

By: Representatives McCray, Paden

To: Apportionment and Elections

HOUSE BILL NO. 1199

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

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



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

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

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

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

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

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

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

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

54 **SECTION 4.** (1) The early voting period shall begin ten (10)
55 days before the date of each primary, general, runoff, special and
56 municipal election for public office and continue until 5:00 p.m.
57 on Saturday preceding the election day. If the date prescribed



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

61 (2) Early voting shall be conducted in the office of the
62 appropriate registrar during regular business hours. If the
63 office space of the registrar is insufficient or inconvenient to
64 accommodate early voting, the registrar may provide an alternate
65 location to conduct early voting, and in such case, adequate
66 notice shall be posted at the registrar's office that informs the
67 public of the location where early voting is being conducted. The
68 registrar may conduct early voting at an additional secure polling
69 place outside his or her office. The appropriate registrar shall
70 provide at least one (1) additional early voting location for
71 every thirty-thousand (30,000) registered county voters and at
72 least one (1) additional early voting location for every ten
73 thousand (10,000) registered municipal voters according to the
74 latest federal decennial census. During the last full week
75 preceding an election, the office of the appropriate registrar may
76 extend the office hours to accommodate early voters. All
77 registrar offices shall remain open from 8:00 a.m. until 5:00 p.m.
78 for the two (2) Saturdays immediately preceding each election.

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



83 one (1) place being the county courthouse in a county election or
84 city hall in a municipal election.

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

97 (2) All votes cast during the early voting period shall be
98 final. Early voting ballots shall be saved using a system that
99 allows the ballots to be examined by a candidate and for election
100 certification and audit purposes.

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

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



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

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

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

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



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

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

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

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



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

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

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

179 (6) The registrar shall process all applications for
180 absentee ballots by using the Statewide Election Management
181 System. The registrar shall account for all absentee ballots



182 delivered to and received by mail as well as those who voted
183 absentee in person from qualified voters by processing such
184 ballots using the Statewide Election Management System.

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

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



207 reproduction provided by the office of the registrar of the
208 jurisdiction in which the election is being held and which
209 contains the seal and initials required by this section. Such
210 application shall be substantially in the following form:

211 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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

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

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



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

235 * * *

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

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

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

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

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

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



257 * * *

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

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

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

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

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

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

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

279 _____

280 (Signature of absent elector)



281 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
282 2____.

283 _____
284 (Official authorized to administer oaths
285 for absentee balloting.)

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

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

292 _____
293 (Signature of witness)

294 CERTIFICATE OF DELIVERY

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

299 _____
300 (Signature of person delivering application)

301 _____
302 (Address of person delivering application)"

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



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

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

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



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

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

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

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

342 * * *

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

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



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

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

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



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

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

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



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

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

409 * * *

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

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

417 "ELECTOR'S CERTIFICATE

418 STATE OF _____

419 COUNTY OF _____

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



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

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

435 _____
436 (Signature of voter)

437 CERTIFICATE OF ATTESTING WITNESS

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

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



452 (Official title) (City and State)

453 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

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

470 _____
471 Signature of person providing assistance

472 _____
473 Printed name of person providing assistance

474 _____
475 Address of person providing assistance

476 _____



477 Date and time assistance provided

478

479 _____
Family relationship to voter (if any)"

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

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

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

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

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



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

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

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

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

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



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

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

546 * * *

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

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



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

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

574 * * *

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



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

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

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

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

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

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



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

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

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

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

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



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

629 * * *

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

636 * * *

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

712 * * *

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

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

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

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



727 municipal executive committee with reference to any municipal
728 election or early voting.

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

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

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

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



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

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

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

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

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



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

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

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

788 23-15-47. (1) Any person who is qualified to register to
789 vote in the State of Mississippi may register to vote by mail-in
790 application in the manner prescribed in this section.

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

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



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

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

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



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

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

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

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

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

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

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

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



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

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



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

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

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

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

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



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

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

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

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

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

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

922 23-15-65. The board of election commissioners shall meet at
923 the courthouse of its county on the second Monday in September
924 preceding any general election or in a sufficient amount of time
925 to hear appeals before the period for early voting begins, and



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

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

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

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



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

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

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

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



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

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

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

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

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

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



1001 voter roll electronically maintained by the Statewide Elections
1002 Management System.

1003 (2) Except as provided in this section, and subject to the
1004 following annual limitations, the election commissioners shall be
1005 entitled to receive a per diem in the amount of One Hundred
1006 Dollars (\$100.00), to be paid from the county general fund, for
1007 every day or period of no less than five (5) hours accumulated
1008 over two (2) or more days actually employed in the performance of
1009 their duties in the conduct of an election or actually employed in
1010 the performance of their duties for the necessary time spent in
1011 the revision of the county voter roll as electronically maintained
1012 by the Statewide Elections Management System as required in
1013 subsection (1) of this section:

1014 (a) In counties having less than fifteen thousand
1015 (15,000) residents according to the latest federal decennial
1016 census, not more than fifty (50) days per year, with no more than
1017 fifteen (15) additional days allowed for the conduct of each
1018 election in excess of one (1) occurring in any calendar year;

1019 (b) In counties having fifteen thousand (15,000)
1020 residents according to the latest federal decennial census but
1021 less than thirty thousand (30,000) residents according to the
1022 latest federal decennial census, not more than seventy-five (75)
1023 days per year, with no more than twenty-five (25) additional days
1024 allowed for the conduct of each election in excess of one (1)
1025 occurring in any calendar year;



1026 (c) In counties having thirty thousand (30,000)
1027 residents according to the latest federal decennial census but
1028 less than seventy thousand (70,000) residents according to the
1029 latest federal decennial census, not more than one hundred (100)
1030 days per year, with no more than thirty-five (35) additional days
1031 allowed for the conduct of each election in excess of one (1)
1032 occurring in any calendar year;

1033 (d) In counties having seventy thousand (70,000)
1034 residents according to the latest federal decennial census but
1035 less than ninety thousand (90,000) residents according to the
1036 latest federal decennial census, not more than one hundred
1037 twenty-five (125) days per year, with no more than forty-five (45)
1038 additional days allowed for the conduct of each election in excess
1039 of one (1) occurring in any calendar year;

1040 (e) In counties having ninety thousand (90,000)
1041 residents according to the latest federal decennial census but
1042 less than one hundred seventy thousand (170,000) residents
1043 according to the latest federal decennial census, not more than
1044 one hundred fifty (150) days per year, with no more than
1045 fifty-five (55) additional days allowed for the conduct of each
1046 election in excess of one (1) occurring in any calendar year;

1047 (f) In counties having one hundred seventy thousand
1048 (170,000) residents according to the latest federal decennial
1049 census but less than two hundred thousand (200,000) residents
1050 according to the latest federal decennial census, not more than



1051 one hundred seventy-five (175) days per year, with no more than
1052 sixty-five (65) additional days allowed for the conduct of each
1053 election in excess of one (1) occurring in any calendar year;

1054 (g) In counties having two hundred thousand (200,000)
1055 residents according to the latest federal decennial census but
1056 less than two hundred twenty-five thousand (225,000) residents
1057 according to the latest federal decennial census, not more than
1058 one hundred ninety (190) days per year, with no more than
1059 seventy-five (75) additional days allowed for the conduct of each
1060 election in excess of one (1) occurring in any calendar year;

1061 (h) In counties having two hundred twenty-five thousand
1062 (225,000) residents according to the latest federal decennial
1063 census but less than two hundred fifty thousand (250,000)
1064 residents according to the latest federal decennial census, not
1065 more than two hundred fifteen (215) days per year, with no more
1066 than eighty-five (85) additional days allowed for the conduct of
1067 each election in excess of one (1) occurring in any calendar year;

1068 (i) In counties having two hundred fifty thousand
1069 (250,000) residents according to the latest federal decennial
1070 census but less than two hundred seventy-five thousand (275,000)
1071 residents according to the latest federal decennial census, not
1072 more than two hundred thirty (230) days per year, with no more
1073 than ninety-five (95) additional days allowed for the conduct of
1074 each election in excess of one (1) occurring in any calendar year;



1075 (j) In counties having two hundred seventy-five
1076 thousand (275,000) residents according to the latest federal
1077 decennial census or more, not more than two hundred forty (240)
1078 days per year, with no more than one hundred five (105) additional
1079 days allowed for the conduct of each election in excess of one (1)
1080 occurring in any calendar year.

1081 (3) In addition to the number of days authorized in
1082 subsection (2) of this section, the board of supervisors of a
1083 county may authorize, in its discretion, the election
1084 commissioners to receive a per diem in the amount provided for in
1085 subsection (2) of this section, to be paid from the county general
1086 fund, for every day or period of no less than five (5) hours
1087 accumulated over two (2) or more days actually employed in the
1088 performance of their duties in the conduct of an election or
1089 actually employed in the performance of their duties for the
1090 necessary time spent in the revision of the county voter roll as
1091 electronically maintained by the Statewide Elections Management
1092 System as required in subsection (1) of this section, not to
1093 exceed five (5) days.

1094 (4) (a) The election commissioners shall be entitled to
1095 receive a per diem in the amount of One Hundred Dollars (\$100.00),
1096 to be paid from the county general fund, not to exceed ten (10)
1097 days for every day or period of no less than five (5) hours
1098 accumulated over two (2) or more days actually employed in the
1099 performance of their duties for the necessary time spent in the



1100 revision of the county voter roll as electronically maintained by
1101 the Statewide Elections Management System before any special
1102 election. For purposes of this paragraph, the regular special
1103 election day shall not be considered a special election. The
1104 annual limitations set forth in subsection (2) of this section
1105 shall not apply to this paragraph.

1106 (b) The election commissioners shall be entitled to
1107 receive a per diem in the amount of One Hundred Fifty Dollars
1108 (\$150.00), to be paid from the county general fund, for the
1109 performance of their duties on the day of any primary, runoff,
1110 general or special election. The annual limitations set forth in
1111 subsection (2) of this section shall apply to this paragraph.

1112 (c) The board of supervisors may, in its discretion,
1113 pay the election commissioners an additional amount not to exceed
1114 Fifty Dollars (\$50.00) for the performance of their duties at any
1115 election occurring from July 1, 2020, through December 31, 2020,
1116 which shall be considered additional pandemic pay. Such
1117 compensation shall be payable out of the county general fund, and
1118 may be payable from federal funds available for such purpose, or a
1119 combination of both funding sources.

1120 (5) The election commissioners shall be entitled to receive
1121 a per diem in the amount of One Hundred Dollars (\$100.00), to be
1122 paid from the county general fund, not to exceed fourteen (14)
1123 days for every day or period of no less than five (5) hours
1124 accumulated over two (2) or more days actually employed in the



1125 performance of their duties for the necessary time spent in the
1126 revision of the county voter roll as electronically maintained by
1127 the Statewide Elections Management System and in the conduct of a
1128 runoff election following either a general or special election.

1129 (6) The election commissioners shall be entitled to receive
1130 only one (1) per diem payment for those days when the election
1131 commissioners discharge more than one (1) duty or responsibility
1132 on the same day.

1133 (7) In preparation for a municipal primary, runoff, general
1134 or special election, the county registrar shall generate and
1135 distribute the master voter roll and pollbooks from the Statewide
1136 Elections Management System for the municipality located within
1137 the county. The municipality shall pay the county registrar for
1138 the actual cost of preparing and printing the municipal master
1139 voter roll pollbooks. A municipality may secure "read only"
1140 access to the Statewide Elections Management System and print its
1141 own pollbooks using this information.

1142 (8) County election commissioners who perform the duties of
1143 an executive committee with regard to the conduct of a primary
1144 election under a written agreement authorized by law to be entered
1145 into with an executive committee shall receive per diem as
1146 provided for in subsection (2) of this section. The days that
1147 county election commissioners are employed in the conduct of a
1148 primary election shall be treated the same as days county election
1149 commissioners are employed in the conduct of other elections.



1150 (9) In addition to any per diem authorized by this section,
1151 any election commissioner shall be entitled to the mileage
1152 reimbursement rate allowable to federal employees for the use of a
1153 privately owned vehicle while on official travel on election day.

1154 (10) Every election commissioner shall sign personally a
1155 certification setting forth the number of hours actually worked in
1156 the performance of the commissioner's official duties and for
1157 which the commissioner seeks compensation. The certification must
1158 be on a form as prescribed in this subsection. The commissioner's
1159 signature is, as a matter of law, made under the commissioner's
1160 oath of office and under penalties of perjury.

1161 The certification form shall be as follows:

1162 **COUNTY ELECTION COMMISSIONER**

1163 **PER DIEM CLAIM FORM**

1164 NAME: _____ COUNTY: _____

1165 ADDRESS: _____ DISTRICT: _____

1166 CITY: _____ ZIP: _____

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

1170 _____

1171 _____

1172 _____

1173 TOTAL NUMBER OF PER DIEM DAYS EARNED

1174 EXCLUDING ELECTION DAYS _____



1175 PER DIEM RATE PER DAY EARNED X \$100.00
 1176 TOTAL NUMBER PER DIEM DAYS EARNED
 1177 FOR ELECTION DAYS _____
 1178 PER DIEM RATE PER DAY EARNED X \$150.00
 1179 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1180 I understand that I am signing this document under my oath as
 1181 an election commissioner and under penalties of perjury.

1182 I understand that I am requesting payment from taxpayer funds
 1183 and that I have an obligation to be specific and truthful as to
 1184 the amount of hours worked and the compensation I am requesting.

1185 Signed this the _____ day of _____, ____.
 1186 _____

1187 Commissioner's Signature

1188 When properly completed and signed, the certification must be
 1189 filed with the clerk of the county board of supervisors before any
 1190 payment may be made. The certification will be a public record
 1191 available for inspection and reproduction immediately upon the
 1192 oral or written request of any person.

1193 Any person may contest the accuracy of the certification in
 1194 any respect by notifying the chair of the commission, any member
 1195 of the board of supervisors or the clerk of the board of
 1196 supervisors of the contest at any time before or after payment is
 1197 made. If the contest is made before payment is made, no payment
 1198 shall be made as to the contested certificate until the contest is
 1199 finally disposed of. The person filing the contest shall be



1200 entitled to a full hearing, and the clerk of the board of
1201 supervisors shall issue subpoenas upon request of the contestor
1202 compelling the attendance of witnesses and production of documents
1203 and things. The contestor shall have the right to appeal de novo
1204 to the circuit court of the involved county, which appeal must be
1205 perfected within thirty (30) days from a final decision of the
1206 commission, the clerk of the board of supervisors or the board of
1207 supervisors, as the case may be.

1208 Any contestor who successfully contests any certification
1209 will be awarded all expenses incident to his or her contest,
1210 together with reasonable attorney's fees, which will be awarded
1211 upon petition to the chancery court of the involved county upon
1212 final disposition of the contest before the election commission,
1213 board of supervisors, clerk of the board of supervisors, or, in
1214 case of an appeal, final disposition by the court. The
1215 commissioner against whom the contest is decided shall be liable
1216 for the payment of the expenses and attorney's fees, and the
1217 county shall be jointly and severally liable for same.

1218 (11) Any election commissioner who has not received a
1219 certificate issued by the Secretary of State pursuant to Section
1220 23-15-211 indicating that the election commissioner has received
1221 the required elections seminar instruction and that the election
1222 commissioner is fully qualified to conduct an election, shall not
1223 receive any compensation authorized by this section or Section
1224 23-15-239.



