

By: Representative Summers

To: Apportionment and
Elections

HOUSE BILL NO. 1230

1 AN ACT TO CREATE THE EARLY VOTING ACT; TO PROVIDE
2 DEFINITIONS; TO PROVIDE THAT THE EARLY VOTING PERIOD SHALL BEGIN
3 TWENTY DAYS BEFORE THE ELECTION AND CONTINUE UNTIL THE LAST
4 REGULAR BUSINESS DAY PRECEDING THE ELECTION; TO PROVIDE THAT EARLY
5 VOTING SHALL BE FOR EACH PRIMARY, GENERAL, RUNOFF, SPECIAL AND
6 MUNICIPAL ELECTION FOR PUBLIC OFFICE; TO PROVIDE THE HOURS FOR
7 EARLY VOTING IN THE REGISTRAR'S OFFICE DURING REGULAR BUSINESS
8 HOURS; TO PROVIDE THAT NOTICE OF EARLY VOTING SHALL BE PROVIDED IN
9 THREE PUBLIC PLACES AT LEAST FOURTEEN DAYS BEFORE THE VOTING
10 BEGINS; TO PROVIDE THE PROCEDURES TO FOLLOW WHEN CASTING A BALLOT
11 DURING THE EARLY VOTING PERIOD; TO PROVIDE THE MANNER FOR
12 CHALLENGING THE QUALIFICATIONS OF A VOTER DURING THE EARLY VOTING
13 PERIOD; TO AMEND SECTIONS 23-15-625, 23-15-627, 23-15-629,
14 23-15-631, 23-15-635, 23-15-637, 23-15-639, 23-15-641, 23-15-647,
15 23-15-649, 23-15-657, 23-15-713, 23-15-715, 23-15-719 AND
16 23-15-735, MISSISSIPPI CODE OF 1972, TO REVISE THE VOTERS WHO ARE
17 ELIGIBLE TO VOTE BY ABSENTEE BALLOT; TO PROHIBIT A VOTER FROM
18 CASTING AN ABSENTEE BALLOT IN PERSON AT THE OFFICE OF THE COUNTY
19 REGISTRAR; TO CONFORM TO THE PROVISIONS OF THIS ACT; TO AMEND
20 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 twenty-day period
42 that has been designed for early voting.

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

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

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

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

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

54 **SECTION 4.** (1) The early voting period shall begin
55 twenty-one (21) days before the date of each primary, general,
56 runoff, special and municipal election for public office and
57 continue until 5:00 p.m. on Sunday preceding the election day. If



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

61 (2) Early voting shall be conducted in any designated early
62 voting location in the county in which the elector is registered
63 to vote during the times established for early voting in this
64 section. All counties shall provide for at least one (1) early
65 voting location per county or municipality. The board of
66 supervisors of the county or the governing authorities of the
67 municipality may designate additional locations as early voting
68 centers during the early voting period. Each early voting
69 location must be supervised by employees of the county, circuit
70 clerk's office, election commission or Secretary of State's
71 office. When designating early voting locations, the boards of
72 supervisors and the governing authorities shall consider
73 geography, population and ADA compliant accessibility. The early
74 voting locations shall be located in areas throughout the county
75 or municipality that maximize accessibility for all voters in the
76 county or municipality to the greatest extent possible.

77 (3) The officials in charge of the election shall publish
78 the location and hours of any early voting location at least
79 twenty-eight (28) days before the early voting period begins.
80 Publication must be made, at a minimum, to a website or webpage
81 managed by, or on behalf of, each circuit clerk's office in the
82 state, and notice of the location and hours of early voting shall



83 be provided to the Secretary of State's office at least twenty-
84 eight (28) days before early voting begins.

85 **SECTION 5.** (1) A qualified elector who desires to vote
86 during the early voting period shall appear at one of the
87 locations provided for early voting as described in Section 4 of
88 this act and shall present an acceptable form of photo
89 identification. Upon verification of the proper location and
90 identity, the elector shall sign the appropriate receipt book and
91 cast his or her vote in the same manner that the vote would be
92 cast on the day of the election. Except as otherwise provided in
93 Sections 1 through 7 of this act, the election laws that govern
94 the procedures for a person who appears to vote on the day of an
95 election shall apply when a person appears to vote during the
96 early voting period.

97 (2) All votes cast during the early voting period shall be
98 final.

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

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

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



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

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

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

118 23-15-625. (1) The registrar shall be responsible for
119 providing applications for absentee voting as provided in this
120 section. At least sixty (60) days before any election in which
121 absentee voting is provided for by law, the registrar shall
122 provide a sufficient number of applications. In the event a
123 special election is called and set at a date which makes it
124 impractical or impossible to prepare applications for absent
125 elector's ballot sixty (60) days before the election, the
126 registrar shall provide applications as soon as practicable after
127 the election is called. The registrar shall fill in the date of
128 the particular election on the application for which the
129 application will be used.

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



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

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

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

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

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



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

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

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



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

185 23-15-627. Any elector described in Section 23-15-713 may
186 request an absentee ballot application and vote in person at the
187 office of the registrar in the county in which he or she resides.
188 The registrar shall be responsible for furnishing an absentee
189 ballot application form to any elector authorized to receive an
190 absentee ballot. Except as otherwise provided in Section
191 23-15-625, absentee ballot applications shall be furnished to a
192 person only upon the oral or written request of the elector who
193 seeks to vote by absentee ballot; however, the parent, child,
194 spouse, sibling, legal guardian, those empowered with a power of
195 attorney for that elector's affairs or agent of the elector, who
196 is designated in writing and witnessed by a resident of this state
197 who shall write his or her physical address on such designation,
198 may orally request an absentee ballot application on behalf of the
199 elector. The written designation shall be valid for one (1) year
200 after the date of the designation. An absentee ballot application
201 must have the seal of the circuit or municipal clerk affixed to it
202 and be initialed by the registrar or his or her deputy in order to
203 be used to obtain an absentee ballot. A reproduction of an
204 absentee ballot application shall not be valid unless it is a
205 reproduction provided by the office of the registrar of the
206 jurisdiction in which the election is being held and which



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

209 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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

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

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



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

233 * * *

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

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

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

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

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

253 () I am a member of the congressional delegation, or spouse
254 or dependent of a member of the congressional delegation.



255 * * *

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

258 Mail 'Absent Elector's Ballot' to me at the following address
259 _____.

260 () I wish to receive an absentee ballot for the runoff
261 election _____.

262 I realize that I can be fined up to Five Thousand Dollars
263 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
264 for making a false statement in this application and for selling
265 my vote and violating the Mississippi Absentee Voter Law. (This
266 sentence is to be in bold print.)

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

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

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

277 _____
278 (Signature of absent elector)



279 SWORN TO AND SUBSCRIBED before me this the ____ day of _____,
280 2____.

281 _____
282 (Official authorized to administer oaths
283 for absentee balloting.)

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

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

290 _____
291 (Signature of witness)

292 CERTIFICATE OF DELIVERY

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

297 _____
298 (Signature of person delivering application)

299 _____
300 (Address of person delivering application)"

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



303 23-15-629. (1) The application for an absentee ballot of a
304 person who is permanently or temporarily physically disabled shall
305 be accompanied by a statement signed by such person's physician,
306 or nurse practitioner * * *. The statement must show that the
307 person signing the statement is a licensed, practicing * * *
308 physician or nurse practitioner and must indicate that the person
309 applying for the absentee ballot is permanently or temporarily
310 physically disabled to such a degree that it is difficult for him
311 or her to vote in person.

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

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



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

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

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

337 23-15-631. (1) The registrar shall enclose with each ballot
338 mailed to an absent elector separate printed instructions
339 furnished by the registrar containing the following:

340 * * *

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

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



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

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

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



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

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

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



401 Person Providing Voter Assistance" on the absentee ballot
402 envelope.

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

407 * * *

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

410 23-15-635. (1) The form of the elector's certificate,
411 attesting witness certification and certificate of person
412 providing voter assistance on the back of the envelope used by
413 absentee voters who are not absent voters as defined in Section
414 23-15-673, shall be as follows:

415 "ELECTOR'S CERTIFICATE

416 STATE OF _____

417 COUNTY OF _____

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



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

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

433 _____
434 (Signature of voter)

435 CERTIFICATE OF ATTESTING WITNESS

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

447 _____
448 (Attesting witness) (Address)
449 _____



450 (Official title) (City and State)

451 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

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

468 _____
469 Signature of person providing assistance

470 _____
471 Printed name of person providing assistance

472 _____
473 Address of person providing assistance

474 _____



475 Date and time assistance provided

476

477 Family relationship to voter (if any)"

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

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

485 23-15-637. (1) (a) Absentee ballots and applications
486 received by mail, except for fax or electronically transmitted
487 ballots as otherwise provided by Section 23-15-699 for UOCAVA
488 ballots, must be postmarked on or before the date of the election
489 and received by the registrar no more than five (5) business days
490 after the election; any received after such time shall be handled
491 as provided in Section 23-15-647 and shall not be counted.

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

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



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

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

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

515 23-15-639. (1) The examination and counting of all absentee
516 ballots shall be conducted as follows:

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



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

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

544 * * *

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

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



550 23-15-641. (1) For all absentee votes received by mail,
551 if * * * a required affidavit or the required certificate of the
552 officer before whom the affidavit is taken is * * *
553 insufficient, * * * the signatures do not correspond, * * * the
554 applicant is not a duly qualified elector in the precinct * * * or
555 otherwise qualified to vote, * * * the ballot envelope is open or
556 has been opened and resealed, or the voter is not eligible to vote
557 absentee, the previously cast vote by absentee ballot shall not be
558 allowed. Without opening the voter's envelope the resolution
559 board shall mark across its face "REJECTED", with the reason * * *
560 why the ballot was rejected.

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

572 * * *

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



575 to the officials in charge of conducting the election at the
576 central tabulation point of the county.

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

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

583 23-15-647. The registrar shall keep safely and unopened all
584 official absentee ballots which are received by mail after the
585 applicable cutoff period * * *. Upon receipt of such ballot, the
586 registrar shall write the day and hour of the receipt of the
587 ballot on its envelope. All such absentee ballots * * * received
588 by the registrar after the cutoff time shall be safely kept
589 unopened by the registrar for the period of time required for the
590 preservation of ballots used in the election, and shall then,
591 without being opened, be destroyed in like manner as the used
592 ballots of the election.

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

595 23-15-649. For all elections, the election officials shall
596 prepare and print, as soon as the deadline for the qualification
597 of candidates has passed or forty-five (45) days before the
598 election, whichever is later, official ballots for each voting
599 precinct to be known as absentee voter ballots * * * These



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

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

607 23-15-657. The registrar is authorized to accept requests
608 for absentee ballots by telephone. * * * The registrar shall
609 ascertain the name and complete address of the person making the
610 telephone request and the person for whom the request is being
611 made if different than the requestor and shall print upon the
612 absentee ballot application the name and complete address of the
613 requestor * * *, the relation of * * * that person to the voter if
614 requested by a person other than the voter, the name and complete
615 address of the voter if requested by a person other than the voter
616 and the date * * * the request was made. * * * These requests
617 shall be processed through the Statewide Election Management
618 System.

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

621 23-15-713. For the purpose of this subarticle, any duly
622 qualified elector may vote by an absentee ballot to be received
623 and returned via mail by the elector to the registrar of the
624 elector's county of residence as provided in this subarticle if



625 the elector falls within at least one (1) of the following
626 categories:

627 * * *

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

634 * * *

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

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



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

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

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

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

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

669 23-15-715. Any elector described in Section 23-15-713 and
670 desiring an absentee ballot as provided in this subarticle may
671 secure same if * * * within forty-five (45) days before any
672 election day but not later than seven (7) days before the election
673 day, the elector applies for an absentee ballot as provided in the
674 provisions of this act. * * * All applications, other than those



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

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

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

691 23-15-719. (1) Except where the registrar has already
692 mailed a ballot with an application, upon receipt of a properly
693 completed application form by an elector qualified to vote
694 absentee as provided in this article, the registrar shall mail the
695 absent voter an absentee ballot within one (1) business day, or as
696 soon as the absentee ballot is prepared and available, containing
697 the names of all the candidates and propositions, if any, to be
698 voted on in the election. The registrar shall include with the
699 absentee ballot an official envelope that complies with the



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

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

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

710 * * *

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

713 23-15-735. * * * Absentee ballots shall not be delivered in
714 person to an absentee voter or to any other person.

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

717 23-15-31. All of the provisions of this subarticle shall be
718 applicable, insofar as possible, to municipal, primary, general
719 and special elections and early voting; and wherever therein any
720 duty is imposed or any power or authority is conferred upon the
721 county registrar, county election commissioners or county
722 executive committee with reference to a state and county election
723 or early voting, * * * that duty shall likewise be conferred upon
724 the municipal registrar, municipal election commission or



725 municipal executive committee with reference to any municipal
726 election or early voting.

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

729 23-15-37. (1) The registrar shall register the electors of
730 his or her county at any time during regular office hours.

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

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



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

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

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

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

772 23-15-43. In the event an applicant is not registered, there
773 shall be an automatic review by the county election commissioners
774 under the procedures provided in Sections 23-15-61 through



775 23-15-79. In addition to the meetings of the election
776 commissioners provided in those sections, the commissioners are
777 required to hold such additional meetings to determine all pending
778 cases of registration on review before the election * * * or early
779 voting period during which the applicant desires to vote.

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

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

786 23-15-47. (1) Any person who is qualified to register to
787 vote in the State of Mississippi may register to vote by mail-in
788 application in the manner prescribed in this section.

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

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



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

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

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



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

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

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

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

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

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

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

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



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

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



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

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

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

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

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



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

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

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

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

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

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

920 23-15-65. The board of election commissioners shall meet at
921 the courthouse of its county on the second Monday in September
922 preceding any general election or in a sufficient amount of time
923 to hear appeals before the period for early voting begins, and



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

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

937 23-15-127. (1) It shall be the duty of the registrar of the
938 county or municipality to prepare and furnish to the appropriate
939 election commissioner pollbooks for each voting precinct in which
940 the election is to be conducted, or to the appropriate registrar
941 pollbooks for each registrar's office in which early voting is to
942 be conducted, in which shall be entered the name, residence, date
943 of birth and date of registration of each person duly registered
944 in * * * that voting precinct as now provided by law, and which
945 pollbooks shall be known as "primary election pollbooks" and shall
946 be used only in holding primary elections.

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



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

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

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

965 23-15-153. (1) At least during the following times, the
966 election commissioners shall meet at the office of the registrar
967 or the office of the election commissioners to carefully revise
968 the county voter roll as electronically maintained by the
969 Statewide Elections Management System and remove from the roll the
970 names of all voters who have requested to be purged from the voter
971 roll, died, received an adjudication of non compos mentis, been
972 convicted of a disenfranchising crime, or otherwise become
973 disqualified as electors for any cause, and shall register the



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

976 (a) On the Tuesday after the second Monday in January
977 1987 and every following year;

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

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

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

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



999 voter roll electronically maintained by the Statewide Elections
1000 Management System.

1001 (2) Except as provided in this section, and subject to the
1002 following annual limitations, the election commissioners shall be
1003 entitled to receive a per diem in the amount of One Hundred Ten
1004 Dollars (\$110.00), to be paid from the county general fund, for
1005 every day or period of no less than five (5) hours accumulated
1006 over two (2) or more days actually employed in the performance of
1007 their duties in the conduct of an election or actually employed in
1008 the performance of their duties for the necessary time spent in
1009 the revision of the county voter roll as electronically maintained
1010 by the Statewide Elections Management System as required in
1011 subsection (1) of this section:

1012 (a) In counties having less than fifteen thousand
1013 (15,000) residents according to the latest federal decennial
1014 census, not more than fifty (50) days per year, with no more than
1015 fifteen (15) additional days allowed for the conduct of each
1016 election in excess of one (1) occurring in any calendar year;

1017 (b) In counties having fifteen thousand (15,000)
1018 residents according to the latest federal decennial census but
1019 less than thirty thousand (30,000) residents according to the
1020 latest federal decennial census, not more than seventy-five (75)
1021 days per year, with no more than twenty-five (25) additional days
1022 allowed for the conduct of each election in excess of one (1)
1023 occurring in any calendar year;



1024 (c) In counties having thirty thousand (30,000)
1025 residents according to the latest federal decennial census but
1026 less than seventy thousand (70,000) residents according to the
1027 latest federal decennial census, not more than one hundred (100)
1028 days per year, with no more than thirty-five (35) additional days
1029 allowed for the conduct of each election in excess of one (1)
1030 occurring in any calendar year;

1031 (d) In counties having seventy thousand (70,000)
1032 residents according to the latest federal decennial census but
1033 less than ninety thousand (90,000) residents according to the
1034 latest federal decennial census, not more than one hundred
1035 twenty-five (125) days per year, with no more than forty-five (45)
1036 additional days allowed for the conduct of each election in excess
1037 of one (1) occurring in any calendar year;

1038 (e) In counties having ninety thousand (90,000)
1039 residents according to the latest federal decennial census but
1040 less than one hundred seventy thousand (170,000) residents
1041 according to the latest federal decennial census, not more than
1042 one hundred fifty (150) days per year, with no more than
1043 fifty-five (55) additional days allowed for the conduct of each
1044 election in excess of one (1) occurring in any calendar year;

1045 (f) In counties having one hundred seventy thousand
1046 (170,000) residents according to the latest federal decennial
1047 census but less than two hundred thousand (200,000) residents
1048 according to the latest federal decennial census, not more than



1049 one hundred seventy-five (175) days per year, with no more than
1050 sixty-five (65) additional days allowed for the conduct of each
1051 election in excess of one (1) occurring in any calendar year;

1052 (g) In counties having two hundred thousand (200,000)
1053 residents according to the latest federal decennial census but
1054 less than two hundred twenty-five thousand (225,000) residents
1055 according to the latest federal decennial census, not more than
1056 one hundred ninety (190) days per year, with no more than
1057 seventy-five (75) additional days allowed for the conduct of each
1058 election in excess of one (1) occurring in any calendar year;

1059 (h) In counties having two hundred twenty-five thousand
1060 (225,000) residents according to the latest federal decennial
1061 census but less than two hundred fifty thousand (250,000)
1062 residents according to the latest federal decennial census, not
1063 more than two hundred fifteen (215) days per year, with no more
1064 than eighty-five (85) additional days allowed for the conduct of
1065 each election in excess of one (1) occurring in any calendar year;

1066 (i) In counties having two hundred fifty thousand
1067 (250,000) residents according to the latest federal decennial
1068 census but less than two hundred seventy-five thousand (275,000)
1069 residents according to the latest federal decennial census, not
1070 more than two hundred thirty (230) days per year, with no more
1071 than ninety-five (95) additional days allowed for the conduct of
1072 each election in excess of one (1) occurring in any calendar year;



1073 (j) In counties having two hundred seventy-five
1074 thousand (275,000) residents according to the latest federal
1075 decennial census or more, not more than two hundred forty (240)
1076 days per year, with no more than one hundred five (105) additional
1077 days allowed for the conduct of each election in excess of one (1)
1078 occurring in any calendar year.

