

By: Representative Scott

To: Apportionment and
Elections

HOUSE BILL NO. 1320

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

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



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

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

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

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

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

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

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

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

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



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

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

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



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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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



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

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

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



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

210 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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

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

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



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

234 * * *

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

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

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

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

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

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



256 * * *

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

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

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

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

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

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

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

278 _____

279 (Signature of absent elector)



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

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

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

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

291 _____
292 (Signature of witness)

293 CERTIFICATE OF DELIVERY

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

298 _____
299 (Signature of person delivering application)

300 _____
301 (Address of person delivering application)"

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



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

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

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



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

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

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

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

341 * * *

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

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



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

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

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



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

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

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



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

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

408 * * *

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

411 23-15-635. (1) The form of the elector's certificate,
412 attesting witness certification and certificate of person
413 providing voter assistance on the back of the envelope used by
414 absentee voters who are not absent voters as defined in Section
415 23-15-673, shall be as follows:

416 "ELECTOR'S CERTIFICATE

417 STATE OF _____

418 COUNTY OF _____

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



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

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

434 _____
435 (Signature of voter)

436 CERTIFICATE OF ATTESTING WITNESS

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

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



451 (Official title) (City and State)

452 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

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

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

469 _____
470 Signature of person providing assistance

471 _____
472 Printed name of person providing assistance

473 _____
474 Address of person providing assistance

475 _____



476 Date and time assistance provided

477

478 Family relationship to voter (if any)"

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

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

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

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

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



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

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

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

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

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



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

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

545 * * *

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

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



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

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

573 * * *

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



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

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

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

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

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

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



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

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

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

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

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



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

628 * * *

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

635 * * *

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

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



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

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

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

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

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

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



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

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

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

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



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

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

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

711 * * *

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

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

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

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



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

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

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

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

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



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

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

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

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

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



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

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

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

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

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

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



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

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

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



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

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

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

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

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

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

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

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



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

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



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

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

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

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

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



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

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

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

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

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

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

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



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

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

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

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



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

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

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

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



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

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

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

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

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

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



1000 voter roll electronically maintained by the Statewide Elections
1001 Management System.

1002 (2) Except as provided in this section, and subject to the
1003 following annual limitations, the election commissioners shall be
1004 entitled to receive a per diem in the amount of One Hundred Ten
1005 Dollars (\$110.00), to be paid from the county general fund, for
1006 every day or period of no less than five (5) hours accumulated
1007 over two (2) or more days actually employed in the performance of
1008 their duties in the conduct of an election or actually employed in
1009 the performance of their duties for the necessary time spent in
1010 the revision of the county voter roll as electronically maintained
1011 by the Statewide Elections Management System as required in
1012 subsection (1) of this section:

1013 (a) In counties having less than fifteen thousand
1014 (15,000) residents according to the latest federal decennial
1015 census, not more than fifty (50) days per year, with no more than
1016 fifteen (15) additional days allowed for the conduct of each
1017 election in excess of one (1) occurring in any calendar year;

1018 (b) In counties having fifteen thousand (15,000)
1019 residents according to the latest federal decennial census but
1020 less than thirty thousand (30,000) residents according to the
1021 latest federal decennial census, not more than seventy-five (75)
1022 days per year, with no more than twenty-five (25) additional days
1023 allowed for the conduct of each election in excess of one (1)
1024 occurring in any calendar year;



1025 (c) In counties having thirty thousand (30,000)
1026 residents according to the latest federal decennial census but
1027 less than seventy thousand (70,000) residents according to the
1028 latest federal decennial census, not more than one hundred (100)
1029 days per year, with no more than thirty-five (35) additional days
1030 allowed for the conduct of each election in excess of one (1)
1031 occurring in any calendar year;

1032 (d) In counties having seventy thousand (70,000)
1033 residents according to the latest federal decennial census but
1034 less than ninety thousand (90,000) residents according to the
1035 latest federal decennial census, not more than one hundred
1036 twenty-five (125) days per year, with no more than forty-five (45)
1037 additional days allowed for the conduct of each election in excess
1038 of one (1) occurring in any calendar year;

1039 (e) In counties having ninety thousand (90,000)
1040 residents according to the latest federal decennial census but
1041 less than one hundred seventy thousand (170,000) residents
1042 according to the latest federal decennial census, not more than
1043 one hundred fifty (150) days per year, with no more than
1044 fifty-five (55) additional days allowed for the conduct of each
1045 election in excess of one (1) occurring in any calendar year;

1046 (f) In counties having one hundred seventy thousand
1047 (170,000) residents according to the latest federal decennial
1048 census but less than two hundred thousand (200,000) residents
1049 according to the latest federal decennial census, not more than



1050 one hundred seventy-five (175) days per year, with no more than
1051 sixty-five (65) additional days allowed for the conduct of each
1052 election in excess of one (1) occurring in any calendar year;

1053 (g) In counties having two hundred thousand (200,000)
1054 residents according to the latest federal decennial census but
1055 less than two hundred twenty-five thousand (225,000) residents
1056 according to the latest federal decennial census, not more than
1057 one hundred ninety (190) days per year, with no more than
1058 seventy-five (75) additional days allowed for the conduct of each
1059 election in excess of one (1) occurring in any calendar year;

1060 (h) In counties having two hundred twenty-five thousand
1061 (225,000) residents according to the latest federal decennial
1062 census but less than two hundred fifty thousand (250,000)
1063 residents according to the latest federal decennial census, not
1064 more than two hundred fifteen (215) days per year, with no more
1065 than eighty-five (85) additional days allowed for the conduct of
1066 each election in excess of one (1) occurring in any calendar year;

1067 (i) In counties having two hundred fifty thousand
1068 (250,000) residents according to the latest federal decennial
1069 census but less than two hundred seventy-five thousand (275,000)
1070 residents according to the latest federal decennial census, not
1071 more than two hundred thirty (230) days per year, with no more
1072 than ninety-five (95) additional days allowed for the conduct of
1073 each election in excess of one (1) occurring in any calendar year;



1074 (j) In counties having two hundred seventy-five
1075 thousand (275,000) residents according to the latest federal
1076 decennial census or more, not more than two hundred forty (240)
1077 days per year, with no more than one hundred five (105) additional
1078 days allowed for the conduct of each election in excess of one (1)
1079 occurring in any calendar year.

1080 (3) In addition to the number of days authorized in
1081 subsection (2) of this section, the board of supervisors of a
1082 county may authorize, in its discretion, the election
1083 commissioners to receive a per diem in the amount provided for in
1084 subsection (2) of this section, to be paid from the county general
1085 fund, for every day or period of no less than five (5) hours
1086 accumulated over two (2) or more days actually employed in the
1087 performance of their duties in the conduct of an election or
1088 actually employed in the performance of their duties for the
1089 necessary time spent in the revision of the county voter roll as
1090 electronically maintained by the Statewide Elections Management
1091 System as required in subsection (1) of this section, not to
1092 exceed five (5) days.

1093 (4) (a) The election commissioners shall be entitled to
1094 receive a per diem in the amount of One Hundred Ten Dollars
1095 (\$110.00), to be paid from the county general fund, not to exceed
1096 ten (10) days for every day or period of no less than five (5)
1097 hours accumulated over two (2) or more days actually employed in
1098 the performance of their duties for the necessary time spent in



1099 the revision of the county voter roll as electronically maintained
1100 by the Statewide Elections Management System before any special
1101 election. For purposes of this paragraph, the regular special
1102 election day shall not be considered a special election. The
1103 annual limitations set forth in subsection (2) of this section
1104 shall not apply to this paragraph.

1105 (b) The election commissioners shall be entitled to
1106 receive a per diem in the amount of One Hundred Sixty-five Dollars
1107 (\$165.00), to be paid from the county general fund, for the
1108 performance of their duties on the day of any primary, runoff,
1109 general or special election. The annual limitations set forth in
1110 subsection (2) of this section shall apply to this paragraph.

1111 (c) The board of supervisors may, in its discretion,
1112 pay the election commissioners an additional amount not to exceed
1113 Fifty Dollars (\$50.00) for the performance of their duties at any
1114 election occurring from July 1, 2020, through December 31, 2020,
1115 which shall be considered additional pandemic pay. Such
1116 compensation shall be payable out of the county general fund, and
1117 may be payable from federal funds available for such purpose, or a
1118 combination of both funding sources.

1119 (5) The election commissioners shall be entitled to receive
1120 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to
1121 be paid from the county general fund, not to exceed fourteen (14)
1122 days for every day or period of no less than five (5) hours
1123 accumulated over two (2) or more days actually employed in the



1124 performance of their duties for the necessary time spent in the
1125 revision of the county voter roll as electronically maintained by
1126 the Statewide Elections Management System and in the conduct of a
1127 runoff election following either a general or special election.

1128 (6) The election commissioners shall be entitled to receive
1129 only one (1) per diem payment for those days when the election
1130 commissioners discharge more than one (1) duty or responsibility
1131 on the same day.

1132 (7) In preparation for a municipal primary, runoff, general
1133 or special election, the county registrar shall generate and
1134 distribute the master voter roll and pollbooks from the Statewide
1135 Elections Management System for the municipality located within
1136 the county. The municipality shall pay the county registrar for
1137 the actual cost of preparing and printing the municipal master
1138 voter roll pollbooks. A municipality may secure "read only"
1139 access to the Statewide Elections Management System and print its
1140 own pollbooks using this information.

1141 (8) County election commissioners who perform the duties of
1142 an executive committee with regard to the conduct of a primary
1143 election under a written agreement authorized by law to be entered
1144 into with an executive committee shall receive per diem as
1145 provided for in subsection (2) of this section. The days that
1146 county election commissioners are employed in the conduct of a
1147 primary election shall be treated the same as days county election
1148 commissioners are employed in the conduct of other elections.



1149 (9) In addition to any per diem authorized by this section,
 1150 any election commissioner shall be entitled to the mileage
 1151 reimbursement rate allowable to federal employees for the use of a
 1152 privately owned vehicle while on official travel on election day.

1153 (10) Every election commissioner shall sign personally a
 1154 certification setting forth the number of hours actually worked in
 1155 the performance of the commissioner's official duties and for
 1156 which the commissioner seeks compensation. The certification must
 1157 be on a form as prescribed in this subsection. The commissioner's
 1158 signature is, as a matter of law, made under the commissioner's
 1159 oath of office and under penalties of perjury.

1160 The certification form shall be as follows:

1161 **COUNTY ELECTION COMMISSIONER**

1162 **PER DIEM CLAIM FORM**

1163 NAME: _____ COUNTY: _____
 1164 ADDRESS: _____ DISTRICT: _____
 1165 CITY: _____ ZIP: _____

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

1169 _____
 1170 _____
 1171 _____

1172 TOTAL NUMBER OF PER DIEM DAYS EARNED

1173 EXCLUDING ELECTION DAYS _____



1174 PER DIEM RATE PER DAY EARNED X \$110.00
 1175 TOTAL NUMBER PER DIEM DAYS EARNED
 1176 FOR ELECTION DAYS _____
 1177 PER DIEM RATE PER DAY EARNED X \$165.00
 1178 TOTAL AMOUNT OF PER DIEM CLAIMED \$ _____

1179 I understand that I am signing this document under my oath as
 1180 an election commissioner and under penalties of perjury.

1181 I understand that I am requesting payment from taxpayer funds
 1182 and that I have an obligation to be specific and truthful as to
 1183 the amount of hours worked and the compensation I am requesting.

1184 Signed this the _____ day of _____, ____.
 1185 _____

1186 Commissioner's Signature

1187 When properly completed and signed, the certification must be
 1188 filed with the clerk of the county board of supervisors before any
 1189 payment may be made. The certification will be a public record
 1190 available for inspection and reproduction immediately upon the
 1191 oral or written request of any person.

1192 Any person may contest the accuracy of the certification in
 1193 any respect by notifying the chair of the commission, any member
 1194 of the board of supervisors or the clerk of the board of
 1195 supervisors of the contest at any time before or after payment is
 1196 made. If the contest is made before payment is made, no payment
 1197 shall be made as to the contested certificate until the contest is
 1198 finally disposed of. The person filing the contest shall be



1199 entitled to a full hearing, and the clerk of the board of
1200 supervisors shall issue subpoenas upon request of the contestor
1201 compelling the attendance of witnesses and production of documents
1202 and things. The contestor shall have the right to appeal de novo
1203 to the circuit court of the involved county, which appeal must be
1204 perfected within thirty (30) days from a final decision of the
1205 commission, the clerk of the board of supervisors or the board of
1206 supervisors, as the case may be.

1207 Any contestor who successfully contests any certification
1208 will be awarded all expenses incident to his or her contest,
1209 together with reasonable attorney's fees, which will be awarded
1210 upon petition to the chancery court of the involved county upon
1211 final disposition of the contest before the election commission,
1212 board of supervisors, clerk of the board of supervisors, or, in
1213 case of an appeal, final disposition by the court. The
1214 commissioner against whom the contest is decided shall be liable
1215 for the payment of the expenses and attorney's fees, and the
1216 county shall be jointly and severally liable for same.

1217 (11) Any election commissioner who has not received a
1218 certificate issued by the Secretary of State pursuant to Section
1219 23-15-211 indicating that the election commissioner has received
1220 the required elections seminar instruction and that the election
1221 commissioner is fully qualified to conduct an election, shall not
1222 receive any compensation authorized by this section or Section
1223 23-15-239.



1224 **SECTION 30.** Section 23-15-171, Mississippi Code of 1972, is
1225 amended as follows:

1226 23-15-171. (1) Except as otherwise provided in Section 4 of
1227 this act, municipal primary elections shall be held on the first
1228 Tuesday in April preceding the general municipal election and, in
1229 the event a second primary shall be necessary, such second primary
1230 shall be held on the fourth Tuesday in April preceding such
1231 general municipal election. The candidate receiving a majority of
1232 the votes cast in the election shall be the party nominee. If no
1233 candidate shall receive a majority vote at the election, the two
1234 (2) candidates receiving the highest number of votes shall have
1235 their names placed on the ballot for the second primary election.
1236 The candidate receiving the most votes cast in the second primary
1237 election shall be the party nominee. However, if no candidate
1238 shall receive a majority vote at the first primary, and there is a
1239 tie in the election of those receiving the next highest vote,
1240 those candidates receiving the next highest vote and the candidate
1241 receiving the highest vote shall have their names placed on the
1242 ballot for the second primary election, and whoever receives the
1243 most votes cast in the second primary election shall be the party
1244 nominee. At the primary election the municipal executive
1245 committee shall perform the same duties as are specified by law
1246 and performed by members of the county executive committee with
1247 regard to state and county primary elections. Each municipal
1248 executive committee shall have as many members as there are



1249 elective officers of the municipality, and the members of the
1250 municipal executive committee of each political party shall be
1251 elected in the primary elections held for the nomination of
1252 candidates for municipal offices. The provisions of this section
1253 shall govern all municipal primary elections as far as applicable,
1254 but the officers to prepare the ballots and the poll managers and
1255 other officials of the primary election shall be appointed by the
1256 municipal executive committee of the party holding the primary,
1257 and the returns of such election shall be made to such municipal
1258 executive committee. Vacancies in the executive committee shall
1259 be filled by it.

1260 (2) Provided, however, that in municipalities operating
1261 under a special or private charter which fixes a time for holding
1262 elections, other than the time fixed by Chapter 491, Laws of 1950,
1263 the first primary election shall be held on the first Tuesday, two
1264 (2) months before the time for holding the general election, as
1265 fixed by the charter, and the second primary election, where
1266 necessary, shall be held three (3) weeks after the first primary
1267 election, unless the charter of any such municipality provides
1268 otherwise, in which event the provisions of the special or private
1269 charter shall prevail as to the time of holding such primary
1270 elections.

1271 (3) All primary elections in municipalities shall be held
1272 and conducted in the same manner as is provided by law for state
1273 and county primary elections.



