, the name of that person
1934 shall be placed on the ballot; provided, however, that if not more
1935 than one (1) person has duly qualified to be a candidate for each
1936 office on the primary election ballot, the election for all
1937 offices on the ballot shall be dispensed with and the appropriate
1938 executive committee shall declare each candidate as the party
1939 nominee if the candidate meets all the qualifications to hold the
1940 office.

1941 (4) (a) If it is eligible under Section 23-15-266, the
1942 county executive committee may enter into a written agreement with
1943 the circuit clerk or the county election commission authorizing



1944 the circuit clerk or the county election commission to perform any
1945 of the duties required of the county executive committee pursuant
1946 to this section. Any agreement entered into pursuant to this
1947 subsection shall be signed by the chair of the county executive
1948 committee and the circuit clerk or the chair of the county
1949 election commission, as appropriate. The county executive
1950 committee shall notify the state executive committee and the
1951 Secretary of State of the existence of such agreement.

1952 (b) If it is eligible under Section 23-15-266, the
1953 municipal executive committee may enter into a written agreement
1954 with the municipal clerk or the municipal election commission
1955 authorizing the municipal clerk or the municipal election
1956 commission to perform any of the duties required of the municipal
1957 executive committee pursuant to this section. Any agreement
1958 entered into pursuant to this subsection shall be signed by the
1959 chair of the municipal executive committee and the municipal clerk
1960 or the chair of the municipal election commission, as appropriate.
1961 The municipal executive committee shall notify the state executive
1962 committee and the Secretary of State of the existence of such
1963 agreement.

1964 **SECTION 49.** Section 23-15-335, Mississippi Code of 1972, is
1965 amended as follows:

1966 23-15-335. (1) The county executive committee shall
1967 designate a person whose duty it shall be to distribute all
1968 necessary ballots for use * * * during a primary election, and



1969 shall designate one (1) among the poll managers at each polling
1970 place to receive and receipt for the blank ballots to be used at
1971 that place. When the blank ballots are delivered to a local poll
1972 manager, the distributor shall take from the local poll manager a
1973 receipt therefor signed in duplicate by both the distributor and
1974 the poll manager, one (1) of which receipts the distributor shall
1975 deliver to the circuit clerk and the other shall be retained by
1976 the local poll manager and the last mentioned duplicate receipt
1977 shall be enclosed in the ballot box with the voted ballots when
1978 the polls have been closed and the votes have been counted. The
1979 printer of the ballots shall take a receipt from the distributor
1980 of the ballots for the total number of the blank ballots delivered
1981 to the distributor. The printer shall secure all ballots printed
1982 by him or her in such a safe manner that no person can procure
1983 them or any of them, and he or she shall deliver no blank ballot
1984 or ballots to any person except the distributor above mentioned,
1985 and then only upon his or her receipt therefor as above specified.
1986 The distributor of the blank ballots shall so securely hold the
1987 same that no person can obtain any of them, and he or she shall
1988 not deliver any of them to any person other than to the authorized
1989 local poll managers and upon their respective receipts therefor.
1990 The executive committee shall see to it that the total blank
1991 ballots delivered to the distributor, shall correspond with the
1992 total of the receipts executed by the local poll managers.



1993 (2) (a) If it is eligible under Section 23-15-266, the
1994 county executive committee may enter into a written agreement with
1995 the circuit clerk or the county election commission authorizing
1996 the circuit clerk or the county election commission to perform any
1997 of the duties required of the county executive committee pursuant
1998 to this section. Any agreement entered into pursuant to this
1999 subsection shall be signed by the chair of the county executive
2000 committee and the circuit clerk or the chair of the county
2001 election commission, as appropriate. The county executive
2002 committee shall notify the state executive committee and the
2003 Secretary of State of the existence of such agreement.

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



2016 (3) Any person charged with any of the duties prescribed in
2017 this section who shall willfully or with culpable carelessness
2018 violate the same shall be guilty of a misdemeanor.

2019 **SECTION 50.** Section 23-15-353, Mississippi Code of 1972, is
2020 amended as follows:

2021 23-15-353. The officer charged with printing and
2022 distributing the official ballot shall ascertain from the
2023 registrar, at least ten (10) days before the day * * * early
2024 voting for that election begins, the number of registered voters
2025 in each voting precinct; and he or she shall have printed and
2026 distributed a sufficient number of ballots for use in each
2027 precinct.

2028 **SECTION 51.** Section 23-15-357, Mississippi Code of 1972, is
2029 amended as follows:

2030 23-15-357. On the back and outside of the ballot shall be
2031 printed the words "OFFICIAL BALLOT," the name of the voting
2032 precinct or place for which the ballot is prepared, * * * the date
2033 of the election and the date of the period for early voting.

2034 **SECTION 52.** Section 23-15-359, Mississippi Code of 1972, is
2035 amended as follows:

2036 23-15-359. (1) Except as provided in this section, the
2037 ballot shall contain the names of all party nominees certified by
2038 the appropriate executive committee, and independent and special
2039 election candidates who have timely filed petitions containing the
2040 required signatures and assessments that must be paid pursuant to



2041 Section 23-15-297, if the candidates and nominees meet all of the
2042 qualifications to hold the office sought. A petition requesting
2043 that an independent or special election candidate's name be placed
2044 on the ballot for any office shall be filed as provided for in
2045 subsection (3) or (4) of this section, as appropriate, and shall
2046 be signed by not less than the following number of qualified
2047 electors:

2048 (a) For an office elected by the state at large, not
2049 less than one thousand (1,000) qualified electors.

2050 (b) For an office elected by the qualified electors of
2051 a Supreme Court district, not less than three hundred (300)
2052 qualified electors.

2053 (c) For an office elected by the qualified electors of
2054 a congressional district, not less than two hundred (200)
2055 qualified electors.

2056 (d) For an office elected by the qualified electors of
2057 a circuit or chancery court district, not less than one hundred
2058 (100) qualified electors.

2059 (e) For an office elected by the qualified electors of
2060 a senatorial or representative district, not less than fifty (50)
2061 qualified electors.

2062 (f) For an office elected by the qualified electors of
2063 a county, not less than fifty (50) qualified electors.



2064 (g) For an office elected by the qualified electors of
2065 a supervisors district or justice court district, not less than
2066 fifteen (15) qualified electors.

2067 (h) For the Office of President of the United States, a
2068 party nominee or independent candidate shall pay an assessment in
2069 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

2070 (2) (a) Unless the petition or fee, whichever is
2071 applicable, required above shall be filed as provided for in
2072 subsection (3), (4) or (5) of this section, as appropriate, the
2073 name of the person requested to be a candidate, unless nominated
2074 by a political party, shall not be placed upon the ballot. The
2075 ballot shall contain the names of each candidate for each office,
2076 and the names shall be listed under the name of the political
2077 party that candidate represents as provided by law and as
2078 certified to the circuit clerk by the state executive committee of
2079 the political party. In the event the candidate qualifies as an
2080 independent as provided in this section, he or she shall be listed
2081 on the ballot as an independent candidate.

2082 (b) The name of an independent or special election
2083 candidate who dies before the printing of the ballots, shall not
2084 be placed on the ballots.

2085 (3) Petitions for offices described in paragraphs (a), (b),
2086 (c), (d) and (e) of subsection (1) of this section shall be filed
2087 with the Secretary of State by no later than 5:00 p.m. on the same
2088 date or business day, as applicable, by which candidates are



2089 required to pay the fee provided for in Section 23-15-297;
2090 however, no petition may be filed before January 1 of the year in
2091 which the election for the office is held.

2092 (4) Petitions for offices described in paragraphs (f) and
2093 (g) of subsection (1) of this section shall be filed with the
2094 proper circuit clerk by no later than 5:00 p.m. on the same date
2095 by which candidates are required to pay the fee provided for in
2096 Section 23-15-297; however, no petition may be filed before
2097 January 1 of the year in which the election for the office is
2098 held. The circuit clerk shall notify the county election
2099 commissioners of all persons who have filed petitions with the
2100 clerk. The notification shall occur within two (2) business days
2101 and shall contain all necessary information.

2102 (5) The assessment for the office described in paragraph (h)
2103 of subsection (1) of this section shall be paid to the Secretary
2104 of State. The Secretary of State shall deposit any qualifying
2105 fees received from candidates into the Elections Support Fund
2106 established in Section 23-15-5.

2107 (6) The election commissioners may also have printed upon
2108 the ballot any local issue election matter that is authorized to
2109 be * * * voted on * * * during the period for voting for the
2110 regular or general election pursuant to Section 23-15-375;
2111 however, the ballot form of the local issue must be filed with the
2112 election commissioners by the appropriate governing authority not



2113 less than sixty (60) days before the date * * * the early voting
2114 period begins for the election.

2115 (7) The provisions of this section shall not apply to
2116 municipal elections or to the election of the offices of justice
2117 of the Supreme Court, judge of the Court of Appeals, circuit
2118 judge, chancellor, county court judge and family court judge.

2119 (8) Nothing in this section shall prohibit special elections
2120 to fill vacancies in either house of the Legislature from being
2121 held as provided in Section 23-15-851. In all elections conducted
2122 under the provisions of Section 23-15-851, there shall be printed
2123 on the ballot the name of any candidate who, not having been
2124 nominated by a political party, shall have been requested to be a
2125 candidate for any office by a petition filed with the Secretary of
2126 State and signed by not less than fifty (50) qualified electors.

2127 (9) (a) The appropriate election commission shall determine
2128 whether each candidate is a qualified elector of the state, state
2129 district, county or county district they seek to serve, and
2130 whether each candidate meets all other qualifications to hold the
2131 office he or she is seeking or presents absolute proof that he or
2132 she will, subject to no contingencies, meet all qualifications on
2133 or before the date * * * the early voting period begins for the
2134 general or special election at which he or she could be elected to
2135 office. The election commission shall determine whether the
2136 candidate has taken the steps necessary to qualify for more than
2137 one (1) office at the election. The election commission also



2138 shall determine whether any candidate has been convicted (i) of
2139 any felony in a court of this state, (ii) on or after December 8,
2140 1992, of any offense in another state which is a felony under the
2141 laws of this state, (iii) of any felony in a federal court on or
2142 after December 8, 1992, or (iv) of any offense that involved the
2143 misuse or abuse of his or her office or money coming into his or
2144 her hands by virtue of the office. Excepted from the above are
2145 convictions of manslaughter and violations of the United States
2146 Internal Revenue Code or any violations of the tax laws of this
2147 state.

