

By: Representative Paden

To: Apportionment and  
Elections

## HOUSE BILL NO. 347

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

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



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

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

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

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

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

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

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

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

54       **SECTION 4.** (1) The early voting period shall begin six (6)  
55 days before the date of each primary, general, runoff, special and  
56 municipal election for public office and continue until 5:00 p.m.  
57 on Saturday preceding the election day. If the date prescribed



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

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

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



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

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

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

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

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



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

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

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

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



an absentee vote, the application and elector certificate shall be printed on the absentee ballot envelope as provided in Section 23-15-659.

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

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

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



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

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

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

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



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

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

23-15-627. (1) Any elector described in Section 23-15-713 may request an absentee ballot application and vote in person at the office of the registrar in the county in which he or she resides. The registrar shall be responsible for furnishing an absentee ballot application form to any elector authorized to receive an absentee ballot. Such form shall be printed on the absentee ballot envelope as provided in Section 23-15-659. Except as otherwise provided in Section 23-15-625, absentee ballot applications shall be furnished to a person only upon the oral or written request of the elector who seeks to vote by absentee ballot; however, the parent, child, spouse, sibling, legal guardian, those empowered with a power of attorney for that elector's affairs or agent of the elector, who is designated in writing and witnessed by a resident of this state who shall write his or her physical address on such designation, may orally request an absentee ballot application on behalf of the elector. The written designation shall be valid for one (1) year after the





date of the designation. An absentee ballot application must have the seal of the circuit or municipal clerk affixed to it and be initialed by the registrar or his or her deputy in order to be used to obtain an absentee ballot. A reproduction of an absentee ballot application shall not be valid unless it is a reproduction provided by the office of the registrar of the jurisdiction in which the election is being held and which contains the seal and initials required by this section.

(2) Such application shall be substantially in the following form for applications mailed to absentee electors:

"OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

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



231           ( ) I am a disabled war veteran who is a patient in any  
232 hospital and am a citizen of Mississippi or spouse or dependent of  
233 such veteran.

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

238           ( ) I am a citizen of Mississippi temporarily residing  
239 outside the territorial limits of the United States and the  
240 District of Columbia.

241       \* \* \*

242           ( ) I \* \* \* am a citizen of Mississippi temporarily residing  
243 outside of the county of my residence during the early voting  
244 period or on election day.

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

249           ( ) I have a temporary or permanent physical disability.

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

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



255 person during the time period provided by law for early voting and  
256 on election day.

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

259 ( ) I am required to be at work during the time period  
260 provided by law for early voting and on election day during the  
261 times when the polls will be open or I am required to be on-call  
262 during the time period provided by law for early voting and on  
263 election day during the times when the polls will be open.

264 ( ) I am incarcerated in prison or jail in the county where  
265 I am registered to vote and have not been convicted of a  
266 disenfranchising crime.

267 I hereby make application for an official ballot, or ballots,  
268 to be voted by me at the election to be held in \_\_\_\_\_, on \_\_\_\_\_.

269 Mail 'Absent Elector's Ballot' to me at the following address  
270 \_\_\_\_\_.

271 ( ) I wish to receive an absentee ballot for the runoff  
272 election \_\_\_\_\_.

273 Notify me of a problem with my 'Absent Elector's Ballot' at  
274 the following:

275 Phone number: \_\_\_\_\_

276 Email address: \_\_\_\_\_

277 Mailing address: \_\_\_\_\_

278 I realize that I can be fined up to Five Thousand Dollars  
279 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary



280 for making a false statement in this application and for selling  
281 my vote and violating the Mississippi Absentee Voter Law. (This  
282 sentence is to be in bold print.)

283 If you are temporarily or permanently disabled, you are not  
284 required to have this application notarized or signed by an  
285 official authorized to administer oaths for absentee balloting.  
286 You are required to sign this application in the proper place and  
287 have a person eighteen (18) years of age or older witness your  
288 signature and sign this application in the proper place.

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

291 IN WITNESS WHEREOF I have hereunto set my hand and seal this  
292 the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

293 \_\_\_\_\_  
294 (Signature of absent elector)

295 SWORN TO AND SUBSCRIBED before me this the \_\_\_\_ day of \_\_\_\_\_,  
296 2\_\_\_\_.

297 \_\_\_\_\_  
298 (Official authorized to administer oaths  
299 for absentee balloting.)

300 TO BE SIGNED BY WITNESS FOR VOTERS TEMPORARILY OR PERMANENTLY  
301 DISABLED:

302 I HEREBY CERTIFY that this application for an absent  
303 elector's ballot was signed by the above-named elector in my



304 presence and that I am at least eighteen (18) years of age, this  
305 the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_.

306 \_\_\_\_\_  
307 (Signature of witness)

308 CERTIFICATE OF DELIVERY

309 I hereby certify that \_\_\_\_\_ (print name of voter)  
310 has requested that I, \_\_\_\_\_ (print name of person  
311 delivering application), deliver to the voter this absentee ballot  
312 application.

313 \_\_\_\_\_  
314 (Signature of person delivering application)

315 \_\_\_\_\_  
316 (Address of person delivering application)"

317 (3) The application printed on the front of the absentee  
318 ballot envelope for absentee voters appearing before the registrar  
319 shall be substantially in the following form:

320 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

321 I, \_\_\_\_\_, duly qualified and registered in the \_\_\_\_ Precinct  
322 of the County of \_\_\_\_\_, and State of Mississippi, coming within  
323 the purview of the definition 'ABSENT ELECTOR' will be absent from  
324 the county of my residence on election day, or unable to vote in  
325 person because (check appropriate reason):

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



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

332           ( ) I am a member of the Merchant Marine or the American Red  
333 Cross and am a citizen of Mississippi or spouse or dependent of  
334 such member.

335           ( ) I am a disabled war veteran who is a patient in any  
336 hospital and am a citizen of Mississippi or spouse or dependent of  
337 such veteran.

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

342           ( ) I am a citizen of Mississippi temporarily residing  
343 outside the territorial limits of the United States and the  
344 District of Columbia.

345       \* \* \*

346           ( ) I \* \* \* am a citizen of Mississippi temporarily residing  
347 outside of the county of my residence during the early voting  
348 period or on election day.

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

353           ( ) I have a temporary or permanent physical disability.



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

355           ( ) I am the parent, spouse or dependent of a person with a  
356 temporary or permanent physical disability who is hospitalized  
357 outside his or her county of residence or more than fifty (50)  
358 miles away from his or her residence, and I will be with such  
359 person during the time period provided by law for early voting and  
360 on election day.

361           ( ) I am a member of the congressional delegation, or spouse  
362 or dependent of a member of the congressional delegation.

363           ( ) I am required to be at work during the time period  
364 provided by law for early voting and on election day during the  
365 times when the polls will be open or I am required to be on-call  
366 during the time period provided by law for early voting and on  
367 election day during the times when the polls will be open.

368           ( ) I am incarcerated in prison or jail in the county where  
369 I am registered to vote and have not been convicted of a  
370 disenfranchising crime.

371           I hereby make application for an official ballot, or ballots,  
372 to be voted by me at the election to be held in \_\_\_\_\_, on \_\_\_\_\_.

373           Notify me of a problem with my 'Absent Elector's Ballot' at  
374 the following:

375           Phone number: \_\_\_\_\_

376           Email address: \_\_\_\_\_

377           Mailing address: \_\_\_\_\_



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

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

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

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





(3) The registrar of each county shall keep an accurate list of the names and addresses of all persons whose applications for absentee ballot are accompanied by the statement set forth in subsection (1) of this section. Sixty (60) days before each election, the registrar shall deliver such list to the election commissioners who shall examine the list and delete from it the names of all persons listed who are no longer qualified electors of the county. Upon completion of such examination, the election commissioners shall return the list to the registrar by no later than forty-five (45) days before the election.

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

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

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

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

( \* \* \*b) After marking the ballot, fill out and sign the "ELECTOR'S CERTIFICATE" in the box on the back of the envelope



so that the signature is across the flap of the envelope to ensure the integrity of the ballot. All absent electors shall have the attesting witness sign the "ATTESTING WITNESS CERTIFICATE" in the box across the flap on the back of the envelope. A portion of the elector's signature extending outside of the box shall not be grounds for rejecting that elector's ballot. Place the necessary postage on the envelope and deposit it in the post office or some government receptacle provided for the deposit of mail so that the absent elector's ballot will be postmarked on or before the date of the election and received by the registrar no more than five (5) business days after the election. The ballot may only be transmitted by the United States Postal Service or other common carriers, including, but not limited to, United Parcel Service or FedEx Corporation.

Any notary public, United States postmaster, assistant United States postmaster, United States postal supervisor, clerk in charge of a contract postal station, or other officer having authority to administer an oath or take an acknowledgment may be an attesting witness; provided, however, that in the case of an absent elector who is temporarily or permanently physically disabled, the attesting witness may be any person eighteen (18) years of age or older and such person is not required to have the authority to administer an oath. If a postmaster, assistant postmaster, postal supervisor, or clerk in charge of a contract postal station acts as an attesting witness, his or her signature



in a box on the elector's certificate must be authenticated by the  
cancellation stamp of their respective post offices. If an  
officer having authority to administer an oath or take an  
acknowledgment acts as attesting witness, his or her signature in  
a box on the elector's certificate, together with his or her title  
and address, but no seal, shall be required. A portion of the  
elector's signature extending outside of the box shall not be  
grounds for rejecting that elector's ballot. \* \* \*

( \* \* \* c) When the application accompanies the ballot  
it shall not be returned in the same envelope as the ballot but  
shall be returned in a separate pre-addressed envelope provided by  
the registrar. However, if time permits, the registrar shall  
first send and receive a returned application from the absent  
elector before mailing the absentee ballot.

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

( \* \* \* e) Any voter casting an absentee ballot who  
declares that he or she requires assistance to vote by reason of  
blindness, temporary or permanent physical disability or inability  
to read or write, shall be entitled to receive assistance in the  
marking of his or her absentee ballot and in completing the



478 affidavit on the absentee ballot envelope. The voter may be given  
479 assistance by anyone of the voter's choice other than a candidate  
480 whose name appears on the absentee ballot being marked, the  
481 spouse, parent or child of a candidate whose name appears on the  
482 absentee ballot being marked or the voter's employer, an agent of  
483 that employer or a union representative; however, a candidate  
484 whose name is on the ballot or the spouse, parent or child of such  
485 candidate may provide assistance upon request to any voter who is  
486 related within the first degree. In order to ensure the integrity  
487 of the ballot, any person who provides assistance to an absentee  
488 voter shall be required to sign and complete the "Certificate of  
489 Person Providing Voter Assistance" on the absentee ballot  
490 envelope.

491 (2) The foregoing instructions required to be provided by  
492 the registrar to the elector shall also constitute the substantive  
493 law pertaining to the handling of absentee ballots by the elector  
494 and registrar.

495 \* \* \*

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

498 23-15-635. (1) The form of the elector's certificate,  
499 attesting witness certification and certificate of the person  
500 providing voter assistance on the back of the envelope used by  
501 absentee voters who receive their ballot by mail and who are not



502 absent voters as defined in Section 23-15-673, shall be as  
503 follows:

504 "ELECTOR'S CERTIFICATE

505 STATE OF \_\_\_\_\_

506 COUNTY OF \_\_\_\_\_

507 I, \_\_\_\_\_, under penalty of perjury do solemnly swear  
508 that this envelope contains the ballot marked by me indicating my  
509 choice of the candidates or propositions to be submitted at the  
510 election to be held on the \_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, and I  
511 hereby authorize the registrar to place this envelope in the  
512 ballot box on my behalf, and I further authorize the resolution  
513 board to open this envelope and place my ballot among the other  
514 ballots cast before such ballots are counted, and record my name  
515 on the poll list as if I were present in person and voted.

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

522 \_\_\_\_\_  
523 (Signature of voter)

524 CERTIFICATE OF ATTESTING WITNESS

525 Under penalty of perjury I affirm that the above named voter  
526 personally appeared before me, on this the \_\_\_\_ day of \_\_\_\_\_,



527 2\_\_\_\_, and is known by me to be the person named, and who, after  
528 being duly sworn or having affirmed, subscribed the foregoing oath  
529 or affirmation. That the voter exhibited to me his or her blank  
530 ballot; that the ballot was not marked or voted before the voter  
531 exhibited the ballot to me; that the voter was not solicited or  
532 advised by me to vote for any candidate, question or issue, and  
533 that the voter, after marking his or her ballot, placed it in the  
534 envelope, closed and sealed the envelope in my presence, and  
535 signed and swore or affirmed the above certificate.

536 _____	_____
537 (Attesting witness)	(Address)
538 _____	_____
539 (Official title)	(City and State)

540 CERTIFICATE OF PERSON PROVIDING VOTER ASSISTANCE

541 ( \* \* \* If the voter has received assistance in marking \* \* \*  
542 his or her absentee ballot, the person who provided assistance  
543 shall complete the following form.) I, under penalty of perjury,  
544 hereby certify that the above-named voter declared to me that he  
545 or she is blind, temporarily or permanently physically disabled,  
546 or cannot read or write, and that the voter requested that I  
547 assist the voter in marking the enclosed absentee ballot. I  
548 hereby certify that the ballot preferences on the enclosed ballot  
549 are those communicated by the voter to me, and that I have marked  
550 the enclosed ballot in accordance with the voter's instructions.



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

\_\_\_\_\_  
Signature of person providing assistance

\_\_\_\_\_  
Printed name of person providing assistance

\_\_\_\_\_  
Address of person providing assistance

\_\_\_\_\_  
Date and time assistance provided

\_\_\_\_\_  
Family relationship to voter (if any)"

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

A portion of the elector's signature extending outside of the box shall not be grounds for rejecting that elector's ballot.

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



575           23-15-637.   (1)   (a)   Absentee ballots and applications  
576   received by mail, except for fax or electronically transmitted  
577   ballots as otherwise provided by Section 23-15-699 for UOCAVA  
578   ballots, or common carrier, such as United Parcel Service or FedEx  
579   Corporation, must be postmarked on or before the date of the  
580   election and received by the registrar no more than five (5)  
581   business days after the election; any received after such time  
582   shall be handled as provided in Section 23-15-647 and shall not be  
583   counted.

584                   (b)   \* \* \* At the close of business each day at the  
585   office of the registrar, the ballot box used for mailed-in  
586   absentee ballots shall be sealed and not unsealed until the  
587   beginning of the next business day, and the seal number shall be  
588   recorded with the number of ballots cast which shall be stored in  
589   a secure location in the registrar's office.

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

595           (3)   The Secretary of State shall promulgate rules and  
596   regulations necessary to ensure that when a qualified elector who  
597   is qualified to vote absentee votes by absentee ballot \* \* \* by  
598   mail \* \* \* that person's absentee vote is final and he or she may  
599   not vote at the polling place on election day. Notwithstanding





600 any other provisions of law to the contrary, the Secretary of  
601 State shall promulgate rules and regulations necessary to ensure  
602 that absentee ballots received by mail shall remain in the  
603 registrar's office for counting and not be taken to the precincts  
604 on election day.

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

607       23-15-639. (1) The examination and counting of all absentee  
608 ballots shall be conducted as follows:

609               (a) At the opening of the regular balloting and at the  
610 opening of the polls, the resolution board established under  
611 Section 23-15-523 and trained in the process of canvassing  
612 absentee ballots shall first take the envelopes containing the  
613 absentee ballots of such electors from the secure location at the  
614 registrar's office, and the name, address and precinct inscribed  
615 on each envelope shall be announced by the resolution board.

616               (b) (i) For absentee ballots that were received by  
617 mail, the signature on the application shall then be compared with  
618 the signature in the box on the back of the envelope. A portion  
619 of the elector's signature extending outside of the box shall not  
620 be grounds for rejecting that elector's ballot. If it corresponds  
621 and the affidavit, if one is required, is sufficient and the  
622 resolution board finds that the applicant is a registered and  
623 qualified voter or otherwise qualified to vote, the envelope shall  
624 then be opened and the ballot removed from the envelope,



625 without \* \* \* unfolding the ballot, or \* \* \* permitting the ballot  
626 to be unfolded or examined.

627 (ii) For absentee ballots that were cast in person  
628 in the registrar's office, the resolution board shall confirm that  
629 the voter completed the application on the front of the envelope  
630 and signed the elector's certificate in the box on the back of the  
631 envelope. If it is signed and the resolution board finds that the  
632 applicant is a registered and qualified voter or otherwise  
633 qualified to vote, the envelope shall be opened and the absentee  
634 ballot removed from the envelope, without its being unfolded, or  
635 permitted to be unfolded or examined.

636 (c) Having observed and found the ballot to be regular  
637 as far as can be observed from its official endorsement, the  
638 resolution board shall deposit it in the ballot box with the other  
639 ballots before counting any ballots and enter the voter's name in  
640 the receipt book provided for that purpose. All absentee ballots  
641 received prior to 7:00 p.m. the day before the election shall be  
642 counted in the registrar's office by the resolution board when the  
643 polls close and then added to the votes cast in each precinct.  
644 All absentee ballots received after 7:00 p.m. the day before the  
645 election but not later than the fifth business day after the  
646 election shall be processed by the resolution board.

647 (2) \* \* \* The resolution board shall process the absentee  
648 ballots using the procedure provided in subsection (1) of this  
649 section.



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

652           23-15-641. (1) For all absentee votes received by mail,  
653 if \* \* \* a required affidavit or the \* \* \* certificate of the  
654 officer before whom the affidavit is taken is \* \* \* insufficient,  
655 \* \* \* the signatures do not correspond, \* \* \* the applicant is  
656 not a duly qualified elector in the precinct \* \* \* or otherwise  
657 qualified to vote, or that the ballot envelope is open or has been  
658 opened and resealed, the previously cast vote by absentee ballot  
659 shall not be allowed. Without opening the voter's envelope the  
660 resolution board shall mark across its face "REJECTED", with the  
661 reason therefor.

662           (2) For all absentee votes received by mail, if the ballot  
663 envelope contains more than one (1) ballot of any kind, the ballot  
664 shall not be counted but shall be marked "REJECTED", with the  
665 reason therefor, and the registrar shall promptly notify the voter  
666 of such rejection. The voter's envelopes and affidavits \* \* \*,  
667 when such vote is rejected, without disturbing the contents of the  
668 envelope, shall be retained and preserved in the same manner as  
669 other ballots at the election. Such votes may be challenged in  
670 the same manner and for the same reasons that any other vote cast  
671 in such election may be challenged.

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



674 to the officials in charge of conducting the election at the  
675 central tabulation point of the county.