1274 **SECTION 31.** Section 23-15-173, Mississippi Code of 1972, is
1275 amended as follows:

1276 23-15-173. (1) A general municipal election shall be held
1277 in each city, town or village on the first Tuesday after the first
1278 Monday of June 1985, and every four (4) years thereafter, for the
1279 election of all municipal officers elected by the people. Early
1280 voting for those general municipal elections shall be conducted as
1281 provided in Sections 1 through 7 of this act.

1282 (2) All municipal general elections shall be held and
1283 conducted in the same manner as is provided by law for state and
1284 county general elections.

1285 (3) The provisions of Sections 23-15-171 and 23-15-173,
1286 which fix the times to hold primary and general elections, shall
1287 not apply to any municipality operating under a special or private
1288 charter where the governing board or authority thereof, on or
1289 before June 25, 1952, shall have adopted and spread upon its
1290 minutes a resolution or ordinance declining to accept the
1291 provisions, in which event the primary and general elections shall
1292 be held at the time fixed by the charter of the municipality.

1293 **SECTION 32.** Section 23-15-191, Mississippi Code of 1972, is
1294 amended as follows:

1295 23-15-191. The first primary shall be held on the first
1296 Tuesday after the first Monday of August preceding any regular or
1297 general election; and the second primary shall be held three (3)
1298 weeks thereafter. Early voting for the primary election shall be



1299 conducted as provided for in Sections 1 through 7 of this act.

1300 The candidate that receives a majority of the votes cast in the
1301 election shall be the party nominee. If no candidate receives a
1302 majority vote at the election, then the two (2) candidates who
1303 receive the highest number of votes shall have their names placed
1304 on the ballot for the second primary election to be held three (3)
1305 weeks later. The candidate who receives the most votes in the
1306 second primary election shall be the party nominee. However, if
1307 no candidate receives a majority vote at the first primary, and
1308 there is a tie in the election of those receiving the next highest
1309 vote, then those candidates receiving the next highest vote and
1310 the candidate receiving the highest vote shall have their names
1311 placed on the ballot for the second primary election to be held
1312 three (3) weeks later, and whoever receives the most votes cast in
1313 the second primary election shall be the party nominee.

1314 **SECTION 33.** Section 23-15-195, Mississippi Code of 1972, is
1315 amended as follows:

1316 23-15-195. Except as otherwise provided in Sections 1
1317 through 7 of this act, all elections by the people shall be by
1318 ballot, and shall be concluded in one (1) day.

1319 **SECTION 34.** Section 23-15-197, Mississippi Code of 1972, is
1320 amended as follows:

1321 23-15-197. (1) Times for holding primary and general
1322 elections for congressional offices shall be as prescribed in
1323 Sections 23-15-1031, 23-15-1033 and 23-15-1041.



1324 (2) Times for holding elections for the office of judge of
1325 the Supreme Court shall be as prescribed in Section 23-15-991 and
1326 Sections 23-15-974 through 23-15-985, and times for holding
1327 elections for the office of judge of the Court of Appeals shall be
1328 as prescribed in Section 9-4-5.

1329 (3) Times for holding elections for the office of circuit
1330 court judge and the office of chancery court judge shall be as
1331 prescribed in Sections 23-15-974 through 23-15-985, and Section
1332 23-15-1015.

1333 (4) Times for holding elections for the office of county
1334 election commissioners shall be as prescribed in Section
1335 23-15-213.

1336 (5) Times for holding elections for the office of levee
1337 commissioner shall be as prescribed in Chapter 12, Laws of 1928;
1338 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,
1339 Laws of 1983; and Chapter 438, Laws of 2010.

1340 (6) Times for holding early voting shall be as provided in
1341 Sections 1 through 7 of this act.

1342 **SECTION 35.** Section 23-15-231, Mississippi Code of 1972, is
1343 amended as follows:

1344 23-15-231. Before every * * * early voting period begins,
1345 the election commissioners shall appoint three (3) persons for
1346 each voting precinct to be poll managers, one (1) of whom shall be
1347 designated by the election commissioners as election bailiff. For
1348 general and special elections, the poll managers shall not all be



1349 of the same political party if suitable persons of different
1350 political parties can be found in the district. If any person
1351 appointed shall fail to attend and serve, the poll managers
1352 present, if any, may designate someone to fill his or her place;
1353 and if the election commissioners fail to make the appointments or
1354 in case of the failure of all those appointed to attend and serve,
1355 any three (3) qualified electors present when the polls should be
1356 opened may act as poll managers. Provided, however, any person
1357 appointed to be poll manager or act as poll manager shall be a
1358 qualified elector of the county in which the polling place is
1359 located.

1360 **SECTION 36.** Section 23-15-233, Mississippi Code of 1972, is
1361 amended as follows:

1362 23-15-233. The poll managers shall take care that the
1363 election * * * and the early voting are conducted fairly and
1364 agreeably to law, and they shall be judges of the qualifications
1365 of electors, and may examine, on oath, any person duly registered
1366 and offering to vote touching his or her qualifications as an
1367 elector, which oath any of the poll managers may administer.

1368 **SECTION 37.** Section 23-15-239, Mississippi Code of 1972, is
1369 amended as follows:

1370 23-15-239. (1) The executive committee of each county, in
1371 the case of a primary election, or the election commissioners of
1372 each county, in the case of all other elections, in conjunction
1373 with the circuit clerk, shall, in the years in which counties



1374 conduct an election, sponsor and conduct, not less than five (5)
1375 days before the early voting period for each election begins, not
1376 less than four (4) hours and not more than eight (8) hours of poll
1377 manager training to instruct poll managers as to their duties in
1378 the proper administration of the election and the operation of the
1379 polling place. Any poll manager who completes the online training
1380 course provided by the Secretary of State shall only be required
1381 to complete two (2) hours of in-person poll manager training. No
1382 poll manager shall serve in any election unless he or she has
1383 received these instructions once during the twelve (12) months
1384 immediately preceding the date upon which the election is held;
1385 however, nothing in this section shall prevent the appointment of
1386 an alternate poll manager to fill a vacancy in case of an
1387 emergency. The county executive committee or the election
1388 commissioners, as appropriate, shall train a sufficient number of
1389 alternates to serve in the event a poll manager is unable to serve
1390 for any reason.

1391 (2) (a) If it is eligible under Section 23-15-266, the
1392 county executive committee may enter into a written agreement with
1393 the circuit clerk or the county election commission authorizing
1394 the circuit clerk or the county election commission to perform any
1395 of the duties required of the county executive committee pursuant
1396 to this section. Any agreement entered into pursuant to this
1397 subsection shall be signed by the chair of the county executive
1398 committee and the circuit clerk or the chair of the county



1399 election commission, as appropriate. The county executive
1400 committee shall notify the state executive committee and the
1401 Secretary of State of the existence of the agreement.

1402 (b) If it is eligible under Section 23-15-266, the
1403 municipal executive committee may enter into a written agreement
1404 with the municipal clerk or the municipal election commission
1405 authorizing the municipal clerk or the municipal election
1406 commission to perform any of the duties required of the municipal
1407 executive committee pursuant to this section. Any agreement
1408 entered into pursuant to this subsection shall be signed by the
1409 chair of the municipal executive committee and the municipal clerk
1410 or the chair of the municipal election commission, as appropriate.
1411 The municipal executive committee shall notify the state executive
1412 committee and the Secretary of State of the existence of the
1413 agreement.

1414 (3) The board of supervisors and the municipal governing
1415 authority, in their discretion, may compensate poll managers who
1416 attend these training sessions. The compensation shall be at a
1417 rate of not less than the federal hourly minimum wage nor more
1418 than Twelve Dollars (\$12.00) per hour. Poll managers shall not be
1419 compensated for more than sixteen (16) hours of attendance at the
1420 training sessions regardless of the actual amount of time that
1421 they attended the training sessions.

1422 (4) The time and location of the training sessions required
1423 pursuant to this section shall be announced to the general public



1424 by posting a notice thereof at the courthouse and by delivering a
1425 copy of the notice to the office of a newspaper having general
1426 circulation in the county five (5) days before the date upon which
1427 the training session is to be conducted. Persons who will serve
1428 as poll watchers for candidates and political parties, as well as
1429 members of the general public, shall be allowed to attend the
1430 sessions.

1431 (5) Subject to the following annual limitations, the
1432 election commissioners shall be entitled to receive a per diem in
1433 the amount of One Hundred Dollars (\$100.00), to be paid from the
1434 county general fund, for every day or period of no less than five
1435 (5) hours accumulated over two (2) or more days actually employed
1436 in the performance of their duties for the necessary time spent in
1437 conducting training sessions as required by this section:

1438 (a) In counties having less than fifteen thousand
1439 (15,000) residents according to the latest federal decennial
1440 census, not more than five (5) days per year;

1441 (b) In counties having fifteen thousand (15,000)
1442 residents according to the latest federal decennial census but
1443 less than thirty thousand (30,000) residents according to the
1444 latest federal decennial census, not more than eight (8) days per
1445 year;

1446 (c) In counties having thirty thousand (30,000)
1447 residents according to the latest federal decennial census but
1448 less than seventy thousand (70,000) residents according to the



1449 latest federal decennial census, not more than ten (10) days per
1450 year;

1451 (d) In counties having seventy thousand (70,000)
1452 residents according to the latest federal decennial census but
1453 less than ninety thousand (90,000) residents according to the
1454 latest federal decennial census, not more than twelve (12) days
1455 per year;

1456 (e) In counties having ninety thousand (90,000)
1457 residents according to the latest federal decennial census but
1458 less than one hundred seventy thousand (170,000) residents
1459 according to the latest federal decennial census, not more than
1460 fifteen (15) days per year;

1461 (f) In counties having one hundred seventy thousand
1462 (170,000) residents according to the latest federal decennial
1463 census but less than two hundred thousand (200,000) residents
1464 according to the latest federal decennial census, not more than
1465 eighteen (18) days per year;

1466 (g) In counties having two hundred thousand (200,000)
1467 residents according to the latest federal decennial census but
1468 less than two hundred twenty-five thousand (225,000) residents
1469 according to the latest federal decennial census, not more than
1470 nineteen (19) days per year;

1471 (h) In counties having two hundred twenty-five thousand
1472 (225,000) residents or more according to the latest federal
1473 decennial census, not more than twenty-two (22) days per year.



1474 (6) Election commissioners shall claim the per diem
1475 authorized in subsection (5) of this section in the manner
1476 provided for in Section 23-15-153(6).

1477 (7) (a) To provide poll manager training, the Secretary of
1478 State has developed a single, comprehensive poll manager training
1479 program to ensure uniform, secure elections throughout the state.
1480 The program includes online training on all state and federal
1481 election laws and procedures and voting machine opening and
1482 closing procedures.

1483 (b) County poll managers who individually access and
1484 complete the online training program, including all skills
1485 assessments, at least five (5) days before the early voting period
1486 for an election begins shall be defined as "certified poll
1487 managers," and entitled to a "Certificate of Completion."

1488 (c) At least one (1) certified poll manager shall be
1489 appointed by the county election officials to work in each polling
1490 place in the county during each general election.

1491 **SECTION 38.** Section 23-15-241, Mississippi Code of 1972, is
1492 amended as follows:

1493 23-15-241. The poll manager designated an election bailiff
1494 shall, in addition to his or her other duties, be present during
1495 the early voting period and on election day to keep the peace and
1496 to protect the voting place, and to prevent improper intrusion
1497 upon the voting place or interference with the election, and to
1498 arrest all persons creating any disturbance about the voting



1499 place, and to enable all qualified electors who have not voted,
1500 and who desire to vote, to have unobstructed access to the polls
1501 for the purpose of voting when others are not voting.

1502 **SECTION 39.** Section 23-15-245, Mississippi Code of 1972, is
1503 amended as follows:

1504 23-15-245. It shall be the duty of the poll manager
1505 designated as bailiff to be present at the voting place, and to
1506 take such steps as will accomplish the purpose of his or her
1507 appointment, and the poll manager designated as bailiff shall have
1508 full power to do so and may summon to his or her aid all persons
1509 present at the voting place. A space thirty (30) feet in every
1510 direction from the polls, or the room in which the * * * voting is
1511 held, shall be kept open and clear of all persons except the
1512 election officials, individuals present to vote and credentialed
1513 poll watchers as defined by Section 23-15-577. The electors shall
1514 approach the polls from one (1) direction, line, door or passage,
1515 and depart in another as nearly opposite as convenient.

1516 **SECTION 40.** Section 23-15-247, Mississippi Code of 1972, is
1517 amended as follows:

1518 23-15-247. The election commissioners in each county shall
1519 procure, if not already provided, a sufficient number of ballot
1520 boxes, which shall be distributed by them to the voting precincts
1521 of the county before the time for opening the polls for early
1522 voting and on election day. The boxes shall be securely sealed
1523 from the opening of the polls * * * for early voting until the



1524 polls close on election day; and the box shall be kept by one (1)
1525 of the managers, and the manager having the box shall carefully
1526 keep it, and neither open it himself or herself nor permit it to
1527 be opened, nor permit any person to have any access to it
1528 throughout the voting period during an election. The box shall
1529 not be removed from the polling building or place after the polls
1530 are opened until the polls close and the count is complete. After
1531 each election the ballot boxes shall be delivered to the clerk of
1532 the circuit court of the county for preservation; and he or she
1533 shall keep them for future use, and, when called for, deliver them
1534 to the election commissioners.

1535 **SECTION 41.** Section 23-15-251, Mississippi Code of 1972, is
1536 amended as follows:

1537 23-15-251. The election commissioners, in appointing the
1538 poll managers of an election, shall designate one (1) of the poll
1539 managers at each voting place to receive and distribute the
1540 official ballots, and shall deliver to him or her the proper
1541 number of ballots for his or her district not less than one (1)
1542 day before the early voting period begins and not less than one
1543 (1) day before election day; and the poll manager receiving the
1544 ballots from the election commissioners shall distribute the same
1545 to the electors of his or her district in the manner herein
1546 provided. It shall be the duty of the designated poll manager for
1547 service at a voting place other than the courthouse, to carry to
1548 that voting place, on the day before the early voting period



1549 begins and on the day before election day, or before 6:00 a.m. on
1550 the morning the early voting period begins and on the morning of
1551 the election day, the ballot box, the pollbook, the blank tally
1552 sheets, the blank forms to be used in making returns, the other
1553 necessary stationery and supplies and the official printed ballots
1554 aforesaid, and all of the same used and unused shall be returned
1555 by the designated poll manager to the election commissioners on
1556 the day * * * after the election.

1557 **SECTION 42.** Section 23-15-255, Mississippi Code of 1972, is
1558 amended as follows:

1559 23-15-255. (1) The supervisor of each respective
1560 supervisors district shall provide at each election place a
1561 sufficient number of voting compartments, shelves and tables for
1562 the use of electors, which shall be so arranged that it will be
1563 impossible for a voter in one (1) compartment to see another voter
1564 who is preparing his or her ballot. The number of voting
1565 compartments and shelves or tables shall not be less than one (1)
1566 to every two hundred (200) electors in the voting precinct.

1567 (2) The poll managers of each precinct shall publicly post
1568 the following information at the precinct polling place * * *
1569 during any election:

1570 (a) A sample ballot that will be used at the election;
1571 (b) The hours during which the polling places will be
1572 open for early voting and on election day;



1573 (c) Instructions on how to vote, including how to cast
1574 a vote and how to cast an affidavit ballot;

1575 (d) Instructions for persons who have registered to
1576 vote by mail and first time voters, if appropriate;

1577 (e) General information on voting rights, including
1578 information on the right of an individual to cast an affidavit
1579 ballot and instructions on how to contact the appropriate
1580 officials if these rights are alleged to have been violated; * * *

1581 (f) The consequences under federal and state laws
1582 regarding fraud and misrepresentation;

1583 (g) A list of voters in each polling place that have
1584 already cast an absentee ballot or voted during the early voting
1585 period; and

1586 (h) The acceptable forms of photo identification that
1587 may be presented in the polling place.