2148 (b) If the appropriate election commission finds that a
2149 candidate either (i) is not a qualified elector, (ii) does not
2150 meet all qualifications to hold the office he or she seeks and
2151 fails to provide absolute proof, subject to no contingencies, that
2152 he or she will meet the qualifications on or before the date * * *
2153 the early voting period begins the general or special election at
2154 which he or she could be elected, or (iii) has been convicted of a
2155 felony or other disqualifying offense as described in paragraph
2156 (a) of this subsection, and not pardoned, then the election
2157 commission shall notify the candidate and give the candidate an
2158 opportunity to be heard. The election commission shall mail
2159 notice to the candidate at least three (3) business days before
2160 the hearing to the address provided by the candidate on the
2161 qualifying forms, and the committee shall attempt to contact the
2162 candidate by telephone, email and facsimile if the candidate



2163 provided this information on the forms. If the candidate fails to
2164 appear at the hearing or to prove that he or she meets all
2165 qualifications to hold the office subject to no contingencies,
2166 then the name of such candidate shall not be placed upon the
2167 ballot. If the appropriate election commission determines that
2168 the candidate has taken the steps necessary to qualify for more
2169 than one (1) office at the election, the action required by
2170 Section 23-15-905, shall be taken.

2171 (10) If after the deadline to qualify as a candidate for an
2172 office or after the time for holding any party primary for an
2173 office, only one (1) person has duly qualified to be a candidate
2174 for the office in the general election, the name of that person
2175 shall be placed on the ballot; provided, however, that if not more
2176 than one (1) person duly qualified to be a candidate for each
2177 office on the general election ballot, the election for all
2178 offices on the ballot shall be dispensed with and the appropriate
2179 election commission shall declare each candidate elected without
2180 opposition if the candidate meets all the qualifications to hold
2181 the office as determined pursuant to a review by the election
2182 commission in accordance with the provisions of subsection (9) of
2183 this section and if the candidate has filed all required campaign
2184 finance disclosure reports as required by Section 23-15-807.

2185 (11) The petition required by this section may not be filed
2186 by using the Internet.



2187 **SECTION 53.** Section 23-15-363, Mississippi Code of 1972, is
2188 amended as follows:

2189 23-15-363. After the proper officer has knowledge of or has
2190 been notified of the nomination, as provided, of any candidate for
2191 office, the officer shall not omit his or her name from the
2192 ballot, unless upon the written request of the candidate
2193 nominated, made at least ten (10) days before the early voting
2194 period for the election begins, and in no case after * * * the
2195 ballot has been printed; and every ballot shall contain the names
2196 of all candidates nominated as specified, and not duly withdrawn.

2197 **SECTION 54.** Section 23-15-367, Mississippi Code of 1972, is
2198 amended as follows:

2199 23-15-367. (1) Except as otherwise provided by Sections
2200 23-15-974 through 23-15-985 and subsection (2) of this section,
2201 the size, print and quality of paper of the official ballot is
2202 left to the discretion of the officer charged with printing the
2203 official ballot.

2204 (2) The titles for the various offices shall be listed in
2205 the following order:

2206 (a) Candidates, electors or delegates for the following
2207 national offices:

2208 (i) President;

2209 (ii) United States Senator or United States

2210 Representative;



2211 (b) Candidates for the following statewide office:
2212 Governor, Lieutenant Governor, Secretary of State, Attorney
2213 General, State Treasurer, Auditor of Public Accounts, Commissioner
2214 of Agriculture and Commerce, Commissioner of Insurance;

2215 (c) Candidates for the following state district
2216 offices: Mississippi Transportation Commissioner, Public Service
2217 Commissioner, District Attorney;

2218 (d) Candidates for the following legislative offices:
2219 Senate and House of Representatives;

2220 (e) Candidates for countywide office;

2221 (f) Candidates for county district office.

2222 The order in which the titles for the various offices are
2223 listed within paragraphs (e) and (f) is left to the discretion of
2224 the county election commissioners. Nominees of the political
2225 parties, qualified to conduct primary elections as defined in
2226 Section 23-15-291, shall be listed first alphabetically by the
2227 candidate's last name, followed by any other candidates listed
2228 alphabetically by last name.

2229 (3) It is the duty of the Secretary of State, with the
2230 approval of the Governor, to furnish the designated election
2231 commissioner of each county a sample of the official ballot, not
2232 less than fifty-five (55) days before the early voting period
2233 begins for the election, the general form of which shall be
2234 followed as nearly as practicable.



2235 **SECTION 55.** Section 7-3-39, Mississippi Code of 1972, is
2236 amended as follows:

2237 7-3-39. The Secretary of State shall have published in full
2238 each constitutional amendment two (2) weeks * * * before the
2239 period for early voting for the election begins, if early voting
2240 is authorized for that election, at which the qualified electors
2241 shall vote on * * * the amendments, in each county in each
2242 newspaper having a general circulation in the county, as defined
2243 in Section 13-3-31; or * * * the Secretary of State shall have
2244 each amendment posted in three (3) public places in the county if
2245 all * * * the newspapers in the county refuse to publish same at
2246 the price provided in Section 7-3-41.

2247 **SECTION 56.** Section 23-15-511, Mississippi Code of 1972, is
2248 amended as follows:

2249 23-15-511. The ballots shall, as far as practicable, be in
2250 the same order of arrangement as provided for paper ballots that
2251 are to be counted manually, except that the information may be
2252 printed in vertical or horizontal rows. Nothing in this chapter
2253 shall be construed as prohibiting the information being presented
2254 to the voters from being printed on both sides of a single ballot.
2255 In those years when a special election shall occur * * * during
2256 the same voting period as the general election, the names of
2257 candidates in any special election and the general election shall
2258 be placed on the same ballot by the election commissioners or
2259 officials in charge of the election, but the general election



2260 candidates shall be clearly distinguished from the special
2261 election candidates. At any time a special election is * * *
2262 during the same voting period as a party primary election, the
2263 names of the candidates in the special election may be placed on
2264 the same ballot by the officials in charge of the election, but
2265 shall be clearly distinguished as special election candidates or
2266 primary election candidates.

2267 Ballots shall be printed in plain clear type in black ink and
2268 upon clear white materials of such size and arrangement as to be
2269 compatible with the OMR equipment. Absentee ballots shall be
2270 prepared and printed in the same form and shall be on the same
2271 size and texture as the regular official ballots, except that they
2272 shall be printed on tinted paper; or the ink used to print the
2273 ballots shall be of a color different from that of the ink used to
2274 print the regular official ballots. Arrows may be printed on the
2275 ballot to indicate the place to mark the ballot, which may be to
2276 the right or left of the names of candidates and propositions.
2277 The titles of offices may be arranged in vertical columns on the
2278 ballot and shall be printed above or at the side of the names of
2279 candidates so as to indicate clearly the candidates for each
2280 office and the number to be elected. In case there are more
2281 candidates for an office than can be printed in one (1) column,
2282 the ballot shall be clearly marked that the list of candidates is
2283 continued on the following column. The names of candidates for
2284 each office shall be printed in vertical columns, grouped by the



2285 offices that they seek. In partisan elections, the party
2286 designation of each candidate, which may be abbreviated, shall be
2287 printed following his or her name.

2288 One (1) sample ballot, which shall be a facsimile of the
2289 official ballot and instructions to the voters, shall be provided
2290 for each precinct and shall be posted in each polling place during
2291 early voting and on election day.

2292 A separate ballot security envelope or suitable equivalent in
2293 which the voter can place his or her ballot after voting, shall be
2294 provided to conceal the choices the voter has made. Absentee
2295 voters will receive a similar ballot security envelope provided by
2296 the county in which the absentee voter will insert their voted
2297 ballot, which then can be inserted into a return envelope to be
2298 mailed back to the election official. Absentee ballots will not
2299 be required to be folded when a ballot security envelope is
2300 provided.

2301 **SECTION 57.** Section 23-15-515, Mississippi Code of 1972, is
2302 amended as follows:

2303 23-15-515. The circuit clerk shall be the custodian of OMR
2304 equipment acquired by the county, who shall be charged with the
2305 proper storage, maintenance and repair of the OMR equipment. The
2306 municipal clerk shall be the custodian of the OMR equipment
2307 acquired by the municipality, and shall be charged with the proper
2308 storage, maintenance and repair of the OMR equipment. The
2309 custodian or the officials in charge of the election shall repair



2310 or replace any OMR equipment which fails to function properly
2311 during the early voting period or on election day.

2312 **SECTION 58.** Section 23-15-531.6, Mississippi Code of 1972,
2313 is amended as follows:

2314 23-15-531.6. (1) For each primary or general election, the
2315 officials in charge of the election shall use at least
2316 seventy-five percent (75%) of all DRE units available to the
2317 county or municipality, as the case may be. For all other
2318 elections in which the officials in charge of the election choose
2319 to use DRE units, at least one-third (1/3) of all DRE units
2320 available to the county or municipality, as the case may be, shall
2321 be used in such elections.

2322 (2) The officials in charge of the election shall ensure the
2323 delivery of the proper DRE units to the polling places of the
2324 respective precincts at least one (1) hour before the time for
2325 opening the polls during the early voting period and at each
2326 election and shall cause each unit to be set up in the proper
2327 manner for use in voting.

2328 (3) (a) On or before the second day before the early voting
2329 period begins and before any election day, the officials in charge
2330 of the conduct of the election shall cause each DRE unit to be
2331 tested for logic and accuracy to ascertain that the units will
2332 correctly count the votes cast for all offices and on all
2333 questions, in a manner the Secretary of State may further
2334 prescribe by rule or regulation.



2335 (b) Public notice of the time and place of the test
2336 shall be made at least five (5) days before the date of the test.
2337 Candidates, representatives of candidates, political parties, news
2338 media and the public shall be permitted to observe the testing of
2339 the DRE units.

2340 (4) The officials in charge of the conduct of the election
2341 shall test all memory cards and encoders to be used in any
2342 election.

2343 (5) The officials in charge of the election shall require
2344 that each DRE unit be inspected and sealed before the delivery of
2345 each DRE unit to the polling place. Before opening the polls each
2346 day on which the DRE units will be used * * * during an election
2347 or the period for early voting, the poll manager shall break the
2348 seal on each unit, turn on each unit, certify that each unit is
2349 operating properly and is set to zero, and print a zero tape
2350 certifying that each unit is set to zero and shall keep or record
2351 such certification on each unit.

2352 (6) The officials in charge of the election, election
2353 commissioners and poll managers shall provide ample protection
2354 against molestation of and injury to the DRE units, and, for that
2355 purpose, the officials in charge of the election, election
2356 commissioners and poll managers may call upon any law enforcement
2357 officer to furnish any assistance that may be necessary. It shall
2358 be the duty of any law enforcement officer to furnish assistance



2359 when so requested by the officials in charge of the election,
2360 election commissioner or poll manager.

