

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



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

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

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



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

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

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

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

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



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

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

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

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



132 an absentee vote, the application and elector certificate shall be
133 printed on the absentee ballot envelope as provided in Section
134 23-15-659.

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

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

155 (a) A family member of the person staying in the
156 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.



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

188 **SECTION 9.** Section 23-15-627, Mississippi Code of 1972, is
189 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



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

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

217 "OFFICIAL APPLICATION FOR ABSENT ELECTOR'S BALLOT

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

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

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

228 () I am a member of the Merchant Marine or the American Red
229 Cross and am a citizen of Mississippi or spouse or dependent of
230 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: _____



378 I realize that I can be fined up to Five Thousand Dollars
379 (\$5,000.00) and sentenced up to five (5) years in the Penitentiary
380 for making a false statement in this application and for selling
381 my vote and violating the Mississippi Absentee Voter Law. (This
382 sentence is to be in bold print.)"

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

385 23-15-629. (1) The application for an absentee ballot of a
386 person who is permanently or temporarily physically disabled shall
387 be accompanied by a statement signed by such person's physician,
388 or nurse practitioner * * *. The statement must show that the
389 person signing the statement is a licensed, practicing * * *
390 physician or nurse practitioner and must indicate that the person
391 applying for the absentee ballot is permanently or temporarily
392 physically disabled to such a degree that it is difficult for him
393 or her to vote in person.

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



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

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

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

419 23-15-631. (1) The registrar shall enclose with each ballot
420 mailed to an absent elector separate printed instructions
421 furnished by the registrar containing the following:

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

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

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

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



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

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

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

473 (* * *e) Any voter casting an absentee ballot who
474 declares that he or she requires assistance to vote by reason of
475 blindness, temporary or permanent physical disability or inability
476 to read or write, shall be entitled to receive assistance in the
477 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.



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

556 _____

557 Signature of person providing assistance

558 _____

559 Printed name of person providing assistance

560 _____

561 Address of person providing assistance

562 _____

563 Date and time assistance provided

564 _____

565 Family relationship to voter (if any)"

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

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

573 **SECTION 13.** Section 23-15-637, Mississippi Code of 1972, is
574 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



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

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

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

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

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

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

763 23-15-715. Any elector described in Section 23-15-713 and
764 desiring an absentee ballot as provided in this subarticle may
765 secure same if * * * within forty-five (45) days before any
766 election day but not later than seven (7) days before the election
767 day, the elector applies for an absentee ballot as provided in the
768 provisions of this act. * * * All applications, other than those
769 of persons having a temporary or permanent physical disability,
770 shall * * * be sworn to and subscribed before an official who is
771 authorized to administer oaths or other official authorized to



772 witness absentee balloting as provided in this article. The
773 application must be accompanied by a verifying affidavit as
774 required by this article. The applications of persons having a
775 temporary or permanent physical disability are not required to be
776 accompanied by an affidavit but shall be witnessed and signed by a
777 person eighteen (18) years of age or older. * * * Except when the
778 voter has requested a runoff ballot on the initial absentee ballot
779 application, upon request for a runoff ballot pursuant to Section
780 23-15-719, the registrar shall mail together the absentee ballot
781 application and the absentee ballot to the absent voter for the
782 runoff election.

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

785 23-15-719. (1) Except where the registrar has already
786 mailed a ballot with an application, upon receipt of a properly
787 completed application form by an elector qualified to vote
788 absentee as provided in this article, the registrar shall mail the
789 absent voter an absentee ballot within one (1) business day, or as
790 soon as the absentee ballot is prepared and available, containing
791 the names of all the candidates and propositions, if any, to be
792 voted on in the election. The registrar shall include with the
793 absentee ballot an official envelope that complies with the
794 provisions of * * * this article.

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



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

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

805 * * *

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

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

811 23-15-735. * * * Absentee ballots shall not be delivered in
812 person to an absentee voter or to any other person.

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

815 23-15-31. All of the provisions of this subarticle shall be
816 applicable, insofar as possible, to municipal, primary, general
817 and special elections and early voting; and wherever therein any
818 duty is imposed or any power or authority is conferred upon the
819 county registrar, county election commissioners or county
820 executive committee with reference to a state and county election
821 or early voting, * * * that duty shall likewise be conferred upon



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

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

827 23-15-37. (1) The registrar shall register the electors of
828 his or her county at any time during regular office hours.