676 ( \* \* \*4) All electors voting absentee shall be provided  
677 with written information to inform the person how to ascertain  
678 whether his or her ballot was counted and, if rejected, the reason  
679 therefor.

680 ( \* \* \*5) A signature mismatch shall not be grounds for  
681 rejecting an absentee ballot that was cast in the registrar's  
682 office. A portion of the elector's signature extending outside of  
683 the box shall not be grounds for rejecting that elector's ballot.

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

686 23-15-647. The registrar shall keep safely and unopened all  
687 official absentee ballots which are received by mail after the  
688 applicable cutoff period \* \* \*. Upon receipt of such ballot, the  
689 registrar shall write the day and hour of the receipt of the  
690 ballot on its envelope. All such absentee ballots \* \* \* received  
691 by the registrar after the cutoff time shall be safely kept  
692 unopened by the registrar for the period of time required for the  
693 preservation of ballots used in the election, and shall then,  
694 without being opened, be destroyed in like manner as the used  
695 ballots of the election.

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



698           23-15-649. For all elections, the election officials shall  
699 prepare and print, as soon as the deadline for the qualification  
700 of candidates has passed or forty-five (45) days before the  
701 election, whichever is later, official ballots for each voting  
702 precinct to be known as absentee voter ballots \* \* \*. These  
703 absentee ballots shall be prepared and printed in the same form  
704 and shall be of the same size and texture as the regular official  
705 ballot except that they shall be printed on tinted paper of a tint  
706 different from that of the regular official ballot or with a  
707 header of different tint.

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

710           23-15-657. The registrar is authorized to accept requests  
711 for absentee ballots by telephone. \* \* \* The registrar shall  
712 ascertain the name and complete address of the person making the  
713 telephone request and the person for whom the request is being  
714 made if different than the requestor and shall print upon the  
715 absentee ballot application the name and complete address of the  
716 requestor \* \* \*, the relation of \* \* \* that person to the voter if  
717 requested by a person other than the voter, the name and complete  
718 address of the voter if requested by a person other than the voter  
719 and the date \* \* \* the request was made. \* \* \* These requests  
720 shall be processed through the Statewide Election Management  
721 System.



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

724           23-15-713. For the purpose of this subarticle, any duly  
725 qualified elector may vote by an absentee ballot to be received  
726 and returned via mail by the elector to the registrar of the  
727 elector's county of residence as provided in this subarticle if  
728 the elector falls within at least one (1) of the following  
729 categories:

730       \* \* \*

731           ( \* \* \*a) Any qualified elector who is required to be  
732 away from his or her place of residence on any election day due to  
733 his or her employment as an employee of a member of the  
734 Mississippi congressional delegation and the spouse and dependents  
735 of such person if he or she \* \* \* resides with such absentee voter  
736 away from the county of the spouse's voting residence.

737       \* \* \*

738           ( \* \* \*b) Any person who has a temporary or permanent  
739 physical disability and who, because of such disability, is unable  
740 to vote in person without substantial hardship to himself, herself  
741 or others, or whose attendance at the voting place could  
742 reasonably cause danger to himself, herself or others.

743           ( \* \* \*c) The parent, spouse or dependent of a person  
744 with a temporary or permanent physical disability who is  
745 hospitalized outside of his or her county of residence or more  
746 than fifty (50) miles distant from his or her residence, if the



parent, spouse or dependent will be with such person during the early voting period or on election day.

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

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

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

( \* \* \*g) Any qualified elector who is incarcerated in prison or jail in the county where he or she is registered to vote and has not been convicted of a disenfranchising crime.

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

23-15-715. Any elector described in Section 23-15-713 and desiring an absentee ballot as provided in this subarticle may secure same if \* \* \* within forty-five (45) days before any election day but not later than seven (7) days before the election day, the elector applies for an absentee ballot as provided in the provisions of this act. \* \* \* All applications, other than those of persons having a temporary or permanent physical disability, shall \* \* \* be sworn to and subscribed before an official who is authorized to administer oaths or other official authorized to



witness absentee balloting as provided in this article. The application must be accompanied by a verifying affidavit as required by this article. The applications of persons having a temporary or permanent physical disability are not required to be accompanied by an affidavit but shall be witnessed and signed by a person eighteen (18) years of age or older. \* \* \* Except when the voter has requested a runoff ballot on the initial absentee ballot application, upon request for a runoff ballot pursuant to Section 23-15-719, the registrar shall mail together the absentee ballot application and the absentee ballot to the absent voter for the runoff election.

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

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

(2) When an absentee voter appears before the registrar to vote, the registrar shall identify the applicant by requiring him





or her to present identification as required by Section 23-15-563, and shall then deliver the ballot to the applicant in the registrar's office. After the applicant has properly marked the ballot and properly folded it, he or she shall deposit it in the envelope furnished to him or her by the registrar.

After the absentee voter has sealed the envelope, he or she shall ensure the absentee application on the front of the envelope is complete and shall subscribe and swear to an affidavit. \* \* \*

\* \* \*

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

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

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

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

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



the municipal registrar, municipal election commission or municipal executive committee with reference to any municipal election or early voting.

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

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

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

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



846 scheduled primary or general election, for the purpose of  
847 registering voters.

848       (4) A person who is physically disabled and unable to visit  
849 the office of the registrar to register to vote due to such  
850 disability may contact the registrar and request that the  
851 registrar or the registrar's deputy visit him or her for the  
852 purpose of registering such person to vote. The registrar or the  
853 registrar's deputy shall visit that person as soon as possible  
854 after such request and provide the person with an application for  
855 registration, if necessary. The completed application for  
856 registration shall be executed in the presence of the registrar or  
857 the registrar's deputy.

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

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

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



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

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

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

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

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

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



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

899 (b) Upon receipt of a mail-in application, the county  
900 registrar shall stamp the application with the date of receipt,  
901 and shall verify the application either by matching the  
902 applicant's Mississippi driver's license number through the  
903 Mississippi Department of Public Safety or by matching the  
904 applicant's social security number through the American  
905 Association of Motor Vehicle Administrators. Within fourteen (14)  
906 days of receipt of a mail-in registration application, the county  
907 registrar shall complete action on the application, including any  
908 attempts to notify the applicant of the status of his or her  
909 application.

910 (c) If the county registrar determines that the  
911 applicant is qualified and his or her application is legible and  
912 complete, the county registrar shall mail the applicant written  
913 notification that the application has been approved, specifying  
914 the county voting precinct, municipal voting precinct, if any,  
915 polling place and supervisor district in which the person shall  
916 vote. This written notification of approval containing the  
917 specified information shall be the voter's registration card. The  
918 registration card shall be provided by the county registrar to the  
919 applicant in accordance with Section 23-15-39. Upon entry of the



920 voter registration information into the Statewide Elections  
921 Management System, the system shall assign a voter registration  
922 number to the applicant. The assigned voter registration number  
923 shall be clearly shown on the written notification of approval.  
924 In mailing the written notification, the county registrar shall  
925 note the following on the envelope: "DO NOT FORWARD". If any  
926 registration notification form is returned as undeliverable, the  
927 voter's registration shall be void.

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

930 (i) An incomplete portion of the application makes  
931 it impossible for the registrar to determine the eligibility of  
932 the applicant to register;

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

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

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

942 (v) The county registrar determines that the  
943 applicant is already registered as a qualified elector of the  
944 county;



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

947                   (e) If the mail-in application of a person is subject  
948 to rejection for any of the reasons set forth in paragraph (d)(i)  
949 through (iii) of this subsection, and it appears to the county  
950 registrar that the defect or omission is of such a minor nature  
951 and that any necessary additional information may be supplied by  
952 the applicant over the telephone or by further correspondence, the  
953 county registrar may write or call the applicant at the telephone  
954 number or address, or both, provided on the application. If the  
955 county registrar is able to contact the applicant by mail or  
956 telephone, the county registrar shall attempt to ascertain the  
957 necessary information, and if this information is sufficient for  
958 the registrar to complete the application, the applicant shall be  
959 registered. If the necessary information cannot be obtained by  
960 mail or telephone, or is not sufficient to complete the  
961 application within fourteen (14) days of receipt, the county  
962 registrar shall give the applicant written notice of the rejection  
963 and provide the reason for the rejection. The county registrar  
964 shall further inform the applicant that he or she has a right to  
965 attempt to register by appearing in person or by filing another  
966 mail-in application.

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



970 from the residence address for the applicant found in the  
971 Statewide Elections Management System, the mail-in application  
972 shall be deemed a written request to update the voter's  
973 registration pursuant to Section 23-15-13. The county registrar  
974 or the election commissioners shall update the voter's residence  
975 address in the Statewide Elections Management System and, if  
976 necessary, advise the voter of a change in the location of his or  
977 her county or municipal polling place by mailing the voter a new  
978 voter registration card.

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

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

987 (b) The Secretary of State shall distribute without  
988 charge sufficient forms for application for voter registration by  
989 mail to the Commissioner of Public Safety, who shall distribute  
990 the forms to each driver's license examining and renewal station  
991 in the state, and shall ensure that the forms are regularly  
992 available to the public at such stations.

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





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

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

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

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

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

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

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



1020 preceding any general election or in a sufficient amount of time  
1021 to hear appeals before the period for early voting begins, and  
1022 shall remain in session from day to day, so long as business may  
1023 require. Three (3) election commissioners shall constitute a  
1024 quorum to do business; but the concurrence of at least three (3)  
1025 election commissioners shall be necessary in all cases for the  
1026 rendition of a decision. The election commissioners shall hear  
1027 and determine all appeals from the decisions of the registrar of  
1028 their county, allowing or refusing the applications of electors to  
1029 be registered; and they shall correct illegal or improper  
1030 registrations, and shall secure the elective franchise, as  
1031 affected by registration, to those who may be illegally or  
1032 improperly denied the same.

1033       **SECTION 28.** Section 23-15-127, Mississippi Code of 1972, is  
1034 amended as follows:

1035       23-15-127. (1) It shall be the duty of the registrar of the  
1036 county or municipality to prepare and furnish to the appropriate  
1037 election commissioner pollbooks for each voting precinct in which  
1038 the election is to be conducted, or to the appropriate registrar  
1039 pollbooks for each registrar's office in which early voting is to  
1040 be conducted, in which shall be entered the name, residence, date  
1041 of birth and date of registration of each person duly registered  
1042 in \* \* \* that voting precinct as now provided by law, and which  
1043 pollbooks shall be known as "primary election pollbooks" and shall  
1044 be used only in holding primary elections.



1045           (2) The election commissioners of the county or municipality  
1046 shall revise the primary pollbooks at the time and in the manner  
1047 and in accordance with the laws now fixed and in force for  
1048 revising pollbooks now provided for under the law, except they  
1049 shall not remove from the pollbook any person who is qualified to  
1050 participate in primary elections \* \* \*. However, upon the written  
1051 request of the municipal election commission, the county election  
1052 commissioners \* \* \* shall revise the primary pollbooks of the  
1053 municipality as provided in this subsection.

1054           (3) All laws applicable to the revision of pollbooks now in  
1055 use shall be applicable to the revision of pollbooks for primary  
1056 elections, and all rights of voters to be heard and to appeal to  
1057 the executive committee of his or her party from the action of the  
1058 election commissioners now provided by law shall be available to  
1059 the voter in the revisions of the pollbooks for primary elections  
1060 provided for in this section.

1061           **SECTION 29.** Section 23-15-153, Mississippi Code of 1972, is  
1062 amended as follows:

1063           23-15-153. (1) At least during the following times, the  
1064 election commissioners shall meet at the office of the registrar  
1065 or the office of the election commissioners to carefully revise  
1066 the county voter roll as electronically maintained by the  
1067 Statewide Elections Management System and remove from the roll the  
1068 names of all voters who have requested to be purged from the voter  
1069 roll, died, received an adjudication of non compos mentis, been



1070 convicted of a disenfranchising crime, failed to comply with the  
1071 provisions of Section 23-15-152, or otherwise become disqualified  
1072 as electors for any cause, and shall register the names of all  
1073 persons who have duly applied to be registered but have been  
1074 illegally denied registration:

1075 (a) On the Tuesday after the second Monday in January  
1076 1987 and every following year;

1077 (b) On the first Tuesday in the month immediately \* \* \*  
1078 before the early voting period begins for the first primary  
1079 election for members of Congress in the years when members of  
1080 Congress are elected;

1081 (c) On the first Monday in the month immediately \* \* \*  
1082 before the early voting period begins for the first primary  
1083 election for state, state district legislative, county and county  
1084 district offices in the years in which those offices are elected;  
1085 and

1086 (d) On the second Monday of September \* \* \* before the  
1087 early voting period begins for the general election or regular  
1088 special election day in years in which a general election is not  
1089 conducted.

1090 Except for the names of those voters who are duly qualified  
1091 to vote in the election, no name shall be permitted to remain in  
1092 the Statewide Elections Management System; however, no name shall  
1093 be purged from the Statewide Elections Management System based on  
1094 a change in the residence of an elector except in accordance with



1095 procedures provided for by the National Voter Registration Act of  
1096 1993 and as provided in Section 23-15-152. Except as otherwise  
1097 provided by Section 23-15-573, no person shall vote at any  
1098 election whose name is not in the county voter roll electronically  
1099 maintained by the Statewide Elections Management System.

1100 (2) Except as provided in this section, and subject to the  
1101 following annual limitations, the election commissioners shall be  
1102 entitled to receive a per diem in the amount of One Hundred Ten  
1103 Dollars (\$110.00), to be paid from the county general fund, for  
1104 every day or period of no less than five (5) hours accumulated  
1105 over two (2) or more days actually employed in the performance of  
1106 their duties in the conduct of an election or actually employed in  
1107 the performance of their duties for the necessary time spent in  
1108 the revision of the county voter roll as electronically maintained  
1109 by the Statewide Elections Management System as required in  
1110 subsection (1) of this section:

1111 (a) In counties having less than fifteen thousand  
1112 (15,000) residents according to the latest federal decennial  
1113 census, not more than fifty (50) days per year, with no more than  
1114 fifteen (15) additional days allowed for the conduct of each  
1115 election in excess of one (1) occurring in any calendar year;

1116 (b) In counties having fifteen thousand (15,000)  
1117 residents according to the latest federal decennial census but  
1118 less than thirty thousand (30,000) residents according to the  
1119 latest federal decennial census, not more than seventy-five (75)



1120 days per year, with no more than twenty-five (25) additional days  
1121 allowed for the conduct of each election in excess of one (1)  
1122 occurring in any calendar year;

1123 (c) In counties having thirty thousand (30,000)  
1124 residents according to the latest federal decennial census but  
1125 less than seventy thousand (70,000) residents according to the  
1126 latest federal decennial census, not more than one hundred (100)  
1127 days per year, with no more than thirty-five (35) additional days  
1128 allowed for the conduct of each election in excess of one (1)  
1129 occurring in any calendar year;

1130 (d) In counties having seventy thousand (70,000)  
1131 residents according to the latest federal decennial census but  
1132 less than ninety thousand (90,000) residents according to the  
1133 latest federal decennial census, not more than one hundred  
1134 twenty-five (125) days per year, with no more than forty-five (45)  
1135 additional days allowed for the conduct of each election in excess  
1136 of one (1) occurring in any calendar year;

1137 (e) In counties having ninety thousand (90,000)  
1138 residents according to the latest federal decennial census but  
1139 less than one hundred seventy thousand (170,000) residents  
1140 according to the latest federal decennial census, not more than  
1141 one hundred fifty (150) days per year, with no more than  
1142 fifty-five (55) additional days allowed for the conduct of each  
1143 election in excess of one (1) occurring in any calendar year;



1144           (f) In counties having one hundred seventy thousand  
1145   (170,000) residents according to the latest federal decennial  
1146   census but less than two hundred thousand (200,000) residents  
1147   according to the latest federal decennial census, not more than  
1148   one hundred seventy-five (175) days per year, with no more than  
1149   sixty-five (65) additional days allowed for the conduct of each  
1150   election in excess of one (1) occurring in any calendar year;

1151           (g) In counties having two hundred thousand (200,000)  
1152   residents according to the latest federal decennial census but  
1153   less than two hundred twenty-five thousand (225,000) residents  
1154   according to the latest federal decennial census, not more than  
1155   one hundred ninety (190) days per year, with no more than  
1156   seventy-five (75) additional days allowed for the conduct of each  
1157   election in excess of one (1) occurring in any calendar year;

1158           (h) In counties having two hundred twenty-five thousand  
1159   (225,000) residents according to the latest federal decennial  
1160   census but less than two hundred fifty thousand (250,000)  
1161   residents according to the latest federal decennial census, not  
1162   more than two hundred fifteen (215) days per year, with no more  
1163   than eighty-five (85) additional days allowed for the conduct of  
1164   each election in excess of one (1) occurring in any calendar year;

1165           (i) In counties having two hundred fifty thousand  
1166   (250,000) residents according to the latest federal decennial  
1167   census but less than two hundred seventy-five thousand (275,000)  
1168   residents according to the latest federal decennial census, not



1169 more than two hundred thirty (230) days per year, with no more  
1170 than ninety-five (95) additional days allowed for the conduct of  
1171 each election in excess of one (1) occurring in any calendar year;

1172 (j) In counties having two hundred seventy-five  
1173 thousand (275,000) residents according to the latest federal  
1174 decennial census or more, not more than two hundred forty (240)  
1175 days per year, with no more than one hundred five (105) additional  
1176 days allowed for the conduct of each election in excess of one (1)  
1177 occurring in any calendar year.

1178 (3) In addition to the number of days authorized in  
1179 subsection (2) of this section, the board of supervisors of a  
1180 county may authorize, in its discretion, the election  
1181 commissioners to receive a per diem in the amount provided for in  
1182 subsection (2) of this section, to be paid from the county general  
1183 fund, for every day or period of no less than five (5) hours  
1184 accumulated over two (2) or more days actually employed in the  
1185 performance of their duties in the conduct of an election or  
1186 actually employed in the performance of their duties for the  
1187 necessary time spent in the revision of the county voter roll as  
1188 electronically maintained by the Statewide Elections Management  
1189 System as required in subsection (1) of this section, not to  
1190 exceed five (5) days.

1191 (4) (a) The election commissioners shall be entitled to  
1192 receive a per diem in the amount of One Hundred Ten Dollars  
1193 (\$110.00), to be paid from the county general fund, not to exceed





1194 ten (10) days for every day or period of no less than five (5)  
1195 hours accumulated over two (2) or more days actually employed in  
1196 the performance of their duties for the necessary time spent in  
1197 the revision of the county voter roll as electronically maintained  
1198 by the Statewide Elections Management System before any special  
1199 election. For purposes of this paragraph, the regular special  
1200 election day shall not be considered a special election. The  
1201 annual limitations set forth in subsection (2) of this section  
1202 shall not apply to this paragraph.