1225 **SECTION 30.** Section 23-15-171, Mississippi Code of 1972, is
1226 amended as follows:

1227 23-15-171. (1) Except as otherwise provided in Section 4 of
1228 this act, municipal primary elections shall be held on the first
1229 Tuesday in April preceding the general municipal election and, in
1230 the event a second primary shall be necessary, such second primary
1231 shall be held on the fourth Tuesday in April preceding such
1232 general municipal election. The candidate receiving a majority of
1233 the votes cast in the election shall be the party nominee. If no
1234 candidate shall receive a majority vote at the election, the two
1235 (2) candidates receiving the highest number of votes shall have
1236 their names placed on the ballot for the second primary election.
1237 The candidate receiving the most votes cast in the second primary
1238 election shall be the party nominee. However, if no candidate
1239 shall receive a majority vote at the first primary, and there is a
1240 tie in the election of those receiving the next highest vote,
1241 those candidates receiving the next highest vote and the candidate
1242 receiving the highest vote shall have their names placed on the
1243 ballot for the second primary election, and whoever receives the
1244 most votes cast in the second primary election shall be the party
1245 nominee. At the primary election the municipal executive
1246 committee shall perform the same duties as are specified by law
1247 and performed by members of the county executive committee with
1248 regard to state and county primary elections. Each municipal
1249 executive committee shall have as many members as there are



1250 elective officers of the municipality, and the members of the
1251 municipal executive committee of each political party shall be
1252 elected in the primary elections held for the nomination of
1253 candidates for municipal offices. The provisions of this section
1254 shall govern all municipal primary elections as far as applicable,
1255 but the officers to prepare the ballots and the poll managers and
1256 other officials of the primary election shall be appointed by the
1257 municipal executive committee of the party holding the primary,
1258 and the returns of such election shall be made to such municipal
1259 executive committee. Vacancies in the executive committee shall
1260 be filled by it.

1261 (2) Provided, however, that in municipalities operating
1262 under a special or private charter which fixes a time for holding
1263 elections, other than the time fixed by Chapter 491, Laws of 1950,
1264 the first primary election shall be held on the first Tuesday, two
1265 (2) months before the time for holding the general election, as
1266 fixed by the charter, and the second primary election, where
1267 necessary, shall be held three (3) weeks after the first primary
1268 election, unless the charter of any such municipality provides
1269 otherwise, in which event the provisions of the special or private
1270 charter shall prevail as to the time of holding such primary
1271 elections.

1272 (3) All primary elections in municipalities shall be held
1273 and conducted in the same manner as is provided by law for state
1274 and county primary elections.



1275 **SECTION 31.** Section 23-15-173, Mississippi Code of 1972, is
1276 amended as follows:

1277 23-15-173. (1) A general municipal election shall be held
1278 in each city, town or village on the first Tuesday after the first
1279 Monday of June 1985, and every four (4) years thereafter, for the
1280 election of all municipal officers elected by the people. Early
1281 voting for those general municipal elections shall be conducted as
1282 provided in Sections 1 through 7 of this act.

1283 (2) All municipal general elections shall be held and
1284 conducted in the same manner as is provided by law for state and
1285 county general elections.

1286 (3) The provisions of Sections 23-15-171 and 23-15-173,
1287 which fix the times to hold primary and general elections, shall
1288 not apply to any municipality operating under a special or private
1289 charter where the governing board or authority thereof, on or
1290 before June 25, 1952, shall have adopted and spread upon its
1291 minutes a resolution or ordinance declining to accept the
1292 provisions, in which event the primary and general elections shall
1293 be held at the time fixed by the charter of the municipality.

1294 **SECTION 32.** Section 23-15-191, Mississippi Code of 1972, is
1295 amended as follows:

1296 23-15-191. The first primary shall be held on the first
1297 Tuesday after the first Monday of August preceding any regular or
1298 general election; and the second primary shall be held three (3)
1299 weeks thereafter. Early voting for the primary election shall be



1300 conducted as provided for in Sections 1 through 7 of this act.

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

1315 **SECTION 33.** Section 23-15-195, Mississippi Code of 1972, is
1316 amended as follows:

1317 23-15-195. Except as otherwise provided in Sections 1
1318 through 7 of this act, all elections by the people shall be by
1319 ballot, and shall be concluded in one (1) day.

1320 **SECTION 34.** Section 23-15-197, Mississippi Code of 1972, is
1321 amended as follows:

1322 23-15-197. (1) Times for holding primary and general
1323 elections for congressional offices shall be as prescribed in
1324 Sections 23-15-1031, 23-15-1033 and 23-15-1041.



1325 (2) Times for holding elections for the office of judge of
1326 the Supreme Court shall be as prescribed in Section 23-15-991 and
1327 Sections 23-15-974 through 23-15-985, and times for holding
1328 elections for the office of judge of the Court of Appeals shall be
1329 as prescribed in Section 9-4-5.

1330 (3) Times for holding elections for the office of circuit
1331 court judge and the office of chancery court judge shall be as
1332 prescribed in Sections 23-15-974 through 23-15-985, and Section
1333 23-15-1015.

1334 (4) Times for holding elections for the office of county
1335 election commissioners shall be as prescribed in Section
1336 23-15-213.

1337 (5) Times for holding elections for the office of levee
1338 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1339 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1340 Laws of 1983; and Chapter 438, Laws of 2010.

1341 (6) Times for holding early voting shall be as provided in
1342 Sections 1 through 7 of this act.

1343 **SECTION 35.** Section 23-15-231, Mississippi Code of 1972, is
1344 amended as follows:

1345 23-15-231. Before every * * * early voting period begins,
1346 the election commissioners shall appoint three (3) persons for
1347 each voting precinct to be poll managers, one (1) of whom shall be
1348 designated by the election commissioners as election bailiff. For
1349 general and special elections, the poll managers shall not all be



1350 of the same political party if suitable persons of different
1351 political parties can be found in the district. If any person
1352 appointed shall fail to attend and serve, the poll managers
1353 present, if any, may designate someone to fill his or her place;
1354 and if the election commissioners fail to make the appointments or
1355 in case of the failure of all those appointed to attend and serve,
1356 any three (3) qualified electors present when the polls should be
1357 opened may act as poll managers. Provided, however, any person
1358 appointed to be poll manager or act as poll manager shall be a
1359 qualified elector of the county in which the polling place is
1360 located.

1361 **SECTION 36.** Section 23-15-233, Mississippi Code of 1972, is
1362 amended as follows:

1363 23-15-233. The poll managers shall take care that the
1364 election * * * and the early voting are conducted fairly and
1365 agreeably to law, and they shall be judges of the qualifications
1366 of electors, and may examine, on oath, any person duly registered
1367 and offering to vote touching his or her qualifications as an
1368 elector, which oath any of the poll managers may administer.

1369 **SECTION 37.** Section 23-15-239, Mississippi Code of 1972, is
1370 amended as follows:

1371 23-15-239. (1) The executive committee of each county, in
1372 the case of a primary election, or the election commissioners of
1373 each county, in the case of all other elections, in conjunction
1374 with the circuit clerk, shall, in the years in which counties



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

1392 (2) (a) If it is eligible under Section 23-15-266, the
1393 county executive committee may enter into a written agreement with
1394 the circuit clerk or the county election commission authorizing
1395 the circuit clerk or the county election commission to perform any
1396 of the duties required of the county executive committee pursuant
1397 to this section. Any agreement entered into pursuant to this
1398 subsection shall be signed by the chair of the county executive
1399 committee and the circuit clerk or the chair of the county



1400 election commission, as appropriate. The county executive
1401 committee shall notify the state executive committee and the
1402 Secretary of State of the existence of the agreement.

1403 (b) If it is eligible under Section 23-15-266, the
1404 municipal executive committee may enter into a written agreement
1405 with the municipal clerk or the municipal election commission
1406 authorizing the municipal clerk or the municipal election
1407 commission to perform any of the duties required of the municipal
1408 executive committee pursuant to this section. Any agreement
1409 entered into pursuant to this subsection shall be signed by the
1410 chair of the municipal executive committee and the municipal clerk
1411 or the chair of the municipal election commission, as appropriate.
1412 The municipal executive committee shall notify the state executive
1413 committee and the Secretary of State of the existence of the
1414 agreement.

1415 (3) The board of supervisors and the municipal governing
1416 authority, in their discretion, may compensate poll managers who
1417 attend these training sessions. The compensation shall be at a
1418 rate of not less than the federal hourly minimum wage nor more
1419 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1420 compensated for more than sixteen (16) hours of attendance at the
1421 training sessions regardless of the actual amount of time that
1422 they attended the training sessions.

1423 (4) The time and location of the training sessions required
1424 pursuant to this section shall be announced to the general public



1425 by posting a notice thereof at the courthouse and by delivering a
1426 copy of the notice to the office of a newspaper having general
1427 circulation in the county five (5) days before the date upon which
1428 the training session is to be conducted. Persons who will serve
1429 as poll watchers for candidates and political parties, as well as
1430 members of the general public, shall be allowed to attend the
1431 sessions.

1432 (5) Subject to the following annual limitations, the
1433 election commissioners shall be entitled to receive a per diem in
1434 the amount of One Hundred Dollars (\$100.00), to be paid from the
1435 county general fund, for every day or period of no less than five
1436 (5) hours accumulated over two (2) or more days actually employed
1437 in the performance of their duties for the necessary time spent in
1438 conducting training sessions as required by this section:

1439 (a) In counties having less than fifteen thousand
1440 (15,000) residents according to the latest federal decennial
1441 census, not more than five (5) days per year;

1442 (b) In counties having fifteen thousand (15,000)
1443 residents according to the latest federal decennial census but
1444 less than thirty thousand (30,000) residents according to the
1445 latest federal decennial census, not more than eight (8) days per
1446 year;

1447 (c) In counties having thirty thousand (30,000)
1448 residents according to the latest federal decennial census but
1449 less than seventy thousand (70,000) residents according to the



1450 latest federal decennial census, not more than ten (10) days per
1451 year;

1452 (d) In counties having seventy thousand (70,000)
1453 residents according to the latest federal decennial census but
1454 less than ninety thousand (90,000) residents according to the
1455 latest federal decennial census, not more than twelve (12) days
1456 per year;

1457 (e) In counties having ninety thousand (90,000)
1458 residents according to the latest federal decennial census but
1459 less than one hundred seventy thousand (170,000) residents
1460 according to the latest federal decennial census, not more than
1461 fifteen (15) days per year;

1462 (f) In counties having one hundred seventy thousand
1463 (170,000) residents according to the latest federal decennial
1464 census but less than two hundred thousand (200,000) residents
1465 according to the latest federal decennial census, not more than
1466 eighteen (18) days per year;

1467 (g) In counties having two hundred thousand (200,000)
1468 residents according to the latest federal decennial census but
1469 less than two hundred twenty-five thousand (225,000) residents
1470 according to the latest federal decennial census, not more than
1471 nineteen (19) days per year;

1472 (h) In counties having two hundred twenty-five thousand
1473 (225,000) residents or more according to the latest federal
1474 decennial census, not more than twenty-two (22) days per year.



1475 (6) Election commissioners shall claim the per diem
1476 authorized in subsection (5) of this section in the manner
1477 provided for in Section 23-15-153(6).

1478 (7) (a) To provide poll manager training, the Secretary of
1479 State has developed a single, comprehensive poll manager training
1480 program to ensure uniform, secure elections throughout the state.
1481 The program includes online training on all state and federal
1482 election laws and procedures and voting machine opening and
1483 closing procedures.

1484 (b) County poll managers who individually access and
1485 complete the online training program, including all skills
1486 assessments, at least five (5) days before the early voting period
1487 for an election begins shall be defined as "certified poll
1488 managers," and entitled to a "Certificate of Completion."

1489 (c) At least one (1) certified poll manager shall be
1490 appointed by the county election officials to work in each polling
1491 place in the county during each general election.

1492 **SECTION 38.** Section 23-15-241, Mississippi Code of 1972, is
1493 amended as follows:

1494 23-15-241. The poll manager designated an election bailiff
1495 shall, in addition to his or her other duties, be present during
1496 the early voting period and on election day to keep the peace and
1497 to protect the voting place, and to prevent improper intrusion
1498 upon the voting place or interference with the election, and to
1499 arrest all persons creating any disturbance about the voting



1500 place, and to enable all qualified electors who have not voted,
1501 and who desire to vote, to have unobstructed access to the polls
1502 for the purpose of voting when others are not voting.

1503 **SECTION 39.** Section 23-15-245, Mississippi Code of 1972, is
1504 amended as follows:

1505 23-15-245. It shall be the duty of the poll manager
1506 designated as bailiff to be present at the voting place, and to
1507 take such steps as will accomplish the purpose of his or her
1508 appointment, and the poll manager designated as bailiff shall have
1509 full power to do so and may summon to his or her aid all persons
1510 present at the voting place. A space thirty (30) feet in every
1511 direction from the polls, or the room in which the * * * voting is
1512 held, shall be kept open and clear of all persons except the
1513 election officials, individuals present to vote and credentialed
1514 poll watchers as defined by Section 23-15-577. The electors shall
1515 approach the polls from one (1) direction, line, door or passage,
1516 and depart in another as nearly opposite as convenient.

1517 **SECTION 40.** Section 23-15-247, Mississippi Code of 1972, is
1518 amended as follows:

1519 23-15-247. The election commissioners in each county shall
1520 procure, if not already provided, a sufficient number of ballot
1521 boxes, which shall be distributed by them to the voting precincts
1522 of the county before the time for opening the polls for early
1523 voting and on election day. The boxes shall be securely sealed
1524 from the opening of the polls * * * for early voting until the



1525 polls close on election day; and the box shall be kept by one (1)
1526 of the managers, and the manager having the box shall carefully
1527 keep it, and neither open it himself or herself nor permit it to
1528 be opened, nor permit any person to have any access to it
1529 throughout the voting period during an election. The box shall
1530 not be removed from the polling building or place after the polls
1531 are opened until the polls close and the count is complete. After
1532 each election the ballot boxes shall be delivered to the clerk of
1533 the circuit court of the county for preservation; and he or she
1534 shall keep them for future use, and, when called for, deliver them
1535 to the election commissioners.

1536 **SECTION 41.** Section 23-15-251, Mississippi Code of 1972, is
1537 amended as follows:

1538 23-15-251. The election commissioners, in appointing the
1539 poll managers of an election, shall designate one (1) of the poll
1540 managers at each voting place to receive and distribute the
1541 official ballots, and shall deliver to him or her the proper
1542 number of ballots for his or her district not less than one (1)
1543 day before the early voting period begins and not less than one
1544 (1) day before election day; and the poll manager receiving the
1545 ballots from the election commissioners shall distribute the same
1546 to the electors of his or her district in the manner herein
1547 provided. It shall be the duty of the designated poll manager for
1548 service at a voting place other than the courthouse, to carry to
1549 that voting place, on the day before the early voting period



1550 begins and on the day before election day, or before 6:00 a.m. on
1551 the morning the early voting period begins and on the morning of
1552 the election day, the ballot box, the pollbook, the blank tally
1553 sheets, the blank forms to be used in making returns, the other
1554 necessary stationery and supplies and the official printed ballots
1555 aforesaid, and all of the same used and unused shall be returned
1556 by the designated poll manager to the election commissioners on
1557 the day * * * after the election.

1558 **SECTION 42.** Section 23-15-255, Mississippi Code of 1972, is
1559 amended as follows:

1560 23-15-255. (1) The supervisor of each respective
1561 supervisors district shall provide at each election place a
1562 sufficient number of voting compartments, shelves and tables for
1563 the use of electors, which shall be so arranged that it will be
1564 impossible for a voter in one (1) compartment to see another voter
1565 who is preparing his or her ballot. The number of voting
1566 compartments and shelves or tables shall not be less than one (1)
1567 to every two hundred (200) electors in the voting precinct.

1568 (2) The poll managers of each precinct shall publicly post
1569 the following information at the precinct polling place * * *
1570 during any election:

- 1571 (a) A sample ballot that will be used at the election;
- 1572 (b) The hours during which the polling places will be
1573 open for early voting and on election day;



1574 (c) Instructions on how to vote, including how to cast
1575 a vote and how to cast an affidavit ballot;

1576 (d) Instructions for persons who have registered to
1577 vote by mail and first time voters, if appropriate;

1578 (e) General information on voting rights, including
1579 information on the right of an individual to cast an affidavit
1580 ballot and instructions on how to contact the appropriate
1581 officials if these rights are alleged to have been violated; * * *

1582 (f) The consequences under federal and state laws
1583 regarding fraud and misrepresentation;

1584 (g) A list of voters in each polling place that have
1585 already cast an absentee ballot or voted during the early voting
1586 period; and

1587 (h) The acceptable forms of photo identification that
1588 may be presented in the polling place.

