

By: Representative Clarke

To: Apportionment and
Elections; Rules

HOUSE BILL NO. 219

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

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

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

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

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

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

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



58 for public office and continue until 5:00 p.m. on Saturday
59 preceding the election day. If the date prescribed for beginning
60 the early voting period falls on a Sunday or state holiday, the
61 early voting period shall begin on the next regular business day.

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

80 (3) Notice of the early voting hours shall be given by the
81 officials in charge of the election not less than eight (8) days
82 before the day early voting begins. The notice shall be posted in



83 three (3) public places within the county or municipality, with
84 one (1) place being the county courthouse in a county election or
85 city hall in a municipal election.

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

212 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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

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

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



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

236 * * *

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

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

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

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

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

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



258 * * *

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

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

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

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

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

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

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

280 _____

281 (Signature of absent elector)



282 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
283 2____.

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

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

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

293 _____
294 (Signature of witness)

295 CERTIFICATE OF DELIVERY

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

300 _____
301 (Signature of person delivering application)

302 _____
303 (Address of person delivering application)"

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



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

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

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



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

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

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

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

343 * * *

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

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



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

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

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



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

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

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



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

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

410 * * *

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

413 23-15-635. (1) The form of the elector's certificate,
414 attesting witness certification and certificate of person
415 providing voter assistance on the back of the envelope used by
416 absentee voters who are not absent voters as defined in Section
417 23-15-673, shall be as follows:

418 "ELECTOR'S CERTIFICATE

419 STATE OF _____

420 COUNTY OF _____

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



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

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

436 _____
437 (Signature of voter)

438 CERTIFICATE OF ATTESTING WITNESS

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

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



453 (Official title) (City and State)

454 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

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

471 _____

472 Signature of person providing assistance

473 _____

474 Printed name of person providing assistance

475 _____

476 Address of person providing assistance

477 _____



478 Date and time assistance provided

479

480 Family relationship to voter (if any)"

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

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

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

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

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



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

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

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

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

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



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

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

547 * * *

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

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



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

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

575 * * *

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



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

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

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

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

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

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



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

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

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

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

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



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

630 * * *

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

637 * * *

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

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



653 parent, spouse or dependent will be with such person during the
654 early voting period or on election day. For purposes of this
655 paragraph (e), "temporary physical disability" shall include any
656 qualified elector who is under a physician-imposed quarantine due
657 to COVID-19 during the year 2020 or is caring for a dependent who
658 is under a physician-imposed quarantine due to COVID-19 beginning
659 with July 8, 2020, and the same being repealed on December 31,
660 2020.

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

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

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

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

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



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

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

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

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



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

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

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

713 * * *

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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



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

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

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

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

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

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

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

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



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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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

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



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

1004 (2) Except as provided in this section, and subject to the
1005 following annual limitations, the election commissioners shall be
1006 entitled to receive a per diem in the amount of One Hundred Ten
1007 Dollars (\$110.00), to be paid from the county general fund, for
1008 every day or period of no less than five (5) hours accumulated
1009 over two (2) or more days actually employed in the performance of
1010 their duties in the conduct of an election or actually employed in
1011 the performance of their duties for the necessary time spent in
1012 the revision of the county voter roll as electronically maintained
1013 by the Statewide Elections Management System as required in
1014 subsection (1) of this section:

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

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



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

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

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

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



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

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

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

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



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

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

1095 (4) (a) The election commissioners shall be entitled to
1096 receive a per diem in the amount of One Hundred Ten Dollars
1097 (\$110.00), to be paid from the county general fund, not to exceed
1098 ten (10) days for every day or period of no less than five (5)
1099 hours accumulated over two (2) or more days actually employed in
1100 the performance of their duties for the necessary time spent in



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

1107 (b) The election commissioners shall be entitled to
1108 receive a per diem in the amount of One Hundred Sixty-five Dollars
1109 (\$165.00), to be paid from the county general fund, for the
1110 performance of their duties on the day of any primary, runoff,
1111 general or special election. The annual limitations set forth in
1112 subsection (2) of this section shall apply to this paragraph.

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

1121 (5) The election commissioners shall be entitled to receive
1122 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
1123 be paid from the county general fund, not to exceed fourteen (14)
1124 days for every day or period of no less than five (5) hours
1125 accumulated over two (2) or more days actually employed in the



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

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

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

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



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

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

1162 The certification form shall be as follows:

1163 **COUNTY ELECTION COMMISSIONER**

1164 **PER DIEM CLAIM FORM**

1165 NAME: _____ COUNTY: _____
1166 ADDRESS: _____ DISTRICT: _____
1167 CITY: _____ ZIP: _____

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

1171 _____
1172 _____
1173 _____

1174 TOTAL NUMBER OF PER DIEM DAYS EARNED

1175 EXCLUDING ELECTION DAYS _____



1176 PER DIEM RATE PER DAY EARNED X \$110.00
1177 TOTAL NUMBER PER DIEM DAYS EARNED
1178 FOR ELECTION DAYS _____
1179 PER DIEM RATE PER DAY EARNED X \$165.00
1180 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

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

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

1186 Signed this the _____ day of _____, ____.
1187 _____

1188 Commissioner's Signature

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

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



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

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

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



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

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



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

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

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



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

1278 23-15-173. (1) A general municipal election shall be held
1279 in each city, town or village on the first Tuesday after the first
1280 Monday of June 1985, and every four (4) years thereafter, for the
1281 election of all municipal officers elected by the people. Early
1282 voting for those general municipal elections shall be conducted as
1283 provided in Sections 1 through 7 of this act.

1284 (2) All municipal general elections shall be held and
1285 conducted in the same manner as is provided by law for state and
1286 county general elections.

1287 (3) The provisions of Sections 23-15-171 and 23-15-173,
1288 which fix the times to hold primary and general elections, shall
1289 not apply to any municipality operating under a special or private
1290 charter where the governing board or authority thereof, on or
1291 before June 25, 1952, shall have adopted and spread upon its
1292 minutes a resolution or ordinance declining to accept the
1293 provisions, in which event the primary and general elections shall
1294 be held at the time fixed by the charter of the municipality.

1295 **SECTION 32.** Section 23-15-191, Mississippi Code of 1972, is
1296 amended as follows:

1297 23-15-191. The first primary shall be held on the first
1298 Tuesday after the first Monday of August preceding any regular or
1299 general election; and the second primary shall be held three (3)
1300 weeks thereafter. Early voting for the primary election shall be



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

1316 **SECTION 33.** Section 23-15-195, Mississippi Code of 1972, is
1317 amended as follows:

1318 23-15-195. Except as otherwise provided in Sections 1
1319 through 7 of this act, all elections by the people shall be by
1320 ballot, and shall be concluded in one (1) day.

1321 **SECTION 34.** Section 23-15-197, Mississippi Code of 1972, is
1322 amended as follows:

1323 23-15-197. (1) Times for holding primary and general
1324 elections for congressional offices shall be as prescribed in
1325 Sections 23-15-1031, 23-15-1033 and 23-15-1041.



1326 (2) Times for holding elections for the office of judge of
1327 the Supreme Court shall be as prescribed in Section 23-15-991 and
1328 Sections 23-15-974 through 23-15-985, and times for holding
1329 elections for the office of judge of the Court of Appeals shall be
1330 as prescribed in Section 9-4-5.

1331 (3) Times for holding elections for the office of circuit
1332 court judge and the office of chancery court judge shall be as
1333 prescribed in Sections 23-15-974 through 23-15-985, and Section
1334 23-15-1015.

1335 (4) Times for holding elections for the office of county
1336 election commissioners shall be as prescribed in Section
1337 23-15-213.

1338 (5) Times for holding elections for the office of levee
1339 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1340 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1341 Laws of 1983; and Chapter 438, Laws of 2010.

1342 (6) Times for holding early voting shall be as provided in
1343 Sections 1 through 7 of this act.

1344 **SECTION 35.** Section 23-15-231, Mississippi Code of 1972, is
1345 amended as follows:

1346 23-15-231. Before every * * * early voting period begins,
1347 the election commissioners shall appoint three (3) persons for
1348 each voting precinct to be poll managers, one (1) of whom shall be
1349 designated by the election commissioners as election bailiff. For
1350 general and special elections, the poll managers shall not all be



1351 of the same political party if suitable persons of different
1352 political parties can be found in the district. If any person
1353 appointed shall fail to attend and serve, the poll managers
1354 present, if any, may designate someone to fill his or her place;
1355 and if the election commissioners fail to make the appointments or
1356 in case of the failure of all those appointed to attend and serve,
1357 any three (3) qualified electors present when the polls should be
1358 opened may act as poll managers. Provided, however, any person
1359 appointed to be poll manager or act as poll manager shall be a
1360 qualified elector of the county in which the polling place is
1361 located.

1362 **SECTION 36.** Section 23-15-233, Mississippi Code of 1972, is
1363 amended as follows:

1364 23-15-233. The poll managers shall take care that the
1365 election * * * and the early voting are conducted fairly and
1366 agreeably to law, and they shall be judges of the qualifications
1367 of electors, and may examine, on oath, any person duly registered
1368 and offering to vote touching his or her qualifications as an
1369 elector, which oath any of the poll managers may administer.

1370 **SECTION 37.** Section 23-15-239, Mississippi Code of 1972, is
1371 amended as follows:

1372 23-15-239. (1) The executive committee of each county, in
1373 the case of a primary election, or the election commissioners of
1374 each county, in the case of all other elections, in conjunction
1375 with the circuit clerk, shall, in the years in which counties



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

1393 (2) (a) If it is eligible under Section 23-15-266, the
1394 county executive committee may enter into a written agreement with
1395 the circuit clerk or the county election commission authorizing
1396 the circuit clerk or the county election commission to perform any
1397 of the duties required of the county executive committee pursuant
1398 to this section. Any agreement entered into pursuant to this
1399 subsection shall be signed by the chair of the county executive
1400 committee and the circuit clerk or the chair of the county



1401 election commission, as appropriate. The county executive
1402 committee shall notify the state executive committee and the
1403 Secretary of State of the existence of the agreement.

1404 (b) If it is eligible under Section 23-15-266, the
1405 municipal executive committee may enter into a written agreement
1406 with the municipal clerk or the municipal election commission
1407 authorizing the municipal clerk or the municipal election
1408 commission to perform any of the duties required of the municipal
1409 executive committee pursuant to this section. Any agreement
1410 entered into pursuant to this subsection shall be signed by the
1411 chair of the municipal executive committee and the municipal clerk
1412 or the chair of the municipal election commission, as appropriate.
1413 The municipal executive committee shall notify the state executive
1414 committee and the Secretary of State of the existence of the
1415 agreement.

1416 (3) The board of supervisors and the municipal governing
1417 authority, in their discretion, may compensate poll managers who
1418 attend these training sessions. The compensation shall be at a
1419 rate of not less than the federal hourly minimum wage nor more
1420 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1421 compensated for more than sixteen (16) hours of attendance at the
1422 training sessions regardless of the actual amount of time that
1423 they attended the training sessions.

1424 (4) The time and location of the training sessions required
1425 pursuant to this section shall be announced to the general public



1426 by posting a notice thereof at the courthouse and by delivering a
1427 copy of the notice to the office of a newspaper having general
1428 circulation in the county five (5) days before the date upon which
1429 the training session is to be conducted. Persons who will serve
1430 as poll watchers for candidates and political parties, as well as
1431 members of the general public, shall be allowed to attend the
1432 sessions.

1433 (5) Subject to the following annual limitations, the
1434 election commissioners shall be entitled to receive a per diem in
1435 the amount of One Hundred Dollars (\$100.00), to be paid from the
1436 county general fund, for every day or period of no less than five
1437 (5) hours accumulated over two (2) or more days actually employed
1438 in the performance of their duties for the necessary time spent in
1439 conducting training sessions as required by this section:

1440 (a) In counties having less than fifteen thousand
1441 (15,000) residents according to the latest federal decennial
1442 census, not more than five (5) days per year;

1443 (b) In counties having fifteen thousand (15,000)
1444 residents according to the latest federal decennial census but
1445 less than thirty thousand (30,000) residents according to the
1446 latest federal decennial census, not more than eight (8) days per
1447 year;

1448 (c) In counties having thirty thousand (30,000)
1449 residents according to the latest federal decennial census but
1450 less than seventy thousand (70,000) residents according to the



1451 latest federal decennial census, not more than ten (10) days per
1452 year;

1453 (d) In counties having seventy thousand (70,000)
1454 residents according to the latest federal decennial census but
1455 less than ninety thousand (90,000) residents according to the
1456 latest federal decennial census, not more than twelve (12) days
1457 per year;

1458 (e) In counties having ninety thousand (90,000)
1459 residents according to the latest federal decennial census but
1460 less than one hundred seventy thousand (170,000) residents
1461 according to the latest federal decennial census, not more than
1462 fifteen (15) days per year;

1463 (f) In counties having one hundred seventy thousand
1464 (170,000) residents according to the latest federal decennial
1465 census but less than two hundred thousand (200,000) residents
1466 according to the latest federal decennial census, not more than
1467 eighteen (18) days per year;

1468 (g) In counties having two hundred thousand (200,000)
1469 residents according to the latest federal decennial census but
1470 less than two hundred twenty-five thousand (225,000) residents
1471 according to the latest federal decennial census, not more than
1472 nineteen (19) days per year;

1473 (h) In counties having two hundred twenty-five thousand
1474 (225,000) residents or more according to the latest federal
1475 decennial census, not more than twenty-two (22) days per year.



1476 (6) Election commissioners shall claim the per diem
1477 authorized in subsection (5) of this section in the manner
1478 provided for in Section 23-15-153(6).

1479 (7) (a) To provide poll manager training, the Secretary of
1480 State has developed a single, comprehensive poll manager training
1481 program to ensure uniform, secure elections throughout the state.
1482 The program includes online training on all state and federal
1483 election laws and procedures and voting machine opening and
1484 closing procedures.

1485 (b) County poll managers who individually access and
1486 complete the online training program, including all skills
1487 assessments, at least five (5) days before the early voting period
1488 for an election begins shall be defined as "certified poll
1489 managers," and entitled to a "Certificate of Completion."

1490 (c) At least one (1) certified poll manager shall be
1491 appointed by the county election officials to work in each polling
1492 place in the county during each general election.