1203 (b) The election commissioners shall be entitled to  
1204 receive a per diem in the amount of One Hundred Sixty-five Dollars  
1205 (\$165.00), to be paid from the county general fund, for the  
1206 performance of their duties on the day of any primary, runoff,  
1207 general or special election. The annual limitations set forth in  
1208 subsection (2) of this section shall apply to this paragraph.

1209 (5) The election commissioners shall be entitled to receive  
1210 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to  
1211 be paid from the county general fund, not to exceed fourteen (14)  
1212 days for every day or period of no less than five (5) hours  
1213 accumulated over two (2) or more days actually employed in the  
1214 performance of their duties for the necessary time spent in the  
1215 revision of the county voter roll as electronically maintained by  
1216 the Statewide Elections Management System and in the conduct of a  
1217 runoff election following either a general or special election.



1218           (6) The election commissioners shall be entitled to receive  
1219 only one (1) per diem payment for those days when the election  
1220 commissioners discharge more than one (1) duty or responsibility  
1221 on the same day.

1222           (7) The election commissioners shall be entitled to receive  
1223 a per diem in the amount of One Hundred Ten Dollars (\$110.00), to  
1224 be paid from the county general fund, not to exceed five (5) days  
1225 for every day or period of no less than five (5) hours accumulated  
1226 over two (2) or more days for those days when the election  
1227 commissioners shall be required to conduct an audit of an election  
1228 as provided in Section 23-15-615.

1229           (8) In preparation for a municipal primary, runoff, general  
1230 or special election, the county registrar shall generate and  
1231 distribute the master voter roll and pollbooks from the Statewide  
1232 Elections Management System for the municipality located within  
1233 the county. The municipality shall pay the county registrar for  
1234 the actual cost of preparing and printing the municipal master  
1235 voter roll pollbooks. A municipality may secure "read only"  
1236 access to the Statewide Elections Management System and print its  
1237 own pollbooks using this information.

1238           (9) County election commissioners who perform the duties of  
1239 an executive committee with regard to the conduct of a primary  
1240 election under a written agreement authorized by law to be entered  
1241 into with an executive committee shall receive per diem as  
1242 provided for in subsection (2) of this section. The days that



1243 county election commissioners are employed in the conduct of a  
1244 primary election shall be treated the same as days county election  
1245 commissioners are employed in the conduct of other elections.

1246 (10) In addition to any per diem authorized by this section,  
1247 any election commissioner shall be entitled to the mileage  
1248 reimbursement rate allowable to federal employees for the use of a  
1249 privately owned vehicle while on official travel on election day.

1250 (11) Every election commissioner shall sign personally a  
1251 certification setting forth the number of hours actually worked in  
1252 the performance of the commissioner's official duties and for  
1253 which the commissioner seeks compensation. The certification must  
1254 be on a form as prescribed in this subsection. The commissioner's  
1255 signature is, as a matter of law, made under the commissioner's  
1256 oath of office and under penalties of perjury.

1257 The certification form shall be as follows:

1258 **COUNTY ELECTION COMMISSIONER**

1259 **PER DIEM CLAIM FORM**

1260 NAME: \_\_\_\_\_ COUNTY: \_\_\_\_\_

1261 ADDRESS: \_\_\_\_\_ DISTRICT: \_\_\_\_\_

1262 CITY: \_\_\_\_\_ ZIP: \_\_\_\_\_

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

1266 \_\_\_\_\_

1267 \_\_\_\_\_



1268 \_\_\_\_\_

1269 TOTAL NUMBER OF PER DIEM DAYS EARNED

1270 EXCLUDING ELECTION DAYS \_\_\_\_\_

1271 PER DIEM RATE PER DAY EARNED X \$110.00

1272 TOTAL NUMBER PER DIEM DAYS EARNED

1273 FOR ELECTION DAYS \_\_\_\_\_

1274 PER DIEM RATE PER DAY EARNED X \$165.00

1275 TOTAL AMOUNT OF PER DIEM CLAIMED \$ \_\_\_\_\_

1276 I understand that I am signing this document under my oath as

1277 an election commissioner and under penalties of perjury.

1278 I understand that I am requesting payment from taxpayer funds

1279 and that I have an obligation to be specific and truthful as to

1280 the amount of hours worked and the compensation I am requesting.

1281 Signed this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_.

1282 \_\_\_\_\_

1283 Commissioner's Signature

1284 When properly completed and signed, the certification must be

1285 filed with the clerk of the county board of supervisors before any

1286 payment may be made. The certification will be a public record

1287 available for inspection and reproduction immediately upon the

1288 oral or written request of any person.

1289 Any person may contest the accuracy of the certification in

1290 any respect by notifying the chair of the commission, any member

1291 of the board of supervisors or the clerk of the board of

1292 supervisors of the contest at any time before or after payment is



1293 made. If the contest is made before payment is made, no payment  
1294 shall be made as to the contested certificate until the contest is  
1295 finally disposed of. The person filing the contest shall be  
1296 entitled to a full hearing, and the clerk of the board of  
1297 supervisors shall issue subpoenas upon request of the contestor  
1298 compelling the attendance of witnesses and production of documents  
1299 and things. The contestor shall have the right to appeal de novo  
1300 to the circuit court of the involved county, which appeal must be  
1301 perfected within thirty (30) days from a final decision of the  
1302 commission, the clerk of the board of supervisors or the board of  
1303 supervisors, as the case may be.

1304 Any contestor who successfully contests any certification  
1305 will be awarded all expenses incident to his or her contest,  
1306 together with reasonable attorney's fees, which will be awarded  
1307 upon petition to the chancery court of the involved county upon  
1308 final disposition of the contest before the election commission,  
1309 board of supervisors, clerk of the board of supervisors, or, in  
1310 case of an appeal, final disposition by the court. The  
1311 commissioner against whom the contest is decided shall be liable  
1312 for the payment of the expenses and attorney's fees, and the  
1313 county shall be jointly and severally liable for same.

1314 (12) Any election commissioner who has not received a  
1315 certificate issued by the Secretary of State pursuant to Section  
1316 23-15-211 indicating that the election commissioner has received  
1317 the required elections seminar instruction and that the election



1318 commissioner is fully qualified to conduct an election, shall not  
1319 receive any compensation authorized by this section or Section  
1320 23-15-239.

1321       **SECTION 30.** Section 23-15-171, Mississippi Code of 1972, is  
1322 amended as follows:

1323       23-15-171. (1) Except as otherwise provided in Section 4 of  
1324 this act, municipal primary elections shall be held on the first  
1325 Tuesday in April preceding the general municipal election and, in  
1326 the event a second primary shall be necessary, such second primary  
1327 shall be held on the fourth Tuesday in April preceding such  
1328 general municipal election. The candidate receiving a majority of  
1329 the votes cast in the election shall be the party nominee. If no  
1330 candidate shall receive a majority vote at the election, the two  
1331 (2) candidates receiving the highest number of votes shall have  
1332 their names placed on the ballot for the second primary election.  
1333 The candidate receiving the most votes cast in the second primary  
1334 election shall be the party nominee. However, if no candidate  
1335 shall receive a majority vote at the first primary, and there is a  
1336 tie in the election of those receiving the next highest vote,  
1337 those candidates receiving the next highest vote and the candidate  
1338 receiving the highest vote shall have their names placed on the  
1339 ballot for the second primary election, and whoever receives the  
1340 most votes cast in the second primary election shall be the party  
1341 nominee. At the primary election the municipal executive  
1342 committee shall perform the same duties as are specified by law



1343 and performed by members of the county executive committee with  
1344 regard to state and county primary elections. Each municipal  
1345 executive committee shall have as many members as there are  
1346 elective officers of the municipality, and the members of the  
1347 municipal executive committee of each political party shall be  
1348 elected in the primary elections held for the nomination of  
1349 candidates for municipal offices. The provisions of this section  
1350 shall govern all municipal primary elections as far as applicable,  
1351 but the officers to prepare the ballots and the poll managers and  
1352 other officials of the primary election shall be appointed by the  
1353 municipal executive committee of the party holding the primary,  
1354 and the returns of such election shall be made to such municipal  
1355 executive committee. Vacancies in the executive committee shall  
1356 be filled by it.

1357 (2) Provided, however, that in municipalities operating  
1358 under a special or private charter which fixes a time for holding  
1359 elections, other than the time fixed by Chapter 491, Laws of 1950,  
1360 the first primary election shall be held on the first Tuesday, two  
1361 (2) months before the time for holding the general election, as  
1362 fixed by the charter, and the second primary election, where  
1363 necessary, shall be held three (3) weeks after the first primary  
1364 election, unless the charter of any such municipality provides  
1365 otherwise, in which event the provisions of the special or private  
1366 charter shall prevail as to the time of holding such primary  
1367 elections.



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

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

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

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

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

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





1392           23-15-191. The first primary shall be held on the first  
1393 Tuesday after the first Monday of August preceding any regular or  
1394 general election; and the second primary shall be held four (4)  
1395 weeks thereafter. Early voting for the primary election shall be  
1396 conducted as provided for in Sections 1 through 7 of this act. The  
1397 candidate that receives a majority of the votes cast in the  
1398 election shall be the party nominee. If no candidate receives a  
1399 majority vote at the election, then the two (2) candidates who  
1400 receive the highest number of votes shall have their names placed  
1401 on the ballot for the second primary election to be held four (4)  
1402 weeks later. The candidate who receives the most votes in the  
1403 second primary election shall be the party nominee. However, if  
1404 no candidate receives a majority vote at the first primary, and  
1405 there is a tie in the election of those receiving the next highest  
1406 vote, then those candidates receiving the next highest vote and  
1407 the candidate receiving the highest vote shall have their names  
1408 placed on the ballot for the second primary election to be held  
1409 four (4) weeks later, and whoever receives the most votes cast in  
1410 the second primary election shall be the party nominee.

1411           **SECTION 33.** Section 23-15-195, Mississippi Code of 1972, is  
1412 amended as follows:

1413           23-15-195. Except as otherwise provided in Sections 1  
1414 through 7 of this act, all elections by the people shall be by  
1415 ballot, and shall be concluded in one (1) day.



1416           **SECTION 34.** Section 23-15-197, Mississippi Code of 1972, is  
1417 amended as follows:

1418           23-15-197. (1) Times for holding primary and general  
1419 elections for congressional offices shall be as prescribed in  
1420 Sections 23-15-1031, 23-15-1033 and 23-15-1041.

1421           (2) Times for holding elections for the office of judge of  
1422 the Supreme Court shall be as prescribed in Section 23-15-991 and  
1423 Sections 23-15-974 through 23-15-985, and times for holding  
1424 elections for the office of judge of the Court of Appeals shall be  
1425 as prescribed in Section 9-4-5.

1426           (3) Times for holding elections for the office of circuit  
1427 court judge and the office of chancery court judge shall be as  
1428 prescribed in Sections 23-15-974 through 23-15-985, and Section  
1429 23-15-1015.

1430           (4) Times for holding elections for the office of county  
1431 election commissioners shall be as prescribed in Section  
1432 23-15-213.

1433           (5) Times for holding elections for the office of levee  
1434 commissioner shall be as prescribed in Chapter 12, Laws of 1928;  
1435 Chapter 574, Laws of 1968; Chapter 85, Laws of 1930; Chapter 317,  
1436 Laws of 1983; and Chapter 438, Laws of 2010.

1437           (6) Times for holding elections for the office of justice  
1438 court judge shall be as prescribed in Section 23-15-193 and  
1439 Sections 23-15-973 through 23-15-985.



(7) Times for holding early voting shall be as prescribed in Sections 1 through 7 of this act.

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

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

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

23-15-233. The poll managers shall take care that the election \* \* \* and the early voting are conducted fairly and agreeably to law, and they shall be judges of the qualifications



of electors, and may examine, on oath, any person duly registered and offering to vote touching his or her qualifications as an elector, which oath any of the poll managers may administer.

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

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



1489 alternates to serve in the event a poll manager is unable to serve  
1490 for any reason.

1491       (2) (a) If it is eligible under Section 23-15-266, the  
1492 county executive committee may enter into a written agreement with  
1493 the circuit clerk or the county election commission authorizing  
1494 the circuit clerk or the county election commission to perform any  
1495 of the duties required of the county executive committee pursuant  
1496 to this section. Any agreement entered into pursuant to this  
1497 subsection shall be signed by the chair of the county executive  
1498 committee and the circuit clerk or the chair of the county  
1499 election commission, as appropriate. The county executive  
1500 committee shall notify the state executive committee and the  
1501 Secretary of State of the existence of the agreement.

1502       (b) If it is eligible under Section 23-15-266, the  
1503 municipal executive committee may enter into a written agreement  
1504 with the municipal clerk or the municipal election commission  
1505 authorizing the municipal clerk or the municipal election  
1506 commission to perform any of the duties required of the municipal  
1507 executive committee pursuant to this section. Any agreement  
1508 entered into pursuant to this subsection shall be signed by the  
1509 chair of the municipal executive committee and the municipal clerk  
1510 or the chair of the municipal election commission, as appropriate.  
1511 The municipal executive committee shall notify the state executive  
1512 committee and the Secretary of State of the existence of the  
1513 agreement.



1514           (3) The board of supervisors and the municipal governing  
1515 authority, in their discretion, may compensate poll managers who  
1516 attend these training sessions. The compensation shall be at a  
1517 rate of not less than the federal hourly minimum wage and not more  
1518 than Twenty Dollars (\$20.00) per hour. Poll managers shall not be  
1519 compensated for more than sixteen (16) hours of attendance at the  
1520 training sessions regardless of the actual amount of time that  
1521 they attended the training sessions.

1522           (4) The time and location of the training sessions required  
1523 pursuant to this section shall be announced to the general public  
1524 by posting a notice thereof at the courthouse and by delivering a  
1525 copy of the notice to the office of a newspaper having general  
1526 circulation in the county five (5) days before the date upon which  
1527 the training session is to be conducted. Persons who will serve  
1528 as poll watchers for candidates and political parties, as well as  
1529 members of the general public, shall be allowed to attend the  
1530 sessions.

1531           (5) Subject to the following annual limitations, the  
1532 election commissioners shall be entitled to receive a per diem in  
1533 the amount of One Hundred Ten Dollars (\$110.00), to be paid from  
1534 the county general fund, for every day or period of no less than  
1535 five (5) hours accumulated over two (2) or more days actually  
1536 employed in the performance of their duties for the necessary time  
1537 spent in conducting training sessions as required by this section:



1538           (a)   In counties having less than fifteen thousand  
1539   (15,000) residents according to the latest federal decennial  
1540   census, not more than five (5) days per year;

1541           (b)   In counties having fifteen thousand (15,000)  
1542   residents according to the latest federal decennial census but  
1543   less than thirty thousand (30,000) residents according to the  
1544   latest federal decennial census, not more than eight (8) days per  
1545   year;

1546           (c)   In counties having thirty thousand (30,000)  
1547   residents according to the latest federal decennial census but  
1548   less than seventy thousand (70,000) residents according to the  
1549   latest federal decennial census, not more than ten (10) days per  
1550   year;

1551           (d)   In counties having seventy thousand (70,000)  
1552   residents according to the latest federal decennial census but  
1553   less than ninety thousand (90,000) residents according to the  
1554   latest federal decennial census, not more than twelve (12) days  
1555   per year;

1556           (e)   In counties having ninety thousand (90,000)  
1557   residents according to the latest federal decennial census but  
1558   less than one hundred seventy thousand (170,000) residents  
1559   according to the latest federal decennial census, not more than  
1560   fifteen (15) days per year;

1561           (f)   In counties having one hundred seventy thousand  
1562   (170,000) residents according to the latest federal decennial



1563 census but less than two hundred thousand (200,000) residents  
1564 according to the latest federal decennial census, not more than  
1565 eighteen (18) days per year;

1566 (g) In counties having two hundred thousand (200,000)  
1567 residents according to the latest federal decennial census but  
1568 less than two hundred twenty-five thousand (225,000) residents  
1569 according to the latest federal decennial census, not more than  
1570 nineteen (19) days per year;

1571 (h) In counties having two hundred twenty-five thousand  
1572 (225,000) residents or more according to the latest federal  
1573 decennial census, not more than twenty-two (22) days per year.

1574 (6) Election commissioners shall claim the per diem  
1575 authorized in subsection (5) of this section in the manner  
1576 provided for in Section 23-15-153(6).

1577 (7) (a) To provide poll manager training, the Secretary of  
1578 State has developed a single, comprehensive poll manager training  
1579 program to ensure uniform, secure elections throughout the state.  
1580 The program includes online training on all state and federal  
1581 election laws and procedures and voting machine opening and  
1582 closing procedures.

1583 (b) County poll managers who individually access and  
1584 complete the online training program, including all skills  
1585 assessments, at least five (5) days before the early voting period  
1586 for an election begins shall be defined as "certified poll  
1587 managers," and entitled to a "Certificate of Completion."





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

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

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

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

23-15-245. It shall be the duty of the poll manager designated as bailiff to be present at the voting place, and to take such steps as will accomplish the purpose of his or her appointment, and the poll manager designated as bailiff shall have full power to do so and may summon to his or her aid all persons present at the voting place. A space thirty (30) feet in every direction from the polls, or the room in which the \* \* \* voting is held, shall be kept open and clear of all persons except the election officials, individuals present to vote and credentialed



poll watchers as defined by Section 23-15-577. The electors shall approach the polls from one (1) direction, line, door or passage, and depart in another as nearly opposite as convenient.

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

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

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



23-15-251. The election commissioners, in appointing the poll managers of an election, shall designate one (1) of the poll managers at each voting place to receive and distribute the official ballots, and shall deliver to him or her the proper number of ballots for his or her district not less than one (1) day before the early voting period begins and not less than one (1) day before election day; and the poll manager receiving the ballots from the election commissioners shall distribute the same to the electors of his or her district in the manner herein provided. It shall be the duty of the designated poll manager for service at a voting place other than the courthouse, to carry to that voting place, on the day before the early voting period begins and on the day before election day, or before 6:00 a.m. on the morning the early voting period begins and on the morning of the election day, the ballot box, the pollbook, the blank tally sheets, the blank forms to be used in making returns, the other necessary stationery and supplies and the official printed ballots aforesaid, and all of the same used and unused shall be returned by the designated poll manager to the election commissioners on the day \* \* \* after the election.