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

842 (3) The registrar, or any deputy registrar duly appointed by
843 law, may visit and spend such time as he or she may deem necessary
844 at any location in his or her county, selected by the registrar
845 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:

870 23-15-43. In the event an applicant is not registered, there
871 shall be an automatic review by the county election commissioners
872 under the procedures provided in Sections 23-15-61 through
873 23-15-79. In addition to the meetings of the election
874 commissioners provided in those sections, the commissioners are
875 required to hold such additional meetings to determine all pending
876 cases of registration on review before the election * * * or early
877 voting period during which the applicant desires to vote.

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

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

884 23-15-47. (1) Any person who is qualified to register to
885 vote in the State of Mississippi may register to vote by mail-in
886 application in the manner prescribed in this section.

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

889 (a) Any qualified elector may register to vote by
890 mailing or delivering a completed mail-in application to his or
891 her county registrar at least thirty (30) days before any election
892 day; however, if the thirtieth day to register before an election
893 falls on a Sunday or legal holiday, the registration applications
894 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



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

999 (5) The originals of completed mail-in applications shall
1000 remain on file in the office of the county registrar with copies
1001 retained in the Statewide Elections Management System.

1002 (6) If the applicant indicates on the application that he or
1003 she resides within the city limits of a city or town in the county
1004 of registration, the county registrar shall enter the information
1005 into the Statewide Elections Management System.

1006 (7) If the applicant indicates on the application that he or
1007 she has previously registered to vote in another county of this
1008 state or another state, notice to the voter's previous county of
1009 registration in this state shall be provided through the Statewide
1010 Elections Management System. If the voter's previous place of
1011 registration was in another state, notice shall be provided to the
1012 voter's previous state of residence.

1013 (8) Any person who attempts to register to vote by mail
1014 shall be subject to the penalties for false registration provided
1015 for in Section 23-15-17.

1016 **SECTION 27.** Section 23-15-65, Mississippi Code of 1972, is
1017 amended as follows:

1018 23-15-65. The board of election commissioners shall meet at
1019 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
1263	DATE	BEGINNING	ENDING	OF	MS CODE	HOURS
1264	WORKED	TIME	TIME	WORK	SECTION	DAYS
1265						
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.



1368 (3) All primary elections in municipalities shall be held
1369 and conducted in the same manner as is provided by law for state
1370 and county primary elections.

1371 **SECTION 31.** Section 23-15-173, Mississippi Code of 1972, is
1372 amended as follows:

1373 23-15-173. (1) A general municipal election shall be held
1374 in each city, town or village on the first Tuesday after the first
1375 Monday of June 1985, and every four (4) years thereafter, for the
1376 election of all municipal officers elected by the people. Early
1377 voting for those general municipal elections shall be conducted as
1378 provided in Sections 1 through 7 of this act.

1379 (2) All municipal general elections shall be held and
1380 conducted in the same manner as is provided by law for state and
1381 county general elections.

1382 (3) The provisions of Sections 23-15-171 and 23-15-173,
1383 which fix the times to hold primary and general elections, shall
1384 not apply to any municipality operating under a special or private
1385 charter where the governing board or authority thereof, on or
1386 before June 25, 1952, shall have adopted and spread upon its
1387 minutes a resolution or ordinance declining to accept the
1388 provisions, in which event the primary and general elections shall
1389 be held at the time fixed by the charter of the municipality.

1390 **SECTION 32.** Section 23-15-191, Mississippi Code of 1972, is
1391 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.

1440 (7) Times for holding early voting shall be as prescribed in
1441 Sections 1 through 7 of this act.