1588 **SECTION 43.** Section 23-15-263, Mississippi Code of 1972, is
1589 amended as follows:

1590 23-15-263. (1) Unless otherwise provided in this chapter,
1591 the county executive committee at primary elections shall perform
1592 all duties that relate to the qualification of candidates for
1593 primary elections, print ballots for the early voting period for
1594 primary elections and for primary * * * election day, appoint the
1595 primary election officers, resolve contests in regard to primary
1596 elections, and perform all other duties required by law to be
1597 performed by the county executive committee; however, each house



1598 of the Legislature shall rule on the qualifications of the
1599 membership of its respective body in contests involving the
1600 qualifications of * * * its members. The executive committee
1601 shall be subject to all the penalties to which county election
1602 commissioners are subject, except that Section 23-15-217 shall not
1603 apply to members of the county executive committee who seek
1604 elective office.

1605 (2) A member of a county executive committee shall be
1606 automatically disqualified to serve on the county executive
1607 committee, and shall be considered to have resigned * * * from the
1608 county executive committee, upon his or her qualification as a
1609 candidate for any elective office. The provisions of this
1610 subsection shall not apply to a member of a county executive
1611 committee who qualifies as a candidate for a municipal elective
1612 office.

1613 (3) The primary election officers appointed by the executive
1614 committee of the party shall have the powers and perform the
1615 duties, where not otherwise provided, required of * * * those
1616 officers in a general election, and any * * * act or omission
1617 which by law is an offense when committed in or about or in
1618 respect to * * * the general elections, shall be an offense if
1619 committed in or about or in respect to a primary election; and the
1620 same shall be indictable and punishable in the same way as if the
1621 election was a general election for the election of state and



1622 county officers, except as specially modified or otherwise
1623 provided in this chapter.

1624 **SECTION 44.** Section 23-15-265, Mississippi Code of 1972, is
1625 amended as follows:

1626 23-15-265. (1) The county executive committee of each
1627 county shall meet not less than two (2) weeks before the
1628 date * * * the period for early voting begins for any primary
1629 election and appoint the poll managers for same, all of whom may
1630 be members of the same political party. The number of poll
1631 managers appointed by the county executive committee shall be the
1632 same number as election commissioners are allowed to appoint
1633 pursuant to Sections 23-15-231 and 23-15-235. If the county
1634 executive committee fails to meet on the date named, supra,
1635 further notice shall be given of the time and place of meeting.

1636 (2) (a) If it is eligible under Section 23-15-266, the
1637 county executive committee may enter into a written agreement with
1638 the circuit clerk or the county election commission authorizing
1639 the circuit clerk or the county election commission to perform any
1640 of the duties required of the county executive committee pursuant
1641 to this section. Any agreement entered into pursuant to this
1642 subsection shall be signed by the chair of the county executive
1643 committee and the circuit clerk or the chair of the county
1644 election commission, as appropriate. The county executive
1645 committee shall notify the state executive committee and the
1646 Secretary of State of the existence of the agreement.



1647 (b) If it is eligible under Section 23-15-266, the
1648 municipal executive committee may enter into a written agreement
1649 with the municipal clerk or the municipal election commission
1650 authorizing the municipal clerk or the municipal election
1651 commission to perform any of the duties required of the municipal
1652 executive committee pursuant to this section. Any agreement
1653 entered into pursuant to this subsection shall be signed by the
1654 chair of the municipal executive committee and the municipal clerk
1655 or the chair of the municipal election commission, as appropriate.
1656 The municipal executive committee shall notify the state executive
1657 committee and the Secretary of State of the existence of such
1658 agreement.

1659 **SECTION 45.** Section 23-15-267, Mississippi Code of 1972, is
1660 amended as follows:

1661 23-15-267. (1) The ballot boxes provided by the election
1662 commissioners in each county shall be used in primary elections,
1663 and the county executive committees shall distribute them to the
1664 voting precincts of the county before the time for opening the
1665 polls, in the same manner, as near as may be, as that provided for
1666 in general elections.

1667 (2) The boxes shall be securely sealed and locked beginning
1668 at the start of voting during the period for early voting and on
1669 election day until the end of voting on election day; and the box
1670 shall be kept by one (1) of the poll managers, and the poll
1671 manager having the box shall carefully keep it, and neither open



1672 it himself or herself nor permit it to be done, nor permit any
1673 person to have any access to it throughout voting during the
1674 period for early voting and during election day. The box shall
1675 not be removed from the polling place after the polls are open
1676 until the polls close and the count is completed.

1677 (3) After each election, the ballot boxes shall be delivered
1678 to the clerk of the circuit court of the county for preservation;
1679 and he or she shall keep them for future use, and, when called
1680 for, deliver them to the election commissioners.

1681 (4) (a) If it is eligible under Section 23-15-266, the
1682 county executive committee may enter into a written agreement with
1683 the circuit clerk or the county election commission authorizing
1684 the circuit clerk or the county election commission to perform any
1685 of the duties required of the county executive committee pursuant
1686 to this section. Any agreement entered into pursuant to this
1687 subsection shall be signed by the chair of the county executive
1688 committee and the circuit clerk or the chair of the county
1689 election commission, as appropriate. The county executive
1690 committee shall notify the State Executive Committee and the
1691 Secretary of State of the existence of such agreement.

1692 (b) If it is eligible under Section 23-15-266, the
1693 municipal executive committee may enter into a written agreement
1694 with the municipal clerk or the municipal election commission
1695 authorizing the municipal clerk or the municipal election
1696 commission to perform any of the duties required of the municipal



1697 executive committee pursuant to this section. Any agreement
1698 entered into pursuant to this subsection shall be signed by the
1699 chair of the municipal executive committee and the municipal clerk
1700 or the chair of the municipal election commission, as appropriate.
1701 The municipal executive committee shall notify the State Executive
1702 Committee and the Secretary of State of the existence of such
1703 agreement.

1704 (5) The person, or persons, whose duty it is to comply with
1705 the provisions of this section and who shall fail, or neglect,
1706 from any cause, to deliver the boxes or any of them as herein
1707 provided shall, upon conviction, be fined not less than Two
1708 Hundred Dollars (\$200.00) and be imprisoned in the county jail of
1709 the residence of the person, or persons, who violates any of the
1710 provisions of this section, for a period of not less than thirty
1711 (30) days or more than six (6) months, and fined not more than
1712 Five Hundred Dollars (\$500.00).

1713 **SECTION 46.** Section 23-15-309, Mississippi Code of 1972, is
1714 amended as follows:

1715 23-15-309. (1) Nominations for all municipal officers which
1716 are elective shall be made * * * during the days for conducting a
1717 primary election, or elections, to be held in the manner
1718 prescribed by law. All persons desiring to be candidates for the
1719 nomination in the primary elections shall first pay Ten Dollars
1720 (\$10.00) to the clerk of the municipality, at least sixty (60)
1721 days before date the early voting period begins for the first



1722 primary election, no later than 5:00 p.m. on such deadline day.
1723 If the sixtieth day to file the fee and written statement before
1724 the date the early voting period begins for an election falls on a
1725 Sunday or legal holiday, the fees and written statements submitted
1726 on the business day immediately following the Sunday or legal
1727 holiday shall be accepted.

1728 (2) The fee paid pursuant to subsection (1) of this section
1729 shall be accompanied by a written statement containing the name
1730 and address of the candidate, the party with which he or she is
1731 affiliated, the email address of the candidate, if any, and the
1732 office for which he or she is a candidate.

1733 (3) The clerk shall promptly receipt the payment, stating
1734 the office for which the person making the payment is running and
1735 the political party with which such person is affiliated. The
1736 clerk shall keep an itemized account in detail showing the time
1737 and date of the receipt of such payment received by him or her,
1738 from whom such payment was received, the party with which such
1739 person is affiliated and for what office the person paying the fee
1740 is a candidate. No candidate may attempt to qualify with any
1741 political party that does not have a duly organized municipal
1742 executive committee, and the municipal clerk shall not accept any
1743 assessments made pursuant to subsection (1) if the municipal clerk
1744 does not have contact information for the secretary of the
1745 municipal executive committee for that political party. The clerk
1746 shall promptly supply all necessary information and pay over all



1747 fees so received to the secretary of the proper municipal
1748 executive committee. The funds may be used and disbursed in the
1749 same manner as is allowed in Section 23-15-299 in regard to other
1750 executive committees.

1751 (4) Upon receipt of the above information, the proper
1752 municipal executive committee shall then determine, at the time of
1753 the qualifying deadline, whether each candidate is a qualified
1754 elector of the municipality, and of the ward if the office sought
1755 is a ward office, shall determine whether each candidate either
1756 meets all other qualifications to hold the office he or she is
1757 seeking or presents absolute proof that he or she will, subject to
1758 no contingencies, meet all qualifications on or before the date of
1759 the general or special election at which he or she could be
1760 elected to office. The executive committee shall determine
1761 whether the candidate has taken the steps necessary to qualify for
1762 more than one (1) office at the election. The committee also
1763 shall determine whether any candidate has been convicted of any
1764 felony in a court of this state, or has been convicted on or after
1765 December 8, 1992, of any offense in another state which is a
1766 felony under the laws of this state, or has been convicted of any
1767 felony in a federal court on or after December 8, 1992. Excepted
1768 from the above are convictions of manslaughter and violations of
1769 the United States Internal Revenue Code or any violations of the
1770 tax laws of this state unless such offense also involved misuse or
1771 abuse of his or her office or money coming into his or her hands



1772 by virtue of the office. If the proper municipal executive
1773 committee finds that a candidate either (a) does not meet all
1774 qualifications to hold the office he or she seeks and fails to
1775 provide absolute proof, subject to no contingencies, that he or
1776 she will meet the qualifications on or before the date * * *the
1777 early voting period begins for the general or special election at
1778 which he or she could be elected, or (b) has been convicted of a
1779 felony as described in this subsection and not pardoned, then the
1780 executive committee shall notify the candidate and give the
1781 candidate an opportunity to be heard. The executive committee
1782 shall mail notice to the candidate at least three (3) business
1783 days before the hearing to the address provided by the candidate
1784 on the qualifying forms, and the committee shall attempt to
1785 contact the candidate by telephone, email and facsimile if the
1786 candidate provided this information on the forms. If the
1787 candidate fails to appear at the hearing or to prove he or she
1788 meets all qualifications to hold the office subject to no
1789 contingencies, then the name of such candidate shall not be placed
1790 upon the ballot. If the executive committee determines that the
1791 candidate has taken the steps necessary to qualify for more than
1792 one (1) office at the election, the action required by Section
1793 23-15-905, shall be taken.

1794 (5) Where there is but one (1) candidate, the proper
1795 municipal executive committee when the time has expired within



1796 which the names of candidates shall be furnished shall declare
1797 such candidate the nominee.

1798 **SECTION 47.** Section 23-15-331, Mississippi Code of 1972, is
1799 amended as follows:

1800 23-15-331. It shall be the duty of the state executive
1801 committee of each political party to furnish to each county
1802 executive committee, not less than fifty (50) days * * * before
1803 the * * * period for early voting begins the names of all state
1804 and state district candidates and all candidates for legislative
1805 districts composed of more than one (1) county or parts of more
1806 than one (1) county who have qualified as provided by law, and in
1807 accordance with the requirements of Section 23-15-333 a sample of
1808 the official ballot to be used in the primary, the general form of
1809 which shall be followed as nearly as practicable.

1810 **SECTION 48.** Section 23-15-333, Mississippi Code of 1972, is
1811 amended as follows:

1812 23-15-333. (1) The county executive committee shall have
1813 printed all necessary ballots, for use in primary elections. The
1814 county executive committee shall have printed all necessary
1815 absentee ballots forty-five (45) days before the period for early
1816 voting begins for the election as required by law. The ballots
1817 shall contain the names of all the candidates to be voted for at
1818 the election, and there shall be left on each ballot one (1) blank
1819 space under the title of each office for which a nominee is to be
1820 elected; and in the event of the death of any candidate whose name



1821 shall have been printed on the ballot, the name of the candidate
1822 duly substituted in the place of the deceased candidate may be
1823 written in such blank space by the voter. Except as otherwise
1824 provided in subsection (2) of this section, the order in which the
1825 titles to the various offices shall be printed, and the size,
1826 print and quality of the paper of the ballot is left to the
1827 discretion of the county executive committee. Provided, however,
1828 that in all cases the arrangement of the names of the candidates
1829 for each office shall be alphabetical. No ballot shall be used
1830 except those so printed.

1831 (2) The titles for the various offices shall be listed in
1832 the following order:

1833 (a) Candidates, electors or delegates for the following
1834 national offices:

1835 (i) President of the United States of America;

1836 (ii) United States Senator or United States
1837 Representative;

1838 (b) Candidates for the following statewide offices:

1839 Governor, Lieutenant Governor, Secretary of State, Attorney
1840 General, State Treasurer, Auditor of Public Accounts, Commissioner
1841 of Agriculture and Commerce, Commissioner of Insurance;

1842 (c) Candidates for the following state district
1843 offices: Mississippi Transportation Commissioner, Public Service
1844 Commissioner, District Attorney;



1845 (d) Candidates for the following legislative offices:

1846 Senator and House of Representatives;

1847 (e) Candidates for countywide office;

1848 (f) Candidates for county district office.

1849 The order in which the titles for the various offices are
1850 listed within each of the categories listed in paragraphs (e) and
1851 (f) are left to the discretion of the county executive committee.
1852 Candidates' names shall be listed alphabetically under each office
1853 by the candidate's last name.

1854 (3) If after the deadline to qualify as a candidate for an
1855 office, only one (1) person has duly qualified to be a candidate
1856 for the office in the primary election, the name of that person
1857 shall be placed on the ballot; provided, however, that if not more
1858 than one (1) person has duly qualified to be a candidate for each
1859 office on the primary election ballot, the election for all
1860 offices on the ballot shall be dispensed with and the appropriate
1861 executive committee shall declare each candidate as the party
1862 nominee if the candidate meets all the qualifications to hold the
1863 office.

1864 (4) (a) If it is eligible under Section 23-15-266, the
1865 county executive committee may enter into a written agreement with
1866 the circuit clerk or the county election commission authorizing
1867 the circuit clerk or the county election commission to perform any
1868 of the duties required of the county executive committee pursuant
1869 to this section. Any agreement entered into pursuant to this



1870 subsection shall be signed by the chair of the county executive
1871 committee and the circuit clerk or the chair of the county
1872 election commission, as appropriate. The county executive
1873 committee shall notify the state executive committee and the
1874 Secretary of State of the existence of such agreement.

1875 (b) If it is eligible under Section 23-15-266, the
1876 municipal executive committee may enter into a written agreement
1877 with the municipal clerk or the municipal election commission
1878 authorizing the municipal clerk or the municipal election
1879 commission to perform any of the duties required of the municipal
1880 executive committee pursuant to this section. Any agreement
1881 entered into pursuant to this subsection shall be signed by the
1882 chair of the municipal executive committee and the municipal clerk
1883 or the chair of the municipal election commission, as appropriate.
1884 The municipal executive committee shall notify the state executive
1885 committee and the Secretary of State of the existence of such
1886 agreement.