1589 **SECTION 43.** Section 23-15-263, Mississippi Code of 1972, is
1590 amended as follows:

1591 23-15-263. (1) Unless otherwise provided in this chapter,
1592 the county executive committee at primary elections shall perform
1593 all duties that relate to the qualification of candidates for
1594 primary elections, print ballots for the early voting period for
1595 primary elections and for primary * * * election day, appoint the
1596 primary election officers, resolve contests in regard to primary
1597 elections, and perform all other duties required by law to be
1598 performed by the county executive committee; however, each house



1599 of the Legislature shall rule on the qualifications of the
1600 membership of its respective body in contests involving the
1601 qualifications of * * * its members. The executive committee
1602 shall be subject to all the penalties to which county election
1603 commissioners are subject, except that Section 23-15-217 shall not
1604 apply to members of the county executive committee who seek
1605 elective office.

1606 (2) A member of a county executive committee shall be
1607 automatically disqualified to serve on the county executive
1608 committee, and shall be considered to have resigned * * * from the
1609 county executive committee, upon his or her qualification as a
1610 candidate for any elective office. The provisions of this
1611 subsection shall not apply to a member of a county executive
1612 committee who qualifies as a candidate for a municipal elective
1613 office.

1614 (3) The primary election officers appointed by the executive
1615 committee of the party shall have the powers and perform the
1616 duties, where not otherwise provided, required of * * * those
1617 officers in a general election, and any * * * act or omission
1618 which by law is an offense when committed in or about or in
1619 respect to * * * the general elections, shall be an offense if
1620 committed in or about or in respect to a primary election; and the
1621 same shall be indictable and punishable in the same way as if the
1622 election was a general election for the election of state and



1623 county officers, except as specially modified or otherwise
1624 provided in this chapter.

1625 **SECTION 44.** Section 23-15-265, Mississippi Code of 1972, is
1626 amended as follows:

1627 23-15-265. (1) The county executive committee of each
1628 county shall meet not less than two (2) weeks before the
1629 date * * * the period for early voting begins for any primary
1630 election and appoint the poll managers for same, all of whom may
1631 be members of the same political party. The number of poll
1632 managers appointed by the county executive committee shall be the
1633 same number as election commissioners are allowed to appoint
1634 pursuant to Sections 23-15-231 and 23-15-235. If the county
1635 executive committee fails to meet on the date named, supra,
1636 further notice shall be given of the time and place of meeting.

1637 (2) (a) If it is eligible under Section 23-15-266, the
1638 county executive committee may enter into a written agreement with
1639 the circuit clerk or the county election commission authorizing
1640 the circuit clerk or the county election commission to perform any
1641 of the duties required of the county executive committee pursuant
1642 to this section. Any agreement entered into pursuant to this
1643 subsection shall be signed by the chair of the county executive
1644 committee and the circuit clerk or the chair of the county
1645 election commission, as appropriate. The county executive
1646 committee shall notify the state executive committee and the
1647 Secretary of State of the existence of the agreement.



1648 (b) If it is eligible under Section 23-15-266, the
1649 municipal executive committee may enter into a written agreement
1650 with the municipal clerk or the municipal election commission
1651 authorizing the municipal clerk or the municipal election
1652 commission to perform any of the duties required of the municipal
1653 executive committee pursuant to this section. Any agreement
1654 entered into pursuant to this subsection shall be signed by the
1655 chair of the municipal executive committee and the municipal clerk
1656 or the chair of the municipal election commission, as appropriate.
1657 The municipal executive committee shall notify the state executive
1658 committee and the Secretary of State of the existence of such
1659 agreement.

1660 **SECTION 45.** Section 23-15-267, Mississippi Code of 1972, is
1661 amended as follows:

1662 23-15-267. (1) The ballot boxes provided by the election
1663 commissioners in each county shall be used in primary elections,
1664 and the county executive committees shall distribute them to the
1665 voting precincts of the county before the time for opening the
1666 polls, in the same manner, as near as may be, as that provided for
1667 in general elections.

1668 (2) The boxes shall be securely sealed and locked beginning
1669 at the start of voting during the period for early voting and on
1670 election day until the end of voting on election day; and the box
1671 shall be kept by one (1) of the poll managers, and the poll
1672 manager having the box shall carefully keep it, and neither open



1673 it himself or herself nor permit it to be done, nor permit any
1674 person to have any access to it throughout voting during the
1675 period for early voting and during election day. The box shall
1676 not be removed from the polling place after the polls are open
1677 until the polls close and the count is completed.

1678 (3) After each election, the ballot boxes shall be delivered
1679 to the clerk of the circuit court of the county for preservation;
1680 and he or she shall keep them for future use, and, when called
1681 for, deliver them to the election commissioners.

1682 (4) (a) If it is eligible under Section 23-15-266, the
1683 county executive committee may enter into a written agreement with
1684 the circuit clerk or the county election commission authorizing
1685 the circuit clerk or the county election commission to perform any
1686 of the duties required of the county executive committee pursuant
1687 to this section. Any agreement entered into pursuant to this
1688 subsection shall be signed by the chair of the county executive
1689 committee and the circuit clerk or the chair of the county
1690 election commission, as appropriate. The county executive
1691 committee shall notify the State Executive Committee and the
1692 Secretary of State of the existence of such agreement.

1693 (b) If it is eligible under Section 23-15-266, the
1694 municipal executive committee may enter into a written agreement
1695 with the municipal clerk or the municipal election commission
1696 authorizing the municipal clerk or the municipal election
1697 commission to perform any of the duties required of the municipal



1698 executive committee pursuant to this section. Any agreement
1699 entered into pursuant to this subsection shall be signed by the
1700 chair of the municipal executive committee and the municipal clerk
1701 or the chair of the municipal election commission, as appropriate.
1702 The municipal executive committee shall notify the State Executive
1703 Committee and the Secretary of State of the existence of such
1704 agreement.

1705 (5) The person, or persons, whose duty it is to comply with
1706 the provisions of this section and who shall fail, or neglect,
1707 from any cause, to deliver the boxes or any of them as herein
1708 provided shall, upon conviction, be fined not less than Two
1709 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1710 the residence of the person, or persons, who violates any of the
1711 provisions of this section, for a period of not less than thirty
1712 (30) days or more than six (6) months, and fined not more than
1713 Five Hundred Dollars (\$500.00).

1714 **SECTION 46.** Section 23-15-309, Mississippi Code of 1972, is
1715 amended as follows:

1716 23-15-309. (1) Nominations for all municipal officers which
1717 are elective shall be made * * * during the days for conducting a
1718 primary election, or elections, to be held in the manner
1719 prescribed by law. All persons desiring to be candidates for the
1720 nomination in the primary elections shall first pay Ten Dollars
1721 (\$10.00) to the clerk of the municipality, at least sixty (60)
1722 days before date the early voting period begins for the first



1723 primary election, no later than 5:00 p.m. on such deadline day.
1724 If the sixtieth day to file the fee and written statement before
1725 the date the early voting period begins for an election falls on a
1726 Sunday or legal holiday, the fees and written statements submitted
1727 on the business day immediately following the Sunday or legal
1728 holiday shall be accepted.

1729 (2) The fee paid pursuant to subsection (1) of this section
1730 shall be accompanied by a written statement containing the name
1731 and address of the candidate, the party with which he or she is
1732 affiliated, the email address of the candidate, if any, and the
1733 office for which he or she is a candidate.

1734 (3) The clerk shall promptly receipt the payment, stating
1735 the office for which the person making the payment is running and
1736 the political party with which such person is affiliated. The
1737 clerk shall keep an itemized account in detail showing the time
1738 and date of the receipt of such payment received by him or her,
1739 from whom such payment was received, the party with which such
1740 person is affiliated and for what office the person paying the fee
1741 is a candidate. No candidate may attempt to qualify with any
1742 political party that does not have a duly organized municipal
1743 executive committee, and the municipal clerk shall not accept any
1744 assessments made pursuant to subsection (1) if the municipal clerk
1745 does not have contact information for the secretary of the
1746 municipal executive committee for that political party. The clerk
1747 shall promptly supply all necessary information and pay over all



1748 fees so received to the secretary of the proper municipal
1749 executive committee. The funds may be used and disbursed in the
1750 same manner as is allowed in Section 23-15-299 in regard to other
1751 executive committees.

1752 (4) Upon receipt of the above information, the proper
1753 municipal executive committee shall then determine, at the time of
1754 the qualifying deadline, whether each candidate is a qualified
1755 elector of the municipality, and of the ward if the office sought
1756 is a ward office, shall determine whether each candidate either
1757 meets all other qualifications to hold the office he or she is
1758 seeking or presents absolute proof that he or she will, subject to
1759 no contingencies, meet all qualifications on or before the date of
1760 the general or special election at which he or she could be
1761 elected to office. The executive committee shall determine
1762 whether the candidate has taken the steps necessary to qualify for
1763 more than one (1) office at the election. The committee also
1764 shall determine whether any candidate has been convicted of any
1765 felony in a court of this state, or has been convicted on or after
1766 December 8, 1992, of any offense in another state which is a
1767 felony under the laws of this state, or has been convicted of any
1768 felony in a federal court on or after December 8, 1992. Excepted
1769 from the above are convictions of manslaughter and violations of
1770 the United States Internal Revenue Code or any violations of the
1771 tax laws of this state unless such offense also involved misuse or
1772 abuse of his or her office or money coming into his or her hands



1773 by virtue of the office. If the proper municipal executive
1774 committee finds that a candidate either (a) does not meet all
1775 qualifications to hold the office he or she seeks and fails to
1776 provide absolute proof, subject to no contingencies, that he or
1777 she will meet the qualifications on or before the date * * *the
1778 early voting period begins for the general or special election at
1779 which he or she could be elected, or (b) has been convicted of a
1780 felony as described in this subsection and not pardoned, then the
1781 executive committee shall notify the candidate and give the
1782 candidate an opportunity to be heard. The executive committee
1783 shall mail notice to the candidate at least three (3) business
1784 days before the hearing to the address provided by the candidate
1785 on the qualifying forms, and the committee shall attempt to
1786 contact the candidate by telephone, email and facsimile if the
1787 candidate provided this information on the forms. If the
1788 candidate fails to appear at the hearing or to prove he or she
1789 meets all qualifications to hold the office subject to no
1790 contingencies, then the name of such candidate shall not be placed
1791 upon the ballot. If the executive committee determines that the
1792 candidate has taken the steps necessary to qualify for more than
1793 one (1) office at the election, the action required by Section
1794 23-15-905, shall be taken.

1795 (5) Where there is but one (1) candidate, the proper
1796 municipal executive committee when the time has expired within



1797 which the names of candidates shall be furnished shall declare
1798 such candidate the nominee.

1799 **SECTION 47.** Section 23-15-331, Mississippi Code of 1972, is
1800 amended as follows:

1801 23-15-331. It shall be the duty of the state executive
1802 committee of each political party to furnish to each county
1803 executive committee, not less than fifty (50) days * * * before
1804 the * * * period for early voting begins the names of all state
1805 and state district candidates and all candidates for legislative
1806 districts composed of more than one (1) county or parts of more
1807 than one (1) county who have qualified as provided by law, and in
1808 accordance with the requirements of Section 23-15-333 a sample of
1809 the official ballot to be used in the primary, the general form of
1810 which shall be followed as nearly as practicable.

1811 **SECTION 48.** Section 23-15-333, Mississippi Code of 1972, is
1812 amended as follows:

1813 23-15-333. (1) The county executive committee shall have
1814 printed all necessary ballots, for use in primary elections. The
1815 county executive committee shall have printed all necessary
1816 absentee ballots forty-five (45) days before the period for early
1817 voting begins for the election as required by law. The ballots
1818 shall contain the names of all the candidates to be voted for at
1819 the election, and there shall be left on each ballot one (1) blank
1820 space under the title of each office for which a nominee is to be
1821 elected; and in the event of the death of any candidate whose name



1822 shall have been printed on the ballot, the name of the candidate
1823 duly substituted in the place of the deceased candidate may be
1824 written in such blank space by the voter. Except as otherwise
1825 provided in subsection (2) of this section, the order in which the
1826 titles to the various offices shall be printed, and the size,
1827 print and quality of the paper of the ballot is left to the
1828 discretion of the county executive committee. Provided, however,
1829 that in all cases the arrangement of the names of the candidates
1830 for each office shall be alphabetical. No ballot shall be used
1831 except those so printed.

1832 (2) The titles for the various offices shall be listed in
1833 the following order:

1834 (a) Candidates, electors or delegates for the following
1835 national offices:

1836 (i) President of the United States of America;

1837 (ii) United States Senator or United States
1838 Representative;

1839 (b) Candidates for the following statewide offices:

1840 Governor, Lieutenant Governor, Secretary of State, Attorney
1841 General, State Treasurer, Auditor of Public Accounts, Commissioner
1842 of Agriculture and Commerce, Commissioner of Insurance;

1843 (c) Candidates for the following state district
1844 offices: Mississippi Transportation Commissioner, Public Service
1845 Commissioner, District Attorney;



1846 (d) Candidates for the following legislative offices:

1847 Senator and House of Representatives;

1848 (e) Candidates for countywide office;

1849 (f) Candidates for county district office.

1850 The order in which the titles for the various offices are
1851 listed within each of the categories listed in paragraphs (e) and
1852 (f) are left to the discretion of the county executive committee.
1853 Candidates' names shall be listed alphabetically under each office
1854 by the candidate's last name.

1855 (3) If after the deadline to qualify as a candidate for an
1856 office, only one (1) person has duly qualified to be a candidate
1857 for the office in the primary election, the name of that person
1858 shall be placed on the ballot; provided, however, that if not more
1859 than one (1) person has duly qualified to be a candidate for each
1860 office on the primary election ballot, the election for all
1861 offices on the ballot shall be dispensed with and the appropriate
1862 executive committee shall declare each candidate as the party
1863 nominee if the candidate meets all the qualifications to hold the
1864 office.

1865 (4) (a) If it is eligible under Section 23-15-266, the
1866 county executive committee may enter into a written agreement with
1867 the circuit clerk or the county election commission authorizing
1868 the circuit clerk or the county election commission to perform any
1869 of the duties required of the county executive committee pursuant
1870 to this section. Any agreement entered into pursuant to this



1871 subsection shall be signed by the chair of the county executive
1872 committee and the circuit clerk or the chair of the county
1873 election commission, as appropriate. The county executive
1874 committee shall notify the state executive committee and the
1875 Secretary of State of the existence of such agreement.

1876 (b) If it is eligible under Section 23-15-266, the
1877 municipal executive committee may enter into a written agreement
1878 with the municipal clerk or the municipal election commission
1879 authorizing the municipal clerk or the municipal election
1880 commission to perform any of the duties required of the municipal
1881 executive committee pursuant to this section. Any agreement
1882 entered into pursuant to this subsection shall be signed by the
1883 chair of the municipal executive committee and the municipal clerk
1884 or the chair of the municipal election commission, as appropriate.
1885 The municipal executive committee shall notify the state executive
1886 committee and the Secretary of State of the existence of such
1887 agreement.

1888 **SECTION 49.** Section 23-15-335, Mississippi Code of 1972, is
1889 amended as follows:

1890 23-15-335. (1) The county executive committee shall
1891 designate a person whose duty it shall be to distribute all
1892 necessary ballots for use * * * during a primary election, and
1893 shall designate one (1) among the poll managers at each polling
1894 place to receive and receipt for the blank ballots to be used at
1895 that place. When the blank ballots are delivered to a local poll



1896 manager, the distributor shall take from the local poll manager a
1897 receipt therefor signed in duplicate by both the distributor and
1898 the poll manager, one (1) of which receipts the distributor shall
1899 deliver to the circuit clerk and the other shall be retained by
1900 the local poll manager and the last mentioned duplicate receipt
1901 shall be enclosed in the ballot box with the voted ballots when
1902 the polls have been closed and the votes have been counted. The
1903 printer of the ballots shall take a receipt from the distributor
1904 of the ballots for the total number of the blank ballots delivered
1905 to the distributor. The printer shall secure all ballots printed
1906 by him or her in such a safe manner that no person can procure
1907 them or any of them, and he or she shall deliver no blank ballot
1908 or ballots to any person except the distributor above mentioned,
1909 and then only upon his or her receipt therefor as above specified.
1910 The distributor of the blank ballots shall so securely hold the
1911 same that no person can obtain any of them, and he or she shall
1912 not deliver any of them to any person other than to the authorized
1913 local poll managers and upon their respective receipts therefor.
1914 The executive committee shall see to it that the total blank
1915 ballots delivered to the distributor, shall correspond with the
1916 total of the receipts executed by the local poll managers.