1079 (3) In addition to the number of days authorized in
1080 subsection (2) of this section, the board of supervisors of a
1081 county may authorize, in its discretion, the election
1082 commissioners to receive a per diem in the amount provided for in
1083 subsection (2) of this section, to be paid from the county general
1084 fund, for every day or period of no less than five (5) hours
1085 accumulated over two (2) or more days actually employed in the
1086 performance of their duties in the conduct of an election or
1087 actually employed in the performance of their duties for the
1088 necessary time spent in the revision of the county voter roll as
1089 electronically maintained by the Statewide Elections Management
1090 System as required in subsection (1) of this section, not to
1091 exceed five (5) days.

1092 (4) (a) The election commissioners shall be entitled to
1093 receive a per diem in the amount of One Hundred Ten Dollars
1094 (\$110.00), to be paid from the county general fund, not to exceed
1095 ten (10) days for every day or period of no less than five (5)
1096 hours accumulated over two (2) or more days actually employed in
1097 the performance of their duties for the necessary time spent in



1098 the revision of the county voter roll as electronically maintained
1099 by the Statewide Elections Management System before any special
1100 election. For purposes of this paragraph, the regular special
1101 election day shall not be considered a special election. The
1102 annual limitations set forth in subsection (2) of this section
1103 shall not apply to this paragraph.

1104 (b) The election commissioners shall be entitled to
1105 receive a per diem in the amount of One Hundred Sixty-five Dollars
1106 (\$165.00), to be paid from the county general fund, for the
1107 performance of their duties on the day of any primary, runoff,
1108 general or special election. The annual limitations set forth in
1109 subsection (2) of this section shall apply to this paragraph.

1110 (c) The board of supervisors may, in its discretion,
1111 pay the election commissioners an additional amount not to exceed
1112 Fifty Dollars (\$50.00) for the performance of their duties at any
1113 election occurring from July 1, 2020, through December 31, 2020,
1114 which shall be considered additional pandemic pay. Such
1115 compensation shall be payable out of the county general fund, and
1116 may be payable from federal funds available for such purpose, or a
1117 combination of both funding sources.

1118 (5) The election commissioners shall be entitled to receive
1119 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
1120 be paid from the county general fund, not to exceed fourteen (14)
1121 days for every day or period of no less than five (5) hours
1122 accumulated over two (2) or more days actually employed in the



1123 performance of their duties for the necessary time spent in the
1124 revision of the county voter roll as electronically maintained by
1125 the Statewide Elections Management System and in the conduct of a
1126 runoff election following either a general or special election.

1127 (6) The election commissioners shall be entitled to receive
1128 only one (1) per diem payment for those days when the election
1129 commissioners discharge more than one (1) duty or responsibility
1130 on the same day.

1131 (7) In preparation for a municipal primary, runoff, general
1132 or special election, the county registrar shall generate and
1133 distribute the master voter roll and pollbooks from the Statewide
1134 Elections Management System for the municipality located within
1135 the county. The municipality shall pay the county registrar for
1136 the actual cost of preparing and printing the municipal master
1137 voter roll pollbooks. A municipality may secure "read only"
1138 access to the Statewide Elections Management System and print its
1139 own pollbooks using this information.

1140 (8) County election commissioners who perform the duties of
1141 an executive committee with regard to the conduct of a primary
1142 election under a written agreement authorized by law to be entered
1143 into with an executive committee shall receive per diem as
1144 provided for in subsection (2) of this section. The days that
1145 county election commissioners are employed in the conduct of a
1146 primary election shall be treated the same as days county election
1147 commissioners are employed in the conduct of other elections.



1148 (9) In addition to any per diem authorized by this section,
1149 any election commissioner shall be entitled to the mileage
1150 reimbursement rate allowable to federal employees for the use of a
1151 privately owned vehicle while on official travel on election day.

1152 (10) Every election commissioner shall sign personally a
1153 certification setting forth the number of hours actually worked in
1154 the performance of the commissioner's official duties and for
1155 which the commissioner seeks compensation. The certification must
1156 be on a form as prescribed in this subsection. The commissioner's
1157 signature is, as a matter of law, made under the commissioner's
1158 oath of office and under penalties of perjury.

1159 The certification form shall be as follows:

1160 **COUNTY ELECTION COMMISSIONER**

1161 **PER DIEM CLAIM FORM**

1162 NAME: _____ COUNTY: _____

1163 ADDRESS: _____ DISTRICT: _____

1164 CITY: _____ ZIP: _____

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

1168 _____

1169 _____

1170 _____

1171 TOTAL NUMBER OF PER DIEM DAYS EARNED

1172 EXCLUDING ELECTION DAYS _____



1173 PER DIEM RATE PER DAY EARNED X \$110.00
 1174 TOTAL NUMBER PER DIEM DAYS EARNED
 1175 FOR ELECTION DAYS _____
 1176 PER DIEM RATE PER DAY EARNED X \$165.00
 1177 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1178 I understand that I am signing this document under my oath as
 1179 an election commissioner and under penalties of perjury.

1180 I understand that I am requesting payment from taxpayer funds
 1181 and that I have an obligation to be specific and truthful as to
 1182 the amount of hours worked and the compensation I am requesting.

1183 Signed this the _____ day of _____, ____.
 1184 _____
 1185 Commissioner's Signature

1186 When properly completed and signed, the certification must be
 1187 filed with the clerk of the county board of supervisors before any
 1188 payment may be made. The certification will be a public record
 1189 available for inspection and reproduction immediately upon the
 1190 oral or written request of any person.

1191 Any person may contest the accuracy of the certification in
 1192 any respect by notifying the chair of the commission, any member
 1193 of the board of supervisors or the clerk of the board of
 1194 supervisors of the contest at any time before or after payment is
 1195 made. If the contest is made before payment is made, no payment
 1196 shall be made as to the contested certificate until the contest is
 1197 finally disposed of. The person filing the contest shall be



1198 entitled to a full hearing, and the clerk of the board of
1199 supervisors shall issue subpoenas upon request of the contestor
1200 compelling the attendance of witnesses and production of documents
1201 and things. The contestor shall have the right to appeal de novo
1202 to the circuit court of the involved county, which appeal must be
1203 perfected within thirty (30) days from a final decision of the
1204 commission, the clerk of the board of supervisors or the board of
1205 supervisors, as the case may be.

1206 Any contestor who successfully contests any certification
1207 will be awarded all expenses incident to his or her contest,
1208 together with reasonable attorney's fees, which will be awarded
1209 upon petition to the chancery court of the involved county upon
1210 final disposition of the contest before the election commission,
1211 board of supervisors, clerk of the board of supervisors, or, in
1212 case of an appeal, final disposition by the court. The
1213 commissioner against whom the contest is decided shall be liable
1214 for the payment of the expenses and attorney's fees, and the
1215 county shall be jointly and severally liable for same.

1216 (11) Any election commissioner who has not received a
1217 certificate issued by the Secretary of State pursuant to Section
1218 23-15-211 indicating that the election commissioner has received
1219 the required elections seminar instruction and that the election
1220 commissioner is fully qualified to conduct an election, shall not
1221 receive any compensation authorized by this section or Section
1222 23-15-239.



1223 **SECTION 30.** Section 23-15-171, Mississippi Code of 1972, is
1224 amended as follows:

1225 23-15-171. (1) Except as otherwise provided in Section 4 of
1226 this act, municipal primary elections shall be held on the first
1227 Tuesday in April preceding the general municipal election and, in
1228 the event a second primary shall be necessary, such second primary
1229 shall be held on the fourth Tuesday in April preceding such
1230 general municipal election. The candidate receiving a majority of
1231 the votes cast in the election shall be the party nominee. If no
1232 candidate shall receive a majority vote at the election, the two
1233 (2) candidates receiving the highest number of votes shall have
1234 their names placed on the ballot for the second primary election.
1235 The candidate receiving the most votes cast in the second primary
1236 election shall be the party nominee. However, if no candidate
1237 shall receive a majority vote at the first primary, and there is a
1238 tie in the election of those receiving the next highest vote,
1239 those candidates receiving the next highest vote and the candidate
1240 receiving the highest vote shall have their names placed on the
1241 ballot for the second primary election, and whoever receives the
1242 most votes cast in the second primary election shall be the party
1243 nominee. At the primary election the municipal executive
1244 committee shall perform the same duties as are specified by law
1245 and performed by members of the county executive committee with
1246 regard to state and county primary elections. Each municipal
1247 executive committee shall have as many members as there are



1248 elective officers of the municipality, and the members of the
1249 municipal executive committee of each political party shall be
1250 elected in the primary elections held for the nomination of
1251 candidates for municipal offices. The provisions of this section
1252 shall govern all municipal primary elections as far as applicable,
1253 but the officers to prepare the ballots and the poll managers and
1254 other officials of the primary election shall be appointed by the
1255 municipal executive committee of the party holding the primary,
1256 and the returns of such election shall be made to such municipal
1257 executive committee. Vacancies in the executive committee shall
1258 be filled by it.

1259 (2) Provided, however, that in municipalities operating
1260 under a special or private charter which fixes a time for holding
1261 elections, other than the time fixed by Chapter 491, Laws of 1950,
1262 the first primary election shall be held on the first Tuesday, two
1263 (2) months before the time for holding the general election, as
1264 fixed by the charter, and the second primary election, where
1265 necessary, shall be held three (3) weeks after the first primary
1266 election, unless the charter of any such municipality provides
1267 otherwise, in which event the provisions of the special or private
1268 charter shall prevail as to the time of holding such primary
1269 elections.

1270 (3) All primary elections in municipalities shall be held
1271 and conducted in the same manner as is provided by law for state
1272 and county primary elections.



1273 **SECTION 31.** Section 23-15-173, Mississippi Code of 1972, is
1274 amended as follows:

1275 23-15-173. (1) A general municipal election shall be held
1276 in each city, town or village on the first Tuesday after the first
1277 Monday of June 1985, and every four (4) years thereafter, for the
1278 election of all municipal officers elected by the people. Early
1279 voting for those general municipal elections shall be conducted as
1280 provided in Sections 1 through 7 of this act.

1281 (2) All municipal general elections shall be held and
1282 conducted in the same manner as is provided by law for state and
1283 county general elections.

1284 (3) The provisions of Sections 23-15-171 and 23-15-173,
1285 which fix the times to hold primary and general elections, shall
1286 not apply to any municipality operating under a special or private
1287 charter where the governing board or authority thereof, on or
1288 before June 25, 1952, shall have adopted and spread upon its
1289 minutes a resolution or ordinance declining to accept the
1290 provisions, in which event the primary and general elections shall
1291 be held at the time fixed by the charter of the municipality.

1292 **SECTION 32.** Section 23-15-191, Mississippi Code of 1972, is
1293 amended as follows:

1294 23-15-191. The first primary shall be held on the first
1295 Tuesday after the first Monday of August preceding any regular or
1296 general election; and the second primary shall be held three (3)
1297 weeks thereafter. Early voting for the primary election shall be



1298 conducted as provided for in Sections 1 through 7 of this act.

1299 The candidate that receives a majority of the votes cast in the
1300 election shall be the party nominee. If no candidate receives a
1301 majority vote at the election, then the two (2) candidates who
1302 receive the highest number of votes shall have their names placed
1303 on the ballot for the second primary election to be held three (3)
1304 weeks later. The candidate who receives the most votes in the
1305 second primary election shall be the party nominee. However, if
1306 no candidate receives a majority vote at the first primary, and
1307 there is a tie in the election of those receiving the next highest
1308 vote, then those candidates receiving the next highest vote and
1309 the candidate receiving the highest vote shall have their names
1310 placed on the ballot for the second primary election to be held
1311 three (3) weeks later, and whoever receives the most votes cast in
1312 the second primary election shall be the party nominee.

1313 **SECTION 33.** Section 23-15-195, Mississippi Code of 1972, is
1314 amended as follows:

1315 23-15-195. Except as otherwise provided in Sections 1
1316 through 7 of this act, all elections by the people shall be by
1317 ballot, and shall be concluded in one (1) day.

1318 **SECTION 34.** Section 23-15-197, Mississippi Code of 1972, is
1319 amended as follows:

1320 23-15-197. (1) Times for holding primary and general
1321 elections for congressional offices shall be as prescribed in
1322 Sections 23-15-1031, 23-15-1033 and 23-15-1041.



1323 (2) Times for holding elections for the office of judge of
1324 the Supreme Court shall be as prescribed in Section 23-15-991 and
1325 Sections 23-15-974 through 23-15-985, and times for holding
1326 elections for the office of judge of the Court of Appeals shall be
1327 as prescribed in Section 9-4-5.

1328 (3) Times for holding elections for the office of circuit
1329 court judge and the office of chancery court judge shall be as
1330 prescribed in Sections 23-15-974 through 23-15-985, and Section
1331 23-15-1015.

1332 (4) Times for holding elections for the office of county
1333 election commissioners shall be as prescribed in Section
1334 23-15-213.

1335 (5) Times for holding elections for the office of levee
1336 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1337 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1338 Laws of 1983; and Chapter 438, Laws of 2010.

1339 (6) Times for holding early voting shall be as provided in
1340 Sections 1 through 7 of this act.

1341 **SECTION 35.** Section 23-15-231, Mississippi Code of 1972, is
1342 amended as follows:

1343 23-15-231. Before every * * * early voting period begins,
1344 the election commissioners shall appoint three (3) persons for
1345 each voting precinct to be poll managers, one (1) of whom shall be
1346 designated by the election commissioners as election bailiff. For
1347 general and special elections, the poll managers shall not all be



1348 of the same political party if suitable persons of different
1349 political parties can be found in the district. If any person
1350 appointed shall fail to attend and serve, the poll managers
1351 present, if any, may designate someone to fill his or her place;
1352 and if the election commissioners fail to make the appointments or
1353 in case of the failure of all those appointed to attend and serve,
1354 any three (3) qualified electors present when the polls should be
1355 opened may act as poll managers. Provided, however, any person
1356 appointed to be poll manager or act as poll manager shall be a
1357 qualified elector of the county in which the polling place is
1358 located.

1359 **SECTION 36.** Section 23-15-233, Mississippi Code of 1972, is
1360 amended as follows:

1361 23-15-233. The poll managers shall take care that the
1362 election * * * and the early voting are conducted fairly and
1363 agreeably to law, and they shall be judges of the qualifications
1364 of electors, and may examine, on oath, any person duly registered
1365 and offering to vote touching his or her qualifications as an
1366 elector, which oath any of the poll managers may administer.

1367 **SECTION 37.** Section 23-15-239, Mississippi Code of 1972, is
1368 amended as follows:

1369 23-15-239. (1) The executive committee of each county, in
1370 the case of a primary election, or the election commissioners of
1371 each county, in the case of all other elections, in conjunction
1372 with the circuit clerk, shall, in the years in which counties



1373 conduct an election, sponsor and conduct, not less than five (5)
1374 days before the early voting period for each election begins, not
1375 less than four (4) hours and not more than eight (8) hours of poll
1376 manager training to instruct poll managers as to their duties in
1377 the proper administration of the election and the operation of the
1378 polling place. Any poll manager who completes the online training
1379 course provided by the Secretary of State shall only be required
1380 to complete two (2) hours of in-person poll manager training. No
1381 poll manager shall serve in any election unless he or she has
1382 received these instructions once during the twelve (12) months
1383 immediately preceding the date upon which the election is held;
1384 however, nothing in this section shall prevent the appointment of
1385 an alternate poll manager to fill a vacancy in case of an
1386 emergency. The county executive committee or the election
1387 commissioners, as appropriate, shall train a sufficient number of
1388 alternates to serve in the event a poll manager is unable to serve
1389 for any reason.