1493 **SECTION 38.** Section 23-15-241, Mississippi Code of 1972, is
1494 amended as follows:

1495 23-15-241. The poll manager designated an election bailiff
1496 shall, in addition to his or her other duties, be present during
1497 the early voting period and on election day to keep the peace and
1498 to protect the voting place, and to prevent improper intrusion
1499 upon the voting place or interference with the election, and to
1500 arrest all persons creating any disturbance about the voting



1501 place, and to enable all qualified electors who have not voted,
1502 and who desire to vote, to have unobstructed access to the polls
1503 for the purpose of voting when others are not voting.

1504 **SECTION 39.** Section 23-15-245, Mississippi Code of 1972, is
1505 amended as follows:

1506 23-15-245. It shall be the duty of the poll manager
1507 designated as bailiff to be present at the voting place, and to
1508 take such steps as will accomplish the purpose of his or her
1509 appointment, and the poll manager designated as bailiff shall have
1510 full power to do so and may summon to his or her aid all persons
1511 present at the voting place. A space thirty (30) feet in every
1512 direction from the polls, or the room in which the * * * voting is
1513 held, shall be kept open and clear of all persons except the
1514 election officials, individuals present to vote and credentialed
1515 poll watchers as defined by Section 23-15-577. The electors shall
1516 approach the polls from one (1) direction, line, door or passage,
1517 and depart in another as nearly opposite as convenient.

1518 **SECTION 40.** Section 23-15-247, Mississippi Code of 1972, is
1519 amended as follows:

1520 23-15-247. The election commissioners in each county shall
1521 procure, if not already provided, a sufficient number of ballot
1522 boxes, which shall be distributed by them to the voting precincts
1523 of the county before the time for opening the polls for early
1524 voting and on election day. The boxes shall be securely sealed
1525 from the opening of the polls * * * for early voting until the



1526 polls close on election day; and the box shall be kept by one (1)
1527 of the managers, and the manager having the box shall carefully
1528 keep it, and neither open it himself or herself nor permit it to
1529 be opened, nor permit any person to have any access to it
1530 throughout the voting period during an election. The box shall
1531 not be removed from the polling building or place after the polls
1532 are opened until the polls close and the count is complete. After
1533 each election the ballot boxes shall be delivered to the clerk of
1534 the circuit court of the county for preservation; and he or she
1535 shall keep them for future use, and, when called for, deliver them
1536 to the election commissioners.

1537 **SECTION 41.** Section 23-15-251, Mississippi Code of 1972, is
1538 amended as follows:

1539 23-15-251. The election commissioners, in appointing the
1540 poll managers of an election, shall designate one (1) of the poll
1541 managers at each voting place to receive and distribute the
1542 official ballots, and shall deliver to him or her the proper
1543 number of ballots for his or her district not less than one (1)
1544 day before the early voting period begins and not less than one
1545 (1) day before election day; and the poll manager receiving the
1546 ballots from the election commissioners shall distribute the same
1547 to the electors of his or her district in the manner herein
1548 provided. It shall be the duty of the designated poll manager for
1549 service at a voting place other than the courthouse, to carry to
1550 that voting place, on the day before the early voting period



1551 begins and on the day before election day, or before 6:00 a.m. on
1552 the morning the early voting period begins and on the morning of
1553 the election day, the ballot box, the pollbook, the blank tally
1554 sheets, the blank forms to be used in making returns, the other
1555 necessary stationery and supplies and the official printed ballots
1556 aforesaid, and all of the same used and unused shall be returned
1557 by the designated poll manager to the election commissioners on
1558 the day * * * after the election.

1559 **SECTION 42.** Section 23-15-255, Mississippi Code of 1972, is
1560 amended as follows:

1561 23-15-255. (1) The supervisor of each respective
1562 supervisors district shall provide at each election place a
1563 sufficient number of voting compartments, shelves and tables for
1564 the use of electors, which shall be so arranged that it will be
1565 impossible for a voter in one (1) compartment to see another voter
1566 who is preparing his or her ballot. The number of voting
1567 compartments and shelves or tables shall not be less than one (1)
1568 to every two hundred (200) electors in the voting precinct.

1569 (2) The poll managers of each precinct shall publicly post
1570 the following information at the precinct polling place * * *
1571 during any election:

- 1572 (a) A sample ballot that will be used at the election;
1573 (b) The hours during which the polling places will be
1574 open for early voting and on election day;



1575 (c) Instructions on how to vote, including how to cast
1576 a vote and how to cast an affidavit ballot;

1577 (d) Instructions for persons who have registered to
1578 vote by mail and first time voters, if appropriate;

1579 (e) General information on voting rights, including
1580 information on the right of an individual to cast an affidavit
1581 ballot and instructions on how to contact the appropriate
1582 officials if these rights are alleged to have been violated; * * *

1583 (f) The consequences under federal and state laws
1584 regarding fraud and misrepresentation;

1585 (g) A list of voters in each polling place that have
1586 already cast an absentee ballot or voted during the early voting
1587 period; and

1588 (h) The acceptable forms of photo identification that
1589 may be presented in the polling place.

1590 **SECTION 43.** Section 23-15-263, Mississippi Code of 1972, is
1591 amended as follows:

1592 23-15-263. (1) Unless otherwise provided in this chapter,
1593 the county executive committee at primary elections shall perform
1594 all duties that relate to the qualification of candidates for
1595 primary elections, print ballots for the early voting period for
1596 primary elections and for primary * * * election day, appoint the
1597 primary election officers, resolve contests in regard to primary
1598 elections, and perform all other duties required by law to be
1599 performed by the county executive committee; however, each house



1600 of the Legislature shall rule on the qualifications of the
1601 membership of its respective body in contests involving the
1602 qualifications of * * * its members. The executive committee
1603 shall be subject to all the penalties to which county election
1604 commissioners are subject, except that Section 23-15-217 shall not
1605 apply to members of the county executive committee who seek
1606 elective office.

1607 (2) A member of a county executive committee shall be
1608 automatically disqualified to serve on the county executive
1609 committee, and shall be considered to have resigned * * * from the
1610 county executive committee, upon his or her qualification as a
1611 candidate for any elective office. The provisions of this
1612 subsection shall not apply to a member of a county executive
1613 committee who qualifies as a candidate for a municipal elective
1614 office.

1615 (3) The primary election officers appointed by the executive
1616 committee of the party shall have the powers and perform the
1617 duties, where not otherwise provided, required of * * * those
1618 officers in a general election, and any * * * act or omission
1619 which by law is an offense when committed in or about or in
1620 respect to * * * the general elections, shall be an offense if
1621 committed in or about or in respect to a primary election; and the
1622 same shall be indictable and punishable in the same way as if the
1623 election was a general election for the election of state and



1624 county officers, except as specially modified or otherwise
1625 provided in this chapter.

1626 **SECTION 44.** Section 23-15-265, Mississippi Code of 1972, is
1627 amended as follows:

1628 23-15-265. (1) The county executive committee of each
1629 county shall meet not less than two (2) weeks before the
1630 date * * * the period for early voting begins for any primary
1631 election and appoint the poll managers for same, all of whom may
1632 be members of the same political party. The number of poll
1633 managers appointed by the county executive committee shall be the
1634 same number as election commissioners are allowed to appoint
1635 pursuant to Sections 23-15-231 and 23-15-235. If the county
1636 executive committee fails to meet on the date named, supra,
1637 further notice shall be given of the time and place of meeting.

1638 (2) (a) If it is eligible under Section 23-15-266, the
1639 county executive committee may enter into a written agreement with
1640 the circuit clerk or the county election commission authorizing
1641 the circuit clerk or the county election commission to perform any
1642 of the duties required of the county executive committee pursuant
1643 to this section. Any agreement entered into pursuant to this
1644 subsection shall be signed by the chair of the county executive
1645 committee and the circuit clerk or the chair of the county
1646 election commission, as appropriate. The county executive
1647 committee shall notify the state executive committee and the
1648 Secretary of State of the existence of the agreement.



1649 (b) If it is eligible under Section 23-15-266, the
1650 municipal executive committee may enter into a written agreement
1651 with the municipal clerk or the municipal election commission
1652 authorizing the municipal clerk or the municipal election
1653 commission to perform any of the duties required of the municipal
1654 executive committee pursuant to this section. Any agreement
1655 entered into pursuant to this subsection shall be signed by the
1656 chair of the municipal executive committee and the municipal clerk
1657 or the chair of the municipal election commission, as appropriate.
1658 The municipal executive committee shall notify the state executive
1659 committee and the Secretary of State of the existence of such
1660 agreement.

1661 **SECTION 45.** Section 23-15-267, Mississippi Code of 1972, is
1662 amended as follows:

1663 23-15-267. (1) The ballot boxes provided by the election
1664 commissioners in each county shall be used in primary elections,
1665 and the county executive committees shall distribute them to the
1666 voting precincts of the county before the time for opening the
1667 polls, in the same manner, as near as may be, as that provided for
1668 in general elections.

1669 (2) The boxes shall be securely sealed and locked beginning
1670 at the start of voting during the period for early voting and on
1671 election day until the end of voting on election day; and the box
1672 shall be kept by one (1) of the poll managers, and the poll
1673 manager having the box shall carefully keep it, and neither open



1674 it himself or herself nor permit it to be done, nor permit any
1675 person to have any access to it throughout voting during the
1676 period for early voting and during election day. The box shall
1677 not be removed from the polling place after the polls are open
1678 until the polls close and the count is completed.

1679 (3) After each election, the ballot boxes shall be delivered
1680 to the clerk of the circuit court of the county for preservation;
1681 and he or she shall keep them for future use, and, when called
1682 for, deliver them to the election commissioners.

1683 (4) (a) If it is eligible under Section 23-15-266, the
1684 county executive committee may enter into a written agreement with
1685 the circuit clerk or the county election commission authorizing
1686 the circuit clerk or the county election commission to perform any
1687 of the duties required of the county executive committee pursuant
1688 to this section. Any agreement entered into pursuant to this
1689 subsection shall be signed by the chair of the county executive
1690 committee and the circuit clerk or the chair of the county
1691 election commission, as appropriate. The county executive
1692 committee shall notify the State Executive Committee and the
1693 Secretary of State of the existence of such agreement.

1694 (b) If it is eligible under Section 23-15-266, the
1695 municipal executive committee may enter into a written agreement
1696 with the municipal clerk or the municipal election commission
1697 authorizing the municipal clerk or the municipal election
1698 commission to perform any of the duties required of the municipal



1699 executive committee pursuant to this section. Any agreement
1700 entered into pursuant to this subsection shall be signed by the
1701 chair of the municipal executive committee and the municipal clerk
1702 or the chair of the municipal election commission, as appropriate.
1703 The municipal executive committee shall notify the State Executive
1704 Committee and the Secretary of State of the existence of such
1705 agreement.

1706 (5) The person, or persons, whose duty it is to comply with
1707 the provisions of this section and who shall fail, or neglect,
1708 from any cause, to deliver the boxes or any of them as herein
1709 provided shall, upon conviction, be fined not less than Two
1710 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1711 the residence of the person, or persons, who violates any of the
1712 provisions of this section, for a period of not less than thirty
1713 (30) days or more than six (6) months, and fined not more than
1714 Five Hundred Dollars (\$500.00).

1715 **SECTION 46.** Section 23-15-309, Mississippi Code of 1972, is
1716 amended as follows:

1717 23-15-309. (1) Nominations for all municipal officers which
1718 are elective shall be made * * * during the days for conducting a
1719 primary election, or elections, to be held in the manner
1720 prescribed by law. All persons desiring to be candidates for the
1721 nomination in the primary elections shall first pay Ten Dollars
1722 (\$10.00) to the clerk of the municipality, at least sixty (60)
1723 days before date the early voting period begins for the first



1724 primary election, no later than 5:00 p.m. on such deadline day.
1725 If the sixtieth day to file the fee and written statement before
1726 the date the early voting period begins for an election falls on a
1727 Sunday or legal holiday, the fees and written statements submitted
1728 on the business day immediately following the Sunday or legal
1729 holiday shall be accepted.

1730 (2) The fee paid pursuant to subsection (1) of this section
1731 shall be accompanied by a written statement containing the name
1732 and address of the candidate, the party with which he or she is
1733 affiliated, the email address of the candidate, if any, and the
1734 office for which he or she is a candidate.

1735 (3) The clerk shall promptly receipt the payment, stating
1736 the office for which the person making the payment is running and
1737 the political party with which such person is affiliated. The
1738 clerk shall keep an itemized account in detail showing the time
1739 and date of the receipt of such payment received by him or her,
1740 from whom such payment was received, the party with which such
1741 person is affiliated and for what office the person paying the fee
1742 is a candidate. No candidate may attempt to qualify with any
1743 political party that does not have a duly organized municipal
1744 executive committee, and the municipal clerk shall not accept any
1745 assessments made pursuant to subsection (1) if the municipal clerk
1746 does not have contact information for the secretary of the
1747 municipal executive committee for that political party. The clerk
1748 shall promptly supply all necessary information and pay over all



1749 fees so received to the secretary of the proper municipal
1750 executive committee. The funds may be used and disbursed in the
1751 same manner as is allowed in Section 23-15-299 in regard to other
1752 executive committees.