1917 (2) (a) If it is eligible under Section 23-15-266, the
1918 county executive committee may enter into a written agreement with
1919 the circuit clerk or the county election commission authorizing
1920 the circuit clerk or the county election commission to perform any



1921 of the duties required of the county executive committee pursuant
1922 to this section. Any agreement entered into pursuant to this
1923 subsection shall be signed by the chair of the county executive
1924 committee and the circuit clerk or the chair of the county
1925 election commission, as appropriate. The county executive
1926 committee shall notify the state executive committee and the
1927 Secretary of State of the existence of such agreement.

1928 (b) If it is eligible under Section 23-15-266, the
1929 municipal executive committee may enter into a written agreement
1930 with the municipal clerk or the municipal election commission
1931 authorizing the municipal clerk or the municipal election
1932 commission to perform any of the duties required of the municipal
1933 executive committee pursuant to this section. Any agreement
1934 entered into pursuant to this subsection shall be signed by the
1935 chair of the municipal executive committee and the municipal clerk
1936 or the chair of the municipal election commission, as appropriate.
1937 The municipal executive committee shall notify the state executive
1938 committee and the Secretary of State of the existence of such
1939 agreement.

1940 (3) Any person charged with any of the duties prescribed in
1941 this section who shall willfully or with culpable carelessness
1942 violate the same shall be guilty of a misdemeanor.

1943 **SECTION 50.** Section 23-15-353, Mississippi Code of 1972, is
1944 amended as follows:



1945 23-15-353. The officer charged with printing and
1946 distributing the official ballot shall ascertain from the
1947 registrar, at least ten (10) days before the day * * * early
1948 voting for that election begins, the number of registered voters
1949 in each voting precinct; and he or she shall have printed and
1950 distributed a sufficient number of ballots for use in each
1951 precinct.

1952 **SECTION 51.** Section 23-15-357, Mississippi Code of 1972, is
1953 amended as follows:

1954 23-15-357. On the back and outside of the ballot shall be
1955 printed the words "OFFICIAL BALLOT," the name of the voting
1956 precinct or place for which the ballot is prepared, * * * the date
1957 of the election and the date of the period for early voting.

1958 **SECTION 52.** Section 23-15-359, Mississippi Code of 1972, is
1959 amended as follows:

1960 23-15-359. (1) Except as provided in this section, the
1961 ballot shall contain the names of all party nominees certified by
1962 the appropriate executive committee, and independent and special
1963 election candidates who have timely filed petitions containing the
1964 required signatures and assessments that must be paid pursuant to
1965 Section 23-15-297, if the candidates and nominees meet all of the
1966 qualifications to hold the office sought. A petition requesting
1967 that an independent or special election candidate's name be placed
1968 on the ballot for any office shall be filed as provided for in
1969 subsection (3) or (4) of this section, as appropriate, and shall



1970 be signed by not less than the following number of qualified
1971 electors:

1972 (a) For an office elected by the state at large, not
1973 less than one thousand (1,000) qualified electors.

1974 (b) For an office elected by the qualified electors of
1975 a Supreme Court district, not less than three hundred (300)
1976 qualified electors.

1977 (c) For an office elected by the qualified electors of
1978 a congressional district, not less than two hundred (200)
1979 qualified electors.

1980 (d) For an office elected by the qualified electors of
1981 a circuit or chancery court district, not less than one hundred
1982 (100) qualified electors.

1983 (e) For an office elected by the qualified electors of
1984 a senatorial or representative district, not less than fifty (50)
1985 qualified electors.

1986 (f) For an office elected by the qualified electors of
1987 a county, not less than fifty (50) qualified electors.

1988 (g) For an office elected by the qualified electors of
1989 a supervisors district or justice court district, not less than
1990 fifteen (15) qualified electors.

1991 (h) For the Office of President of the United States, a
1992 party nominee or independent candidate shall pay an assessment in
1993 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).



1994 (2) (a) Unless the petition or fee, whichever is
1995 applicable, required above shall be filed as provided for in
1996 subsection (3), (4) or (5) of this section, as appropriate, the
1997 name of the person requested to be a candidate, unless nominated
1998 by a political party, shall not be placed upon the ballot. The
1999 ballot shall contain the names of each candidate for each office,
2000 and the names shall be listed under the name of the political
2001 party that candidate represents as provided by law and as
2002 certified to the circuit clerk by the state executive committee of
2003 the political party. In the event the candidate qualifies as an
2004 independent as provided in this section, he or she shall be listed
2005 on the ballot as an independent candidate.

2006 (b) The name of an independent or special election
2007 candidate who dies before the printing of the ballots, shall not
2008 be placed on the ballots.

2009 (3) Petitions for offices described in paragraphs (a), (b),
2010 (c), (d) and (e) of subsection (1) of this section shall be filed
2011 with the Secretary of State by no later than 5:00 p.m. on the same
2012 date or business day, as applicable, by which candidates are
2013 required to pay the fee provided for in Section 23-15-297;
2014 however, no petition may be filed before January 1 of the year in
2015 which the election for the office is held.

2016 (4) Petitions for offices described in paragraphs (f) and
2017 (g) of subsection (1) of this section shall be filed with the
2018 proper circuit clerk by no later than 5:00 p.m. on the same date



2019 by which candidates are required to pay the fee provided for in
2020 Section 23-15-297; however, no petition may be filed before
2021 January 1 of the year in which the election for the office is
2022 held. The circuit clerk shall notify the county election
2023 commissioners of all persons who have filed petitions with the
2024 clerk. The notification shall occur within two (2) business days
2025 and shall contain all necessary information.

2026 (5) The assessment for the office described in paragraph (h)
2027 of subsection (1) of this section shall be paid to the Secretary
2028 of State. The Secretary of State shall deposit any qualifying
2029 fees received from candidates into the Elections Support Fund
2030 established in Section 23-15-5.

2031 (6) The election commissioners may also have printed upon
2032 the ballot any local issue election matter that is authorized to
2033 be * * * voted on * * * during the period for voting for the
2034 regular or general election pursuant to Section 23-15-375;
2035 however, the ballot form of the local issue must be filed with the
2036 election commissioners by the appropriate governing authority not
2037 less than sixty (60) days before the date * * * the early voting
2038 period begins for the election.

2039 (7) The provisions of this section shall not apply to
2040 municipal elections or to the election of the offices of justice
2041 of the Supreme Court, judge of the Court of Appeals, circuit
2042 judge, chancellor, county court judge and family court judge.



2043 (8) Nothing in this section shall prohibit special elections
2044 to fill vacancies in either house of the Legislature from being
2045 held as provided in Section 23-15-851. In all elections conducted
2046 under the provisions of Section 23-15-851, there shall be printed
2047 on the ballot the name of any candidate who, not having been
2048 nominated by a political party, shall have been requested to be a
2049 candidate for any office by a petition filed with the Secretary of
2050 State and signed by not less than fifty (50) qualified electors.

2051 (9) (a) The appropriate election commission shall determine
2052 whether each candidate is a qualified elector of the state, state
2053 district, county or county district they seek to serve, and
2054 whether each candidate meets all other qualifications to hold the
2055 office he or she is seeking or presents absolute proof that he or
2056 she will, subject to no contingencies, meet all qualifications on
2057 or before the date * * * the early voting period begins for the
2058 general or special election at which he or she could be elected to
2059 office. The election commission shall determine whether the
2060 candidate has taken the steps necessary to qualify for more than
2061 one (1) office at the election. The election commission also
2062 shall determine whether any candidate has been convicted (i) of
2063 any felony in a court of this state, (ii) on or after December 8,
2064 1992, of any offense in another state which is a felony under the
2065 laws of this state, (iii) of any felony in a federal court on or
2066 after December 8, 1992, or (iv) of any offense that involved the
2067 misuse or abuse of his or her office or money coming into his or



2068 her hands by virtue of the office. Excepted from the above are
2069 convictions of manslaughter and violations of the United States
2070 Internal Revenue Code or any violations of the tax laws of this
2071 state.

2072 (b) If the appropriate election commission finds that a
2073 candidate either (i) is not a qualified elector, (ii) does not
2074 meet all qualifications to hold the office he or she seeks and
2075 fails to provide absolute proof, subject to no contingencies, that
2076 he or she will meet the qualifications on or before the date * * *
2077 the early voting period begins the general or special election at
2078 which he or she could be elected, or (iii) has been convicted of a
2079 felony or other disqualifying offense as described in paragraph
2080 (a) of this subsection, and not pardoned, then the election
2081 commission shall notify the candidate and give the candidate an
2082 opportunity to be heard. The election commission shall mail
2083 notice to the candidate at least three (3) business days before
2084 the hearing to the address provided by the candidate on the
2085 qualifying forms, and the committee shall attempt to contact the
2086 candidate by telephone, email and facsimile if the candidate
2087 provided this information on the forms. If the candidate fails to
2088 appear at the hearing or to prove that he or she meets all
2089 qualifications to hold the office subject to no contingencies,
2090 then the name of such candidate shall not be placed upon the
2091 ballot. If the appropriate election commission determines that
2092 the candidate has taken the steps necessary to qualify for more



2093 than one (1) office at the election, the action required by
2094 Section 23-15-905, shall be taken.

2095 (10) If after the deadline to qualify as a candidate for an
2096 office or after the time for holding any party primary for an
2097 office, only one (1) person has duly qualified to be a candidate
2098 for the office in the general election, the name of that person
2099 shall be placed on the ballot; provided, however, that if not more
2100 than one (1) person duly qualified to be a candidate for each
2101 office on the general election ballot, the election for all
2102 offices on the ballot shall be dispensed with and the appropriate
2103 election commission shall declare each candidate elected without
2104 opposition if the candidate meets all the qualifications to hold
2105 the office as determined pursuant to a review by the election
2106 commission in accordance with the provisions of subsection (9) of
2107 this section and if the candidate has filed all required campaign
2108 finance disclosure reports as required by Section 23-15-807.

2109 (11) The petition required by this section may not be filed
2110 by using the Internet.

2111 **SECTION 53.** Section 23-15-363, Mississippi Code of 1972, is
2112 amended as follows:

2113 23-15-363. After the proper officer has knowledge of or has
2114 been notified of the nomination, as provided, of any candidate for
2115 office, the officer shall not omit his or her name from the
2116 ballot, unless upon the written request of the candidate
2117 nominated, made at least ten (10) days before the early voting



2118 period for the election begins, and in no case after * * * the
2119 ballot has been printed; and every ballot shall contain the names
2120 of all candidates nominated as specified, and not duly withdrawn.

2121 **SECTION 54.** Section 23-15-367, Mississippi Code of 1972, is
2122 amended as follows:

2123 23-15-367. (1) Except as otherwise provided by Sections
2124 23-15-974 through 23-15-985 and subsection (2) of this section,
2125 the size, print and quality of paper of the official ballot is
2126 left to the discretion of the officer charged with printing the
2127 official ballot.

2128 (2) The titles for the various offices shall be listed in
2129 the following order:

2130 (a) Candidates, electors or delegates for the following
2131 national offices:

2132 (i) President;

2133 (ii) United States Senator or United States
2134 Representative;

2135 (b) Candidates for the following statewide office:
2136 Governor, Lieutenant Governor, Secretary of State, Attorney
2137 General, State Treasurer, Auditor of Public Accounts, Commissioner
2138 of Agriculture and Commerce, Commissioner of Insurance;

2139 (c) Candidates for the following state district
2140 offices: Mississippi Transportation Commissioner, Public Service
2141 Commissioner, District Attorney;



- 2142 (d) Candidates for the following legislative offices:
2143 Senate and House of Representatives;
2144 (e) Candidates for countywide office;
2145 (f) Candidates for county district office.

2146 The order in which the titles for the various offices are
2147 listed within paragraphs (e) and (f) is left to the discretion of
2148 the county election commissioners. Nominees of the political
2149 parties, qualified to conduct primary elections as defined in
2150 Section 23-15-291, shall be listed first alphabetically by the
2151 candidate's last name, followed by any other candidates listed
2152 alphabetically by last name.

2153 (3) It is the duty of the Secretary of State, with the
2154 approval of the Governor, to furnish the designated election
2155 commissioner of each county a sample of the official ballot, not
2156 less than fifty-five (55) days before the early voting period
2157 begins for the election, the general form of which shall be
2158 followed as nearly as practicable.

2159 **SECTION 55.** Section 7-3-39, Mississippi Code of 1972, is
2160 amended as follows:

2161 7-3-39. The Secretary of State shall have published in full
2162 each constitutional amendment two (2) weeks * * * before the
2163 period for early voting for the election begins, if early voting
2164 is authorized for that election, at which the qualified electors
2165 shall vote on * * * the amendments, in each county in each
2166 newspaper having a general circulation in the county, as defined



2167 in Section 13-3-31; or * * * the Secretary of State shall have
2168 each amendment posted in three (3) public places in the county if
2169 all * * * the newspapers in the county refuse to publish same at
2170 the price provided in Section 7-3-41.

2171 **SECTION 56.** Section 23-15-511, Mississippi Code of 1972, is
2172 amended as follows:

2173 23-15-511. The ballots shall, as far as practicable, be in
2174 the same order of arrangement as provided for paper ballots that
2175 are to be counted manually, except that the information may be
2176 printed in vertical or horizontal rows. Nothing in this chapter
2177 shall be construed as prohibiting the information being presented
2178 to the voters from being printed on both sides of a single ballot.
2179 In those years when a special election shall occur * * * during
2180 the same voting period as the general election, the names of
2181 candidates in any special election and the general election shall
2182 be placed on the same ballot by the election commissioners or
2183 officials in charge of the election, but the general election
2184 candidates shall be clearly distinguished from the special
2185 election candidates. At any time a special election is * * *
2186 during the same voting period as a party primary election, the
2187 names of the candidates in the special election may be placed on
2188 the same ballot by the officials in charge of the election, but
2189 shall be clearly distinguished as special election candidates or
2190 primary election candidates.



2191 Ballots shall be printed in plain clear type in black ink and
2192 upon clear white materials of such size and arrangement as to be
2193 compatible with the OMR equipment. Absentee ballots shall be
2194 prepared and printed in the same form and shall be on the same
2195 size and texture as the regular official ballots, except that they
2196 shall be printed on tinted paper; or the ink used to print the
2197 ballots shall be of a color different from that of the ink used to
2198 print the regular official ballots. Arrows may be printed on the
2199 ballot to indicate the place to mark the ballot, which may be to
2200 the right or left of the names of candidates and propositions.
2201 The titles of offices may be arranged in vertical columns on the
2202 ballot and shall be printed above or at the side of the names of
2203 candidates so as to indicate clearly the candidates for each
2204 office and the number to be elected. In case there are more
2205 candidates for an office than can be printed in one (1) column,
2206 the ballot shall be clearly marked that the list of candidates is
2207 continued on the following column. The names of candidates for
2208 each office shall be printed in vertical columns, grouped by the
2209 offices that they seek. In partisan elections, the party
2210 designation of each candidate, which may be abbreviated, shall be
2211 printed following his or her name.

2212 One (1) sample ballot, which shall be a facsimile of the
2213 official ballot and instructions to the voters, shall be provided
2214 for each precinct and shall be posted in each polling place during
2215 early voting and on election day.



2216 A separate ballot security envelope or suitable equivalent in
2217 which the voter can place his or her ballot after voting, shall be
2218 provided to conceal the choices the voter has made. Absentee
2219 voters will receive a similar ballot security envelope provided by
2220 the county in which the absentee voter will insert their voted
2221 ballot, which then can be inserted into a return envelope to be
2222 mailed back to the election official. Absentee ballots will not
2223 be required to be folded when a ballot security envelope is
2224 provided.

2225 **SECTION 57.** Section 23-15-515, Mississippi Code of 1972, is
2226 amended as follows:

2227 23-15-515. The circuit clerk shall be the custodian of OMR
2228 equipment acquired by the county, who shall be charged with the
2229 proper storage, maintenance and repair of the OMR equipment. The
2230 municipal clerk shall be the custodian of the OMR equipment
2231 acquired by the municipality, and shall be charged with the proper
2232 storage, maintenance and repair of the OMR equipment. The
2233 custodian or the officials in charge of the election shall repair
2234 or replace any OMR equipment which fails to function properly
2235 during the early voting period or on election day.