1390 (2) (a) If it is eligible under Section 23-15-266, the
1391 county executive committee may enter into a written agreement with
1392 the circuit clerk or the county election commission authorizing
1393 the circuit clerk or the county election commission to perform any
1394 of the duties required of the county executive committee pursuant
1395 to this section. Any agreement entered into pursuant to this
1396 subsection shall be signed by the chair of the county executive
1397 committee and the circuit clerk or the chair of the county



1398 election commission, as appropriate. The county executive
1399 committee shall notify the state executive committee and the
1400 Secretary of State of the existence of the agreement.

1401 (b) If it is eligible under Section 23-15-266, the
1402 municipal executive committee may enter into a written agreement
1403 with the municipal clerk or the municipal election commission
1404 authorizing the municipal clerk or the municipal election
1405 commission to perform any of the duties required of the municipal
1406 executive committee pursuant to this section. Any agreement
1407 entered into pursuant to this subsection shall be signed by the
1408 chair of the municipal executive committee and the municipal clerk
1409 or the chair of the municipal election commission, as appropriate.
1410 The municipal executive committee shall notify the state executive
1411 committee and the Secretary of State of the existence of the
1412 agreement.

1413 (3) The board of supervisors and the municipal governing
1414 authority, in their discretion, may compensate poll managers who
1415 attend these training sessions. The compensation shall be at a
1416 rate of not less than the federal hourly minimum wage nor more
1417 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1418 compensated for more than sixteen (16) hours of attendance at the
1419 training sessions regardless of the actual amount of time that
1420 they attended the training sessions.

1421 (4) The time and location of the training sessions required
1422 pursuant to this section shall be announced to the general public



1423 by posting a notice thereof at the courthouse and by delivering a
1424 copy of the notice to the office of a newspaper having general
1425 circulation in the county five (5) days before the date upon which
1426 the training session is to be conducted. Persons who will serve
1427 as poll watchers for candidates and political parties, as well as
1428 members of the general public, shall be allowed to attend the
1429 sessions.

1430 (5) Subject to the following annual limitations, the
1431 election commissioners shall be entitled to receive a per diem in
1432 the amount of One Hundred Dollars (\$100.00), to be paid from the
1433 county general fund, for every day or period of no less than five
1434 (5) hours accumulated over two (2) or more days actually employed
1435 in the performance of their duties for the necessary time spent in
1436 conducting training sessions as required by this section:

1437 (a) In counties having less than fifteen thousand
1438 (15,000) residents according to the latest federal decennial
1439 census, not more than five (5) days per year;

1440 (b) In counties having fifteen thousand (15,000)
1441 residents according to the latest federal decennial census but
1442 less than thirty thousand (30,000) residents according to the
1443 latest federal decennial census, not more than eight (8) days per
1444 year;

1445 (c) In counties having thirty thousand (30,000)
1446 residents according to the latest federal decennial census but
1447 less than seventy thousand (70,000) residents according to the



1448 latest federal decennial census, not more than ten (10) days per
1449 year;

1450 (d) In counties having seventy thousand (70,000)
1451 residents according to the latest federal decennial census but
1452 less than ninety thousand (90,000) residents according to the
1453 latest federal decennial census, not more than twelve (12) days
1454 per year;

1455 (e) In counties having ninety thousand (90,000)
1456 residents according to the latest federal decennial census but
1457 less than one hundred seventy thousand (170,000) residents
1458 according to the latest federal decennial census, not more than
1459 fifteen (15) days per year;

1460 (f) In counties having one hundred seventy thousand
1461 (170,000) residents according to the latest federal decennial
1462 census but less than two hundred thousand (200,000) residents
1463 according to the latest federal decennial census, not more than
1464 eighteen (18) days per year;

1465 (g) In counties having two hundred thousand (200,000)
1466 residents according to the latest federal decennial census but
1467 less than two hundred twenty-five thousand (225,000) residents
1468 according to the latest federal decennial census, not more than
1469 nineteen (19) days per year;

1470 (h) In counties having two hundred twenty-five thousand
1471 (225,000) residents or more according to the latest federal
1472 decennial census, not more than twenty-two (22) days per year.



1473 (6) Election commissioners shall claim the per diem
1474 authorized in subsection (5) of this section in the manner
1475 provided for in Section 23-15-153(6).

1476 (7) (a) To provide poll manager training, the Secretary of
1477 State has developed a single, comprehensive poll manager training
1478 program to ensure uniform, secure elections throughout the state.
1479 The program includes online training on all state and federal
1480 election laws and procedures and voting machine opening and
1481 closing procedures.

1482 (b) County poll managers who individually access and
1483 complete the online training program, including all skills
1484 assessments, at least five (5) days before the early voting period
1485 for an election begins shall be defined as "certified poll
1486 managers," and entitled to a "Certificate of Completion."

1487 (c) At least one (1) certified poll manager shall be
1488 appointed by the county election officials to work in each polling
1489 place in the county during each general election.

1490 **SECTION 38.** Section 23-15-241, Mississippi Code of 1972, is
1491 amended as follows:

1492 23-15-241. The poll manager designated an election bailiff
1493 shall, in addition to his or her other duties, be present during
1494 the early voting period and on election day to keep the peace and
1495 to protect the voting place, and to prevent improper intrusion
1496 upon the voting place or interference with the election, and to
1497 arrest all persons creating any disturbance about the voting



1498 place, and to enable all qualified electors who have not voted,
1499 and who desire to vote, to have unobstructed access to the polls
1500 for the purpose of voting when others are not voting.

1501 **SECTION 39.** Section 23-15-245, Mississippi Code of 1972, is
1502 amended as follows:

1503 23-15-245. It shall be the duty of the poll manager
1504 designated as bailiff to be present at the voting place, and to
1505 take such steps as will accomplish the purpose of his or her
1506 appointment, and the poll manager designated as bailiff shall have
1507 full power to do so and may summon to his or her aid all persons
1508 present at the voting place. A space thirty (30) feet in every
1509 direction from the polls, or the room in which the * * * voting is
1510 held, shall be kept open and clear of all persons except the
1511 election officials, individuals present to vote and credentialed
1512 poll watchers as defined by Section 23-15-577. The electors shall
1513 approach the polls from one (1) direction, line, door or passage,
1514 and depart in another as nearly opposite as convenient.

1515 **SECTION 40.** Section 23-15-247, Mississippi Code of 1972, is
1516 amended as follows:

1517 23-15-247. The election commissioners in each county shall
1518 procure, if not already provided, a sufficient number of ballot
1519 boxes, which shall be distributed by them to the voting precincts
1520 of the county before the time for opening the polls for early
1521 voting and on election day. The boxes shall be securely sealed
1522 from the opening of the polls * * * for early voting until the



1523 polls close on election day; and the box shall be kept by one (1)
1524 of the managers, and the manager having the box shall carefully
1525 keep it, and neither open it himself or herself nor permit it to
1526 be opened, nor permit any person to have any access to it
1527 throughout the voting period during an election. The box shall
1528 not be removed from the polling building or place after the polls
1529 are opened until the polls close and the count is complete. After
1530 each election the ballot boxes shall be delivered to the clerk of
1531 the circuit court of the county for preservation; and he or she
1532 shall keep them for future use, and, when called for, deliver them
1533 to the election commissioners.

1534 **SECTION 41.** Section 23-15-251, Mississippi Code of 1972, is
1535 amended as follows:

1536 23-15-251. The election commissioners, in appointing the
1537 poll managers of an election, shall designate one (1) of the poll
1538 managers at each voting place to receive and distribute the
1539 official ballots, and shall deliver to him or her the proper
1540 number of ballots for his or her district not less than one (1)
1541 day before the early voting period begins and not less than one
1542 (1) day before election day; and the poll manager receiving the
1543 ballots from the election commissioners shall distribute the same
1544 to the electors of his or her district in the manner herein
1545 provided. It shall be the duty of the designated poll manager for
1546 service at a voting place other than the courthouse, to carry to
1547 that voting place, on the day before the early voting period



1548 begins and on the day before election day, or before 6:00 a.m. on
1549 the morning the early voting period begins and on the morning of
1550 the election day, the ballot box, the pollbook, the blank tally
1551 sheets, the blank forms to be used in making returns, the other
1552 necessary stationery and supplies and the official printed ballots
1553 aforesaid, and all of the same used and unused shall be returned
1554 by the designated poll manager to the election commissioners on
1555 the day * * * after the election.

1556 **SECTION 42.** Section 23-15-255, Mississippi Code of 1972, is
1557 amended as follows:

1558 23-15-255. (1) The supervisor of each respective
1559 supervisors district shall provide at each election place a
1560 sufficient number of voting compartments, shelves and tables for
1561 the use of electors, which shall be so arranged that it will be
1562 impossible for a voter in one (1) compartment to see another voter
1563 who is preparing his or her ballot. The number of voting
1564 compartments and shelves or tables shall not be less than one (1)
1565 to every two hundred (200) electors in the voting precinct.

1566 (2) The poll managers of each precinct shall publicly post
1567 the following information at the precinct polling place * * *
1568 during any election:

- 1569 (a) A sample ballot that will be used at the election;
1570 (b) The hours during which the polling places will be
1571 open for early voting and on election day;



1572 (c) Instructions on how to vote, including how to cast
1573 a vote and how to cast an affidavit ballot;

1574 (d) Instructions for persons who have registered to
1575 vote by mail and first time voters, if appropriate;

1576 (e) General information on voting rights, including
1577 information on the right of an individual to cast an affidavit
1578 ballot and instructions on how to contact the appropriate
1579 officials if these rights are alleged to have been violated; * * *

1580 (f) The consequences under federal and state laws
1581 regarding fraud and misrepresentation;

1582 (g) A list of voters in each polling place that have
1583 already cast an absentee ballot or voted during the early voting
1584 period; and

1585 (h) The acceptable forms of photo identification that
1586 may be presented in the polling place.

1587 **SECTION 43.** Section 23-15-263, Mississippi Code of 1972, is
1588 amended as follows:

1589 23-15-263. (1) Unless otherwise provided in this chapter,
1590 the county executive committee at primary elections shall perform
1591 all duties that relate to the qualification of candidates for
1592 primary elections, print ballots for the early voting period for
1593 primary elections and for primary * * * election day, appoint the
1594 primary election officers, resolve contests in regard to primary
1595 elections, and perform all other duties required by law to be
1596 performed by the county executive committee; however, each house



1597 of the Legislature shall rule on the qualifications of the
1598 membership of its respective body in contests involving the
1599 qualifications of * * * its members. The executive committee
1600 shall be subject to all the penalties to which county election
1601 commissioners are subject, except that Section 23-15-217 shall not
1602 apply to members of the county executive committee who seek
1603 elective office.

1604 (2) A member of a county executive committee shall be
1605 automatically disqualified to serve on the county executive
1606 committee, and shall be considered to have resigned * * * from the
1607 county executive committee, upon his or her qualification as a
1608 candidate for any elective office. The provisions of this
1609 subsection shall not apply to a member of a county executive
1610 committee who qualifies as a candidate for a municipal elective
1611 office.

1612 (3) The primary election officers appointed by the executive
1613 committee of the party shall have the powers and perform the
1614 duties, where not otherwise provided, required of * * * those
1615 officers in a general election, and any * * * act or omission
1616 which by law is an offense when committed in or about or in
1617 respect to * * * the general elections, shall be an offense if
1618 committed in or about or in respect to a primary election; and the
1619 same shall be indictable and punishable in the same way as if the
1620 election was a general election for the election of state and



1621 county officers, except as specially modified or otherwise
1622 provided in this chapter.

1623 **SECTION 44.** Section 23-15-265, Mississippi Code of 1972, is
1624 amended as follows:

1625 23-15-265. (1) The county executive committee of each
1626 county shall meet not less than two (2) weeks before the
1627 date * * * the period for early voting begins for any primary
1628 election and appoint the poll managers for same, all of whom may
1629 be members of the same political party. The number of poll
1630 managers appointed by the county executive committee shall be the
1631 same number as election commissioners are allowed to appoint
1632 pursuant to Sections 23-15-231 and 23-15-235. If the county
1633 executive committee fails to meet on the date named, supra,
1634 further notice shall be given of the time and place of meeting.

1635 (2) (a) If it is eligible under Section 23-15-266, the
1636 county executive committee may enter into a written agreement with
1637 the circuit clerk or the county election commission authorizing
1638 the circuit clerk or the county election commission to perform any
1639 of the duties required of the county executive committee pursuant
1640 to this section. Any agreement entered into pursuant to this
1641 subsection shall be signed by the chair of the county executive
1642 committee and the circuit clerk or the chair of the county
1643 election commission, as appropriate. The county executive
1644 committee shall notify the state executive committee and the
1645 Secretary of State of the existence of the agreement.



1646 (b) If it is eligible under Section 23-15-266, the
1647 municipal executive committee may enter into a written agreement
1648 with the municipal clerk or the municipal election commission
1649 authorizing the municipal clerk or the municipal election
1650 commission to perform any of the duties required of the municipal
1651 executive committee pursuant to this section. Any agreement
1652 entered into pursuant to this subsection shall be signed by the
1653 chair of the municipal executive committee and the municipal clerk
1654 or the chair of the municipal election commission, as appropriate.
1655 The municipal executive committee shall notify the state executive
1656 committee and the Secretary of State of the existence of such
1657 agreement.

1658 **SECTION 45.** Section 23-15-267, Mississippi Code of 1972, is
1659 amended as follows:

1660 23-15-267. (1) The ballot boxes provided by the election
1661 commissioners in each county shall be used in primary elections,
1662 and the county executive committees shall distribute them to the
1663 voting precincts of the county before the time for opening the
1664 polls, in the same manner, as near as may be, as that provided for
1665 in general elections.

1666 (2) The boxes shall be securely sealed and locked beginning
1667 at the start of voting during the period for early voting and on
1668 election day until the end of voting on election day; and the box
1669 shall be kept by one (1) of the poll managers, and the poll
1670 manager having the box shall carefully keep it, and neither open



1671 it himself or herself nor permit it to be done, nor permit any
1672 person to have any access to it throughout voting during the
1673 period for early voting and during election day. The box shall
1674 not be removed from the polling place after the polls are open
1675 until the polls close and the count is completed.

1676 (3) After each election, the ballot boxes shall be delivered
1677 to the clerk of the circuit court of the county for preservation;
1678 and he or she shall keep them for future use, and, when called
1679 for, deliver them to the election commissioners.

1680 (4) (a) If it is eligible under Section 23-15-266, the
1681 county executive committee may enter into a written agreement with
1682 the circuit clerk or the county election commission authorizing
1683 the circuit clerk or the county election commission to perform any
1684 of the duties required of the county executive committee pursuant
1685 to this section. Any agreement entered into pursuant to this
1686 subsection shall be signed by the chair of the county executive
1687 committee and the circuit clerk or the chair of the county
1688 election commission, as appropriate. The county executive
1689 committee shall notify the State Executive Committee and the
1690 Secretary of State of the existence of such agreement.

1691 (b) If it is eligible under Section 23-15-266, the
1692 municipal executive committee may enter into a written agreement
1693 with the municipal clerk or the municipal election commission
1694 authorizing the municipal clerk or the municipal election
1695 commission to perform any of the duties required of the municipal



1696 executive committee pursuant to this section. Any agreement
1697 entered into pursuant to this subsection shall be signed by the
1698 chair of the municipal executive committee and the municipal clerk
1699 or the chair of the municipal election commission, as appropriate.
1700 The municipal executive committee shall notify the State Executive
1701 Committee and the Secretary of State of the existence of such
1702 agreement.

1703 (5) The person, or persons, whose duty it is to comply with
1704 the provisions of this section and who shall fail, or neglect,
1705 from any cause, to deliver the boxes or any of them as herein
1706 provided shall, upon conviction, be fined not less than Two
1707 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1708 the residence of the person, or persons, who violates any of the
1709 provisions of this section, for a period of not less than thirty
1710 (30) days or more than six (6) months, and fined not more than
1711 Five Hundred Dollars (\$500.00).

1712 **SECTION 46.** Section 23-15-309, Mississippi Code of 1972, is
1713 amended as follows:

1714 23-15-309. (1) Nominations for all municipal officers which
1715 are elective shall be made * * * during the days for conducting a
1716 primary election, or elections, to be held in the manner
1717 prescribed by law. All persons desiring to be candidates for the
1718 nomination in the primary elections shall first pay Ten Dollars
1719 (\$10.00) to the clerk of the municipality, at least sixty (60)
1720 days before date the early voting period begins for the first



1721 primary election, no later than 5:00 p.m. on such deadline day.
1722 If the sixtieth day to file the fee and written statement before
1723 the date the early voting period begins for an election falls on a
1724 Sunday or legal holiday, the fees and written statements submitted
1725 on the business day immediately following the Sunday or legal
1726 holiday shall be accepted.

1727 (2) The fee paid pursuant to subsection (1) of this section
1728 shall be accompanied by a written statement containing the name
1729 and address of the candidate, the party with which he or she is
1730 affiliated, the email address of the candidate, if any, and the
1731 office for which he or she is a candidate.