2361 (7) The officials in charge of the election, in conjunction
2362 with the governing authorities, shall, at least one (1) hour
2363 before opening the polls for early voting and on election day:

2364 (a) Provide sufficient lighting to enable electors to
2365 read the ballot and to enable poll managers to examine the booth
2366 and conduct their responsibilities;

2367 (b) Provide directions for voting on the DRE units that
2368 shall be prominently posted within each voting booth and provide
2369 at least one (1) sample ballot for each primary or general
2370 election shall be prominently posted outside the enclosed space
2371 within the polling place;

2372 (c) Ensure that each DRE unit and its tabulating
2373 mechanism is secure throughout the day; and

2374 (d) Provide such other materials and supplies as may be
2375 necessary or required by law.

2376 **SECTION 59.** Section 23-15-545, Mississippi Code of 1972, is
2377 amended as follows:

2378 23-15-545. At each election, at least one (1) poll manager
2379 shall be charged with writing in the pollbook the word "VOTED," in
2380 the column having at its head the date of the early voting period
2381 or the date of the election, opposite the name of each elector
2382 upon return of a marked paper ballot by the elector with the
2383 initials of the initialing poll manager or alternate initialing



2384 poll manager affixed thereon. When a DRE unit is used in the
2385 polling place, the word "VOTED" shall be marked by at least one
2386 (1) poll manager in the pollbook in the column having at its head
2387 the date of the election, opposite the name of the elector.

2388 **SECTION 60.** Section 23-15-573, Mississippi Code of 1972, is
2389 amended as follows:

2390 23-15-573. (1) If any person declares that he or she is a
2391 registered voter in the jurisdiction in which he or she offers to
2392 vote and that he or she is eligible to vote during the early
2393 voting period or in the election, but his or her name does not
2394 appear upon the pollbooks, or that he or she is not able to cast a
2395 regular early voting day or election day ballot under a provision
2396 of state or federal law but is otherwise qualified to vote, or
2397 that he or she has been illegally denied registration, or that he
2398 or she is unable to present an acceptable form of photo
2399 identification:

2400 (a) A poll manager shall notify the person that he or
2401 she may cast an affidavit ballot * * * during the election.

2402 (b) The person shall be permitted to cast an affidavit
2403 ballot at the polling place upon execution of a written affidavit
2404 before one (1) of the poll managers stating that the individual:

2405 (i) Believes he or she is a registered voter in
2406 the jurisdiction in which he or she desires to vote and is
2407 eligible to vote * * * during the election; or



2408 (ii) Is not able to cast a regular early voting
2409 day or election day ballot under a provision of state or federal
2410 law but is otherwise qualified to vote; or

2411 (iii) Believes that he or she has been illegally
2412 denied registration; or

2413 (iv) Is unable to present an acceptable form of
2414 photo identification.

2415 (c) The poll manager shall allow the individual to mark
2416 a paper ballot properly endorsed by the initialing poll manager or
2417 alternate initialing poll manager in accordance with Section
2418 23-15-541, which shall be delivered by him or her to the proper
2419 election official who shall enclose it in an affidavit ballot
2420 envelope, with the written and signed affidavit of the voter
2421 affixed to the envelope, seal the envelope and mark plainly upon
2422 it the name of the person offering to vote.

2423 (2) The affidavit ballot envelope shall include:

2424 (a) The complete name of the voter;

2425 (b) A present and previous physical and mailing address
2426 of the voter;

2427 (c) Telephone numbers where the voter may be contacted;

2428 (d) A statement that the affiant believes he or she is
2429 registered to vote in the jurisdiction in which he or she offers
2430 to vote;

2431 (e) The signature of the affiant; and



2432 (f) The signature of the poll manager at the polling
2433 place at which the affiant offers to vote.

2434 (3) (a) A separate receipt book shall be maintained for
2435 affidavit voters and the affidavit voters shall sign the receipt
2436 book upon completing the affidavit ballot.

2437 (b) If the affidavit voter is casting an affidavit
2438 ballot because the voter is unable to present an acceptable form
2439 of photo identification and the voter's name appears in the
2440 pollbook, then the poll manager shall write "NO ID" across from
2441 the voter's name and in the appropriate column in the pollbook.

2442 (c) In canvassing the returns of the election, the
2443 executive committee in primary elections, or the election
2444 commissioners in other elections, shall examine the records and
2445 allow the ballot to be counted, or not counted as it appears
2446 legal.

2447 (d) An affidavit ballot of a voter who was unable to
2448 present an acceptable form of photo identification shall not be
2449 rejected for this reason if the voter does either of the
2450 following:

2451 (i) Returns to the circuit clerk's office, or to
2452 the municipal clerk's office for municipal elections, within five
2453 (5) business days after the date * * * the person voted during the
2454 election and presents an acceptable form of photo identification;

2455 (ii) Returns to the circuit clerk's office within
2456 five (5) business days after the date of the election to obtain



2457 the Mississippi Voter Identification Card, or in municipal
2458 election, returns to the municipal clerk's office within five (5)
2459 business days after the date * * * the person voted during the
2460 election to present his or her Mississippi Voter Identification
2461 Card or Temporary Mississippi Voter Identification Card; or

2462 (iii) Returns to the circuit clerk's office, or to
2463 the municipal clerk's office for municipal elections, within five
2464 (5) business days after the date * * * the person voted during the
2465 election to execute a separate Affidavit of Religious Objection.

2466 (4) When a person is offered the opportunity to vote by
2467 affidavit ballot, he or she shall be provided with written
2468 information that informs the person how to ascertain whether his
2469 or her affidavit ballot was counted and, if the vote was not
2470 counted, the reasons the vote was not counted.

2471 (5) The officials in charge of the election shall process
2472 all affidavit ballots by using the Statewide Elections Management
2473 System. The officials in charge of the election shall account for
2474 all affidavit ballots cast in each election, categorizing the
2475 affidavit ballots cast by reason and recording the total number of
2476 affidavit ballots counted and not counted in each such category in
2477 the Statewide Elections Management System.

2478 (6) The Secretary of State shall, by rule duly adopted,
2479 establish a uniform affidavit ballot envelope that shall be used
2480 in all elections in this state. The Secretary of State shall
2481 print and distribute a sufficient number of affidavit ballot



2482 envelopes to the registrar of each county for use in elections.
2483 The registrar shall distribute the affidavit ballot envelopes to
2484 municipal and county executive committees for use in primary
2485 elections and to municipal and county election commissioners for
2486 use in all other elections.

2487 (7) County registrars and municipal registrars shall
2488 maintain a secure free access system that complies with the Help
2489 America Vote Act of 2002, by which persons who vote by affidavit
2490 ballot may determine if their ballots were counted, and if not,
2491 the reasons the ballot was not counted.

2492 (8) Any person who votes * * * during any election as a
2493 result of a federal or state court order or other order extending
2494 the time established by law for closing the polls on an election
2495 day, may only vote by affidavit ballot. Any affidavit ballot cast
2496 under this subsection shall be separated and kept apart from other
2497 affidavit ballots cast by voters not affected by the order.

2498 **SECTION 61.** Section 23-15-613, Mississippi Code of 1972, is
2499 amended as follows:

2500 23-15-613. (1) As used in this section "residual votes"
2501 means overvotes, undervotes and any other vote not counted for any
2502 reason.

2503 (2) For every election, election commissions and county and
2504 municipal executive committees shall report to the Secretary of
2505 State residual vote information; however, if the voting



2506 devices * * * used in the election do not produce a ballot, other
2507 information shall be reported as required in this section.

2508 (3) For every election, election commissions and county and
2509 municipal executive committees responsible for the conduct of
2510 elections in which ballots are generated that are counted by hand
2511 or by OMR equipment or the tabulating mechanism of a DRE unit
2512 shall report to the Secretary of State all residual votes for all
2513 candidates and ballot measures in the elections for which they are
2514 responsible for conducting. The residual vote reports shall:

2515 (a) Be received by the Secretary of State no later than
2516 December 15 of the year in which the election is held;

2517 (b) Include any suggested explanation or suspected
2518 cause of the residual votes;

2519 (c) Include a copy of a voided official ballot for the
2520 election as such ballot appeared to voters at the election and
2521 copies of voided affidavit and absentee ballots if they are
2522 different from the official ballot;

2523 (d) Include the total voter turnout for each election,
2524 including the period for early voting, to be determined by
2525 totaling the number of persons signing the receipt book at each
2526 precinct, absentee voters and persons who voted by affidavit
2527 ballot and persons whose ballots were challenged and rejected; and

2528 (e) Include a copy of any printed voting instructions
2529 given or visible to voters * * * during the election and a



2530 description of any verbal instructions and any other evidence of
2531 voter education that was used in the election.

2532 (4) For every election, election commissions and county and
2533 municipal executive committees responsible for the conduct of
2534 election in which voting devices are used that do not generate
2535 ballots that are counted by hand or by OMR equipment or the
2536 tabulating mechanism of a DRE unit, shall file a report with the
2537 Secretary of State which shall:

2538 (a) Be received by the Secretary of State no later than
2539 December 15 of the year in which the election is held;

2540 (b) Include the total voter turnout for each election,
2541 including the period for early voting, to be determined by
2542 totaling the number of persons signing the receipt book at each
2543 precinct, absentee voters and persons who voted by affidavit
2544 ballot and persons whose ballots were challenged and rejected;

2545 (c) Include in the report any anecdotal information
2546 obtained concerning voter problems with the voting equipment or
2547 ballot layout;

2548 (d) Include in the report any suggested explanation or
2549 suspected cause of any difference in the amount of total voter
2550 turnout and the number of counted votes for candidates for various
2551 offices; and

2552 (e) Include a copy of any printed voting instructions
2553 given or visible to voters * * * during the election and a



2554 description of any verbal instructions and any other evidence of
2555 voter education that was used * * * during the election.

2556 (5) Not later than January 31 of the year following the
2557 election, the Secretary of State shall submit a report to the
2558 Governor, Lieutenant Governor and Speaker of the House of
2559 Representatives analyzing the reports required to be filed
2560 pursuant to this section. The analysis shall include the
2561 following:

2562 (a) The performance of each voting device type
2563 used * * * during the election;

2564 (b) Any problems with voter or poll worker instructions
2565 or ballot design and layout that have been identified as a result
2566 of analyzing the reports received;

2567 (c) Recommendations for reducing the number of residual
2568 votes reported; and

2569 (d) Such other information as the Secretary of State
2570 deems beneficial.