1887 **SECTION 49.** Section 23-15-335, Mississippi Code of 1972, is
1888 amended as follows:

1889 23-15-335. (1) The county executive committee shall
1890 designate a person whose duty it shall be to distribute all
1891 necessary ballots for use * * * during a primary election, and
1892 shall designate one (1) among the poll managers at each polling
1893 place to receive and receipt for the blank ballots to be used at
1894 that place. When the blank ballots are delivered to a local poll



1895 manager, the distributor shall take from the local poll manager a
1896 receipt therefor signed in duplicate by both the distributor and
1897 the poll manager, one (1) of which receipts the distributor shall
1898 deliver to the circuit clerk and the other shall be retained by
1899 the local poll manager and the last mentioned duplicate receipt
1900 shall be enclosed in the ballot box with the voted ballots when
1901 the polls have been closed and the votes have been counted. The
1902 printer of the ballots shall take a receipt from the distributor
1903 of the ballots for the total number of the blank ballots delivered
1904 to the distributor. The printer shall secure all ballots printed
1905 by him or her in such a safe manner that no person can procure
1906 them or any of them, and he or she shall deliver no blank ballot
1907 or ballots to any person except the distributor above mentioned,
1908 and then only upon his or her receipt therefor as above specified.
1909 The distributor of the blank ballots shall so securely hold the
1910 same that no person can obtain any of them, and he or she shall
1911 not deliver any of them to any person other than to the authorized
1912 local poll managers and upon their respective receipts therefor.
1913 The executive committee shall see to it that the total blank
1914 ballots delivered to the distributor, shall correspond with the
1915 total of the receipts executed by the local poll managers.

1916 (2) (a) If it is eligible under Section 23-15-266, the
1917 county executive committee may enter into a written agreement with
1918 the circuit clerk or the county election commission authorizing
1919 the circuit clerk or the county election commission to perform any



1920 of the duties required of the county executive committee pursuant
1921 to this section. Any agreement entered into pursuant to this
1922 subsection shall be signed by the chair of the county executive
1923 committee and the circuit clerk or the chair of the county
1924 election commission, as appropriate. The county executive
1925 committee shall notify the state executive committee and the
1926 Secretary of State of the existence of such agreement.

1927 (b) If it is eligible under Section 23-15-266, the
1928 municipal executive committee may enter into a written agreement
1929 with the municipal clerk or the municipal election commission
1930 authorizing the municipal clerk or the municipal election
1931 commission to perform any of the duties required of the municipal
1932 executive committee pursuant to this section. Any agreement
1933 entered into pursuant to this subsection shall be signed by the
1934 chair of the municipal executive committee and the municipal clerk
1935 or the chair of the municipal election commission, as appropriate.
1936 The municipal executive committee shall notify the state executive
1937 committee and the Secretary of State of the existence of such
1938 agreement.

1939 (3) Any person charged with any of the duties prescribed in
1940 this section who shall willfully or with culpable carelessness
1941 violate the same shall be guilty of a misdemeanor.

1942 **SECTION 50.** Section 23-15-353, Mississippi Code of 1972, is
1943 amended as follows:



1944 23-15-353. The officer charged with printing and
1945 distributing the official ballot shall ascertain from the
1946 registrar, at least ten (10) days before the day * * * early
1947 voting for that election begins, the number of registered voters
1948 in each voting precinct; and he or she shall have printed and
1949 distributed a sufficient number of ballots for use in each
1950 precinct.

1951 **SECTION 51.** Section 23-15-357, Mississippi Code of 1972, is
1952 amended as follows:

1953 23-15-357. On the back and outside of the ballot shall be
1954 printed the words "OFFICIAL BALLOT," the name of the voting
1955 precinct or place for which the ballot is prepared, * * * the date
1956 of the election and the date of the period for early voting.

1957 **SECTION 52.** Section 23-15-359, Mississippi Code of 1972, is
1958 amended as follows:

1959 23-15-359. (1) Except as provided in this section, the
1960 ballot shall contain the names of all party nominees certified by
1961 the appropriate executive committee, and independent and special
1962 election candidates who have timely filed petitions containing the
1963 required signatures and assessments that must be paid pursuant to
1964 Section 23-15-297, if the candidates and nominees meet all of the
1965 qualifications to hold the office sought. A petition requesting
1966 that an independent or special election candidate's name be placed
1967 on the ballot for any office shall be filed as provided for in
1968 subsection (3) or (4) of this section, as appropriate, and shall



1969 be signed by not less than the following number of qualified
1970 electors:

1971 (a) For an office elected by the state at large, not
1972 less than one thousand (1,000) qualified electors.

1973 (b) For an office elected by the qualified electors of
1974 a Supreme Court district, not less than three hundred (300)
1975 qualified electors.

1976 (c) For an office elected by the qualified electors of
1977 a congressional district, not less than two hundred (200)
1978 qualified electors.

1979 (d) For an office elected by the qualified electors of
1980 a circuit or chancery court district, not less than one hundred
1981 (100) qualified electors.

1982 (e) For an office elected by the qualified electors of
1983 a senatorial or representative district, not less than fifty (50)
1984 qualified electors.

1985 (f) For an office elected by the qualified electors of
1986 a county, not less than fifty (50) qualified electors.

1987 (g) For an office elected by the qualified electors of
1988 a supervisors district or justice court district, not less than
1989 fifteen (15) qualified electors.

1990 (h) For the Office of President of the United States, a
1991 party nominee or independent candidate shall pay an assessment in
1992 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).



1993 (2) (a) Unless the petition or fee, whichever is
1994 applicable, required above shall be filed as provided for in
1995 subsection (3), (4) or (5) of this section, as appropriate, the
1996 name of the person requested to be a candidate, unless nominated
1997 by a political party, shall not be placed upon the ballot. The
1998 ballot shall contain the names of each candidate for each office,
1999 and the names shall be listed under the name of the political
2000 party that candidate represents as provided by law and as
2001 certified to the circuit clerk by the state executive committee of
2002 the political party. In the event the candidate qualifies as an
2003 independent as provided in this section, he or she shall be listed
2004 on the ballot as an independent candidate.

2005 (b) The name of an independent or special election
2006 candidate who dies before the printing of the ballots, shall not
2007 be placed on the ballots.

2008 (3) Petitions for offices described in paragraphs (a), (b),
2009 (c), (d) and (e) of subsection (1) of this section shall be filed
2010 with the Secretary of State by no later than 5:00 p.m. on the same
2011 date or business day, as applicable, by which candidates are
2012 required to pay the fee provided for in Section 23-15-297;
2013 however, no petition may be filed before January 1 of the year in
2014 which the election for the office is held.

2015 (4) Petitions for offices described in paragraphs (f) and
2016 (g) of subsection (1) of this section shall be filed with the
2017 proper circuit clerk by no later than 5:00 p.m. on the same date



2018 by which candidates are required to pay the fee provided for in
2019 Section 23-15-297; however, no petition may be filed before
2020 January 1 of the year in which the election for the office is
2021 held. The circuit clerk shall notify the county election
2022 commissioners of all persons who have filed petitions with the
2023 clerk. The notification shall occur within two (2) business days
2024 and shall contain all necessary information.

2025 (5) The assessment for the office described in paragraph (h)
2026 of subsection (1) of this section shall be paid to the Secretary
2027 of State. The Secretary of State shall deposit any qualifying
2028 fees received from candidates into the Elections Support Fund
2029 established in Section 23-15-5.

2030 (6) The election commissioners may also have printed upon
2031 the ballot any local issue election matter that is authorized to
2032 be * * * voted on * * * during the period for voting for the
2033 regular or general election pursuant to Section 23-15-375;
2034 however, the ballot form of the local issue must be filed with the
2035 election commissioners by the appropriate governing authority not
2036 less than sixty (60) days before the date * * * the early voting
2037 period begins for the election.

2038 (7) The provisions of this section shall not apply to
2039 municipal elections or to the election of the offices of justice
2040 of the Supreme Court, judge of the Court of Appeals, circuit
2041 judge, chancellor, county court judge and family court judge.



2042 (8) Nothing in this section shall prohibit special elections
2043 to fill vacancies in either house of the Legislature from being
2044 held as provided in Section 23-15-851. In all elections conducted
2045 under the provisions of Section 23-15-851, there shall be printed
2046 on the ballot the name of any candidate who, not having been
2047 nominated by a political party, shall have been requested to be a
2048 candidate for any office by a petition filed with the Secretary of
2049 State and signed by not less than fifty (50) qualified electors.

2050 (9) (a) The appropriate election commission shall determine
2051 whether each candidate is a qualified elector of the state, state
2052 district, county or county district they seek to serve, and
2053 whether each candidate meets all other qualifications to hold the
2054 office he or she is seeking or presents absolute proof that he or
2055 she will, subject to no contingencies, meet all qualifications on
2056 or before the date * * * the early voting period begins for the
2057 general or special election at which he or she could be elected to
2058 office. The election commission shall determine whether the
2059 candidate has taken the steps necessary to qualify for more than
2060 one (1) office at the election. The election commission also
2061 shall determine whether any candidate has been convicted (i) of
2062 any felony in a court of this state, (ii) on or after December 8,
2063 1992, of any offense in another state which is a felony under the
2064 laws of this state, (iii) of any felony in a federal court on or
2065 after December 8, 1992, or (iv) of any offense that involved the
2066 misuse or abuse of his or her office or money coming into his or



2067 her hands by virtue of the office. Excepted from the above are
2068 convictions of manslaughter and violations of the United States
2069 Internal Revenue Code or any violations of the tax laws of this
2070 state.

2071 (b) If the appropriate election commission finds that a
2072 candidate either (i) is not a qualified elector, (ii) does not
2073 meet all qualifications to hold the office he or she seeks and
2074 fails to provide absolute proof, subject to no contingencies, that
2075 he or she will meet the qualifications on or before the date * * *
2076 the early voting period begins the general or special election at
2077 which he or she could be elected, or (iii) has been convicted of a
2078 felony or other disqualifying offense as described in paragraph
2079 (a) of this subsection, and not pardoned, then the election
2080 commission shall notify the candidate and give the candidate an
2081 opportunity to be heard. The election commission shall mail
2082 notice to the candidate at least three (3) business days before
2083 the hearing to the address provided by the candidate on the
2084 qualifying forms, and the committee shall attempt to contact the
2085 candidate by telephone, email and facsimile if the candidate
2086 provided this information on the forms. If the candidate fails to
2087 appear at the hearing or to prove that he or she meets all
2088 qualifications to hold the office subject to no contingencies,
2089 then the name of such candidate shall not be placed upon the
2090 ballot. If the appropriate election commission determines that
2091 the candidate has taken the steps necessary to qualify for more



2092 than one (1) office at the election, the action required by
2093 Section 23-15-905, shall be taken.

2094 (10) If after the deadline to qualify as a candidate for an
2095 office or after the time for holding any party primary for an
2096 office, only one (1) person has duly qualified to be a candidate
2097 for the office in the general election, the name of that person
2098 shall be placed on the ballot; provided, however, that if not more
2099 than one (1) person duly qualified to be a candidate for each
2100 office on the general election ballot, the election for all
2101 offices on the ballot shall be dispensed with and the appropriate
2102 election commission shall declare each candidate elected without
2103 opposition if the candidate meets all the qualifications to hold
2104 the office as determined pursuant to a review by the election
2105 commission in accordance with the provisions of subsection (9) of
2106 this section and if the candidate has filed all required campaign
2107 finance disclosure reports as required by Section 23-15-807.

2108 (11) The petition required by this section may not be filed
2109 by using the Internet.

2110 **SECTION 53.** Section 23-15-363, Mississippi Code of 1972, is
2111 amended as follows:

2112 23-15-363. After the proper officer has knowledge of or has
2113 been notified of the nomination, as provided, of any candidate for
2114 office, the officer shall not omit his or her name from the
2115 ballot, unless upon the written request of the candidate
2116 nominated, made at least ten (10) days before the early voting



2117 period for the election begins, and in no case after * * * the
2118 ballot has been printed; and every ballot shall contain the names
2119 of all candidates nominated as specified, and not duly withdrawn.

2120 **SECTION 54.** Section 23-15-367, Mississippi Code of 1972, is
2121 amended as follows:

2122 23-15-367. (1) Except as otherwise provided by Sections
2123 23-15-974 through 23-15-985 and subsection (2) of this section,
2124 the size, print and quality of paper of the official ballot is
2125 left to the discretion of the officer charged with printing the
2126 official ballot.

2127 (2) The titles for the various offices shall be listed in
2128 the following order:

2129 (a) Candidates, electors or delegates for the following
2130 national offices:

2131 (i) President;

2132 (ii) United States Senator or United States
2133 Representative;

2134 (b) Candidates for the following statewide office:
2135 Governor, Lieutenant Governor, Secretary of State, Attorney
2136 General, State Treasurer, Auditor of Public Accounts, Commissioner
2137 of Agriculture and Commerce, Commissioner of Insurance;

2138 (c) Candidates for the following state district
2139 offices: Mississippi Transportation Commissioner, Public Service
2140 Commissioner, District Attorney;



- 2141 (d) Candidates for the following legislative offices:
2142 Senate and House of Representatives;
2143 (e) Candidates for countywide office;
2144 (f) Candidates for county district office.

2145 The order in which the titles for the various offices are
2146 listed within paragraphs (e) and (f) is left to the discretion of
2147 the county election commissioners. Nominees of the political
2148 parties, qualified to conduct primary elections as defined in
2149 Section 23-15-291, shall be listed first alphabetically by the
2150 candidate's last name, followed by any other candidates listed
2151 alphabetically by last name.

2152 (3) It is the duty of the Secretary of State, with the
2153 approval of the Governor, to furnish the designated election
2154 commissioner of each county a sample of the official ballot, not
2155 less than fifty-five (55) days before the early voting period
2156 begins for the election, the general form of which shall be
2157 followed as nearly as practicable.

2158 **SECTION 55.** Section 7-3-39, Mississippi Code of 1972, is
2159 amended as follows:

2160 7-3-39. The Secretary of State shall have published in full
2161 each constitutional amendment two (2) weeks * * * before the
2162 period for early voting for the election begins, if early voting
2163 is authorized for that election, at which the qualified electors
2164 shall vote on * * * the amendments, in each county in each
2165 newspaper having a general circulation in the county, as defined



2166 in Section 13-3-31; or * * * the Secretary of State shall have
2167 each amendment posted in three (3) public places in the county if
2168 all * * * the newspapers in the county refuse to publish same at
2169 the price provided in Section 7-3-41.

2170 **SECTION 56.** Section 23-15-511, Mississippi Code of 1972, is
2171 amended as follows:

2172 23-15-511. The ballots shall, as far as practicable, be in
2173 the same order of arrangement as provided for paper ballots that
2174 are to be counted manually, except that the information may be
2175 printed in vertical or horizontal rows. Nothing in this chapter
2176 shall be construed as prohibiting the information being presented
2177 to the voters from being printed on both sides of a single ballot.
2178 In those years when a special election shall occur * * * during
2179 the same voting period as the general election, the names of
2180 candidates in any special election and the general election shall
2181 be placed on the same ballot by the election commissioners or
2182 officials in charge of the election, but the general election
2183 candidates shall be clearly distinguished from the special
2184 election candidates. At any time a special election is * * *
2185 during the same voting period as a party primary election, the
2186 names of the candidates in the special election may be placed on
2187 the same ballot by the officials in charge of the election, but
2188 shall be clearly distinguished as special election candidates or
2189 primary election candidates.



2190 Ballots shall be printed in plain clear type in black ink and
2191 upon clear white materials of such size and arrangement as to be
2192 compatible with the OMR equipment. Absentee ballots shall be
2193 prepared and printed in the same form and shall be on the same
2194 size and texture as the regular official ballots, except that they
2195 shall be printed on tinted paper; or the ink used to print the
2196 ballots shall be of a color different from that of the ink used to
2197 print the regular official ballots. Arrows may be printed on the
2198 ballot to indicate the place to mark the ballot, which may be to
2199 the right or left of the names of candidates and propositions.
2200 The titles of offices may be arranged in vertical columns on the
2201 ballot and shall be printed above or at the side of the names of
2202 candidates so as to indicate clearly the candidates for each
2203 office and the number to be elected. In case there are more
2204 candidates for an office than can be printed in one (1) column,
2205 the ballot shall be clearly marked that the list of candidates is
2206 continued on the following column. The names of candidates for
2207 each office shall be printed in vertical columns, grouped by the
2208 offices that they seek. In partisan elections, the party
2209 designation of each candidate, which may be abbreviated, shall be
2210 printed following his or her name.