1732 (3) The clerk shall promptly receipt the payment, stating
1733 the office for which the person making the payment is running and
1734 the political party with which such person is affiliated. The
1735 clerk shall keep an itemized account in detail showing the time
1736 and date of the receipt of such payment received by him or her,
1737 from whom such payment was received, the party with which such
1738 person is affiliated and for what office the person paying the fee
1739 is a candidate. No candidate may attempt to qualify with any
1740 political party that does not have a duly organized municipal
1741 executive committee, and the municipal clerk shall not accept any
1742 assessments made pursuant to subsection (1) if the municipal clerk
1743 does not have contact information for the secretary of the
1744 municipal executive committee for that political party. The clerk
1745 shall promptly supply all necessary information and pay over all



1746 fees so received to the secretary of the proper municipal
1747 executive committee. The funds may be used and disbursed in the
1748 same manner as is allowed in Section 23-15-299 in regard to other
1749 executive committees.

1750 (4) Upon receipt of the above information, the proper
1751 municipal executive committee shall then determine, at the time of
1752 the qualifying deadline, whether each candidate is a qualified
1753 elector of the municipality, and of the ward if the office sought
1754 is a ward office, shall determine whether each candidate either
1755 meets all other qualifications to hold the office he or she is
1756 seeking or presents absolute proof that he or she will, subject to
1757 no contingencies, meet all qualifications on or before the date of
1758 the general or special election at which he or she could be
1759 elected to office. The executive committee shall determine
1760 whether the candidate has taken the steps necessary to qualify for
1761 more than one (1) office at the election. The committee also
1762 shall determine whether any candidate has been convicted of any
1763 felony in a court of this state, or has been convicted on or after
1764 December 8, 1992, of any offense in another state which is a
1765 felony under the laws of this state, or has been convicted of any
1766 felony in a federal court on or after December 8, 1992. Excepted
1767 from the above are convictions of manslaughter and violations of
1768 the United States Internal Revenue Code or any violations of the
1769 tax laws of this state unless such offense also involved misuse or
1770 abuse of his or her office or money coming into his or her hands



1771 by virtue of the office. If the proper municipal executive
1772 committee finds that a candidate either (a) does not meet all
1773 qualifications to hold the office he or she seeks and fails to
1774 provide absolute proof, subject to no contingencies, that he or
1775 she will meet the qualifications on or before the date * * * the
1776 early voting period begins for the general or special election at
1777 which he or she could be elected, or (b) has been convicted of a
1778 felony as described in this subsection and not pardoned, then the
1779 executive committee shall notify the candidate and give the
1780 candidate an opportunity to be heard. The executive committee
1781 shall mail notice to the candidate at least three (3) business
1782 days before the hearing to the address provided by the candidate
1783 on the qualifying forms, and the committee shall attempt to
1784 contact the candidate by telephone, email and facsimile if the
1785 candidate provided this information on the forms. If the
1786 candidate fails to appear at the hearing or to prove he or she
1787 meets all qualifications to hold the office subject to no
1788 contingencies, then the name of such candidate shall not be placed
1789 upon the ballot. If the executive committee determines that the
1790 candidate has taken the steps necessary to qualify for more than
1791 one (1) office at the election, the action required by Section
1792 23-15-905, shall be taken.

1793 (5) Where there is but one (1) candidate, the proper
1794 municipal executive committee when the time has expired within



1795 which the names of candidates shall be furnished shall declare
1796 such candidate the nominee.

1797 **SECTION 47.** Section 23-15-331, Mississippi Code of 1972, is
1798 amended as follows:

1799 23-15-331. It shall be the duty of the state executive
1800 committee of each political party to furnish to each county
1801 executive committee, not less than fifty (50) days * * * before
1802 the * * * period for early voting begins the names of all state
1803 and state district candidates and all candidates for legislative
1804 districts composed of more than one (1) county or parts of more
1805 than one (1) county who have qualified as provided by law, and in
1806 accordance with the requirements of Section 23-15-333 a sample of
1807 the official ballot to be used in the primary, the general form of
1808 which shall be followed as nearly as practicable.

1809 **SECTION 48.** Section 23-15-333, Mississippi Code of 1972, is
1810 amended as follows:

1811 23-15-333. (1) The county executive committee shall have
1812 printed all necessary ballots, for use in primary elections. The
1813 county executive committee shall have printed all necessary
1814 absentee ballots forty-five (45) days before the period for early
1815 voting begins for the election as required by law. The ballots
1816 shall contain the names of all the candidates to be voted for at
1817 the election, and there shall be left on each ballot one (1) blank
1818 space under the title of each office for which a nominee is to be
1819 elected; and in the event of the death of any candidate whose name



1820 shall have been printed on the ballot, the name of the candidate
1821 duly substituted in the place of the deceased candidate may be
1822 written in such blank space by the voter. Except as otherwise
1823 provided in subsection (2) of this section, the order in which the
1824 titles to the various offices shall be printed, and the size,
1825 print and quality of the paper of the ballot is left to the
1826 discretion of the county executive committee. Provided, however,
1827 that in all cases the arrangement of the names of the candidates
1828 for each office shall be alphabetical. No ballot shall be used
1829 except those so printed.

1830 (2) The titles for the various offices shall be listed in
1831 the following order:

1832 (a) Candidates, electors or delegates for the following
1833 national offices:

1834 (i) President of the United States of America;

1835 (ii) United States Senator or United States
1836 Representative;

1837 (b) Candidates for the following statewide offices:

1838 Governor, Lieutenant Governor, Secretary of State, Attorney
1839 General, State Treasurer, Auditor of Public Accounts, Commissioner
1840 of Agriculture and Commerce, Commissioner of Insurance;

1841 (c) Candidates for the following state district
1842 offices: Mississippi Transportation Commissioner, Public Service
1843 Commissioner, District Attorney;



1844 (d) Candidates for the following legislative offices:

1845 Senator and House of Representatives;

1846 (e) Candidates for countywide office;

1847 (f) Candidates for county district office.

1848 The order in which the titles for the various offices are
1849 listed within each of the categories listed in paragraphs (e) and
1850 (f) are left to the discretion of the county executive committee.
1851 Candidates' names shall be listed alphabetically under each office
1852 by the candidate's last name.

1853 (3) If after the deadline to qualify as a candidate for an
1854 office, only one (1) person has duly qualified to be a candidate
1855 for the office in the primary election, the name of that person
1856 shall be placed on the ballot; provided, however, that if not more
1857 than one (1) person has duly qualified to be a candidate for each
1858 office on the primary election ballot, the election for all
1859 offices on the ballot shall be dispensed with and the appropriate
1860 executive committee shall declare each candidate as the party
1861 nominee if the candidate meets all the qualifications to hold the
1862 office.

1863 (4) (a) If it is eligible under Section 23-15-266, the
1864 county executive committee may enter into a written agreement with
1865 the circuit clerk or the county election commission authorizing
1866 the circuit clerk or the county election commission to perform any
1867 of the duties required of the county executive committee pursuant
1868 to this section. Any agreement entered into pursuant to this



1869 subsection shall be signed by the chair of the county executive
1870 committee and the circuit clerk or the chair of the county
1871 election commission, as appropriate. The county executive
1872 committee shall notify the state executive committee and the
1873 Secretary of State of the existence of such agreement.

1874 (b) If it is eligible under Section 23-15-266, the
1875 municipal executive committee may enter into a written agreement
1876 with the municipal clerk or the municipal election commission
1877 authorizing the municipal clerk or the municipal election
1878 commission to perform any of the duties required of the municipal
1879 executive committee pursuant to this section. Any agreement
1880 entered into pursuant to this subsection shall be signed by the
1881 chair of the municipal executive committee and the municipal clerk
1882 or the chair of the municipal election commission, as appropriate.
1883 The municipal executive committee shall notify the state executive
1884 committee and the Secretary of State of the existence of such
1885 agreement.

1886 **SECTION 49.** Section 23-15-335, Mississippi Code of 1972, is
1887 amended as follows:

1888 23-15-335. (1) The county executive committee shall
1889 designate a person whose duty it shall be to distribute all
1890 necessary ballots for use * * * during a primary election, and
1891 shall designate one (1) among the poll managers at each polling
1892 place to receive and receipt for the blank ballots to be used at
1893 that place. When the blank ballots are delivered to a local poll



1894 manager, the distributor shall take from the local poll manager a
1895 receipt therefor signed in duplicate by both the distributor and
1896 the poll manager, one (1) of which receipts the distributor shall
1897 deliver to the circuit clerk and the other shall be retained by
1898 the local poll manager and the last mentioned duplicate receipt
1899 shall be enclosed in the ballot box with the voted ballots when
1900 the polls have been closed and the votes have been counted. The
1901 printer of the ballots shall take a receipt from the distributor
1902 of the ballots for the total number of the blank ballots delivered
1903 to the distributor. The printer shall secure all ballots printed
1904 by him or her in such a safe manner that no person can procure
1905 them or any of them, and he or she shall deliver no blank ballot
1906 or ballots to any person except the distributor above mentioned,
1907 and then only upon his or her receipt therefor as above specified.
1908 The distributor of the blank ballots shall so securely hold the
1909 same that no person can obtain any of them, and he or she shall
1910 not deliver any of them to any person other than to the authorized
1911 local poll managers and upon their respective receipts therefor.
1912 The executive committee shall see to it that the total blank
1913 ballots delivered to the distributor, shall correspond with the
1914 total of the receipts executed by the local poll managers.

1915 (2) (a) If it is eligible under Section 23-15-266, the
1916 county executive committee may enter into a written agreement with
1917 the circuit clerk or the county election commission authorizing
1918 the circuit clerk or the county election commission to perform any



1919 of the duties required of the county executive committee pursuant
1920 to this section. Any agreement entered into pursuant to this
1921 subsection shall be signed by the chair of the county executive
1922 committee and the circuit clerk or the chair of the county
1923 election commission, as appropriate. The county executive
1924 committee shall notify the state executive committee and the
1925 Secretary of State of the existence of such agreement.

1926 (b) If it is eligible under Section 23-15-266, the
1927 municipal executive committee may enter into a written agreement
1928 with the municipal clerk or the municipal election commission
1929 authorizing the municipal clerk or the municipal election
1930 commission to perform any of the duties required of the municipal
1931 executive committee pursuant to this section. Any agreement
1932 entered into pursuant to this subsection shall be signed by the
1933 chair of the municipal executive committee and the municipal clerk
1934 or the chair of the municipal election commission, as appropriate.
1935 The municipal executive committee shall notify the state executive
1936 committee and the Secretary of State of the existence of such
1937 agreement.

1938 (3) Any person charged with any of the duties prescribed in
1939 this section who shall willfully or with culpable carelessness
1940 violate the same shall be guilty of a misdemeanor.

1941 **SECTION 50.** Section 23-15-353, Mississippi Code of 1972, is
1942 amended as follows:



1943 23-15-353. The officer charged with printing and
1944 distributing the official ballot shall ascertain from the
1945 registrar, at least ten (10) days before the day * * * early
1946 voting for that election begins, the number of registered voters
1947 in each voting precinct; and he or she shall have printed and
1948 distributed a sufficient number of ballots for use in each
1949 precinct.

1950 **SECTION 51.** Section 23-15-357, Mississippi Code of 1972, is
1951 amended as follows:

1952 23-15-357. On the back and outside of the ballot shall be
1953 printed the words "OFFICIAL BALLOT," the name of the voting
1954 precinct or place for which the ballot is prepared, * * * the date
1955 of the election and the date of the period for early voting.

1956 **SECTION 52.** Section 23-15-359, Mississippi Code of 1972, is
1957 amended as follows:

1958 23-15-359. (1) Except as provided in this section, the
1959 ballot shall contain the names of all party nominees certified by
1960 the appropriate executive committee, and independent and special
1961 election candidates who have timely filed petitions containing the
1962 required signatures and assessments that must be paid pursuant to
1963 Section 23-15-297, if the candidates and nominees meet all of the
1964 qualifications to hold the office sought. A petition requesting
1965 that an independent or special election candidate's name be placed
1966 on the ballot for any office shall be filed as provided for in
1967 subsection (3) or (4) of this section, as appropriate, and shall



1968 be signed by not less than the following number of qualified
1969 electors:

1970 (a) For an office elected by the state at large, not
1971 less than one thousand (1,000) qualified electors.

1972 (b) For an office elected by the qualified electors of
1973 a Supreme Court district, not less than three hundred (300)
1974 qualified electors.

1975 (c) For an office elected by the qualified electors of
1976 a congressional district, not less than two hundred (200)
1977 qualified electors.

1978 (d) For an office elected by the qualified electors of
1979 a circuit or chancery court district, not less than one hundred
1980 (100) qualified electors.

1981 (e) For an office elected by the qualified electors of
1982 a senatorial or representative district, not less than fifty (50)
1983 qualified electors.

1984 (f) For an office elected by the qualified electors of
1985 a county, not less than fifty (50) qualified electors.

1986 (g) For an office elected by the qualified electors of
1987 a supervisors district or justice court district, not less than
1988 fifteen (15) qualified electors.

1989 (h) For the Office of President of the United States, a
1990 party nominee or independent candidate shall pay an assessment in
1991 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).



1992 (2) (a) Unless the petition or fee, whichever is
1993 applicable, required above shall be filed as provided for in
1994 subsection (3), (4) or (5) of this section, as appropriate, the
1995 name of the person requested to be a candidate, unless nominated
1996 by a political party, shall not be placed upon the ballot. The
1997 ballot shall contain the names of each candidate for each office,
1998 and the names shall be listed under the name of the political
1999 party that candidate represents as provided by law and as
2000 certified to the circuit clerk by the state executive committee of
2001 the political party. In the event the candidate qualifies as an
2002 independent as provided in this section, he or she shall be listed
2003 on the ballot as an independent candidate.

2004 (b) The name of an independent or special election
2005 candidate who dies before the printing of the ballots, shall not
2006 be placed on the ballots.

2007 (3) Petitions for offices described in paragraphs (a), (b),
2008 (c), (d) and (e) of subsection (1) of this section shall be filed
2009 with the Secretary of State by no later than 5:00 p.m. on the same
2010 date or business day, as applicable, by which candidates are
2011 required to pay the fee provided for in Section 23-15-297;
2012 however, no petition may be filed before January 1 of the year in
2013 which the election for the office is held.

2014 (4) Petitions for offices described in paragraphs (f) and
2015 (g) of subsection (1) of this section shall be filed with the
2016 proper circuit clerk by no later than 5:00 p.m. on the same date



2017 by which candidates are required to pay the fee provided for in
2018 Section 23-15-297; however, no petition may be filed before
2019 January 1 of the year in which the election for the office is
2020 held. The circuit clerk shall notify the county election
2021 commissioners of all persons who have filed petitions with the
2022 clerk. The notification shall occur within two (2) business days
2023 and shall contain all necessary information.

2024 (5) The assessment for the office described in paragraph (h)
2025 of subsection (1) of this section shall be paid to the Secretary
2026 of State. The Secretary of State shall deposit any qualifying
2027 fees received from candidates into the Elections Support Fund
2028 established in Section 23-15-5.

2029 (6) The election commissioners may also have printed upon
2030 the ballot any local issue election matter that is authorized to
2031 be * * * voted on * * * during the period for voting for the
2032 regular or general election pursuant to Section 23-15-375;
2033 however, the ballot form of the local issue must be filed with the
2034 election commissioners by the appropriate governing authority not
2035 less than sixty (60) days before the date * * * the early voting
2036 period begins for the election.

2037 (7) The provisions of this section shall not apply to
2038 municipal elections or to the election of the offices of justice
2039 of the Supreme Court, judge of the Court of Appeals, circuit
2040 judge, chancellor, county court judge and family court judge.



2041 (8) Nothing in this section shall prohibit special elections
2042 to fill vacancies in either house of the Legislature from being
2043 held as provided in Section 23-15-851. In all elections conducted
2044 under the provisions of Section 23-15-851, there shall be printed
2045 on the ballot the name of any candidate who, not having been
2046 nominated by a political party, shall have been requested to be a
2047 candidate for any office by a petition filed with the Secretary of
2048 State and signed by not less than fifty (50) qualified electors.

2049 (9) (a) The appropriate election commission shall determine
2050 whether each candidate is a qualified elector of the state, state
2051 district, county or county district they seek to serve, and
2052 whether each candidate meets all other qualifications to hold the
2053 office he or she is seeking or presents absolute proof that he or
2054 she will, subject to no contingencies, meet all qualifications on
2055 or before the date * * * the early voting period begins for the
2056 general or special election at which he or she could be elected to
2057 office. The election commission shall determine whether the
2058 candidate has taken the steps necessary to qualify for more than
2059 one (1) office at the election. The election commission also
2060 shall determine whether any candidate has been convicted (i) of
2061 any felony in a court of this state, (ii) on or after December 8,
2062 1992, of any offense in another state which is a felony under the
2063 laws of this state, (iii) of any felony in a federal court on or
2064 after December 8, 1992, or (iv) of any offense that involved the
2065 misuse or abuse of his or her office or money coming into his or



2066 her hands by virtue of the office. Excepted from the above are
2067 convictions of manslaughter and violations of the United States
2068 Internal Revenue Code or any violations of the tax laws of this
2069 state.