2571 (6) The reports required pursuant to this section shall be
2572 in such form as may be required by rules and regulations
2573 promulgated by the Secretary of State.

2574 **SECTION 62.** Section 23-15-781, Mississippi Code of 1972, is
2575 amended as follows:

2576 23-15-781. The number of electors of President and Vice
2577 President of the United States to which this state may be
2578 entitled, shall be chosen by the qualified electors of the state



2579 at large, on the first Tuesday after the first Monday of November
2580 in the year in which an election of President and Vice President
2581 shall occur and during the early voting period.

2582 **SECTION 63.** Section 23-15-785, Mississippi Code of 1972, is
2583 amended as follows:

2584 23-15-785. (1) When presidential electors are to be chosen,
2585 the Secretary of State of Mississippi shall certify to the circuit
2586 clerks of the several counties the names of all candidates for
2587 President and Vice President who are nominated by any national
2588 convention or other like assembly of any political party or by
2589 written petition signed by at least one thousand (1,000) qualified
2590 voters of this state.

2591 (2) The certificate of nomination by a political party
2592 convention must be signed by the presiding officer and secretary
2593 of the convention and by the * * * chair of the state executive
2594 committee of the political party making the nomination. Any
2595 nominating petition, to be valid, must contain the signatures as
2596 well as the addresses of the petitioners. The certificates and
2597 petitions must be filed with the State Board of Election
2598 Commissioners by filing them in the Office of the Secretary of
2599 State by 5:00 p.m. not less than sixty (60) days * * * before the
2600 day * * * early voting begins for the election.

2601 (3) Each certificate of nomination and nominating petition
2602 must be accompanied by a list of the names and addresses of
2603 persons, who shall be qualified voters of this state, equal in



2604 number to the number of presidential electors to be chosen. Each
2605 person so listed shall execute the following statement which shall
2606 be attached to the certificate or petition when it is filed with
2607 the State Board of Election Commissioners: "I do hereby consent
2608 and do hereby agree to serve as elector for President and Vice
2609 President of the United States, if elected to that position, and
2610 do hereby agree that, if so elected, I shall cast my ballot as
2611 such for _____ for President and _____ for Vice President of
2612 the United States" (inserting in * * * the blank spaces the
2613 respective names of the persons named as nominees for * * * the
2614 respective offices in the certificate to which this statement is
2615 attached).

2616 (4) The State Board of Election Commissioners and any other
2617 official charged with the preparation of official ballots shall
2618 place on * * * the official ballots the words "PRESIDENTIAL
2619 ELECTORS FOR (here insert the name of the candidate for President,
2620 the word 'AND' and the name of the candidate for Vice President)"
2621 in lieu of placing the names of such presidential electors on the
2622 official ballots, and a vote cast therefor shall be counted and
2623 shall be in all respects effective as a vote for each of the
2624 presidential electors representing those candidates for President
2625 and Vice President of the United States. In the case of unpledged
2626 electors, the State Board of Election Commissioners and any other
2627 official charged with the preparation of official ballots shall
2628 place on * * * the official ballots the words "UNPLEDGED



2629 ELECTOR(S) (here insert the name(s) of individual unpledged
2630 elector(s) if placed upon the ballot based upon a petition granted
2631 in the manner provided by law stating the individual name(s) of
2632 the elector(s) rather than a slate of electors)."

2633 **SECTION 64.** Section 23-15-807, Mississippi Code of 1972, is
2634 amended as follows:

2635 23-15-807. (a) Each candidate or political committee shall
2636 file reports of contributions and disbursements in accordance with
2637 the provisions of this section. All candidates or political
2638 committees required to report such contributions and disbursements
2639 may terminate the obligation to report only upon submitting a
2640 final report that contributions will no longer be received or
2641 disbursements made and that the candidate or committee has no
2642 outstanding debts or obligations. The candidate, treasurer or
2643 chief executive officer shall sign the report.

2644 (b) Candidates seeking election, or nomination for election,
2645 and political committees making expenditures to influence or
2646 attempt to influence voters for or against the nomination for
2647 election of one or more candidates or balloted measures * * *
2648 during such election, shall file the following reports:

2649 (i) In any calendar year during which there is a
2650 regularly scheduled election, a pre-election report shall be filed
2651 no later than the seventh day before early voting begins for any
2652 election in which the candidate or political committee has



2653 accepted contributions or made expenditures and shall be completed
2654 as of the tenth day before early voting begins for the election;

2655 (ii) In 1987 and every fourth year thereafter, periodic
2656 reports shall be filed no later than the tenth day after April 30,
2657 May 31, June 30, September 30 and December 31, and shall be
2658 completed as of the last day of each period;

2659 (iii) In any calendar years except 1987 and except
2660 every fourth year thereafter, a report covering the calendar year
2661 shall be filed no later than January 31 of the following calendar
2662 year; and

2663 (iv) Except as otherwise provided in the requirements
2664 of paragraph (i) of this subsection (b), unopposed candidates are
2665 not required to file pre-election reports but must file all other
2666 reports required by paragraphs (ii) and (iii) of this subsection
2667 (b).

2668 (c) All candidates for judicial office as defined in Section
2669 23-15-975, or their political committees, shall file periodic
2670 reports in the year in which they are to be elected no later than
2671 the tenth day after April 30, May 31, June 30, September 30 and
2672 December 31.

2673 (d) Each report under this article shall disclose:

2674 (i) For the reporting period and the calendar year, the
2675 total amount of all contributions and the total amount of all
2676 expenditures of the candidate or reporting committee, including
2677 those required to be identified pursuant to paragraph (ii) of this



2678 subsection (d) as well as the total of all other contributions and
2679 expenditures during the calendar year. The reports shall be
2680 cumulative during the calendar year to which they relate;

2681 (ii) The identification of:

2682 1. Each person or political committee who makes a
2683 contribution to the reporting candidate or political committee
2684 during the reporting period, whose contribution or contributions
2685 within the calendar year have an aggregate amount or value in
2686 excess of Two Hundred Dollars (\$200.00) together with the date and
2687 amount of any such contribution;

2688 2. Each person or organization, candidate or
2689 political committee who receives an expenditure, payment or other
2690 transfer from the reporting candidate, political committee or its
2691 agent, employee, designee, contractor, consultant or other person
2692 or persons acting in its behalf during the reporting period when
2693 the expenditure, payment or other transfer to the person,
2694 organization, candidate or political committee within the calendar
2695 year have an aggregate value or amount in excess of Two Hundred
2696 Dollars (\$200.00) together with the date and amount of the
2697 expenditure;

2698 (iii) The total amount of cash on hand of each
2699 reporting candidate and reporting political committee;

2700 (iv) In addition to the contents of reports specified
2701 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2702 political party shall disclose:



2703 1. Each person or political committee who makes a
2704 contribution to a political party during the reporting period and
2705 whose contribution or contributions to a political party within
2706 the calendar year have an aggregate amount or value in excess of
2707 Two Hundred Dollars (\$200.00), together with the date and amount
2708 of the contribution;

2709 2. Each person or organization who receives an
2710 expenditure or expenditures by a political party during the
2711 reporting period when the expenditure or expenditures to the
2712 person or organization within the calendar year have an aggregate
2713 value or amount in excess of Two Hundred Dollars (\$200.00),
2714 together with the date and amount of the expenditure;

2715 (v) Disclosure required under this section of an
2716 expenditure to a credit card issuer, financial institution or
2717 business allowing payments and money transfers to be made over the
2718 Internet must include, by way of detail or separate entry, the
2719 amount of funds passing to each person, business entity or
2720 organization receiving funds from the expenditure.

2721 (e) The appropriate office specified in Section 23-15-805
2722 must be in actual receipt of the reports specified in this article
2723 by 5:00 p.m. on the dates specified in subsection (b) of this
2724 section. If the date specified in subsection (b) of this section
2725 shall fall on a weekend or legal holiday then the report shall be
2726 due in the appropriate office at 5:00 p.m. on the first working
2727 day before the date specified in subsection (b) of this section.



2728 The reporting candidate or reporting political committee shall
2729 ensure that the reports are delivered to the appropriate office by
2730 the filing deadline. The Secretary of State may approve specific
2731 means of electronic transmission of completed campaign finance
2732 disclosure reports, which may include, but not be limited to,
2733 transmission by electronic facsimile (FAX) devices.

2734 (f) (i) If any contribution of more than Two Hundred
2735 Dollars (\$200.00) is received by a candidate or candidate's
2736 political committee after the tenth day, but more than forty-eight
2737 (48) hours before 12:01 a.m. of the day of early voting begins for
2738 the election, the candidate or political committee shall notify
2739 the appropriate office designated in Section 23-15-805, within
2740 forty-eight (48) hours of receipt of the contribution. The
2741 notification shall include:

- 2742 1. The name of the receiving candidate;
- 2743 2. The name of the receiving candidate's political
2744 committee, if any;
- 2745 3. The office sought by the candidate;
- 2746 4. The identification of the contributor;
- 2747 5. The date of receipt;
- 2748 6. The amount of the contribution;
- 2749 7. If the contribution is in-kind, a description
2750 of the in-kind contribution; and
- 2751 8. The signature of the candidate or the treasurer
2752 or chair of the candidate's political organization.



2753 (ii) The notification shall be in writing, and may be
2754 transmitted by overnight mail, courier service, or other reliable
2755 means, including electronic facsimile (FAX), but the candidate or
2756 candidate's committee shall ensure that the notification shall in
2757 fact be received in the appropriate office designated in Section
2758 23-15-805 within forty-eight (48) hours of the contribution.

2759 **SECTION 65.** Section 23-15-833, Mississippi Code of 1972, is
2760 amended as follows:

2761 23-15-833. Except as otherwise provided by law, the first
2762 Tuesday after the first Monday in November of each year shall be
2763 designated the regular special election day, and on that day and
2764 during the period established for early voting an election shall
2765 be held to fill any vacancy in county, county district, and
2766 district attorney elective offices, and any vacancy in the office
2767 of circuit judge or chancellor.

2768 All special elections, or elections to fill vacancies, shall
2769 in all respects be held, conducted and returned in the same manner
2770 as general elections, except that where no candidate receives a
2771 majority of the votes cast in the election, a runoff election
2772 shall be held three (3) weeks after the election. The two (2)
2773 candidates who receive the highest popular votes for the office
2774 shall have their names submitted as the candidates to the runoff
2775 and the candidate who leads in the runoff election shall be
2776 elected to the office. When there is a tie in the first election
2777 of those receiving the next highest vote, these two (2) and the



2778 one receiving the highest vote, none having received a majority,
2779 shall go into the runoff election and whoever leads in the runoff
2780 election shall be entitled to the office.