2236 **SECTION 58.** Section 23-15-531.6, Mississippi Code of 1972,
2237 is amended as follows:

2238 23-15-531.6. (1) For each primary or general election, the
2239 officials in charge of the election shall use at least
2240 seventy-five percent (75%) of all DRE units available to the



2241 county or municipality, as the case may be. For all other
2242 elections in which the officials in charge of the election choose
2243 to use DRE units, at least one-third (1/3) of all DRE units
2244 available to the county or municipality, as the case may be, shall
2245 be used in such elections.

2246 (2) The officials in charge of the election shall ensure the
2247 delivery of the proper DRE units to the polling places of the
2248 respective precincts at least one (1) hour before the time for
2249 opening the polls during the early voting period and at each
2250 election and shall cause each unit to be set up in the proper
2251 manner for use in voting.

2252 (3) (a) On or before the second day before the early voting
2253 period begins and before any election day, the officials in charge
2254 of the conduct of the election shall cause each DRE unit to be
2255 tested for logic and accuracy to ascertain that the units will
2256 correctly count the votes cast for all offices and on all
2257 questions, in a manner the Secretary of State may further
2258 prescribe by rule or regulation.

2259 (b) Public notice of the time and place of the test
2260 shall be made at least five (5) days before the date of the test.
2261 Candidates, representatives of candidates, political parties, news
2262 media and the public shall be permitted to observe the testing of
2263 the DRE units.



2264 (4) The officials in charge of the conduct of the election
2265 shall test all memory cards and encoders to be used in any
2266 election.

2267 (5) The officials in charge of the election shall require
2268 that each DRE unit be inspected and sealed before the delivery of
2269 each DRE unit to the polling place. Before opening the polls each
2270 day on which the DRE units will be used * * * during an election
2271 or the period for early voting, the poll manager shall break the
2272 seal on each unit, turn on each unit, certify that each unit is
2273 operating properly and is set to zero, and print a zero tape
2274 certifying that each unit is set to zero and shall keep or record
2275 such certification on each unit.

2276 (6) The officials in charge of the election, election
2277 commissioners and poll managers shall provide ample protection
2278 against molestation of and injury to the DRE units, and, for that
2279 purpose, the officials in charge of the election, election
2280 commissioners and poll managers may call upon any law enforcement
2281 officer to furnish any assistance that may be necessary. It shall
2282 be the duty of any law enforcement officer to furnish assistance
2283 when so requested by the officials in charge of the election,
2284 election commissioner or poll manager.

2285 (7) The officials in charge of the election, in conjunction
2286 with the governing authorities, shall, at least one (1) hour
2287 before opening the polls for early voting and on election day:



2288 (a) Provide sufficient lighting to enable electors to
2289 read the ballot and to enable poll managers to examine the booth
2290 and conduct their responsibilities;

2291 (b) Provide directions for voting on the DRE units that
2292 shall be prominently posted within each voting booth and provide
2293 at least one (1) sample ballot for each primary or general
2294 election shall be prominently posted outside the enclosed space
2295 within the polling place;

2296 (c) Ensure that each DRE unit and its tabulating
2297 mechanism is secure throughout the day; and

2298 (d) Provide such other materials and supplies as may be
2299 necessary or required by law.

2300 **SECTION 59.** Section 23-15-545, Mississippi Code of 1972, is
2301 amended as follows:

2302 23-15-545. At each election, at least one (1) poll manager
2303 shall be charged with writing in the pollbook the word "VOTED," in
2304 the column having at its head the date of the early voting period
2305 or the date of the election, opposite the name of each elector
2306 upon return of a marked paper ballot by the elector with the
2307 initials of the initialing poll manager or alternate initialing
2308 poll manager affixed thereon. When a DRE unit is used in the
2309 polling place, the word "VOTED" shall be marked by at least one
2310 (1) poll manager in the pollbook in the column having at its head
2311 the date of the election, opposite the name of the elector.



2312 **SECTION 60.** Section 23-15-573, Mississippi Code of 1972, is
2313 amended as follows:

2314 23-15-573. (1) If any person declares that he or she is a
2315 registered voter in the jurisdiction in which he or she offers to
2316 vote and that he or she is eligible to vote during the early
2317 voting period in the election, but his or her name does not
2318 appear upon the pollbooks, or that he or she is not able to cast a
2319 regular early voting day or election day ballot under a provision
2320 of state or federal law but is otherwise qualified to vote, or
2321 that he or she has been illegally denied registration, or that he
2322 or she is unable to present an acceptable form of photo
2323 identification:

2324 (a) A poll manager shall notify the person that he or
2325 she may cast an affidavit ballot * * * during the election.

2326 (b) The person shall be permitted to cast an affidavit
2327 ballot at the polling place upon execution of a written affidavit
2328 before one (1) of the poll managers stating that the individual:

2329 (i) Believes he or she is a registered voter in
2330 the jurisdiction in which he or she desires to vote and is
2331 eligible to vote * * * during the election; or

2332 (ii) Is not able to cast a regular early voting
2333 day or election day ballot under a provision of state or federal
2334 law but is otherwise qualified to vote; or

2335 (iii) Believes that he or she has been illegally
2336 denied registration; or



2337 (iv) Is unable to present an acceptable form of
2338 photo identification.

2339 (c) The poll manager shall allow the individual to mark
2340 a paper ballot properly endorsed by the initialing poll manager or
2341 alternate initialing poll manager in accordance with Section
2342 23-15-541, which shall be delivered by him or her to the proper
2343 election official who shall enclose it in an affidavit ballot
2344 envelope, with the written and signed affidavit of the voter
2345 affixed to the envelope, seal the envelope and mark plainly upon
2346 it the name of the person offering to vote.

2347 (2) The affidavit ballot envelope shall include:

2348 (a) The complete name of the voter;

2349 (b) A present and previous physical and mailing address
2350 of the voter;

2351 (c) Telephone numbers where the voter may be contacted;

2352 (d) A statement that the affiant believes he or she is
2353 registered to vote in the jurisdiction in which he or she offers
2354 to vote;

2355 (e) The signature of the affiant; and

2356 (f) The signature of the poll manager at the polling
2357 place at which the affiant offers to vote.

2358 (3) (a) A separate receipt book shall be maintained for
2359 affidavit voters and the affidavit voters shall sign the receipt
2360 book upon completing the affidavit ballot.



2361 (b) If the affidavit voter is casting an affidavit
2362 ballot because the voter is unable to present an acceptable form
2363 of photo identification and the voter's name appears in the
2364 pollbook, then the poll manager shall write "NO ID" across from
2365 the voter's name and in the appropriate column in the pollbook.

2366 (c) In canvassing the returns of the election, the
2367 executive committee in primary elections, or the election
2368 commissioners in other elections, shall examine the records and
2369 allow the ballot to be counted, or not counted as it appears
2370 legal.

2371 (d) An affidavit ballot of a voter who was unable to
2372 present an acceptable form of photo identification shall not be
2373 rejected for this reason if the voter does either of the
2374 following:

2375 (i) Returns to the circuit clerk's office, or to
2376 the municipal clerk's office for municipal elections, within five
2377 (5) business days after the date * * * the person voted during the
2378 election and presents an acceptable form of photo identification;

2379 (ii) Returns to the circuit clerk's office within
2380 five (5) business days after the date of the election to obtain
2381 the Mississippi Voter Identification Card, or in municipal
2382 election, returns to the municipal clerk's office within five (5)
2383 business days after the date * * * the person voted during the
2384 election to present his or her Mississippi Voter Identification
2385 Card or Temporary Mississippi Voter Identification Card; or



2386 (iii) Returns to the circuit clerk's office, or to
2387 the municipal clerk's office for municipal elections, within five
2388 (5) business days after the date * * * the person voted during the
2389 election to execute a separate Affidavit of Religious Objection.

2390 (4) When a person is offered the opportunity to vote by
2391 affidavit ballot, he or she shall be provided with written
2392 information that informs the person how to ascertain whether his
2393 or her affidavit ballot was counted and, if the vote was not
2394 counted, the reasons the vote was not counted.

2395 (5) The officials in charge of the election shall process
2396 all affidavit ballots by using the Statewide Elections Management
2397 System. The officials in charge of the election shall account for
2398 all affidavit ballots cast in each election, categorizing the
2399 affidavit ballots cast by reason and recording the total number of
2400 affidavit ballots counted and not counted in each such category in
2401 the Statewide Elections Management System.

2402 (6) The Secretary of State shall, by rule duly adopted,
2403 establish a uniform affidavit ballot envelope that shall be used
2404 in all elections in this state. The Secretary of State shall
2405 print and distribute a sufficient number of affidavit ballot
2406 envelopes to the registrar of each county for use in elections.
2407 The registrar shall distribute the affidavit ballot envelopes to
2408 municipal and county executive committees for use in primary
2409 elections and to municipal and county election commissioners for
2410 use in all other elections.



2411 (7) County registrars and municipal registrars shall
2412 maintain a secure free access system that complies with the Help
2413 America Vote Act of 2002, by which persons who vote by affidavit
2414 ballot may determine if their ballots were counted, and if not,
2415 the reasons the ballot was not counted.

2416 (8) Any person who votes * * * during any election as a
2417 result of a federal or state court order or other order extending
2418 the time established by law for closing the polls on an election
2419 day, may only vote by affidavit ballot. Any affidavit ballot cast
2420 under this subsection shall be separated and kept apart from other
2421 affidavit ballots cast by voters not affected by the order.

2422 **SECTION 61.** Section 23-15-613, Mississippi Code of 1972, is
2423 amended as follows:

2424 23-15-613. (1) As used in this section "residual votes"
2425 means overvotes, undervotes and any other vote not counted for any
2426 reason.

2427 (2) For every election, election commissions and county and
2428 municipal executive committees shall report to the Secretary of
2429 State residual vote information; however, if the voting
2430 devices * * * used in the election do not produce a ballot, other
2431 information shall be reported as required in this section.

2432 (3) For every election, election commissions and county and
2433 municipal executive committees responsible for the conduct of
2434 elections in which ballots are generated that are counted by hand
2435 or by OMR equipment or the tabulating mechanism of a DRE unit



2436 shall report to the Secretary of State all residual votes for all
2437 candidates and ballot measures in the elections for which they are
2438 responsible for conducting. The residual vote reports shall:

2439 (a) Be received by the Secretary of State no later than
2440 December 15 of the year in which the election is held;

2441 (b) Include any suggested explanation or suspected
2442 cause of the residual votes;

2443 (c) Include a copy of a voided official ballot for the
2444 election as such ballot appeared to voters at the election and
2445 copies of voided affidavit and absentee ballots if they are
2446 different from the official ballot;

2447 (d) Include the total voter turnout for each election,
2448 including the period for early voting, to be determined by
2449 totaling the number of persons signing the receipt book at each
2450 precinct, absentee voters and persons who voted by affidavit
2451 ballot and persons whose ballots were challenged and rejected; and

2452 (e) Include a copy of any printed voting instructions
2453 given or visible to voters * * * during the election and a
2454 description of any verbal instructions and any other evidence of
2455 voter education that was used in the election.

2456 (4) For every election, election commissions and county and
2457 municipal executive committees responsible for the conduct of
2458 election in which voting devices are used that do not generate
2459 ballots that are counted by hand or by OMR equipment or the



2460 tabulating mechanism of a DRE unit, shall file a report with the
2461 Secretary of State which shall:

2462 (a) Be received by the Secretary of State no later than
2463 December 15 of the year in which the election is held;

2464 (b) Include the total voter turnout for each election,
2465 including the period for early voting, to be determined by
2466 totaling the number of persons signing the receipt book at each
2467 precinct, absentee voters and persons who voted by affidavit
2468 ballot and persons whose ballots were challenged and rejected;

2469 (c) Include in the report any anecdotal information
2470 obtained concerning voter problems with the voting equipment or
2471 ballot layout;

2472 (d) Include in the report any suggested explanation or
2473 suspected cause of any difference in the amount of total voter
2474 turnout and the number of counted votes for candidates for various
2475 offices; and

2476 (e) Include a copy of any printed voting instructions
2477 given or visible to voters * * * during the election and a
2478 description of any verbal instructions and any other evidence of
2479 voter education that was used * * * during the election.

2480 (5) Not later than January 31 of the year following the
2481 election, the Secretary of State shall submit a report to the
2482 Governor, Lieutenant Governor and Speaker of the House of
2483 Representatives analyzing the reports required to be filed



2484 pursuant to this section. The analysis shall include the
2485 following:

2486 (a) The performance of each voting device type
2487 used * * * during the election;

2488 (b) Any problems with voter or poll worker instructions
2489 or ballot design and layout that have been identified as a result
2490 of analyzing the reports received;

2491 (c) Recommendations for reducing the number of residual
2492 votes reported; and

2493 (d) Such other information as the Secretary of State
2494 deems beneficial.

2495 (6) The reports required pursuant to this section shall be
2496 in such form as may be required by rules and regulations
2497 promulgated by the Secretary of State.

2498 **SECTION 62.** Section 23-15-781, Mississippi Code of 1972, is
2499 amended as follows:

2500 23-15-781. The number of electors of President and Vice
2501 President of the United States to which this state may be
2502 entitled, shall be chosen by the qualified electors of the state
2503 at large, on the first Tuesday after the first Monday of November
2504 in the year in which an election of President and Vice President
2505 shall occur and during the early voting period.

2506 **SECTION 63.** Section 23-15-785, Mississippi Code of 1972, is
2507 amended as follows:



2508 23-15-785. (1) When presidential electors are to be chosen,
2509 the Secretary of State of Mississippi shall certify to the circuit
2510 clerks of the several counties the names of all candidates for
2511 President and Vice President who are nominated by any national
2512 convention or other like assembly of any political party or by
2513 written petition signed by at least one thousand (1,000) qualified
2514 voters of this state.

2515 (2) The certificate of nomination by a political party
2516 convention must be signed by the presiding officer and secretary
2517 of the convention and by the * * * chair of the state executive
2518 committee of the political party making the nomination. Any
2519 nominating petition, to be valid, must contain the signatures as
2520 well as the addresses of the petitioners. The certificates and
2521 petitions must be filed with the State Board of Election
2522 Commissioners by filing them in the Office of the Secretary of
2523 State by 5:00 p.m. not less than sixty (60) days * * * before the
2524 day * * * early voting begins for the election.

2525 (3) Each certificate of nomination and nominating petition
2526 must be accompanied by a list of the names and addresses of
2527 persons, who shall be qualified voters of this state, equal in
2528 number to the number of presidential electors to be chosen. Each
2529 person so listed shall execute the following statement which shall
2530 be attached to the certificate or petition when it is filed with
2531 the State Board of Election Commissioners: "I do hereby consent
2532 and do hereby agree to serve as elector for President and Vice



2533 President of the United States, if elected to that position, and
2534 do hereby agree that, if so elected, I shall cast my ballot as
2535 such for _____ for President and _____ for Vice President of
2536 the United States" (inserting in * * * the blank spaces the
2537 respective names of the persons named as nominees for * * * the
2538 respective offices in the certificate to which this statement is
2539 attached).

2540 (4) The State Board of Election Commissioners and any other
2541 official charged with the preparation of official ballots shall
2542 place on * * * the official ballots the words "PRESIDENTIAL
2543 ELECTORS FOR (here insert the name of the candidate for President,
2544 the word 'AND' and the name of the candidate for Vice President)"
2545 in lieu of placing the names of such presidential electors on the
2546 official ballots, and a vote cast therefor shall be counted and
2547 shall be in all respects effective as a vote for each of the
2548 presidential electors representing those candidates for President
2549 and Vice President of the United States. In the case of unpledged
2550 electors, the State Board of Election Commissioners and any other
2551 official charged with the preparation of official ballots shall
2552 place on * * * the official ballots the words "UNPLEDGED
2553 ELECTOR(S) (here insert the name(s) of individual unpledged
2554 elector(s) if placed upon the ballot based upon a petition granted
2555 in the manner provided by law stating the individual name(s) of
2556 the elector(s) rather than a slate of electors)."



2557 **SECTION 64.** Section 23-15-807, Mississippi Code of 1972, is
2558 amended as follows:

2559 23-15-807. (a) Each candidate or political committee shall
2560 file reports of contributions and disbursements in accordance with
2561 the provisions of this section. All candidates or political
2562 committees required to report such contributions and disbursements
2563 may terminate the obligation to report only upon submitting a
2564 final report that contributions will no longer be received or
2565 disbursements made and that the candidate or committee has no
2566 outstanding debts or obligations. The candidate, treasurer or
2567 chief executive officer shall sign the report.