1753 (4) Upon receipt of the above information, the proper
1754 municipal executive committee shall then determine, at the time of
1755 the qualifying deadline, whether each candidate is a qualified
1756 elector of the municipality, and of the ward if the office sought
1757 is a ward office, shall determine whether each candidate either
1758 meets all other qualifications to hold the office he or she is
1759 seeking or presents absolute proof that he or she will, subject to
1760 no contingencies, meet all qualifications on or before the date of
1761 the general or special election at which he or she could be
1762 elected to office. The executive committee shall determine
1763 whether the candidate has taken the steps necessary to qualify for
1764 more than one (1) office at the election. The committee also
1765 shall determine whether any candidate has been convicted of any
1766 felony in a court of this state, or has been convicted on or after
1767 December 8, 1992, of any offense in another state which is a
1768 felony under the laws of this state, or has been convicted of any
1769 felony in a federal court on or after December 8, 1992. Excepted
1770 from the above are convictions of manslaughter and violations of
1771 the United States Internal Revenue Code or any violations of the
1772 tax laws of this state unless such offense also involved misuse or
1773 abuse of his or her office or money coming into his or her hands



1774 by virtue of the office. If the proper municipal executive
1775 committee finds that a candidate either (a) does not meet all
1776 qualifications to hold the office he or she seeks and fails to
1777 provide absolute proof, subject to no contingencies, that he or
1778 she will meet the qualifications on or before the date * * * the
1779 early voting period begins for the general or special election at
1780 which he or she could be elected, or (b) has been convicted of a
1781 felony as described in this subsection and not pardoned, then the
1782 executive committee shall notify the candidate and give the
1783 candidate an opportunity to be heard. The executive committee
1784 shall mail notice to the candidate at least three (3) business
1785 days before the hearing to the address provided by the candidate
1786 on the qualifying forms, and the committee shall attempt to
1787 contact the candidate by telephone, email and facsimile if the
1788 candidate provided this information on the forms. If the
1789 candidate fails to appear at the hearing or to prove he or she
1790 meets all qualifications to hold the office subject to no
1791 contingencies, then the name of such candidate shall not be placed
1792 upon the ballot. If the executive committee determines that the
1793 candidate has taken the steps necessary to qualify for more than
1794 one (1) office at the election, the action required by Section
1795 23-15-905, shall be taken.

1796 (5) Where there is but one (1) candidate, the proper
1797 municipal executive committee when the time has expired within



1798 which the names of candidates shall be furnished shall declare
1799 such candidate the nominee.

1800 **SECTION 47.** Section 23-15-331, Mississippi Code of 1972, is
1801 amended as follows:

1802 23-15-331. It shall be the duty of the state executive
1803 committee of each political party to furnish to each county
1804 executive committee, not less than fifty (50) days * * * before
1805 the * * * period for early voting begins the names of all state
1806 and state district candidates and all candidates for legislative
1807 districts composed of more than one (1) county or parts of more
1808 than one (1) county who have qualified as provided by law, and in
1809 accordance with the requirements of Section 23-15-333 a sample of
1810 the official ballot to be used in the primary, the general form of
1811 which shall be followed as nearly as practicable.

1812 **SECTION 48.** Section 23-15-333, Mississippi Code of 1972, is
1813 amended as follows:

1814 23-15-333. (1) The county executive committee shall have
1815 printed all necessary ballots, for use in primary elections. The
1816 county executive committee shall have printed all necessary
1817 absentee ballots forty-five (45) days before the period for early
1818 voting begins for the election as required by law. The ballots
1819 shall contain the names of all the candidates to be voted for at
1820 the election, and there shall be left on each ballot one (1) blank
1821 space under the title of each office for which a nominee is to be
1822 elected; and in the event of the death of any candidate whose name



1823 shall have been printed on the ballot, the name of the candidate
1824 duly substituted in the place of the deceased candidate may be
1825 written in such blank space by the voter. Except as otherwise
1826 provided in subsection (2) of this section, the order in which the
1827 titles to the various offices shall be printed, and the size,
1828 print and quality of the paper of the ballot is left to the
1829 discretion of the county executive committee. Provided, however,
1830 that in all cases the arrangement of the names of the candidates
1831 for each office shall be alphabetical. No ballot shall be used
1832 except those so printed.

1833 (2) The titles for the various offices shall be listed in
1834 the following order:

1835 (a) Candidates, electors or delegates for the following
1836 national offices:

1837 (i) President of the United States of America;

1838 (ii) United States Senator or United States
1839 Representative;

1840 (b) Candidates for the following statewide offices:

1841 Governor, Lieutenant Governor, Secretary of State, Attorney
1842 General, State Treasurer, Auditor of Public Accounts, Commissioner
1843 of Agriculture and Commerce, Commissioner of Insurance;

1844 (c) Candidates for the following state district
1845 offices: Mississippi Transportation Commissioner, Public Service
1846 Commissioner, District Attorney;



1847 (d) Candidates for the following legislative offices:

1848 Senator and House of Representatives;

1849 (e) Candidates for countywide office;

1850 (f) Candidates for county district office.

1851 The order in which the titles for the various offices are
1852 listed within each of the categories listed in paragraphs (e) and
1853 (f) are left to the discretion of the county executive committee.
1854 Candidates' names shall be listed alphabetically under each office
1855 by the candidate's last name.

1856 (3) If after the deadline to qualify as a candidate for an
1857 office, only one (1) person has duly qualified to be a candidate
1858 for the office in the primary election, the name of that person
1859 shall be placed on the ballot; provided, however, that if not more
1860 than one (1) person has duly qualified to be a candidate for each
1861 office on the primary election ballot, the election for all
1862 offices on the ballot shall be dispensed with and the appropriate
1863 executive committee shall declare each candidate as the party
1864 nominee if the candidate meets all the qualifications to hold the
1865 office.

1866 (4) (a) If it is eligible under Section 23-15-266, the
1867 county executive committee may enter into a written agreement with
1868 the circuit clerk or the county election commission authorizing
1869 the circuit clerk or the county election commission to perform any
1870 of the duties required of the county executive committee pursuant
1871 to this section. Any agreement entered into pursuant to this



1872 subsection shall be signed by the chair of the county executive
1873 committee and the circuit clerk or the chair of the county
1874 election commission, as appropriate. The county executive
1875 committee shall notify the state executive committee and the
1876 Secretary of State of the existence of such agreement.

1877 (b) If it is eligible under Section 23-15-266, the
1878 municipal executive committee may enter into a written agreement
1879 with the municipal clerk or the municipal election commission
1880 authorizing the municipal clerk or the municipal election
1881 commission to perform any of the duties required of the municipal
1882 executive committee pursuant to this section. Any agreement
1883 entered into pursuant to this subsection shall be signed by the
1884 chair of the municipal executive committee and the municipal clerk
1885 or the chair of the municipal election commission, as appropriate.
1886 The municipal executive committee shall notify the state executive
1887 committee and the Secretary of State of the existence of such
1888 agreement.

1889 **SECTION 49.** Section 23-15-335, Mississippi Code of 1972, is
1890 amended as follows:

1891 23-15-335. (1) The county executive committee shall
1892 designate a person whose duty it shall be to distribute all
1893 necessary ballots for use * * * during a primary election, and
1894 shall designate one (1) among the poll managers at each polling
1895 place to receive and receipt for the blank ballots to be used at
1896 that place. When the blank ballots are delivered to a local poll



1897 manager, the distributor shall take from the local poll manager a
1898 receipt therefor signed in duplicate by both the distributor and
1899 the poll manager, one (1) of which receipts the distributor shall
1900 deliver to the circuit clerk and the other shall be retained by
1901 the local poll manager and the last mentioned duplicate receipt
1902 shall be enclosed in the ballot box with the voted ballots when
1903 the polls have been closed and the votes have been counted. The
1904 printer of the ballots shall take a receipt from the distributor
1905 of the ballots for the total number of the blank ballots delivered
1906 to the distributor. The printer shall secure all ballots printed
1907 by him or her in such a safe manner that no person can procure
1908 them or any of them, and he or she shall deliver no blank ballot
1909 or ballots to any person except the distributor above mentioned,
1910 and then only upon his or her receipt therefor as above specified.
1911 The distributor of the blank ballots shall so securely hold the
1912 same that no person can obtain any of them, and he or she shall
1913 not deliver any of them to any person other than to the authorized
1914 local poll managers and upon their respective receipts therefor.
1915 The executive committee shall see to it that the total blank
1916 ballots delivered to the distributor, shall correspond with the
1917 total of the receipts executed by the local poll managers.

1918 (2) (a) If it is eligible under Section 23-15-266, the
1919 county executive committee may enter into a written agreement with
1920 the circuit clerk or the county election commission authorizing
1921 the circuit clerk or the county election commission to perform any



1922 of the duties required of the county executive committee pursuant
1923 to this section. Any agreement entered into pursuant to this
1924 subsection shall be signed by the chair of the county executive
1925 committee and the circuit clerk or the chair of the county
1926 election commission, as appropriate. The county executive
1927 committee shall notify the state executive committee and the
1928 Secretary of State of the existence of such agreement.

1929 (b) If it is eligible under Section 23-15-266, the
1930 municipal executive committee may enter into a written agreement
1931 with the municipal clerk or the municipal election commission
1932 authorizing the municipal clerk or the municipal election
1933 commission to perform any of the duties required of the municipal
1934 executive committee pursuant to this section. Any agreement
1935 entered into pursuant to this subsection shall be signed by the
1936 chair of the municipal executive committee and the municipal clerk
1937 or the chair of the municipal election commission, as appropriate.
1938 The municipal executive committee shall notify the state executive
1939 committee and the Secretary of State of the existence of such
1940 agreement.

1941 (3) Any person charged with any of the duties prescribed in
1942 this section who shall willfully or with culpable carelessness
1943 violate the same shall be guilty of a misdemeanor.

1944 **SECTION 50.** Section 23-15-353, Mississippi Code of 1972, is
1945 amended as follows:



1946 23-15-353. The officer charged with printing and
1947 distributing the official ballot shall ascertain from the
1948 registrar, at least ten (10) days before the day * * * early
1949 voting for that election begins, the number of registered voters
1950 in each voting precinct; and he or she shall have printed and
1951 distributed a sufficient number of ballots for use in each
1952 precinct.

1953 **SECTION 51.** Section 23-15-357, Mississippi Code of 1972, is
1954 amended as follows:

1955 23-15-357. On the back and outside of the ballot shall be
1956 printed the words "OFFICIAL BALLOT," the name of the voting
1957 precinct or place for which the ballot is prepared, * * * the date
1958 of the election and the date of the period for early voting.

1959 **SECTION 52.** Section 23-15-359, Mississippi Code of 1972, is
1960 amended as follows:

1961 23-15-359. (1) Except as provided in this section, the
1962 ballot shall contain the names of all party nominees certified by
1963 the appropriate executive committee, and independent and special
1964 election candidates who have timely filed petitions containing the
1965 required signatures and assessments that must be paid pursuant to
1966 Section 23-15-297, if the candidates and nominees meet all of the
1967 qualifications to hold the office sought. A petition requesting
1968 that an independent or special election candidate's name be placed
1969 on the ballot for any office shall be filed as provided for in
1970 subsection (3) or (4) of this section, as appropriate, and shall



1971 be signed by not less than the following number of qualified
1972 electors:

1973 (a) For an office elected by the state at large, not
1974 less than one thousand (1,000) qualified electors.

1975 (b) For an office elected by the qualified electors of
1976 a Supreme Court district, not less than three hundred (300)
1977 qualified electors.

1978 (c) For an office elected by the qualified electors of
1979 a congressional district, not less than two hundred (200)
1980 qualified electors.

1981 (d) For an office elected by the qualified electors of
1982 a circuit or chancery court district, not less than one hundred
1983 (100) qualified electors.

1984 (e) For an office elected by the qualified electors of
1985 a senatorial or representative district, not less than fifty (50)
1986 qualified electors.

1987 (f) For an office elected by the qualified electors of
1988 a county, not less than fifty (50) qualified electors.

1989 (g) For an office elected by the qualified electors of
1990 a supervisors district or justice court district, not less than
1991 fifteen (15) qualified electors.

1992 (h) For the Office of President of the United States, a
1993 party nominee or independent candidate shall pay an assessment in
1994 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).



1995 (2) (a) Unless the petition or fee, whichever is
1996 applicable, required above shall be filed as provided for in
1997 subsection (3), (4) or (5) of this section, as appropriate, the
1998 name of the person requested to be a candidate, unless nominated
1999 by a political party, shall not be placed upon the ballot. The
2000 ballot shall contain the names of each candidate for each office,
2001 and the names shall be listed under the name of the political
2002 party that candidate represents as provided by law and as
2003 certified to the circuit clerk by the state executive committee of
2004 the political party. In the event the candidate qualifies as an
2005 independent as provided in this section, he or she shall be listed
2006 on the ballot as an independent candidate.

2007 (b) The name of an independent or special election
2008 candidate who dies before the printing of the ballots, shall not
2009 be placed on the ballots.

2010 (3) Petitions for offices described in paragraphs (a), (b),
2011 (c), (d) and (e) of subsection (1) of this section shall be filed
2012 with the Secretary of State by no later than 5:00 p.m. on the same
2013 date or business day, as applicable, by which candidates are
2014 required to pay the fee provided for in Section 23-15-297;
2015 however, no petition may be filed before January 1 of the year in
2016 which the election for the office is held.

2017 (4) Petitions for offices described in paragraphs (f) and
2018 (g) of subsection (1) of this section shall be filed with the
2019 proper circuit clerk by no later than 5:00 p.m. on the same date



2020 by which candidates are required to pay the fee provided for in
2021 Section 23-15-297; however, no petition may be filed before
2022 January 1 of the year in which the election for the office is
2023 held. The circuit clerk shall notify the county election
2024 commissioners of all persons who have filed petitions with the
2025 clerk. The notification shall occur within two (2) business days
2026 and shall contain all necessary information.

2027 (5) The assessment for the office described in paragraph (h)
2028 of subsection (1) of this section shall be paid to the Secretary
2029 of State. The Secretary of State shall deposit any qualifying
2030 fees received from candidates into the Elections Support Fund
2031 established in Section 23-15-5.

2032 (6) The election commissioners may also have printed upon
2033 the ballot any local issue election matter that is authorized to
2034 be * * * voted on * * * during the period for voting for the
2035 regular or general election pursuant to Section 23-15-375;
2036 however, the ballot form of the local issue must be filed with the
2037 election commissioners by the appropriate governing authority not
2038 less than sixty (60) days before the date * * * the early voting
2039 period begins for the election.

2040 (7) The provisions of this section shall not apply to
2041 municipal elections or to the election of the offices of justice
2042 of the Supreme Court, judge of the Court of Appeals, circuit
2043 judge, chancellor, county court judge and family court judge.



2044 (8) Nothing in this section shall prohibit special elections
2045 to fill vacancies in either house of the Legislature from being
2046 held as provided in Section 23-15-851. In all elections conducted
2047 under the provisions of Section 23-15-851, there shall be printed
2048 on the ballot the name of any candidate who, not having been
2049 nominated by a political party, shall have been requested to be a
2050 candidate for any office by a petition filed with the Secretary of
2051 State and signed by not less than fifty (50) qualified electors.