2211 One (1) sample ballot, which shall be a facsimile of the
2212 official ballot and instructions to the voters, shall be provided
2213 for each precinct and shall be posted in each polling place during
2214 early voting and on election day.



2215 A separate ballot security envelope or suitable equivalent in
2216 which the voter can place his or her ballot after voting, shall be
2217 provided to conceal the choices the voter has made. Absentee
2218 voters will receive a similar ballot security envelope provided by
2219 the county in which the absentee voter will insert their voted
2220 ballot, which then can be inserted into a return envelope to be
2221 mailed back to the election official. Absentee ballots will not
2222 be required to be folded when a ballot security envelope is
2223 provided.

2224 **SECTION 57.** Section 23-15-515, Mississippi Code of 1972, is
2225 amended as follows:

2226 23-15-515. The circuit clerk shall be the custodian of OMR
2227 equipment acquired by the county, who shall be charged with the
2228 proper storage, maintenance and repair of the OMR equipment. The
2229 municipal clerk shall be the custodian of the OMR equipment
2230 acquired by the municipality, and shall be charged with the proper
2231 storage, maintenance and repair of the OMR equipment. The
2232 custodian or the officials in charge of the election shall repair
2233 or replace any OMR equipment which fails to function properly
2234 during the early voting period or on election day.

2235 **SECTION 58.** Section 23-15-545, Mississippi Code of 1972, is
2236 amended as follows:

2237 23-15-545. At each election, at least one (1) poll manager
2238 shall be charged with writing in the pollbook the word "VOTED," in
2239 the column having at its head the date of the early voting period



2240 or the date of the election, opposite the name of each elector
2241 upon return of a marked paper ballot by the elector with the
2242 initials of the initialing poll manager or alternate initialing
2243 poll manager affixed thereon. When a DRE unit is used in the
2244 polling place, the word "VOTED" shall be marked by at least one
2245 (1) poll manager in the pollbook in the column having at its head
2246 the date of the election, opposite the name of the elector.

2247 **SECTION 59.** Section 23-15-573, Mississippi Code of 1972, is
2248 amended as follows:

2249 23-15-573. (1) If any person declares that he or she is a
2250 registered voter in the jurisdiction in which he or she offers to
2251 vote and that he or she is eligible to vote during the early
2252 voting period or in the election, but his or her name does not
2253 appear upon the pollbooks, or that he or she is not able to cast a
2254 regular early voting day or election day ballot under a provision
2255 of state or federal law but is otherwise qualified to vote, or
2256 that he or she has been illegally denied registration, or that he
2257 or she is unable to present an acceptable form of photo
2258 identification:

2259 (a) A poll manager shall notify the person that he or
2260 she may cast an affidavit ballot * * * during the election.

2261 (b) The person shall be permitted to cast an affidavit
2262 ballot at the polling place upon execution of a written affidavit
2263 before one (1) of the poll managers stating that the individual:



2264 (i) Believes he or she is a registered voter in
2265 the jurisdiction in which he or she desires to vote and is
2266 eligible to vote * * * during the election; or
2267 (ii) Is not able to cast a regular early voting
2268 day or election day ballot under a provision of state or federal
2269 law but is otherwise qualified to vote; or
2270 (iii) Believes that he or she has been illegally
2271 denied registration; or
2272 (iv) Is unable to present an acceptable form of
2273 photo identification.
2274 (c) The poll manager shall allow the individual to mark
2275 a paper ballot properly endorsed by the initialing poll manager or
2276 alternate initialing poll manager in accordance with Section
2277 23-15-541, which shall be delivered by him or her to the proper
2278 election official who shall enclose it in an affidavit ballot
2279 envelope, with the written and signed affidavit of the voter
2280 affixed to the envelope, seal the envelope and mark plainly upon
2281 it the name of the person offering to vote.
2282 (2) The affidavit ballot envelope shall include:
2283 (a) The complete name of the voter;
2284 (b) A present and previous physical and mailing address
2285 of the voter;
2286 (c) Telephone numbers where the voter may be contacted;



2287 (d) A statement that the affiant believes he or she is
2288 registered to vote in the jurisdiction in which he or she offers
2289 to vote;

2290 (e) The signature of the affiant; and

2291 (f) The signature of the poll manager at the polling
2292 place at which the affiant offers to vote.

2293 (3) (a) A separate receipt book shall be maintained for
2294 affidavit voters and the affidavit voters shall sign the receipt
2295 book upon completing the affidavit ballot.

2296 (b) If the affidavit voter is casting an affidavit
2297 ballot because the voter is unable to present an acceptable form
2298 of photo identification and the voter's name appears in the
2299 pollbook, then the poll manager shall write "NO ID" across from
2300 the voter's name and in the appropriate column in the pollbook.

2301 (c) In canvassing the returns of the election, the
2302 executive committee in primary elections, or the election
2303 commissioners in other elections, shall examine the records and
2304 allow the ballot to be counted, or not counted as it appears
2305 legal.

2306 (d) An affidavit ballot of a voter who was unable to
2307 present an acceptable form of photo identification shall not be
2308 rejected for this reason if the voter does either of the
2309 following:

2310 (i) Returns to the circuit clerk's office, or to
2311 the municipal clerk's office for municipal elections, within five



2312 (5) business days after the date * * * the person voted during the
2313 election and presents an acceptable form of photo identification;

2314 (ii) Returns to the circuit clerk's office within
2315 five (5) business days after the date of the election to obtain
2316 the Mississippi Voter Identification Card, or in municipal
2317 election, returns to the municipal clerk's office within five (5)
2318 business days after the date * * * the person voted during the
2319 election to present his or her Mississippi Voter Identification
2320 Card or Temporary Mississippi Voter Identification Card; or

2321 (iii) Returns to the circuit clerk's office, or to
2322 the municipal clerk's office for municipal elections, within five
2323 (5) business days after the date * * * the person voted during the
2324 election to execute a separate Affidavit of Religious Objection.

2325 (4) When a person is offered the opportunity to vote by
2326 affidavit ballot, he or she shall be provided with written
2327 information that informs the person how to ascertain whether his
2328 or her affidavit ballot was counted and, if the vote was not
2329 counted, the reasons the vote was not counted.

2330 (5) The officials in charge of the election shall process
2331 all affidavit ballots by using the Statewide Elections Management
2332 System. The officials in charge of the election shall account for
2333 all affidavit ballots cast in each election, categorizing the
2334 affidavit ballots cast by reason and recording the total number of
2335 affidavit ballots counted and not counted in each such category in
2336 the Statewide Elections Management System.



2337 (6) The Secretary of State shall, by rule duly adopted,
2338 establish a uniform affidavit ballot envelope that shall be used
2339 in all elections in this state. The Secretary of State shall
2340 print and distribute a sufficient number of affidavit ballot
2341 envelopes to the registrar of each county for use in elections.
2342 The registrar shall distribute the affidavit ballot envelopes to
2343 municipal and county executive committees for use in primary
2344 elections and to municipal and county election commissioners for
2345 use in all other elections.

2346 (7) County registrars and municipal registrars shall
2347 maintain a secure free access system that complies with the Help
2348 America Vote Act of 2002, by which persons who vote by affidavit
2349 ballot may determine if their ballots were counted, and if not,
2350 the reasons the ballot was not counted.

2351 (8) Any person who votes * * * during any election as a
2352 result of a federal or state court order or other order extending
2353 the time established by law for closing the polls on an election
2354 day, may only vote by affidavit ballot. Any affidavit ballot cast
2355 under this subsection shall be separated and kept apart from other
2356 affidavit ballots cast by voters not affected by the order.

2357 **SECTION 60.** Section 23-15-613, Mississippi Code of 1972, is
2358 amended as follows:

2359 23-15-613. (1) As used in this section "residual votes"
2360 means overvotes, undervotes and any other vote not counted for any
2361 reason.



2362 (2) For every election, election commissions and county and
2363 municipal executive committees shall report to the Secretary of
2364 State residual vote information; however, if the voting
2365 devices * * * used in the election do not produce a ballot, other
2366 information shall be reported as required in this section.

2367 (3) For every election, election commissions and county and
2368 municipal executive committees responsible for the conduct of
2369 elections in which ballots are generated that are counted by hand
2370 or by OMR equipment or the tabulating mechanism of a DRE unit
2371 shall report to the Secretary of State all residual votes for all
2372 candidates and ballot measures in the elections for which they are
2373 responsible for conducting. The residual vote reports shall:

2374 (a) Be received by the Secretary of State no later than
2375 December 15 of the year in which the election is held;

2376 (b) Include any suggested explanation or suspected
2377 cause of the residual votes;

2378 (c) Include a copy of a voided official ballot for the
2379 election as such ballot appeared to voters at the election and
2380 copies of voided affidavit and absentee ballots if they are
2381 different from the official ballot;

2382 (d) Include the total voter turnout for each election,
2383 including the period for early voting, to be determined by
2384 totaling the number of persons signing the receipt book at each
2385 precinct, absentee voters and persons who voted by affidavit
2386 ballot and persons whose ballots were challenged and rejected; and



2387 (e) Include a copy of any printed voting instructions
2388 given or visible to voters * * * during the election and a
2389 description of any verbal instructions and any other evidence of
2390 voter education that was used in the election.

2391 (4) For every election, election commissions and county and
2392 municipal executive committees responsible for the conduct of
2393 election in which voting devices are used that do not generate
2394 ballots that are counted by hand or by OMR equipment or the
2395 tabulating mechanism of a DRE unit, shall file a report with the
2396 Secretary of State which shall:

2397 (a) Be received by the Secretary of State no later than
2398 December 15 of the year in which the election is held;

2399 (b) Include the total voter turnout for each election,
2400 including the period for early voting, to be determined by
2401 totaling the number of persons signing the receipt book at each
2402 precinct, absentee voters and persons who voted by affidavit
2403 ballot and persons whose ballots were challenged and rejected;

2404 (c) Include in the report any anecdotal information
2405 obtained concerning voter problems with the voting equipment or
2406 ballot layout;

2407 (d) Include in the report any suggested explanation or
2408 suspected cause of any difference in the amount of total voter
2409 turnout and the number of counted votes for candidates for various
2410 offices; and



2411 (e) Include a copy of any printed voting instructions
2412 given or visible to voters * * * during the election and a
2413 description of any verbal instructions and any other evidence of
2414 voter education that was used * * * during the election.

2415 (5) Not later than January 31 of the year following the
2416 election, the Secretary of State shall submit a report to the
2417 Governor, Lieutenant Governor and Speaker of the House of
2418 Representatives analyzing the reports required to be filed
2419 pursuant to this section. The analysis shall include the
2420 following:

2421 (a) The performance of each voting device type
2422 used * * * during the election;

2423 (b) Any problems with voter or poll worker instructions
2424 or ballot design and layout that have been identified as a result
2425 of analyzing the reports received;

2426 (c) Recommendations for reducing the number of residual
2427 votes reported; and

2428 (d) Such other information as the Secretary of State
2429 deems beneficial.

2430 (6) The reports required pursuant to this section shall be
2431 in such form as may be required by rules and regulations
2432 promulgated by the Secretary of State.

2433 **SECTION 61.** Section 23-15-781, Mississippi Code of 1972, is
2434 amended as follows:



2435 23-15-781. The number of electors of President and Vice
2436 President of the United States to which this state may be
2437 entitled, shall be chosen by the qualified electors of the state
2438 at large, on the first Tuesday after the first Monday of November
2439 in the year in which an election of President and Vice President
2440 shall occur and during the early voting period.

2441 **SECTION 62.** Section 23-15-785, Mississippi Code of 1972, is
2442 amended as follows:

2443 23-15-785. (1) When presidential electors are to be chosen,
2444 the Secretary of State of Mississippi shall certify to the circuit
2445 clerks of the several counties the names of all candidates for
2446 President and Vice President who are nominated by any national
2447 convention or other like assembly of any political party or by
2448 written petition signed by at least one thousand (1,000) qualified
2449 voters of this state.

2450 (2) The certificate of nomination by a political party
2451 convention must be signed by the presiding officer and secretary
2452 of the convention and by the * * * chair of the state executive
2453 committee of the political party making the nomination. Any
2454 nominating petition, to be valid, must contain the signatures as
2455 well as the addresses of the petitioners. The certificates and
2456 petitions must be filed with the State Board of Election
2457 Commissioners by filing them in the Office of the Secretary of
2458 State by 5:00 p.m. not less than sixty (60) days * * * before the
2459 day * * * early voting begins for the election.



2460 (3) Each certificate of nomination and nominating petition
2461 must be accompanied by a list of the names and addresses of
2462 persons, who shall be qualified voters of this state, equal in
2463 number to the number of presidential electors to be chosen. Each
2464 person so listed shall execute the following statement which shall
2465 be attached to the certificate or petition when it is filed with
2466 the State Board of Election Commissioners: "I do hereby consent
2467 and do hereby agree to serve as elector for President and Vice
2468 President of the United States, if elected to that position, and
2469 do hereby agree that, if so elected, I shall cast my ballot as
2470 such for _____ for President and _____ for Vice President of
2471 the United States" (inserting in * * * the blank spaces the
2472 respective names of the persons named as nominees for * * * the
2473 respective offices in the certificate to which this statement is
2474 attached).

2475 (4) The State Board of Election Commissioners and any other
2476 official charged with the preparation of official ballots shall
2477 place on * * * the official ballots the words "PRESIDENTIAL
2478 ELECTORS FOR (here insert the name of the candidate for President,
2479 the word 'AND' and the name of the candidate for Vice President)"
2480 in lieu of placing the names of such presidential electors on the
2481 official ballots, and a vote cast therefor shall be counted and
2482 shall be in all respects effective as a vote for each of the
2483 presidential electors representing those candidates for President
2484 and Vice President of the United States. In the case of unpledged



2485 electors, the State Board of Election Commissioners and any other
2486 official charged with the preparation of official ballots shall
2487 place on * * * the official ballots the words "UNPLEDGED
2488 ELECTOR(S) (here insert the name(s) of individual unpledged
2489 elector(s) if placed upon the ballot based upon a petition granted
2490 in the manner provided by law stating the individual name(s) of
2491 the elector(s) rather than a slate of electors)."

2492 **SECTION 63.** Section 23-15-807, Mississippi Code of 1972, is
2493 amended as follows:

2494 23-15-807. (a) Each candidate or political committee shall
2495 file reports of contributions and disbursements in accordance with
2496 the provisions of this section. All candidates or political
2497 committees required to report such contributions and disbursements
2498 may terminate the obligation to report only upon submitting a
2499 final report that contributions will no longer be received or
2500 disbursements made and that the candidate or committee has no
2501 outstanding debts or obligations. The candidate, treasurer or
2502 chief executive officer shall sign the report.

2503 (b) Candidates seeking election, or nomination for election,
2504 and political committees making expenditures to influence or
2505 attempt to influence voters for or against the nomination for
2506 election of one or more candidates or balloted measures * * *
2507 during such election, shall file the following reports:

2508 (i) In any calendar year during which there is a
2509 regularly scheduled election, a pre-election report shall be filed



2510 no later than the seventh day before early voting begins for any
2511 election in which the candidate or political committee has
2512 accepted contributions or made expenditures and shall be completed
2513 as of the tenth day before early voting begins for the election;

2514 (ii) In 1987 and every fourth year thereafter, periodic
2515 reports shall be filed no later than the tenth day after April 30,
2516 May 31, June 30, September 30 and December 31, and shall be
2517 completed as of the last day of each period;

2518 (iii) In any calendar years except 1987 and except
2519 every fourth year thereafter, a report covering the calendar year
2520 shall be filed no later than January 31 of the following calendar
2521 year; and

2522 (iv) Except as otherwise provided in the requirements
2523 of paragraph (i) of this subsection (b), unopposed candidates are
2524 not required to file pre-election reports but must file all other
2525 reports required by paragraphs (ii) and (iii) of this subsection
2526 (b).