2781 In those years when the regular special election day shall
2782 occur * * * during the same * * * period of time as the general
2783 election, the names of candidates in any special election and the
2784 general election shall be placed on the same ballot, but shall be
2785 clearly distinguished as general election candidates or special
2786 election candidates. At any time a special election is held * * *
2787 during the same * * * period of time as a party primary election,
2788 the names of the candidates in the special election may be placed
2789 on the same ballot, but shall be clearly distinguished as special
2790 election candidates or primary election candidates.

2791 **SECTION 66.** Section 23-15-843, Mississippi Code of 1972, is
2792 amended as follows:

2793 23-15-843. In case of death, resignation or vacancy from any
2794 cause in the office of district attorney, the unexpired term of
2795 which shall exceed six (6) months, the Governor shall within ten
2796 (10) days after the vacancy occurs issue a proclamation calling an
2797 election to fill a vacancy in the office of district attorney to
2798 be held * * * during the next regular special election * * *
2799 period of time in the district where the vacancy occurred unless
2800 the vacancy occurs in a year in which a general election would
2801 normally be held for that office as provided by law, in which case
2802 the appointed person shall serve the unexpired portion of the



2803 term. Candidates in such a special election shall qualify in the
2804 same manner and be subject to the same time limitations as set
2805 forth in Section 23-15-839. Pending the holding of a special
2806 election, the Governor shall make an emergency appointment to fill
2807 the vacancy until the same shall be filled by election.

2808 **SECTION 67.** Section 23-15-851, Mississippi Code of 1972, is
2809 amended as follows:

2810 23-15-851. (1) Except as otherwise provided in subsection
2811 (2) of this section, within thirty (30) days after vacancies occur
2812 in either house of the Legislature, the Governor shall issue writs
2813 of election to fill the vacancies on a day specified in the writ
2814 of election. At least sixty (60) days' notice shall be given of
2815 the election in each county or part of a county in which the
2816 election shall be held. The qualifying deadline for the election
2817 shall be fifty (50) days before the early voting begins for the
2818 election. Notice of the election shall be posted at the
2819 courthouse and in each supervisors district in the county or part
2820 of county in which such election shall be held for as near sixty
2821 (60) days as may be practicable. The election shall be prepared
2822 for and held as in the case of a general election.

2823 (2) If a vacancy occurs in a calendar year in which the
2824 general election for state officers is held, the Governor may
2825 elect not to issue a writ of election to fill the vacancy.

2826 **SECTION 68.** Section 23-15-853, Mississippi Code of 1972, is
2827 amended as follows:



2828 23-15-853. (1) If a vacancy occurs in the representation in
2829 Congress, the vacancy shall be filled for the unexpired term by a
2830 special election, to be ordered by the Governor, within sixty (60)
2831 days after the vacancy occurs, and held at a time fixed by his or
2832 her order, and which time shall * * * begin not less than sixty
2833 (60) days after the issuance of the order of the Governor, which
2834 shall be directed to the election commissioners of the several
2835 counties of the district, who shall, immediately on the receipt of
2836 the order, give notice of the election by publishing the same in a
2837 newspaper having a general circulation in the county and by
2838 posting the notice at the front door of the courthouse. The order
2839 shall also be directed to the State Board of Election
2840 Commissioners. The election shall be prepared for and conducted,
2841 and returns shall be made, in all respects as provided for a
2842 special election to fill vacancies.

2843 (2) Candidates for the office in such an election must
2844 qualify with the Secretary of State by 5:00 p.m. not less than
2845 fifty (50) days before the * * * early voting period begins for
2846 the election. If the fiftieth day to qualify before an election
2847 falls on a Sunday or legal holiday, the qualification submitted on
2848 the business day immediately following the Sunday or legal holiday
2849 shall be accepted. The election commissioners shall have printed
2850 on the ballot in such special election the name of any candidate
2851 who shall have been requested to be a candidate for the office by
2852 a petition filed with the Secretary of State and personally signed



2853 by not less than one thousand (1,000) qualified electors of the
2854 district. The petition shall be filed by 5:00 p.m. not less than
2855 fifty (50) days before the * * * early voting period begins for
2856 the election. If the fiftieth day to file the petition before an
2857 election falls on a Sunday or legal holiday, the petition filed on
2858 the business day immediately following the Sunday or legal holiday
2859 shall be accepted.

2860 There shall be attached to each petition above provided for,
2861 upon the time of filing with the Secretary of State, a certificate
2862 from the appropriate registrar or registrars showing the number of
2863 qualified electors appearing upon each petition which the
2864 registrar shall furnish to the petitioner upon request.

2865 **SECTION 69.** Section 23-15-855, Mississippi Code of 1972, is
2866 amended as follows:

2867 23-15-855. (1) If a vacancy shall occur in the office of
2868 United States Senator from Mississippi by death, resignation or
2869 otherwise, the Governor shall, within ten (10) days after
2870 receiving official notice of the vacancy, issue a proclamation for
2871 an election to be held in the state to elect a Senator to fill the
2872 remaining unexpired term, provided the unexpired term is more than
2873 twelve (12) months and the election shall * * * begin within
2874 ninety (90) days from the time the proclamation is issued and the
2875 returns of such election shall be certified to the Governor in the
2876 manner set out above for regular elections, unless the vacancy
2877 occurs in a year in which a general state or congressional



2878 election is held, in which event the Governor's proclamation shall
2879 designate the period for conducting the general election * * * as
2880 the time for electing a Senator, and the vacancy shall be filled
2881 by appointment as hereinafter provided.

2882 (2) In case of a vacancy in the office of United States
2883 Senator, the Governor may appoint a Senator to fill the vacancy
2884 temporarily, and if the United States Senate be in session at the
2885 time the vacancy occurs the Governor shall appoint a Senator
2886 within ten (10) days after receiving official notice thereof, and
2887 the appointed Senator shall serve until a successor is elected and
2888 commissioned as provided for in subsection (1) of this section,
2889 provided that such unexpired term as he or she may be appointed to
2890 fill shall be for a longer time than one (1) year, but if for a
2891 shorter time than one (1) year, he or she shall serve for the full
2892 time of the unexpired term and no special election shall be called
2893 by the Governor but a successor shall be elected at the regular
2894 election.

2895 **SECTION 70.** Section 23-15-857, Mississippi Code of 1972, is
2896 amended as follows:

2897 23-15-857. (1) When there is a vacancy in an elective
2898 office in a city, town or village, the unexpired term of which
2899 shall not exceed six (6) months, the same shall be filled by
2900 appointment by the governing authority or remainder of the
2901 governing authority of the city, town or village. The municipal
2902 clerk shall certify the appointment to the Secretary of State and



2903 the appointed person or persons shall be commissioned by the
2904 Governor.

2905 (2) When there is a vacancy in an elective office in a city,
2906 town or village, the unexpired term of which shall exceed six (6)
2907 months, the governing authority or remainder of the governing
2908 authority of the city, town or village shall make and enter on the
2909 minutes an order for an election to be held in the city, town or
2910 village to fill the vacancy and fix a * * * time period upon which
2911 the early voting and election day shall be held. The order shall
2912 be made and entered upon the minutes at the next regular meeting
2913 of the governing authority after the vacancy occurs, or at a
2914 special meeting to be held not later than ten (10) days after the
2915 vacancy occurs, Saturdays, Sundays and legal holidays excluded,
2916 whichever shall occur first. The election shall be held on a date
2917 not less than thirty (30) days nor more than forty-five (45) days
2918 after the date upon which the order is adopted.

2919 Notice of the election shall be given by the municipal clerk
2920 by notice published in a newspaper published in the municipality.
2921 The notice shall be published once each week for three (3)
2922 successive weeks * * * before the date * * * early voting begins
2923 for the election. The first notice shall be published at least
2924 thirty (30) days before * * * early voting begins for the
2925 election. Notice shall also be given by posting a copy of the
2926 notice at three (3) public places in the municipality not less
2927 than twenty-one (21) days before * * * early voting begins for the



2928 election. One (1) of the notices shall be posted at the city,
2929 town or village hall. In the event that there is no newspaper
2930 published in the municipality, such notice shall be published as
2931 provided for above in a newspaper that has a general circulation
2932 within the municipality and by posting as provided for above.
2933 Additionally, the governing authority may publish the notice in
2934 that newspaper for as many additional times as may be deemed
2935 necessary by the governing authority.

2936 Each candidate shall qualify by petition filed with the
2937 municipal clerk by 5:00 p.m. at least twenty (20) days before
2938 the * * * early voting period begins for the election. If the
2939 twentieth day to file the petition before the election falls on a
2940 Sunday or legal holiday, the petition filed on the business day
2941 immediately following the Sunday or legal holiday shall be
2942 accepted. The petition shall be signed by not less than the
2943 following number of qualified electors:

2944 (a) For an office of a city, town, village or municipal
2945 district having a population of one thousand (1,000) or more, not
2946 less than fifty (50) qualified electors.

2947 (b) For an office of a city, town, village or municipal
2948 district having a population of less than one thousand (1,000),
2949 not less than fifteen (15) qualified electors.

2950 No qualifying fee shall be required of any candidate, and the
2951 election shall be held as far as practicable in the same manner as
2952 municipal general elections.



2953 The candidate receiving a majority of the votes cast in the
2954 election shall be elected. If no candidate receives a majority
2955 vote at the election, the two (2) candidates receiving the highest
2956 number of votes shall have their names placed on the ballot for
2957 the election to be held three (3) weeks thereafter. The candidate
2958 receiving a majority of the votes cast in the election shall be
2959 elected. However, if no candidate receives a majority and there
2960 is a tie in the election of those receiving the next highest vote,
2961 those receiving the next highest vote and the candidate receiving
2962 the highest vote shall have their names placed on the ballot for
2963 the election to be held three (3) weeks thereafter, and whoever
2964 receives the most votes cast in the election shall be elected.

2965 Should the election held three (3) weeks thereafter result in
2966 a tie vote, the prevailing candidate shall be decided by a toss of
2967 a coin or by lot fairly and publicly drawn under the supervision
2968 of the election commission.

2969 The clerk of the election commission shall then give a
2970 certificate of election to the person elected, and return to the
2971 Secretary of State a copy of the order of holding the election and
2972 runoff election results, certified by the clerk of the governing
2973 authority. The person elected shall be commissioned by the
2974 Governor.