2052 (9) (a) The appropriate election commission shall determine
2053 whether each candidate is a qualified elector of the state, state
2054 district, county or county district they seek to serve, and
2055 whether each candidate meets all other qualifications to hold the
2056 office he or she is seeking or presents absolute proof that he or
2057 she will, subject to no contingencies, meet all qualifications on
2058 or before the date * * * the early voting period begins for the
2059 general or special election at which he or she could be elected to
2060 office. The election commission shall determine whether the
2061 candidate has taken the steps necessary to qualify for more than
2062 one (1) office at the election. The election commission also
2063 shall determine whether any candidate has been convicted (i) of
2064 any felony in a court of this state, (ii) on or after December 8,
2065 1992, of any offense in another state which is a felony under the
2066 laws of this state, (iii) of any felony in a federal court on or
2067 after December 8, 1992, or (iv) of any offense that involved the
2068 misuse or abuse of his or her office or money coming into his or



2069 her hands by virtue of the office. Excepted from the above are
2070 convictions of manslaughter and violations of the United States
2071 Internal Revenue Code or any violations of the tax laws of this
2072 state.

2073 (b) If the appropriate election commission finds that a
2074 candidate either (i) is not a qualified elector, (ii) does not
2075 meet all qualifications to hold the office he or she seeks and
2076 fails to provide absolute proof, subject to no contingencies, that
2077 he or she will meet the qualifications on or before the date * * *
2078 the early voting period begins the general or special election at
2079 which he or she could be elected, or (iii) has been convicted of a
2080 felony or other disqualifying offense as described in paragraph
2081 (a) of this subsection, and not pardoned, then the election
2082 commission shall notify the candidate and give the candidate an
2083 opportunity to be heard. The election commission shall mail
2084 notice to the candidate at least three (3) business days before
2085 the hearing to the address provided by the candidate on the
2086 qualifying forms, and the committee shall attempt to contact the
2087 candidate by telephone, email and facsimile if the candidate
2088 provided this information on the forms. If the candidate fails to
2089 appear at the hearing or to prove that he or she meets all
2090 qualifications to hold the office subject to no contingencies,
2091 then the name of such candidate shall not be placed upon the
2092 ballot. If the appropriate election commission determines that
2093 the candidate has taken the steps necessary to qualify for more



2094 than one (1) office at the election, the action required by
2095 Section 23-15-905, shall be taken.

2096 (10) If after the deadline to qualify as a candidate for an
2097 office or after the time for holding any party primary for an
2098 office, only one (1) person has duly qualified to be a candidate
2099 for the office in the general election, the name of that person
2100 shall be placed on the ballot; provided, however, that if not more
2101 than one (1) person duly qualified to be a candidate for each
2102 office on the general election ballot, the election for all
2103 offices on the ballot shall be dispensed with and the appropriate
2104 election commission shall declare each candidate elected without
2105 opposition if the candidate meets all the qualifications to hold
2106 the office as determined pursuant to a review by the election
2107 commission in accordance with the provisions of subsection (9) of
2108 this section and if the candidate has filed all required campaign
2109 finance disclosure reports as required by Section 23-15-807.

2110 (11) The petition required by this section may not be filed
2111 by using the Internet.

2112 **SECTION 53.** Section 23-15-363, Mississippi Code of 1972, is
2113 amended as follows:

2114 23-15-363. After the proper officer has knowledge of or has
2115 been notified of the nomination, as provided, of any candidate for
2116 office, the officer shall not omit his or her name from the
2117 ballot, unless upon the written request of the candidate
2118 nominated, made at least ten (10) days before the early voting



2119 period for the election begins, and in no case after * * * the
2120 ballot has been printed; and every ballot shall contain the names
2121 of all candidates nominated as specified, and not duly withdrawn.

2122 **SECTION 54.** Section 23-15-367, Mississippi Code of 1972, is
2123 amended as follows:

2124 23-15-367. (1) Except as otherwise provided by Sections
2125 23-15-974 through 23-15-985 and subsection (2) of this section,
2126 the size, print and quality of paper of the official ballot is
2127 left to the discretion of the officer charged with printing the
2128 official ballot.

2129 (2) The titles for the various offices shall be listed in
2130 the following order:

2131 (a) Candidates, electors or delegates for the following
2132 national offices:

2133 (i) President;

2134 (ii) United States Senator or United States
2135 Representative;

2136 (b) Candidates for the following statewide office:
2137 Governor, Lieutenant Governor, Secretary of State, Attorney
2138 General, State Treasurer, Auditor of Public Accounts, Commissioner
2139 of Agriculture and Commerce, Commissioner of Insurance;

2140 (c) Candidates for the following state district
2141 offices: Mississippi Transportation Commissioner, Public Service
2142 Commissioner, District Attorney;



- 2143 (d) Candidates for the following legislative offices:
2144 Senate and House of Representatives;
2145 (e) Candidates for countywide office;
2146 (f) Candidates for county district office.

2147 The order in which the titles for the various offices are
2148 listed within paragraphs (e) and (f) is left to the discretion of
2149 the county election commissioners. Nominees of the political
2150 parties, qualified to conduct primary elections as defined in
2151 Section 23-15-291, shall be listed first alphabetically by the
2152 candidate's last name, followed by any other candidates listed
2153 alphabetically by last name.

2154 (3) It is the duty of the Secretary of State, with the
2155 approval of the Governor, to furnish the designated election
2156 commissioner of each county a sample of the official ballot, not
2157 less than fifty-five (55) days before the early voting period
2158 begins for the election, the general form of which shall be
2159 followed as nearly as practicable.

2160 **SECTION 55.** Section 7-3-39, Mississippi Code of 1972, is
2161 amended as follows:

2162 7-3-39. The Secretary of State shall have published in full
2163 each constitutional amendment two (2) weeks * * * before the
2164 period for early voting for the election begins, if early voting
2165 is authorized for that election, at which the qualified electors
2166 shall vote on * * * the amendments, in each county in each
2167 newspaper having a general circulation in the county, as defined



2168 in Section 13-3-31; or * * * the Secretary of State shall have
2169 each amendment posted in three (3) public places in the county if
2170 all * * * the newspapers in the county refuse to publish same at
2171 the price provided in Section 7-3-41.

2172 **SECTION 56.** Section 23-15-511, Mississippi Code of 1972, is
2173 amended as follows:

2174 23-15-511. The ballots shall, as far as practicable, be in
2175 the same order of arrangement as provided for paper ballots that
2176 are to be counted manually, except that the information may be
2177 printed in vertical or horizontal rows. Nothing in this chapter
2178 shall be construed as prohibiting the information being presented
2179 to the voters from being printed on both sides of a single ballot.
2180 In those years when a special election shall occur * * * during
2181 the same voting period as the general election, the names of
2182 candidates in any special election and the general election shall
2183 be placed on the same ballot by the election commissioners or
2184 officials in charge of the election, but the general election
2185 candidates shall be clearly distinguished from the special
2186 election candidates. At any time a special election is * * *
2187 during the same voting period as a party primary election, the
2188 names of the candidates in the special election may be placed on
2189 the same ballot by the officials in charge of the election, but
2190 shall be clearly distinguished as special election candidates or
2191 primary election candidates.



2192 Ballots shall be printed in plain clear type in black ink and
2193 upon clear white materials of such size and arrangement as to be
2194 compatible with the OMR equipment. Absentee ballots shall be
2195 prepared and printed in the same form and shall be on the same
2196 size and texture as the regular official ballots, except that they
2197 shall be printed on tinted paper; or the ink used to print the
2198 ballots shall be of a color different from that of the ink used to
2199 print the regular official ballots. Arrows may be printed on the
2200 ballot to indicate the place to mark the ballot, which may be to
2201 the right or left of the names of candidates and propositions.
2202 The titles of offices may be arranged in vertical columns on the
2203 ballot and shall be printed above or at the side of the names of
2204 candidates so as to indicate clearly the candidates for each
2205 office and the number to be elected. In case there are more
2206 candidates for an office than can be printed in one (1) column,
2207 the ballot shall be clearly marked that the list of candidates is
2208 continued on the following column. The names of candidates for
2209 each office shall be printed in vertical columns, grouped by the
2210 offices that they seek. In partisan elections, the party
2211 designation of each candidate, which may be abbreviated, shall be
2212 printed following his or her name.

2213 One (1) sample ballot, which shall be a facsimile of the
2214 official ballot and instructions to the voters, shall be provided
2215 for each precinct and shall be posted in each polling place during
2216 early voting and on election day.



2217 A separate ballot security envelope or suitable equivalent in
2218 which the voter can place his or her ballot after voting, shall be
2219 provided to conceal the choices the voter has made. Absentee
2220 voters will receive a similar ballot security envelope provided by
2221 the county in which the absentee voter will insert their voted
2222 ballot, which then can be inserted into a return envelope to be
2223 mailed back to the election official. Absentee ballots will not
2224 be required to be folded when a ballot security envelope is
2225 provided.

2226 **SECTION 57.** Section 23-15-515, Mississippi Code of 1972, is
2227 amended as follows:

2228 23-15-515. The circuit clerk shall be the custodian of OMR
2229 equipment acquired by the county, who shall be charged with the
2230 proper storage, maintenance and repair of the OMR equipment. The
2231 municipal clerk shall be the custodian of the OMR equipment
2232 acquired by the municipality, and shall be charged with the proper
2233 storage, maintenance and repair of the OMR equipment. The
2234 custodian or the officials in charge of the election shall repair
2235 or replace any OMR equipment which fails to function properly
2236 during the early voting period or on election day.

2237 **SECTION 58.** Section 23-15-545, Mississippi Code of 1972, is
2238 amended as follows:

2239 23-15-545. At each election, at least one (1) poll manager
2240 shall be charged with writing in the pollbook the word "VOTED," in
2241 the column having at its head the date of the early voting period



2242 or the date of the election, opposite the name of each elector
2243 upon return of a marked paper ballot by the elector with the
2244 initials of the initialing poll manager or alternate initialing
2245 poll manager affixed thereon. When a DRE unit is used in the
2246 polling place, the word "VOTED" shall be marked by at least one
2247 (1) poll manager in the pollbook in the column having at its head
2248 the date of the election, opposite the name of the elector.

2249 **SECTION 59.** Section 23-15-573, Mississippi Code of 1972, is
2250 amended as follows:

2251 23-15-573. (1) If any person declares that he or she is a
2252 registered voter in the jurisdiction in which he or she offers to
2253 vote and that he or she is eligible to vote during the early
2254 voting period or in the election, but his or her name does not
2255 appear upon the pollbooks, or that he or she is not able to cast a
2256 regular early voting day or election day ballot under a provision
2257 of state or federal law but is otherwise qualified to vote, or
2258 that he or she has been illegally denied registration, or that he
2259 or she is unable to present an acceptable form of photo
2260 identification:

2261 (a) A poll manager shall notify the person that he or
2262 she may cast an affidavit ballot * * * during the election.

2263 (b) The person shall be permitted to cast an affidavit
2264 ballot at the polling place upon execution of a written affidavit
2265 before one (1) of the poll managers stating that the individual:



2266 (i) Believes he or she is a registered voter in
2267 the jurisdiction in which he or she desires to vote and is
2268 eligible to vote * * * during the election; or
2269 (ii) Is not able to cast a regular early voting
2270 day or election day ballot under a provision of state or federal
2271 law but is otherwise qualified to vote; or
2272 (iii) Believes that he or she has been illegally
2273 denied registration; or
2274 (iv) Is unable to present an acceptable form of
2275 photo identification.
2276 (c) The poll manager shall allow the individual to mark
2277 a paper ballot properly endorsed by the initialing poll manager or
2278 alternate initialing poll manager in accordance with Section
2279 23-15-541, which shall be delivered by him or her to the proper
2280 election official who shall enclose it in an affidavit ballot
2281 envelope, with the written and signed affidavit of the voter
2282 affixed to the envelope, seal the envelope and mark plainly upon
2283 it the name of the person offering to vote.
2284 (2) The affidavit ballot envelope shall include:
2285 (a) The complete name of the voter;
2286 (b) A present and previous physical and mailing address
2287 of the voter;
2288 (c) Telephone numbers where the voter may be contacted;



2289 (d) A statement that the affiant believes he or she is
2290 registered to vote in the jurisdiction in which he or she offers
2291 to vote;

2292 (e) The signature of the affiant; and

2293 (f) The signature of the poll manager at the polling
2294 place at which the affiant offers to vote.

2295 (3) (a) A separate receipt book shall be maintained for
2296 affidavit voters and the affidavit voters shall sign the receipt
2297 book upon completing the affidavit ballot.

2298 (b) If the affidavit voter is casting an affidavit
2299 ballot because the voter is unable to present an acceptable form
2300 of photo identification and the voter's name appears in the
2301 pollbook, then the poll manager shall write "NO ID" across from
2302 the voter's name and in the appropriate column in the pollbook.

2303 (c) In canvassing the returns of the election, the
2304 executive committee in primary elections, or the election
2305 commissioners in other elections, shall examine the records and
2306 allow the ballot to be counted, or not counted as it appears
2307 legal.

2308 (d) An affidavit ballot of a voter who was unable to
2309 present an acceptable form of photo identification shall not be
2310 rejected for this reason if the voter does either of the
2311 following:

2312 (i) Returns to the circuit clerk's office, or to
2313 the municipal clerk's office for municipal elections, within five



2314 (5) business days after the date * * * the person voted during the
2315 election and presents an acceptable form of photo identification;

2316 (ii) Returns to the circuit clerk's office within
2317 five (5) business days after the date of the election to obtain
2318 the Mississippi Voter Identification Card, or in municipal
2319 election, returns to the municipal clerk's office within five (5)
2320 business days after the date * * * the person voted during the
2321 election to present his or her Mississippi Voter Identification
2322 Card or Temporary Mississippi Voter Identification Card; or

2323 (iii) Returns to the circuit clerk's office, or to
2324 the municipal clerk's office for municipal elections, within five
2325 (5) business days after the date * * * the person voted during the
2326 election to execute a separate Affidavit of Religious Objection.

2327 (4) When a person is offered the opportunity to vote by
2328 affidavit ballot, he or she shall be provided with written
2329 information that informs the person how to ascertain whether his
2330 or her affidavit ballot was counted and, if the vote was not
2331 counted, the reasons the vote was not counted.