2070 (b) If the appropriate election commission finds that a
2071 candidate either (i) is not a qualified elector, (ii) does not
2072 meet all qualifications to hold the office he or she seeks and
2073 fails to provide absolute proof, subject to no contingencies, that
2074 he or she will meet the qualifications on or before the date * * *
2075 the early voting period begins the general or special election at
2076 which he or she could be elected, or (iii) has been convicted of a
2077 felony or other disqualifying offense as described in paragraph
2078 (a) of this subsection, and not pardoned, then the election
2079 commission shall notify the candidate and give the candidate an
2080 opportunity to be heard. The election commission shall mail
2081 notice to the candidate at least three (3) business days before
2082 the hearing to the address provided by the candidate on the
2083 qualifying forms, and the committee shall attempt to contact the
2084 candidate by telephone, email and facsimile if the candidate
2085 provided this information on the forms. If the candidate fails to
2086 appear at the hearing or to prove that he or she meets all
2087 qualifications to hold the office subject to no contingencies,
2088 then the name of such candidate shall not be placed upon the
2089 ballot. If the appropriate election commission determines that
2090 the candidate has taken the steps necessary to qualify for more



2091 than one (1) office at the election, the action required by
2092 Section 23-15-905, shall be taken.

2093 (10) If after the deadline to qualify as a candidate for an
2094 office or after the time for holding any party primary for an
2095 office, only one (1) person has duly qualified to be a candidate
2096 for the office in the general election, the name of that person
2097 shall be placed on the ballot; provided, however, that if not more
2098 than one (1) person duly qualified to be a candidate for each
2099 office on the general election ballot, the election for all
2100 offices on the ballot shall be dispensed with and the appropriate
2101 election commission shall declare each candidate elected without
2102 opposition if the candidate meets all the qualifications to hold
2103 the office as determined pursuant to a review by the election
2104 commission in accordance with the provisions of subsection (9) of
2105 this section and if the candidate has filed all required campaign
2106 finance disclosure reports as required by Section 23-15-807.

2107 (11) The petition required by this section may not be filed
2108 by using the Internet.

2109 **SECTION 53.** Section 23-15-363, Mississippi Code of 1972, is
2110 amended as follows:

2111 23-15-363. After the proper officer has knowledge of or has
2112 been notified of the nomination, as provided, of any candidate for
2113 office, the officer shall not omit his or her name from the
2114 ballot, unless upon the written request of the candidate
2115 nominated, made at least ten (10) days before the early voting



2116 period for the election begins, and in no case after * * * the
2117 ballot has been printed; and every ballot shall contain the names
2118 of all candidates nominated as specified, and not duly withdrawn.

2119 **SECTION 54.** Section 23-15-367, Mississippi Code of 1972, is
2120 amended as follows:

2121 23-15-367. (1) Except as otherwise provided by Sections
2122 23-15-974 through 23-15-985 and subsection (2) of this section,
2123 the size, print and quality of paper of the official ballot is
2124 left to the discretion of the officer charged with printing the
2125 official ballot.

2126 (2) The titles for the various offices shall be listed in
2127 the following order:

2128 (a) Candidates, electors or delegates for the following
2129 national offices:

2130 (i) President;

2131 (ii) United States Senator or United States
2132 Representative;

2133 (b) Candidates for the following statewide office:
2134 Governor, Lieutenant Governor, Secretary of State, Attorney
2135 General, State Treasurer, Auditor of Public Accounts, Commissioner
2136 of Agriculture and Commerce, Commissioner of Insurance;

2137 (c) Candidates for the following state district
2138 offices: Mississippi Transportation Commissioner, Public Service
2139 Commissioner, District Attorney;



- 2140 (d) Candidates for the following legislative offices:
2141 Senate and House of Representatives;
2142 (e) Candidates for countywide office;
2143 (f) Candidates for county district office.

2144 The order in which the titles for the various offices are
2145 listed within paragraphs (e) and (f) is left to the discretion of
2146 the county election commissioners. Nominees of the political
2147 parties, qualified to conduct primary elections as defined in
2148 Section 23-15-291, shall be listed first alphabetically by the
2149 candidate's last name, followed by any other candidates listed
2150 alphabetically by last name.

2151 (3) It is the duty of the Secretary of State, with the
2152 approval of the Governor, to furnish the designated election
2153 commissioner of each county a sample of the official ballot, not
2154 less than fifty-five (55) days before the early voting period
2155 begins for the election, the general form of which shall be
2156 followed as nearly as practicable.

2157 **SECTION 55.** Section 7-3-39, Mississippi Code of 1972, is
2158 amended as follows:

2159 7-3-39. The Secretary of State shall have published in full
2160 each constitutional amendment two (2) weeks * * * before the
2161 period for early voting for the election begins, if early voting
2162 is authorized for that election, at which the qualified electors
2163 shall vote on * * * the amendments, in each county in each
2164 newspaper having a general circulation in the county, as defined



2165 in Section 13-3-31; or * * * the Secretary of State shall have
2166 each amendment posted in three (3) public places in the county if
2167 all * * * the newspapers in the county refuse to publish same at
2168 the price provided in Section 7-3-41.

2169 **SECTION 56.** Section 23-15-511, Mississippi Code of 1972, is
2170 amended as follows:

2171 23-15-511. The ballots shall, as far as practicable, be in
2172 the same order of arrangement as provided for paper ballots that
2173 are to be counted manually, except that the information may be
2174 printed in vertical or horizontal rows. Nothing in this chapter
2175 shall be construed as prohibiting the information being presented
2176 to the voters from being printed on both sides of a single ballot.
2177 In those years when a special election shall occur * * * during
2178 the same voting period as the general election, the names of
2179 candidates in any special election and the general election shall
2180 be placed on the same ballot by the election commissioners or
2181 officials in charge of the election, but the general election
2182 candidates shall be clearly distinguished from the special
2183 election candidates. At any time a special election is * * *
2184 during the same voting period as a party primary election, the
2185 names of the candidates in the special election may be placed on
2186 the same ballot by the officials in charge of the election, but
2187 shall be clearly distinguished as special election candidates or
2188 primary election candidates.



2189 Ballots shall be printed in plain clear type in black ink and
2190 upon clear white materials of such size and arrangement as to be
2191 compatible with the OMR equipment. Absentee ballots shall be
2192 prepared and printed in the same form and shall be on the same
2193 size and texture as the regular official ballots, except that they
2194 shall be printed on tinted paper; or the ink used to print the
2195 ballots shall be of a color different from that of the ink used to
2196 print the regular official ballots. Arrows may be printed on the
2197 ballot to indicate the place to mark the ballot, which may be to
2198 the right or left of the names of candidates and propositions.
2199 The titles of offices may be arranged in vertical columns on the
2200 ballot and shall be printed above or at the side of the names of
2201 candidates so as to indicate clearly the candidates for each
2202 office and the number to be elected. In case there are more
2203 candidates for an office than can be printed in one (1) column,
2204 the ballot shall be clearly marked that the list of candidates is
2205 continued on the following column. The names of candidates for
2206 each office shall be printed in vertical columns, grouped by the
2207 offices that they seek. In partisan elections, the party
2208 designation of each candidate, which may be abbreviated, shall be
2209 printed following his or her name.

2210 One (1) sample ballot, which shall be a facsimile of the
2211 official ballot and instructions to the voters, shall be provided
2212 for each precinct and shall be posted in each polling place during
2213 early voting and on election day.



2214 A separate ballot security envelope or suitable equivalent in
2215 which the voter can place his or her ballot after voting, shall be
2216 provided to conceal the choices the voter has made. Absentee
2217 voters will receive a similar ballot security envelope provided by
2218 the county in which the absentee voter will insert their voted
2219 ballot, which then can be inserted into a return envelope to be
2220 mailed back to the election official. Absentee ballots will not
2221 be required to be folded when a ballot security envelope is
2222 provided.

2223 **SECTION 57.** Section 23-15-515, Mississippi Code of 1972, is
2224 amended as follows:

2225 23-15-515. The circuit clerk shall be the custodian of OMR
2226 equipment acquired by the county, who shall be charged with the
2227 proper storage, maintenance and repair of the OMR equipment. The
2228 municipal clerk shall be the custodian of the OMR equipment
2229 acquired by the municipality, and shall be charged with the proper
2230 storage, maintenance and repair of the OMR equipment. The
2231 custodian or the officials in charge of the election shall repair
2232 or replace any OMR equipment which fails to function properly
2233 during the early voting period or on election day.

2234 **SECTION 58.** Section 23-15-545, Mississippi Code of 1972, is
2235 amended as follows:

2236 23-15-545. At each election, at least one (1) poll manager
2237 shall be charged with writing in the pollbook the word "VOTED," in
2238 the column having at its head the date of the early voting period



2239 or the date of the election, opposite the name of each elector
2240 upon return of a marked paper ballot by the elector with the
2241 initials of the initialing poll manager or alternate initialing
2242 poll manager affixed thereon. When a DRE unit is used in the
2243 polling place, the word "VOTED" shall be marked by at least one
2244 (1) poll manager in the pollbook in the column having at its head
2245 the date of the election, opposite the name of the elector.

2246 **SECTION 59.** Section 23-15-573, Mississippi Code of 1972, is
2247 amended as follows:

2248 23-15-573. (1) If any person declares that he or she is a
2249 registered voter in the jurisdiction in which he or she offers to
2250 vote and that he or she is eligible to vote during the early
2251 voting period or in the election, but his or her name does not
2252 appear upon the pollbooks, or that he or she is not able to cast a
2253 regular early voting day or election day ballot under a provision
2254 of state or federal law but is otherwise qualified to vote, or
2255 that he or she has been illegally denied registration, or that he
2256 or she is unable to present an acceptable form of photo
2257 identification:

2258 (a) A poll manager shall notify the person that he or
2259 she may cast an affidavit ballot * * * during the election.

2260 (b) The person shall be permitted to cast an affidavit
2261 ballot at the polling place upon execution of a written affidavit
2262 before one (1) of the poll managers stating that the individual:



2263 (i) Believes he or she is a registered voter in
2264 the jurisdiction in which he or she desires to vote and is
2265 eligible to vote * * * during the election; or
2266 (ii) Is not able to cast a regular early voting
2267 day or election day ballot under a provision of state or federal
2268 law but is otherwise qualified to vote; or
2269 (iii) Believes that he or she has been illegally
2270 denied registration; or
2271 (iv) Is unable to present an acceptable form of
2272 photo identification.
2273 (c) The poll manager shall allow the individual to mark
2274 a paper ballot properly endorsed by the initialing poll manager or
2275 alternate initialing poll manager in accordance with Section
2276 23-15-541, which shall be delivered by him or her to the proper
2277 election official who shall enclose it in an affidavit ballot
2278 envelope, with the written and signed affidavit of the voter
2279 affixed to the envelope, seal the envelope and mark plainly upon
2280 it the name of the person offering to vote.
2281 (2) The affidavit ballot envelope shall include:
2282 (a) The complete name of the voter;
2283 (b) A present and previous physical and mailing address
2284 of the voter;
2285 (c) Telephone numbers where the voter may be contacted;



2286 (d) A statement that the affiant believes he or she is
2287 registered to vote in the jurisdiction in which he or she offers
2288 to vote;

2289 (e) The signature of the affiant; and

2290 (f) The signature of the poll manager at the polling
2291 place at which the affiant offers to vote.

2292 (3) (a) A separate receipt book shall be maintained for
2293 affidavit voters and the affidavit voters shall sign the receipt
2294 book upon completing the affidavit ballot.

2295 (b) If the affidavit voter is casting an affidavit
2296 ballot because the voter is unable to present an acceptable form
2297 of photo identification and the voter's name appears in the
2298 pollbook, then the poll manager shall write "NO ID" across from
2299 the voter's name and in the appropriate column in the pollbook.

2300 (c) In canvassing the returns of the election, the
2301 executive committee in primary elections, or the election
2302 commissioners in other elections, shall examine the records and
2303 allow the ballot to be counted, or not counted as it appears
2304 legal.

2305 (d) An affidavit ballot of a voter who was unable to
2306 present an acceptable form of photo identification shall not be
2307 rejected for this reason if the voter does either of the
2308 following:

2309 (i) Returns to the circuit clerk's office, or to
2310 the municipal clerk's office for municipal elections, within five



2311 (5) business days after the date * * * the person voted during the
2312 election and presents an acceptable form of photo identification;

2313 (ii) Returns to the circuit clerk's office within
2314 five (5) business days after the date of the election to obtain
2315 the Mississippi Voter Identification Card, or in municipal
2316 election, returns to the municipal clerk's office within five (5)
2317 business days after the date * * * the person voted during the
2318 election to present his or her Mississippi Voter Identification
2319 Card or Temporary Mississippi Voter Identification Card; or

2320 (iii) Returns to the circuit clerk's office, or to
2321 the municipal clerk's office for municipal elections, within five
2322 (5) business days after the date * * * the person voted during the
2323 election to execute a separate Affidavit of Religious Objection.

2324 (4) When a person is offered the opportunity to vote by
2325 affidavit ballot, he or she shall be provided with written
2326 information that informs the person how to ascertain whether his
2327 or her affidavit ballot was counted and, if the vote was not
2328 counted, the reasons the vote was not counted.

2329 (5) The officials in charge of the election shall process
2330 all affidavit ballots by using the Statewide Elections Management
2331 System. The officials in charge of the election shall account for
2332 all affidavit ballots cast in each election, categorizing the
2333 affidavit ballots cast by reason and recording the total number of
2334 affidavit ballots counted and not counted in each such category in
2335 the Statewide Elections Management System.



2336 (6) The Secretary of State shall, by rule duly adopted,
2337 establish a uniform affidavit ballot envelope that shall be used
2338 in all elections in this state. The Secretary of State shall
2339 print and distribute a sufficient number of affidavit ballot
2340 envelopes to the registrar of each county for use in elections.
2341 The registrar shall distribute the affidavit ballot envelopes to
2342 municipal and county executive committees for use in primary
2343 elections and to municipal and county election commissioners for
2344 use in all other elections.

2345 (7) County registrars and municipal registrars shall
2346 maintain a secure free access system that complies with the Help
2347 America Vote Act of 2002, by which persons who vote by affidavit
2348 ballot may determine if their ballots were counted, and if not,
2349 the reasons the ballot was not counted.

2350 (8) Any person who votes * * * during any election as a
2351 result of a federal or state court order or other order extending
2352 the time established by law for closing the polls on an election
2353 day, may only vote by affidavit ballot. Any affidavit ballot cast
2354 under this subsection shall be separated and kept apart from other
2355 affidavit ballots cast by voters not affected by the order.

2356 **SECTION 60.** Section 23-15-613, Mississippi Code of 1972, is
2357 amended as follows:

2358 23-15-613. (1) As used in this section "residual votes"
2359 means overvotes, undervotes and any other vote not counted for any
2360 reason.



2361 (2) For every election, election commissions and county and
2362 municipal executive committees shall report to the Secretary of
2363 State residual vote information; however, if the voting
2364 devices * * * used in the election do not produce a ballot, other
2365 information shall be reported as required in this section.

2366 (3) For every election, election commissions and county and
2367 municipal executive committees responsible for the conduct of
2368 elections in which ballots are generated that are counted by hand
2369 or by OMR equipment or the tabulating mechanism of a DRE unit
2370 shall report to the Secretary of State all residual votes for all
2371 candidates and ballot measures in the elections for which they are
2372 responsible for conducting. The residual vote reports shall:

2373 (a) Be received by the Secretary of State no later than
2374 December 15 of the year in which the election is held;

2375 (b) Include any suggested explanation or suspected
2376 cause of the residual votes;

2377 (c) Include a copy of a voided official ballot for the
2378 election as such ballot appeared to voters at the election and
2379 copies of voided affidavit and absentee ballots if they are
2380 different from the official ballot;

2381 (d) Include the total voter turnout for each election,
2382 including the period for early voting, to be determined by
2383 totaling the number of persons signing the receipt book at each
2384 precinct, absentee voters and persons who voted by affidavit
2385 ballot and persons whose ballots were challenged and rejected; and



2386 (e) Include a copy of any printed voting instructions
2387 given or visible to voters * * * during the election and a
2388 description of any verbal instructions and any other evidence of
2389 voter education that was used in the election.

2390 (4) For every election, election commissions and county and
2391 municipal executive committees responsible for the conduct of
2392 election in which voting devices are used that do not generate
2393 ballots that are counted by hand or by OMR equipment or the
2394 tabulating mechanism of a DRE unit, shall file a report with the
2395 Secretary of State which shall:

2396 (a) Be received by the Secretary of State no later than
2397 December 15 of the year in which the election is held;

2398 (b) Include the total voter turnout for each election,
2399 including the period for early voting, to be determined by
2400 totaling the number of persons signing the receipt book at each
2401 precinct, absentee voters and persons who voted by affidavit
2402 ballot and persons whose ballots were challenged and rejected;

2403 (c) Include in the report any anecdotal information
2404 obtained concerning voter problems with the voting equipment or
2405 ballot layout;

2406 (d) Include in the report any suggested explanation or
2407 suspected cause of any difference in the amount of total voter
2408 turnout and the number of counted votes for candidates for various
2409 offices; and



2410 (e) Include a copy of any printed voting instructions
2411 given or visible to voters * * * during the election and a
2412 description of any verbal instructions and any other evidence of
2413 voter education that was used * * * during the election.

2414 (5) Not later than January 31 of the year following the
2415 election, the Secretary of State shall submit a report to the
2416 Governor, Lieutenant Governor and Speaker of the House of
2417 Representatives analyzing the reports required to be filed
2418 pursuant to this section. The analysis shall include the
2419 following:

2420 (a) The performance of each voting device type
2421 used * * * during the election;

2422 (b) Any problems with voter or poll worker instructions
2423 or ballot design and layout that have been identified as a result
2424 of analyzing the reports received;

2425 (c) Recommendations for reducing the number of residual
2426 votes reported; and

2427 (d) Such other information as the Secretary of State
2428 deems beneficial.