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

23-15-255. (1) The supervisor of each respective supervisors district shall provide at each election place a sufficient number of voting compartments, shelves and tables for



1662 the use of electors, which shall be so arranged that it will be  
1663 impossible for a voter in one (1) compartment to see another voter  
1664 who is preparing his or her ballot. The number of voting  
1665 compartments and shelves or tables shall not be less than one (1)  
1666 to every two hundred (200) electors in the voting precinct.

1667 (2) The poll managers of each precinct shall publicly post  
1668 the following information at the precinct polling place \* \* \*  
1669 during any election:

1670 (a) A sample ballot that will be used at the election;

1671 (b) The hours during which the polling places will be  
1672 open for early voting and on election day;

1673 (c) Instructions on how to vote, including how to cast  
1674 a vote and how to cast an affidavit ballot;

1675 (d) Instructions for persons who have registered to  
1676 vote by mail and first time voters, if appropriate;

1677 (e) General information on voting rights, including  
1678 information on the right of an individual to cast an affidavit  
1679 ballot and instructions on how to contact the appropriate  
1680 officials if these rights are alleged to have been violated; \* \* \*

1681 (f) The consequences under federal and state laws  
1682 regarding fraud and misrepresentation;

1683 (g) A list of voters in each polling place that have  
1684 already cast an absentee ballot or voted during the early voting  
1685 period; and



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

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

23-15-263. (1) Unless otherwise provided in this chapter, the county executive committee at primary elections shall perform all duties that relate to the qualification of candidates for primary elections, print ballots for the early voting period for primary elections and for primary \* \* \* election day, appoint the primary election officers, resolve contests in regard to primary elections, and perform all other duties required by law to be performed by the county executive committee; however, each house of the Legislature shall rule on the qualifications of the membership of its respective body in contests involving the qualifications of \* \* \* its members. The executive committee shall be subject to all the penalties to which county election commissioners are subject, except that Section 23-15-217 shall not apply to members of the county executive committee who seek elective office.

(2) A member of a county executive committee shall be automatically disqualified to serve on the county executive committee, and shall be considered to have resigned \* \* \* from the county executive committee, upon his or her qualification as a candidate for any elective office. The provisions of this subsection shall not apply to a member of a county executive



1711 committee who qualifies as a candidate for a municipal elective  
1712 office.

1713 (3) The primary election officers appointed by the executive  
1714 committee of the party shall have the powers and perform the  
1715 duties, where not otherwise provided, required of \* \* \* those  
1716 officers in a general election, and any \* \* \* act or omission  
1717 which by law is an offense when committed in or about or in  
1718 respect to \* \* \* the general elections, shall be an offense if  
1719 committed in or about or in respect to a primary election; and the  
1720 same shall be indictable and punishable in the same way as if the  
1721 election was a general election for the election of state and  
1722 county officers, except as specially modified or otherwise  
1723 provided in this chapter.

1724 **SECTION 44.** Section 23-15-265, Mississippi Code of 1972, is  
1725 amended as follows:

1726 23-15-265. (1) The county executive committee of each  
1727 county shall meet not less than two (2) weeks before the  
1728 date \* \* \* the period for early voting begins for any primary  
1729 election and appoint the poll managers for same, all of whom may  
1730 be members of the same political party. The number of poll  
1731 managers appointed by the county executive committee shall be the  
1732 same number as election commissioners are allowed to appoint  
1733 pursuant to Sections 23-15-231 and 23-15-235. If the county  
1734 executive committee fails to meet on the date named, supra,  
1735 further notice shall be given of the time and place of meeting.



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

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

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



1761           23-15-267. (1) The ballot boxes provided by the election  
1762 commissioners in each county shall be used in primary elections,  
1763 and the county executive committees shall distribute them to the  
1764 voting precincts of the county before the time for opening the  
1765 polls, in the same manner, as near as may be, as that provided for  
1766 in general elections.

1767           (2) The boxes shall be securely sealed and locked beginning  
1768 at the start of voting during the period for early voting and on  
1769 election day until the end of voting on election day; and the box  
1770 shall be kept by one (1) of the poll managers, and the poll  
1771 manager having the box shall carefully keep it, and neither open  
1772 it himself or herself nor permit it to be done, nor permit any  
1773 person to have any access to it throughout voting during the  
1774 period for early voting and during election day. The box shall  
1775 not be removed from the polling place after the polls are open  
1776 until the polls close and the count is completed.

1777           (3) After each election, the ballot boxes shall be delivered  
1778 to the clerk of the circuit court of the county for preservation;  
1779 and he or she shall keep them for future use, and, when called  
1780 for, deliver them to the election commissioners.

1781           (4) (a) If it is eligible under Section 23-15-266, the  
1782 county executive committee may enter into a written agreement with  
1783 the circuit clerk or the county election commission authorizing  
1784 the circuit clerk or the county election commission to perform any  
1785 of the duties required of the county executive committee pursuant





1786 to this section. Any agreement entered into pursuant to this  
1787 subsection shall be signed by the chair of the county executive  
1788 committee and the circuit clerk or the chair of the county  
1789 election commission, as appropriate. The county executive  
1790 committee shall notify the State Executive Committee and the  
1791 Secretary of State of the existence of such agreement.

1792 (b) If it is eligible under Section 23-15-266, the  
1793 municipal executive committee may enter into a written agreement  
1794 with the municipal clerk or the municipal election commission  
1795 authorizing the municipal clerk or the municipal election  
1796 commission to perform any of the duties required of the municipal  
1797 executive committee pursuant to this section. Any agreement  
1798 entered into pursuant to this subsection shall be signed by the  
1799 chair of the municipal executive committee and the municipal clerk  
1800 or the chair of the municipal election commission, as appropriate.  
1801 The municipal executive committee shall notify the State Executive  
1802 Committee and the Secretary of State of the existence of such  
1803 agreement.

1804 (5) The person, or persons, whose duty it is to comply with  
1805 the provisions of this section and who shall fail, or neglect,  
1806 from any cause, to deliver the boxes or any of them as herein  
1807 provided shall, upon conviction, be fined not less than Two  
1808 Hundred Dollars (\$200.00) and be imprisoned in the county jail of  
1809 the residence of the person, or persons, who violates any of the  
1810 provisions of this section, for a period of not less than thirty



1811 (30) days or more than six (6) months, and fined not more than  
1812 Five Hundred Dollars (\$500.00).

1813 **SECTION 46.** Section 23-15-309, Mississippi Code of 1972, is  
1814 amended as follows:

1815 23-15-309. (1) Nominations for all municipal officers which  
1816 are elective shall be made \* \* \* during the days for conducting a  
1817 primary election, or elections, to be held in the manner  
1818 prescribed by law. All persons desiring to be candidates for the  
1819 nomination in the primary elections shall first pay Ten Dollars  
1820 (\$10.00) to the clerk of the municipality, at least sixty (60)  
1821 days before date the early voting period begins for the first  
1822 primary election, no later than 5:00 p.m. on such deadline day.  
1823 If the sixtieth day to file the fee and written statement before  
1824 the date the early voting period begins for an election falls on a  
1825 Sunday or legal holiday, the fees and written statements submitted  
1826 on the business day immediately following the Sunday or legal  
1827 holiday shall be accepted.

1828 (2) The fee paid pursuant to subsection (1) of this section  
1829 shall be accompanied by a written statement containing the name  
1830 and address of the candidate, the party with which he or she is  
1831 affiliated, the email address of the candidate, if any, and the  
1832 office for which he or she is a candidate.

1833 (3) The clerk shall promptly receipt the payment, stating  
1834 the office for which the person making the payment is running and  
1835 the political party with which such person is affiliated. The



1836 clerk shall keep an itemized account in detail showing the time  
1837 and date of the receipt of such payment received by him or her,  
1838 from whom such payment was received, the party with which such  
1839 person is affiliated and for what office the person paying the fee  
1840 is a candidate. No candidate may attempt to qualify with any  
1841 political party that does not have a duly organized municipal  
1842 executive committee, and the municipal clerk shall not accept any  
1843 assessments made pursuant to subsection (1) if the municipal clerk  
1844 does not have contact information for the secretary of the  
1845 municipal executive committee for that political party. The clerk  
1846 shall promptly supply all necessary information and pay over all  
1847 fees so received to the secretary of the proper municipal  
1848 executive committee. The funds may be used and disbursed in the  
1849 same manner as is allowed in Section 23-15-299 in regard to other  
1850 executive committees.

1851       (4) Upon receipt of the above information, the proper  
1852 municipal executive committee shall then determine, at the time of  
1853 the qualifying deadline, whether each candidate is a qualified  
1854 elector of the municipality, and of the ward if the office sought  
1855 is a ward office, shall determine whether each candidate either  
1856 meets all other qualifications to hold the office he or she is  
1857 seeking or presents absolute proof that he or she will, subject to  
1858 no contingencies, meet all qualifications on or before the date of  
1859 the general or special election at which he or she could be  
1860 elected to office. The executive committee shall determine



1861 whether the candidate has taken the steps necessary to qualify for  
1862 more than one (1) office at the election. The committee also  
1863 shall determine whether any candidate has been convicted of any  
1864 felony in a court of this state, or has been convicted on or after  
1865 December 8, 1992, of any offense in another state which is a  
1866 felony under the laws of this state, or has been convicted of any  
1867 felony in a federal court on or after December 8, 1992. Excepted  
1868 from the above are convictions of manslaughter and violations of  
1869 the United States Internal Revenue Code or any violations of the  
1870 tax laws of this state unless such offense also involved misuse or  
1871 abuse of his or her office or money coming into his or her hands  
1872 by virtue of the office. If the proper municipal executive  
1873 committee finds that a candidate either (a) does not meet all  
1874 qualifications to hold the office he or she seeks and fails to  
1875 provide absolute proof, subject to no contingencies, that he or  
1876 she will meet the qualifications on or before the date \* \* \* the  
1877 early voting period begins for the general or special election at  
1878 which he or she could be elected, or (b) has been convicted of a  
1879 felony as described in this subsection and not pardoned, then the  
1880 executive committee shall notify the candidate and give the  
1881 candidate an opportunity to be heard. The executive committee  
1882 shall mail notice to the candidate at least three (3) business  
1883 days before the hearing to the address provided by the candidate  
1884 on the qualifying forms, and the committee shall attempt to  
1885 contact the candidate by telephone, email and facsimile if the



1886 candidate provided this information on the forms. If the  
1887 candidate fails to appear at the hearing or to prove he or she  
1888 meets all qualifications to hold the office subject to no  
1889 contingencies, then the name of such candidate shall not be placed  
1890 upon the ballot. If the executive committee determines that the  
1891 candidate has taken the steps necessary to qualify for more than  
1892 one (1) office at the election, the action required by Section  
1893 23-15-905, shall be taken.

1894 (5) Where there is but one (1) candidate, the proper  
1895 municipal executive committee when the time has expired within  
1896 which the names of candidates shall be furnished shall declare  
1897 such candidate the nominee.

1898 **SECTION 47.** Section 23-15-331, Mississippi Code of 1972, is  
1899 amended as follows:

1900 23-15-331. It shall be the duty of the state executive  
1901 committee of each political party to furnish to each county  
1902 executive committee, not less than fifty (50) days \* \* \* before  
1903 the \* \* \* period for early voting begins the names of all state  
1904 and state district candidates and all candidates for legislative  
1905 districts composed of more than one (1) county or parts of more  
1906 than one (1) county who have qualified as provided by law, and in  
1907 accordance with the requirements of Section 23-15-333 a sample of  
1908 the official ballot to be used in the primary, the general form of  
1909 which shall be followed as nearly as practicable.



1910           **SECTION 48.** Section 23-15-333, Mississippi Code of 1972, is  
1911 amended as follows:

1912           23-15-333. (1) The county executive committee shall have  
1913 printed all necessary ballots, for use in primary elections. The  
1914 county executive committee shall have printed all necessary  
1915 absentee ballots forty-five (45) days before the period for early  
1916 voting begins for the election as required by law. The ballots  
1917 shall contain the names of all the candidates to be voted for at  
1918 the election, and there shall be left on each ballot one (1) blank  
1919 space under the title of each office for which a nominee is to be  
1920 elected; and in the event of the death of any candidate whose name  
1921 shall have been printed on the ballot, the name of the candidate  
1922 duly substituted in the place of the deceased candidate may be  
1923 written in such blank space by the voter. Except as otherwise  
1924 provided in subsection (2) of this section, the order in which the  
1925 titles to the various offices shall be printed, and the size,  
1926 print and quality of the paper of the ballot is left to the  
1927 discretion of the county executive committee. Provided, however,  
1928 that in all cases the arrangement of the names of the candidates  
1929 for each office shall be alphabetical. No ballot shall be used  
1930 except those so printed.

1931           (2) The titles for the various offices shall be listed in  
1932 the following order:

1933           (a) Candidates, electors or delegates for the following  
1934 national offices:



1935 (i) President of the United States of America;

1936 (ii) United States Senator or United States

1937 Representative;

1938 (b) Candidates for the following statewide offices:

1939 Governor, Lieutenant Governor, Secretary of State, Attorney

1940 General, State Treasurer, Auditor of Public Accounts, Commissioner

1941 of Agriculture and Commerce, Commissioner of Insurance;

1942 (c) Candidates for the following state district

1943 offices: Mississippi Transportation Commissioner, Public Service

1944 Commissioner, District Attorney;

1945 (d) Candidates for the following legislative offices:

1946 Senator and House of Representatives;

1947 (e) Candidates for countywide office;

1948 (f) Candidates for county district office.

1949 The order in which the titles for the various offices are

1950 listed within each of the categories listed in paragraphs (e) and

1951 (f) are left to the discretion of the county executive committee.

1952 Candidates' names shall be listed alphabetically under each office

1953 by the candidate's last name.

1954 (3) If after the deadline to qualify as a candidate for an

1955 office, only one (1) person has duly qualified to be a candidate

1956 for the office in the primary election, the name of that person

1957 shall be placed on the ballot; provided, however, that if not more

1958 than one (1) person has duly qualified to be a candidate for each

1959 office on the primary election ballot, the election for all



1960 offices on the ballot shall be dispensed with and the appropriate  
1961 executive committee shall declare each candidate as the party  
1962 nominee if the candidate meets all the qualifications to hold the  
1963 office.

1964 (4) (a) If it is eligible under Section 23-15-266, the  
1965 county executive committee may enter into a written agreement with  
1966 the circuit clerk or the county election commission authorizing  
1967 the circuit clerk or the county election commission to perform any  
1968 of the duties required of the county executive committee pursuant  
1969 to this section. Any agreement entered into pursuant to this  
1970 subsection shall be signed by the chair of the county executive  
1971 committee and the circuit clerk or the chair of the county  
1972 election commission, as appropriate. The county executive  
1973 committee shall notify the state executive committee and the  
1974 Secretary of State of the existence of such agreement.

1975 (b) If it is eligible under Section 23-15-266, the  
1976 municipal executive committee may enter into a written agreement  
1977 with the municipal clerk or the municipal election commission  
1978 authorizing the municipal clerk or the municipal election  
1979 commission to perform any of the duties required of the municipal  
1980 executive committee pursuant to this section. Any agreement  
1981 entered into pursuant to this subsection shall be signed by the  
1982 chair of the municipal executive committee and the municipal clerk  
1983 or the chair of the municipal election commission, as appropriate.  
1984 The municipal executive committee shall notify the state executive





1985 committee and the Secretary of State of the existence of such  
1986 agreement.

1987       **SECTION 49.** Section 23-15-335, Mississippi Code of 1972, is  
1988 amended as follows:

1989       23-15-335. (1) The county executive committee shall  
1990 designate a person whose duty it shall be to distribute all  
1991 necessary ballots for use \* \* \* during a primary election, and  
1992 shall designate one (1) among the poll managers at each polling  
1993 place to receive and receipt for the blank ballots to be used at  
1994 that place. When the blank ballots are delivered to a local poll  
1995 manager, the distributor shall take from the local poll manager a  
1996 receipt therefor signed in duplicate by both the distributor and  
1997 the poll manager, one (1) of which receipts the distributor shall  
1998 deliver to the circuit clerk and the other shall be retained by  
1999 the local poll manager and the last mentioned duplicate receipt  
2000 shall be enclosed in the ballot box with the voted ballots when  
2001 the polls have been closed and the votes have been counted. The  
2002 printer of the ballots shall take a receipt from the distributor  
2003 of the ballots for the total number of the blank ballots delivered  
2004 to the distributor. The printer shall secure all ballots printed  
2005 by him or her in such a safe manner that no person can procure  
2006 them or any of them, and he or she shall deliver no blank ballot  
2007 or ballots to any person except the distributor above mentioned,  
2008 and then only upon his or her receipt therefor as above specified.  
2009 The distributor of the blank ballots shall so securely hold the



2010 same that no person can obtain any of them, and he or she shall  
2011 not deliver any of them to any person other than to the authorized  
2012 local poll managers and upon their respective receipts therefor.  
2013 The executive committee shall see to it that the total blank  
2014 ballots delivered to the distributor, shall correspond with the  
2015 total of the receipts executed by the local poll managers.

2016 (2) (a) If it is eligible under Section 23-15-266, the  
2017 county executive committee may enter into a written agreement with  
2018 the circuit clerk or the county election commission authorizing  
2019 the circuit clerk or the county election commission to perform any  
2020 of the duties required of the county executive committee pursuant  
2021 to this section. Any agreement entered into pursuant to this  
2022 subsection shall be signed by the chair of the county executive  
2023 committee and the circuit clerk or the chair of the county  
2024 election commission, as appropriate. The county executive  
2025 committee shall notify the state executive committee and the  
2026 Secretary of State of the existence of such agreement.

2027 (b) If it is eligible under Section 23-15-266, the  
2028 municipal executive committee may enter into a written agreement  
2029 with the municipal clerk or the municipal election commission  
2030 authorizing the municipal clerk or the municipal election  
2031 commission to perform any of the duties required of the municipal  
2032 executive committee pursuant to this section. Any agreement  
2033 entered into pursuant to this subsection shall be signed by the  
2034 chair of the municipal executive committee and the municipal clerk



or the chair of the municipal election commission, as appropriate.  
The municipal executive committee shall notify the state executive  
committee and the Secretary of State of the existence of such  
agreement.