2975 However, if nineteen (19) days before the * * * early voting
2976 period begins for the election only one (1) person shall have
2977 qualified as a candidate, the governing authority, or remainder of



2978 the governing authority, shall dispense with the election and
2979 appoint that one (1) candidate in lieu of an election. In the
2980 event no person shall have qualified by 5:00 p.m. at least twenty
2981 (20) days before * * * the early voting period begins for the
2982 election, the governing authority or remainder of the governing
2983 authority shall dispense with the election and fill the vacancy by
2984 appointment. The clerk of the governing authority shall certify
2985 the appointment to the Secretary of State, and the appointed
2986 person shall be commissioned by the Governor.

2987 **SECTION 71.** Section 23-15-859, Mississippi Code of 1972, is
2988 amended as follows:

2989 23-15-859. Whenever under any statute a special election is
2990 required or authorized to be held in any municipality, and the
2991 statute authorizing or requiring the election does not specify the
2992 time within which the election shall be called, or the notice
2993 which shall be given, the governing authorities of the
2994 municipality shall, by resolution, fix a date upon which the
2995 election shall be held. The date shall not be less than
2996 twenty-one (21) nor more than thirty (30) days after the date upon
2997 which such resolution is adopted, and not less than three (3)
2998 weeks' notice of the election shall be given by the clerk by a
2999 notice published in a newspaper published in the municipality once
3000 each week for three (3) weeks next * * * before the * * * early
3001 voting period begins for the election, and by posting a copy of
3002 the notice at three (3) public places in the municipality.



3003 Nothing herein, however, shall be applicable to elections on the
3004 question of the issuance of the bonds of a municipality or to
3005 general or primary elections for the election of municipal
3006 officers.

3007 The provisions of this section shall be applicable to all
3008 municipalities of this state, whether operating under a code
3009 charter, special charter or the commission form of government,
3010 except in cases of conflicts between the provisions of the section
3011 and the provisions of the special charter of a municipality, or
3012 the law governing the commission form of government, in which
3013 cases of conflict the provisions of the special charter or the
3014 statutes relative to the commission form of government shall
3015 apply.

3016 **SECTION 72.** Section 23-15-895, Mississippi Code of 1972, is
3017 amended as follows:

3018 23-15-895. No candidate for an elective office, or any
3019 representative of such candidate, and no proponent or opponent of
3020 any constitutional amendment, local issue or other measure printed
3021 on the ballot may post or distribute cards, posters or other
3022 campaign literature within one hundred fifty (150) feet of any
3023 entrance of the building wherein early voting or any election is
3024 being held. No candidate or a representative named by him or her
3025 in writing may appear at any polling place while armed or
3026 uniformed, or display any badge or credentials except as may be
3027 issued by the manager of the polling place. As used in this



3028 section, the term "local issue" shall have the meaning ascribed to
3029 such term in Section 23-15-375. This section shall be enforced by
3030 election officials and law enforcement officials.

3031 **SECTION 73.** Section 23-15-913, Mississippi Code of 1972, is
3032 amended as follows:

3033 23-15-913. The judges listed and selected to hear election
3034 disputes, as provided in Section 23-15-951, shall be available
3035 during early voting and on election day to immediately hear and
3036 resolve any election * * * disputes. The rules for filing
3037 pleadings shall be relaxed to carry out the purposes of this
3038 section. The judges selected shall perform no other judicial
3039 duties * * * during the election * * * period. The Supreme Court
3040 shall make judges available to hear disputes in the county in
3041 which the disputes occur but no judge shall hear disputes in the
3042 district or county in which he or she was elected nor shall any
3043 judge hear any dispute in which any potential conflict may arise.
3044 Each judge shall be fair and impartial and shall be assigned on
3045 that basis.

3046 **SECTION 74.** Section 23-15-963, Mississippi Code of 1972, is
3047 amended as follows:

3048 23-15-963. (1) Any person desiring to contest the
3049 qualifications of another person who has qualified pursuant to the
3050 provisions of Section 23-15-359 * * * as a candidate for any
3051 office elected at a general election, shall file a petition
3052 specifically setting forth the grounds of the challenge not later



3053 than thirty-one (31) days after the date of the first primary
3054 election set forth in Section 23-15-191 * * *. * * * The petition
3055 shall be filed with the same body with whom the candidate in
3056 question qualified pursuant to Section 23-15-359 * * *.

3057 (2) Any person desiring to contest the qualifications of
3058 another person who has qualified pursuant to the provisions of
3059 Section 23-15-213 * * * as a candidate for county election
3060 commissioner elected at a general election, shall file a petition
3061 specifically setting forth the grounds of the challenge no later
3062 than sixty (60) days * * * before the period for early voting
3063 begins for the general election. * * * The petition shall be
3064 filed with the county board of supervisors, being the same body
3065 with whom the candidate in question qualified pursuant to Section
3066 23-15-213 * * *.

3067 (3) Any person desiring to contest the qualifications of
3068 another person who has qualified pursuant to the provisions of
3069 Section 23-15-361 * * * as a candidate for municipal office
3070 elected on the date designated by law for regular municipal
3071 elections, shall file a petition specifically setting forth the
3072 grounds of the challenge no later than thirty-one (31) days after
3073 the date of the first primary election set forth in Section
3074 23-15-309 * * *. * * * The petition shall be filed with the
3075 municipal election commissioners * * *, being the same body with
3076 whom the candidate in question qualified pursuant to Section
3077 23-15-361 * * *.



3078 (4) Within ten (10) days of receipt of the petition
3079 described in subsections (1), (2) and (3) of this section, the
3080 appropriate election officials shall meet and rule upon the
3081 petition. At least two (2) days before the hearing to consider
3082 the petition, the appropriate election officials shall give notice
3083 to both the petitioner and the contested candidate of the time and
3084 place of the hearing on the petition. Each party shall be given
3085 an opportunity to be heard at such meeting and present evidence in
3086 support of his or her position.

3087 (5) If the appropriate election officials fail to rule upon
3088 the petition within the time required above, such inaction shall
3089 be interpreted as a denial of the request for relief contained in
3090 the petition.

3091 (6) Any party aggrieved by the action or inaction of the
3092 appropriate election officials may file a petition for judicial
3093 review to the circuit court of the county in which the election
3094 officials whose decision is being reviewed sits. * * * The
3095 petition must be filed no later than fifteen (15) days after the
3096 date the petition was originally filed with the appropriate
3097 election officials. * * * The person filing for judicial review
3098 shall give a cost bond in the sum of Three Hundred Dollars
3099 (\$300.00) with two (2) or more sufficient sureties conditioned to
3100 pay all costs in case his or her petition be dismissed, and an
3101 additional bond may be required, by the court, if necessary, at
3102 any subsequent stage of the proceedings.



3103 (7) The circuit court with whom such a petition for judicial
3104 review has been filed shall at the earliest possible date set the
3105 matter for hearing. Notice shall be given to the interested
3106 parties of the time set for hearing by the circuit clerk. The
3107 hearing before the circuit court shall be de novo. The matter
3108 shall be tried to the circuit judge, without a jury. After
3109 hearing the evidence, the circuit judge shall determine whether
3110 the candidate whose qualifications have been challenged is legally
3111 qualified to have his or her name placed upon the ballot in
3112 question. The circuit judge may, upon disqualification of any
3113 such candidate, order that * * * the candidate * * * bear the
3114 court costs of the proceedings.

3115 (8) Within three (3) days after judgment is rendered by the
3116 circuit court, the contestant or contestee, or both, may file an
3117 appeal in the Supreme Court upon giving a cost bond in the sum of
3118 Three Hundred Dollars (\$300.00), together with a bill of
3119 exceptions * * * that shall state the point or points of law at
3120 issue with a sufficient synopsis of the facts to fully disclose
3121 the bearing and relevancy of such points of law. The bill of
3122 exceptions shall be signed by the trial judge, or in case of his
3123 or her absence, refusal or disability, by two (2) disinterested
3124 attorneys, as is provided by law in other cases of bills of
3125 exception. The filing of * * * the appeals shall automatically
3126 suspend the decision of the circuit court and the appropriate
3127 election officials are entitled to proceed based upon their



3128 decision unless and until the Supreme Court, in its discretion,
3129 stays further proceedings in the matter. The appeal shall be
3130 immediately docketed in the Supreme Court and referred to the
3131 court en banc upon briefs without oral argument unless the court
3132 shall call for oral argument, and shall be decided at the earliest
3133 possible date, as a preference case over all others. The Supreme
3134 Court shall have the authority to grant such relief as is
3135 appropriate under the circumstances.

3136 (9) The procedure set forth above shall be the * * * only
3137 manner in which the qualifications of a candidate seeking public
3138 office who qualified pursuant to the provisions of Sections
3139 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
3140 before the time of his or her election. After any such person has
3141 been elected to public office, the election may be challenged as
3142 otherwise provided by law. After any person assumes an elective
3143 office, his or her qualifications to hold that office may be
3144 contested as otherwise provided by law.

3145 **SECTION 75.** Section 23-15-977, Mississippi Code of 1972, is
3146 amended as follows:

3147 23-15-977. (1) Except as otherwise provided in this
3148 section, all candidates for judicial office as defined in Section
3149 23-15-975 of this subarticle shall file their intent to be a
3150 candidate with the proper officials and pay the proper assessment
3151 by not later than 5:00 p.m. on February 1 of the year in which the
3152 general election for the judicial office is held. If February 1



3153 occurs on a Saturday, Sunday or legal holiday, candidates shall
3154 file their intent to be a candidate and pay the proper assessment
3155 by 5:00 p.m. on the business day immediately following the
3156 Saturday, Sunday or legal holiday. Candidates shall pay to the
3157 proper officials the following amounts:

3158 (a) Candidates for Supreme Court justice and Court of
3159 Appeals judge, the sum of Two Hundred Dollars (\$200.00).

3160 (b) Candidates for circuit judge and chancellor, the
3161 sum of One Hundred Dollars (\$100.00).

3162 (c) Candidates for county judge and family court judge,
3163 the sum of Fifteen Dollars (\$15.00).

3164 Candidates for judicial office may not file their intent to
3165 be a candidate and pay the proper assessment before January 1 of
3166 the year in which the election for the judicial office is held.

3167 (2) Candidates for judicial offices listed in paragraphs (a)
3168 and (b) of subsection (1) of this section shall file their intent
3169 to be a candidate with, and pay the proper assessment made
3170 pursuant to subsection (1) of this section to, the State Board of
3171 Election Commissioners.