2527 (c) All candidates for judicial office as defined in Section
2528 23-15-975, or their political committees, shall file periodic
2529 reports in the year in which they are to be elected no later than
2530 the tenth day after April 30, May 31, June 30, September 30 and
2531 December 31.

2532 (d) Each report under this article shall disclose:

2533 (i) For the reporting period and the calendar year, the
2534 total amount of all contributions and the total amount of all



2535 expenditures of the candidate or reporting committee, including
2536 those required to be identified pursuant to paragraph (ii) of this
2537 subsection (d) as well as the total of all other contributions and
2538 expenditures during the calendar year. The reports shall be
2539 cumulative during the calendar year to which they relate;

2540 (ii) The identification of:

2541 1. Each person or political committee who makes a
2542 contribution to the reporting candidate or political committee
2543 during the reporting period, whose contribution or contributions
2544 within the calendar year have an aggregate amount or value in
2545 excess of Two Hundred Dollars (\$200.00) together with the date and
2546 amount of any such contribution;

2547 2. Each person or organization, candidate or
2548 political committee who receives an expenditure, payment or other
2549 transfer from the reporting candidate, political committee or its
2550 agent, employee, designee, contractor, consultant or other person
2551 or persons acting in its behalf during the reporting period when
2552 the expenditure, payment or other transfer to the person,
2553 organization, candidate or political committee within the calendar
2554 year have an aggregate value or amount in excess of Two Hundred
2555 Dollars (\$200.00) together with the date and amount of the
2556 expenditure;

2557 (iii) The total amount of cash on hand of each
2558 reporting candidate and reporting political committee;



2559 (iv) In addition to the contents of reports specified
2560 in paragraphs (i), (ii) and (iii) of this subsection (d), each
2561 political party shall disclose:

2562 1. Each person or political committee who makes a
2563 contribution to a political party during the reporting period and
2564 whose contribution or contributions to a political party within
2565 the calendar year have an aggregate amount or value in excess of
2566 Two Hundred Dollars (\$200.00), together with the date and amount
2567 of the contribution;

2568 2. Each person or organization who receives an
2569 expenditure or expenditures by a political party during the
2570 reporting period when the expenditure or expenditures to the
2571 person or organization within the calendar year have an aggregate
2572 value or amount in excess of Two Hundred Dollars (\$200.00),
2573 together with the date and amount of the expenditure;

2574 (v) Disclosure required under this section of an
2575 expenditure to a credit card issuer, financial institution or
2576 business allowing payments and money transfers to be made over the
2577 Internet must include, by way of detail or separate entry, the
2578 amount of funds passing to each person, business entity or
2579 organization receiving funds from the expenditure.

2580 (e) The appropriate office specified in Section 23-15-805
2581 must be in actual receipt of the reports specified in this article
2582 by 5:00 p.m. on the dates specified in subsection (b) of this
2583 section. If the date specified in subsection (b) of this section



2584 shall fall on a weekend or legal holiday then the report shall be
2585 due in the appropriate office at 5:00 p.m. on the first working
2586 day before the date specified in subsection (b) of this section.
2587 The reporting candidate or reporting political committee shall
2588 ensure that the reports are delivered to the appropriate office by
2589 the filing deadline. The Secretary of State may approve specific
2590 means of electronic transmission of completed campaign finance
2591 disclosure reports, which may include, but not be limited to,
2592 transmission by electronic facsimile (FAX) devices.

2593 (f) (i) If any contribution of more than Two Hundred
2594 Dollars (\$200.00) is received by a candidate or candidate's
2595 political committee after the tenth day, but more than forty-eight
2596 (48) hours before 12:01 a.m. of the day of early voting begins for
2597 the election, the candidate or political committee shall notify
2598 the appropriate office designated in Section 23-15-805, within
2599 forty-eight (48) hours of receipt of the contribution. The
2600 notification shall include:

- 2601 1. The name of the receiving candidate;
- 2602 2. The name of the receiving candidate's political
2603 committee, if any;
- 2604 3. The office sought by the candidate;
- 2605 4. The identification of the contributor;
- 2606 5. The date of receipt;
- 2607 6. The amount of the contribution;



2608 7. If the contribution is in-kind, a description
2609 of the in-kind contribution; and

2610 8. The signature of the candidate or the treasurer
2611 or chair of the candidate's political organization.

2612 (ii) The notification shall be in writing, and may be
2613 transmitted by overnight mail, courier service, or other reliable
2614 means, including electronic facsimile (FAX), but the candidate or
2615 candidate's committee shall ensure that the notification shall in
2616 fact be received in the appropriate office designated in Section
2617 23-15-805 within forty-eight (48) hours of the contribution.

2618 **SECTION 64.** Section 23-15-833, Mississippi Code of 1972, is
2619 amended as follows:

2620 23-15-833. Except as otherwise provided by law, the first
2621 Tuesday after the first Monday in November of each year shall be
2622 designated the regular special election day, and on that day and
2623 during the period established for early voting an election shall
2624 be held to fill any vacancy in county, county district, and
2625 district attorney elective offices, and any vacancy in the office
2626 of circuit judge or chancellor.

2627 All special elections, or elections to fill vacancies, shall
2628 in all respects be held, conducted and returned in the same manner
2629 as general elections, except that where no candidate receives a
2630 majority of the votes cast in the election, a runoff election
2631 shall be held three (3) weeks after the election. The two (2)
2632 candidates who receive the highest popular votes for the office



2633 shall have their names submitted as the candidates to the runoff
2634 and the candidate who leads in the runoff election shall be
2635 elected to the office. When there is a tie in the first election
2636 of those receiving the next highest vote, these two (2) and the
2637 one receiving the highest vote, none having received a majority,
2638 shall go into the runoff election and whoever leads in the runoff
2639 election shall be entitled to the office.

2640 In those years when the regular special election day shall
2641 occur * * * during the same * * * period of time as the general
2642 election, the names of candidates in any special election and the
2643 general election shall be placed on the same ballot, but shall be
2644 clearly distinguished as general election candidates or special
2645 election candidates. At any time a special election is held * * *
2646 during the same * * * period of time as a party primary election,
2647 the names of the candidates in the special election may be placed
2648 on the same ballot, but shall be clearly distinguished as special
2649 election candidates or primary election candidates.

2650 **SECTION 65.** Section 23-15-843, Mississippi Code of 1972, is
2651 amended as follows:

2652 23-15-843. In case of death, resignation or vacancy from any
2653 cause in the office of district attorney, the unexpired term of
2654 which shall exceed six (6) months, the Governor shall within ten
2655 (10) days after the vacancy occurs issue a proclamation calling an
2656 election to fill a vacancy in the office of district attorney to
2657 be held * * * during the next regular special election * * *



2658 period of time in the district where the vacancy occurred unless
2659 the vacancy occurs in a year in which a general election would
2660 normally be held for that office as provided by law, in which case
2661 the appointed person shall serve the unexpired portion of the
2662 term. Candidates in such a special election shall qualify in the
2663 same manner and be subject to the same time limitations as set
2664 forth in Section 23-15-839. Pending the holding of a special
2665 election, the Governor shall make an emergency appointment to fill
2666 the vacancy until the same shall be filled by election.

2667 **SECTION 66.** Section 23-15-851, Mississippi Code of 1972, is
2668 amended as follows:

2669 23-15-851. (1) Except as otherwise provided in subsection
2670 (2) of this section, within thirty (30) days after vacancies occur
2671 in either house of the Legislature, the Governor shall issue writs
2672 of election to fill the vacancies on a day specified in the writ
2673 of election. At least sixty (60) days' notice shall be given of
2674 the election in each county or part of a county in which the
2675 election shall be held. The qualifying deadline for the election
2676 shall be fifty (50) days before the early voting begins for the
2677 election. Notice of the election shall be posted at the
2678 courthouse and in each supervisors district in the county or part
2679 of county in which such election shall be held for as near sixty
2680 (60) days as may be practicable. The election shall be prepared
2681 for and held as in the case of a general election.



2682 (2) If a vacancy occurs in a calendar year in which the
2683 general election for state officers is held, the Governor may
2684 elect not to issue a writ of election to fill the vacancy.

2685 **SECTION 67.** Section 23-15-853, Mississippi Code of 1972, is
2686 amended as follows:

2687 23-15-853. (1) If a vacancy occurs in the representation in
2688 Congress, the vacancy shall be filled for the unexpired term by a
2689 special election, to be ordered by the Governor, within sixty (60)
2690 days after the vacancy occurs, and held at a time fixed by his or
2691 her order, and which time shall * * * begin not less than sixty
2692 (60) days after the issuance of the order of the Governor, which
2693 shall be directed to the election commissioners of the several
2694 counties of the district, who shall, immediately on the receipt of
2695 the order, give notice of the election by publishing the same in a
2696 newspaper having a general circulation in the county and by
2697 posting the notice at the front door of the courthouse. The order
2698 shall also be directed to the State Board of Election
2699 Commissioners. The election shall be prepared for and conducted,
2700 and returns shall be made, in all respects as provided for a
2701 special election to fill vacancies.

2702 (2) Candidates for the office in such an election must
2703 qualify with the Secretary of State by 5:00 p.m. not less than
2704 fifty (50) days before the * * * early voting period begins for
2705 the election. If the fiftieth day to qualify before an election
2706 falls on a Sunday or legal holiday, the qualification submitted on



2707 the business day immediately following the Sunday or legal holiday
2708 shall be accepted. The election commissioners shall have printed
2709 on the ballot in such special election the name of any candidate
2710 who shall have been requested to be a candidate for the office by
2711 a petition filed with the Secretary of State and personally signed
2712 by not less than one thousand (1,000) qualified electors of the
2713 district. The petition shall be filed by 5:00 p.m. not less than
2714 fifty (50) days before the * * * early voting period begins for
2715 the election. If the fiftieth day to file the petition before an
2716 election falls on a Sunday or legal holiday, the petition filed on
2717 the business day immediately following the Sunday or legal holiday
2718 shall be accepted.

2719 There shall be attached to each petition above provided for,
2720 upon the time of filing with the Secretary of State, a certificate
2721 from the appropriate registrar or registrars showing the number of
2722 qualified electors appearing upon each petition which the
2723 registrar shall furnish to the petitioner upon request.

2724 **SECTION 68.** Section 23-15-855, Mississippi Code of 1972, is
2725 amended as follows:

2726 23-15-855. (1) If a vacancy shall occur in the office of
2727 United States Senator from Mississippi by death, resignation or
2728 otherwise, the Governor shall, within ten (10) days after
2729 receiving official notice of the vacancy, issue a proclamation for
2730 an election to be held in the state to elect a Senator to fill the
2731 remaining unexpired term, provided the unexpired term is more than



2732 twelve (12) months and the election shall * * * begin within
2733 ninety (90) days from the time the proclamation is issued and the
2734 returns of such election shall be certified to the Governor in the
2735 manner set out above for regular elections, unless the vacancy
2736 occurs in a year in which a general state or congressional
2737 election is held, in which event the Governor's proclamation shall
2738 designate the period for conducting the general election * * * as
2739 the time for electing a Senator, and the vacancy shall be filled
2740 by appointment as hereinafter provided.

2741 (2) In case of a vacancy in the office of United States
2742 Senator, the Governor may appoint a Senator to fill the vacancy
2743 temporarily, and if the United States Senate be in session at the
2744 time the vacancy occurs the Governor shall appoint a Senator
2745 within ten (10) days after receiving official notice thereof, and
2746 the appointed Senator shall serve until a successor is elected and
2747 commissioned as provided for in subsection (1) of this section,
2748 provided that such unexpired term as he or she may be appointed to
2749 fill shall be for a longer time than one (1) year, but if for a
2750 shorter time than one (1) year, he or she shall serve for the full
2751 time of the unexpired term and no special election shall be called
2752 by the Governor but a successor shall be elected at the regular
2753 election.

2754 **SECTION 69.** Section 23-15-857, Mississippi Code of 1972, is
2755 amended as follows:



2756 23-15-857. (1) When there is a vacancy in an elective
2757 office in a city, town or village, the unexpired term of which
2758 shall not exceed six (6) months, the same shall be filled by
2759 appointment by the governing authority or remainder of the
2760 governing authority of the city, town or village. The municipal
2761 clerk shall certify the appointment to the Secretary of State and
2762 the appointed person or persons shall be commissioned by the
2763 Governor.

2764 (2) When there is a vacancy in an elective office in a city,
2765 town or village, the unexpired term of which shall exceed six (6)
2766 months, the governing authority or remainder of the governing
2767 authority of the city, town or village shall make and enter on the
2768 minutes an order for an election to be held in the city, town or
2769 village to fill the vacancy and fix a * * * time period upon which
2770 the early voting and election day shall be held. The order shall
2771 be made and entered upon the minutes at the next regular meeting
2772 of the governing authority after the vacancy occurs, or at a
2773 special meeting to be held not later than ten (10) days after the
2774 vacancy occurs, Saturdays, Sundays and legal holidays excluded,
2775 whichever shall occur first. The election shall be held on a date
2776 not less than thirty (30) days nor more than forty-five (45) days
2777 after the date upon which the order is adopted.

2778 Notice of the election shall be given by the municipal clerk
2779 by notice published in a newspaper published in the municipality.
2780 The notice shall be published once each week for three (3)



2781 successive weeks * * * before the date * * * early voting begins
2782 for the election. The first notice shall be published at least
2783 thirty (30) days before * * * early voting begins for the
2784 election. Notice shall also be given by posting a copy of the
2785 notice at three (3) public places in the municipality not less
2786 than twenty-one (21) days before * * * early voting begins for the
2787 election. One (1) of the notices shall be posted at the city,
2788 town or village hall. In the event that there is no newspaper
2789 published in the municipality, such notice shall be published as
2790 provided for above in a newspaper that has a general circulation
2791 within the municipality and by posting as provided for above.
2792 Additionally, the governing authority may publish the notice in
2793 that newspaper for as many additional times as may be deemed
2794 necessary by the governing authority.

2795 Each candidate shall qualify by petition filed with the
2796 municipal clerk by 5:00 p.m. at least twenty (20) days before
2797 the * * * early voting period begins for the election. If the
2798 twentieth day to file the petition before the election falls on a
2799 Sunday or legal holiday, the petition filed on the business day
2800 immediately following the Sunday or legal holiday shall be
2801 accepted. The petition shall be signed by not less than the
2802 following number of qualified electors:

2803 (a) For an office of a city, town, village or municipal
2804 district having a population of one thousand (1,000) or more, not
2805 less than fifty (50) qualified electors.



2806 (b) For an office of a city, town, village or municipal
2807 district having a population of less than one thousand (1,000),
2808 not less than fifteen (15) qualified electors.

2809 No qualifying fee shall be required of any candidate, and the
2810 election shall be held as far as practicable in the same manner as
2811 municipal general elections.

2812 The candidate receiving a majority of the votes cast in the
2813 election shall be elected. If no candidate receives a majority
2814 vote at the election, the two (2) candidates receiving the highest
2815 number of votes shall have their names placed on the ballot for
2816 the election to be held three (3) weeks thereafter. The candidate
2817 receiving a majority of the votes cast in the election shall be
2818 elected. However, if no candidate receives a majority and there
2819 is a tie in the election of those receiving the next highest vote,
2820 those receiving the next highest vote and the candidate receiving
2821 the highest vote shall have their names placed on the ballot for
2822 the election to be held three (3) weeks thereafter, and whoever
2823 receives the most votes cast in the election shall be elected.

2824 Should the election held three (3) weeks thereafter result in
2825 a tie vote, the prevailing candidate shall be decided by a toss of
2826 a coin or by lot fairly and publicly drawn under the supervision
2827 of the election commission.

2828 The clerk of the election commission shall then give a
2829 certificate of election to the person elected, and return to the
2830 Secretary of State a copy of the order of holding the election and



2831 runoff election results, certified by the clerk of the governing
2832 authority. The person elected shall be commissioned by the
2833 Governor.