1442 **SECTION 35.** Section 23-15-231, Mississippi Code of 1972, is
1443 amended as follows:

1444 23-15-231. Before every * * * early voting period begins,
1445 the election commissioners shall appoint three (3) persons for
1446 each voting precinct to be poll managers, one (1) of whom shall be
1447 designated by the election commissioners as election bailiff. For
1448 general and special elections, the poll managers shall not all be
1449 of the same political party if suitable persons of different
1450 political parties can be found in the district. If any person
1451 appointed shall fail to attend and serve, the poll managers
1452 present, if any, may designate someone to fill his or her place;
1453 and if the election commissioners fail to make the appointments or
1454 in case of the failure of all those appointed to attend and serve,
1455 any three (3) qualified electors present when the polls should be
1456 opened may act as poll managers. Provided, however, any person
1457 appointed to be poll manager or act as poll manager shall be a
1458 qualified elector of the county in which the polling place is
1459 located.

1460 **SECTION 36.** Section 23-15-233, Mississippi Code of 1972, is
1461 amended as follows:

1462 23-15-233. The poll managers shall take care that the
1463 election * * * and the early voting are conducted fairly and
1464 agreeably to law, and they shall be judges of the qualifications



1465 of electors, and may examine, on oath, any person duly registered
1466 and offering to vote touching his or her qualifications as an
1467 elector, which oath any of the poll managers may administer.

1468 **SECTION 37.** Section 23-15-239, Mississippi Code of 1972, is
1469 amended as follows:

1470 23-15-239. (1) The executive committee of each county, in
1471 the case of a primary election, or the election commissioners of
1472 each county, in the case of all other elections, in conjunction
1473 with the circuit clerk, shall, in the years in which counties
1474 conduct an election, sponsor and conduct, not less than five (5)
1475 days before the early voting period for each election begins, not
1476 less than four (4) hours and not more than eight (8) hours of poll
1477 manager training to instruct poll managers as to their duties in
1478 the proper administration of the election and the operation of the
1479 polling place. Any poll manager who completes the online training
1480 course provided by the Secretary of State shall only be required
1481 to complete two (2) hours of in-person poll manager training. No
1482 poll manager shall serve in any election unless he or she has
1483 received these instructions once during the twelve (12) months
1484 immediately preceding the date upon which the election is held;
1485 however, nothing in this section shall prevent the appointment of
1486 an alternate poll manager to fill a vacancy in case of an
1487 emergency. The county executive committee or the election
1488 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) residents
1567 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."



1588 (c) At least one (1) certified poll manager shall be
1589 appointed by the county election officials to work in each polling
1590 place in the county during each general election.

1591 **SECTION 38.** Section 23-15-241, Mississippi Code of 1972, is
1592 amended as follows:

1593 23-15-241. The poll manager designated an election bailiff
1594 shall, in addition to his or her other duties, be present during
1595 the early voting period and on election day to keep the peace and
1596 to protect the voting place, and to prevent improper intrusion
1597 upon the voting place or interference with the election, and to
1598 arrest all persons creating any disturbance about the voting
1599 place, and to enable all qualified electors who have not voted,
1600 and who desire to vote, to have unobstructed access to the polls
1601 for the purpose of voting when others are not voting.

1602 **SECTION 39.** Section 23-15-245, Mississippi Code of 1972, is
1603 amended as follows:

1604 23-15-245. It shall be the duty of the poll manager
1605 designated as bailiff to be present at the voting place, and to
1606 take such steps as will accomplish the purpose of his or her
1607 appointment, and the poll manager designated as bailiff shall have
1608 full power to do so and may summon to his or her aid all persons
1609 present at the voting place. A space thirty (30) feet in every
1610 direction from the polls, or the room in which the * * * voting is
1611 held, shall be kept open and clear of all persons except the
1612 election officials, individuals present to vote and credentialed



1613 poll watchers as defined by Section 23-15-577. The electors shall
1614 approach the polls from one (1) direction, line, door or passage,
1615 and depart in another as nearly opposite as convenient.

1616 **SECTION 40.** Section 23-15-247, Mississippi Code of 1972, is
1617 amended as follows:

1618 23-15-247. The election commissioners in each county shall
1619 procure, if not already provided, a sufficient number of ballot
1620 boxes, which shall be distributed by them to the voting precincts
1621 of the county before the time for opening the polls for early
1622 voting and on election day. The boxes shall be securely sealed
1623 from the opening of the polls * * * for early voting until the
1624 polls close on election day; and the box shall be kept by one (1)
1625 of the managers, and the manager having the box shall carefully
1626 keep it, and neither open it himself or herself nor permit it to
1627 be opened, nor permit any person to have any access to it
1628 throughout the voting period during an election. The box shall
1629 not be removed from the polling building or place after the polls
1630 are opened until the polls close and the count is complete. After
1631 each election the ballot boxes shall be delivered to the clerk of
1632 the circuit court of the county for preservation; and he or she
1633 shall keep them for future use, and, when called for, deliver them
1634 to the election commissioners.