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

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

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

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

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

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



2059           23-15-359. (1) Except as provided in this section, the  
2060 ballot shall contain the names of all party nominees certified by  
2061 the appropriate executive committee, and independent and special  
2062 election candidates who have timely filed petitions containing the  
2063 required signatures and assessments that must be paid pursuant to  
2064 Section 23-15-297, if the candidates and nominees meet all of the  
2065 qualifications to hold the office sought. A petition requesting  
2066 that an independent or special election candidate's name be placed  
2067 on the ballot for any office shall be filed as provided for in  
2068 subsection (3) or (4) of this section, as appropriate, and shall  
2069 be signed by not less than the following number of qualified  
2070 electors:

2071           (a) For an office elected by the state at large, not  
2072 less than one thousand (1,000) qualified electors.

2073           (b) For an office elected by the qualified electors of  
2074 a Supreme Court district, not less than three hundred (300)  
2075 qualified electors.

2076           (c) For an office elected by the qualified electors of  
2077 a congressional district, not less than two hundred (200)  
2078 qualified electors.

2079           (d) For an office elected by the qualified electors of  
2080 a circuit or chancery court district, not less than one hundred  
2081 (100) qualified electors.



2082                   (e) For an office elected by the qualified electors of  
2083 a senatorial or representative district, not less than fifty (50)  
2084 qualified electors.

2085                   (f) For an office elected by the qualified electors of  
2086 a county, not less than fifty (50) qualified electors.

2087                   (g) For an office elected by the qualified electors of  
2088 a supervisors district, not less than fifteen (15) qualified  
2089 electors.

2090                   (h) For the Office of President of the United States, a  
2091 party nominee or independent candidate shall pay an assessment in  
2092 the amount of Two Thousand Five Hundred Dollars (\$2,500.00).

2093           (2) (a) Unless the petition or fee, whichever is  
2094 applicable, required above shall be filed as provided for in  
2095 subsection (3), (4) or (5) of this section, as appropriate, the  
2096 name of the person requested to be a candidate, unless nominated  
2097 by a political party, shall not be placed upon the ballot. The  
2098 ballot shall contain the names of each candidate for each office,  
2099 and the names shall be listed under the name of the political  
2100 party that candidate represents as provided by law and as  
2101 certified to the circuit clerk by the state executive committee of  
2102 the political party. In the event the candidate qualifies as an  
2103 independent as provided in this section, he or she shall be listed  
2104 on the ballot as an independent candidate.



2105           (b) The name of an independent or special election  
2106 candidate who dies before the printing of the ballots, shall not  
2107 be placed on the ballots.

2108           (3) Petitions for offices described in paragraphs (a), (b),  
2109 (c), (d) and (e) of subsection (1) of this section shall be filed  
2110 with the Secretary of State by no later than 5:00 p.m. on the same  
2111 date or business day, as applicable, by which candidates are  
2112 required to pay the fee provided for in Section 23-15-297;  
2113 however, no petition may be filed before January 1 of the year in  
2114 which the election for the office is held.

2115           (4) Petitions for offices described in paragraphs (f) and  
2116 (g) of subsection (1) of this section shall be filed with the  
2117 proper circuit clerk by no later than 5:00 p.m. on the same date  
2118 by which candidates are required to pay the fee provided for in  
2119 Section 23-15-297; however, no petition may be filed before  
2120 January 1 of the year in which the election for the office is  
2121 held. The circuit clerk shall notify the county election  
2122 commissioners of all persons who have filed petitions with the  
2123 clerk. The notification shall occur within two (2) business days  
2124 and shall contain all necessary information.

2125           (5) The assessment for the office described in paragraph (h)  
2126 of subsection (1) of this section shall be paid to the Secretary  
2127 of State. The Secretary of State shall deposit any qualifying  
2128 fees received from candidates into the Elections Support Fund  
2129 established in Section 23-15-5.



2130           (6) The election commissioners may also have printed upon  
2131 the ballot any local issue election matter that is authorized to  
2132 be \* \* \* voted on \* \* \* during the period for voting for the  
2133 regular or general election pursuant to Section 23-15-375;  
2134 however, the ballot form of the local issue must be filed with the  
2135 election commissioners by the appropriate governing authority not  
2136 less than sixty (60) days before the date \* \* \* the early voting  
2137 period begins for the election.

2138           (7) The provisions of this section shall not apply to  
2139 municipal elections or to the election of the offices of justice  
2140 of the Supreme Court, judge of the Court of Appeals, circuit  
2141 judge, chancellor, county court judge, justice court judge and  
2142 family court judge.

2143           (8) Nothing in this section shall prohibit special elections  
2144 to fill vacancies in either house of the Legislature from being  
2145 held as provided in Section 23-15-851. In all elections conducted  
2146 under the provisions of Section 23-15-851, there shall be printed  
2147 on the ballot the name of any candidate who, not having been  
2148 nominated by a political party, shall have been requested to be a  
2149 candidate for any office by a petition filed with the Secretary of  
2150 State and signed by not less than fifty (50) qualified electors.

2151           (9) (a) The appropriate election commission shall determine  
2152 whether each candidate is a qualified elector of the state, state  
2153 district, county or county district they seek to serve, and  
2154 whether each candidate meets all other qualifications to hold the



2155 office he or she is seeking or presents absolute proof that he or  
2156 she will, subject to no contingencies, meet all qualifications on  
2157 or before the date \* \* \* the early voting period begins for the  
2158 general or special election at which he or she could be elected to  
2159 office. The election commission shall determine whether the  
2160 candidate has taken the steps necessary to qualify for more than  
2161 one (1) office at the election. The election commission also  
2162 shall determine whether any candidate has been convicted (i) of  
2163 any felony in a court of this state, (ii) on or after December 8,  
2164 1992, of any offense in another state which is a felony under the  
2165 laws of this state, (iii) of any felony in a federal court on or  
2166 after December 8, 1992, or (iv) of any offense that involved the  
2167 misuse or abuse of his or her office or money coming into his or  
2168 her hands by virtue of the office. Excepted from the above are  
2169 convictions of manslaughter and violations of the United States  
2170 Internal Revenue Code or any violations of the tax laws of this  
2171 state.

2172 (b) If the appropriate election commission finds that a  
2173 candidate either (i) is not a qualified elector, (ii) does not  
2174 meet all qualifications to hold the office he or she seeks and  
2175 fails to provide absolute proof, subject to no contingencies, that  
2176 he or she will meet the qualifications on or before the date \* \* \*  
2177 the early voting period begins for the general or special election  
2178 at which he or she could be elected, or (iii) has been convicted  
2179 of a felony or other disqualifying offense as described in





2180 paragraph (a) of this subsection, and not pardoned, then the  
2181 election commission shall notify the candidate and give the  
2182 candidate an opportunity to be heard. The election commission  
2183 shall mail notice to the candidate at least three (3) business  
2184 days before the hearing to the address provided by the candidate  
2185 on the qualifying forms, and the committee shall attempt to  
2186 contact the candidate by telephone, email and facsimile if the  
2187 candidate provided this information on the forms. If the  
2188 candidate fails to appear at the hearing or to prove that he or  
2189 she meets all qualifications to hold the office subject to no  
2190 contingencies, then the name of such candidate shall not be placed  
2191 upon the ballot. If the appropriate election commission  
2192 determines that the candidate has taken the steps necessary to  
2193 qualify for more than one (1) office at the election, the action  
2194 required by Section 23-15-905, shall be taken.

2195 (10) If after the deadline to qualify as a candidate for an  
2196 office or after the time for holding any party primary for an  
2197 office, only one (1) person has duly qualified to be a candidate  
2198 for the office in the general election, the name of that person  
2199 shall be placed on the ballot; provided, however, that if not more  
2200 than one (1) person duly qualified to be a candidate for each  
2201 office on the general election ballot, the election for all  
2202 offices on the ballot shall be dispensed with and the appropriate  
2203 election commission shall declare each candidate elected without  
2204 opposition if the candidate meets all the qualifications to hold



2205 the office as determined pursuant to a review by the election  
2206 commission in accordance with the provisions of subsection (9) of  
2207 this section and if the candidate has filed all required campaign  
2208 finance disclosure reports as required by Section 23-15-807.

2209 (11) The petition required by this section may not be filed  
2210 by using the Internet.

2211 **SECTION 53.** Section 23-15-363, Mississippi Code of 1972, is  
2212 amended as follows:

2213 23-15-363. After the proper officer has knowledge of or has  
2214 been notified of the nomination, as provided, of any candidate for  
2215 office, the officer shall not omit his or her name from the  
2216 ballot, unless upon the written request of the candidate  
2217 nominated, made at least ten (10) days before the early voting  
2218 period for the election begins, and in no case after \* \* \* the  
2219 ballot has been printed; and every ballot shall contain the names  
2220 of all candidates nominated as specified, and not duly withdrawn.

2221 **SECTION 54.** Section 23-15-367, Mississippi Code of 1972, is  
2222 amended as follows:

2223 23-15-367. (1) Except as otherwise provided by Sections  
2224 23-15-974 through 23-15-985 and subsection (2) of this section,  
2225 the size, print and quality of paper of the official ballot is  
2226 left to the discretion of the officer charged with printing the  
2227 official ballot.

2228 (2) The titles for the various offices shall be listed in  
2229 the following order:



2230 (a) Candidates, electors or delegates for the following  
2231 national offices:

2232 (i) President;

2233 (ii) United States Senator or United States  
2234 Representative;

2235 (b) Candidates for the following statewide office:  
2236 Governor, Lieutenant Governor, Secretary of State, Attorney  
2237 General, State Treasurer, Auditor of Public Accounts, Commissioner  
2238 of Agriculture and Commerce, Commissioner of Insurance;

2239 (c) Candidates for the following state district  
2240 offices: Mississippi Transportation Commissioner, Public Service  
2241 Commissioner, District Attorney;

2242 (d) Candidates for the following legislative offices:  
2243 Senate and House of Representatives;

2244 (e) Candidates for countywide office;

2245 (f) Candidates for county district office.

2246 The order in which the titles for the various offices are  
2247 listed within paragraphs (e) and (f) is left to the discretion of  
2248 the county election commissioners. Nominees of the political  
2249 parties, qualified to conduct primary elections as defined in  
2250 Section 23-15-291, shall be listed first alphabetically by the  
2251 candidate's last name, followed by any other candidates listed  
2252 alphabetically by last name.

2253 (3) It is the duty of the Secretary of State, with the  
2254 approval of the Governor, to furnish the designated election



2255 commissioner of each county a sample of the official ballot, not  
2256 less than fifty-five (55) days before the early voting period  
2257 begins for the election, the general form of which shall be  
2258 followed as nearly as practicable.

2259       **SECTION 55.** Section 7-3-39, Mississippi Code of 1972, is  
2260 amended as follows:

2261       7-3-39. The Secretary of State shall have published in full  
2262 each constitutional amendment two (2) weeks \* \* \* before the  
2263 period for early voting for the election begins, if early voting  
2264 is authorized for that election, at which the qualified electors  
2265 shall vote on \* \* \* the amendments, in each county in each  
2266 newspaper having a general circulation in the county, as defined  
2267 in Section 13-3-31; or \* \* \* the Secretary of State shall have  
2268 each amendment posted in three (3) public places in the county if  
2269 all \* \* \* the newspapers in the county refuse to publish same at  
2270 the price provided in Section 7-3-41.

2271       **SECTION 56.** Section 23-15-511, Mississippi Code of 1972, is  
2272 amended as follows:

2273       23-15-511. The ballots shall, as far as practicable, be in  
2274 the same order of arrangement as provided for paper ballots that  
2275 are to be counted manually, except that the information may be  
2276 printed in vertical or horizontal rows. Nothing in this chapter  
2277 shall be construed as prohibiting the information being presented  
2278 to the voters from being printed on both sides of a single ballot.  
2279 In those years when a special election shall occur \* \* \* during



2280 the same voting period as the general election, the names of  
2281 candidates in any special election and the general election shall  
2282 be placed on the same ballot by the election commissioners or  
2283 officials in charge of the election, but the general election  
2284 candidates shall be clearly distinguished from the special  
2285 election candidates. At any time a special election is \* \* \*  
2286 during the same voting period as a party primary election, the  
2287 names of the candidates in the special election may be placed on  
2288 the same ballot by the officials in charge of the election, but  
2289 shall be clearly distinguished as special election candidates or  
2290 primary election candidates.

2291 Ballots shall be printed in plain clear type in black ink and  
2292 upon clear white materials of such size and arrangement as to be  
2293 compatible with the OMR equipment. Absentee ballots shall be  
2294 prepared and printed in the same form and shall be on the same  
2295 size and texture as the regular official ballots, except that they  
2296 shall be printed on tinted paper; or the ink used to print the  
2297 ballots shall be of a color different from that of the ink used to  
2298 print the regular official ballots. Arrows may be printed on the  
2299 ballot to indicate the place to mark the ballot, which may be to  
2300 the right or left of the names of candidates and propositions.  
2301 The titles of offices may be arranged in vertical columns on the  
2302 ballot and shall be printed above or at the side of the names of  
2303 candidates so as to indicate clearly the candidates for each  
2304 office and the number to be elected. In case there are more



2305 candidates for an office than can be printed in one (1) column,  
2306 the ballot shall be clearly marked that the list of candidates is  
2307 continued on the following column. The names of candidates for  
2308 each office shall be printed in vertical columns, grouped by the  
2309 offices that they seek. In partisan elections, the party  
2310 designation of each candidate, which may be abbreviated, shall be  
2311 printed following his or her name.

2312 One (1) sample ballot, which shall be a facsimile of the  
2313 official ballot and instructions to the voters, shall be provided  
2314 for each precinct and shall be posted in each polling place during  
2315 early voting and on election day.

2316 A separate ballot security envelope or suitable equivalent in  
2317 which the voter can place his or her ballot after voting, shall be  
2318 provided to conceal the choices the voter has made. Absentee  
2319 voters will receive a similar ballot security envelope provided by  
2320 the county in which the absentee voter will insert their voted  
2321 ballot, which then can be inserted into a return envelope to be  
2322 mailed back to the election official. Absentee ballots will not  
2323 be required to be folded when a ballot security envelope is  
2324 provided.

2325 **SECTION 57.** Section 23-15-515, Mississippi Code of 1972, is  
2326 amended as follows:

2327 23-15-515. The circuit clerk shall be the custodian of OMR  
2328 equipment acquired by the county, who shall be charged with the  
2329 proper storage, maintenance and repair of the OMR equipment. The



2330 municipal clerk shall be the custodian of the OMR equipment  
2331 acquired by the municipality, and shall be charged with the proper  
2332 storage, maintenance and repair of the OMR equipment. The  
2333 custodian or the officials in charge of the election shall repair  
2334 or replace any OMR equipment which fails to function properly  
2335 during the early voting period or on election day.

2336       **SECTION 58.** Section 23-15-545, Mississippi Code of 1972, is  
2337 amended as follows:

2338       23-15-545. At each election, at least one (1) poll manager  
2339 shall be charged with writing in the pollbook the word "VOTED," in  
2340 the column having at its head the date of the early voting period  
2341 or the date of the election, opposite the name of each elector  
2342 upon return of a marked paper ballot by the elector with the  
2343 initials of the initialing poll manager or alternate initialing  
2344 poll manager affixed thereon. When a DRE unit is used in the  
2345 polling place, the word "VOTED" shall be marked by at least one  
2346 (1) poll manager in the pollbook in the column having at its head  
2347 the date of the election, opposite the name of the elector.

2348       **SECTION 59.** Section 23-15-573, Mississippi Code of 1972, is  
2349 amended as follows:

2350       23-15-573. (1) If any person declares that he or she is a  
2351 registered voter in the jurisdiction in which he or she offers to  
2352 vote and that he or she is eligible to vote during the early  
2353 voting period or in the election, but his or her name does not  
2354 appear upon the pollbooks, or that he or she is not able to cast a



2355 regular early voting day or election day ballot under a provision  
2356 of state or federal law but is otherwise qualified to vote, or  
2357 that he or she has been illegally denied registration, or that he  
2358 or she is unable to present an acceptable form of photo  
2359 identification:

2360 (a) A poll manager shall notify the person that he or  
2361 she may cast an affidavit ballot \* \* \* during the election.

2362 (b) The person shall be permitted to cast an affidavit  
2363 ballot at the polling place upon execution of a written affidavit  
2364 before one (1) of the poll managers stating that the individual:

2365 (i) Believes he or she is a registered voter in  
2366 the jurisdiction in which he or she desires to vote and is  
2367 eligible to vote \* \* \* during the election; or

2368 (ii) Is not able to cast a regular early voting  
2369 day or election day ballot under a provision of state or federal  
2370 law but is otherwise qualified to vote; or

2371 (iii) Believes that he or she has been illegally  
2372 denied registration; or

2373 (iv) Is unable to present an acceptable form of  
2374 photo identification.

2375 (c) The poll manager shall allow the individual to mark  
2376 a paper ballot properly endorsed by the initialing poll manager or  
2377 alternate initialing poll manager in accordance with Section  
2378 23-15-541, which shall be delivered by him or her to the proper  
2379 election official who shall enclose it in an affidavit ballot





2380 envelope, with the written and signed affidavit of the voter  
2381 affixed to the envelope, seal the envelope and mark plainly upon  
2382 it the name of the person offering to vote.

2383 (2) The affidavit ballot envelope shall include:

2384 (a) The complete name of the voter;

2385 (b) A present and previous physical and mailing address  
2386 of the voter;

2387 (c) Telephone numbers where the voter may be contacted;

2388 (d) A statement that the affiant believes he or she is  
2389 registered to vote in the jurisdiction in which he or she offers  
2390 to vote;

2391 (e) The signature of the affiant; and

2392 (f) The signature of the poll manager at the polling  
2393 place at which the affiant offers to vote.

2394 (3) (a) A separate receipt book shall be maintained for  
2395 affidavit voters and the affidavit voters shall sign the receipt  
2396 book upon completing the affidavit ballot.

2397 (b) If the affidavit voter is casting an affidavit  
2398 ballot because the voter is unable to present an acceptable form  
2399 of photo identification and the voter's name appears in the  
2400 pollbook, then the poll manager shall write "NO ID" across from  
2401 the voter's name and in the appropriate column in the pollbook.

2402 (c) In canvassing the returns of the election, the  
2403 executive committee in primary elections, or the election  
2404 commissioners in other elections, shall examine the records and



2405 allow the ballot to be counted, or not counted as it appears  
2406 legal.