2568 (b) Candidates seeking election, or nomination for election,
2569 and political committees making expenditures to influence or
2570 attempt to influence voters for or against the nomination for
2571 election of one or more candidates or balloted measures * * *
2572 during such election, shall file the following reports:

2573 (i) In any calendar year during which there is a
2574 regularly scheduled election, a pre-election report shall be filed
2575 no later than the seventh day before early voting begins for any
2576 election in which the candidate or political committee has
2577 accepted contributions or made expenditures and shall be completed
2578 as of the tenth day before early voting begins for the election;

2579 (ii) In 1987 and every fourth year thereafter, periodic
2580 reports shall be filed no later than the tenth day after April 30,



2581 May 31, June 30, September 30 and December 31, and shall be
2582 completed as of the last day of each period;

2583 (iii) In any calendar years except 1987 and except
2584 every fourth year thereafter, a report covering the calendar year
2585 shall be filed no later than January 31 of the following calendar
2586 year; and

2587 (iv) Except as otherwise provided in the requirements
2588 of paragraph (i) of this subsection (b), unopposed candidates are
2589 not required to file pre-election reports but must file all other
2590 reports required by paragraphs (ii) and (iii) of this subsection
2591 (b).

2592 (c) All candidates for judicial office as defined in Section
2593 23-15-975, or their political committees, shall file periodic
2594 reports in the year in which they are to be elected no later than
2595 the tenth day after April 30, May 31, June 30, September 30 and
2596 December 31.

2597 (d) Each report under this article shall disclose:

2598 (i) For the reporting period and the calendar year, the
2599 total amount of all contributions and the total amount of all
2600 expenditures of the candidate or reporting committee, including
2601 those required to be identified pursuant to paragraph (ii) of this
2602 subsection (d) as well as the total of all other contributions and
2603 expenditures during the calendar year. The reports shall be
2604 cumulative during the calendar year to which they relate;

2605 (ii) The identification of:



2606 1. Each person or political committee who makes a
2607 contribution to the reporting candidate or political committee
2608 during the reporting period, whose contribution or contributions
2609 within the calendar year have an aggregate amount or value in
2610 excess of Two Hundred Dollars (\$200.00) together with the date and
2611 amount of any such contribution;

2612 2. Each person or organization, candidate or
2613 political committee who receives an expenditure, payment or other
2614 transfer from the reporting candidate, political committee or its
2615 agent, employee, designee, contractor, consultant or other person
2616 or persons acting in its behalf during the reporting period when
2617 the expenditure, payment or other transfer to the person,
2618 organization, candidate or political committee within the calendar
2619 year have an aggregate value or amount in excess of Two Hundred
2620 Dollars (\$200.00) together with the date and amount of the
2621 expenditure;

2622 (iii) The total amount of cash on hand of each
2623 reporting candidate and reporting political committee;

2624 (iv) In addition to the contents of reports specified
2625 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2626 political party shall disclose:

2627 1. Each person or political committee who makes a
2628 contribution to a political party during the reporting period and
2629 whose contribution or contributions to a political party within
2630 the calendar year have an aggregate amount or value in excess of



2631 Two Hundred Dollars (\$200.00), together with the date and amount
2632 of the contribution;

2633 2. Each person or organization who receives an
2634 expenditure or expenditures by a political party during the
2635 reporting period when the expenditure or expenditures to the
2636 person or organization within the calendar year have an aggregate
2637 value or amount in excess of Two Hundred Dollars (\$200.00),
2638 together with the date and amount of the expenditure;

2639 (v) Disclosure required under this section of an
2640 expenditure to a credit card issuer, financial institution or
2641 business allowing payments and money transfers to be made over the
2642 Internet must include, by way of detail or separate entry, the
2643 amount of funds passing to each person, business entity or
2644 organization receiving funds from the expenditure.

2645 (e) The appropriate office specified in Section 23-15-805
2646 must be in actual receipt of the reports specified in this article
2647 by 5:00 p.m. on the dates specified in subsection (b) of this
2648 section. If the date specified in subsection (b) of this section
2649 shall fall on a weekend or legal holiday then the report shall be
2650 due in the appropriate office at 5:00 p.m. on the first working
2651 day before the date specified in subsection (b) of this section.
2652 The reporting candidate or reporting political committee shall
2653 ensure that the reports are delivered to the appropriate office by
2654 the filing deadline. The Secretary of State may approve specific
2655 means of electronic transmission of completed campaign finance



2656 disclosure reports, which may include, but not be limited to,
2657 transmission by electronic facsimile (FAX) devices.

2658 (f) (i) If any contribution of more than Two Hundred
2659 Dollars (\$200.00) is received by a candidate or candidate's
2660 political committee after the tenth day, but more than forty-eight
2661 (48) hours before 12:01 a.m. of the day of early voting begins for
2662 the election, the candidate or political committee shall notify
2663 the appropriate office designated in Section 23-15-805, within
2664 forty-eight (48) hours of receipt of the contribution. The
2665 notification shall include:

- 2666 1. The name of the receiving candidate;
- 2667 2. The name of the receiving candidate's political
2668 committee, if any;
- 2669 3. The office sought by the candidate;
- 2670 4. The identification of the contributor;
- 2671 5. The date of receipt;
- 2672 6. The amount of the contribution;
- 2673 7. If the contribution is in-kind, a description
2674 of the in-kind contribution; and
- 2675 8. The signature of the candidate or the treasurer
2676 or chair of the candidate's political organization.

2677 (ii) The notification shall be in writing, and may be
2678 transmitted by overnight mail, courier service, or other reliable
2679 means, including electronic facsimile (FAX), but the candidate or
2680 candidate's committee shall ensure that the notification shall in



2681 fact be received in the appropriate office designated in Section
2682 23-15-805 within forty-eight (48) hours of the contribution.

2683 **SECTION 65.** Section 23-15-833, Mississippi Code of 1972, is
2684 amended as follows:

2685 23-15-833. Except as otherwise provided by law, the first
2686 Tuesday after the first Monday in November of each year shall be
2687 designated the regular special election day, and on that day and
2688 during the period established for early voting an election shall
2689 be held to fill any vacancy in county, county district, and
2690 district attorney elective offices, and any vacancy in the office
2691 of circuit judge or chancellor.

2692 All special elections, or elections to fill vacancies, shall
2693 in all respects be held, conducted and returned in the same manner
2694 as general elections, except that where no candidate receives a
2695 majority of the votes cast in the election, a runoff election
2696 shall be held three (3) weeks after the election. The two (2)
2697 candidates who receive the highest popular votes for the office
2698 shall have their names submitted as the candidates to the runoff
2699 and the candidate who leads in the runoff election shall be
2700 elected to the office. When there is a tie in the first election
2701 of those receiving the next highest vote, these two (2) and the
2702 one receiving the highest vote, none having received a majority,
2703 shall go into the runoff election and whoever leads in the runoff
2704 election shall be entitled to the office.



2705 In those years when the regular special election day shall
2706 occur * * * during the same * * * period of time as the general
2707 election, the names of candidates in any special election and the
2708 general election shall be placed on the same ballot, but shall be
2709 clearly distinguished as general election candidates or special
2710 election candidates. At any time a special election is held * * *
2711 during the same * * * period of time as a party primary election,
2712 the names of the candidates in the special election may be placed
2713 on the same ballot, but shall be clearly distinguished as special
2714 election candidates or primary election candidates.

2715 **SECTION 66.** Section 23-15-843, Mississippi Code of 1972, is
2716 amended as follows:

2717 23-15-843. In case of death, resignation or vacancy from any
2718 cause in the office of district attorney, the unexpired term of
2719 which shall exceed six (6) months, the Governor shall within ten
2720 (10) days after the vacancy occurs issue a proclamation calling an
2721 election to fill a vacancy in the office of district attorney to
2722 be held * * * during the next regular special election * * *
2723 period of time in the district where the vacancy occurred unless
2724 the vacancy occurs in a year in which a general election would
2725 normally be held for that office as provided by law, in which case
2726 the appointed person shall serve the unexpired portion of the
2727 term. Candidates in such a special election shall qualify in the
2728 same manner and be subject to the same time limitations as set
2729 forth in Section 23-15-839. Pending the holding of a special



2730 election, the Governor shall make an emergency appointment to fill
2731 the vacancy until the same shall be filled by election.

2732 **SECTION 67.** Section 23-15-851, Mississippi Code of 1972, is
2733 amended as follows:

2734 23-15-851. (1) Except as otherwise provided in subsection
2735 (2) of this section, within thirty (30) days after vacancies occur
2736 in either house of the Legislature, the Governor shall issue writs
2737 of election to fill the vacancies on a day specified in the writ
2738 of election. At least sixty (60) days' notice shall be given of
2739 the election in each county or part of a county in which the
2740 election shall be held. The qualifying deadline for the election
2741 shall be fifty (50) days before the early voting begins for the
2742 election. Notice of the election shall be posted at the
2743 courthouse and in each supervisors district in the county or part
2744 of county in which such election shall be held for as near sixty
2745 (60) days as may be practicable. The election shall be prepared
2746 for and held as in the case of a general election.

2747 (2) If a vacancy occurs in a calendar year in which the
2748 general election for state officers is held, the Governor may
2749 elect not to issue a writ of election to fill the vacancy.

2750 **SECTION 68.** Section 23-15-853, Mississippi Code of 1972, is
2751 amended as follows:

2752 23-15-853. (1) If a vacancy occurs in the representation in
2753 Congress, the vacancy shall be filled for the unexpired term by a
2754 special election, to be ordered by the Governor, within sixty (60)



2755 days after the vacancy occurs, and held at a time fixed by his or
2756 her order, and which time shall * * * begin not less than sixty
2757 (60) days after the issuance of the order of the Governor, which
2758 shall be directed to the election commissioners of the several
2759 counties of the district, who shall, immediately on the receipt of
2760 the order, give notice of the election by publishing the same in a
2761 newspaper having a general circulation in the county and by
2762 posting the notice at the front door of the courthouse. The order
2763 shall also be directed to the State Board of Election
2764 Commissioners. The election shall be prepared for and conducted,
2765 and returns shall be made, in all respects as provided for a
2766 special election to fill vacancies.

2767 (2) Candidates for the office in such an election must
2768 qualify with the Secretary of State by 5:00 p.m. not less than
2769 fifty (50) days before the * * * early voting period begins for
2770 the election. If the fiftieth day to qualify before an election
2771 falls on a Sunday or legal holiday, the qualification submitted on
2772 the business day immediately following the Sunday or legal holiday
2773 shall be accepted. The election commissioners shall have printed
2774 on the ballot in such special election the name of any candidate
2775 who shall have been requested to be a candidate for the office by
2776 a petition filed with the Secretary of State and personally signed
2777 by not less than one thousand (1,000) qualified electors of the
2778 district. The petition shall be filed by 5:00 p.m. not less than
2779 fifty (50) days before the * * * early voting period begins for



2780 the election. If the fiftieth day to file the petition before an
2781 election falls on a Sunday or legal holiday, the petition filed on
2782 the business day immediately following the Sunday or legal holiday
2783 shall be accepted.

2784 There shall be attached to each petition above provided for,
2785 upon the time of filing with the Secretary of State, a certificate
2786 from the appropriate registrar or registrars showing the number of
2787 qualified electors appearing upon each petition which the
2788 registrar shall furnish to the petitioner upon request.

2789 **SECTION 69.** Section 23-15-855, Mississippi Code of 1972, is
2790 amended as follows:

2791 23-15-855. (1) If a vacancy shall occur in the office of
2792 United States Senator from Mississippi by death, resignation or
2793 otherwise, the Governor shall, within ten (10) days after
2794 receiving official notice of the vacancy, issue a proclamation for
2795 an election to be held in the state to elect a Senator to fill the
2796 remaining unexpired term, provided the unexpired term is more than
2797 twelve (12) months and the election shall * * * begin within
2798 ninety (90) days from the time the proclamation is issued and the
2799 returns of such election shall be certified to the Governor in the
2800 manner set out above for regular elections, unless the vacancy
2801 occurs in a year in which a general state or congressional
2802 election is held, in which event the Governor's proclamation shall
2803 designate the period for conducting the general election * * * as



2804 the time for electing a Senator, and the vacancy shall be filled
2805 by appointment as hereinafter provided.

2806 (2) In case of a vacancy in the office of United States
2807 Senator, the Governor may appoint a Senator to fill the vacancy
2808 temporarily, and if the United States Senate be in session at the
2809 time the vacancy occurs the Governor shall appoint a Senator
2810 within ten (10) days after receiving official notice thereof, and
2811 the appointed Senator shall serve until a successor is elected and
2812 commissioned as provided for in subsection (1) of this section,
2813 provided that such unexpired term as he or she may be appointed to
2814 fill shall be for a longer time than one (1) year, but if for a
2815 shorter time than one (1) year, he or she shall serve for the full
2816 time of the unexpired term and no special election shall be called
2817 by the Governor but a successor shall be elected at the regular
2818 election.

2819 **SECTION 70.** Section 23-15-857, Mississippi Code of 1972, is
2820 amended as follows:

2821 23-15-857. (1) When there is a vacancy in an elective
2822 office in a city, town or village, the unexpired term of which
2823 shall not exceed six (6) months, the same shall be filled by
2824 appointment by the governing authority or remainder of the
2825 governing authority of the city, town or village. The municipal
2826 clerk shall certify the appointment to the Secretary of State and
2827 the appointed person or persons shall be commissioned by the
2828 Governor.



2829 (2) When there is a vacancy in an elective office in a city,
2830 town or village, the unexpired term of which shall exceed six (6)
2831 months, the governing authority or remainder of the governing
2832 authority of the city, town or village shall make and enter on the
2833 minutes an order for an election to be held in the city, town or
2834 village to fill the vacancy and fix a * * * time period upon which
2835 the early voting and election day shall be held. The order shall
2836 be made and entered upon the minutes at the next regular meeting
2837 of the governing authority after the vacancy occurs, or at a
2838 special meeting to be held not later than ten (10) days after the
2839 vacancy occurs, Saturdays, Sundays and legal holidays excluded,
2840 whichever shall occur first. The election shall be held on a date
2841 not less than thirty (30) days nor more than forty-five (45) days
2842 after the date upon which the order is adopted.

2843 Notice of the election shall be given by the municipal clerk
2844 by notice published in a newspaper published in the municipality.
2845 The notice shall be published once each week for three (3)
2846 successive weeks * * * before the date * * * early voting begins
2847 for the election. The first notice shall be published at least
2848 thirty (30) days before * * * early voting begins for the
2849 election. Notice shall also be given by posting a copy of the
2850 notice at three (3) public places in the municipality not less
2851 than twenty-one (21) days before * * * early voting begins for the
2852 election. One (1) of the notices shall be posted at the city,
2853 town or village hall. In the event that there is no newspaper



2854 published in the municipality, such notice shall be published as
2855 provided for above in a newspaper that has a general circulation
2856 within the municipality and by posting as provided for above.
2857 Additionally, the governing authority may publish the notice in
2858 that newspaper for as many additional times as may be deemed
2859 necessary by the governing authority.

2860 Each candidate shall qualify by petition filed with the
2861 municipal clerk by 5:00 p.m. at least twenty (20) days before
2862 the * * * early voting period begins for the election. If the
2863 twentieth day to file the petition before the election falls on a
2864 Sunday or legal holiday, the petition filed on the business day
2865 immediately following the Sunday or legal holiday shall be
2866 accepted. The petition shall be signed by not less than the
2867 following number of qualified electors:

2868 (a) For an office of a city, town, village or municipal
2869 district having a population of one thousand (1,000) or more, not
2870 less than fifty (50) qualified electors.

2871 (b) For an office of a city, town, village or municipal
2872 district having a population of less than one thousand (1,000),
2873 not less than fifteen (15) qualified electors.

2874 No qualifying fee shall be required of any candidate, and the
2875 election shall be held as far as practicable in the same manner as
2876 municipal general elections.