3172 (3) Candidates for judicial offices listed in paragraph (c)
3173 of subsection (1) of this section shall file their intent to be a
3174 candidate with, and pay the proper assessment made pursuant to
3175 subsection (1) of this section to, the circuit clerk of the proper
3176 county. The circuit clerk shall notify the county election
3177 commissioners of all persons who have filed their intent to be a



3178 candidate with, and paid the proper assessment to, such clerk.
3179 The notification shall occur within two (2) business days and
3180 shall contain all necessary information.

3181 (4) If only one (1) person files his or her intent to be a
3182 candidate for a judicial office and that person later dies,
3183 resigns or is otherwise disqualified from holding the judicial
3184 office after the deadline provided for in subsection (1) of this
3185 section but more than seventy (70) days before the date * * * that
3186 early voting begins for the general election, the Governor, upon
3187 notification of the death, resignation or disqualification of the
3188 person, shall issue a proclamation authorizing candidates to file
3189 their intent to be a candidate for that judicial office for a
3190 period of not less than seven (7) nor more than ten (10) days from
3191 the date of the proclamation.

3192 (5) If only one (1) person qualifies as a candidate for a
3193 judicial office and that person later dies, resigns or is
3194 otherwise disqualified from holding the judicial office within
3195 seventy (70) days before the date * * * that early voting begins
3196 for the general election, the judicial office shall be considered
3197 vacant for the new term and the vacancy shall be filled as
3198 provided in by law.

3199 **SECTION 76.** Section 23-15-1031, Mississippi Code of 1972, is
3200 amended as follows:

3201 23-15-1031. Except as provided by Section 23-15-1081, the
3202 first primary election for * * * members of Congress shall be held



3203 on the first Tuesday in June of the years in which * * * members
3204 of Congress are elected, and a second primary, if necessary, shall
3205 be held three (3) weeks thereafter. Each year in which a
3206 presidential election is held, the congressional primary shall be
3207 held as provided in Section 23-15-1081. The election shall be
3208 held in all districts of the state during the same period for
3209 early voting and on the same day. Candidates for United States
3210 Senator shall be nominated at the congressional primary next
3211 preceding the general election at which a senator is to be elected
3212 and in the same manner that * * * members of Congress are
3213 nominated. The chair and secretary of the state executive
3214 committee shall certify the vote for United States Senator to the
3215 Secretary of State in the same manner that county executive
3216 committees certify the returns of counties in general state and
3217 county primary elections.

3218 **SECTION 77.** Section 23-15-1081, Mississippi Code of 1972, is
3219 amended as follows:

3220 23-15-1081. A presidential preference primary may be held on
3221 the second Tuesday in March of each year in which a President of
3222 the United States is to be elected and during the early voting
3223 period established in this act. Each political party * * * that
3224 has cast for its candidates for President and Vice President in
3225 the previous presidential election more than twenty percent (20%)
3226 of the total vote cast for President and Vice President in the
3227 state, may conduct a presidential preference primary. No elector



3228 shall vote in the primary of more than one (1) political party in
3229 the same presidential preference primary.

3230 **SECTION 78.** Section 23-15-1083, Mississippi Code of 1972, is
3231 amended as follows:

3232 23-15-1083. Beginning in 1988, as an alternative to the
3233 congressional primary election date set forth in Section
3234 23-15-1031, when a political party elects to conduct a
3235 presidential preference primary, the first primary election
3236 for * * * members of Congress, and senators, if senators are to be
3237 elected, shall be held on the second Tuesday in March and during
3238 the early voting period established in this act, and the second
3239 primary, when one is necessary, shall be held three (3) weeks
3240 thereafter, and the election shall be held in all districts of the
3241 state on the same day.

3242 **SECTION 79.** Section 23-15-1085, Mississippi Code of 1972, is
3243 amended as follows:

3244 23-15-1085. The * * * chair of a party's state executive
3245 committee shall notify the Secretary of State if the party intends
3246 to hold a presidential preference primary. The Secretary of State
3247 shall be notified * * * before December 1 of the year preceding
3248 the year in which a presidential preference primary may be held
3249 pursuant to Section 23-15-1081. Upon * * * the notification, the
3250 Secretary of State shall issue a proclamation setting every
3251 party's congressional and senatorial primary elections, including
3252 the period for early voting, that are to be held in the year in



3253 which the presidential preference primary is to be held on the
3254 date provided for in Section 23-15-1083. Once the Secretary of
3255 State has issued a proclamation pursuant to this section, the
3256 dates of the congressional and senatorial primary elections shall
3257 not be changed.

3258 **SECTION 80.** Section 23-15-1091, Mississippi Code of 1972, is
3259 amended as follows:

3260 23-15-1091. When the Secretary of State places the name of a
3261 candidate on the ballot pursuant to Section 23-15-1093, he or she
3262 shall notify the candidate that his or her name will appear on the
3263 ballot of this state in the presidential preference primary
3264 election.

3265 The secretary shall also notify the candidate that he or she
3266 may withdraw his or her name from the ballot by filing with the
3267 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3268 later than the sixtieth day before the period for early voting
3269 begins for that election.

3270 **SECTION 81.** Section 21-3-3, Mississippi Code of 1972, is
3271 amended as follows:

3272 21-3-3. The elective officers of all municipalities
3273 operating under a code charter shall be the mayor, the aldermen,
3274 municipal judge, the marshal or chief of police, the tax collector
3275 and the tax assessor. From and after July 1, 2017, the governing
3276 authorities of the municipality shall appoint a city or town clerk
3277 who shall likewise serve as an officer of the municipality.



3278 However, the governing authorities of the municipality shall have
3279 the power, by ordinance, to combine the office of clerk or marshal
3280 with the office of tax collector and/or tax assessor. * * * The
3281 governing authorities shall have the further power to provide
3282 that * * * any of * * * those officers, except those of mayor and
3283 aldermen, shall be appointive, in which case the marshal or chief
3284 of police, the tax collector, the tax assessor, and the city or
3285 town clerk, or such of * * * the officers as may be made
3286 appointive, shall be appointed by the governing authorities. Any
3287 action taken by the governing authorities to make any of * * * the
3288 offices appointive shall be by ordinance of * * * the
3289 municipality, and no such ordinance shall be adopted within ninety
3290 (90) days * * * before the period for early voting begins for any
3291 regular general election for the election of municipal officers.
3292 No such ordinance shall become effective during the term of office
3293 of any officer whose office shall be affected thereby. If any
3294 such office is made appointive, the person appointed thereto shall
3295 hold office at the pleasure of the governing authorities and may
3296 be discharged by * * * the governing authorities at any time,
3297 either with or without cause, and it shall be discretionary with
3298 the governing authorities whether or not to require * * * the
3299 person appointed thereto to reside within the corporate limits of
3300 the municipality in order to hold * * * the office.

3301 **SECTION 82.** Section 21-9-17, Mississippi Code of 1972, is
3302 amended as follows:



3303 21-9-17. Except as otherwise provided, all candidates for
3304 mayor and councilmen, or any of them, to be voted for * * * during
3305 the periods for holding any general or special municipal election,
3306 shall be nominated by party primary election, and no other name or
3307 names shall be placed on the official ballot at * * * the general
3308 or special election than those selected in the manner prescribed
3309 herein. Such primary election or elections, shall be held not
3310 less than ten (10), nor more than thirty (30) days, * * * before
3311 the general or special election, and * * * the primary election or
3312 elections shall be held and conducted in the manner as near as may
3313 be as is provided by law for state and county primary elections.

3314 **SECTION 83.** Section 37-5-9, Mississippi Code of 1972, is
3315 amended as follows:

3316 37-5-9. The name of any qualified elector who is a candidate
3317 for the county board of education shall be placed on the ballot
3318 used in the general elections by the county election
3319 commissioners, provided that the candidate files with the county
3320 election commissioners, not more than ninety (90) days and not
3321 less than sixty (60) days * * * before the date * * * early voting
3322 begins for the general election, a petition of nomination signed
3323 by not less than fifty (50) qualified electors of the county
3324 residing within each supervisors district. Where there are less
3325 than one hundred (100) qualified electors in * * * the supervisors
3326 district, it shall only be required that * * * the petition of
3327 nomination be signed by at least twenty percent (20%) of the



3328 qualified electors of such supervisors district. The candidate in
3329 each supervisors district who receives the majority of votes cast
3330 in the district shall be declared elected. If no candidate
3331 receives a majority of the votes cast at the election, a runoff
3332 shall be held between the two (2) candidates receiving the highest
3333 number of votes in the first election. The runoff election, in
3334 the event that such is necessary, shall be held three (3) weeks
3335 after the first election.

3336 When any member of the county board of education is to be
3337 elected from the county at large under the provisions of this
3338 chapter, then the petition required by the preceding paragraph
3339 hereof shall be signed by the required number of qualified
3340 electors residing in any part of the county outside of the
3341 territory embraced within a municipal separate school district or
3342 special municipal separate school district. The candidate who
3343 receives the majority of votes cast in the election shall be
3344 declared elected. If no candidate receives a majority of the
3345 votes cast at the election, a runoff shall be held between the two
3346 (2) candidates receiving the highest number of votes in the first
3347 election. The runoff election, in the event that such is
3348 necessary, shall be held three (3) weeks after the first election.

3349 In no case shall any qualified elector residing within a
3350 municipal separate school district or special municipal separate
3351 school district be eligible to sign a petition of nomination for



3352 any candidate for the county board of education under any of the
3353 provisions of this section.

3354 **SECTION 84.** Section 21-8-7, Mississippi Code of 1972, is
3355 amended as follows:

3356 21-8-7. (1) Each municipality operating under the
3357 mayor-council form of government shall be governed by an elected
3358 council and an elected mayor. Other officers and employees shall
3359 be duly appointed pursuant to this chapter, general law or
3360 ordinance.

3361 (2) Except as otherwise provided in subsection (4) of this
3362 section, the mayor and council members shall be elected by the
3363 voters of the municipality at a regular municipal election held on
3364 the first Tuesday after the first Monday in June as provided in
3365 Section 21-11-7, and shall serve for a term of four (4) years
3366 beginning on the first day of July next following the election
3367 that is not on a weekend. Votes for mayor and council members may
3368 also be cast during the period for early voting as provided for in
3369 this act.

3370 (3) The terms of the initial mayor and council members shall
3371 commence at the expiration of the terms of office of the elected
3372 officials of the municipality serving at the time of adoption of
3373 the mayor-council form.