2407 (d) An affidavit ballot of a voter who was unable to  
2408 present an acceptable form of photo identification shall not be  
2409 rejected for this reason if the voter does either of the  
2410 following:

2411 (i) Returns to the circuit clerk's office, or to  
2412 the municipal clerk's office for municipal elections, within five  
2413 (5) business days after the date \* \* \* the person voted during the  
2414 election and presents an acceptable form of photo identification;

2415 (ii) Returns to the circuit clerk's office within  
2416 five (5) business days after the date of the election to obtain  
2417 the Mississippi Voter Identification Card, or in municipal  
2418 election, returns to the municipal clerk's office within five (5)  
2419 business days after the date \* \* \* the person voted during the  
2420 election to present his or her Mississippi Voter Identification  
2421 Card or Temporary Mississippi Voter Identification Card; or

2422 (iii) Returns to the circuit clerk's office, or to  
2423 the municipal clerk's office for municipal elections, within five  
2424 (5) business days after the date \* \* \* the person voted during the  
2425 election to execute a separate Affidavit of Religious Objection.

2426 (4) When a person is offered the opportunity to vote by  
2427 affidavit ballot, he or she shall be provided with written  
2428 information that informs the person how to ascertain whether his



2429 or her affidavit ballot was counted and, if the vote was not  
2430 counted, the reasons the vote was not counted.

2431 (5) The officials in charge of the election shall process  
2432 all affidavit ballots by using the Statewide Elections Management  
2433 System. The officials in charge of the election shall account for  
2434 all affidavit ballots cast in each election, categorizing the  
2435 affidavit ballots cast by reason and recording the total number of  
2436 affidavit ballots counted and not counted in each such category in  
2437 the Statewide Elections Management System.

2438 (6) The Secretary of State shall, by rule duly adopted,  
2439 establish a uniform affidavit ballot envelope that shall be used  
2440 in all elections in this state. The Secretary of State shall  
2441 print and distribute a sufficient number of affidavit ballot  
2442 envelopes to the registrar of each county for use in elections.  
2443 The registrar shall distribute the affidavit ballot envelopes to  
2444 municipal and county executive committees for use in primary  
2445 elections and to municipal and county election commissioners for  
2446 use in all other elections.

2447 (7) County registrars and municipal registrars shall  
2448 maintain a secure free access system that complies with the Help  
2449 America Vote Act of 2002, by which persons who vote by affidavit  
2450 ballot may determine if their ballots were counted, and if not,  
2451 the reasons the ballot was not counted.

2452 (8) Any person who votes \* \* \* during any election as a  
2453 result of a federal or state court order or other order extending



the time established by law for closing the polls on an election day, may only vote by affidavit ballot. Any affidavit ballot cast under this subsection shall be separated and kept apart from other affidavit ballots cast by voters not affected by the order.

**SECTION 60.** Section 23-15-781, Mississippi Code of 1972, is amended as follows:

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

**SECTION 61.** Section 23-15-785, Mississippi Code of 1972, is amended as follows:

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

(2) The certificate of nomination by a political party convention must be signed by the presiding officer and secretary of the convention and by the \* \* \* chair of the state executive committee of the political party making the nomination. Any



2479 nominating petition, to be valid, must contain the signatures as  
2480 well as the addresses of the petitioners. The certificates and  
2481 petitions must be filed with the State Board of Election  
2482 Commissioners by filing them in the Office of the Secretary of  
2483 State by 5:00 p.m. not less than sixty (60) days \* \* \* before the  
2484 day \* \* \* early voting begins for the election.

2485 (3) Each certificate of nomination and nominating petition  
2486 must be accompanied by a list of the names and addresses of  
2487 persons, who shall be qualified voters of this state, equal in  
2488 number to the number of presidential electors to be chosen. Each  
2489 person so listed shall execute the following statement which shall  
2490 be attached to the certificate or petition when it is filed with  
2491 the State Board of Election Commissioners: "I do hereby consent  
2492 and do hereby agree to serve as elector for President and Vice  
2493 President of the United States, if elected to that position, and  
2494 do hereby agree that, if so elected, I shall cast my ballot as  
2495 such for \_\_\_\_\_ for President and \_\_\_\_\_ for Vice President of  
2496 the United States" (inserting in \* \* \* the blank spaces the  
2497 respective names of the persons named as nominees for \* \* \* the  
2498 respective offices in the certificate to which this statement is  
2499 attached).

2500 (4) The State Board of Election Commissioners and any other  
2501 official charged with the preparation of official ballots shall  
2502 place on \* \* \* the official ballots the words "PRESIDENTIAL  
2503 ELECTORS FOR (here insert the name of the candidate for President,



2504 the word 'AND' and the name of the candidate for Vice President)"  
2505 in lieu of placing the names of such presidential electors on the  
2506 official ballots, and a vote cast therefor shall be counted and  
2507 shall be in all respects effective as a vote for each of the  
2508 presidential electors representing those candidates for President  
2509 and Vice President of the United States. In the case of unpledged  
2510 electors, the State Board of Election Commissioners and any other  
2511 official charged with the preparation of official ballots shall  
2512 place on \* \* \* the official ballots the words "UNPLEDGED  
2513 ELECTOR(S) (here insert the name(s) of individual unpledged  
2514 elector(s) if placed upon the ballot based upon a petition granted  
2515 in the manner provided by law stating the individual name(s) of  
2516 the elector(s) rather than a slate of electors)."

2517       **SECTION 62.** Section 23-15-807, Mississippi Code of 1972, is  
2518 amended as follows:

2519       23-15-807. (a) Each candidate or political committee shall  
2520 file reports of contributions and disbursements in accordance with  
2521 the provisions of this section. All candidates or political  
2522 committees required to report such contributions and disbursements  
2523 may terminate the obligation to report only upon submitting a  
2524 final report that contributions will no longer be received or  
2525 disbursements made and that the candidate or committee has no  
2526 outstanding debts or obligations. The candidate, treasurer or  
2527 chief executive officer shall sign the report.



2528 (b) Candidates seeking election, or nomination for election,  
2529 and political committees making expenditures to influence or  
2530 attempt to influence voters for or against the nomination for  
2531 election of one or more candidates or balloted measures \* \* \*  
2532 during such election, shall file the following reports:

2533 (i) In any calendar year during which there is a  
2534 regularly scheduled election, a pre-election report shall be filed  
2535 no later than the seventh day before early voting begins for any  
2536 election in which the candidate or political committee has  
2537 accepted contributions or made expenditures and shall be completed  
2538 as of the tenth day before early voting begins for the election;

2539 (ii) In 1987 and every fourth year thereafter, periodic  
2540 reports shall be filed no later than the tenth day after April 30,  
2541 May 31, June 30, September 30 and December 31, and shall be  
2542 completed as of the last day of each period;

2543 (iii) In any calendar years except 1987 and except  
2544 every fourth year thereafter, a report covering the calendar year  
2545 shall be filed no later than January 31 of the following calendar  
2546 year; and

2547 (iv) Except as otherwise provided in the requirements  
2548 of paragraph (i) of this subsection (b), unopposed candidates are  
2549 not required to file pre-election reports but must file all other  
2550 reports required by paragraphs (ii) and (iii) of this subsection  
2551 (b) .



(c) All candidates for judicial office as defined in Section 23-15-975, or their political committees, shall file periodic reports in the year in which they are to be elected no later than the tenth day after April 30, May 31, June 30, September 30 and December 31. Candidates for judicial office shall not be required to file an annual report during an election year, but shall file an annual report in all other years.

(d) Each report under this article shall disclose:

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

(ii) The identification of:

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

2. Each person or organization, candidate or political committee who receives an expenditure, payment or other transfer from the reporting candidate, political committee or its





2577 agent, employee, designee, contractor, consultant or other person  
2578 or persons acting in its behalf during the reporting period when  
2579 the expenditure, payment or other transfer to the person,  
2580 organization, candidate or political committee within the calendar  
2581 year have an aggregate value or amount in excess of Two Hundred  
2582 Dollars (\$200.00) together with the date and amount of the  
2583 expenditure;

2584 (iii) The total amount of cash on hand of each  
2585 reporting candidate and reporting political committee;

2586 (iv) In addition to the contents of reports specified  
2587 in paragraphs (i), (ii) and (iii) of this subsection (d), each  
2588 political party shall disclose:

2589 1. Each person or political committee who makes a  
2590 contribution to a political party during the reporting period and  
2591 whose contribution or contributions to a political party within  
2592 the calendar year have an aggregate amount or value in excess of  
2593 Two Hundred Dollars (\$200.00), together with the date and amount  
2594 of the contribution;

2595 2. Each person or organization who receives an  
2596 expenditure or expenditures by a political party during the  
2597 reporting period when the expenditure or expenditures to the  
2598 person or organization within the calendar year have an aggregate  
2599 value or amount in excess of Two Hundred Dollars (\$200.00),  
2600 together with the date and amount of the expenditure;



2601           (v) Disclosure required under this section of an  
2602 expenditure to a credit card issuer, financial institution or  
2603 business allowing payments and money transfers to be made over the  
2604 Internet must include, by way of detail or separate entry, the  
2605 amount of funds passing to each person, business entity or  
2606 organization receiving funds from the expenditure.

2607           (e) The appropriate office specified in Section 23-15-805  
2608 must be in actual receipt of the reports specified in this article  
2609 by 5:00 p.m. on the dates specified in subsection (b) of this  
2610 section. If the date specified in subsection (b) of this section  
2611 shall fall on a weekend or legal holiday then the report shall be  
2612 due in the appropriate office at 5:00 p.m. on the first working  
2613 day before the date specified in subsection (b) of this section.  
2614 The reporting candidate or reporting political committee shall  
2615 ensure that the reports are delivered to the appropriate office by  
2616 the filing deadline. The Secretary of State may approve specific  
2617 means of electronic transmission of completed campaign finance  
2618 disclosure reports, which may include, but not be limited to,  
2619 transmission by electronic facsimile (FAX) devices.

2620           (f) (i) If any contribution of more than Two Hundred  
2621 Dollars (\$200.00) is received by a candidate or candidate's  
2622 political committee after the tenth day, but more than forty-eight  
2623 (48) hours before 12:01 a.m. \* \* \* on the day \* \* \* that early  
2624 voting begins for the election, the candidate or political  
2625 committee shall notify the appropriate office designated in



2626 Section 23-15-805, within forty-eight (48) hours of receipt of the  
2627 contribution. The notification shall include:

- 2628 1. The name of the receiving candidate;
- 2629 2. The name of the receiving candidate's political  
2630 committee, if any;
- 2631 3. The office sought by the candidate;
- 2632 4. The identification of the contributor;
- 2633 5. The date of receipt;
- 2634 6. The amount of the contribution;
- 2635 7. If the contribution is in-kind, a description  
2636 of the in-kind contribution; and
- 2637 8. The signature of the candidate or the treasurer  
2638 or chair of the candidate's political organization.

2639 (ii) The notification shall be in writing, and may be  
2640 transmitted by overnight mail, courier service, or other reliable  
2641 means, including electronic facsimile (FAX), but the candidate or  
2642 candidate's committee shall ensure that the notification shall in  
2643 fact be received in the appropriate office designated in Section  
2644 23-15-805 within forty-eight (48) hours of the contribution.

2645 **SECTION 63.** Section 23-15-833, Mississippi Code of 1972, is  
2646 amended as follows:

2647 23-15-833. Except as otherwise provided by law, the first  
2648 Tuesday after the first Monday in November of each year shall be  
2649 designated the regular special election day, and on that day and  
2650 during the period established for early voting an election shall



2651 be held to fill any vacancy in county, county district, and  
2652 district attorney elective offices, and any vacancy in the office  
2653 of circuit judge or chancellor.

2654 All special elections, or elections to fill vacancies, shall  
2655 in all respects be held, conducted and returned in the same manner  
2656 as general elections, except that where no candidate receives a  
2657 majority of the votes cast in the election, a runoff election  
2658 shall be held four (4) weeks after the election. The two (2)  
2659 candidates who receive the highest popular votes for the office  
2660 shall have their names submitted as the candidates to the runoff  
2661 and the candidate who leads in the runoff election shall be  
2662 elected to the office. When there is a tie in the first election  
2663 of those receiving the next highest vote, these two (2) and the  
2664 one receiving the highest vote, none having received a majority,  
2665 shall go into the runoff election and whoever leads in the runoff  
2666 election shall be entitled to the office.

2667 In those years when the regular special election day shall  
2668 occur \* \* \* during the same \* \* \* period of time as the general  
2669 election, the names of candidates in any special election and the  
2670 general election shall be placed on the same ballot, but shall be  
2671 clearly distinguished as general election candidates or special  
2672 election candidates. At any time a special election is held \* \* \*  
2673 during the same \* \* \* period of time as a party primary election,  
2674 the names of the candidates in the special election may be placed



2675 on the same ballot, but shall be clearly distinguished as special  
2676 election candidates or primary election candidates.

2677       **SECTION 64.** Section 23-15-843, Mississippi Code of 1972, is  
2678 amended as follows:

2679       23-15-843. In case of death, resignation or vacancy from any  
2680 cause in the office of district attorney, the unexpired term of  
2681 which shall exceed six (6) months, the Governor shall within ten  
2682 (10) days after the vacancy occurs issue a proclamation calling an  
2683 election to fill a vacancy in the office of district attorney to  
2684 be held \* \* \* during the next regular special election \* \* \*  
2685 period of time in the district where the vacancy occurred unless  
2686 the vacancy occurs in a year in which a general election would  
2687 normally be held for that office as provided by law, in which case  
2688 the appointed person shall serve the unexpired portion of the  
2689 term. Candidates in such a special election shall qualify in the  
2690 same manner and be subject to the same time limitations as set  
2691 forth in Section 23-15-839. Pending the holding of a special  
2692 election, the Governor shall make an emergency appointment to fill  
2693 the vacancy until the same shall be filled by election.

2694       **SECTION 65.** Section 23-15-851, Mississippi Code of 1972, is  
2695 amended as follows:

2696       23-15-851. (1) Except as otherwise provided in subsection  
2697 (2) of this section, within thirty (30) days after vacancies occur  
2698 in either house of the Legislature, the Governor shall issue writs  
2699 of election to fill the vacancies on a day specified in the writ



of election. At least sixty (60) days' notice shall be given of the election in each county or part of a county in which the election shall be held. The qualifying deadline for the election shall be fifty (50) days before the early voting begins for the election. Notice of the election shall be posted at the courthouse and in each supervisors district in the county or part of county in which such election shall be held for as near sixty (60) days as may be practicable. The election shall be prepared for and held as in the case of a general election.

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

**SECTION 66.** Section 23-15-853, Mississippi Code of 1972, is amended as follows:

23-15-853. (1) If a vacancy occurs in the representation in Congress, the vacancy shall be filled for the unexpired term by a special election, to be ordered by the Governor, within sixty (60) days after the vacancy occurs, and held at a time fixed by his or her order, and which time shall \* \* \* begin not less than sixty (60) days after the issuance of the order of the Governor, which shall be directed to the election commissioners of the several counties of the district, who shall, immediately on the receipt of the order, give notice of the election by publishing the same in a newspaper having a general circulation in the county and by posting the notice at the front door of the courthouse. The order



2725 shall also be directed to the State Board of Election  
2726 Commissioners. The election shall be prepared for and conducted,  
2727 and returns shall be made, in all respects as provided for a  
2728 special election to fill vacancies.

2729 (2) Candidates for the office in such an election must  
2730 qualify with the Secretary of State by 5:00 p.m. not less than  
2731 fifty (50) days before the \* \* \* early voting period begins for  
2732 the election. If the fiftieth day to qualify before an election  
2733 falls on a Sunday or legal holiday, the qualification submitted on  
2734 the business day immediately following the Sunday or legal holiday  
2735 shall be accepted. The election commissioners shall have printed  
2736 on the ballot in such special election the name of any candidate  
2737 who shall have been requested to be a candidate for the office by  
2738 a petition filed with the Secretary of State and personally signed  
2739 by not less than one thousand (1,000) qualified electors of the  
2740 district. The petition shall be filed by 5:00 p.m. not less than  
2741 fifty (50) days before the \* \* \* early voting period begins for  
2742 the election. If the fiftieth day to file the petition before an  
2743 election falls on a Sunday or legal holiday, the petition filed on  
2744 the business day immediately following the Sunday or legal holiday  
2745 shall be accepted.

2746 There shall be attached to each petition above provided for,  
2747 upon the time of filing with the Secretary of State, a certificate  
2748 from the appropriate registrar or registrars showing the number of



2749 qualified electors appearing upon each petition which the  
2750 registrar shall furnish to the petitioner upon request.

2751       **SECTION 67.** Section 23-15-855, Mississippi Code of 1972, is  
2752 amended as follows:

2753       23-15-855. (1) If a vacancy shall occur in the office of  
2754 United States Senator from Mississippi by death, resignation or  
2755 otherwise, the Governor shall, within ten (10) days after  
2756 receiving official notice of the vacancy, issue a proclamation for  
2757 an election to be held in the state to elect a Senator to fill the  
2758 remaining unexpired term, provided the unexpired term is more than  
2759 twelve (12) months and the election shall \* \* \* begin within  
2760 ninety (90) days from the time the proclamation is issued and the  
2761 returns of such election shall be certified to the Governor in the  
2762 manner set out above for regular elections, unless the vacancy  
2763 occurs in a year in which a general state or congressional  
2764 election is held, in which event the Governor's proclamation shall  
2765 designate the period for conducting the general election \* \* \* as  
2766 the time for electing a Senator, and the vacancy shall be filled  
2767 by appointment as hereinafter provided.

2768       (2) In case of a vacancy in the office of United States  
2769 Senator, the Governor may appoint a Senator to fill the vacancy  
2770 temporarily, and if the United States Senate be in session at the  
2771 time the vacancy occurs the Governor shall appoint a Senator  
2772 within ten (10) days after receiving official notice thereof, and  
2773 the appointed Senator shall serve until a successor is elected and





2774 commissioned as provided for in subsection (1) of this section,  
2775 provided that such unexpired term as he or she may be appointed to  
2776 fill shall be for a longer time than one (1) year, but if for a  
2777 shorter time than one (1) year, he or she shall serve for the full  
2778 time of the unexpired term and no special election shall be called  
2779 by the Governor but a successor shall be elected at the regular  
2780 election.

2781       **SECTION 68.** Section 23-15-857, Mississippi Code of 1972, is  
2782 amended as follows:

2783       23-15-857. (1) When there is a vacancy in an elective  
2784 office in a city, town or village, the unexpired term of which  
2785 shall not exceed six (6) months, the same shall be filled by  
2786 appointment by the governing authority or remainder of the  
2787 governing authority of the city, town or village. The municipal  
2788 clerk shall certify the appointment to the Secretary of State and  
2789 the appointed person or persons shall be commissioned by the  
2790 Governor.