2877 The candidate receiving a majority of the votes cast in the
2878 election shall be elected. If no candidate receives a majority



2879 vote at the election, the two (2) candidates receiving the highest
2880 number of votes shall have their names placed on the ballot for
2881 the election to be held three (3) weeks thereafter. The candidate
2882 receiving a majority of the votes cast in the election shall be
2883 elected. However, if no candidate receives a majority and there
2884 is a tie in the election of those receiving the next highest vote,
2885 those receiving the next highest vote and the candidate receiving
2886 the highest vote shall have their names placed on the ballot for
2887 the election to be held three (3) weeks thereafter, and whoever
2888 receives the most votes cast in the election shall be elected.

2889 Should the election held three (3) weeks thereafter result in
2890 a tie vote, the prevailing candidate shall be decided by a toss of
2891 a coin or by lot fairly and publicly drawn under the supervision
2892 of the election commission.

2893 The clerk of the election commission shall then give a
2894 certificate of election to the person elected, and return to the
2895 Secretary of State a copy of the order of holding the election and
2896 runoff election results, certified by the clerk of the governing
2897 authority. The person elected shall be commissioned by the
2898 Governor.

2899 However, if nineteen (19) days before the * * * early voting
2900 period begins for the election only one (1) person shall have
2901 qualified as a candidate, the governing authority, or remainder of
2902 the governing authority, shall dispense with the election and
2903 appoint that one (1) candidate in lieu of an election. In the



2904 event no person shall have qualified by 5:00 p.m. at least twenty
2905 (20) days before * * * the early voting period begins for the
2906 election, the governing authority or remainder of the governing
2907 authority shall dispense with the election and fill the vacancy by
2908 appointment. The clerk of the governing authority shall certify
2909 the appointment to the Secretary of State, and the appointed
2910 person shall be commissioned by the Governor.

2911 **SECTION 71.** Section 23-15-859, Mississippi Code of 1972, is
2912 amended as follows:

2913 23-15-859. Whenever under any statute a special election is
2914 required or authorized to be held in any municipality, and the
2915 statute authorizing or requiring the election does not specify the
2916 time within which the election shall be called, or the notice
2917 which shall be given, the governing authorities of the
2918 municipality shall, by resolution, fix a date upon which the
2919 election shall be held. The date shall not be less than
2920 twenty-one (21) nor more than thirty (30) days after the date upon
2921 which such resolution is adopted, and not less than three (3)
2922 weeks' notice of the election shall be given by the clerk by a
2923 notice published in a newspaper published in the municipality once
2924 each week for three (3) weeks next * * * before the * * * early
2925 voting period begins for the election, and by posting a copy of
2926 the notice at three (3) public places in the municipality.
2927 Nothing herein, however, shall be applicable to elections on the
2928 question of the issuance of the bonds of a municipality or to



2929 general or primary elections for the election of municipal
2930 officers.

2931 The provisions of this section shall be applicable to all
2932 municipalities of this state, whether operating under a code
2933 charter, special charter or the commission form of government,
2934 except in cases of conflicts between the provisions of the section
2935 and the provisions of the special charter of a municipality, or
2936 the law governing the commission form of government, in which
2937 cases of conflict the provisions of the special charter or the
2938 statutes relative to the commission form of government shall
2939 apply.

2940 **SECTION 72.** Section 23-15-895, Mississippi Code of 1972, is
2941 amended as follows:

2942 23-15-895. No candidate for an elective office, or any
2943 representative of such candidate, and no proponent or opponent of
2944 any constitutional amendment, local issue or other measure printed
2945 on the ballot may post or distribute cards, posters or other
2946 campaign literature within one hundred fifty (150) feet of any
2947 entrance of the building wherein early voting or any election is
2948 being held. No candidate or a representative named by him or her
2949 in writing may appear at any polling place while armed or
2950 uniformed, or display any badge or credentials except as may be
2951 issued by the manager of the polling place. As used in this
2952 section, the term "local issue" shall have the meaning ascribed to



2953 such term in Section 23-15-375. This section shall be enforced by
2954 election officials and law enforcement officials.

2955 **SECTION 73.** Section 23-15-913, Mississippi Code of 1972, is
2956 amended as follows:

2957 23-15-913. The judges listed and selected to hear election
2958 disputes, as provided in Section 23-15-951, shall be available
2959 during early voting and on election day to immediately hear and
2960 resolve any election * * * disputes. The rules for filing
2961 pleadings shall be relaxed to carry out the purposes of this
2962 section. The judges selected shall perform no other judicial
2963 duties * * * during the election * * * period. The Supreme Court
2964 shall make judges available to hear disputes in the county in
2965 which the disputes occur but no judge shall hear disputes in the
2966 district or county in which he or she was elected nor shall any
2967 judge hear any dispute in which any potential conflict may arise.
2968 Each judge shall be fair and impartial and shall be assigned on
2969 that basis.

2970 **SECTION 74.** Section 23-15-963, Mississippi Code of 1972, is
2971 amended as follows:

2972 23-15-963. (1) Any person desiring to contest the
2973 qualifications of another person who has qualified pursuant to the
2974 provisions of Section 23-15-359 * * * as a candidate for any
2975 office elected at a general election, shall file a petition
2976 specifically setting forth the grounds of the challenge not later
2977 than thirty-one (31) days after the date of the first primary



2978 election set forth in Section 23-15-191 * * *. * * * The petition
2979 shall be filed with the same body with whom the candidate in
2980 question qualified pursuant to Section 23-15-359 * * *.

2981 (2) Any person desiring to contest the qualifications of
2982 another person who has qualified pursuant to the provisions of
2983 Section 23-15-213 * * * as a candidate for county election
2984 commissioner elected at a general election, shall file a petition
2985 specifically setting forth the grounds of the challenge no later
2986 than sixty (60) days * * * before the period for early voting
2987 begins for the general election. * * * The petition shall be
2988 filed with the county board of supervisors, being the same body
2989 with whom the candidate in question qualified pursuant to Section
2990 23-15-213 * * *.

2991 (3) Any person desiring to contest the qualifications of
2992 another person who has qualified pursuant to the provisions of
2993 Section 23-15-361 * * * as a candidate for municipal office
2994 elected on the date designated by law for regular municipal
2995 elections, shall file a petition specifically setting forth the
2996 grounds of the challenge no later than thirty-one (31) days after
2997 the date of the first primary election set forth in Section
2998 23-15-309 * * *. * * * The petition shall be filed with the
2999 municipal election commissioners * * *, being the same body with
3000 whom the candidate in question qualified pursuant to Section
3001 23-15-361 * * *.



3002 (4) Within ten (10) days of receipt of the petition
3003 described in subsections (1), (2) and (3) of this section, the
3004 appropriate election officials shall meet and rule upon the
3005 petition. At least two (2) days before the hearing to consider
3006 the petition, the appropriate election officials shall give notice
3007 to both the petitioner and the contested candidate of the time and
3008 place of the hearing on the petition. Each party shall be given
3009 an opportunity to be heard at such meeting and present evidence in
3010 support of his or her position.

3011 (5) If the appropriate election officials fail to rule upon
3012 the petition within the time required above, such inaction shall
3013 be interpreted as a denial of the request for relief contained in
3014 the petition.

3015 (6) Any party aggrieved by the action or inaction of the
3016 appropriate election officials may file a petition for judicial
3017 review to the circuit court of the county in which the election
3018 officials whose decision is being reviewed sits. * * * The
3019 petition must be filed no later than fifteen (15) days after the
3020 date the petition was originally filed with the appropriate
3021 election officials. * * * The person filing for judicial review
3022 shall give a cost bond in the sum of Three Hundred Dollars
3023 (\$300.00) with two (2) or more sufficient sureties conditioned to
3024 pay all costs in case his or her petition be dismissed, and an
3025 additional bond may be required, by the court, if necessary, at
3026 any subsequent stage of the proceedings.



3027 (7) The circuit court with whom such a petition for judicial
3028 review has been filed shall at the earliest possible date set the
3029 matter for hearing. Notice shall be given to the interested
3030 parties of the time set for hearing by the circuit clerk. The
3031 hearing before the circuit court shall be de novo. The matter
3032 shall be tried to the circuit judge, without a jury. After
3033 hearing the evidence, the circuit judge shall determine whether
3034 the candidate whose qualifications have been challenged is legally
3035 qualified to have his or her name placed upon the ballot in
3036 question. The circuit judge may, upon disqualification of any
3037 such candidate, order that * * * the candidate * * * bear the
3038 court costs of the proceedings.

3039 (8) Within three (3) days after judgment is rendered by the
3040 circuit court, the contestant or contestee, or both, may file an
3041 appeal in the Supreme Court upon giving a cost bond in the sum of
3042 Three Hundred Dollars (\$300.00), together with a bill of
3043 exceptions * * * that shall state the point or points of law at
3044 issue with a sufficient synopsis of the facts to fully disclose
3045 the bearing and relevancy of such points of law. The bill of
3046 exceptions shall be signed by the trial judge, or in case of his
3047 or her absence, refusal or disability, by two (2) disinterested
3048 attorneys, as is provided by law in other cases of bills of
3049 exception. The filing of * * * the appeals shall automatically
3050 suspend the decision of the circuit court and the appropriate
3051 election officials are entitled to proceed based upon their



3052 decision unless and until the Supreme Court, in its discretion,
3053 stays further proceedings in the matter. The appeal shall be
3054 immediately docketed in the Supreme Court and referred to the
3055 court en banc upon briefs without oral argument unless the court
3056 shall call for oral argument, and shall be decided at the earliest
3057 possible date, as a preference case over all others. The Supreme
3058 Court shall have the authority to grant such relief as is
3059 appropriate under the circumstances.

3060 (9) The procedure set forth above shall be the * * * only
3061 manner in which the qualifications of a candidate seeking public
3062 office who qualified pursuant to the provisions of Sections
3063 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
3064 before the time of his or her election. After any such person has
3065 been elected to public office, the election may be challenged as
3066 otherwise provided by law. After any person assumes an elective
3067 office, his or her qualifications to hold that office may be
3068 contested as otherwise provided by law.

3069 **SECTION 75.** Section 23-15-977, Mississippi Code of 1972, is
3070 amended as follows:

3071 23-15-977. (1) Except as otherwise provided in this
3072 section, all candidates for judicial office as defined in Section
3073 23-15-975 of this subarticle shall file their intent to be a
3074 candidate with the proper officials and pay the proper assessment
3075 by not later than 5:00 p.m. on February 1 of the year in which the
3076 general election for the judicial office is held. If February 1



3077 occurs on a Saturday, Sunday or legal holiday, candidates shall
3078 file their intent to be a candidate and pay the proper assessment
3079 by 5:00 p.m. on the business day immediately following the
3080 Saturday, Sunday or legal holiday. Candidates shall pay to the
3081 proper officials the following amounts:

3082 (a) Candidates for Supreme Court justice and Court of
3083 Appeals judge, the sum of Two Hundred Dollars (\$200.00).

3084 (b) Candidates for circuit judge and chancellor, the
3085 sum of One Hundred Dollars (\$100.00).

3086 (c) Candidates for county judge and family court judge,
3087 the sum of Fifteen Dollars (\$15.00).

3088 Candidates for judicial office may not file their intent to
3089 be a candidate and pay the proper assessment before January 1 of
3090 the year in which the election for the judicial office is held.

3091 (2) Candidates for judicial offices listed in paragraphs (a)
3092 and (b) of subsection (1) of this section shall file their intent
3093 to be a candidate with, and pay the proper assessment made
3094 pursuant to subsection (1) of this section to, the State Board of
3095 Election Commissioners.

3096 (3) Candidates for judicial offices listed in paragraph (c)
3097 of subsection (1) of this section shall file their intent to be a
3098 candidate with, and pay the proper assessment made pursuant to
3099 subsection (1) of this section to, the circuit clerk of the proper
3100 county. The circuit clerk shall notify the county election
3101 commissioners of all persons who have filed their intent to be a



3102 candidate with, and paid the proper assessment to, such clerk.
3103 The notification shall occur within two (2) business days and
3104 shall contain all necessary information.

3105 (4) If only one (1) person files his or her intent to be a
3106 candidate for a judicial office and that person later dies,
3107 resigns or is otherwise disqualified from holding the judicial
3108 office after the deadline provided for in subsection (1) of this
3109 section but more than seventy (70) days before the date * * * that
3110 early voting begins for the general election, the Governor, upon
3111 notification of the death, resignation or disqualification of the
3112 person, shall issue a proclamation authorizing candidates to file
3113 their intent to be a candidate for that judicial office for a
3114 period of not less than seven (7) nor more than ten (10) days from
3115 the date of the proclamation.

3116 (5) If only one (1) person qualifies as a candidate for a
3117 judicial office and that person later dies, resigns or is
3118 otherwise disqualified from holding the judicial office within
3119 seventy (70) days before the date * * * that early voting begins
3120 for the general election, the judicial office shall be considered
3121 vacant for the new term and the vacancy shall be filled as
3122 provided in by law.

3123 **SECTION 76.** Section 23-15-1031, Mississippi Code of 1972, is
3124 amended as follows:

3125 23-15-1031. Except as provided by Section 23-15-1081, the
3126 first primary election for * * * members of Congress shall be held



3127 on the first Tuesday in June of the years in which * * * members
3128 of Congress are elected, and a second primary, if necessary, shall
3129 be held three (3) weeks thereafter. Each year in which a
3130 presidential election is held, the congressional primary shall be
3131 held as provided in Section 23-15-1081. The election shall be
3132 held in all districts of the state during the same period for
3133 early voting and on the same day. Candidates for United States
3134 Senator shall be nominated at the congressional primary next
3135 preceding the general election at which a senator is to be elected
3136 and in the same manner that * * * members of Congress are
3137 nominated. The chair and secretary of the state executive
3138 committee shall certify the vote for United States Senator to the
3139 Secretary of State in the same manner that county executive
3140 committees certify the returns of counties in general state and
3141 county primary elections.

3142 **SECTION 77.** Section 23-15-1081, Mississippi Code of 1972, is
3143 amended as follows:

3144 23-15-1081. A presidential preference primary may be held on
3145 the second Tuesday in March of each year in which a President of
3146 the United States is to be elected and during the early voting
3147 period established in this act. Each political party * * * that
3148 has cast for its candidates for President and Vice President in
3149 the previous presidential election more than twenty percent (20%)
3150 of the total vote cast for President and Vice President in the
3151 state, may conduct a presidential preference primary. No elector



3152 shall vote in the primary of more than one (1) political party in
3153 the same presidential preference primary.

3154 **SECTION 78.** Section 23-15-1083, Mississippi Code of 1972, is
3155 amended as follows:

3156 23-15-1083. Beginning in 1988, as an alternative to the
3157 congressional primary election date set forth in Section
3158 23-15-1031, when a political party elects to conduct a
3159 presidential preference primary, the first primary election
3160 for * * * members of Congress, and senators, if senators are to be
3161 elected, shall be held on the second Tuesday in March and during
3162 the early voting period established in this act, and the second
3163 primary, when one is necessary, shall be held three (3) weeks
3164 thereafter, and the election shall be held in all districts of the
3165 state on the same day.

3166 **SECTION 79.** Section 23-15-1085, Mississippi Code of 1972, is
3167 amended as follows:

3168 23-15-1085. The * * * chair of a party's state executive
3169 committee shall notify the Secretary of State if the party intends
3170 to hold a presidential preference primary. The Secretary of State
3171 shall be notified * * * before December 1 of the year preceding
3172 the year in which a presidential preference primary may be held
3173 pursuant to Section 23-15-1081. Upon * * * the notification, the
3174 Secretary of State shall issue a proclamation setting every
3175 party's congressional and senatorial primary elections, including
3176 the period for early voting, that are to be held in the year in



3177 which the presidential preference primary is to be held on the
3178 date provided for in Section 23-15-1083. Once the Secretary of
3179 State has issued a proclamation pursuant to this section, the
3180 dates of the congressional and senatorial primary elections shall
3181 not be changed.

3182 **SECTION 80.** Section 23-15-1091, Mississippi Code of 1972, is
3183 amended as follows:

3184 23-15-1091. When the Secretary of State places the name of a
3185 candidate on the ballot pursuant to Section 23-15-1093, he or she
3186 shall notify the candidate that his or her name will appear on the
3187 ballot of this state in the presidential preference primary
3188 election.

3189 The secretary shall also notify the candidate that he or she
3190 may withdraw his or her name from the ballot by filing with the
3191 Secretary of State an affidavit pursuant to Section 23-15-1095 no
3192 later than the sixtieth day before the period for early voting
3193 begins for that election.