2834 However, if nineteen (19) days before the * * * early voting
2835 period begins for the election only one (1) person shall have
2836 qualified as a candidate, the governing authority, or remainder of
2837 the governing authority, shall dispense with the election and
2838 appoint that one (1) candidate in lieu of an election. In the
2839 event no person shall have qualified by 5:00 p.m. at least twenty
2840 (20) days before * * * the early voting period begins for the
2841 election, the governing authority or remainder of the governing
2842 authority shall dispense with the election and fill the vacancy by
2843 appointment. The clerk of the governing authority shall certify
2844 the appointment to the Secretary of State, and the appointed
2845 person shall be commissioned by the Governor.

2846 **SECTION 70.** Section 23-15-859, Mississippi Code of 1972, is
2847 amended as follows:

2848 23-15-859. Whenever under any statute a special election is
2849 required or authorized to be held in any municipality, and the
2850 statute authorizing or requiring the election does not specify the
2851 time within which the election shall be called, or the notice
2852 which shall be given, the governing authorities of the
2853 municipality shall, by resolution, fix a date upon which the
2854 election shall be held. The date shall not be less than
2855 twenty-one (21) nor more than thirty (30) days after the date upon



2856 which such resolution is adopted, and not less than three (3)
2857 weeks' notice of the election shall be given by the clerk by a
2858 notice published in a newspaper published in the municipality once
2859 each week for three (3) weeks next * * * before the * * * early
2860 voting period begins for the election, and by posting a copy of
2861 the notice at three (3) public places in the municipality.
2862 Nothing herein, however, shall be applicable to elections on the
2863 question of the issuance of the bonds of a municipality or to
2864 general or primary elections for the election of municipal
2865 officers.

2866 The provisions of this section shall be applicable to all
2867 municipalities of this state, whether operating under a code
2868 charter, special charter or the commission form of government,
2869 except in cases of conflicts between the provisions of the section
2870 and the provisions of the special charter of a municipality, or
2871 the law governing the commission form of government, in which
2872 cases of conflict the provisions of the special charter or the
2873 statutes relative to the commission form of government shall
2874 apply.

2875 **SECTION 71.** Section 23-15-895, Mississippi Code of 1972, is
2876 amended as follows:

2877 23-15-895. No candidate for an elective office, or any
2878 representative of such candidate, and no proponent or opponent of
2879 any constitutional amendment, local issue or other measure printed
2880 on the ballot may post or distribute cards, posters or other



2881 campaign literature within one hundred fifty (150) feet of any
2882 entrance of the building wherein early voting or any election is
2883 being held. No candidate or a representative named by him or her
2884 in writing may appear at any polling place while armed or
2885 uniformed, or display any badge or credentials except as may be
2886 issued by the manager of the polling place. As used in this
2887 section, the term "local issue" shall have the meaning ascribed to
2888 such term in Section 23-15-375. This section shall be enforced by
2889 election officials and law enforcement officials.

2890 **SECTION 72.** Section 23-15-913, Mississippi Code of 1972, is
2891 amended as follows:

2892 23-15-913. The judges listed and selected to hear election
2893 disputes, as provided in Section 23-15-951, shall be available
2894 during early voting and on election day to immediately hear and
2895 resolve any election * * * disputes. The rules for filing
2896 pleadings shall be relaxed to carry out the purposes of this
2897 section. The judges selected shall perform no other judicial
2898 duties * * * during the election * * * period. The Supreme Court
2899 shall make judges available to hear disputes in the county in
2900 which the disputes occur but no judge shall hear disputes in the
2901 district or county in which he or she was elected nor shall any
2902 judge hear any dispute in which any potential conflict may arise.
2903 Each judge shall be fair and impartial and shall be assigned on
2904 that basis.



2905 **SECTION 73.** Section 23-15-963, Mississippi Code of 1972, is
2906 amended as follows:

2907 23-15-963. (1) Any person desiring to contest the
2908 qualifications of another person who has qualified pursuant to the
2909 provisions of Section 23-15-359 * * * as a candidate for any
2910 office elected at a general election, shall file a petition
2911 specifically setting forth the grounds of the challenge not later
2912 than thirty-one (31) days after the date of the first primary
2913 election set forth in Section 23-15-191 * * *. * * * The petition
2914 shall be filed with the same body with whom the candidate in
2915 question qualified pursuant to Section 23-15-359 * * *.

2916 (2) Any person desiring to contest the qualifications of
2917 another person who has qualified pursuant to the provisions of
2918 Section 23-15-213 * * * as a candidate for county election
2919 commissioner elected at a general election, shall file a petition
2920 specifically setting forth the grounds of the challenge no later
2921 than sixty (60) days * * * before the period for early voting
2922 begins for the general election. * * * The petition shall be
2923 filed with the county board of supervisors, being the same body
2924 with whom the candidate in question qualified pursuant to Section
2925 23-15-213 * * *.

2926 (3) Any person desiring to contest the qualifications of
2927 another person who has qualified pursuant to the provisions of
2928 Section 23-15-361 * * * as a candidate for municipal office
2929 elected on the date designated by law for regular municipal



2930 elections, shall file a petition specifically setting forth the
2931 grounds of the challenge no later than thirty-one (31) days after
2932 the date of the first primary election set forth in Section
2933 23-15-309 * * *. * * * The petition shall be filed with the
2934 municipal election commissioners * * *, being the same body with
2935 whom the candidate in question qualified pursuant to Section
2936 23-15-361 * * *.

2937 (4) Within ten (10) days of receipt of the petition
2938 described in subsections (1), (2) and (3) of this section, the
2939 appropriate election officials shall meet and rule upon the
2940 petition. At least two (2) days before the hearing to consider
2941 the petition, the appropriate election officials shall give notice
2942 to both the petitioner and the contested candidate of the time and
2943 place of the hearing on the petition. Each party shall be given
2944 an opportunity to be heard at such meeting and present evidence in
2945 support of his or her position.

2946 (5) If the appropriate election officials fail to rule upon
2947 the petition within the time required above, such inaction shall
2948 be interpreted as a denial of the request for relief contained in
2949 the petition.

2950 (6) Any party aggrieved by the action or inaction of the
2951 appropriate election officials may file a petition for judicial
2952 review to the circuit court of the county in which the election
2953 officials whose decision is being reviewed sits. * * * The
2954 petition must be filed no later than fifteen (15) days after the



2955 date the petition was originally filed with the appropriate
2956 election officials. * * * The person filing for judicial review
2957 shall give a cost bond in the sum of Three Hundred Dollars
2958 (\$300.00) with two (2) or more sufficient sureties conditioned to
2959 pay all costs in case his or her petition be dismissed, and an
2960 additional bond may be required, by the court, if necessary, at
2961 any subsequent stage of the proceedings.

2962 (7) The circuit court with whom such a petition for judicial
2963 review has been filed shall at the earliest possible date set the
2964 matter for hearing. Notice shall be given to the interested
2965 parties of the time set for hearing by the circuit clerk. The
2966 hearing before the circuit court shall be de novo. The matter
2967 shall be tried to the circuit judge, without a jury. After
2968 hearing the evidence, the circuit judge shall determine whether
2969 the candidate whose qualifications have been challenged is legally
2970 qualified to have his or her name placed upon the ballot in
2971 question. The circuit judge may, upon disqualification of any
2972 such candidate, order that * * * the candidate * * * bear the
2973 court costs of the proceedings.

2974 (8) Within three (3) days after judgment is rendered by the
2975 circuit court, the contestant or contestee, or both, may file an
2976 appeal in the Supreme Court upon giving a cost bond in the sum of
2977 Three Hundred Dollars (\$300.00), together with a bill of
2978 exceptions * * * that shall state the point or points of law at
2979 issue with a sufficient synopsis of the facts to fully disclose



2980 the bearing and relevancy of such points of law. The bill of
2981 exceptions shall be signed by the trial judge, or in case of his
2982 or her absence, refusal or disability, by two (2) disinterested
2983 attorneys, as is provided by law in other cases of bills of
2984 exception. The filing of * * * the appeals shall automatically
2985 suspend the decision of the circuit court and the appropriate
2986 election officials are entitled to proceed based upon their
2987 decision unless and until the Supreme Court, in its discretion,
2988 stays further proceedings in the matter. The appeal shall be
2989 immediately docketed in the Supreme Court and referred to the
2990 court en banc upon briefs without oral argument unless the court
2991 shall call for oral argument, and shall be decided at the earliest
2992 possible date, as a preference case over all others. The Supreme
2993 Court shall have the authority to grant such relief as is
2994 appropriate under the circumstances.

2995 (9) The procedure set forth above shall be the * * * only
2996 manner in which the qualifications of a candidate seeking public
2997 office who qualified pursuant to the provisions of Sections
2998 23-15-359, 23-15-213 and 23-15-361 * * * may be challenged * * *
2999 before the time of his or her election. After any such person has
3000 been elected to public office, the election may be challenged as
3001 otherwise provided by law. After any person assumes an elective
3002 office, his or her qualifications to hold that office may be
3003 contested as otherwise provided by law.



3004 **SECTION 74.** Section 23-15-977, Mississippi Code of 1972, is
3005 amended as follows:

3006 23-15-977. (1) Except as otherwise provided in this
3007 section, all candidates for judicial office as defined in Section
3008 23-15-975 of this subarticle shall file their intent to be a
3009 candidate with the proper officials and pay the proper assessment
3010 by not later than 5:00 p.m. on February 1 of the year in which the
3011 general election for the judicial office is held. If February 1
3012 occurs on a Saturday, Sunday or legal holiday, candidates shall
3013 file their intent to be a candidate and pay the proper assessment
3014 by 5:00 p.m. on the business day immediately following the
3015 Saturday, Sunday or legal holiday. Candidates shall pay to the
3016 proper officials the following amounts:

3017 (a) Candidates for Supreme Court justice and Court of
3018 Appeals judge, the sum of Two Hundred Dollars (\$200.00).

3019 (b) Candidates for circuit judge and chancellor, the
3020 sum of One Hundred Dollars (\$100.00).

3021 (c) Candidates for county judge and family court judge,
3022 the sum of Fifteen Dollars (\$15.00).

3023 Candidates for judicial office may not file their intent to
3024 be a candidate and pay the proper assessment before January 1 of
3025 the year in which the election for the judicial office is held.

3026 (2) Candidates for judicial offices listed in paragraphs (a)
3027 and (b) of subsection (1) of this section shall file their intent
3028 to be a candidate with, and pay the proper assessment made



3029 pursuant to subsection (1) of this section to, the State Board of
3030 Election Commissioners.

3031 (3) Candidates for judicial offices listed in paragraph (c)
3032 of subsection (1) of this section shall file their intent to be a
3033 candidate with, and pay the proper assessment made pursuant to
3034 subsection (1) of this section to, the circuit clerk of the proper
3035 county. The circuit clerk shall notify the county election
3036 commissioners of all persons who have filed their intent to be a
3037 candidate with, and paid the proper assessment to, such clerk.
3038 The notification shall occur within two (2) business days and
3039 shall contain all necessary information.

3040 (4) If only one (1) person files his or her intent to be a
3041 candidate for a judicial office and that person later dies,
3042 resigns or is otherwise disqualified from holding the judicial
3043 office after the deadline provided for in subsection (1) of this
3044 section but more than seventy (70) days before the date * * * that
3045 early voting begins for the general election, the Governor, upon
3046 notification of the death, resignation or disqualification of the
3047 person, shall issue a proclamation authorizing candidates to file
3048 their intent to be a candidate for that judicial office for a
3049 period of not less than seven (7) nor more than ten (10) days from
3050 the date of the proclamation.

3051 (5) If only one (1) person qualifies as a candidate for a
3052 judicial office and that person later dies, resigns or is
3053 otherwise disqualified from holding the judicial office within



3054 seventy (70) days before the date * * * that early voting begins
3055 for the general election, the judicial office shall be considered
3056 vacant for the new term and the vacancy shall be filled as
3057 provided in by law.

3058 **SECTION 75.** Section 23-15-1031, Mississippi Code of 1972, is
3059 amended as follows:

3060 23-15-1031. Except as provided by Section 23-15-1081, the
3061 first primary election for * * * members of Congress shall be held
3062 on the first Tuesday in June of the years in which * * * members
3063 of Congress are elected, and a second primary, if necessary, shall
3064 be held three (3) weeks thereafter. Each year in which a
3065 presidential election is held, the congressional primary shall be
3066 held as provided in Section 23-15-1081. The election shall be
3067 held in all districts of the state during the same period for
3068 early voting and on the same day. Candidates for United States
3069 Senator shall be nominated at the congressional primary next
3070 preceding the general election at which a senator is to be elected
3071 and in the same manner that * * * members of Congress are
3072 nominated. The chair and secretary of the state executive
3073 committee shall certify the vote for United States Senator to the
3074 Secretary of State in the same manner that county executive
3075 committees certify the returns of counties in general state and
3076 county primary elections.

3077 **SECTION 76.** Section 23-15-1081, Mississippi Code of 1972, is
3078 amended as follows:



3079 23-15-1081. A presidential preference primary may be held on
3080 the second Tuesday in March of each year in which a President of
3081 the United States is to be elected and during the early voting
3082 period established in this act. Each political party * * * that
3083 has cast for its candidates for President and Vice President in
3084 the previous presidential election more than twenty percent (20%)
3085 of the total vote cast for President and Vice President in the
3086 state, may conduct a presidential preference primary. No elector
3087 shall vote in the primary of more than one (1) political party in
3088 the same presidential preference primary.

3089 **SECTION 77.** Section 23-15-1083, Mississippi Code of 1972, is
3090 amended as follows:

3091 23-15-1083. Beginning in 1988, as an alternative to the
3092 congressional primary election date set forth in Section
3093 23-15-1031, when a political party elects to conduct a
3094 presidential preference primary, the first primary election
3095 for * * * members of Congress, and senators, if senators are to be
3096 elected, shall be held on the second Tuesday in March and during
3097 the early voting period established in this act, and the second
3098 primary, when one is necessary, shall be held three (3) weeks
3099 thereafter, and the election shall be held in all districts of the
3100 state on the same day.

3101 **SECTION 78.** Section 23-15-1085, Mississippi Code of 1972, is
3102 amended as follows:



3103 23-15-1085. The * * * chair of a party's state executive
3104 committee shall notify the Secretary of State if the party intends
3105 to hold a presidential preference primary. The Secretary of State
3106 shall be notified * * * before December 1 of the year preceding
3107 the year in which a presidential preference primary may be held
3108 pursuant to Section 23-15-1081. Upon * * * the notification, the
3109 Secretary of State shall issue a proclamation setting every
3110 party's congressional and senatorial primary elections, including
3111 the period for early voting, that are to be held in the year in
3112 which the presidential preference primary is to be held on the
3113 date provided for in Section 23-15-1083. Once the Secretary of
3114 State has issued a proclamation pursuant to this section, the
3115 dates of the congressional and senatorial primary elections shall
3116 not be changed.

3117 **SECTION 79.** Section 23-15-1091, Mississippi Code of 1972, is
3118 amended as follows:

3119 23-15-1091. When the Secretary of State places the name of a
3120 candidate on the ballot pursuant to Section 23-15-1093, he or she
3121 shall notify the candidate that his or her name will appear on the
3122 ballot of this state in the presidential preference primary
3123 election.

3124 The secretary shall also notify the candidate that he or she
3125 may withdraw his or her name from the ballot by filing with the
3126 Secretary of State an affidavit pursuant to Section 23-15-1095 no



3127 later than the sixtieth day before the period for early voting
3128 begins for that election.