2429 (6) The reports required pursuant to this section shall be
2430 in such form as may be required by rules and regulations
2431 promulgated by the Secretary of State.

2432 **SECTION 61.** Section 23-15-781, Mississippi Code of 1972, is
2433 amended as follows:



2434 23-15-781. The number of electors of President and Vice
2435 President of the United States to which this state may be
2436 entitled, shall be chosen by the qualified electors of the state
2437 at large, on the first Tuesday after the first Monday of November
2438 in the year in which an election of President and Vice President
2439 shall occur and during the early voting period.

2440 **SECTION 62.** Section 23-15-785, Mississippi Code of 1972, is
2441 amended as follows:

2442 23-15-785. (1) When presidential electors are to be chosen,
2443 the Secretary of State of Mississippi shall certify to the circuit
2444 clerks of the several counties the names of all candidates for
2445 President and Vice President who are nominated by any national
2446 convention or other like assembly of any political party or by
2447 written petition signed by at least one thousand (1,000) qualified
2448 voters of this state.

2449 (2) The certificate of nomination by a political party
2450 convention must be signed by the presiding officer and secretary
2451 of the convention and by the * * * chair of the state executive
2452 committee of the political party making the nomination. Any
2453 nominating petition, to be valid, must contain the signatures as
2454 well as the addresses of the petitioners. The certificates and
2455 petitions must be filed with the State Board of Election
2456 Commissioners by filing them in the Office of the Secretary of
2457 State by 5:00 p.m. not less than sixty (60) days * * * before the
2458 day * * * early voting begins for the election.



2459 (3) Each certificate of nomination and nominating petition
2460 must be accompanied by a list of the names and addresses of
2461 persons, who shall be qualified voters of this state, equal in
2462 number to the number of presidential electors to be chosen. Each
2463 person so listed shall execute the following statement which shall
2464 be attached to the certificate or petition when it is filed with
2465 the State Board of Election Commissioners: "I do hereby consent
2466 and do hereby agree to serve as elector for President and Vice
2467 President of the United States, if elected to that position, and
2468 do hereby agree that, if so elected, I shall cast my ballot as
2469 such for _____ for President and _____ for Vice President of
2470 the United States" (inserting in * * * the blank spaces the
2471 respective names of the persons named as nominees for * * * the
2472 respective offices in the certificate to which this statement is
2473 attached).

2474 (4) The State Board of Election Commissioners and any other
2475 official charged with the preparation of official ballots shall
2476 place on * * * the official ballots the words "PRESIDENTIAL
2477 ELECTORS FOR (here insert the name of the candidate for President,
2478 the word 'AND' and the name of the candidate for Vice President)"
2479 in lieu of placing the names of such presidential electors on the
2480 official ballots, and a vote cast therefor shall be counted and
2481 shall be in all respects effective as a vote for each of the
2482 presidential electors representing those candidates for President
2483 and Vice President of the United States. In the case of unpledged



2484 electors, the State Board of Election Commissioners and any other
2485 official charged with the preparation of official ballots shall
2486 place on * * * the official ballots the words "UNPLEDGED
2487 ELECTOR(S) (here insert the name(s) of individual unpledged
2488 elector(s) if placed upon the ballot based upon a petition granted
2489 in the manner provided by law stating the individual name(s) of
2490 the elector(s) rather than a slate of electors)."

2491 **SECTION 63.** Section 23-15-807, Mississippi Code of 1972, is
2492 amended as follows:

2493 23-15-807. (a) Each candidate or political committee shall
2494 file reports of contributions and disbursements in accordance with
2495 the provisions of this section. All candidates or political
2496 committees required to report such contributions and disbursements
2497 may terminate the obligation to report only upon submitting a
2498 final report that contributions will no longer be received or
2499 disbursements made and that the candidate or committee has no
2500 outstanding debts or obligations. The candidate, treasurer or
2501 chief executive officer shall sign the report.

2502 (b) Candidates seeking election, or nomination for election,
2503 and political committees making expenditures to influence or
2504 attempt to influence voters for or against the nomination for
2505 election of one or more candidates or balloted measures * * *
2506 during such election, shall file the following reports:

2507 (i) In any calendar year during which there is a
2508 regularly scheduled election, a pre-election report shall be filed



2509 no later than the seventh day before early voting begins for any
2510 election in which the candidate or political committee has
2511 accepted contributions or made expenditures and shall be completed
2512 as of the tenth day before early voting begins for the election;

2513 (ii) In 1987 and every fourth year thereafter, periodic
2514 reports shall be filed no later than the tenth day after April 30,
2515 May 31, June 30, September 30 and December 31, and shall be
2516 completed as of the last day of each period;

2517 (iii) In any calendar years except 1987 and except
2518 every fourth year thereafter, a report covering the calendar year
2519 shall be filed no later than January 31 of the following calendar
2520 year; and

2521 (iv) Except as otherwise provided in the requirements
2522 of paragraph (i) of this subsection (b), unopposed candidates are
2523 not required to file pre-election reports but must file all other
2524 reports required by paragraphs (ii) and (iii) of this subsection
2525 (b).

2526 (c) All candidates for judicial office as defined in Section
2527 23-15-975, or their political committees, shall file periodic
2528 reports in the year in which they are to be elected no later than
2529 the tenth day after April 30, May 31, June 30, September 30 and
2530 December 31.

2531 (d) Each report under this article shall disclose:

2532 (i) For the reporting period and the calendar year, the
2533 total amount of all contributions and the total amount of all



2534 expenditures of the candidate or reporting committee, including
2535 those required to be identified pursuant to paragraph (ii) of this
2536 subsection (d) as well as the total of all other contributions and
2537 expenditures during the calendar year. The reports shall be
2538 cumulative during the calendar year to which they relate;

2539 (ii) The identification of:

2540 1. Each person or political committee who makes a
2541 contribution to the reporting candidate or political committee
2542 during the reporting period, whose contribution or contributions
2543 within the calendar year have an aggregate amount or value in
2544 excess of Two Hundred Dollars (\$200.00) together with the date and
2545 amount of any such contribution;

2546 2. Each person or organization, candidate or
2547 political committee who receives an expenditure, payment or other
2548 transfer from the reporting candidate, political committee or its
2549 agent, employee, designee, contractor, consultant or other person
2550 or persons acting in its behalf during the reporting period when
2551 the expenditure, payment or other transfer to the person,
2552 organization, candidate or political committee within the calendar
2553 year have an aggregate value or amount in excess of Two Hundred
2554 Dollars (\$200.00) together with the date and amount of the
2555 expenditure;

2556 (iii) The total amount of cash on hand of each
2557 reporting candidate and reporting political committee;



2558 (iv) In addition to the contents of reports specified
2559 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2560 political party shall disclose:

2561 1. Each person or political committee who makes a
2562 contribution to a political party during the reporting period and
2563 whose contribution or contributions to a political party within
2564 the calendar year have an aggregate amount or value in excess of
2565 Two Hundred Dollars (\$200.00), together with the date and amount
2566 of the contribution;

2567 2. Each person or organization who receives an
2568 expenditure or expenditures by a political party during the
2569 reporting period when the expenditure or expenditures to the
2570 person or organization within the calendar year have an aggregate
2571 value or amount in excess of Two Hundred Dollars (\$200.00),
2572 together with the date and amount of the expenditure;

2573 (v) Disclosure required under this section of an
2574 expenditure to a credit card issuer, financial institution or
2575 business allowing payments and money transfers to be made over the
2576 Internet must include, by way of detail or separate entry, the
2577 amount of funds passing to each person, business entity or
2578 organization receiving funds from the expenditure.

2579 (e) The appropriate office specified in Section 23-15-805
2580 must be in actual receipt of the reports specified in this article
2581 by 5:00 p.m. on the dates specified in subsection (b) of this
2582 section. If the date specified in subsection (b) of this section



2583 shall fall on a weekend or legal holiday then the report shall be
2584 due in the appropriate office at 5:00 p.m. on the first working
2585 day before the date specified in subsection (b) of this section.
2586 The reporting candidate or reporting political committee shall
2587 ensure that the reports are delivered to the appropriate office by
2588 the filing deadline. The Secretary of State may approve specific
2589 means of electronic transmission of completed campaign finance
2590 disclosure reports, which may include, but not be limited to,
2591 transmission by electronic facsimile (FAX) devices.

2592 (f) (i) If any contribution of more than Two Hundred
2593 Dollars (\$200.00) is received by a candidate or candidate's
2594 political committee after the tenth day, but more than forty-eight
2595 (48) hours before 12:01 a.m. of the day of early voting begins for
2596 the election, the candidate or political committee shall notify
2597 the appropriate office designated in Section 23-15-805, within
2598 forty-eight (48) hours of receipt of the contribution. The
2599 notification shall include:

- 2600 1. The name of the receiving candidate;
- 2601 2. The name of the receiving candidate's political
2602 committee, if any;
- 2603 3. The office sought by the candidate;
- 2604 4. The identification of the contributor;
- 2605 5. The date of receipt;
- 2606 6. The amount of the contribution;



2607 7. If the contribution is in-kind, a description
2608 of the in-kind contribution; and

2609 8. The signature of the candidate or the treasurer
2610 or chair of the candidate's political organization.

2611 (ii) The notification shall be in writing, and may be
2612 transmitted by overnight mail, courier service, or other reliable
2613 means, including electronic facsimile (FAX), but the candidate or
2614 candidate's committee shall ensure that the notification shall in
2615 fact be received in the appropriate office designated in Section
2616 23-15-805 within forty-eight (48) hours of the contribution.

2617 **SECTION 64.** Section 23-15-833, Mississippi Code of 1972, is
2618 amended as follows:

2619 23-15-833. Except as otherwise provided by law, the first
2620 Tuesday after the first Monday in November of each year shall be
2621 designated the regular special election day, and on that day and
2622 during the period established for early voting an election shall
2623 be held to fill any vacancy in county, county district, and
2624 district attorney elective offices, and any vacancy in the office
2625 of circuit judge or chancellor.

2626 All special elections, or elections to fill vacancies, shall
2627 in all respects be held, conducted and returned in the same manner
2628 as general elections, except that where no candidate receives a
2629 majority of the votes cast in the election, a runoff election
2630 shall be held three (3) weeks after the election. The two (2)
2631 candidates who receive the highest popular votes for the office



2632 shall have their names submitted as the candidates to the runoff
2633 and the candidate who leads in the runoff election shall be
2634 elected to the office. When there is a tie in the first election
2635 of those receiving the next highest vote, these two (2) and the
2636 one receiving the highest vote, none having received a majority,
2637 shall go into the runoff election and whoever leads in the runoff
2638 election shall be entitled to the office.

2639 In those years when the regular special election day shall
2640 occur * * * during the same * * * period of time as the general
2641 election, the names of candidates in any special election and the
2642 general election shall be placed on the same ballot, but shall be
2643 clearly distinguished as general election candidates or special
2644 election candidates. At any time a special election is held * * *
2645 during the same * * * period of time as a party primary election,
2646 the names of the candidates in the special election may be placed
2647 on the same ballot, but shall be clearly distinguished as special
2648 election candidates or primary election candidates.

2649 **SECTION 65.** Section 23-15-843, Mississippi Code of 1972, is
2650 amended as follows:

2651 23-15-843. In case of death, resignation or vacancy from any
2652 cause in the office of district attorney, the unexpired term of
2653 which shall exceed six (6) months, the Governor shall within ten
2654 (10) days after the vacancy occurs issue a proclamation calling an
2655 election to fill a vacancy in the office of district attorney to
2656 be held * * * during the next regular special election * * *



2657 period of time in the district where the vacancy occurred unless
2658 the vacancy occurs in a year in which a general election would
2659 normally be held for that office as provided by law, in which case
2660 the appointed person shall serve the unexpired portion of the
2661 term. Candidates in such a special election shall qualify in the
2662 same manner and be subject to the same time limitations as set
2663 forth in Section 23-15-839. Pending the holding of a special
2664 election, the Governor shall make an emergency appointment to fill
2665 the vacancy until the same shall be filled by election.

2666 **SECTION 66.** Section 23-15-851, Mississippi Code of 1972, is
2667 amended as follows:

2668 23-15-851. (1) Except as otherwise provided in subsection
2669 (2) of this section, within thirty (30) days after vacancies occur
2670 in either house of the Legislature, the Governor shall issue writs
2671 of election to fill the vacancies on a day specified in the writ
2672 of election. At least sixty (60) days' notice shall be given of
2673 the election in each county or part of a county in which the
2674 election shall be held. The qualifying deadline for the election
2675 shall be fifty (50) days before the early voting begins for the
2676 election. Notice of the election shall be posted at the
2677 courthouse and in each supervisors district in the county or part
2678 of county in which such election shall be held for as near sixty
2679 (60) days as may be practicable. The election shall be prepared
2680 for and held as in the case of a general election.



2681 (2) If a vacancy occurs in a calendar year in which the
2682 general election for state officers is held, the Governor may
2683 elect not to issue a writ of election to fill the vacancy.

2684 **SECTION 67.** Section 23-15-853, Mississippi Code of 1972, is
2685 amended as follows:

2686 23-15-853. (1) If a vacancy occurs in the representation in
2687 Congress, the vacancy shall be filled for the unexpired term by a
2688 special election, to be ordered by the Governor, within sixty (60)
2689 days after the vacancy occurs, and held at a time fixed by his or
2690 her order, and which time shall * * * begin not less than sixty
2691 (60) days after the issuance of the order of the Governor, which
2692 shall be directed to the election commissioners of the several
2693 counties of the district, who shall, immediately on the receipt of
2694 the order, give notice of the election by publishing the same in a
2695 newspaper having a general circulation in the county and by
2696 posting the notice at the front door of the courthouse. The order
2697 shall also be directed to the State Board of Election
2698 Commissioners. The election shall be prepared for and conducted,
2699 and returns shall be made, in all respects as provided for a
2700 special election to fill vacancies.

2701 (2) Candidates for the office in such an election must
2702 qualify with the Secretary of State by 5:00 p.m. not less than
2703 fifty (50) days before the * * * early voting period begins for
2704 the election. If the fiftieth day to qualify before an election
2705 falls on a Sunday or legal holiday, the qualification submitted on



2706 the business day immediately following the Sunday or legal holiday
2707 shall be accepted. The election commissioners shall have printed
2708 on the ballot in such special election the name of any candidate
2709 who shall have been requested to be a candidate for the office by
2710 a petition filed with the Secretary of State and personally signed
2711 by not less than one thousand (1,000) qualified electors of the
2712 district. The petition shall be filed by 5:00 p.m. not less than
2713 fifty (50) days before the * * * early voting period begins for
2714 the election. If the fiftieth day to file the petition before an
2715 election falls on a Sunday or legal holiday, the petition filed on
2716 the business day immediately following the Sunday or legal holiday
2717 shall be accepted.

2718 There shall be attached to each petition above provided for,
2719 upon the time of filing with the Secretary of State, a certificate
2720 from the appropriate registrar or registrars showing the number of
2721 qualified electors appearing upon each petition which the
2722 registrar shall furnish to the petitioner upon request.

2723 **SECTION 68.** Section 23-15-855, Mississippi Code of 1972, is
2724 amended as follows:

2725 23-15-855. (1) If a vacancy shall occur in the office of
2726 United States Senator from Mississippi by death, resignation or
2727 otherwise, the Governor shall, within ten (10) days after
2728 receiving official notice of the vacancy, issue a proclamation for
2729 an election to be held in the state to elect a Senator to fill the
2730 remaining unexpired term, provided the unexpired term is more than



2731 twelve (12) months and the election shall * * * begin within
2732 ninety (90) days from the time the proclamation is issued and the
2733 returns of such election shall be certified to the Governor in the
2734 manner set out above for regular elections, unless the vacancy
2735 occurs in a year in which a general state or congressional
2736 election is held, in which event the Governor's proclamation shall
2737 designate the period for conducting the general election * * * as
2738 the time for electing a Senator, and the vacancy shall be filled
2739 by appointment as hereinafter provided.

2740 (2) In case of a vacancy in the office of United States
2741 Senator, the Governor may appoint a Senator to fill the vacancy
2742 temporarily, and if the United States Senate be in session at the
2743 time the vacancy occurs the Governor shall appoint a Senator
2744 within ten (10) days after receiving official notice thereof, and
2745 the appointed Senator shall serve until a successor is elected and
2746 commissioned as provided for in subsection (1) of this section,
2747 provided that such unexpired term as he or she may be appointed to
2748 fill shall be for a longer time than one (1) year, but if for a
2749 shorter time than one (1) year, he or she shall serve for the full
2750 time of the unexpired term and no special election shall be called
2751 by the Governor but a successor shall be elected at the regular
2752 election.

2753 **SECTION 69.** Section 23-15-857, Mississippi Code of 1972, is
2754 amended as follows:



2755 23-15-857. (1) When there is a vacancy in an elective
2756 office in a city, town or village, the unexpired term of which
2757 shall not exceed six (6) months, the same shall be filled by
2758 appointment by the governing authority or remainder of the
2759 governing authority of the city, town or village. The municipal
2760 clerk shall certify the appointment to the Secretary of State and
2761 the appointed person or persons shall be commissioned by the
2762 Governor.