2791       (2) When there is a vacancy in an elective office in a city,  
2792 town or village, the unexpired term of which shall exceed six (6)  
2793 months, the governing authority or remainder of the governing  
2794 authority of the city, town or village shall make and enter on the  
2795 minutes an order for an election to be held in the city, town or  
2796 village to fill the vacancy and fix a \* \* \* time period upon which  
2797 the early voting and election day shall be held. The order shall  
2798 be made and entered upon the minutes at the next regular meeting



2799 of the governing authority after the vacancy occurs, or at a  
2800 special meeting to be held not later than ten (10) days after the  
2801 vacancy occurs, Saturdays, Sundays and legal holidays excluded,  
2802 whichever shall occur first. The election shall be held on a date  
2803 not less than thirty (30) days nor more than forty-five (45) days  
2804 after the date upon which the order is adopted.

2805 Notice of the election shall be given by the municipal clerk  
2806 by notice published in a newspaper published in the municipality.  
2807 The notice shall be published once each week for three (3)  
2808 successive weeks \* \* \* before the date \* \* \* early voting begins  
2809 for the election. The first notice shall be published at least  
2810 thirty (30) days before \* \* \* early voting begins for the  
2811 election. Notice shall also be given by posting a copy of the  
2812 notice at three (3) public places in the municipality not less  
2813 than twenty-one (21) days before \* \* \* early voting begins for the  
2814 election. One (1) of the notices shall be posted at the city,  
2815 town or village hall. In the event that there is no newspaper  
2816 published in the municipality, such notice shall be published as  
2817 provided for above in a newspaper that has a general circulation  
2818 within the municipality and by posting as provided for above.  
2819 Additionally, the governing authority may publish the notice in  
2820 that newspaper for as many additional times as may be deemed  
2821 necessary by the governing authority.

2822 Each candidate shall qualify by petition filed with the  
2823 municipal clerk by 5:00 p.m. at least twenty (20) days before



2824 the \* \* \* early voting period begins for the election. If the  
2825 twentieth day to file the petition before the election falls on a  
2826 Sunday or legal holiday, the petition filed on the business day  
2827 immediately following the Sunday or legal holiday shall be  
2828 accepted. The petition shall be signed by not less than the  
2829 following number of qualified electors:

2830 (a) For an office of a city, town, village or municipal  
2831 district having a population of one thousand (1,000) or more, not  
2832 less than fifty (50) qualified electors.

2833 (b) For an office of a city, town, village or municipal  
2834 district having a population of less than one thousand (1,000),  
2835 not less than fifteen (15) qualified electors.

2836 No qualifying fee shall be required of any candidate, and the  
2837 election shall be held as far as practicable in the same manner as  
2838 municipal general elections.

2839 The candidate receiving a majority of the votes cast in the  
2840 election shall be elected. If no candidate receives a majority  
2841 vote at the election, the two (2) candidates receiving the highest  
2842 number of votes shall have their names placed on the ballot for  
2843 the election to be held three (3) weeks thereafter. The candidate  
2844 receiving a majority of the votes cast in the election shall be  
2845 elected. However, if no candidate receives a majority and there  
2846 is a tie in the election of those receiving the next highest vote,  
2847 those receiving the next highest vote and the candidate receiving  
2848 the highest vote shall have their names placed on the ballot for



2849 the election to be held three (3) weeks thereafter, and whoever  
2850 receives the most votes cast in the election shall be elected.

2851 Should the election held three (3) weeks thereafter result in  
2852 a tie vote, the prevailing candidate shall be decided by a toss of  
2853 a coin or by lot fairly and publicly drawn under the supervision  
2854 of the election commission.

2855 The clerk of the election commission shall then give a  
2856 certificate of election to the person elected, and return to the  
2857 Secretary of State a copy of the order of holding the election and  
2858 runoff election results, certified by the clerk of the governing  
2859 authority. The person elected shall be commissioned by the  
2860 Governor.

2861 However, if nineteen (19) days before the \* \* \* early voting  
2862 period begins for the election only one (1) person shall have  
2863 qualified as a candidate, the governing authority, or remainder of  
2864 the governing authority, shall dispense with the election and  
2865 appoint that one (1) candidate in lieu of an election. In the  
2866 event no person shall have qualified by 5:00 p.m. at least twenty  
2867 (20) days before \* \* \* the early voting period begins for the  
2868 election, the governing authority or remainder of the governing  
2869 authority shall dispense with the election and fill the vacancy by  
2870 appointment. The clerk of the governing authority shall certify  
2871 the appointment to the Secretary of State, and the appointed  
2872 person shall be commissioned by the Governor.



2873           **SECTION 69.** Section 23-15-859, Mississippi Code of 1972, is  
2874 amended as follows:

2875           23-15-859. Whenever under any statute a special election is  
2876 required or authorized to be held in any municipality, and the  
2877 statute authorizing or requiring the election does not specify the  
2878 time within which the election shall be called, or the notice  
2879 which shall be given, the governing authorities of the  
2880 municipality shall, by resolution, fix a date upon which the  
2881 election shall be held. The date shall not be less than  
2882 twenty-one (21) nor more than thirty (30) days after the date upon  
2883 which such resolution is adopted, and not less than three (3)  
2884 weeks' notice of the election shall be given by the clerk by a  
2885 notice published in a newspaper published in the municipality once  
2886 each week for three (3) weeks next \* \* \* before the \* \* \* early  
2887 voting period begins for the election, and by posting a copy of  
2888 the notice at three (3) public places in the municipality.  
2889 Nothing herein, however, shall be applicable to elections on the  
2890 question of the issuance of the bonds of a municipality or to  
2891 general or primary elections for the election of municipal  
2892 officers.

2893           The provisions of this section shall be applicable to all  
2894 municipalities of this state, whether operating under a code  
2895 charter, special charter or the commission form of government,  
2896 except in cases of conflicts between the provisions of the section  
2897 and the provisions of the special charter of a municipality, or



2898 the law governing the commission form of government, in which  
2899 cases of conflict the provisions of the special charter or the  
2900 statutes relative to the commission form of government shall  
2901 apply.

2902       **SECTION 70.** Section 23-15-895, Mississippi Code of 1972, is  
2903 amended as follows:

2904       23-15-895. No candidate for an elective office, or any  
2905 representative of such candidate, and no proponent or opponent of  
2906 any constitutional amendment, local issue or other measure printed  
2907 on the ballot may post or distribute cards, posters or other  
2908 campaign literature within one hundred fifty (150) feet of any  
2909 entrance of the building wherein early voting or any election is  
2910 being held. No candidate or a representative named by him or her  
2911 in writing may appear at any polling place while armed or  
2912 uniformed, or display any badge or credentials except as may be  
2913 issued by the manager of the polling place. As used in this  
2914 section, the term "local issue" shall have the meaning ascribed to  
2915 such term in Section 23-15-375. This section shall be enforced by  
2916 election officials and law enforcement officials.

2917       **SECTION 71.** Section 23-15-913, Mississippi Code of 1972, is  
2918 amended as follows:

2919       23-15-913. (1) The judges listed and selected to hear  
2920 election disputes, as provided in Section 23-15-951, shall be  
2921 available during early voting and on election day to immediately  
2922 hear and resolve any election \* \* \* disputes. The name of any



2923 judge selected to hear election day disputes shall be provided to  
2924 the Secretary of State by the Chief Justice of the Mississippi  
2925 Supreme Court at the time the appointment is made, unless the  
2926 Secretary of State is a party to the election day dispute to which  
2927 that special circuit judge is appointed.

2928       (2) The rules for filing pleadings shall be relaxed to carry  
2929 out the purposes of this section. The judges selected shall  
2930 perform no other judicial duties on election day. If an election  
2931 day dispute occurs, the circuit clerk shall only docket the  
2932 dispute to the judge designated by the Supreme Court to hear the  
2933 case in that county. All election day disputes arising in one  
2934 county shall go to the same judge in that county unless the judge  
2935 is absent or unavailable. When such election day dispute is  
2936 filed, the circuit clerk shall immediately notify by phone, email  
2937 or personally, the Chief Justice of the Supreme Court, or in his  
2938 or her absence or disability, some other Justice of the Supreme  
2939 Court, who shall forthwith notify the assigned special judge from  
2940 the list of judges who were preselected to hear election day  
2941 disputes, to proceed to the county in which the dispute has been  
2942 filed to hear and determine the complaint. The circuit clerk  
2943 shall cause a copy of such petition to be served upon the  
2944 contestee, which shall serve as notice to such contestee. In the  
2945 list provided, the Supreme Court shall specify which judges shall  
2946 be available to hear disputes in each county in which the disputes  
2947 occur, but no judge shall hear disputes in the district or county



in which he or she was elected nor shall any judge hear any dispute in which any potential conflict may arise. Each judge shall be fair and impartial and shall be assigned on that basis.

(3) The listed and selected judges provided by the Chief Justice of the Mississippi Supreme Court shall have sole jurisdiction to hear election day disputes. Election disputes can only be filed in a circuit court with proper jurisdiction and heard by one (1) of the judges selected by the Chief Justice of the Mississippi Supreme Court.

**SECTION 72.** Section 23-15-963, Mississippi Code of 1972, is amended as follows:

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

(2) Any person desiring to contest the qualifications of another person who has qualified pursuant to the provisions of Section 23-15-213 \* \* \* as a candidate for county election commissioner elected at a general election, shall file a petition specifically setting forth the grounds of the challenge no later





2973 than sixty (60) days \* \* \* before the period for early voting  
2974 begins for the general election. \* \* \* The petition shall be  
2975 filed with the county board of supervisors, being the same body  
2976 with whom the candidate in question qualified pursuant to Section  
2977 23-15-213 \* \* \*.

2978 (3) Any person desiring to contest the qualifications of  
2979 another person who has qualified pursuant to the provisions of  
2980 Section 23-15-361 \* \* \* as a candidate for municipal office  
2981 elected on the date designated by law for regular municipal  
2982 elections, shall file a petition specifically setting forth the  
2983 grounds of the challenge no later than thirty-one (31) days after  
2984 the date of the first primary election set forth in Section  
2985 23-15-309 \* \* \*. \* \* \* The petition shall be filed with the  
2986 municipal election commissioners \* \* \*, being the same body with  
2987 whom the candidate in question qualified pursuant to Section  
2988 23-15-361 \* \* \*.

2989 (4) Within ten (10) days of receipt of the petition  
2990 described in subsections (1), (2) and (3) of this section, the  
2991 appropriate election officials shall meet and rule upon the  
2992 petition. At least two (2) days before the hearing to consider  
2993 the petition, the appropriate election officials shall give notice  
2994 to both the petitioner and the contested candidate of the time and  
2995 place of the hearing on the petition. Each party shall be given  
2996 an opportunity to be heard at such meeting and present evidence in  
2997 support of his or her position.



2998           (5) If the appropriate election officials fail to rule upon  
2999 the petition within the time required above, such inaction shall  
3000 be interpreted as a denial of the request for relief contained in  
3001 the petition.

3002           (6) Any party aggrieved by the action or inaction of the  
3003 appropriate election officials may file a petition for judicial  
3004 review to the circuit court of the county in which the election  
3005 officials whose decision is being reviewed sits. \* \* \* The  
3006 petition must be filed no later than fifteen (15) days after the  
3007 date the petition was originally filed with the appropriate  
3008 election officials. \* \* \* The person filing for judicial review  
3009 shall give a cost bond in the sum of Three Hundred Dollars  
3010 (\$300.00) with two (2) or more sufficient sureties conditioned to  
3011 pay all costs in case his or her petition be dismissed, and an  
3012 additional bond may be required, by the court, if necessary, at  
3013 any subsequent stage of the proceedings.

3014           (7) The circuit court with whom such a petition for judicial  
3015 review has been filed shall at the earliest possible date set the  
3016 matter for hearing. Notice shall be given to the interested  
3017 parties of the time set for hearing by the circuit clerk. The  
3018 hearing before the circuit court shall be de novo. The matter  
3019 shall be tried to the circuit judge, without a jury. After  
3020 hearing the evidence, the circuit judge shall determine whether  
3021 the candidate whose qualifications have been challenged is legally  
3022 qualified to have his or her name placed upon the ballot in



question. The circuit judge may, upon disqualification of any such candidate, order that \* \* \* the candidate \* \* \* bear the court costs of the proceedings.

(8) Within three (3) days after judgment is rendered by the circuit court, the contestant or contestee, or both, may file an appeal in the Supreme Court upon giving a cost bond in the sum of Three Hundred Dollars (\$300.00), together with a bill of exceptions \* \* \* that shall state the point or points of law at issue with a sufficient synopsis of the facts to fully disclose the bearing and relevancy of such points of law. The bill of exceptions shall be signed by the trial judge, or in case of his or her absence, refusal or disability, by two (2) disinterested attorneys, as is provided by law in other cases of bills of exception. The filing of \* \* \* the appeals shall automatically suspend the decision of the circuit court and the appropriate election officials are entitled to proceed based upon their decision unless and until the Supreme Court, in its discretion, stays further proceedings in the matter. The appeal shall be immediately docketed in the Supreme Court and referred to the court en banc upon briefs without oral argument unless the court shall call for oral argument, and shall be decided at the earliest possible date, as a preference case over all others. The Supreme Court shall have the authority to grant such relief as is appropriate under the circumstances.



3047           (9) The procedure set forth above shall be the \* \* \* only  
3048 manner in which the qualifications of a candidate seeking public  
3049 office who qualified pursuant to the provisions of Sections  
3050 23-15-359, 23-15-213 and 23-15-361 \* \* \* may be challenged \* \* \*  
3051 before the time of his or her election. After any such person has  
3052 been elected to public office, the election may be challenged as  
3053 otherwise provided by law. After any person assumes an elective  
3054 office, his or her qualifications to hold that office may be  
3055 contested as otherwise provided by law.

3056           **SECTION 73.** Section 23-15-977, Mississippi Code of 1972, is  
3057 amended as follows:

3058           23-15-977. (1) Except as otherwise provided in this  
3059 section, all candidates for judicial office as defined in Section  
3060 23-15-975 of this subarticle shall file their intent to be a  
3061 candidate with the proper officials and pay the proper assessment  
3062 by not later than 5:00 p.m. on February 1 of the year in which the  
3063 general election for the judicial office is held. If February 1  
3064 occurs on a Saturday, Sunday or legal holiday, candidates shall  
3065 file their intent to be a candidate and pay the proper assessment  
3066 by 5:00 p.m. on the business day immediately following the  
3067 Saturday, Sunday or legal holiday. Candidates shall pay to the  
3068 proper officials the following amounts:

3069           (a) Candidates for Supreme Court justice and Court of  
3070 Appeals judge, the sum of Two Hundred Dollars (\$200.00).



3071 (b) Candidates for circuit judge and chancellor, the  
3072 sum of One Hundred Dollars (\$100.00).

3073 (c) Candidates for county judge and family court judge,  
3074 the sum of One Hundred Dollars (\$100.00).

3075 (d) Candidates for justice court judge, the sum of One  
3076 Hundred Dollars (\$100.00).

3077 Candidates for judicial office may not file their intent to  
3078 be a candidate and pay the proper assessment before January 1 of  
3079 the year in which the election for the judicial office is held.

3080 (2) Candidates for judicial offices listed in paragraphs (a)  
3081 and (b) of subsection (1) of this section shall file their intent  
3082 to be a candidate with, and pay the proper assessment made  
3083 pursuant to subsection (1) of this section to, the State Board of  
3084 Election Commissioners.

3085 (3) Candidates for judicial offices listed in paragraphs (c)  
3086 and (d) of subsection (1) of this section shall file their intent  
3087 to be a candidate with, and pay the proper assessment made  
3088 pursuant to subsection (1) of this section to, the circuit clerk  
3089 of the proper county. The circuit clerk shall notify the county  
3090 election commissioners of all persons who have filed their intent  
3091 to be a candidate with, and paid the proper assessment to, such  
3092 clerk. The notification shall occur within two (2) business days  
3093 and shall contain all necessary information.

3094 (4) If only one (1) person files his or her intent to be a  
3095 candidate for a judicial office and that person later dies,



3096 resigns or is otherwise disqualified from holding the judicial  
3097 office after the deadline provided for in subsection (1) of this  
3098 section but more than seventy (70) days before the date \* \* \* that  
3099 early voting begins for the general election, the Governor, upon  
3100 notification of the death, resignation or disqualification of the  
3101 person, shall issue a proclamation authorizing candidates to file  
3102 their intent to be a candidate for that judicial office for a  
3103 period of not less than seven (7) nor more than ten (10) days from  
3104 the date of the proclamation.

3105 (5) If only one (1) person qualifies as a candidate for a  
3106 judicial office and that person later dies, resigns or is  
3107 otherwise disqualified from holding the judicial office within  
3108 seventy (70) days before the date \* \* \* that early voting begins  
3109 for the general election, the judicial office shall be considered  
3110 vacant for the new term and the vacancy shall be filled as  
3111 provided in by law.

3112 **SECTION 74.** Section 23-15-1031, Mississippi Code of 1972, is  
3113 amended as follows:

3114 23-15-1031. Except as provided by Section 23-15-1081, the  
3115 first primary election for \* \* \* members of Congress shall be held  
3116 on the first Tuesday in June of the years in which \* \* \* members  
3117 of Congress are elected, and a second primary, if necessary, shall  
3118 be held four (4) weeks thereafter. Each year in which a  
3119 presidential election is held, the congressional primary shall be  
3120 held as provided in Section 23-15-1081. The election shall be



3121 held in all districts of the state during the same period for  
3122 early voting and on the same day. Candidates for United States  
3123 Senator shall be nominated at the congressional primary next  
3124 preceding the general election at which a senator is to be elected  
3125 and in the same manner that \* \* \* members of Congress are  
3126 nominated. The chair and secretary of the state executive  
3127 committee shall certify the vote for United States Senator to the  
3128 Secretary of State in the same manner that county executive  
3129 committees certify the returns of counties in general state and  
3130 county primary elections.

3131       **SECTION 75.** Section 23-15-1081, Mississippi Code of 1972, is  
3132 amended as follows:

3133       23-15-1081. A presidential preference primary may be held on  
3134 the second Tuesday in March of each year in which a President of  
3135 the United States is to be elected and during the early voting  
3136 period established in this act. Each political party \* \* \* that  
3137 has cast for its candidates for President and Vice President in  
3138 the previous presidential election more than twenty percent (20%)  
3139 of the total vote cast for President and Vice President in the  
3140 state, may conduct a presidential preference primary. No elector  
3141 shall vote in the primary of more than one (1) political party in  
3142 the same presidential preference primary.