1635 **SECTION 41.** Section 23-15-251, Mississippi Code of 1972, is
1636 amended as follows:

1637 23-15-251. The election commissioners, in appointing the
1638 poll managers of an election, shall designate one (1) of the poll
1639 managers at each voting place to receive and distribute the
1640 official ballots, and shall deliver to him or her the proper
1641 number of ballots for his or her district not less than one (1)
1642 day before the early voting period begins and not less than one
1643 (1) day before election day; and the poll manager receiving the
1644 ballots from the election commissioners shall distribute the same
1645 to the electors of his or her district in the manner herein
1646 provided. It shall be the duty of the designated poll manager for
1647 service at a voting place other than the courthouse, to carry to
1648 that voting place, on the day before the early voting period
1649 begins and on the day before election day, or before 6:00 a.m. on
1650 the morning the early voting period begins and on the morning of
1651 the election day, the ballot box, the pollbook, the blank tally
1652 sheets, the blank forms to be used in making returns, the other
1653 necessary stationery and supplies and the official printed ballots
1654 aforesaid, and all of the same used and unused shall be returned
1655 by the designated poll manager to the election commissioners on
1656 the day * * * after the election.

1657 **SECTION 42.** Section 23-15-255, Mississippi Code of 1972, is
1658 amended as follows:

1659 23-15-255. (1) The supervisor of each respective
1660 supervisors district shall provide at each election place a
1661 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



1686 (h) The acceptable forms of photo identification that
1687 may be presented in the polling place.

1688 **SECTION 43.** Section 23-15-263, Mississippi Code of 1972, is
1689 amended as follows:

1690 23-15-263. (1) Unless otherwise provided in this chapter,
1691 the county executive committee at primary elections shall perform
1692 all duties that relate to the qualification of candidates for
1693 primary elections, print ballots for the early voting period for
1694 primary elections and for primary * * * election day, appoint the
1695 primary election officers, resolve contests in regard to primary
1696 elections, and perform all other duties required by law to be
1697 performed by the county executive committee; however, each house
1698 of the Legislature shall rule on the qualifications of the
1699 membership of its respective body in contests involving the
1700 qualifications of * * * its members. The executive committee
1701 shall be subject to all the penalties to which county election
1702 commissioners are subject, except that Section 23-15-217 shall not
1703 apply to members of the county executive committee who seek
1704 elective office.

1705 (2) A member of a county executive committee shall be
1706 automatically disqualified to serve on the county executive
1707 committee, and shall be considered to have resigned * * * from the
1708 county executive committee, upon his or her qualification as a
1709 candidate for any elective office. The provisions of this
1710 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.



1736 (2) (a) If it is eligible under Section 23-15-266, the
1737 county executive committee may enter into a written agreement with
1738 the circuit clerk or the county election commission authorizing
1739 the circuit clerk or the county election commission to perform any
1740 of the duties required of the county executive committee pursuant
1741 to this section. Any agreement entered into pursuant to this
1742 subsection shall be signed by the chair of the county executive
1743 committee and the circuit clerk or the chair of the county
1744 election commission, as appropriate. The county executive
1745 committee shall notify the state executive committee and the
1746 Secretary of State of the existence of the agreement.

1747 (b) If it is eligible under Section 23-15-266, the
1748 municipal executive committee may enter into a written agreement
1749 with the municipal clerk or the municipal election commission
1750 authorizing the municipal clerk or the municipal election
1751 commission to perform any of the duties required of the municipal
1752 executive committee pursuant to this section. Any agreement
1753 entered into pursuant to this subsection shall be signed by the
1754 chair of the municipal executive committee and the municipal clerk
1755 or the chair of the municipal election commission, as appropriate.
1756 The municipal executive committee shall notify the state executive
1757 committee and the Secretary of State of the existence of such
1758 agreement.