3194 **SECTION 81.** Section 21-3-3, Mississippi Code of 1972, is
3195 amended as follows:

3196 21-3-3. The elective officers of all municipalities
3197 operating under a code charter shall be the mayor, the aldermen,
3198 municipal judge, the marshal or chief of police, the tax collector
3199 and the tax assessor. From and after July 1, 2017, the governing
3200 authorities of the municipality shall appoint a city or town clerk
3201 who shall likewise serve as an officer of the municipality.



3202 However, the governing authorities of the municipality shall have
3203 the power, by ordinance, to combine the office of clerk or marshal
3204 with the office of tax collector and/or tax assessor. * * * The
3205 governing authorities shall have the further power to provide
3206 that * * * any of * * * those officers, except those of mayor and
3207 aldermen, shall be appointive, in which case the marshal or chief
3208 of police, the tax collector, the tax assessor, and the city or
3209 town clerk, or such of * * * the officers as may be made
3210 appointive, shall be appointed by the governing authorities. Any
3211 action taken by the governing authorities to make any of * * * the
3212 offices appointive shall be by ordinance of * * * the
3213 municipality, and no such ordinance shall be adopted within ninety
3214 (90) days * * * before the period for early voting begins for any
3215 regular general election for the election of municipal officers.
3216 No such ordinance shall become effective during the term of office
3217 of any officer whose office shall be affected thereby. If any
3218 such office is made appointive, the person appointed thereto shall
3219 hold office at the pleasure of the governing authorities and may
3220 be discharged by * * * the governing authorities at any time,
3221 either with or without cause, and it shall be discretionary with
3222 the governing authorities whether or not to require * * * the
3223 person appointed thereto to reside within the corporate limits of
3224 the municipality in order to hold * * * the office.

3225 **SECTION 82.** Section 21-9-17, Mississippi Code of 1972, is
3226 amended as follows:



3227 21-9-17. Except as otherwise provided, all candidates for
3228 mayor and councilmen, or any of them, to be voted for * * * during
3229 the periods for holding any general or special municipal election,
3230 shall be nominated by party primary election, and no other name or
3231 names shall be placed on the official ballot at * * * the general
3232 or special election than those selected in the manner prescribed
3233 herein. Such primary election or elections, shall be held not
3234 less than ten (10), nor more than thirty (30) days, * * * before
3235 the general or special election, and * * * the primary election or
3236 elections shall be held and conducted in the manner as near as may
3237 be as is provided by law for state and county primary elections.

3238 **SECTION 83.** Section 37-5-9, Mississippi Code of 1972, is
3239 amended as follows:

3240 37-5-9. The name of any qualified elector who is a candidate
3241 for the county board of education shall be placed on the ballot
3242 used in the general elections by the county election
3243 commissioners, provided that the candidate files with the county
3244 election commissioners, not more than ninety (90) days and not
3245 less than sixty (60) days * * * before the date * * * early voting
3246 begins for the general election, a petition of nomination signed
3247 by not less than fifty (50) qualified electors of the county
3248 residing within each supervisors district. Where there are less
3249 than one hundred (100) qualified electors in * * * the supervisors
3250 district, it shall only be required that * * * the petition of
3251 nomination be signed by at least twenty percent (20%) of the



3252 qualified electors of such supervisors district. The candidate in
3253 each supervisors district who receives the majority of votes cast
3254 in the district shall be declared elected. If no candidate
3255 receives a majority of the votes cast at the election, a runoff
3256 shall be held between the two (2) candidates receiving the highest
3257 number of votes in the first election. The runoff election, in
3258 the event that such is necessary, shall be held three (3) weeks
3259 after the first election.

3260 When any member of the county board of education is to be
3261 elected from the county at large under the provisions of this
3262 chapter, then the petition required by the preceding paragraph
3263 hereof shall be signed by the required number of qualified
3264 electors residing in any part of the county outside of the
3265 territory embraced within a municipal separate school district or
3266 special municipal separate school district. The candidate who
3267 receives the majority of votes cast in the election shall be
3268 declared elected. If no candidate receives a majority of the
3269 votes cast at the election, a runoff shall be held between the two
3270 (2) candidates receiving the highest number of votes in the first
3271 election. The runoff election, in the event that such is
3272 necessary, shall be held three (3) weeks after the first election.

3273 In no case shall any qualified elector residing within a
3274 municipal separate school district or special municipal separate
3275 school district be eligible to sign a petition of nomination for



3276 any candidate for the county board of education under any of the
3277 provisions of this section.

3278 **SECTION 84.** Section 21-8-7, Mississippi Code of 1972, is
3279 amended as follows:

3280 21-8-7. (1) Each municipality operating under the
3281 mayor-council form of government shall be governed by an elected
3282 council and an elected mayor. Other officers and employees shall
3283 be duly appointed pursuant to this chapter, general law or
3284 ordinance.

3285 (2) Except as otherwise provided in subsection (4) of this
3286 section, the mayor and council members shall be elected by the
3287 voters of the municipality at a regular municipal election held on
3288 the first Tuesday after the first Monday in June as provided in
3289 Section 21-11-7, and shall serve for a term of four (4) years
3290 beginning on the first day of July next following the election
3291 that is not on a weekend. Votes for mayor and council members may
3292 also be cast during the period for early voting as provided for in
3293 this act.

3294 (3) The terms of the initial mayor and council members shall
3295 commence at the expiration of the terms of office of the elected
3296 officials of the municipality serving at the time of adoption of
3297 the mayor-council form.

3298 (4) (a) The council shall consist of five (5), seven (7) or
3299 nine (9) members. In the event there are five (5) council
3300 members, the municipality shall be divided into either five (5) or



3301 four (4) wards. In the event there are seven (7) council members,
3302 the municipality shall be divided into either seven (7), six (6)
3303 or five (5) wards. In the event there are nine (9) council
3304 members, the municipality shall be divided into seven (7) or nine
3305 (9) wards. If the municipality is divided into fewer wards than
3306 it has council members, the other council member or members shall
3307 be elected from the municipality at large. The total number of
3308 council members and the number of council members elected from
3309 wards shall be established by the petition or petitions presented
3310 pursuant to Section 21-8-3. One (1) council member shall be
3311 elected from each ward by the voters of that ward. Council
3312 members elected to represent wards must be residents of their
3313 wards at the time of qualification for election, and any council
3314 member who removes the member's residence from the municipality or
3315 from the ward from which elected shall vacate that office.
3316 However, any candidate for council member who is properly
3317 qualified as a candidate under applicable law shall be deemed to
3318 be qualified as a candidate in whatever ward the member resides if
3319 the ward has changed after the council has redistricted the
3320 municipality as provided in paragraph (c)(ii) of this subsection
3321 (4), and if the wards have been so changed, any person may qualify
3322 as a candidate for council member, using the person's existing
3323 residence or by changing the person's residence, not less than
3324 fifteen (15) days before the period for early voting begins for
3325 the first party primary or special party primary, as the case may



3326 be, notwithstanding any other residency or qualification
3327 requirements to the contrary.

3328 (b) The council or board existing at the time of the
3329 adoption of the mayor-council form of government shall designate
3330 the geographical boundaries of the wards within one hundred twenty
3331 (120) days after the election in which the mayor-council form of
3332 government is selected. In designating the geographical
3333 boundaries of the wards, each ward shall contain, as nearly as
3334 possible, the population factor obtained by dividing the
3335 municipality's population as shown by the most recent decennial
3336 census by the number of wards into which the municipality is to be
3337 divided.

3338 (c) (i) It shall be the mandatory duty of the council
3339 to redistrict the municipality by ordinance, which ordinance may
3340 not be vetoed by the mayor, within six (6) months after the
3341 official publication by the United States of the population of the
3342 municipality as enumerated in each decennial census, and within
3343 six (6) months after the effective date of any expansion of
3344 municipal boundaries; however, if the publication of the most
3345 recent decennial census or effective date of an expansion of the
3346 municipal boundaries occurs six (6) months or more before the
3347 first party primary of a general municipal election, then the
3348 council shall redistrict the municipality by ordinance not less
3349 than sixty (60) days before the period for early voting begins for
3350 the first party primary.



3351 (ii) If the publication of the most recent
3352 decennial census occurs less than six (6) months before the first
3353 primary of a general municipal election, the election shall be
3354 held with regard to the existing defined wards; reapportioned
3355 wards based on the census shall not serve as the basis for
3356 representation until the next regularly scheduled election in
3357 which council members shall be elected.

3358 (d) If annexation of additional territory into the
3359 municipal corporate limits of the municipality occurs less than
3360 six (6) months before the first party primary of a general
3361 municipal election, the council shall, by ordinance adopted within
3362 three (3) days of the effective date of the annexation, assign the
3363 annexed territory to an adjacent ward or wards so as to maintain
3364 as nearly as possible substantial equality of population between
3365 wards; any subsequent redistricting of the municipality by
3366 ordinance, as required by this chapter, shall not serve as the
3367 basis for representation until the next regularly scheduled
3368 election for municipal council members.

3369 (5) Vacancies occurring in the council shall be filled as
3370 provided in Section 23-15-857.

3371 (6) The mayor shall maintain an office at the city hall.
3372 The council members shall not maintain individual offices at the
3373 city hall; however, in a municipality having a population of one
3374 hundred thousand (100,000) and above according to the latest
3375 federal decennial census, council members may have individual



3376 offices in the city hall. Clerical work of council members in the
3377 performance of the duties of their office shall be performed by
3378 municipal employees or at municipal expense, and council members
3379 shall be reimbursed for the reasonable expenses incurred in the
3380 performance of the duties of their office.

3381 **SECTION 85.** Section 9-4-5, Mississippi Code of 1972, is
3382 amended as follows:

3383 9-4-5. (1) The term of office of judges of the Court of
3384 Appeals shall be eight (8) years. An election shall be held on
3385 the first Tuesday after the first Monday in November 1994, to
3386 elect the ten (10) judges of the Court of Appeals, two (2) from
3387 each congressional district; provided, however, judges of the
3388 Court of Appeals who are elected to take office after the first
3389 Monday of January 2002, shall be elected from the Court of Appeals
3390 Districts described in subsection (5) of this section. The judges
3391 of the Court of Appeals shall begin service on the first Monday of
3392 January 1995. Votes for judges of the Court of Appeals may be
3393 cast, if applicable, during the period for early voting provided
3394 for in this act.

3395 (2) (a) In order to provide that the offices of not more
3396 than a majority of the judges of * * * the court shall become
3397 vacant at any one (1) time, the terms of office of six (6) of the
3398 judges first to be elected shall expire in less than eight (8)
3399 years. For the purpose of all elections of members of the court,
3400 each of the ten (10) judges of the Court of Appeals shall be



3401 considered a separate office. The two (2) offices in each of the
3402 five (5) districts shall be designated Position Number 1 and
3403 Position Number 2, and in qualifying for office as a candidate for
3404 any office of judge of the Court of Appeals each candidate shall
3405 state the position number of the office to which he or she aspires
3406 and the election ballots shall so indicate.

3407 (i) In Congressional District Number 1, the judge
3408 of the Court of Appeals for Position Number 1 shall be that office
3409 for which the term ends January 1, 1999, and the judge of the
3410 Court of Appeals for Position Number 2 shall be that office for
3411 which the term ends January 1, 2003.

3412 (ii) In Congressional District Number 2, the judge
3413 of the Court of Appeals for Position Number 1 shall be that office
3414 for which the term ends on January 1, 2003, and the judge of the
3415 Court of Appeals for Position Number 2 shall be that office for
3416 which the term ends January 1, 2001.

3417 (iii) In Congressional District Number 3, the
3418 judge of the Court of Appeals for Position Number 1 shall be that
3419 office for which the term ends on January 1, 2001, and the judge
3420 of the Court of Appeals for Position Number 2 shall be that office
3421 for which the term ends January 1, 1999.

3422 (iv) In Congressional District Number 4, the judge
3423 of the Court of Appeals for Position Number 1 shall be that office
3424 for which the term ends on January 1, 1999, and the judge of the



3425 Court of Appeals for Position Number 2 shall be that office for
3426 which the term ends January 1, 2003.

3427 (v) In Congressional District Number 5, the judge
3428 of the Court of Appeals for Position Number 1 shall be that office
3429 for which the term ends on January 1, 2003, and the judge of the
3430 Court of Appeals for Position Number 2 shall be that office for
3431 which the term ends January 1, 2001.

3432 (b) The laws regulating the general elections shall
3433 apply to and govern the elections of judges of the Court of
3434 Appeals except as otherwise provided in Sections 23-15-974 through
3435 23-15-985.

3436 (c) In the year * * * before the expiration of the term
3437 of an incumbent, and likewise each eighth year thereafter, an
3438 election shall be held in the manner provided in this section in
3439 the district from which the incumbent Court of Appeals judge was
3440 elected at which there shall be elected a successor to the
3441 incumbent, whose term of office shall thereafter begin on the
3442 first Monday of January of the year in which the term of the
3443 incumbent he or she succeeds expires.

3444 (3) No person shall be eligible for the office of judge of
3445 the Court of Appeals who has not attained the age of thirty (30)
3446 years at the time of his or her election and who has not been a
3447 practicing attorney and citizen of the state for five (5) years
3448 immediately * * * before the election.



3449 (4) Any vacancy on the Court of Appeals shall be filled by
3450 appointment of the Governor for that portion of the unexpired
3451 term * * * before the election to fill the remainder of * * * the
3452 term according to provisions of Section 23-15-849 * * *.

3453 (5) (a) The State of Mississippi is hereby divided into
3454 five (5) Court of Appeals Districts as follows:

3455 **FIRST DISTRICT.** The First Court of Appeals District shall be
3456 composed of the following counties and portions of counties:
3457 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3458 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3459 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3460 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3461 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3462 Nations and Poplar Creek; in Panola County the precincts of East
3463 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3464 Springport, South Springport, Eureka, Williamson, East Batesville
3465 4, West Batesville 4, Fern Hill, North Batesville A, East
3466 Batesville 5 and West Batesville 5; and in Tallahatchie County the
3467 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3468 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3469 Murphreesboro and Rosebloom.

3470 **SECOND DISTRICT.** The Second Court of Appeals District shall
3471 be composed of the following counties and portions of counties:
3472 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3473 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,



3474 Tunica, Warren, Washington and Yazoo; in Attala County the
3475 precincts of Northeast, Hesterville, Possomneck, North Central,
3476 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3477 County not included in the First Court of Appeals District; in
3478 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3479 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3480 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3481 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3482 precincts of Conway, West Carthage, Wiggins, Thomastown and
3483 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3484 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3485 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3486 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3487 Canton Precinct 1 and Canton Precinct 4; that portion of
3488 Montgomery County not included in the First Court of Appeals
3489 District; that portion of Panola County not included in the First
3490 Court of Appeals District; and that portion of Tallahatchie County
3491 not included in the First Court of Appeals District.

3492 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3493 composed of the following counties and portions of counties:
3494 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3495 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3496 portion of Attala County not included in the Second Court of
3497 Appeals District; in Jones County the precincts of Northwest High
3498 School, Shady Grove, Sharon, Erata, Glade, Myrick School,



3499 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3500 Antioch and Landrum; that portion of Leake County not included in
3501 the Second Court of Appeals District; that portion of Madison
3502 County not included in the Second Court of Appeals District; and
3503 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3504 Diamond, Chaparral, Matherville, Coit and Eucutta.

3505 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3506 be composed of the following counties and portions of counties:
3507 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3508 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3509 that portion of Hinds County not included in the Second Court of
3510 Appeals District; and that portion of Jones county not included in
3511 the Third Court of Appeals District.

3512 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3513 composed of the following counties and portions of counties:
3514 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3515 River, Perry and Stone; and that portion of Wayne County not
3516 included in the Third Court of Appeals District.

3517 (b) The boundaries of the Court of Appeals Districts
3518 described in paragraph (a) of this subsection shall be the
3519 boundaries of the counties and precincts listed in paragraph (a)
3520 of this subsection as such boundaries existed on October 1, 1990.

3521 **SECTION 86.** This act shall take effect and be in force from
3522 and after July 1, in the year following the year in which the



3523 Secretary of State certifies the passage of the constitutional
3524 amendment proposed in HCR 29, 2022 Regular Session.