2332 (5) The officials in charge of the election shall process
2333 all affidavit ballots by using the Statewide Elections Management
2334 System. The officials in charge of the election shall account for
2335 all affidavit ballots cast in each election, categorizing the
2336 affidavit ballots cast by reason and recording the total number of
2337 affidavit ballots counted and not counted in each such category in
2338 the Statewide Elections Management System.



2339 (6) The Secretary of State shall, by rule duly adopted,
2340 establish a uniform affidavit ballot envelope that shall be used
2341 in all elections in this state. The Secretary of State shall
2342 print and distribute a sufficient number of affidavit ballot
2343 envelopes to the registrar of each county for use in elections.
2344 The registrar shall distribute the affidavit ballot envelopes to
2345 municipal and county executive committees for use in primary
2346 elections and to municipal and county election commissioners for
2347 use in all other elections.

2348 (7) County registrars and municipal registrars shall
2349 maintain a secure free access system that complies with the Help
2350 America Vote Act of 2002, by which persons who vote by affidavit
2351 ballot may determine if their ballots were counted, and if not,
2352 the reasons the ballot was not counted.

2353 (8) Any person who votes * * * during any election as a
2354 result of a federal or state court order or other order extending
2355 the time established by law for closing the polls on an election
2356 day, may only vote by affidavit ballot. Any affidavit ballot cast
2357 under this subsection shall be separated and kept apart from other
2358 affidavit ballots cast by voters not affected by the order.

2359 **SECTION 60.** Section 23-15-613, Mississippi Code of 1972, is
2360 amended as follows:

2361 23-15-613. (1) As used in this section "residual votes"
2362 means overvotes, undervotes and any other vote not counted for any
2363 reason.



2364 (2) For every election, election commissions and county and
2365 municipal executive committees shall report to the Secretary of
2366 State residual vote information; however, if the voting
2367 devices * * * used in the election do not produce a ballot, other
2368 information shall be reported as required in this section.

2369 (3) For every election, election commissions and county and
2370 municipal executive committees responsible for the conduct of
2371 elections in which ballots are generated that are counted by hand
2372 or by OMR equipment or the tabulating mechanism of a DRE unit
2373 shall report to the Secretary of State all residual votes for all
2374 candidates and ballot measures in the elections for which they are
2375 responsible for conducting. The residual vote reports shall:

2376 (a) Be received by the Secretary of State no later than
2377 December 15 of the year in which the election is held;

2378 (b) Include any suggested explanation or suspected
2379 cause of the residual votes;

2380 (c) Include a copy of a voided official ballot for the
2381 election as such ballot appeared to voters at the election and
2382 copies of voided affidavit and absentee ballots if they are
2383 different from the official ballot;

2384 (d) Include the total voter turnout for each election,
2385 including the period for early voting, to be determined by
2386 totaling the number of persons signing the receipt book at each
2387 precinct, absentee voters and persons who voted by affidavit
2388 ballot and persons whose ballots were challenged and rejected; and



2389 (e) Include a copy of any printed voting instructions
2390 given or visible to voters * * * during the election and a
2391 description of any verbal instructions and any other evidence of
2392 voter education that was used in the election.

2393 (4) For every election, election commissions and county and
2394 municipal executive committees responsible for the conduct of
2395 election in which voting devices are used that do not generate
2396 ballots that are counted by hand or by OMR equipment or the
2397 tabulating mechanism of a DRE unit, shall file a report with the
2398 Secretary of State which shall:

2399 (a) Be received by the Secretary of State no later than
2400 December 15 of the year in which the election is held;

2401 (b) Include the total voter turnout for each election,
2402 including the period for early voting, to be determined by
2403 totaling the number of persons signing the receipt book at each
2404 precinct, absentee voters and persons who voted by affidavit
2405 ballot and persons whose ballots were challenged and rejected;

2406 (c) Include in the report any anecdotal information
2407 obtained concerning voter problems with the voting equipment or
2408 ballot layout;

2409 (d) Include in the report any suggested explanation or
2410 suspected cause of any difference in the amount of total voter
2411 turnout and the number of counted votes for candidates for various
2412 offices; and



2413 (e) Include a copy of any printed voting instructions
2414 given or visible to voters * * * during the election and a
2415 description of any verbal instructions and any other evidence of
2416 voter education that was used * * * during the election.

2417 (5) Not later than January 31 of the year following the
2418 election, the Secretary of State shall submit a report to the
2419 Governor, Lieutenant Governor and Speaker of the House of
2420 Representatives analyzing the reports required to be filed
2421 pursuant to this section. The analysis shall include the
2422 following:

2423 (a) The performance of each voting device type
2424 used * * * during the election;

2425 (b) Any problems with voter or poll worker instructions
2426 or ballot design and layout that have been identified as a result
2427 of analyzing the reports received;

2428 (c) Recommendations for reducing the number of residual
2429 votes reported; and

2430 (d) Such other information as the Secretary of State
2431 deems beneficial.

2432 (6) The reports required pursuant to this section shall be
2433 in such form as may be required by rules and regulations
2434 promulgated by the Secretary of State.

2435 **SECTION 61.** Section 23-15-781, Mississippi Code of 1972, is
2436 amended as follows:



2437 23-15-781. The number of electors of President and Vice
2438 President of the United States to which this state may be
2439 entitled, shall be chosen by the qualified electors of the state
2440 at large, on the first Tuesday after the first Monday of November
2441 in the year in which an election of President and Vice President
2442 shall occur and during the early voting period.

2443 **SECTION 62.** Section 23-15-785, Mississippi Code of 1972, is
2444 amended as follows:

2445 23-15-785. (1) When presidential electors are to be chosen,
2446 the Secretary of State of Mississippi shall certify to the circuit
2447 clerks of the several counties the names of all candidates for
2448 President and Vice President who are nominated by any national
2449 convention or other like assembly of any political party or by
2450 written petition signed by at least one thousand (1,000) qualified
2451 voters of this state.

2452 (2) The certificate of nomination by a political party
2453 convention must be signed by the presiding officer and secretary
2454 of the convention and by the * * * chair of the state executive
2455 committee of the political party making the nomination. Any
2456 nominating petition, to be valid, must contain the signatures as
2457 well as the addresses of the petitioners. The certificates and
2458 petitions must be filed with the State Board of Election
2459 Commissioners by filing them in the Office of the Secretary of
2460 State by 5:00 p.m. not less than sixty (60) days * * * before the
2461 day * * * early voting begins for the election.



2462 (3) Each certificate of nomination and nominating petition
2463 must be accompanied by a list of the names and addresses of
2464 persons, who shall be qualified voters of this state, equal in
2465 number to the number of presidential electors to be chosen. Each
2466 person so listed shall execute the following statement which shall
2467 be attached to the certificate or petition when it is filed with
2468 the State Board of Election Commissioners: "I do hereby consent
2469 and do hereby agree to serve as elector for President and Vice
2470 President of the United States, if elected to that position, and
2471 do hereby agree that, if so elected, I shall cast my ballot as
2472 such for _____ for President and _____ for Vice President of
2473 the United States" (inserting in * * * the blank spaces the
2474 respective names of the persons named as nominees for * * * the
2475 respective offices in the certificate to which this statement is
2476 attached).

2477 (4) The State Board of Election Commissioners and any other
2478 official charged with the preparation of official ballots shall
2479 place on * * * the official ballots the words "PRESIDENTIAL
2480 ELECTORS FOR (here insert the name of the candidate for President,
2481 the word 'AND' and the name of the candidate for Vice President)"
2482 in lieu of placing the names of such presidential electors on the
2483 official ballots, and a vote cast therefor shall be counted and
2484 shall be in all respects effective as a vote for each of the
2485 presidential electors representing those candidates for President
2486 and Vice President of the United States. In the case of unpledged



2487 electors, the State Board of Election Commissioners and any other
2488 official charged with the preparation of official ballots shall
2489 place on * * * the official ballots the words "UNPLEDGED
2490 ELECTOR(S) (here insert the name(s) of individual unpledged
2491 elector(s) if placed upon the ballot based upon a petition granted
2492 in the manner provided by law stating the individual name(s) of
2493 the elector(s) rather than a slate of electors)."

2494 **SECTION 63.** Section 23-15-807, Mississippi Code of 1972, is
2495 amended as follows:

2496 23-15-807. (a) Each candidate or political committee shall
2497 file reports of contributions and disbursements in accordance with
2498 the provisions of this section. All candidates or political
2499 committees required to report such contributions and disbursements
2500 may terminate the obligation to report only upon submitting a
2501 final report that contributions will no longer be received or
2502 disbursements made and that the candidate or committee has no
2503 outstanding debts or obligations. The candidate, treasurer or
2504 chief executive officer shall sign the report.

2505 (b) Candidates seeking election, or nomination for election,
2506 and political committees making expenditures to influence or
2507 attempt to influence voters for or against the nomination for
2508 election of one or more candidates or balloted measures * * *
2509 during such election, shall file the following reports:

2510 (i) In any calendar year during which there is a
2511 regularly scheduled election, a pre-election report shall be filed



2512 no later than the seventh day before early voting begins for any
2513 election in which the candidate or political committee has
2514 accepted contributions or made expenditures and shall be completed
2515 as of the tenth day before early voting begins for the election;

2516 (ii) In 1987 and every fourth year thereafter, periodic
2517 reports shall be filed no later than the tenth day after April 30,
2518 May 31, June 30, September 30 and December 31, and shall be
2519 completed as of the last day of each period;

2520 (iii) In any calendar years except 1987 and except
2521 every fourth year thereafter, a report covering the calendar year
2522 shall be filed no later than January 31 of the following calendar
2523 year; and

2524 (iv) Except as otherwise provided in the requirements
2525 of paragraph (i) of this subsection (b), unopposed candidates are
2526 not required to file pre-election reports but must file all other
2527 reports required by paragraphs (ii) and (iii) of this subsection
2528 (b).

2529 (c) All candidates for judicial office as defined in Section
2530 23-15-975, or their political committees, shall file periodic
2531 reports in the year in which they are to be elected no later than
2532 the tenth day after April 30, May 31, June 30, September 30 and
2533 December 31.

2534 (d) Each report under this article shall disclose:

2535 (i) For the reporting period and the calendar year, the
2536 total amount of all contributions and the total amount of all



2537 expenditures of the candidate or reporting committee, including
2538 those required to be identified pursuant to paragraph (ii) of this
2539 subsection (d) as well as the total of all other contributions and
2540 expenditures during the calendar year. The reports shall be
2541 cumulative during the calendar year to which they relate;

2542 (ii) The identification of:

2543 1. Each person or political committee who makes a
2544 contribution to the reporting candidate or political committee
2545 during the reporting period, whose contribution or contributions
2546 within the calendar year have an aggregate amount or value in
2547 excess of Two Hundred Dollars (\$200.00) together with the date and
2548 amount of any such contribution;

2549 2. Each person or organization, candidate or
2550 political committee who receives an expenditure, payment or other
2551 transfer from the reporting candidate, political committee or its
2552 agent, employee, designee, contractor, consultant or other person
2553 or persons acting in its behalf during the reporting period when
2554 the expenditure, payment or other transfer to the person,
2555 organization, candidate or political committee within the calendar
2556 year have an aggregate value or amount in excess of Two Hundred
2557 Dollars (\$200.00) together with the date and amount of the
2558 expenditure;

2559 (iii) The total amount of cash on hand of each
2560 reporting candidate and reporting political committee;



2561 (iv) In addition to the contents of reports specified
2562 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2563 political party shall disclose:

2564 1. Each person or political committee who makes a
2565 contribution to a political party during the reporting period and
2566 whose contribution or contributions to a political party within
2567 the calendar year have an aggregate amount or value in excess of
2568 Two Hundred Dollars (\$200.00), together with the date and amount
2569 of the contribution;

2570 2. Each person or organization who receives an
2571 expenditure or expenditures by a political party during the
2572 reporting period when the expenditure or expenditures to the
2573 person or organization within the calendar year have an aggregate
2574 value or amount in excess of Two Hundred Dollars (\$200.00),
2575 together with the date and amount of the expenditure;

2576 (v) Disclosure required under this section of an
2577 expenditure to a credit card issuer, financial institution or
2578 business allowing payments and money transfers to be made over the
2579 Internet must include, by way of detail or separate entry, the
2580 amount of funds passing to each person, business entity or
2581 organization receiving funds from the expenditure.

2582 (e) The appropriate office specified in Section 23-15-805
2583 must be in actual receipt of the reports specified in this article
2584 by 5:00 p.m. on the dates specified in subsection (b) of this
2585 section. If the date specified in subsection (b) of this section



2586 shall fall on a weekend or legal holiday then the report shall be
2587 due in the appropriate office at 5:00 p.m. on the first working
2588 day before the date specified in subsection (b) of this section.
2589 The reporting candidate or reporting political committee shall
2590 ensure that the reports are delivered to the appropriate office by
2591 the filing deadline. The Secretary of State may approve specific
2592 means of electronic transmission of completed campaign finance
2593 disclosure reports, which may include, but not be limited to,
2594 transmission by electronic facsimile (FAX) devices.

2595 (f) (i) If any contribution of more than Two Hundred
2596 Dollars (\$200.00) is received by a candidate or candidate's
2597 political committee after the tenth day, but more than forty-eight
2598 (48) hours before 12:01 a.m. of the day of early voting begins for
2599 the election, the candidate or political committee shall notify
2600 the appropriate office designated in Section 23-15-805, within
2601 forty-eight (48) hours of receipt of the contribution. The
2602 notification shall include:

- 2603 1. The name of the receiving candidate;
- 2604 2. The name of the receiving candidate's political
2605 committee, if any;
- 2606 3. The office sought by the candidate;
- 2607 4. The identification of the contributor;
- 2608 5. The date of receipt;
- 2609 6. The amount of the contribution;



2610 7. If the contribution is in-kind, a description
2611 of the in-kind contribution; and

2612 8. The signature of the candidate or the treasurer
2613 or chair of the candidate's political organization.

2614 (ii) The notification shall be in writing, and may be
2615 transmitted by overnight mail, courier service, or other reliable
2616 means, including electronic facsimile (FAX), but the candidate or
2617 candidate's committee shall ensure that the notification shall in
2618 fact be received in the appropriate office designated in Section
2619 23-15-805 within forty-eight (48) hours of the contribution.