2763 (2) When there is a vacancy in an elective office in a city,
2764 town or village, the unexpired term of which shall exceed six (6)
2765 months, the governing authority or remainder of the governing
2766 authority of the city, town or village shall make and enter on the
2767 minutes an order for an election to be held in the city, town or
2768 village to fill the vacancy and fix a * * * time period upon which
2769 the early voting and election day shall be held. The order shall
2770 be made and entered upon the minutes at the next regular meeting
2771 of the governing authority after the vacancy occurs, or at a
2772 special meeting to be held not later than ten (10) days after the
2773 vacancy occurs, Saturdays, Sundays and legal holidays excluded,
2774 whichever shall occur first. The election shall be held on a date
2775 not less than thirty (30) days nor more than forty-five (45) days
2776 after the date upon which the order is adopted.

2777 Notice of the election shall be given by the municipal clerk
2778 by notice published in a newspaper published in the municipality.
2779 The notice shall be published once each week for three (3)



2780 successive weeks * * * before the date * * * early voting begins
2781 for the election. The first notice shall be published at least
2782 thirty (30) days before * * * early voting begins for the
2783 election. Notice shall also be given by posting a copy of the
2784 notice at three (3) public places in the municipality not less
2785 than twenty-one (21) days before * * * early voting begins for the
2786 election. One (1) of the notices shall be posted at the city,
2787 town or village hall. In the event that there is no newspaper
2788 published in the municipality, such notice shall be published as
2789 provided for above in a newspaper that has a general circulation
2790 within the municipality and by posting as provided for above.
2791 Additionally, the governing authority may publish the notice in
2792 that newspaper for as many additional times as may be deemed
2793 necessary by the governing authority.

2794 Each candidate shall qualify by petition filed with the
2795 municipal clerk by 5:00 p.m. at least twenty (20) days before
2796 the * * * early voting period begins for the election. If the
2797 twentieth day to file the petition before the election falls on a
2798 Sunday or legal holiday, the petition filed on the business day
2799 immediately following the Sunday or legal holiday shall be
2800 accepted. The petition shall be signed by not less than the
2801 following number of qualified electors:

2802 (a) For an office of a city, town, village or municipal
2803 district having a population of one thousand (1,000) or more, not
2804 less than fifty (50) qualified electors.



2805 (b) For an office of a city, town, village or municipal
2806 district having a population of less than one thousand (1,000),
2807 not less than fifteen (15) qualified electors.

2808 No qualifying fee shall be required of any candidate, and the
2809 election shall be held as far as practicable in the same manner as
2810 municipal general elections.

2811 The candidate receiving a majority of the votes cast in the
2812 election shall be elected. If no candidate receives a majority
2813 vote at the election, the two (2) candidates receiving the highest
2814 number of votes shall have their names placed on the ballot for
2815 the election to be held three (3) weeks thereafter. The candidate
2816 receiving a majority of the votes cast in the election shall be
2817 elected. However, if no candidate receives a majority and there
2818 is a tie in the election of those receiving the next highest vote,
2819 those receiving the next highest vote and the candidate receiving
2820 the highest vote shall have their names placed on the ballot for
2821 the election to be held three (3) weeks thereafter, and whoever
2822 receives the most votes cast in the election shall be elected.

2823 Should the election held three (3) weeks thereafter result in
2824 a tie vote, the prevailing candidate shall be decided by a toss of
2825 a coin or by lot fairly and publicly drawn under the supervision
2826 of the election commission.

2827 The clerk of the election commission shall then give a
2828 certificate of election to the person elected, and return to the
2829 Secretary of State a copy of the order of holding the election and



2830 runoff election results, certified by the clerk of the governing
2831 authority. The person elected shall be commissioned by the
2832 Governor.

2833 However, if nineteen (19) days before the * * * early voting
2834 period begins for the election only one (1) person shall have
2835 qualified as a candidate, the governing authority, or remainder of
2836 the governing authority, shall dispense with the election and
2837 appoint that one (1) candidate in lieu of an election. In the
2838 event no person shall have qualified by 5:00 p.m. at least twenty
2839 (20) days before * * * the early voting period begins for the
2840 election, the governing authority or remainder of the governing
2841 authority shall dispense with the election and fill the vacancy by
2842 appointment. The clerk of the governing authority shall certify
2843 the appointment to the Secretary of State, and the appointed
2844 person shall be commissioned by the Governor.

2845 **SECTION 70.** Section 23-15-859, Mississippi Code of 1972, is
2846 amended as follows:

2847 23-15-859. Whenever under any statute a special election is
2848 required or authorized to be held in any municipality, and the
2849 statute authorizing or requiring the election does not specify the
2850 time within which the election shall be called, or the notice
2851 which shall be given, the governing authorities of the
2852 municipality shall, by resolution, fix a date upon which the
2853 election shall be held. The date shall not be less than
2854 twenty-one (21) nor more than thirty (30) days after the date upon



2855 which such resolution is adopted, and not less than three (3)
2856 weeks' notice of the election shall be given by the clerk by a
2857 notice published in a newspaper published in the municipality once
2858 each week for three (3) weeks next * * * before the * * * early
2859 voting period begins for the election, and by posting a copy of
2860 the notice at three (3) public places in the municipality.
2861 Nothing herein, however, shall be applicable to elections on the
2862 question of the issuance of the bonds of a municipality or to
2863 general or primary elections for the election of municipal
2864 officers.

2865 The provisions of this section shall be applicable to all
2866 municipalities of this state, whether operating under a code
2867 charter, special charter or the commission form of government,
2868 except in cases of conflicts between the provisions of the section
2869 and the provisions of the special charter of a municipality, or
2870 the law governing the commission form of government, in which
2871 cases of conflict the provisions of the special charter or the
2872 statutes relative to the commission form of government shall
2873 apply.

2874 **SECTION 71.** Section 23-15-895, Mississippi Code of 1972, is
2875 amended as follows:

2876 23-15-895. No candidate for an elective office, or any
2877 representative of such candidate, and no proponent or opponent of
2878 any constitutional amendment, local issue or other measure printed
2879 on the ballot may post or distribute cards, posters or other



2880 campaign literature within one hundred fifty (150) feet of any
2881 entrance of the building wherein early voting or any election is
2882 being held. No candidate or a representative named by him or her
2883 in writing may appear at any polling place while armed or
2884 uniformed, or display any badge or credentials except as may be
2885 issued by the manager of the polling place. As used in this
2886 section, the term "local issue" shall have the meaning ascribed to
2887 such term in Section 23-15-375. This section shall be enforced by
2888 election officials and law enforcement officials.

2889 **SECTION 72.** Section 23-15-913, Mississippi Code of 1972, is
2890 amended as follows:

2891 23-15-913. The judges listed and selected to hear election
2892 disputes, as provided in Section 23-15-951, shall be available
2893 during early voting and on election day to immediately hear and
2894 resolve any election * * * disputes. The rules for filing
2895 pleadings shall be relaxed to carry out the purposes of this
2896 section. The judges selected shall perform no other judicial
2897 duties * * * during the election * * * period. The Supreme Court
2898 shall make judges available to hear disputes in the county in
2899 which the disputes occur but no judge shall hear disputes in the
2900 district or county in which he or she was elected nor shall any
2901 judge hear any dispute in which any potential conflict may arise.
2902 Each judge shall be fair and impartial and shall be assigned on
2903 that basis.



2904 **SECTION 73.** Section 23-15-963, Mississippi Code of 1972, is
2905 amended as follows:

2906 23-15-963. (1) Any person desiring to contest the
2907 qualifications of another person who has qualified pursuant to the
2908 provisions of Section 23-15-359 * * * as a candidate for any
2909 office elected at a general election, shall file a petition
2910 specifically setting forth the grounds of the challenge not later
2911 than thirty-one (31) days after the date of the first primary
2912 election set forth in Section 23-15-191 * * *. * * * The petition
2913 shall be filed with the same body with whom the candidate in
2914 question qualified pursuant to Section 23-15-359 * * *.

2915 (2) Any person desiring to contest the qualifications of
2916 another person who has qualified pursuant to the provisions of
2917 Section 23-15-213 * * * as a candidate for county election
2918 commissioner elected at a general election, shall file a petition
2919 specifically setting forth the grounds of the challenge no later
2920 than sixty (60) days * * * before the period for early voting
2921 begins for the general election. * * * The petition shall be
2922 filed with the county board of supervisors, being the same body
2923 with whom the candidate in question qualified pursuant to Section
2924 23-15-213 * * *.

2925 (3) Any person desiring to contest the qualifications of
2926 another person who has qualified pursuant to the provisions of
2927 Section 23-15-361 * * * as a candidate for municipal office
2928 elected on the date designated by law for regular municipal



2929 elections, shall file a petition specifically setting forth the
2930 grounds of the challenge no later than thirty-one (31) days after
2931 the date of the first primary election set forth in Section
2932 23-15-309 * * *. * * * The petition shall be filed with the
2933 municipal election commissioners * * *, being the same body with
2934 whom the candidate in question qualified pursuant to Section
2935 23-15-361 * * *.

2936 (4) Within ten (10) days of receipt of the petition
2937 described in subsections (1), (2) and (3) of this section, the
2938 appropriate election officials shall meet and rule upon the
2939 petition. At least two (2) days before the hearing to consider
2940 the petition, the appropriate election officials shall give notice
2941 to both the petitioner and the contested candidate of the time and
2942 place of the hearing on the petition. Each party shall be given
2943 an opportunity to be heard at such meeting and present evidence in
2944 support of his or her position.

2945 (5) If the appropriate election officials fail to rule upon
2946 the petition within the time required above, such inaction shall
2947 be interpreted as a denial of the request for relief contained in
2948 the petition.

2949 (6) Any party aggrieved by the action or inaction of the
2950 appropriate election officials may file a petition for judicial
2951 review to the circuit court of the county in which the election
2952 officials whose decision is being reviewed sits. * * * The
2953 petition must be filed no later than fifteen (15) days after the



2954 date the petition was originally filed with the appropriate
2955 election officials. * * * The person filing for judicial review
2956 shall give a cost bond in the sum of Three Hundred Dollars
2957 (\$300.00) with two (2) or more sufficient sureties conditioned to
2958 pay all costs in case his or her petition be dismissed, and an
2959 additional bond may be required, by the court, if necessary, at
2960 any subsequent stage of the proceedings.

2961 (7) The circuit court with whom such a petition for judicial
2962 review has been filed shall at the earliest possible date set the
2963 matter for hearing. Notice shall be given to the interested
2964 parties of the time set for hearing by the circuit clerk. The
2965 hearing before the circuit court shall be de novo. The matter
2966 shall be tried to the circuit judge, without a jury. After
2967 hearing the evidence, the circuit judge shall determine whether
2968 the candidate whose qualifications have been challenged is legally
2969 qualified to have his or her name placed upon the ballot in
2970 question. The circuit judge may, upon disqualification of any
2971 such candidate, order that * * * the candidate * * * bear the
2972 court costs of the proceedings.

2973 (8) Within three (3) days after judgment is rendered by the
2974 circuit court, the contestant or contestee, or both, may file an
2975 appeal in the Supreme Court upon giving a cost bond in the sum of
2976 Three Hundred Dollars (\$300.00), together with a bill of
2977 exceptions * * * that shall state the point or points of law at
2978 issue with a sufficient synopsis of the facts to fully disclose



2979 the bearing and relevancy of such points of law. The bill of
2980 exceptions shall be signed by the trial judge, or in case of his
2981 or her absence, refusal or disability, by two (2) disinterested
2982 attorneys, as is provided by law in other cases of bills of
2983 exception. The filing of * * * the appeals shall automatically
2984 suspend the decision of the circuit court and the appropriate
2985 election officials are entitled to proceed based upon their
2986 decision unless and until the Supreme Court, in its discretion,
2987 stays further proceedings in the matter. The appeal shall be
2988 immediately docketed in the Supreme Court and referred to the
2989 court en banc upon briefs without oral argument unless the court
2990 shall call for oral argument, and shall be decided at the earliest
2991 possible date, as a preference case over all others. The Supreme
2992 Court shall have the authority to grant such relief as is
2993 appropriate under the circumstances.

2994 (9) The procedure set forth above shall be the * * * only
2995 manner in which the qualifications of a candidate seeking public
2996 office who qualified pursuant to the provisions of Sections
2997 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
2998 before the time of his or her election. After any such person has
2999 been elected to public office, the election may be challenged as
3000 otherwise provided by law. After any person assumes an elective
3001 office, his or her qualifications to hold that office may be
3002 contested as otherwise provided by law.



3003 **SECTION 74.** Section 23-15-977, Mississippi Code of 1972, is
3004 amended as follows:

3005 23-15-977. (1) Except as otherwise provided in this
3006 section, all candidates for judicial office as defined in Section
3007 23-15-975 of this subarticle shall file their intent to be a
3008 candidate with the proper officials and pay the proper assessment
3009 by not later than 5:00 p.m. on February 1 of the year in which the
3010 general election for the judicial office is held. If February 1
3011 occurs on a Saturday, Sunday or legal holiday, candidates shall
3012 file their intent to be a candidate and pay the proper assessment
3013 by 5:00 p.m. on the business day immediately following the
3014 Saturday, Sunday or legal holiday. Candidates shall pay to the
3015 proper officials the following amounts:

3016 (a) Candidates for Supreme Court justice and Court of
3017 Appeals judge, the sum of Two Hundred Dollars (\$200.00).

3018 (b) Candidates for circuit judge and chancellor, the
3019 sum of One Hundred Dollars (\$100.00).

3020 (c) Candidates for county judge and family court judge,
3021 the sum of Fifteen Dollars (\$15.00).

3022 Candidates for judicial office may not file their intent to
3023 be a candidate and pay the proper assessment before January 1 of
3024 the year in which the election for the judicial office is held.

3025 (2) Candidates for judicial offices listed in paragraphs (a)
3026 and (b) of subsection (1) of this section shall file their intent
3027 to be a candidate with, and pay the proper assessment made



3028 pursuant to subsection (1) of this section to, the State Board of
3029 Election Commissioners.

3030 (3) Candidates for judicial offices listed in paragraph (c)
3031 of subsection (1) of this section shall file their intent to be a
3032 candidate with, and pay the proper assessment made pursuant to
3033 subsection (1) of this section to, the circuit clerk of the proper
3034 county. The circuit clerk shall notify the county election
3035 commissioners of all persons who have filed their intent to be a
3036 candidate with, and paid the proper assessment to, such clerk.
3037 The notification shall occur within two (2) business days and
3038 shall contain all necessary information.

3039 (4) If only one (1) person files his or her intent to be a
3040 candidate for a judicial office and that person later dies,
3041 resigns or is otherwise disqualified from holding the judicial
3042 office after the deadline provided for in subsection (1) of this
3043 section but more than seventy (70) days before the date * * * that
3044 early voting begins for the general election, the Governor, upon
3045 notification of the death, resignation or disqualification of the
3046 person, shall issue a proclamation authorizing candidates to file
3047 their intent to be a candidate for that judicial office for a
3048 period of not less than seven (7) nor more than ten (10) days from
3049 the date of the proclamation.

3050 (5) If only one (1) person qualifies as a candidate for a
3051 judicial office and that person later dies, resigns or is
3052 otherwise disqualified from holding the judicial office within



3053 seventy (70) days before the date * * * that early voting begins
3054 for the general election, the judicial office shall be considered
3055 vacant for the new term and the vacancy shall be filled as
3056 provided in by law.

3057 **SECTION 75.** Section 23-15-1031, Mississippi Code of 1972, is
3058 amended as follows:

3059 23-15-1031. Except as provided by Section 23-15-1081, the
3060 first primary election for * * * members of Congress shall be held
3061 on the first Tuesday in June of the years in which * * * members
3062 of Congress are elected, and a second primary, if necessary, shall
3063 be held three (3) weeks thereafter. Each year in which a
3064 presidential election is held, the congressional primary shall be
3065 held as provided in Section 23-15-1081. The election shall be
3066 held in all districts of the state during the same period for
3067 early voting and on the same day. Candidates for United States
3068 Senator shall be nominated at the congressional primary next
3069 preceding the general election at which a senator is to be elected
3070 and in the same manner that * * * members of Congress are
3071 nominated. The chair and secretary of the state executive
3072 committee shall certify the vote for United States Senator to the
3073 Secretary of State in the same manner that county executive
3074 committees certify the returns of counties in general state and
3075 county primary elections.

3076 **SECTION 76.** Section 23-15-1081, Mississippi Code of 1972, is
3077 amended as follows:



3078 23-15-1081. A presidential preference primary may be held on
3079 the second Tuesday in March of each year in which a President of
3080 the United States is to be elected and during the early voting
3081 period established in this act. Each political party * * * that
3082 has cast for its candidates for President and Vice President in
3083 the previous presidential election more than twenty percent (20%)
3084 of the total vote cast for President and Vice President in the
3085 state, may conduct a presidential preference primary. No elector
3086 shall vote in the primary of more than one (1) political party in
3087 the same presidential preference primary.

3088 **SECTION 77.** Section 23-15-1083, Mississippi Code of 1972, is
3089 amended as follows:

3090 23-15-1083. Beginning in 1988, as an alternative to the
3091 congressional primary election date set forth in Section
3092 23-15-1031, when a political party elects to conduct a
3093 presidential preference primary, the first primary election
3094 for * * * members of Congress, and senators, if senators are to be
3095 elected, shall be held on the second Tuesday in March and during
3096 the early voting period established in this act, and the second
3097 primary, when one is necessary, shall be held three (3) weeks
3098 thereafter, and the election shall be held in all districts of the
3099 state on the same day.