3143       **SECTION 76.** Section 23-15-1083, Mississippi Code of 1972, is  
3144 amended as follows:



3145           23-15-1083. Beginning in 1988, as an alternative to the  
3146 congressional primary election date set forth in Section  
3147 23-15-1031, when a political party elects to conduct a  
3148 presidential preference primary, the first primary election  
3149 for \* \* \* members of Congress, and senators, if senators are to be  
3150 elected, shall be held on the second Tuesday in March and during  
3151 the early voting period established in this act, and the second  
3152 primary, when one is necessary, shall be held four (4) weeks  
3153 thereafter, and the election shall be held in all districts of the  
3154 state on the same day.

3155           **SECTION 77.** Section 23-15-1085, Mississippi Code of 1972, is  
3156 amended as follows:

3157           23-15-1085. The \* \* \* chair of a party's state executive  
3158 committee shall notify the Secretary of State if the party intends  
3159 to hold a presidential preference primary. The Secretary of State  
3160 shall be notified \* \* \* before December 1 of the year preceding  
3161 the year in which a presidential preference primary may be held  
3162 pursuant to Section 23-15-1081. Upon \* \* \* the notification, the  
3163 Secretary of State shall issue a proclamation setting every  
3164 party's congressional and senatorial primary elections, including  
3165 the period for early voting, that are to be held in the year in  
3166 which the presidential preference primary is to be held on the  
3167 date provided for in Section 23-15-1083. Once the Secretary of  
3168 State has issued a proclamation pursuant to this section, the





3169 dates of the congressional and senatorial primary elections shall  
3170 not be changed.

3171       **SECTION 78.** Section 23-15-1091, Mississippi Code of 1972, is  
3172 amended as follows:

3173       23-15-1091. When the Secretary of State places the name of a  
3174 candidate on the ballot pursuant to Section 23-15-1093, he or she  
3175 shall notify the candidate that his or her name will appear on the  
3176 ballot of this state in the presidential preference primary  
3177 election.

3178       The secretary shall also notify the candidate that he or she  
3179 may withdraw his or her name from the ballot by filing with the  
3180 Secretary of State an affidavit pursuant to Section 23-15-1095 no  
3181 later than the sixtieth day before the period for early voting  
3182 begins for that election.

3183       **SECTION 79.** Section 21-3-3, Mississippi Code of 1972, is  
3184 amended as follows:

3185       21-3-3. The elective officers of all municipalities  
3186 operating under a code charter shall be the mayor, the aldermen,  
3187 municipal judge, the marshal or chief of police, the tax collector  
3188 and the tax assessor. From and after July 1, 2017, the governing  
3189 authorities of the municipality shall appoint a city or town clerk  
3190 who shall likewise serve as an officer of the municipality.  
3191 However, the governing authorities of the municipality shall have  
3192 the power, by ordinance, to combine the office of clerk or marshal  
3193 with the office of tax collector and/or tax assessor. \* \* \* The



3194 governing authorities shall have the further power to provide  
3195 that \* \* \* any of \* \* \* those officers, except those of mayor and  
3196 aldermen, shall be appointive, in which case the marshal or chief  
3197 of police, the tax collector, the tax assessor, and the city or  
3198 town clerk, or such of \* \* \* the officers as may be made  
3199 appointive, shall be appointed by the governing authorities. Any  
3200 action taken by the governing authorities to make any of \* \* \* the  
3201 offices appointive shall be by ordinance of \* \* \* the  
3202 municipality, and no such ordinance shall be adopted within ninety  
3203 (90) days \* \* \* before the period for early voting begins for any  
3204 regular general election for the election of municipal officers.  
3205 No such ordinance shall become effective during the term of office  
3206 of any officer whose office shall be affected thereby. If any  
3207 such office is made appointive, the person appointed thereto shall  
3208 hold office at the pleasure of the governing authorities and may  
3209 be discharged by \* \* \* the governing authorities at any time,  
3210 either with or without cause, and it shall be discretionary with  
3211 the governing authorities whether or not to require \* \* \* the  
3212 person appointed thereto to reside within the corporate limits of  
3213 the municipality in order to hold \* \* \* the office.

3214       **SECTION 80.** Section 21-9-17, Mississippi Code of 1972, is  
3215 amended as follows:

3216       21-9-17. Except as otherwise provided, all candidates for  
3217 mayor and councilmen, or any of them, to be voted for \* \* \* during  
3218 the periods for holding any general or special municipal election,



3219 shall be nominated by party primary election, and no other name or  
3220 names shall be placed on the official ballot at \* \* \* the general  
3221 or special election than those selected in the manner prescribed  
3222 herein. Such primary election or elections, shall be held not  
3223 less than ten (10), nor more than thirty (30) days, \* \* \* before  
3224 the general or special election, and \* \* \* the primary election or  
3225 elections shall be held and conducted in the manner as near as may  
3226 be as is provided by law for state and county primary elections.

3227 **SECTION 81.** Section 37-5-9, Mississippi Code of 1972, is  
3228 amended as follows:

3229 37-5-9. The name of any qualified elector who is a candidate  
3230 for the county board of education shall be placed on the ballot  
3231 used in the general elections by the county election  
3232 commissioners, provided that the candidate files with the county  
3233 election commissioners, not more than ninety (90) days and not  
3234 less than sixty (60) days \* \* \* before the date \* \* \* early voting  
3235 begins for the general election, a petition of nomination signed  
3236 by not less than fifty (50) qualified electors of the county  
3237 residing within each supervisor's district. Where there are less  
3238 than one hundred (100) qualified electors in said supervisor's  
3239 district, it shall only be required that said petition of  
3240 nomination be signed by at least twenty percent (20%) of the  
3241 qualified electors of such supervisor's district. The candidate  
3242 in each supervisor's district who receives the majority of votes  
3243 cast in the district shall be declared elected. If no candidate



3244 receives a majority of the votes cast at the election, a runoff  
3245 shall be held between the two (2) candidates receiving the highest  
3246 number of votes in the first election. The runoff election, in  
3247 the event that such is necessary, shall be held four (4) weeks  
3248 after the first election.

3249 When any member of the county board of education is to be  
3250 elected from the county at large under the provisions of this  
3251 chapter, then the petition required by the preceding paragraph  
3252 hereof shall be signed by the required number of qualified  
3253 electors residing in any part of the county outside of the  
3254 territory embraced within a municipal separate school district or  
3255 special municipal separate school district. The candidate who  
3256 receives the majority of votes cast in the election shall be  
3257 declared elected. If no candidate receives a majority of the  
3258 votes cast at the election, a runoff shall be held between the two  
3259 (2) candidates receiving the highest number of votes in the first  
3260 election. The runoff election, in the event that such is  
3261 necessary, shall be held four (4) weeks after the first election.

3262 In no case shall any qualified elector residing within a  
3263 municipal separate school district or special municipal separate  
3264 school district be eligible to sign a petition of nomination for  
3265 any candidate for the county board of education under any of the  
3266 provisions of this section.

3267 **SECTION 82.** Section 21-8-7, Mississippi Code of 1972, is  
3268 amended as follows:



3269           21-8-7. (1) Each municipality operating under the  
3270 mayor-council form of government shall be governed by an elected  
3271 council and an elected mayor. Other officers and employees shall  
3272 be duly appointed pursuant to this chapter, general law or  
3273 ordinance.

3274           (2) Except as otherwise provided in subsection (4) of this  
3275 section, the mayor and council members shall be elected by the  
3276 voters of the municipality at a regular municipal election held on  
3277 the first Tuesday after the first Monday in June as provided in  
3278 Section 21-11-7, and shall serve for a term of four (4) years  
3279 beginning on the first day of July next following the election  
3280 that is not on a weekend. Votes for mayor and council members may  
3281 also be cast during the period for early voting as provided in  
3282 this act.

3283           (3) The terms of the initial mayor and council members shall  
3284 commence at the expiration of the terms of office of the elected  
3285 officials of the municipality serving at the time of adoption of  
3286 the mayor-council form.

3287           (4) (a) The council shall consist of five (5), seven (7) or  
3288 nine (9) members. In the event there are five (5) council  
3289 members, the municipality shall be divided into either five (5) or  
3290 four (4) wards. In the event there are seven (7) council members,  
3291 the municipality shall be divided into either seven (7), six (6)  
3292 or five (5) wards. In the event there are nine (9) council  
3293 members, the municipality shall be divided into seven (7) or nine



(9) wards. If the municipality is divided into fewer wards than it has council members, the other council member or members shall be elected from the municipality at large. The total number of council members and the number of council members elected from wards shall be established by the petition or petitions presented pursuant to Section 21-8-3. One (1) council member shall be elected from each ward by the voters of that ward. Council members elected to represent wards must be residents of their wards for two (2) years as provided in Section 23-15-300 at the time of qualification for election, and any council member who removes the member's residence from the municipality or from the ward from which elected shall vacate that office. However, any candidate for council member who is properly qualified as a candidate under applicable law shall be deemed to be qualified as a candidate in whatever ward the member resides if the ward has changed after the council has redistricted the municipality as provided in paragraph (c)(ii) of this subsection (4), and if the wards have been so changed, any person may qualify as a candidate for council member, by changing the person's residence, not less than fifteen (15) days before the period for early voting begins for the first party primary or special party primary, as the case may be, notwithstanding any other residency or qualification requirements to the contrary.

(b) The council or board existing at the time of the adoption of the mayor-council form of government shall designate



3319 the geographical boundaries of the wards within one hundred twenty  
3320 (120) days after the election in which the mayor-council form of  
3321 government is selected. In designating the geographical  
3322 boundaries of the wards, each ward shall contain, as nearly as  
3323 possible, the population factor obtained by dividing the  
3324 municipality's population as shown by the most recent decennial  
3325 census by the number of wards into which the municipality is to be  
3326 divided.

3327 (c) (i) It shall be the mandatory duty of the council  
3328 to redistrict the municipality by ordinance, which ordinance may  
3329 not be vetoed by the mayor, within six (6) months after the  
3330 official publication by the United States of the population of the  
3331 municipality as enumerated in each decennial census, and within  
3332 six (6) months after the effective date of any expansion of  
3333 municipal boundaries; however, if the publication of the most  
3334 recent decennial census or effective date of an expansion of the  
3335 municipal boundaries occurs six (6) months or more before the  
3336 first party primary of a general municipal election, then the  
3337 council shall redistrict the municipality by ordinance not less  
3338 than sixty (60) days before the period for early voting begins for  
3339 the first party primary.

3340 (ii) If the publication of the most recent  
3341 decennial census occurs less than six (6) months before the first  
3342 primary of a general municipal election, the election shall be  
3343 held with regard to the existing defined wards; reapportioned



3344 wards based on the census shall not serve as the basis for  
3345 representation until the next regularly scheduled election in  
3346 which council members shall be elected.

3347 (d) If annexation of additional territory into the  
3348 municipal corporate limits of the municipality occurs less than  
3349 six (6) months before the first party primary of a general  
3350 municipal election, the council shall, by ordinance adopted within  
3351 three (3) days of the effective date of the annexation, assign the  
3352 annexed territory to an adjacent ward or wards so as to maintain  
3353 as nearly as possible substantial equality of population between  
3354 wards; any subsequent redistricting of the municipality by  
3355 ordinance as required by this chapter shall not serve as the basis  
3356 for representation until the next regularly scheduled election for  
3357 municipal council members.

3358 (5) Vacancies occurring in the council shall be filled as  
3359 provided in Section 23-15-857.

3360 (6) The mayor shall maintain an office at the city hall.  
3361 The council members shall not maintain individual offices at the  
3362 city hall; however, in a municipality having a population of one  
3363 hundred thousand (100,000) and above according to the latest  
3364 federal decennial census, council members may have individual  
3365 offices in the city hall. Clerical work of council members in the  
3366 performance of the duties of their office shall be performed by  
3367 municipal employees or at municipal expense, and council members





shall be reimbursed for the reasonable expenses incurred in the performance of the duties of their office.

**SECTION 83.** Section 9-4-5, Mississippi Code of 1972, is amended as follows:

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

(2) (a) In order to provide that the offices of not more than a majority of the judges of \* \* \* the court shall become vacant at any one (1) time, the terms of office of six (6) of the judges first to be elected shall expire in less than eight (8) years. For the purpose of all elections of members of the court, each of the ten (10) judges of the Court of Appeals shall be considered a separate office. The two (2) offices in each of the five (5) districts shall be designated Position Number 1 and Position Number 2, and in qualifying for office as a candidate for



3393 any office of judge of the Court of Appeals each candidate shall  
3394 state the position number of the office to which he or she aspires  
3395 and the election ballots shall so indicate.

3396 (i) In Congressional District Number 1, the judge  
3397 of the Court of Appeals for Position Number 1 shall be that office  
3398 for which the term ends January 1, 1999, and the judge of the  
3399 Court of Appeals for Position Number 2 shall be that office for  
3400 which the term ends January 1, 2003.

3401 (ii) In Congressional District Number 2, the judge  
3402 of the Court of Appeals for Position Number 1 shall be that office  
3403 for which the term ends on January 1, 2003, and the judge of the  
3404 Court of Appeals for Position Number 2 shall be that office for  
3405 which the term ends January 1, 2001.

3406 (iii) In Congressional District Number 3, the  
3407 judge of the Court of Appeals for Position Number 1 shall be that  
3408 office for which the term ends on January 1, 2001, and the judge  
3409 of the Court of Appeals for Position Number 2 shall be that office  
3410 for which the term ends January 1, 1999.

3411 (iv) In Congressional District Number 4, the judge  
3412 of the Court of Appeals for Position Number 1 shall be that office  
3413 for which the term ends on January 1, 1999, and the judge of the  
3414 Court of Appeals for Position Number 2 shall be that office for  
3415 which the term ends January 1, 2003.

3416 (v) In Congressional District Number 5, the judge  
3417 of the Court of Appeals for Position Number 1 shall be that office



3418 for which the term ends on January 1, 2003, and the judge of the  
3419 Court of Appeals for Position Number 2 shall be that office for  
3420 which the term ends January 1, 2001.

3421 (b) The laws regulating the general elections shall  
3422 apply to and govern the elections of judges of the Court of  
3423 Appeals except as otherwise provided in Sections 23-15-974 through  
3424 23-15-985.

3425 (c) In the year \* \* \* before the expiration of the term  
3426 of an incumbent, and likewise each eighth year thereafter, an  
3427 election shall be held in the manner provided in this section in  
3428 the district from which the incumbent Court of Appeals judge was  
3429 elected at which there shall be elected a successor to the  
3430 incumbent, whose term of office shall thereafter begin on the  
3431 first Monday of January of the year in which the term of the  
3432 incumbent he or she succeeds expires.

3433 (3) No person shall be eligible for the office of judge of  
3434 the Court of Appeals who has not attained the age of thirty (30)  
3435 years at the time of his or her election and who has not been a  
3436 practicing attorney and citizen of the state for five (5) years  
3437 immediately \* \* \* before the election.

3438 (4) Any vacancy on the Court of Appeals shall be filled by  
3439 appointment of the Governor for that portion of the unexpired  
3440 term \* \* \* before the election to fill the remainder of \* \* \* the  
3441 term according to provisions of Section 23-15-849 \* \* \*.



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

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

**SECOND DISTRICT.** The Second Court of Appeals District shall be composed of the following counties and portions of counties: Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys, Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower, Tunica, Warren, Washington and Yazoo; in Attala County the precincts of Northeast, Hesterville, Possomneck, North Central, McAdams, Newport, Sallis and Southwest; that portion of Grenada County not included in the First Court of Appeals District; in



3467 Hinds County Precincts 11, 12, 13, 22, 23, 27, 28, 29, 30, 40, 41,  
3468 83, 84 and 85, and the precincts of Bolton, Brownsville, Cayuga,  
3469 Chapel Hill, Cynthia, Edwards, Learned, Pine Haven, Pocahontas,  
3470 St. Thomas, Tinnin, Utica 1 and Utica 2; in Leake County the  
3471 precincts of Conway, West Carthage, Wiggins, Thomastown and  
3472 Ofahoma; in Madison County the precincts of Farmhaven, Canton  
3473 Precinct 2, Canton Precinct 3, Cameron Street, Canton Precinct 6,  
3474 Bear Creek, Gluckstadt, Smith School, Magnolia Heights, Flora,  
3475 Virililia, Canton Precinct 5, Cameron, Couparle, Camden, Sharon,  
3476 Canton Precinct 1 and Canton Precinct 4; that portion of  
3477 Montgomery County not included in the First Court of Appeals  
3478 District; that portion of Panola County not included in the First  
3479 Court of Appeals District; and that portion of Tallahatchie County  
3480 not included in the First Court of Appeals District.

3481       **THIRD DISTRICT.** The Third Court of Appeals District shall be  
3482 composed of the following counties and portions of counties:  
3483 Clarke, Clay, Jasper, Kemper, Lauderdale, Lowndes, Neshoba,  
3484 Newton, Noxubee, Oktibbeha, Rankin, Scott, Smith and Winston; that  
3485 portion of Attala County not included in the Second Court of  
3486 Appeals District; in Jones County the precincts of Northwest High  
3487 School, Shady Grove, Sharon, Erata, Glade, Myrick School,  
3488 Northeast High School, Rustin, Sandersville Civic Center, Tuckers,  
3489 Antioch and Landrum; that portion of Leake County not included in  
3490 the Second Court of Appeals District; that portion of Madison  
3491 County not included in the Second Court of Appeals District; and



3492 in Wayne County the precincts of Big Rock, Yellow Creek, Hiwannee,  
3493 Diamond, Chaparral, Matherville, Coit and Eucutta.

3494 **FOURTH DISTRICT.** The Fourth Court of Appeals District shall  
3495 be composed of the following counties and portions of counties:  
3496 Adams, Amite, Copiah, Covington, Franklin, Jefferson Davis,  
3497 Lawrence, Lincoln, Marion, Pike, Simpson, Walthall and Wilkinson;  
3498 that portion of Hinds County not included in the Second Court of  
3499 Appeals District; and that portion of Jones county not included in  
3500 the Third Court of Appeals District.

3501 **FIFTH DISTRICT.** The Fifth Court of Appeals District shall be  
3502 composed of the following counties and portions of counties:  
3503 Forrest, George, Greene, Hancock, Harrison, Jackson, Lamar, Pearl  
3504 River, Perry and Stone; and that portion of Wayne County not  
3505 included in the Third Court of Appeals District.

3506 (b) The boundaries of the Court of Appeals Districts  
3507 described in paragraph (a) of this subsection shall be the  
3508 boundaries of the counties and precincts listed in paragraph (a)  
3509 of this subsection as such boundaries existed on October 1, 1990.

3510 **SECTION 84.** This act shall take effect and be in force from  
3511 and after July 1, 2027.