2620 **SECTION 64.** Section 23-15-833, Mississippi Code of 1972, is
2621 amended as follows:

2622 23-15-833. Except as otherwise provided by law, the first
2623 Tuesday after the first Monday in November of each year shall be
2624 designated the regular special election day, and on that day and
2625 during the period established for early voting an election shall
2626 be held to fill any vacancy in county, county district, and
2627 district attorney elective offices, and any vacancy in the office
2628 of circuit judge or chancellor.

2629 All special elections, or elections to fill vacancies, shall
2630 in all respects be held, conducted and returned in the same manner
2631 as general elections, except that where no candidate receives a
2632 majority of the votes cast in the election, a runoff election
2633 shall be held three (3) weeks after the election. The two (2)
2634 candidates who receive the highest popular votes for the office



2635 shall have their names submitted as the candidates to the runoff
2636 and the candidate who leads in the runoff election shall be
2637 elected to the office. When there is a tie in the first election
2638 of those receiving the next highest vote, these two (2) and the
2639 one receiving the highest vote, none having received a majority,
2640 shall go into the runoff election and whoever leads in the runoff
2641 election shall be entitled to the office.

2642 In those years when the regular special election day shall
2643 occur * * * during the same * * * period of time as the general
2644 election, the names of candidates in any special election and the
2645 general election shall be placed on the same ballot, but shall be
2646 clearly distinguished as general election candidates or special
2647 election candidates. At any time a special election is held * * *
2648 during the same * * * period of time as a party primary election,
2649 the names of the candidates in the special election may be placed
2650 on the same ballot, but shall be clearly distinguished as special
2651 election candidates or primary election candidates.

2652 **SECTION 65.** Section 23-15-843, Mississippi Code of 1972, is
2653 amended as follows:

2654 23-15-843. In case of death, resignation or vacancy from any
2655 cause in the office of district attorney, the unexpired term of
2656 which shall exceed six (6) months, the Governor shall within ten
2657 (10) days after the vacancy occurs issue a proclamation calling an
2658 election to fill a vacancy in the office of district attorney to
2659 be held * * * during the next regular special election * * *



2660 period of time in the district where the vacancy occurred unless
2661 the vacancy occurs in a year in which a general election would
2662 normally be held for that office as provided by law, in which case
2663 the appointed person shall serve the unexpired portion of the
2664 term. Candidates in such a special election shall qualify in the
2665 same manner and be subject to the same time limitations as set
2666 forth in Section 23-15-839. Pending the holding of a special
2667 election, the Governor shall make an emergency appointment to fill
2668 the vacancy until the same shall be filled by election.

2669 **SECTION 66.** Section 23-15-851, Mississippi Code of 1972, is
2670 amended as follows:

2671 23-15-851. (1) Except as otherwise provided in subsection
2672 (2) of this section, within thirty (30) days after vacancies occur
2673 in either house of the Legislature, the Governor shall issue writs
2674 of election to fill the vacancies on a day specified in the writ
2675 of election. At least sixty (60) days' notice shall be given of
2676 the election in each county or part of a county in which the
2677 election shall be held. The qualifying deadline for the election
2678 shall be fifty (50) days before the early voting begins for the
2679 election. Notice of the election shall be posted at the
2680 courthouse and in each supervisors district in the county or part
2681 of county in which such election shall be held for as near sixty
2682 (60) days as may be practicable. The election shall be prepared
2683 for and held as in the case of a general election.



2684 (2) If a vacancy occurs in a calendar year in which the
2685 general election for state officers is held, the Governor may
2686 elect not to issue a writ of election to fill the vacancy.

2687 **SECTION 67.** Section 23-15-853, Mississippi Code of 1972, is
2688 amended as follows:

2689 23-15-853. (1) If a vacancy occurs in the representation in
2690 Congress, the vacancy shall be filled for the unexpired term by a
2691 special election, to be ordered by the Governor, within sixty (60)
2692 days after the vacancy occurs, and held at a time fixed by his or
2693 her order, and which time shall * * * begin not less than sixty
2694 (60) days after the issuance of the order of the Governor, which
2695 shall be directed to the election commissioners of the several
2696 counties of the district, who shall, immediately on the receipt of
2697 the order, give notice of the election by publishing the same in a
2698 newspaper having a general circulation in the county and by
2699 posting the notice at the front door of the courthouse. The order
2700 shall also be directed to the State Board of Election
2701 Commissioners. The election shall be prepared for and conducted,
2702 and returns shall be made, in all respects as provided for a
2703 special election to fill vacancies.

2704 (2) Candidates for the office in such an election must
2705 qualify with the Secretary of State by 5:00 p.m. not less than
2706 fifty (50) days before the * * * early voting period begins for
2707 the election. If the fiftieth day to qualify before an election
2708 falls on a Sunday or legal holiday, the qualification submitted on



2709 the business day immediately following the Sunday or legal holiday
2710 shall be accepted. The election commissioners shall have printed
2711 on the ballot in such special election the name of any candidate
2712 who shall have been requested to be a candidate for the office by
2713 a petition filed with the Secretary of State and personally signed
2714 by not less than one thousand (1,000) qualified electors of the
2715 district. The petition shall be filed by 5:00 p.m. not less than
2716 fifty (50) days before the * * * early voting period begins for
2717 the election. If the fiftieth day to file the petition before an
2718 election falls on a Sunday or legal holiday, the petition filed on
2719 the business day immediately following the Sunday or legal holiday
2720 shall be accepted.

2721 There shall be attached to each petition above provided for,
2722 upon the time of filing with the Secretary of State, a certificate
2723 from the appropriate registrar or registrars showing the number of
2724 qualified electors appearing upon each petition which the
2725 registrar shall furnish to the petitioner upon request.

2726 **SECTION 68.** Section 23-15-855, Mississippi Code of 1972, is
2727 amended as follows:

2728 23-15-855. (1) If a vacancy shall occur in the office of
2729 United States Senator from Mississippi by death, resignation or
2730 otherwise, the Governor shall, within ten (10) days after
2731 receiving official notice of the vacancy, issue a proclamation for
2732 an election to be held in the state to elect a Senator to fill the
2733 remaining unexpired term, provided the unexpired term is more than



2734 twelve (12) months and the election shall * * * begin within
2735 ninety (90) days from the time the proclamation is issued and the
2736 returns of such election shall be certified to the Governor in the
2737 manner set out above for regular elections, unless the vacancy
2738 occurs in a year in which a general state or congressional
2739 election is held, in which event the Governor's proclamation shall
2740 designate the period for conducting the general election * * * as
2741 the time for electing a Senator, and the vacancy shall be filled
2742 by appointment as hereinafter provided.

2743 (2) In case of a vacancy in the office of United States
2744 Senator, the Governor may appoint a Senator to fill the vacancy
2745 temporarily, and if the United States Senate be in session at the
2746 time the vacancy occurs the Governor shall appoint a Senator
2747 within ten (10) days after receiving official notice thereof, and
2748 the appointed Senator shall serve until a successor is elected and
2749 commissioned as provided for in subsection (1) of this section,
2750 provided that such unexpired term as he or she may be appointed to
2751 fill shall be for a longer time than one (1) year, but if for a
2752 shorter time than one (1) year, he or she shall serve for the full
2753 time of the unexpired term and no special election shall be called
2754 by the Governor but a successor shall be elected at the regular
2755 election.

2756 **SECTION 69.** Section 23-15-857, Mississippi Code of 1972, is
2757 amended as follows:



2758 23-15-857. (1) When there is a vacancy in an elective
2759 office in a city, town or village, the unexpired term of which
2760 shall not exceed six (6) months, the same shall be filled by
2761 appointment by the governing authority or remainder of the
2762 governing authority of the city, town or village. The municipal
2763 clerk shall certify the appointment to the Secretary of State and
2764 the appointed person or persons shall be commissioned by the
2765 Governor.

2766 (2) When there is a vacancy in an elective office in a city,
2767 town or village, the unexpired term of which shall exceed six (6)
2768 months, the governing authority or remainder of the governing
2769 authority of the city, town or village shall make and enter on the
2770 minutes an order for an election to be held in the city, town or
2771 village to fill the vacancy and fix a * * * time period upon which
2772 the early voting and election day shall be held. The order shall
2773 be made and entered upon the minutes at the next regular meeting
2774 of the governing authority after the vacancy occurs, or at a
2775 special meeting to be held not later than ten (10) days after the
2776 vacancy occurs, Saturdays, Sundays and legal holidays excluded,
2777 whichever shall occur first. The election shall be held on a date
2778 not less than thirty (30) days nor more than forty-five (45) days
2779 after the date upon which the order is adopted.

2780 Notice of the election shall be given by the municipal clerk
2781 by notice published in a newspaper published in the municipality.
2782 The notice shall be published once each week for three (3)



2783 successive weeks * * * before the date * * * early voting begins
2784 for the election. The first notice shall be published at least
2785 thirty (30) days before * * * early voting begins for the
2786 election. Notice shall also be given by posting a copy of the
2787 notice at three (3) public places in the municipality not less
2788 than twenty-one (21) days before * * * early voting begins for the
2789 election. One (1) of the notices shall be posted at the city,
2790 town or village hall. In the event that there is no newspaper
2791 published in the municipality, such notice shall be published as
2792 provided for above in a newspaper that has a general circulation
2793 within the municipality and by posting as provided for above.
2794 Additionally, the governing authority may publish the notice in
2795 that newspaper for as many additional times as may be deemed
2796 necessary by the governing authority.

2797 Each candidate shall qualify by petition filed with the
2798 municipal clerk by 5:00 p.m. at least twenty (20) days before
2799 the * * * early voting period begins for the election. If the
2800 twentieth day to file the petition before the election falls on a
2801 Sunday or legal holiday, the petition filed on the business day
2802 immediately following the Sunday or legal holiday shall be
2803 accepted. The petition shall be signed by not less than the
2804 following number of qualified electors:

2805 (a) For an office of a city, town, village or municipal
2806 district having a population of one thousand (1,000) or more, not
2807 less than fifty (50) qualified electors.



2808 (b) For an office of a city, town, village or municipal
2809 district having a population of less than one thousand (1,000),
2810 not less than fifteen (15) qualified electors.

2811 No qualifying fee shall be required of any candidate, and the
2812 election shall be held as far as practicable in the same manner as
2813 municipal general elections.

2814 The candidate receiving a majority of the votes cast in the
2815 election shall be elected. If no candidate receives a majority
2816 vote at the election, the two (2) candidates receiving the highest
2817 number of votes shall have their names placed on the ballot for
2818 the election to be held three (3) weeks thereafter. The candidate
2819 receiving a majority of the votes cast in the election shall be
2820 elected. However, if no candidate receives a majority and there
2821 is a tie in the election of those receiving the next highest vote,
2822 those receiving the next highest vote and the candidate receiving
2823 the highest vote shall have their names placed on the ballot for
2824 the election to be held three (3) weeks thereafter, and whoever
2825 receives the most votes cast in the election shall be elected.

2826 Should the election held three (3) weeks thereafter result in
2827 a tie vote, the prevailing candidate shall be decided by a toss of
2828 a coin or by lot fairly and publicly drawn under the supervision
2829 of the election commission.

2830 The clerk of the election commission shall then give a
2831 certificate of election to the person elected, and return to the
2832 Secretary of State a copy of the order of holding the election and



2833 runoff election results, certified by the clerk of the governing
2834 authority. The person elected shall be commissioned by the
2835 Governor.

2836 However, if nineteen (19) days before the * * * early voting
2837 period begins for the election only one (1) person shall have
2838 qualified as a candidate, the governing authority, or remainder of
2839 the governing authority, shall dispense with the election and
2840 appoint that one (1) candidate in lieu of an election. In the
2841 event no person shall have qualified by 5:00 p.m. at least twenty
2842 (20) days before * * * the early voting period begins for the
2843 election, the governing authority or remainder of the governing
2844 authority shall dispense with the election and fill the vacancy by
2845 appointment. The clerk of the governing authority shall certify
2846 the appointment to the Secretary of State, and the appointed
2847 person shall be commissioned by the Governor.

2848 **SECTION 70.** Section 23-15-859, Mississippi Code of 1972, is
2849 amended as follows:

2850 23-15-859. Whenever under any statute a special election is
2851 required or authorized to be held in any municipality, and the
2852 statute authorizing or requiring the election does not specify the
2853 time within which the election shall be called, or the notice
2854 which shall be given, the governing authorities of the
2855 municipality shall, by resolution, fix a date upon which the
2856 election shall be held. The date shall not be less than
2857 twenty-one (21) nor more than thirty (30) days after the date upon



2858 which such resolution is adopted, and not less than three (3)
2859 weeks' notice of the election shall be given by the clerk by a
2860 notice published in a newspaper published in the municipality once
2861 each week for three (3) weeks next * * * before the * * * early
2862 voting period begins for the election, and by posting a copy of
2863 the notice at three (3) public places in the municipality.
2864 Nothing herein, however, shall be applicable to elections on the
2865 question of the issuance of the bonds of a municipality or to
2866 general or primary elections for the election of municipal
2867 officers.

2868 The provisions of this section shall be applicable to all
2869 municipalities of this state, whether operating under a code
2870 charter, special charter or the commission form of government,
2871 except in cases of conflicts between the provisions of the section
2872 and the provisions of the special charter of a municipality, or
2873 the law governing the commission form of government, in which
2874 cases of conflict the provisions of the special charter or the
2875 statutes relative to the commission form of government shall
2876 apply.

2877 **SECTION 71.** Section 23-15-895, Mississippi Code of 1972, is
2878 amended as follows:

2879 23-15-895. No candidate for an elective office, or any
2880 representative of such candidate, and no proponent or opponent of
2881 any constitutional amendment, local issue or other measure printed
2882 on the ballot may post or distribute cards, posters or other



2883 campaign literature within one hundred fifty (150) feet of any
2884 entrance of the building wherein early voting or any election is
2885 being held. No candidate or a representative named by him or her
2886 in writing may appear at any polling place while armed or
2887 uniformed, or display any badge or credentials except as may be
2888 issued by the manager of the polling place. As used in this
2889 section, the term "local issue" shall have the meaning ascribed to
2890 such term in Section 23-15-375. This section shall be enforced by
2891 election officials and law enforcement officials.