1759 **SECTION 45.** Section 23-15-267, Mississippi Code of 1972, is
1760 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



2035 or the chair of the municipal election commission, as appropriate.
2036 The municipal executive committee shall notify the state executive
2037 committee and the Secretary of State of the existence of such
2038 agreement.

2039 (3) Any person charged with any of the duties prescribed in
2040 this section who shall willfully or with culpable carelessness
2041 violate the same shall be guilty of a misdemeanor.

2042 **SECTION 50.** Section 23-15-353, Mississippi Code of 1972, is
2043 amended as follows:

2044 23-15-353. The officer charged with printing and
2045 distributing the official ballot shall ascertain from the
2046 registrar, at least ten (10) days before the day * * * early
2047 voting for that election begins, the number of registered voters
2048 in each voting precinct; and he or she shall have printed and
2049 distributed a sufficient number of ballots for use in each
2050 precinct.

2051 **SECTION 51.** Section 23-15-357, Mississippi Code of 1972, is
2052 amended as follows:

2053 23-15-357. On the back and outside of the ballot shall be
2054 printed the words "OFFICIAL BALLOT," the name of the voting
2055 precinct or place for which the ballot is prepared, * * * the date
2056 of the election and the date of the period for early voting.

2057 **SECTION 52.** Section 23-15-359, Mississippi Code of 1972, is
2058 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.

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



2454 the time established by law for closing the polls on an election
2455 day, may only vote by affidavit ballot. Any affidavit ballot cast
2456 under this subsection shall be separated and kept apart from other
2457 affidavit ballots cast by voters not affected by the order.

2458 **SECTION 60.** Section 23-15-781, Mississippi Code of 1972, is
2459 amended as follows:

2460 23-15-781. The number of electors of President and Vice
2461 President of the United States to which this state may be
2462 entitled, shall be chosen by the qualified electors of the state
2463 at large, on the first Tuesday after the first Monday of November
2464 in the year in which an election of President and Vice President
2465 shall occur and during the early voting period.

2466 **SECTION 61.** Section 23-15-785, Mississippi Code of 1972, is
2467 amended as follows:

2468 23-15-785. (1) When presidential electors are to be chosen,
2469 the Secretary of State of Mississippi shall certify to the circuit
2470 clerks of the several counties the names of all candidates for
2471 President and Vice President who are nominated by any national
2472 convention or other like assembly of any political party or by
2473 written petition signed by at least one thousand (1,000) qualified
2474 voters of this state.

2475 (2) The certificate of nomination by a political party
2476 convention must be signed by the presiding officer and secretary
2477 of the convention and by the * * * chair of the state executive
2478 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).



2552 (c) All candidates for judicial office as defined in Section
2553 23-15-975, or their political committees, shall file periodic
2554 reports in the year in which they are to be elected no later than
2555 the tenth day after April 30, May 31, June 30, September 30 and
2556 December 31. Candidates for judicial office shall not be required
2557 to file an annual report during an election year, but shall file
2558 an annual report in all other years.

2559 (d) Each report under this article shall disclose:

2560 (i) For the reporting period and the calendar year, the
2561 total amount of all contributions and the total amount of all
2562 expenditures of the candidate or reporting committee, including
2563 those required to be identified pursuant to paragraph (ii) of this
2564 subsection (d) as well as the total of all other contributions and
2565 expenditures during the calendar year. The reports shall be
2566 cumulative during the calendar year to which they relate;

2567 (ii) The identification of:

2568 1. Each person or political committee who makes a
2569 contribution to the reporting candidate or political committee
2570 during the reporting period, whose contribution or contributions
2571 within the calendar year have an aggregate amount or value in
2572 excess of Two Hundred Dollars (\$200.00) together with the date and
2573 amount of any such contribution;

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



2700 of election. At least sixty (60) days' notice shall be given of
2701 the election in each county or part of a county in which the
2702 election shall be held. The qualifying deadline for the election
2703 shall be fifty (50) days before the early voting begins for the
2704 election. Notice of the election shall be posted at the
2705 courthouse and in each supervisors district in the county or part
2706 of county in which such election shall be held for as near sixty
2707 (60) days as may be practicable. The election shall be prepared
2708 for and held as in the case of a general election.