3374 (4) (a) The council shall consist of five (5), seven (7) or
3375 nine (9) members. In the event there are five (5) council
3376 members, the municipality shall be divided into either five (5) or



3377 four (4) wards. In the event there are seven (7) council members,
3378 the municipality shall be divided into either seven (7), six (6)
3379 or five (5) wards. In the event there are nine (9) council
3380 members, the municipality shall be divided into seven (7) or nine
3381 (9) wards. If the municipality is divided into fewer wards than
3382 it has council members, the other council member or members shall
3383 be elected from the municipality at large. The total number of
3384 council members and the number of council members elected from
3385 wards shall be established by the petition or petitions presented
3386 pursuant to Section 21-8-3. One (1) council member shall be
3387 elected from each ward by the voters of that ward. Council
3388 members elected to represent wards must be residents of their
3389 wards at the time of qualification for election, and any council
3390 member who removes the member's residence from the municipality or
3391 from the ward from which elected shall vacate that office.
3392 However, any candidate for council member who is properly
3393 qualified as a candidate under applicable law shall be deemed to
3394 be qualified as a candidate in whatever ward the member resides if
3395 the ward has changed after the council has redistricted the
3396 municipality as provided in paragraph (c)(ii) of this subsection
3397 (4), and if the wards have been so changed, any person may qualify
3398 as a candidate for council member, using the person's existing
3399 residence or by changing the person's residence, not less than
3400 fifteen (15) days before the period for early voting begins for
3401 the first party primary or special party primary, as the case may



3402 be, notwithstanding any other residency or qualification
3403 requirements to the contrary.

3404 (b) The council or board existing at the time of the
3405 adoption of the mayor-council form of government shall designate
3406 the geographical boundaries of the wards within one hundred twenty
3407 (120) days after the election in which the mayor-council form of
3408 government is selected. In designating the geographical
3409 boundaries of the wards, each ward shall contain, as nearly as
3410 possible, the population factor obtained by dividing the
3411 municipality's population as shown by the most recent decennial
3412 census by the number of wards into which the municipality is to be
3413 divided.

3414 (c) (i) It shall be the mandatory duty of the council
3415 to redistrict the municipality by ordinance, which ordinance may
3416 not be vetoed by the mayor, within six (6) months after the
3417 official publication by the United States of the population of the
3418 municipality as enumerated in each decennial census, and within
3419 six (6) months after the effective date of any expansion of
3420 municipal boundaries; however, if the publication of the most
3421 recent decennial census or effective date of an expansion of the
3422 municipal boundaries occurs six (6) months or more before the
3423 first party primary of a general municipal election, then the
3424 council shall redistrict the municipality by ordinance not less
3425 than sixty (60) days before the period for early voting begins for
3426 the first party primary.



3427 (ii) If the publication of the most recent
3428 decennial census occurs less than six (6) months before the first
3429 primary of a general municipal election, the election shall be
3430 held with regard to the existing defined wards; reapportioned
3431 wards based on the census shall not serve as the basis for
3432 representation until the next regularly scheduled election in
3433 which council members shall be elected.

3434 (d) If annexation of additional territory into the
3435 municipal corporate limits of the municipality occurs less than
3436 six (6) months before the first party primary of a general
3437 municipal election, the council shall, by ordinance adopted within
3438 three (3) days of the effective date of the annexation, assign the
3439 annexed territory to an adjacent ward or wards so as to maintain
3440 as nearly as possible substantial equality of population between
3441 wards; any subsequent redistricting of the municipality by
3442 ordinance, as required by this chapter, shall not serve as the
3443 basis for representation until the next regularly scheduled
3444 election for municipal council members.

3445 (5) Vacancies occurring in the council shall be filled as
3446 provided in Section 23-15-857.

3447 (6) The mayor shall maintain an office at the city hall.
3448 The council members shall not maintain individual offices at the
3449 city hall; however, in a municipality having a population of one
3450 hundred thousand (100,000) and above according to the latest
3451 federal decennial census, council members may have individual



3452 offices in the city hall. Clerical work of council members in the
3453 performance of the duties of their office shall be performed by
3454 municipal employees or at municipal expense, and council members
3455 shall be reimbursed for the reasonable expenses incurred in the
3456 performance of the duties of their office.

3457 **SECTION 85.** Section 9-4-5, Mississippi Code of 1972, is
3458 amended as follows:

3459 9-4-5. (1) The term of office of judges of the Court of
3460 Appeals shall be eight (8) years. An election shall be held on
3461 the first Tuesday after the first Monday in November 1994, to
3462 elect the ten (10) judges of the Court of Appeals, two (2) from
3463 each congressional district; provided, however, judges of the
3464 Court of Appeals who are elected to take office after the first
3465 Monday of January 2002, shall be elected from the Court of Appeals
3466 Districts described in subsection (5) of this section. The judges
3467 of the Court of Appeals shall begin service on the first Monday of
3468 January 1995. Votes for judges of the Court of Appeals may be
3469 cast, if applicable, during the period for early voting provided
3470 for in this act.

3471 (2) (a) In order to provide that the offices of not more
3472 than a majority of the judges of * * * the court shall become
3473 vacant at any one (1) time, the terms of office of six (6) of the
3474 judges first to be elected shall expire in less than eight (8)
3475 years. For the purpose of all elections of members of the court,
3476 each of the ten (10) judges of the Court of Appeals shall be



3477 considered a separate office. The two (2) offices in each of the
3478 five (5) districts shall be designated Position Number 1 and
3479 Position Number 2, and in qualifying for office as a candidate for
3480 any office of judge of the Court of Appeals each candidate shall
3481 state the position number of the office to which he or she aspires
3482 and the election ballots shall so indicate.

3483 (i) In Congressional District Number 1, the judge
3484 of the Court of Appeals for Position Number 1 shall be that office
3485 for which the term ends January 1, 1999, and the judge of the
3486 Court of Appeals for Position Number 2 shall be that office for
3487 which the term ends January 1, 2003.

3488 (ii) In Congressional District Number 2, the judge
3489 of the Court of Appeals for Position Number 1 shall be that office
3490 for which the term ends on January 1, 2003, and the judge of the
3491 Court of Appeals for Position Number 2 shall be that office for
3492 which the term ends January 1, 2001.

3493 (iii) In Congressional District Number 3, the
3494 judge of the Court of Appeals for Position Number 1 shall be that
3495 office for which the term ends on January 1, 2001, and the judge
3496 of the Court of Appeals for Position Number 2 shall be that office
3497 for which the term ends January 1, 1999.

3498 (iv) In Congressional District Number 4, the judge
3499 of the Court of Appeals for Position Number 1 shall be that office
3500 for which the term ends on January 1, 1999, and the judge of the



3501 Court of Appeals for Position Number 2 shall be that office for
3502 which the term ends January 1, 2003.

3503 (v) In Congressional District Number 5, the judge
3504 of the Court of Appeals for Position Number 1 shall be that office
3505 for which the term ends on January 1, 2003, and the judge of the
3506 Court of Appeals for Position Number 2 shall be that office for
3507 which the term ends January 1, 2001.

3508 (b) The laws regulating the general elections shall
3509 apply to and govern the elections of judges of the Court of
3510 Appeals except as otherwise provided in Sections 23-15-974 through
3511 23-15-985.

3512 (c) In the year * * * before the expiration of the term
3513 of an incumbent, and likewise each eighth year thereafter, an
3514 election shall be held in the manner provided in this section in
3515 the district from which the incumbent Court of Appeals judge was
3516 elected at which there shall be elected a successor to the
3517 incumbent, whose term of office shall thereafter begin on the
3518 first Monday of January of the year in which the term of the
3519 incumbent he or she succeeds expires.

3520 (3) No person shall be eligible for the office of judge of
3521 the Court of Appeals who has not attained the age of thirty (30)
3522 years at the time of his or her election and who has not been a
3523 practicing attorney and citizen of the state for five (5) years
3524 immediately * * * before the election.



3525 (4) Any vacancy on the Court of Appeals shall be filled by
3526 appointment of the Governor for that portion of the unexpired
3527 term * * * before the election to fill the remainder of * * * the
3528 term according to provisions of Section 23-15-849 * * *.

3529 (5) (a) The State of Mississippi is hereby divided into
3530 five (5) Court of Appeals Districts as follows:

3531 **FIRST DISTRICT.** The First Court of Appeals District shall be
3532 composed of the following counties and portions of counties:
3533 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3534 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3535 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3536 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3537 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3538 Nations and Poplar Creek; in Panola County the precincts of East
3539 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3540 Springport, South Springport, Eureka, Williamson, East Batesville
3541 4, West Batesville 4, Fern Hill, North Batesville A, East
3542 Batesville 5 and West Batesville 5; and in Tallahatchie County the
3543 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3544 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3545 Murphreesboro and Rosebloom.

3546 **SECOND DISTRICT.** The Second Court of Appeals District shall
3547 be composed of the following counties and portions of counties:
3548 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3549 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,



3550 Tunica, Warren, Washington and Yazoo; in Attala County the
3551 precincts of Northeast, Hesterville, Possomneck, North Central,
3552 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3553 County not included in the First Court of Appeals District; in
3554 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3555 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3556 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3557 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3558 precincts of Conway, West Carthage, Wiggins, Thomastown and
3559 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3560 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3561 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3562 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3563 Canton Precinct 1 and Canton Precinct 4; that portion of
3564 Montgomery County not included in the First Court of Appeals
3565 District; that portion of Panola County not included in the First
3566 Court of Appeals District; and that portion of Tallahatchie County
3567 not included in the First Court of Appeals District.

3568 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3569 composed of the following counties and portions of counties:
3570 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3571 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3572 portion of Attala County not included in the Second Court of
3573 Appeals District; in Jones County the precincts of Northwest High
3574 School, Shady Grove, Sharon, Erata, Glade, Myrick School,



3575 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3576 Antioch and Landrum; that portion of Leake County not included in
3577 the Second Court of Appeals District; that portion of Madison
3578 County not included in the Second Court of Appeals District; and
3579 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3580 Diamond, Chaparral, Matherville, Coit and Eucutta.

3581 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3582 be composed of the following counties and portions of counties:
3583 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3584 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3585 that portion of Hinds County not included in the Second Court of
3586 Appeals District; and that portion of Jones county not included in
3587 the Third Court of Appeals District.

3588 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3589 composed of the following counties and portions of counties:
3590 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3591 River, Perry and Stone; and that portion of Wayne County not
3592 included in the Third Court of Appeals District.

3593 (b) The boundaries of the Court of Appeals Districts
3594 described in paragraph (a) of this subsection shall be the
3595 boundaries of the counties and precincts listed in paragraph (a)
3596 of this subsection as such boundaries existed on October 1, 1990.

3597 **SECTION 86.** This act shall take effect and be in force from
3598 and after July 1, 2022.