2892 **SECTION 72.** Section 23-15-913, Mississippi Code of 1972, is
2893 amended as follows:

2894 23-15-913. The judges listed and selected to hear election
2895 disputes, as provided in Section 23-15-951, shall be available
2896 during early voting and on election day to immediately hear and
2897 resolve any election * * * disputes. The rules for filing
2898 pleadings shall be relaxed to carry out the purposes of this
2899 section. The judges selected shall perform no other judicial
2900 duties * * * during the election * * * period. The Supreme Court
2901 shall make judges available to hear disputes in the county in
2902 which the disputes occur but no judge shall hear disputes in the
2903 district or county in which he or she was elected nor shall any
2904 judge hear any dispute in which any potential conflict may arise.
2905 Each judge shall be fair and impartial and shall be assigned on
2906 that basis.



2907 **SECTION 73.** Section 23-15-963, Mississippi Code of 1972, is
2908 amended as follows:

2909 23-15-963. (1) Any person desiring to contest the
2910 qualifications of another person who has qualified pursuant to the
2911 provisions of Section 23-15-359 * * * as a candidate for any
2912 office elected at a general election, shall file a petition
2913 specifically setting forth the grounds of the challenge not later
2914 than thirty-one (31) days after the date of the first primary
2915 election set forth in Section 23-15-191 * * *. * * * The petition
2916 shall be filed with the same body with whom the candidate in
2917 question qualified pursuant to Section 23-15-359 * * *.

2918 (2) Any person desiring to contest the qualifications of
2919 another person who has qualified pursuant to the provisions of
2920 Section 23-15-213 * * * as a candidate for county election
2921 commissioner elected at a general election, shall file a petition
2922 specifically setting forth the grounds of the challenge no later
2923 than sixty (60) days * * * before the period for early voting
2924 begins for the general election. * * * The petition shall be
2925 filed with the county board of supervisors, being the same body
2926 with whom the candidate in question qualified pursuant to Section
2927 23-15-213 * * *.

2928 (3) Any person desiring to contest the qualifications of
2929 another person who has qualified pursuant to the provisions of
2930 Section 23-15-361 * * * as a candidate for municipal office
2931 elected on the date designated by law for regular municipal



2932 elections, shall file a petition specifically setting forth the
2933 grounds of the challenge no later than thirty-one (31) days after
2934 the date of the first primary election set forth in Section
2935 23-15-309 * * *. * * * The petition shall be filed with the
2936 municipal election commissioners * * *, being the same body with
2937 whom the candidate in question qualified pursuant to Section
2938 23-15-361 * * *.

2939 (4) Within ten (10) days of receipt of the petition
2940 described in subsections (1), (2) and (3) of this section, the
2941 appropriate election officials shall meet and rule upon the
2942 petition. At least two (2) days before the hearing to consider
2943 the petition, the appropriate election officials shall give notice
2944 to both the petitioner and the contested candidate of the time and
2945 place of the hearing on the petition. Each party shall be given
2946 an opportunity to be heard at such meeting and present evidence in
2947 support of his or her position.

2948 (5) If the appropriate election officials fail to rule upon
2949 the petition within the time required above, such inaction shall
2950 be interpreted as a denial of the request for relief contained in
2951 the petition.

2952 (6) Any party aggrieved by the action or inaction of the
2953 appropriate election officials may file a petition for judicial
2954 review to the circuit court of the county in which the election
2955 officials whose decision is being reviewed sits. * * * The
2956 petition must be filed no later than fifteen (15) days after the



2957 date the petition was originally filed with the appropriate
2958 election officials. * * * The person filing for judicial review
2959 shall give a cost bond in the sum of Three Hundred Dollars
2960 (\$300.00) with two (2) or more sufficient sureties conditioned to
2961 pay all costs in case his or her petition be dismissed, and an
2962 additional bond may be required, by the court, if necessary, at
2963 any subsequent stage of the proceedings.

2964 (7) The circuit court with whom such a petition for judicial
2965 review has been filed shall at the earliest possible date set the
2966 matter for hearing. Notice shall be given to the interested
2967 parties of the time set for hearing by the circuit clerk. The
2968 hearing before the circuit court shall be de novo. The matter
2969 shall be tried to the circuit judge, without a jury. After
2970 hearing the evidence, the circuit judge shall determine whether
2971 the candidate whose qualifications have been challenged is legally
2972 qualified to have his or her name placed upon the ballot in
2973 question. The circuit judge may, upon disqualification of any
2974 such candidate, order that * * * the candidate * * * bear the
2975 court costs of the proceedings.

2976 (8) Within three (3) days after judgment is rendered by the
2977 circuit court, the contestant or contestee, or both, may file an
2978 appeal in the Supreme Court upon giving a cost bond in the sum of
2979 Three Hundred Dollars (\$300.00), together with a bill of
2980 exceptions * * * that shall state the point or points of law at
2981 issue with a sufficient synopsis of the facts to fully disclose



2982 the bearing and relevancy of such points of law. The bill of
2983 exceptions shall be signed by the trial judge, or in case of his
2984 or her absence, refusal or disability, by two (2) disinterested
2985 attorneys, as is provided by law in other cases of bills of
2986 exception. The filing of * * * the appeals shall automatically
2987 suspend the decision of the circuit court and the appropriate
2988 election officials are entitled to proceed based upon their
2989 decision unless and until the Supreme Court, in its discretion,
2990 stays further proceedings in the matter. The appeal shall be
2991 immediately docketed in the Supreme Court and referred to the
2992 court en banc upon briefs without oral argument unless the court
2993 shall call for oral argument, and shall be decided at the earliest
2994 possible date, as a preference case over all others. The Supreme
2995 Court shall have the authority to grant such relief as is
2996 appropriate under the circumstances.

2997 (9) The procedure set forth above shall be the * * * only
2998 manner in which the qualifications of a candidate seeking public
2999 office who qualified pursuant to the provisions of Sections
3000 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
3001 before the time of his or her election. After any such person has
3002 been elected to public office, the election may be challenged as
3003 otherwise provided by law. After any person assumes an elective
3004 office, his or her qualifications to hold that office may be
3005 contested as otherwise provided by law.



3006 **SECTION 74.** Section 23-15-977, Mississippi Code of 1972, is
3007 amended as follows:

3008 23-15-977. (1) Except as otherwise provided in this
3009 section, all candidates for judicial office as defined in Section
3010 23-15-975 of this subarticle shall file their intent to be a
3011 candidate with the proper officials and pay the proper assessment
3012 by not later than 5:00 p.m. on February 1 of the year in which the
3013 general election for the judicial office is held. If February 1
3014 occurs on a Saturday, Sunday or legal holiday, candidates shall
3015 file their intent to be a candidate and pay the proper assessment
3016 by 5:00 p.m. on the business day immediately following the
3017 Saturday, Sunday or legal holiday. Candidates shall pay to the
3018 proper officials the following amounts:

3019 (a) Candidates for Supreme Court justice and Court of
3020 Appeals judge, the sum of Two Hundred Dollars (\$200.00).

3021 (b) Candidates for circuit judge and chancellor, the
3022 sum of One Hundred Dollars (\$100.00).

3023 (c) Candidates for county judge and family court judge,
3024 the sum of Fifteen Dollars (\$15.00).

3025 Candidates for judicial office may not file their intent to
3026 be a candidate and pay the proper assessment before January 1 of
3027 the year in which the election for the judicial office is held.

3028 (2) Candidates for judicial offices listed in paragraphs (a)
3029 and (b) of subsection (1) of this section shall file their intent
3030 to be a candidate with, and pay the proper assessment made



3031 pursuant to subsection (1) of this section to, the State Board of
3032 Election Commissioners.

3033 (3) Candidates for judicial offices listed in paragraph (c)
3034 of subsection (1) of this section shall file their intent to be a
3035 candidate with, and pay the proper assessment made pursuant to
3036 subsection (1) of this section to, the circuit clerk of the proper
3037 county. The circuit clerk shall notify the county election
3038 commissioners of all persons who have filed their intent to be a
3039 candidate with, and paid the proper assessment to, such clerk.
3040 The notification shall occur within two (2) business days and
3041 shall contain all necessary information.

3042 (4) If only one (1) person files his or her intent to be a
3043 candidate for a judicial office and that person later dies,
3044 resigns or is otherwise disqualified from holding the judicial
3045 office after the deadline provided for in subsection (1) of this
3046 section but more than seventy (70) days before the date * * * that
3047 early voting begins for the general election, the Governor, upon
3048 notification of the death, resignation or disqualification of the
3049 person, shall issue a proclamation authorizing candidates to file
3050 their intent to be a candidate for that judicial office for a
3051 period of not less than seven (7) nor more than ten (10) days from
3052 the date of the proclamation.

3053 (5) If only one (1) person qualifies as a candidate for a
3054 judicial office and that person later dies, resigns or is
3055 otherwise disqualified from holding the judicial office within



3056 seventy (70) days before the date * * * that early voting begins
3057 for the general election, the judicial office shall be considered
3058 vacant for the new term and the vacancy shall be filled as
3059 provided in by law.

3060 **SECTION 75.** Section 23-15-1031, Mississippi Code of 1972, is
3061 amended as follows:

3062 23-15-1031. Except as provided by Section 23-15-1081, the
3063 first primary election for * * * members of Congress shall be held
3064 on the first Tuesday in June of the years in which * * * members
3065 of Congress are elected, and a second primary, if necessary, shall
3066 be held three (3) weeks thereafter. Each year in which a
3067 presidential election is held, the congressional primary shall be
3068 held as provided in Section 23-15-1081. The election shall be
3069 held in all districts of the state during the same period for
3070 early voting and on the same day. Candidates for United States
3071 Senator shall be nominated at the congressional primary next
3072 preceding the general election at which a senator is to be elected
3073 and in the same manner that * * * members of Congress are
3074 nominated. The chair and secretary of the state executive
3075 committee shall certify the vote for United States Senator to the
3076 Secretary of State in the same manner that county executive
3077 committees certify the returns of counties in general state and
3078 county primary elections.

3079 **SECTION 76.** Section 23-15-1081, Mississippi Code of 1972, is
3080 amended as follows:



3081 23-15-1081. A presidential preference primary may be held on
3082 the second Tuesday in March of each year in which a President of
3083 the United States is to be elected and during the early voting
3084 period established in this act. Each political party * * * that
3085 has cast for its candidates for President and Vice President in
3086 the previous presidential election more than twenty percent (20%)
3087 of the total vote cast for President and Vice President in the
3088 state, may conduct a presidential preference primary. No elector
3089 shall vote in the primary of more than one (1) political party in
3090 the same presidential preference primary.

3091 **SECTION 77.** Section 23-15-1083, Mississippi Code of 1972, is
3092 amended as follows:

3093 23-15-1083. Beginning in 1988, as an alternative to the
3094 congressional primary election date set forth in Section
3095 23-15-1031, when a political party elects to conduct a
3096 presidential preference primary, the first primary election
3097 for * * * members of Congress, and senators, if senators are to be
3098 elected, shall be held on the second Tuesday in March and during
3099 the early voting period established in this act, and the second
3100 primary, when one is necessary, shall be held three (3) weeks
3101 thereafter, and the election shall be held in all districts of the
3102 state on the same day.

3103 **SECTION 78.** Section 23-15-1085, Mississippi Code of 1972, is
3104 amended as follows:



3105 23-15-1085. The * * * chair of a party's state executive
3106 committee shall notify the Secretary of State if the party intends
3107 to hold a presidential preference primary. The Secretary of State
3108 shall be notified * * * before December 1 of the year preceding
3109 the year in which a presidential preference primary may be held
3110 pursuant to Section 23-15-1081. Upon * * * the notification, the
3111 Secretary of State shall issue a proclamation setting every
3112 party's congressional and senatorial primary elections, including
3113 the period for early voting, that are to be held in the year in
3114 which the presidential preference primary is to be held on the
3115 date provided for in Section 23-15-1083. Once the Secretary of
3116 State has issued a proclamation pursuant to this section, the
3117 dates of the congressional and senatorial primary elections shall
3118 not be changed.

3119 **SECTION 79.** Section 23-15-1091, Mississippi Code of 1972, is
3120 amended as follows:

3121 23-15-1091. When the Secretary of State places the name of a
3122 candidate on the ballot pursuant to Section 23-15-1093, he or she
3123 shall notify the candidate that his or her name will appear on the
3124 ballot of this state in the presidential preference primary
3125 election.

3126 The secretary shall also notify the candidate that he or she
3127 may withdraw his or her name from the ballot by filing with the
3128 Secretary of State an affidavit pursuant to Section 23-15-1095 no



3129 later than the sixtieth day before the period for early voting
3130 begins for that election.

3131 **SECTION 80.** Section 21-3-3, Mississippi Code of 1972, is
3132 amended as follows:

3133 21-3-3. The elective officers of all municipalities
3134 operating under a code charter shall be the mayor, the aldermen,
3135 municipal judge, the marshal or chief of police, the tax collector
3136 and the tax assessor. From and after July 1, 2017, the governing
3137 authorities of the municipality shall appoint a city or town clerk
3138 who shall likewise serve as an officer of the municipality.

3139 However, the governing authorities of the municipality shall have
3140 the power, by ordinance, to combine the office of clerk or marshal
3141 with the office of tax collector and/or tax assessor. * * * The
3142 governing authorities shall have the further power to provide
3143 that * * * any of * * * those officers, except those of mayor and
3144 aldermen, shall be appointive, in which case the marshal or chief
3145 of police, the tax collector, the tax assessor, and the city or
3146 town clerk, or such of * * * the officers as may be made
3147 appointive, shall be appointed by the governing authorities. Any
3148 action taken by the governing authorities to make any of * * * the
3149 offices appointive shall be by ordinance of * * * the
3150 municipality, and no such ordinance shall be adopted within ninety
3151 (90) days * * * before the period for early voting begins for any
3152 regular general election for the election of municipal officers.
3153 No such ordinance shall become effective during the term of office



3154 of any officer whose office shall be affected thereby. If any
3155 such office is made appointive, the person appointed thereto shall
3156 hold office at the pleasure of the governing authorities and may
3157 be discharged by * * * the governing authorities at any time,
3158 either with or without cause, and it shall be discretionary with
3159 the governing authorities whether or not to require * * * the
3160 person appointed thereto to reside within the corporate limits of
3161 the municipality in order to hold * * * the office.