2709 (2) If a vacancy occurs in a calendar year in which the
2710 general election for state officers is held, the Governor may
2711 elect not to issue a writ of election to fill the vacancy.

2712 **SECTION 66.** Section 23-15-853, Mississippi Code of 1972, is
2713 amended as follows:

2714 23-15-853. (1) If a vacancy occurs in the representation in
2715 Congress, the vacancy shall be filled for the unexpired term by a
2716 special election, to be ordered by the Governor, within sixty (60)
2717 days after the vacancy occurs, and held at a time fixed by his or
2718 her order, and which time shall * * * begin not less than sixty
2719 (60) days after the issuance of the order of the Governor, which
2720 shall be directed to the election commissioners of the several
2721 counties of the district, who shall, immediately on the receipt of
2722 the order, give notice of the election by publishing the same in a
2723 newspaper having a general circulation in the county and by
2724 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



2948 in which he or she was elected nor shall any judge hear any
2949 dispute in which any potential conflict may arise. Each judge
2950 shall be fair and impartial and shall be assigned on that basis.

2951 (3) The listed and selected judges provided by the Chief
2952 Justice of the Mississippi Supreme Court shall have sole
2953 jurisdiction to hear election day disputes. Election disputes can
2954 only be filed in a circuit court with proper jurisdiction and
2955 heard by one (1) of the judges selected by the Chief Justice of
2956 the Mississippi Supreme Court.

2957 **SECTION 72.** Section 23-15-963, Mississippi Code of 1972, is
2958 amended as follows:

2959 23-15-963. (1) Any person desiring to contest the
2960 qualifications of another person who has qualified pursuant to the
2961 provisions of Section 23-15-359 * * * as a candidate for any
2962 office elected at a general election, shall file a petition
2963 specifically setting forth the grounds of the challenge not later
2964 than thirty-one (31) days after the date of the first primary
2965 election set forth in Section 23-15-191 * * *. * * * The petition
2966 shall be filed with the same body with whom the candidate in
2967 question qualified pursuant to Section 23-15-359 * * *.

2968 (2) Any person desiring to contest the qualifications of
2969 another person who has qualified pursuant to the provisions of
2970 Section 23-15-213 * * * as a candidate for county election
2971 commissioner elected at a general election, shall file a petition
2972 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



3023 question. The circuit judge may, upon disqualification of any
3024 such candidate, order that * * * the candidate * * * bear the
3025 court costs of the proceedings.

3026 (8) Within three (3) days after judgment is rendered by the
3027 circuit court, the contestant or contestee, or both, may file an
3028 appeal in the Supreme Court upon giving a cost bond in the sum of
3029 Three Hundred Dollars (\$300.00), together with a bill of
3030 exceptions * * * that shall state the point or points of law at
3031 issue with a sufficient synopsis of the facts to fully disclose
3032 the bearing and relevancy of such points of law. The bill of
3033 exceptions shall be signed by the trial judge, or in case of his
3034 or her absence, refusal or disability, by two (2) disinterested
3035 attorneys, as is provided by law in other cases of bills of
3036 exception. The filing of * * * the appeals shall automatically
3037 suspend the decision of the circuit court and the appropriate
3038 election officials are entitled to proceed based upon their
3039 decision unless and until the Supreme Court, in its discretion,
3040 stays further proceedings in the matter. The appeal shall be
3041 immediately docketed in the Supreme Court and referred to the
3042 court en banc upon briefs without oral argument unless the court
3043 shall call for oral argument, and shall be decided at the earliest
3044 possible date, as a preference case over all others. The Supreme
3045 Court shall have the authority to grant such relief as is
3046 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