3100 **SECTION 78.** Section 23-15-1085, Mississippi Code of 1972, is
3101 amended as follows:



3102 23-15-1085. The * * * chair of a party's state executive
3103 committee shall notify the Secretary of State if the party intends
3104 to hold a presidential preference primary. The Secretary of State
3105 shall be notified * * * before December 1 of the year preceding
3106 the year in which a presidential preference primary may be held
3107 pursuant to Section 23-15-1081. Upon * * * the notification, the
3108 Secretary of State shall issue a proclamation setting every
3109 party's congressional and senatorial primary elections, including
3110 the period for early voting, that are to be held in the year in
3111 which the presidential preference primary is to be held on the
3112 date provided for in Section 23-15-1083. Once the Secretary of
3113 State has issued a proclamation pursuant to this section, the
3114 dates of the congressional and senatorial primary elections shall
3115 not be changed.

3116 **SECTION 79.** Section 23-15-1091, Mississippi Code of 1972, is
3117 amended as follows:

3118 23-15-1091. When the Secretary of State places the name of a
3119 candidate on the ballot pursuant to Section 23-15-1093, he or she
3120 shall notify the candidate that his or her name will appear on the
3121 ballot of this state in the presidential preference primary
3122 election.

3123 The secretary shall also notify the candidate that he or she
3124 may withdraw his or her name from the ballot by filing with the
3125 Secretary of State an affidavit pursuant to Section 23-15-1095 no



3126 later than the sixtieth day before the period for early voting
3127 begins for that election.

3128 **SECTION 80.** Section 21-3-3, Mississippi Code of 1972, is
3129 amended as follows:

3130 21-3-3. The elective officers of all municipalities
3131 operating under a code charter shall be the mayor, the aldermen,
3132 municipal judge, the marshal or chief of police, the tax collector
3133 and the tax assessor. From and after July 1, 2017, the governing
3134 authorities of the municipality shall appoint a city or town clerk
3135 who shall likewise serve as an officer of the municipality.

3136 However, the governing authorities of the municipality shall have
3137 the power, by ordinance, to combine the office of clerk or marshal
3138 with the office of tax collector and/or tax assessor. * * * The
3139 governing authorities shall have the further power to provide
3140 that * * * any of * * * those officers, except those of mayor and
3141 aldermen, shall be appointive, in which case the marshal or chief
3142 of police, the tax collector, the tax assessor, and the city or
3143 town clerk, or such of * * * the officers as may be made
3144 appointive, shall be appointed by the governing authorities. Any
3145 action taken by the governing authorities to make any of * * * the
3146 offices appointive shall be by ordinance of * * * the
3147 municipality, and no such ordinance shall be adopted within ninety
3148 (90) days * * * before the period for early voting begins for any
3149 regular general election for the election of municipal officers.
3150 No such ordinance shall become effective during the term of office



3151 of any officer whose office shall be affected thereby. If any
3152 such office is made appointive, the person appointed thereto shall
3153 hold office at the pleasure of the governing authorities and may
3154 be discharged by * * * the governing authorities at any time,
3155 either with or without cause, and it shall be discretionary with
3156 the governing authorities whether or not to require * * * the
3157 person appointed thereto to reside within the corporate limits of
3158 the municipality in order to hold * * * the office.

3159 **SECTION 81.** Section 21-9-17, Mississippi Code of 1972, is
3160 amended as follows:

3161 21-9-17. Except as otherwise provided, all candidates for
3162 mayor and councilmen, or any of them, to be voted for * * * during
3163 the periods for holding any general or special municipal election,
3164 shall be nominated by party primary election, and no other name or
3165 names shall be placed on the official ballot at * * * the general
3166 or special election than those selected in the manner prescribed
3167 herein. Such primary election or elections, shall be held not
3168 less than ten (10), nor more than thirty (30) days, * * * before
3169 the general or special election, and * * * the primary election or
3170 elections shall be held and conducted in the manner as near as may
3171 be as is provided by law for state and county primary elections.

3172 **SECTION 82.** Section 37-5-9, Mississippi Code of 1972, is
3173 amended as follows:

3174 37-5-9. The name of any qualified elector who is a candidate
3175 for the county board of education shall be placed on the ballot



3176 used in the general elections by the county election
3177 commissioners, provided that the candidate files with the county
3178 election commissioners, not more than ninety (90) days and not
3179 less than sixty (60) days * * * before the date * * * early voting
3180 begins for the general election, a petition of nomination signed
3181 by not less than fifty (50) qualified electors of the county
3182 residing within each supervisors district. Where there are less
3183 than one hundred (100) qualified electors in * * * the supervisors
3184 district, it shall only be required that * * * the petition of
3185 nomination be signed by at least twenty percent (20%) of the
3186 qualified electors of such supervisors district. The candidate in
3187 each supervisors district who receives the majority of votes cast
3188 in the district shall be declared elected. If no candidate
3189 receives a majority of the votes cast at the election, a runoff
3190 shall be held between the two (2) candidates receiving the highest
3191 number of votes in the first election. The runoff election, in
3192 the event that such is necessary, shall be held three (3) weeks
3193 after the first election.

3194 When any member of the county board of education is to be
3195 elected from the county at large under the provisions of this
3196 chapter, then the petition required by the preceding paragraph
3197 hereof shall be signed by the required number of qualified
3198 electors residing in any part of the county outside of the
3199 territory embraced within a municipal separate school district or
3200 special municipal separate school district. The candidate who



3201 receives the majority of votes cast in the election shall be
3202 declared elected. If no candidate receives a majority of the
3203 votes cast at the election, a runoff shall be held between the two
3204 (2) candidates receiving the highest number of votes in the first
3205 election. The runoff election, in the event that such is
3206 necessary, shall be held three (3) weeks after the first election.

3207 In no case shall any qualified elector residing within a
3208 municipal separate school district or special municipal separate
3209 school district be eligible to sign a petition of nomination for
3210 any candidate for the county board of education under any of the
3211 provisions of this section.

3212 **SECTION 83.** Section 21-8-7, Mississippi Code of 1972, is
3213 amended as follows:

3214 21-8-7. (1) Each municipality operating under the
3215 mayor-council form of government shall be governed by an elected
3216 council and an elected mayor. Other officers and employees shall
3217 be duly appointed pursuant to this chapter, general law or
3218 ordinance.

3219 (2) Except as otherwise provided in subsection (4) of this
3220 section, the mayor and council members shall be elected by the
3221 voters of the municipality at a regular municipal election held on
3222 the first Tuesday after the first Monday in June as provided in
3223 Section 21-11-7, and shall serve for a term of four (4) years
3224 beginning on the first day of July next following the election
3225 that is not on a weekend. Votes for mayor and council members may



3226 also be cast during the period for early voting as provided in
3227 this act.

3228 (3) The terms of the initial mayor and council members shall
3229 commence at the expiration of the terms of office of the elected
3230 officials of the municipality serving at the time of adoption of
3231 the mayor-council form.

3232 (4) (a) The council shall consist of five (5), seven (7) or
3233 nine (9) members. In the event there are five (5) council
3234 members, the municipality shall be divided into either five (5) or
3235 four (4) wards. In the event there are seven (7) council members,
3236 the municipality shall be divided into either seven (7), six (6)
3237 or five (5) wards. In the event there are nine (9) council
3238 members, the municipality shall be divided into seven (7) or nine
3239 (9) wards. If the municipality is divided into fewer wards than
3240 it has council members, the other council member or members shall
3241 be elected from the municipality at large. The total number of
3242 council members and the number of council members elected from
3243 wards shall be established by the petition or petitions presented
3244 pursuant to Section 21-8-3. One (1) council member shall be
3245 elected from each ward by the voters of that ward. Council
3246 members elected to represent wards must be residents of their
3247 wards for two (2) years as provided in Section 23-15-300 at the
3248 time of qualification for election, and any council member who
3249 removes the member's residence from the municipality or from the
3250 ward from which elected shall vacate that office. However, any



3251 candidate for council member who is properly qualified as a
3252 candidate under applicable law shall be deemed to be qualified as
3253 a candidate in whatever ward the member resides if the ward has
3254 changed after the council has redistricted the municipality as
3255 provided in paragraph (c) (ii) of this subsection (4), and if the
3256 wards have been so changed, any person may qualify as a candidate
3257 for council member, by changing the person's residence, not less
3258 than fifteen (15) days before the period for early voting begins
3259 for the first party primary or special party primary, as the case
3260 may be, notwithstanding any other residency or qualification
3261 requirements to the contrary.

3262 (b) The council or board existing at the time of the
3263 adoption of the mayor-council form of government shall designate
3264 the geographical boundaries of the wards within one hundred twenty
3265 (120) days after the election in which the mayor-council form of
3266 government is selected. In designating the geographical
3267 boundaries of the wards, each ward shall contain, as nearly as
3268 possible, the population factor obtained by dividing the
3269 municipality's population as shown by the most recent decennial
3270 census by the number of wards into which the municipality is to be
3271 divided.

3272 (c) (i) It shall be the mandatory duty of the council
3273 to redistrict the municipality by ordinance, which ordinance may
3274 not be vetoed by the mayor, within six (6) months after the
3275 official publication by the United States of the population of the



3276 municipality as enumerated in each decennial census, and within
3277 six (6) months after the effective date of any expansion of
3278 municipal boundaries; however, if the publication of the most
3279 recent decennial census or effective date of an expansion of the
3280 municipal boundaries occurs six (6) months or more before the
3281 first party primary of a general municipal election, then the
3282 council shall redistrict the municipality by ordinance not less
3283 than sixty (60) days before the period for early voting begins for
3284 the first party primary.

3285 (ii) If the publication of the most recent
3286 decennial census occurs less than six (6) months before the first
3287 primary of a general municipal election, the election shall be
3288 held with regard to the existing defined wards; reapportioned
3289 wards based on the census shall not serve as the basis for
3290 representation until the next regularly scheduled election in
3291 which council members shall be elected.

3292 (d) If annexation of additional territory into the
3293 municipal corporate limits of the municipality occurs less than
3294 six (6) months before the first party primary of a general
3295 municipal election, the council shall, by ordinance adopted within
3296 three (3) days of the effective date of the annexation, assign the
3297 annexed territory to an adjacent ward or wards so as to maintain
3298 as nearly as possible substantial equality of population between
3299 wards; any subsequent redistricting of the municipality by
3300 ordinance as required by this chapter shall not serve as the basis



3301 for representation until the next regularly scheduled election for
3302 municipal council members.

3303 (5) Vacancies occurring in the council shall be filled as
3304 provided in Section 23-15-857.

3305 (6) The mayor shall maintain an office at the city hall.
3306 The council members shall not maintain individual offices at the
3307 city hall; however, in a municipality having a population of one
3308 hundred thousand (100,000) and above according to the latest
3309 federal decennial census, council members may have individual
3310 offices in the city hall. Clerical work of council members in the
3311 performance of the duties of their office shall be performed by
3312 municipal employees or at municipal expense, and council members
3313 shall be reimbursed for the reasonable expenses incurred in the
3314 performance of the duties of their office.

3315 **SECTION 84.** Section 9-4-5, Mississippi Code of 1972, is
3316 amended as follows:

3317 9-4-5. (1) The term of office of judges of the Court of
3318 Appeals shall be eight (8) years. An election shall be held on
3319 the first Tuesday after the first Monday in November 1994, to
3320 elect the ten (10) judges of the Court of Appeals, two (2) from
3321 each congressional district; provided, however, judges of the
3322 Court of Appeals who are elected to take office after the first
3323 Monday of January 2002, shall be elected from the Court of Appeals
3324 Districts described in subsection (5) of this section. The judges
3325 of the Court of Appeals shall begin service on the first Monday of



3326 January 1995. Votes for judges of the Court of Appeals may be
3327 cast, if applicable, during the period for early voting provided
3328 for in this act.

3329 (2) (a) In order to provide that the offices of not more
3330 than a majority of the judges of * * * the court shall become
3331 vacant at any one (1) time, the terms of office of six (6) of the
3332 judges first to be elected shall expire in less than eight (8)
3333 years. For the purpose of all elections of members of the court,
3334 each of the ten (10) judges of the Court of Appeals shall be
3335 considered a separate office. The two (2) offices in each of the
3336 five (5) districts shall be designated Position Number 1 and
3337 Position Number 2, and in qualifying for office as a candidate for
3338 any office of judge of the Court of Appeals each candidate shall
3339 state the position number of the office to which he or she aspires
3340 and the election ballots shall so indicate.

3341 (i) In Congressional District Number 1, the judge
3342 of the Court of Appeals for Position Number 1 shall be that office
3343 for which the term ends January 1, 1999, and the judge of the
3344 Court of Appeals for Position Number 2 shall be that office for
3345 which the term ends January 1, 2003.

3346 (ii) In Congressional District Number 2, the judge
3347 of the Court of Appeals for Position Number 1 shall be that office
3348 for which the term ends on January 1, 2003, and the judge of the
3349 Court of Appeals for Position Number 2 shall be that office for
3350 which the term ends January 1, 2001.



3351 (iii) In Congressional District Number 3, the
3352 judge of the Court of Appeals for Position Number 1 shall be that
3353 office for which the term ends on January 1, 2001, and the judge
3354 of the Court of Appeals for Position Number 2 shall be that office
3355 for which the term ends January 1, 1999.

3356 (iv) In Congressional District Number 4, the judge
3357 of the Court of Appeals for Position Number 1 shall be that office
3358 for which the term ends on January 1, 1999, and the judge of the
3359 Court of Appeals for Position Number 2 shall be that office for
3360 which the term ends January 1, 2003.

3361 (v) In Congressional District Number 5, the judge
3362 of the Court of Appeals for Position Number 1 shall be that office
3363 for which the term ends on January 1, 2003, and the judge of the
3364 Court of Appeals for Position Number 2 shall be that office for
3365 which the term ends January 1, 2001.

3366 (b) The laws regulating the general elections shall
3367 apply to and govern the elections of judges of the Court of
3368 Appeals except as otherwise provided in Sections 23-15-974 through
3369 23-15-985.

3370 (c) In the year * * * before the expiration of the term
3371 of an incumbent, and likewise each eighth year thereafter, an
3372 election shall be held in the manner provided in this section in
3373 the district from which the incumbent Court of Appeals judge was
3374 elected at which there shall be elected a successor to the
3375 incumbent, whose term of office shall thereafter begin on the



3376 first Monday of January of the year in which the term of the
3377 incumbent he or she succeeds expires.

3378 (3) No person shall be eligible for the office of judge of
3379 the Court of Appeals who has not attained the age of thirty (30)
3380 years at the time of his or her election and who has not been a
3381 practicing attorney and citizen of the state for five (5) years
3382 immediately * * * before the election.

3383 (4) Any vacancy on the Court of Appeals shall be filled by
3384 appointment of the Governor for that portion of the unexpired
3385 term * * * before the election to fill the remainder of * * * the
3386 term according to provisions of Section 23-15-849 * * *.

3387 (5) (a) The State of Mississippi is hereby divided into
3388 five (5) Court of Appeals Districts as follows:

3389 **FIRST DISTRICT.** The First Court of Appeals District shall be
3390 composed of the following counties and portions of counties:
3391 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3392 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3393 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3394 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3395 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3396 Nations and Poplar Creek; in Panola County the precincts of East
3397 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3398 Springport, South Springport, Eureka, Williamson, East Batesville
3399 4, West Batesville 4, Fern Hill, North Batesville A, East
3400 Batesville 5 and West Batesville 5; and in Tallahatchie County the



3401 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3402 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3403 Murphreesboro and Rosebloom.

3404 **SECOND DISTRICT.** The Second Court of Appeals District shall
3405 be composed of the following counties and portions of counties:
3406 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3407 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
3408 Tunica, Warren, Washington and Yazoo; in Attala County the
3409 precincts of Northeast, Hesterville, Possomneck, North Central,
3410 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3411 County not included in the First Court of Appeals District; in
3412 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3413 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3414 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3415 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3416 precincts of Conway, West Carthage, Wiggins, Thomastown and
3417 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3418 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3419 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3420 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3421 Canton Precinct 1 and Canton Precinct 4; that portion of
3422 Montgomery County not included in the First Court of Appeals
3423 District; that portion of Panola County not included in the First
3424 Court of Appeals District; and that portion of Tallahatchie County
3425 not included in the First Court of Appeals District.



3426 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3427 composed of the following counties and portions of counties:
3428 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3429 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3430 portion of Attala County not included in the Second Court of
3431 Appeals District; in Jones County the precincts of Northwest High
3432 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
3433 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3434 Antioch and Landrum; that portion of Leake County not included in
3435 the Second Court of Appeals District; that portion of Madison
3436 County not included in the Second Court of Appeals District; and
3437 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3438 Diamond, Chaparral, Matherville, Coit and Eucutta.

3439 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3440 be composed of the following counties and portions of counties:
3441 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3442 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3443 that portion of Hinds County not included in the Second Court of
3444 Appeals District; and that portion of Jones county not included in
3445 the Third Court of Appeals District.

3446 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3447 composed of the following counties and portions of counties:
3448 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3449 River, Perry and Stone; and that portion of Wayne County not
3450 included in the Third Court of Appeals District.



3451 (b) The boundaries of the Court of Appeals Districts
3452 described in paragraph (a) of this subsection shall be the
3453 boundaries of the counties and precincts listed in paragraph (a)
3454 of this subsection as such boundaries existed on October 1, 1990.

3455 **SECTION 85.** This act shall take effect and be in force from
3456 and after July 1, 2023.