3162 **SECTION 81.** Section 21-9-17, Mississippi Code of 1972, is
3163 amended as follows:

3164 21-9-17. Except as otherwise provided, all candidates for
3165 mayor and councilmen, or any of them, to be voted for * * * during
3166 the periods for holding any general or special municipal election,
3167 shall be nominated by party primary election, and no other name or
3168 names shall be placed on the official ballot at * * * the general
3169 or special election than those selected in the manner prescribed
3170 herein. Such primary election or elections, shall be held not
3171 less than ten (10), nor more than thirty (30) days, * * * before
3172 the general or special election, and * * * the primary election or
3173 elections shall be held and conducted in the manner as near as may
3174 be as is provided by law for state and county primary elections.

3175 **SECTION 82.** Section 37-5-9, Mississippi Code of 1972, is
3176 amended as follows:

3177 37-5-9. The name of any qualified elector who is a candidate
3178 for the county board of education shall be placed on the ballot



3179 used in the general elections by the county election
3180 commissioners, provided that the candidate files with the county
3181 election commissioners, not more than ninety (90) days and not
3182 less than sixty (60) days * * * before the date * * * early voting
3183 begins for the general election, a petition of nomination signed
3184 by not less than fifty (50) qualified electors of the county
3185 residing within each supervisors district. Where there are less
3186 than one hundred (100) qualified electors in * * * the supervisors
3187 district, it shall only be required that * * * the petition of
3188 nomination be signed by at least twenty percent (20%) of the
3189 qualified electors of such supervisors district. The candidate in
3190 each supervisors district who receives the majority of votes cast
3191 in the district shall be declared elected. If no candidate
3192 receives a majority of the votes cast at the election, a runoff
3193 shall be held between the two (2) candidates receiving the highest
3194 number of votes in the first election. The runoff election, in
3195 the event that such is necessary, shall be held three (3) weeks
3196 after the first election.

3197 When any member of the county board of education is to be
3198 elected from the county at large under the provisions of this
3199 chapter, then the petition required by the preceding paragraph
3200 hereof shall be signed by the required number of qualified
3201 electors residing in any part of the county outside of the
3202 territory embraced within a municipal separate school district or
3203 special municipal separate school district. The candidate who



3204 receives the majority of votes cast in the election shall be
3205 declared elected. If no candidate receives a majority of the
3206 votes cast at the election, a runoff shall be held between the two
3207 (2) candidates receiving the highest number of votes in the first
3208 election. The runoff election, in the event that such is
3209 necessary, shall be held three (3) weeks after the first election.

3210 In no case shall any qualified elector residing within a
3211 municipal separate school district or special municipal separate
3212 school district be eligible to sign a petition of nomination for
3213 any candidate for the county board of education under any of the
3214 provisions of this section.

3215 **SECTION 83.** Section 21-8-7, Mississippi Code of 1972, is
3216 amended as follows:

3217 21-8-7. (1) Each municipality operating under the
3218 mayor-council form of government shall be governed by an elected
3219 council and an elected mayor. Other officers and employees shall
3220 be duly appointed pursuant to this chapter, general law or
3221 ordinance.

3222 (2) Except as otherwise provided in subsection (4) of this
3223 section, the mayor and council members shall be elected by the
3224 voters of the municipality at a regular municipal election held on
3225 the first Tuesday after the first Monday in June as provided in
3226 Section 21-11-7, and shall serve for a term of four (4) years
3227 beginning on the first day of July next following the election
3228 that is not on a weekend. Votes for mayor and council members may



3229 also be cast during the period for early voting as provided in
3230 this act.

3231 (3) The terms of the initial mayor and council members shall
3232 commence at the expiration of the terms of office of the elected
3233 officials of the municipality serving at the time of adoption of
3234 the mayor-council form.

3235 (4) (a) The council shall consist of five (5), seven (7) or
3236 nine (9) members. In the event there are five (5) council
3237 members, the municipality shall be divided into either five (5) or
3238 four (4) wards. In the event there are seven (7) council members,
3239 the municipality shall be divided into either seven (7), six (6)
3240 or five (5) wards. In the event there are nine (9) council
3241 members, the municipality shall be divided into seven (7) or nine
3242 (9) wards. If the municipality is divided into fewer wards than
3243 it has council members, the other council member or members shall
3244 be elected from the municipality at large. The total number of
3245 council members and the number of council members elected from
3246 wards shall be established by the petition or petitions presented
3247 pursuant to Section 21-8-3. One (1) council member shall be
3248 elected from each ward by the voters of that ward. Council
3249 members elected to represent wards must be residents of their
3250 wards for two (2) years as provided in Section 23-15-300 at the
3251 time of qualification for election, and any council member who
3252 removes the member's residence from the municipality or from the
3253 ward from which elected shall vacate that office. However, any



3254 candidate for council member who is properly qualified as a
3255 candidate under applicable law shall be deemed to be qualified as
3256 a candidate in whatever ward the member resides if the ward has
3257 changed after the council has redistricted the municipality as
3258 provided in paragraph (c) (ii) of this subsection (4), and if the
3259 wards have been so changed, any person may qualify as a candidate
3260 for council member, by changing the person's residence, not less
3261 than fifteen (15) days before the period for early voting begins
3262 for the first party primary or special party primary, as the case
3263 may be, notwithstanding any other residency or qualification
3264 requirements to the contrary.

3265 (b) The council or board existing at the time of the
3266 adoption of the mayor-council form of government shall designate
3267 the geographical boundaries of the wards within one hundred twenty
3268 (120) days after the election in which the mayor-council form of
3269 government is selected. In designating the geographical
3270 boundaries of the wards, each ward shall contain, as nearly as
3271 possible, the population factor obtained by dividing the
3272 municipality's population as shown by the most recent decennial
3273 census by the number of wards into which the municipality is to be
3274 divided.

3275 (c) (i) It shall be the mandatory duty of the council
3276 to redistrict the municipality by ordinance, which ordinance may
3277 not be vetoed by the mayor, within six (6) months after the
3278 official publication by the United States of the population of the



3279 municipality as enumerated in each decennial census, and within
3280 six (6) months after the effective date of any expansion of
3281 municipal boundaries; however, if the publication of the most
3282 recent decennial census or effective date of an expansion of the
3283 municipal boundaries occurs six (6) months or more before the
3284 first party primary of a general municipal election, then the
3285 council shall redistrict the municipality by ordinance not less
3286 than sixty (60) days before the period for early voting begins for
3287 the first party primary.

3288 (ii) If the publication of the most recent
3289 decennial census occurs less than six (6) months before the first
3290 primary of a general municipal election, the election shall be
3291 held with regard to the existing defined wards; reapportioned
3292 wards based on the census shall not serve as the basis for
3293 representation until the next regularly scheduled election in
3294 which council members shall be elected.

3295 (d) If annexation of additional territory into the
3296 municipal corporate limits of the municipality occurs less than
3297 six (6) months before the first party primary of a general
3298 municipal election, the council shall, by ordinance adopted within
3299 three (3) days of the effective date of the annexation, assign the
3300 annexed territory to an adjacent ward or wards so as to maintain
3301 as nearly as possible substantial equality of population between
3302 wards; any subsequent redistricting of the municipality by
3303 ordinance as required by this chapter shall not serve as the basis



3304 for representation until the next regularly scheduled election for
3305 municipal council members.

3306 (5) Vacancies occurring in the council shall be filled as
3307 provided in Section 23-15-857.

3308 (6) The mayor shall maintain an office at the city hall.
3309 The council members shall not maintain individual offices at the
3310 city hall; however, in a municipality having a population of one
3311 hundred thousand (100,000) and above according to the latest
3312 federal decennial census, council members may have individual
3313 offices in the city hall. Clerical work of council members in the
3314 performance of the duties of their office shall be performed by
3315 municipal employees or at municipal expense, and council members
3316 shall be reimbursed for the reasonable expenses incurred in the
3317 performance of the duties of their office.

3318 **SECTION 84.** Section 9-4-5, Mississippi Code of 1972, is
3319 amended as follows:

3320 9-4-5. (1) The term of office of judges of the Court of
3321 Appeals shall be eight (8) years. An election shall be held on
3322 the first Tuesday after the first Monday in November 1994, to
3323 elect the ten (10) judges of the Court of Appeals, two (2) from
3324 each congressional district; provided, however, judges of the
3325 Court of Appeals who are elected to take office after the first
3326 Monday of January 2002, shall be elected from the Court of Appeals
3327 Districts described in subsection (5) of this section. The judges
3328 of the Court of Appeals shall begin service on the first Monday of



3329 January 1995. Votes for judges of the Court of Appeals may be
3330 cast, if applicable, during the period for early voting provided
3331 for in this act.

3332 (2) (a) In order to provide that the offices of not more
3333 than a majority of the judges of * * * the court shall become
3334 vacant at any one (1) time, the terms of office of six (6) of the
3335 judges first to be elected shall expire in less than eight (8)
3336 years. For the purpose of all elections of members of the court,
3337 each of the ten (10) judges of the Court of Appeals shall be
3338 considered a separate office. The two (2) offices in each of the
3339 five (5) districts shall be designated Position Number 1 and
3340 Position Number 2, and in qualifying for office as a candidate for
3341 any office of judge of the Court of Appeals each candidate shall
3342 state the position number of the office to which he or she aspires
3343 and the election ballots shall so indicate.

3344 (i) In Congressional District Number 1, the judge
3345 of the Court of Appeals for Position Number 1 shall be that office
3346 for which the term ends January 1, 1999, and the judge of the
3347 Court of Appeals for Position Number 2 shall be that office for
3348 which the term ends January 1, 2003.

3349 (ii) In Congressional District Number 2, the judge
3350 of the Court of Appeals for Position Number 1 shall be that office
3351 for which the term ends on January 1, 2003, and the judge of the
3352 Court of Appeals for Position Number 2 shall be that office for
3353 which the term ends January 1, 2001.



3354 (iii) In Congressional District Number 3, the
3355 judge of the Court of Appeals for Position Number 1 shall be that
3356 office for which the term ends on January 1, 2001, and the judge
3357 of the Court of Appeals for Position Number 2 shall be that office
3358 for which the term ends January 1, 1999.

3359 (iv) In Congressional District Number 4, the judge
3360 of the Court of Appeals for Position Number 1 shall be that office
3361 for which the term ends on January 1, 1999, and the judge of the
3362 Court of Appeals for Position Number 2 shall be that office for
3363 which the term ends January 1, 2003.

3364 (v) In Congressional District Number 5, the judge
3365 of the Court of Appeals for Position Number 1 shall be that office
3366 for which the term ends on January 1, 2003, and the judge of the
3367 Court of Appeals for Position Number 2 shall be that office for
3368 which the term ends January 1, 2001.

3369 (b) The laws regulating the general elections shall
3370 apply to and govern the elections of judges of the Court of
3371 Appeals except as otherwise provided in Sections 23-15-974 through
3372 23-15-985.

3373 (c) In the year * * * before the expiration of the term
3374 of an incumbent, and likewise each eighth year thereafter, an
3375 election shall be held in the manner provided in this section in
3376 the district from which the incumbent Court of Appeals judge was
3377 elected at which there shall be elected a successor to the
3378 incumbent, whose term of office shall thereafter begin on the



3379 first Monday of January of the year in which the term of the
3380 incumbent he or she succeeds expires.

3381 (3) No person shall be eligible for the office of judge of
3382 the Court of Appeals who has not attained the age of thirty (30)
3383 years at the time of his or her election and who has not been a
3384 practicing attorney and citizen of the state for five (5) years
3385 immediately * * * before the election.

3386 (4) Any vacancy on the Court of Appeals shall be filled by
3387 appointment of the Governor for that portion of the unexpired
3388 term * * * before the election to fill the remainder of * * * the
3389 term according to provisions of Section 23-15-849 * * *.

3390 (5) (a) The State of Mississippi is hereby divided into
3391 five (5) Court of Appeals Districts as follows:

3392 **FIRST DISTRICT.** The First Court of Appeals District shall be
3393 composed of the following counties and portions of counties:
3394 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3395 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3396 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3397 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3398 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3399 Nations and Poplar Creek; in Panola County the precincts of East
3400 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3401 Springport, South Springport, Eureka, Williamson, East Batesville
3402 4, West Batesville 4, Fern Hill, North Batesville A, East
3403 Batesville 5 and West Batesville 5; and in Tallahatchie County the



3404 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3405 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3406 Murphreesboro and Rosebloom.

3407 **SECOND DISTRICT.** The Second Court of Appeals District shall
3408 be composed of the following counties and portions of counties:
3409 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3410 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
3411 Tunica, Warren, Washington and Yazoo; in Attala County the
3412 precincts of Northeast, Hesterville, Possomneck, North Central,
3413 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3414 County not included in the First Court of Appeals District; in
3415 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3416 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3417 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3418 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3419 precincts of Conway, West Carthage, Wiggins, Thomastown and
3420 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3421 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3422 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3423 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3424 Canton Precinct 1 and Canton Precinct 4; that portion of
3425 Montgomery County not included in the First Court of Appeals
3426 District; that portion of Panola County not included in the First
3427 Court of Appeals District; and that portion of Tallahatchie County
3428 not included in the First Court of Appeals District.



3429 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3430 composed of the following counties and portions of counties:
3431 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3432 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3433 portion of Attala County not included in the Second Court of
3434 Appeals District; in Jones County the precincts of Northwest High
3435 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
3436 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3437 Antioch and Landrum; that portion of Leake County not included in
3438 the Second Court of Appeals District; that portion of Madison
3439 County not included in the Second Court of Appeals District; and
3440 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3441 Diamond, Chaparral, Matherville, Coit and Eucutta.

3442 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3443 be composed of the following counties and portions of counties:
3444 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3445 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3446 that portion of Hinds County not included in the Second Court of
3447 Appeals District; and that portion of Jones county not included in
3448 the Third Court of Appeals District.

3449 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3450 composed of the following counties and portions of counties:
3451 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3452 River, Perry and Stone; and that portion of Wayne County not
3453 included in the Third Court of Appeals District.



3454 (b) The boundaries of the Court of Appeals Districts
3455 described in paragraph (a) of this subsection shall be the
3456 boundaries of the counties and precincts listed in paragraph (a)
3457 of this subsection as such boundaries existed on October 1, 1990.

3458 **SECTION 85.** This act shall take effect and be in force from
3459 and after July 1, 2023.