3294 (9) wards. If the municipality is divided into fewer wards than
3295 it has council members, the other council member or members shall
3296 be elected from the municipality at large. The total number of
3297 council members and the number of council members elected from
3298 wards shall be established by the petition or petitions presented
3299 pursuant to Section 21-8-3. One (1) council member shall be
3300 elected from each ward by the voters of that ward. Council
3301 members elected to represent wards must be residents of their
3302 wards for two (2) years as provided in Section 23-15-300 at the
3303 time of qualification for election, and any council member who
3304 removes the member's residence from the municipality or from the
3305 ward from which elected shall vacate that office. However, any
3306 candidate for council member who is properly qualified as a
3307 candidate under applicable law shall be deemed to be qualified as
3308 a candidate in whatever ward the member resides if the ward has
3309 changed after the council has redistricted the municipality as
3310 provided in paragraph (c) (ii) of this subsection (4), and if the
3311 wards have been so changed, any person may qualify as a candidate
3312 for council member, by changing the person's residence, not less
3313 than fifteen (15) days before the period for early voting begins
3314 for the first party primary or special party primary, as the case
3315 may be, notwithstanding any other residency or qualification
3316 requirements to the contrary.

3317 (b) The council or board existing at the time of the
3318 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



3368 shall be reimbursed for the reasonable expenses incurred in the
3369 performance of the duties of their office.

3370 **SECTION 83.** Section 9-4-5, Mississippi Code of 1972, is
3371 amended as follows:

3372 9-4-5. (1) The term of office of judges of the Court of
3373 Appeals shall be eight (8) years. An election shall be held on
3374 the first Tuesday after the first Monday in November 1994, to
3375 elect the ten (10) judges of the Court of Appeals, two (2) from
3376 each congressional district; provided, however, judges of the
3377 Court of Appeals who are elected to take office after the first
3378 Monday of January 2002, shall be elected from the Court of Appeals
3379 Districts described in subsection (5) of this section. The judges
3380 of the Court of Appeals shall begin service on the first Monday of
3381 January 1995. Votes for judges of the Court of Appeals may be
3382 cast, if applicable, during the period for early voting provided
3383 for in this act.

3384 (2) (a) In order to provide that the offices of not more
3385 than a majority of the judges of * * * the court shall become
3386 vacant at any one (1) time, the terms of office of six (6) of the
3387 judges first to be elected shall expire in less than eight (8)
3388 years. For the purpose of all elections of members of the court,
3389 each of the ten (10) judges of the Court of Appeals shall be
3390 considered a separate office. The two (2) offices in each of the
3391 five (5) districts shall be designated Position Number 1 and
3392 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 * * *.



3442 (5) (a) The State of Mississippi is hereby divided into
3443 five (5) Court of Appeals Districts as follows:

3444 **FIRST DISTRICT.** The First Court of Appeals District shall be
3445 composed of the following counties and portions of counties:
3446 Alcorn, Benton, Calhoun, Chickasaw, Choctaw, DeSoto, Itawamba,
3447 Lafayette, Lee, Marshall, Monroe, Pontotoc, Prentiss, Tate,
3448 Tippah, Tishomingo, Union, Webster and Yalobusha; in Grenada
3449 County the precincts of Providence, Mt. Nebo, Hardy and Pea Ridge;
3450 in Montgomery County the precincts of North Winona, Lodi, Stewart,
3451 Nations and Poplar Creek; in Panola County the precincts of East
3452 Sardis, South Curtis, Tocowa, Pope, Courtland, Cole's Point, North
3453 Springport, South Springport, Eureka, Williamson, East Batesville
3454 4, West Batesville 4, Fern Hill, North Batesville A, East
3455 Batesville 5 and West Batesville 5; and in Tallahatchie County the
3456 precincts of Teasdale, Enid, Springhill, Charleston Beat 1,
3457 Charleston Beat 2, Charleston Beat 3, Paynes, Leverette, Cascilla,
3458 Murphreesboro and Rosebloom.

3459 **SECOND DISTRICT.** The Second Court of Appeals District shall
3460 be composed of the following counties and portions of counties:
3461 Bolivar, Carroll, Claiborne, Coahoma, Holmes, Humphreys,
3462 Issaquena, Jefferson, Leflore, Quitman, Sharkey, Sunflower,
3463 Tunica, Warren, Washington and Yazoo; in Attala County the
3464 precincts of Northeast, Hesterville, Possomneck, North Central,
3465 McAdams, Newport, Sallis and Southwest; that portion of Grenada
3466 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 Virlilia, 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.