3129 **SECTION 80.** Section 21-3-3, Mississippi Code of 1972, is
3130 amended as follows:

3131 21-3-3. The elective officers of all municipalities
3132 operating under a code charter shall be the mayor, the aldermen,
3133 municipal judge, the marshal or chief of police, the tax collector
3134 and the tax assessor. From and after July 1, 2017, the governing
3135 authorities of the municipality shall appoint a city or town clerk
3136 who shall likewise serve as an officer of the municipality.
3137 However, the governing authorities of the municipality shall have
3138 the power, by ordinance, to combine the office of clerk or marshal
3139 with the office of tax collector and/or tax assessor. * * * The
3140 governing authorities shall have the further power to provide
3141 that * * * any of * * * those officers, except those of mayor and
3142 aldermen, shall be appointive, in which case the marshal or chief
3143 of police, the tax collector, the tax assessor, and the city or
3144 town clerk, or such of * * * the officers as may be made
3145 appointive, shall be appointed by the governing authorities. Any
3146 action taken by the governing authorities to make any of * * * the
3147 offices appointive shall be by ordinance of * * * the
3148 municipality, and no such ordinance shall be adopted within ninety
3149 (90) days * * * before the period for early voting begins for any
3150 regular general election for the election of municipal officers.
3151 No such ordinance shall become effective during the term of office



3152 of any officer whose office shall be affected thereby. If any
3153 such office is made appointive, the person appointed thereto shall
3154 hold office at the pleasure of the governing authorities and may
3155 be discharged by * * * the governing authorities at any time,
3156 either with or without cause, and it shall be discretionary with
3157 the governing authorities whether or not to require * * * the
3158 person appointed thereto to reside within the corporate limits of
3159 the municipality in order to hold * * * the office.

3160 **SECTION 81.** Section 21-9-17, Mississippi Code of 1972, is
3161 amended as follows:

3162 21-9-17. Except as otherwise provided, all candidates for
3163 mayor and councilmen, or any of them, to be voted for * * * during
3164 the periods for holding any general or special municipal election,
3165 shall be nominated by party primary election, and no other name or
3166 names shall be placed on the official ballot at * * * the general
3167 or special election than those selected in the manner prescribed
3168 herein. Such primary election or elections, shall be held not
3169 less than ten (10), nor more than thirty (30) days, * * * before
3170 the general or special election, and * * * the primary election or
3171 elections shall be held and conducted in the manner as near as may
3172 be as is provided by law for state and county primary elections.

3173 **SECTION 82.** Section 37-5-9, Mississippi Code of 1972, is
3174 amended as follows:

3175 37-5-9. The name of any qualified elector who is a candidate
3176 for the county board of education shall be placed on the ballot



3177 used in the general elections by the county election
3178 commissioners, provided that the candidate files with the county
3179 election commissioners, not more than ninety (90) days and not
3180 less than sixty (60) days * * * before the date * * * early voting
3181 begins for the general election, a petition of nomination signed
3182 by not less than fifty (50) qualified electors of the county
3183 residing within each supervisors district. Where there are less
3184 than one hundred (100) qualified electors in * * * the supervisors
3185 district, it shall only be required that * * * the petition of
3186 nomination be signed by at least twenty percent (20%) of the
3187 qualified electors of such supervisors district. The candidate in
3188 each supervisors district who receives the majority of votes cast
3189 in the district shall be declared elected. If no candidate
3190 receives a majority of the votes cast at the election, a runoff
3191 shall be held between the two (2) candidates receiving the highest
3192 number of votes in the first election. The runoff election, in
3193 the event that such is necessary, shall be held three (3) weeks
3194 after the first election.

3195 When any member of the county board of education is to be
3196 elected from the county at large under the provisions of this
3197 chapter, then the petition required by the preceding paragraph
3198 hereof shall be signed by the required number of qualified
3199 electors residing in any part of the county outside of the
3200 territory embraced within a municipal separate school district or
3201 special municipal separate school district. The candidate who



3202 receives the majority of votes cast in the election shall be
3203 declared elected. If no candidate receives a majority of the
3204 votes cast at the election, a runoff shall be held between the two
3205 (2) candidates receiving the highest number of votes in the first
3206 election. The runoff election, in the event that such is
3207 necessary, shall be held three (3) weeks after the first election.

3208 In no case shall any qualified elector residing within a
3209 municipal separate school district or special municipal separate
3210 school district be eligible to sign a petition of nomination for
3211 any candidate for the county board of education under any of the
3212 provisions of this section.

3213 **SECTION 83.** Section 21-8-7, Mississippi Code of 1972, is
3214 amended as follows:

3215 21-8-7. (1) Each municipality operating under the
3216 mayor-council form of government shall be governed by an elected
3217 council and an elected mayor. Other officers and employees shall
3218 be duly appointed pursuant to this chapter, general law or
3219 ordinance.

3220 (2) Except as otherwise provided in subsection (4) of this
3221 section, the mayor and council members shall be elected by the
3222 voters of the municipality at a regular municipal election held on
3223 the first Tuesday after the first Monday in June as provided in
3224 Section 21-11-7, and shall serve for a term of four (4) years
3225 beginning on the first day of July next following the election
3226 that is not on a weekend. Votes for mayor and council members may



3227 also be cast during the period for early voting as provided in
3228 this act.

3229 (3) The terms of the initial mayor and council members shall
3230 commence at the expiration of the terms of office of the elected
3231 officials of the municipality serving at the time of adoption of
3232 the mayor-council form.

3233 (4) (a) The council shall consist of five (5), seven (7) or
3234 nine (9) members. In the event there are five (5) council
3235 members, the municipality shall be divided into either five (5) or
3236 four (4) wards. In the event there are seven (7) council members,
3237 the municipality shall be divided into either seven (7), six (6)
3238 or five (5) wards. In the event there are nine (9) council
3239 members, the municipality shall be divided into seven (7) or nine
3240 (9) wards. If the municipality is divided into fewer wards than
3241 it has council members, the other council member or members shall
3242 be elected from the municipality at large. The total number of
3243 council members and the number of council members elected from
3244 wards shall be established by the petition or petitions presented
3245 pursuant to Section 21-8-3. One (1) council member shall be
3246 elected from each ward by the voters of that ward. Council
3247 members elected to represent wards must be residents of their
3248 wards for two (2) years as provided in Section 23-15-300 at the
3249 time of qualification for election, and any council member who
3250 removes the member's residence from the municipality or from the
3251 ward from which elected shall vacate that office. However, any



3252 candidate for council member who is properly qualified as a
3253 candidate under applicable law shall be deemed to be qualified as
3254 a candidate in whatever ward the member resides if the ward has
3255 changed after the council has redistricted the municipality as
3256 provided in paragraph (c) (ii) of this subsection (4), and if the
3257 wards have been so changed, any person may qualify as a candidate
3258 for council member, by changing the person's residence, not less
3259 than fifteen (15) days before the period for early voting begins
3260 for the first party primary or special party primary, as the case
3261 may be, notwithstanding any other residency or qualification
3262 requirements to the contrary.

3263 (b) The council or board existing at the time of the
3264 adoption of the mayor-council form of government shall designate
3265 the geographical boundaries of the wards within one hundred twenty
3266 (120) days after the election in which the mayor-council form of
3267 government is selected. In designating the geographical
3268 boundaries of the wards, each ward shall contain, as nearly as
3269 possible, the population factor obtained by dividing the
3270 municipality's population as shown by the most recent decennial
3271 census by the number of wards into which the municipality is to be
3272 divided.

3273 (c) (i) It shall be the mandatory duty of the council
3274 to redistrict the municipality by ordinance, which ordinance may
3275 not be vetoed by the mayor, within six (6) months after the
3276 official publication by the United States of the population of the



3277 municipality as enumerated in each decennial census, and within
3278 six (6) months after the effective date of any expansion of
3279 municipal boundaries; however, if the publication of the most
3280 recent decennial census or effective date of an expansion of the
3281 municipal boundaries occurs six (6) months or more before the
3282 first party primary of a general municipal election, then the
3283 council shall redistrict the municipality by ordinance not less
3284 than sixty (60) days before the period for early voting begins for
3285 the first party primary.

3286 (ii) If the publication of the most recent
3287 decennial census occurs less than six (6) months before the first
3288 primary of a general municipal election, the election shall be
3289 held with regard to the existing defined wards; reapportioned
3290 wards based on the census shall not serve as the basis for
3291 representation until the next regularly scheduled election in
3292 which council members shall be elected.

3293 (d) If annexation of additional territory into the
3294 municipal corporate limits of the municipality occurs less than
3295 six (6) months before the first party primary of a general
3296 municipal election, the council shall, by ordinance adopted within
3297 three (3) days of the effective date of the annexation, assign the
3298 annexed territory to an adjacent ward or wards so as to maintain
3299 as nearly as possible substantial equality of population between
3300 wards; any subsequent redistricting of the municipality by
3301 ordinance as required by this chapter shall not serve as the basis



3302 for representation until the next regularly scheduled election for
3303 municipal council members.

3304 (5) Vacancies occurring in the council shall be filled as
3305 provided in Section 23-15-857.

3306 (6) The mayor shall maintain an office at the city hall.
3307 The council members shall not maintain individual offices at the
3308 city hall; however, in a municipality having a population of one
3309 hundred thousand (100,000) and above according to the latest
3310 federal decennial census, council members may have individual
3311 offices in the city hall. Clerical work of council members in the
3312 performance of the duties of their office shall be performed by
3313 municipal employees or at municipal expense, and council members
3314 shall be reimbursed for the reasonable expenses incurred in the
3315 performance of the duties of their office.

3316 **SECTION 84.** Section 9-4-5, Mississippi Code of 1972, is
3317 amended as follows:

3318 9-4-5. (1) The term of office of judges of the Court of
3319 Appeals shall be eight (8) years. An election shall be held on
3320 the first Tuesday after the first Monday in November 1994, to
3321 elect the ten (10) judges of the Court of Appeals, two (2) from
3322 each congressional district; provided, however, judges of the
3323 Court of Appeals who are elected to take office after the first
3324 Monday of January 2002, shall be elected from the Court of Appeals
3325 Districts described in subsection (5) of this section. The judges
3326 of the Court of Appeals shall begin service on the first Monday of



3327 January 1995. Votes for judges of the Court of Appeals may be
3328 cast, if applicable, during the period for early voting provided
3329 for in this act.

3330 (2) (a) In order to provide that the offices of not more
3331 than a majority of the judges of * * * the court shall become
3332 vacant at any one (1) time, the terms of office of six (6) of the
3333 judges first to be elected shall expire in less than eight (8)
3334 years. For the purpose of all elections of members of the court,
3335 each of the ten (10) judges of the Court of Appeals shall be
3336 considered a separate office. The two (2) offices in each of the
3337 five (5) districts shall be designated Position Number 1 and
3338 Position Number 2, and in qualifying for office as a candidate for
3339 any office of judge of the Court of Appeals each candidate shall
3340 state the position number of the office to which he or she aspires
3341 and the election ballots shall so indicate.

3342 (i) In Congressional District Number 1, the judge
3343 of the Court of Appeals for Position Number 1 shall be that office
3344 for which the term ends January 1, 1999, and the judge of the
3345 Court of Appeals for Position Number 2 shall be that office for
3346 which the term ends January 1, 2003.

3347 (ii) In Congressional District Number 2, the judge
3348 of the Court of Appeals for Position Number 1 shall be that office
3349 for which the term ends on January 1, 2003, and the judge of the
3350 Court of Appeals for Position Number 2 shall be that office for
3351 which the term ends January 1, 2001.



3352 (iii) In Congressional District Number 3, the
3353 judge of the Court of Appeals for Position Number 1 shall be that
3354 office for which the term ends on January 1, 2001, and the judge
3355 of the Court of Appeals for Position Number 2 shall be that office
3356 for which the term ends January 1, 1999.

3357 (iv) In Congressional District Number 4, the judge
3358 of the Court of Appeals for Position Number 1 shall be that office
3359 for which the term ends on January 1, 1999, and the judge of the
3360 Court of Appeals for Position Number 2 shall be that office for
3361 which the term ends January 1, 2003.

3362 (v) In Congressional District Number 5, the judge
3363 of the Court of Appeals for Position Number 1 shall be that office
3364 for which the term ends on January 1, 2003, and the judge of the
3365 Court of Appeals for Position Number 2 shall be that office for
3366 which the term ends January 1, 2001.

3367 (b) The laws regulating the general elections shall
3368 apply to and govern the elections of judges of the Court of
3369 Appeals except as otherwise provided in Sections 23-15-974 through
3370 23-15-985.

3371 (c) In the year * * * before the expiration of the term
3372 of an incumbent, and likewise each eighth year thereafter, an
3373 election shall be held in the manner provided in this section in
3374 the district from which the incumbent Court of Appeals judge was
3375 elected at which there shall be elected a successor to the
3376 incumbent, whose term of office shall thereafter begin on the



3377 first Monday of January of the year in which the term of the
3378 incumbent he or she succeeds expires.

3379 (3) No person shall be eligible for the office of judge of
3380 the Court of Appeals who has not attained the age of thirty (30)
3381 years at the time of his or her election and who has not been a
3382 practicing attorney and citizen of the state for five (5) years
3383 immediately * * * before the election.

3384 (4) Any vacancy on the Court of Appeals shall be filled by
3385 appointment of the Governor for that portion of the unexpired
3386 term * * * before the election to fill the remainder of * * * the
3387 term according to provisions of Section 23-15-849 * * *.

3388 (5) (a) The State of Mississippi is hereby divided into
3389 five (5) Court of Appeals Districts as follows:

3390 **FIRST DISTRICT.** The First Court of Appeals District shall be
3391 composed of the following counties and portions of counties:
3392 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3393 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3394 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3395 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3396 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3397 Nations and Poplar Creek; in Panola County the precincts of East
3398 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3399 Springport, South Springport, Eureka, Williamson, East Batesville
3400 4, West Batesville 4, Fern Hill, North Batesville A, East
3401 Batesville 5 and West Batesville 5; and in Tallahatchie County the



3402 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3403 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3404 Murphreesboro and Rosebloom.

3405 **SECOND DISTRICT.** The Second Court of Appeals District shall
3406 be composed of the following counties and portions of counties:
3407 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3408 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
3409 Tunica, Warren, Washington and Yazoo; in Attala County the
3410 precincts of Northeast, Hesterville, Possomneck, North Central,
3411 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3412 County not included in the First Court of Appeals District; in
3413 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,
3414 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,
3415 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,
3416 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the
3417 precincts of Conway, West Carthage, Wiggins, Thomastown and
3418 Ofahoma; in Madison County the precincts of Farmhaven, Canton
3419 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,
3420 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,
3421 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,
3422 Canton Precinct 1 and Canton Precinct 4; that portion of
3423 Montgomery County not included in the First Court of Appeals
3424 District; that portion of Panola County not included in the First
3425 Court of Appeals District; and that portion of Tallahatchie County
3426 not included in the First Court of Appeals District.



3427 **THIRD DISTRICT.** The Third Court of Appeals District shall be
3428 composed of the following counties and portions of counties:
3429 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,
3430 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that
3431 portion of Attala County not included in the Second Court of
3432 Appeals District; in Jones County the precincts of Northwest High
3433 School, Shady Grove, Sharon, Erata, Glade, Myrick School,
3434 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,
3435 Antioch and Landrum; that portion of Leake County not included in
3436 the Second Court of Appeals District; that portion of Madison
3437 County not included in the Second Court of Appeals District; and
3438 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,
3439 Diamond, Chaparral, Matherville, Coit and Eucutta.

3440 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall
3441 be composed of the following counties and portions of counties:
3442 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,
3443 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;
3444 that portion of Hinds County not included in the Second Court of
3445 Appeals District; and that portion of Jones county not included in
3446 the Third Court of Appeals District.

3447 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be
3448 composed of the following counties and portions of counties:
3449 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl
3450 River, Perry and Stone; and that portion of Wayne County not
3451 included in the Third Court of Appeals District.



3452 (b) The boundaries of the Court of Appeals Districts
3453 described in paragraph (a) of this subsection shall be the
3454 boundaries of the counties and precincts listed in paragraph (a)
3455 of this subsection as such boundaries existed on October 1, 1990.

3456 **SECTION 85.** This act shall take effect and be in force from
3457 and after July 1, 2023.

